Plain Language Works for Pro Per Litigants

– by Maria Mindlin and Katherine McCormick

What does "relinquish firearms" mean? This line was a critical instruction in the Domestic Violence Restraining Order (DVRO) utilized in California until 2002. However, this statement and the form itself were written at the 12th grade reading level. The average native English speaker reads comfortably at the 5th grade level; therefore, many people who received this order may not have understood what it meant. Once the document went through Plain Language adaptation, the new line read: "turn in or sell guns and firearms."

Plain Language is a method of writing and designing documents that makes the material easier to read. In 2001 the Judicial Council of California adapted the DVRO forms to Plain Language with the primary goal of making the courts and legal system more accessible to people without lawyers. Specifically, according to Tamara Abrams, an attorney for the Administrative Office of the Courts, the Judicial Council wanted self-represented litigants to have forms that are less intimidating, easier to understand and fill out, and that improve enforcement.

Abrams reports that self-represented litigants find the new Plain Language DVRO forms easier to navigate and to complete. Pro pers are turning in more complete forms with fewer errors, reports Toni Rodriguez, a Court Specialist at the Self Help Center for the Superior Court of Santa Clara County. "Responses to the questions and prompts are far more accurate than before. Numbered items are not overlooked as often," says Rodriguez.

Plain Language forms benefit not only the litigants, but they also save the judicial system time and money. Forms that are easier to fill out increase processing efficiency because they result in fewer mistakes, less staff support time, and fewer continuances.

The keys to Plain Language

Here are some of the steps taken to adapt the DVRO forms:

Register and grade level

The first step in Plain Language adaptation is to edit or rewrite the text to an appropriate reading grade level with language (register) familiar to consumers. For example, the key phrase "person to be restrained" became "person you want protection from."

Style

Readers respond to direct address (you) and succinct phrasings. This means third person phrasings become second person. Passive sentences become active. Paragraphs, sentences, and words become shorter.

Example:

Before – 12th grade, 52 words

VIOLATION OF THIS ORDER IS SUBJECT TO CRIMINAL PROSECUTION. Violation of this restraining order may be punishable as a contempt of court, a misdemeanor, or a felony. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both.

After – 4th grade, 39 words

If you do not obey this order, you can be arrested and charged with a crime.
It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.

Predictability

The new Plain Language forms are organized more intuitively. Unlike the old caption format, the form name and number are positioned where readers would expect to find them: at the top left-hand corner. And, the use of short, transparent form names at the top of the page gives the reader a confident start.

Subheads

Specific subheads followed by short paragraphs are a staple of Plain Language documents. And, preliminary field test findings suggest that subheads in question form that use direct address are easiest for consumers to follow.

Numbering

Numbers with a strong graphical presence serve as "handles" and make it easier to navigate text. The reader sees them at a glance and understands where things begin and end and how long the process may take. Some number graphics even replace words or phrases. This can make documents easier to read and faster to fill out. It also saves valuable white space.

Font type

Readability studies indicate that serif font is generally preferred for the body of English text for older readers; younger readers (under 40) do best with sans serif fonts. Reading theory tells us that we decode (read) best when the font approximates the "imprint" of the shape of the letters we first saw in our primary reading books.

Caution! Serif fonts do not stand up well to photocopying, faxing, online display, or lower-resolution printing. The letters become muddy and broken.

Common system fonts

Serif	Sans Serif	Special
Times	Arial	☑
Times New Roman	Verdana	i
Courier	Helvetica	1#

Other readability features

• Ample white space (<300 words per letter-size page)

• Readable font size (11–12 for text, 12–14 for headings)

• Limited use of reverse text (white lettering on black)

• Limited use of bold to convey key messages (no ALL CAPS, no underlining)

After Plain Language adaptation, each form goes through careful legal review to ensure that the new material is accurate and correct.

Advanced features of Plain Language documents

The Plain Language DVRO forms, now in their third year of public use, have provided useful lessons for creating usable Internet and publisher-friendly Plain Language documents. Here are some examples:

Non-proprietary fonts and file size

Many people need free and efficient access to the Plain Language forms and e-files: editors, publishers, artists, authors, lawyers and consumers.

To keep the files free and lean, use system fonts, like Arial and Times, to create the active files. Using system fonts also keeps the pdf files small so consumers can download them quickly. Commercial fonts have licensing and cost implications, and using commercial fonts can also make the file size bigger.

Graphics

Good graphics convey meaning. For low-literacy readers, they are crucial. They also serve as handles and guide the reader to key parts of the form.

But, graphics can also add to file size, present copy/fax challenges, and be unintentionally offensive. Choose graphics that:

• Still look crisp after photocopying or faxing

• Do not add significantly to the size of the file

• Are ethnically non-specific or diverse

• Convey the intended meaning

• Consumers understand

Field testing

A document that is not field tested on actual consumers is, at best, an educated guess. Until recently, most feedback on proposed forms came from staff, courts, and other personnel who have contact with pro pers. While this information is crucial, the ultimate test of usability is feedback from the consumers.

There are field testing options for every budget: focus groups, interviews, questionnaires, and field analysis. Field testing can be conducted at court, self-help centers, and clinics. A good field test instrument allows you to record and report on what is and what is not successful from the consumer's perspective. The field test report memorializes consumer preferences and obstacles.

Translation

The Plain Language forms, which have less text and more white space, are an ideal platform for translation into other languages. In a state with growing numbers of limited-English speakers, making readable forms and other materials available in multiple languages significantly increases pro per access to the legal system.

The original design of the Plain Language DVRO forms also took into account the fact that most foreign languages expand (use more words) when translated from English. There was enough white space on the Plain Language pages to comfortably fit the 25% more words in the Spanish and Vietnamese translations. The DVRO forms are currently available in Spanish, Chinese, Korean, and Vietnamese.

What's next

Due to the success of the Plain Language DVRO forms for selfrepresented litigants, the Judicial Council is currently developing Plain Language versions of small claims and civil harassment forms.

Other organizations are turning to Plain Language as well. The Superior Court of San Francisco County has just developed Plain Language materials that help selfrepresented litigants with probate Guardianship. "We are very hopeful," says Mary Joy Quinn of the Superior Court of San Francisco County, regarding the new Probate Guardianship Manual and help bubble forms. Signs of success will include fewer continued cases for notice of deficits and an increase in requests for the materials.

The Legal Aid Society of Orange County uses Plain Language instructions in their "I-CAN!" kiosks and website that provide assistance to self-represented litigants in civil areas such as: small claims, domestic violence, landlord tenant disputes, answers to complaints, and fee waivers. The Plain Language materials have been a success according to AJ Tavares, "I CAN!" Project Manager. "People understood better what they were supposed to do. They were less intimidated by them and less overwhelmed with what to do next," says Tavares.

In addition to pro per litigants, Plain Language is also beneficial for any litigant who receives forms and instructions that have major legal repercussions. Cristina Llop, Director of the ACCESS Center at the Superior Court of San Francisco County explains that a critical form, like a summons, "instructs people to answer the lawsuit. But, it is so poorly written and formatted that litigants very often do not understand, are confused, and end up being defaulted against with often dire consequences."

Plain Language offers tangible benefits on multiple levels to the legal system of California. Plain Language gives consumers the tools they need to access and navigate the system more independently.

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

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