

Policy Writing Tips

The following is adapted from the Oregon Attorney General's Administrative Law Manual:

1. Avoid ambiguity.
 - Make clear what a modifier is modifying and to what a reference word is referring. Does “fall flower arranging class” mean a class for arranging fall flowers or a class for arranging flowers that is held in the fall?
 - Be careful when using “and” and “or.” Although “and” connotes togetherness and “or” suggests take your pick, it is not always clear. Does “charitable and educational institutions” mean institutions that are both charitable and educational, or does it mean those that are either charitable or educational? Never use “and/or.”
2. Use active voice. The active voice clarifies the doers of the action. “The claimant must inform the department” is clearer than “it is necessary that the department be informed.”
3. Make the actor or doer of the action the subject of the sentence. Although a “thing” may be a legal subject, a thing does not have legal responsibility and one cannot direct a command to it. “Abandoned storage tanks must be decommissioned” does not tell us who is responsible for decommissioning.
4. Use the third person (e.g., “the applicant”) rather than “you” to identify the actor.
5. Write in the present tense. Say “Each person must” rather than “Each person is to”
6. Beware the use of “shall.”
 - Use “shall” or “must” to impose a duty; use “may” to permit or authorize. Avoid using “will,” “would” or “should” because these words do not clearly indicate whether an action is required or merely authorized.
 - Say “The term ‘person’ means” rather than “The term ‘person’ shall mean.”
 - Never use “shall” to mean a future event because that use conflicts with the common legal use of the word as mandatory. Example: Compare “Any person who shall resign from the service after he shall have served ten or more years and who at such time shall be less than 55 years of age shall have a right to receive annuity from and after the date when he shall attain an age of 55 . . .” with “Any person who resigns from the service after having served ten or more years and who at such time is less than 55 years of age has a right to receive annuity from and after the date when he attains an age of 55 . . .”
7. Try to avoid stating the subject negatively and the verb positively. Example: Compare “No person may fish without a license” with “A person may not fish without a license.”
8. Avoid surplus words.

9. Avoid redundant phrases such as: made and entered into; true and correct; full and complete; unless and until; mutually agree; narrow in width; few in number; resultant effect; close proximity; true facts.

10. Use terms consistently within the policy and any related rules and procedures.

11. Use gender neutral language. This may take effort and creativity. Say “reasonable person” instead of “reasonable man”; “worker” instead of “workman”; “supervisor” instead of “foreman”; “reporter” or “journalist” instead of “newsman.”

12. KIS (Keep It Simple)

- Avoid using jargon or complex phrases.
- Use familiar words when possible.
- Use short sentences.