CLEO | Community Legal Education Ontario
Éducation juridique communautaire Ontario

Plain Language Writing, Public Legal Information and the Web

Presenter:

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www.cleo.on.ca

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Outline for today

- The case for plain language in legal information
- Principles of plain language and design
- Practical tools for plain language work
- Plain language and the web

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What is plain language?

A communication is in plain language if it meets the **needs of its audience** – by using language, structure, and design so clearly and **effectively** that the audience has the best possible chance of readily finding what they need, **understanding it, and using it.**

Source: Clarity 64, 2010, p5

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Why plain?

Plain language can:

- be a decisive factor in building democracy
- be a central pillar of transparency and accountability that works against corruption
- help combat the manipulative practices of authorities
- reduce arbitrariness and bolster trust among citizens
- reinforce citizens' rights to understand the workings of government, along them to better fulfill commitments and responsibilities
- reduce costs of transactions for institutions and citizens

Source: Clarity 64, 2010, p42

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Why plain?

3. Plain Language

An institution's duty to inform the public includes the obligation to communicate effectively. Information about policies, programs, services and initiatives must be clear, relevant, objective, easy to understand and useful.

To ensure clarity and consistency of information, plain language and proper grammar must be used in all communication with the public.

Communications Policy of the Government of Canada

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Why plain?

Hallux = big toe!

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Costs of obfuscation

- Time and money
- Transparency and accountability
- Customer experience

Joseph Kimble, Writing for Dollars, Writing to Please

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Principles of plain language and design

Plain language is an approach to communication that begins with **the needs of the reader**.

Whenever you sit down to write, ask yourself:

- Who is my audience?

- What is my purpose for writing?

- What outcome am I looking for? What do I want my readers to do after they read this?

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Building an audience profile

- What is the size of your audience?
- Where do they live?
- What do they already know about the content?
- What are their education and literacy levels?
- What are their first languages?
- What ages are they?
- Are there primary and secondary audiences?
- Are there other relevant demographic features?

Source: Clear Language and Design

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Knowing your audience

Knowing your audience includes understanding:

- Their level of education and ability to understand information

- The kinds of issues they face, and how they are affected by them

- The degree of stress created by the problems

- How confident they will be about taking action

Source: Better Information Handbook, Victoria Law Foundation, p11

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Who is your audience?

At CLEO, our audience is people who face barriers to accessing the justice system

- Low income
- Literacy
- Language
- Disability
- Isolation (rural and remote)

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Gathering information about your audience

- Maintain regular contacts and networking with other agencies
- Hold community meetings
- Statistical reports
- Surveys/questionnaires
- Participate in the work of community organizations and activities

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Developing content for your audience

"The best information is produced by working closely with the target audience and those directly involved with them. UK research showed that the most effective information providers had a close relationship with their client base.

Because they interact with their audience through advice and assistance services, they understand their needs and also get regular feedback on how well the information works in practice.

For those of us who do not have direct interaction with our audience, we have to ensure that we have community input and feedback on our documents."

Source: Better Information Handbook, Victoria Law Foundation, p1

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Principles of clear language and design

Clear language is an approach to communication that begins with **the needs of the reader**.

Whenever you sit down to write, ask yourself:

- Who is my audience?

- **What is my purpose for writing?**

- **What outcome am I looking for? What do I want my readers to do after they read this?**

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What is your purpose for writing?

Legal information enhances access to justice by:

- Helping people understand and exercise their legal rights

- Increasing public knowledge of the justice system and legal responsibilities

- Giving guidance that allows people to help themselves

- Sharing information that leads to community organizing

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Practical tools for plain language work

- Writing and design guidelines
- Readability formulas
- User testing

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Literacy facts

42% of Canadians aged 16 to 65 have low literacy skills

60% of immigrants in Ontario have low levels of literacy in English or French.

Source: Statistics Canada, International Adult Literacy and Skills Survey

1.3 million people in Ontario (**16.2%**) struggle with very serious literacy challenges and have difficulty with even the most basic written materials.

Another **2.1 million people** (**26%**) can work with print information but not well.

