

Focus Groups

Connecting writers of legal documents with their audience

– by Maria Mindlin and Katherine McCormick

“Who is this form for?” This was just one of the questions posed to participants in a focus group for the new Plain Language Small Claims form, SC-100. Easy, right? Not necessarily.

Legal forms and documents can be scary and confusing to the average consumer. Legal forms with complex terminology and multiple users can present huge obstacles to the growing number of consumers trying to navigate the legal process.

Focus groups are a qualitative research tool that tell you if the main message and purpose of your form are understood. They also identify major stumbling blocks for your consumers. This feedback allows you to enhance the effectiveness and efficiency of your legal materials *before* publication.

In practical terms, focus groups give attorneys the ability to predict if their published texts are likely to be understood or not. They also provide an opportunity to revise documents using language and design the target audience will understand and respond to, while preserving legal accuracy.

Who uses focus groups

Transcend, a Plain Language company that specializes in legal and government documents, uses focus groups as a key source of supplementary data to evaluate and improve the effectiveness of the language and format of forms or web pages with legal and consumer information.

The use of focus groups to ensure the usability of legal texts is spreading — California’s Judicial Council utilized focus groups for its Plain Language Domestic Violence, Small Claims and Proof of Service court forms.

SC-100 Order to Appear at Small Claims Hearing

Clerk stamps below when form is filed.

If you receive this form, you are being sued.
You must go to Court, or you may lose the case. Bring witnesses, receipts, and any evidence you need to prove your case. If you lose, the Court can order that your wages, money or property be used to pay this claim. Read this form to protect your rights.

If you are suing, fill out this form, read SC-150 to know your rights and go to Court.

This is a Court Order:

Go to Court <i>Vaya a la corte</i>	Date _/_/___	Day _	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Room No.
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1 The Plaintiff (the person who is suing) is:
Name: _____
Mailing Address: _____
Street Address (if different): _____
Phone #: _____

If Plaintiff is doing business under a fictitious name, check here, attach SC-103, and write Fictitious Business Statement # here: _____

If more than one person is suing, attach SC-100A and check here:

2 The Defendant (the person being sued) is:
Name: _____
Mailing Address: _____
Street Address (if different): _____
Phone #: _____

If any Defendant is on active military duty, write their name here: _____

If more than one person is being sued, attach SC-100A and check here:

3 The Defendant owes you \$ _____ (Do not include court costs) because:

a. What happened that made you lose money? _____

b. When did this begin and end? (Give dates): _____

Form adopted for mandatory use
Judicial Council of California
(Rev. XXXX/03)
Code of Civil Procedure,
§§ 116.110 et seq., 116.220(c), 116.340(g)

Order to Appear at Small Claims Hearing

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www.courtinfo.ca.gov/forms/sc100.pdf

San Francisco Superior Court also used a focus group to test their Probate Guardianship materials on typical consumers. In this case, participants still had questions about Proof of Service. Based on their feedback, the language was modified to address these questions before the material was released to the public.

“We use focus groups to bridge the gap between the typical consumer and the legal writer whose realities and lexicon may not otherwise intersect.”

– Maria Mindlin

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Input from confidential focus groups has also played an important role in fashioning documents and exhibits used in class action suits. Focus group responses to legal notices and claim forms help maximize the likelihood of these documents being understood, read and submitted. This means a broader audience and increased class participation.

Focus group methodology Transcend uses a structured and systematic (yet comfortable) approach in which a moderator stimulates comments and suggestions with a group of typical consumers. The moderator's role is to pose questions and yield to appropriate opportunities to probe, follow up, and compare opinions and alternatives.

The moderator uses a carefully designed instrument that elicits whether consumers:



- understand the legal terms and processes
- get the key message of the document
- have any specific likes or dislikes
- have questions or concerns about certain
- topics or sections

If the focus group is about a form, the moderator will ask the participants to fill it out. This provides insight into how long consumers take to complete the form and how accurately they answer the questions.

The focus group team also includes a notetaker who records participant comments, and an expert observer who interprets initial participant feedback. Focus groups are usually videotaped. The team views this tape after the session to augment their notes. The tape, notes, and all other materials used in the focus group are kept private and destroyed when the project is completed.

Data analysis

The research team will prepare a report that summarizes the goals, setting, and feedback gathered at the focus group. The researchers also synthesize participant comments and make specific recommendations for changes. Transcend's Plain Language reporting methodology optimizes consumer feedback by producing a clear, substantial, and easy to reference report that includes pertinent tips on how to improve your material. The reports provide an efficient way to record consumer preferences.

How many groups?

The number and location of focus groups to be conducted varies according to the available budget, timeline and any special considerations, like confidentiality of materials being studied.

A typical project may include 1 – 5 focus groups at different stages of the document's development and may be conducted in different areas of the state or country.

Although many researchers recommend at least 3-5 focus groups, the feedback from even one carefully planned focus group is typically transferable and beneficial for future document construction.

Participant recruitment

When the legal documents are for public use, Transcend works with the agencies where the documents or web pages will be used to recruit 6-10 strangers who could be considered typical consumers. Ideally, the group includes a heterogeneous mix of participants who are representative of the larger community that the documents are intended to serve.

At least two participants should have had some previous experience with the document or legal process. In addition to gender, ethnic, education, and age variants, focus groups should also include participants with different degrees of fluency in English.

If a document is confidential, Transcend uses an internal focus group to test legal texts. We select a small (but diverse) group of employees from within the company to participate in a confidential focus group.

Applicability of results

The limited number of participants and focus groups makes it statistically impossible to *generalize* the data to the population as a whole. The purpose of focus group research is to gain a better understanding of how consumers interface with documents or websites with the expectation that the results will likely be *applicable* and *transferable*.

Experts report that the value of focus group research is not determined by the size of the sample, but rather by the richness of the information obtained.

For example, during a focus group for the new Plain Language Voter Registration Card for the Secretary of State, several significant concerns were raised by participants in just one session. These included uncertainty over who exactly should fill out the card and anxiety over the security of their personal information during mailing of the completed card. Transcend was able to work with the Secretary of State to remedy these (and other) issues, which might have arisen after state-wide release.

The valuable information gathered in focus groups connects the document writers to the reality of a typical consumer's experience. It helps legal writers meet two often disparate goals:

- create legally and procedurally correct forms and instructions, AND
- produce documents that can genuinely be understood and used.

When to use focus groups

Focus groups can be tailored to any type of material, including forms, notices, disclosures, and contracts. Based on the client's goals, Transcend creates an instrument and schedules focus groups (including focus groups in different locations and in different languages) that make sure the client's material is accessible to their average consumer AND legally accurate.

Documents that go through focus group testing can also save money. A more effective document can lower your administrative costs because consumers will make less mistakes and have fewer questions.

For more information on focus groups, call Transcend at: (530) 756-5834

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For more information on Readability and Plain Language call Transcend at: (530) 756-5834
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