

- **WORKING WITH THE REVISOR'S OFFICE**

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 - Office of the Revisor of Statutes
 - October 5, 2011
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- **Know why the revisor is in the picture.**

- Before the 1940s: revision commissions
 - Revision of 1945: creation of office and continuous revision.
 - Provision of drafting department.
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- **Know why the revisor is in the picture.**

- Before 1980: MCAR and its problems
 - 1980: Revisor gets authority over the rules publication.
 - Power to approve form of rules.
 - Duty to provide drafting assistance.
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- **See us as a help, not a hurdle.**

- Form is rarely disapproved because we help you get it right.
 - We use form approval as a hook to offer drafting help.
 - Help is especially valuable to small agencies.
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- **Come see us early.**

- Preferably, see us before the SONAR is finished.
 - When language is cast in stone, problems are hard to correct.
 - If we know your deadlines and your proposed publication schedule, we can help you meet them.
 - Get to the right person.
 - Right now, we're short three attorneys!
 - Drafting areas are in flux.
 - Call Paul Marinac to get to the right person:
 - 651-296-0948
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- **Give us your early draft your way.**

- Provide us with a copy of your rule draft in any form that is convenient for you.
 - Give us your background materials.
 - What issues is this draft trying to address?
 - What technical language should we know about?
 - In technical and scientific areas, tell us what style manuals and dictionaries you usually use.
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- **Before you write, know the limits.**

- Limits of rules publication form.
 - Limits of rule/legal language generally.
 - Limits of readability.
 - Limits of revisor's database.
 - This will help us to cooperate with you.
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- **Read the rule drafting manual.**

- Revisor's duty to publish drafting guide.
 - Explains what you should know before you start:
 - What a rule is
 - Your law
 - Rules of construction
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- **Read the rule drafting manual.**

- It explains the form requirements:
 - No unlabeled units: prefaces, appendixes, notes.
 - Everything needs a label so that it can be cited, amended, or repealed.
 - Labels have names that are *not* synonymous with grammatical units.
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- **Read the bill drafting manual too:**

- Chapter 10, on clear drafting: sections on ambiguity.
 - Especially, sections on *shall* and *must*.
 - Chapter 12, on mechanics:
 - A specific dictionary as spelling standard
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- **Where to find manuals**

- Links from revisor's home page
 - www.revisor.leg.state.mn.us
 - Bill manual available in two forms: html and pdf
 - Rules manual in html
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- **The federal rule manual helps, too.**

- www.archives.gov/federal_register/drafting_legal_documents
 - Provides added examples of right ways to do things.
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- **Things we check for:**

- Form of new text
 - Duplication of statutory language
 - Incorporations by reference
 - Form of amendments
 - Plain language
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- **Duplicating statutory language: know the limits**

- Our law tells us to minimize duplication.
 - Duplication is OK if it's *critical* to the reader's ability to understand.
 - You may need to duplicate to make a part *readable* or *specific*.
 - Consider extracts.
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- **Incorporating other materials**

- Incorporation by reference: how-tos
 - Certain law publications always OK.
 - Say "incorporated by reference."
 - Make material easy to identify and find.
(ask a librarian how!)
 - If it's not easy to find, give us two copies for the State Law Library.
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- **Amending: How much to show?**

- Enough text to "provide adequate notice of the nature of the amendment."

- Reader must be able to tell what requirement is changing, and how.
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- **“Plain” and “technical” language**

- A history of the plain English movement.
 - Latin and legalese are not our present problem.
 - Real problems: long, complex sentences, nominal style, vague terms.
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- **Make things easy for regulated parties.**

- Easy to read:
 - Short parts, subparts, sentences
 - Easy to interpret:
 - Avoid ambiguity and vagueness
 - Easy to find:
 - Use Web-mountable materials
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- **Keep parts and subparts short.**

- Any given requirement is easier to find.
 - Searches work better.
 - Index works better.
 - Compliance is better when people can easily find out what to do.
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- **Examples of “short” and “long”**

- Chapter 2808, real estate appraisers, contains both short and long parts.
 - A short subpart contains just a few sentences. In this chapter, the long part is adapted from another organization’s document.
 - Long: Mixed municipal solid waste land disposal facilities: 30 pages long.
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- **Keep sentences short.**

- Long sentences are likely to be ambiguous:
 - More pieces mean more ways to misread.
- Long sentences are physically taxing for readers:
 - Short-term memory limited to seven words.
 - More about this issue this afternoon.

Write for legal clarity and readability

- In a bit: avoiding vagueness
 - avoiding ambiguity in single words and in phrases
 - This afternoon: avoiding ambiguity in sentence construction.
 - Using short sentences, lists, and verbs to make rules easier to read.

● Graphics: know the limits

- Submit black-and-white graphics, not color.
- Submit graphic files in TIFF format of at least 400 dpi quality.
- Files are converted to JPEG for web display.
- (Things could change as we convert to in-house publication.

● In a nutshell

- See us early.
- Read up.
- Write to help people comply.