Source: Community Literacy of Ontario

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Plain language writing guidelines

- Use a conversational style: speak directly to the reader as "you"
- Adopt a non-judgmental tone
- One main thought in each sentence; one main thought in each paragraph
- Use simple sentences with an average length of between 15 and 22 words
- Use simple verbs in the active voice, not passive
- Use everyday language
- Explain any specialized words
- Use parallel structure for parallel ideas, particularly in lists
- Use gender neutral language

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Adopt a non-judgmental tone

Before

There are many reasons that people find themselves on the wrong side of a collection agency. Losing a job or other income, **having poor repayment habits, not being able to manage money very well,** being unhappy with a purchase and refusing to pay for it — all can lead to calls from a collection agency.

After

A collection agency is a business that tries to collect debts for other people or other businesses.

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Passive versus active voice

Passive voice: Traffic cases are decided by provincial court judges.

Active voice: Provincial court judges decide traffic cases.

Passive voice: A professional, such as a lawyer, law student, or social worker, will be appointed to act as the designated representative by the Immigration and Refugee Board.

Active voice: The Immigration and Refugee Board (IRB) will appoint a professional, such as a lawyer, law student, or social worker, to act as the designated representative.

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Sentence structure

Watch out for:	Try for:
sentences over 25 words	sentences of varying length
sentences with several clauses	one idea per sentence or bulleted clause
paragraphs longer than 3 sentences	tightly chunked information, identified with a label or header
negative or passive constructions	positive, active constructions
run-on lists of items or ideas	bulleted lists, introduced with a phrase and grouped for relevance

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Everyday language: Watch out for…

Needless words	In order to, with regards to
Redundancy	Very unique
Technical or specialized jargon	Lay an information; retain counsel
Acronyms and other short forms	CLEO
Idioms	Costs and arm and a leg

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Everyday language: Watch out for…

Long, complex, abstract, unfamiliar words	Terminate instead of end or finish
Latinate forms	Domicile or residence instead of home
'Frozen verbs' (nominalization)	Specialization, ratification
Impersonal terms	Client, patient, the insured instead of you
Noun strings	Human resource development initiative report

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Explain specialized content

The termination date is the day your notice says you will end your **tenancy** and move out.

Definition: The term **tenancy** means your legal right to live in your place. Usually this right comes from an agreement between you and your landlord. This agreement might be called a rental agreement, lease, or tenancy agreement. Whether it is written down or not, it is a contract between you and your landlord and both of you must follow it.

Source: Moving Out (CLEO publication)

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Explain specialized content

Custody is the right to make important decisions about how to care for and raise a child.

Custody is not about which parent the child lives with or how much time a child spends with each parent.

Source: Separation & Divorce: Child Custody, Access and Parenting Plans (CLEO publication)

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What does this mean for organization?

- Organize information in a logical method: most important information first
- Don't assume your reader knows something unless you are sure that they do
- Include the information that the reader wants to know – then think about what they might ask about next and include that too
- Give examples to explain difficult ideas
- Always use the same word to mean the same thing
- Omit words that you don't need!

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What does this mean for design?

- White space is important! Don't let over-design get in the way of your message.
- Use headings and subheadings to break up blocks of text
- Use larger letters, different fonts, **bolding,** boxes or colour to highlight headings and important text
- Use bulleted lists
- Line length: 50 to 70 characters
- Justify left, leave right margin ragged

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Example: Breaking up text

Before:

A social group can be a group in which membership is voluntary, such as a labour union or a human rights organization, or one that people belong to because of who they are, such as a family. If membership is voluntary, the reason for joining should be so fundamental to human dignity that a person should not be forced to give up the association with the group. Someone who fears persecution because of gender or sexual orientation has a claim based on membership in a particular social group.

After:

A social group can be:

- A group someone is part of because of something they cannot change, such as their gender, sexual orientation, tribe, or relationship to a family member who is politically active.
- A group they chose to be part of but cannot change now, because they belonged to it in the past. Example: having been a student at a certain school.
- A group they chose to join out of deep conviction or principle, such as a labour union or a human rights organization.

Source: CLEO website, Refugee Rights in Ontario

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What does this mean for typeface?

- Serif vs sans serif: the received wisdom on this is changing

- Use *italics* sparingly

- Don't use ALL CAPS

- Size: 12 point type

- Use images wisely

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Readability formulas
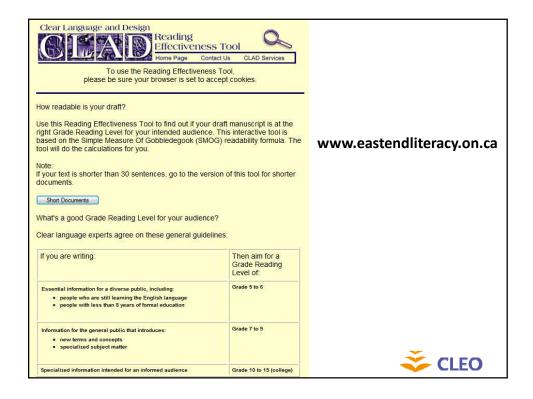
Test your writing for appropriateness for audience

Based on numerical formulas that measure the number of words, number of sentences, number of syllables, length of paragraphs

Examples:

- Flesch reading ease test

- Flesch-Kincaid grade level test

- CLAD's reading effectiveness tool

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www.eastendliteracy.on.ca

Reading levels

People who are still learning the English language People with less than 8 years of formal education	Grade 5 to 6
Information for the general public that introduces: • New terms and concepts • Specialized subject matter	Grade 7 to 8
Specialized information intended for an informed audience	Grade 10 to 15 (College level)

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User testing

- Does the user understand the document?
- User testing through focus groups, individual meetings, evaluations, surveys
- Feasibility and costs

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Legal accuracy

- Legal information versus legal advice

- Making the abstract concrete

- Dating: legal accuracy date on publications

- Review essential: ticklers, monitoring law, attending legal practice working groups

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How do people read on the web?

People don't read the web, they scan!
- 79% scan
- Only 16% actually read

They pick out headlines, highlighted words, bulleted lists, and links.

Source: Jakob Nielsen

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Increasing effectiveness for people who scan

- Highlight key words
- Hyperlinks can be highlighted key words
- Meaningful sub-headings
- Bulleted lists
- One idea per paragraph
- Half the word count (or less) than conventional writing
- Inverted pyramid of writing

Source: Jakob Nielsen

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Helping literacy on the web

- Simplify the text
- Prioritize information
- Avoid text that moves or changes
- Streamline the page design
- Simplify navigation
- Optimize search

Source: Jakob Nielsen

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What is the inverted pyramid?

- The opposite of what we normally do – introduce an idea, work through an argument, come to a conclusion
- Inverted pyramid = tell the reader the conclusion, follow with supporting information and end with the background
- Combine this with smaller coherent chunks of information
- Entire work becomes a set of pyramids rather than a traditional article
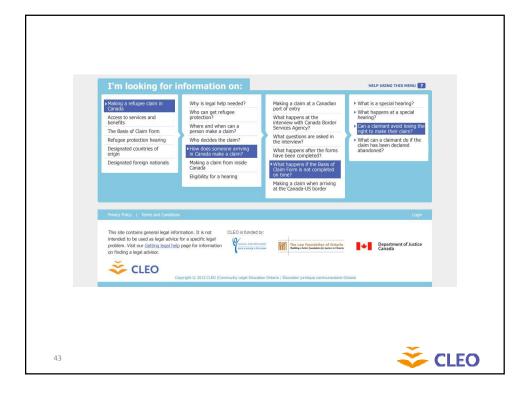
Source: Jakob Nielsen

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The inverted pyramid in practice

- Think about the topic from user's point of view
- List the questions that they will ask
- Decide logical order for the questions, as the user would ask them
- Use the questions as the basis for your site structure
- Write concisely and cut the flab

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Search engine optimization and usability

- SEO gets people to your site in the first place
- Usability brings people back to your site
- Search engines are becoming answer engines
- Search engines guess at site's quality using indirect signals like how others link to it and traffic
- Offer stable URLs
- Speak the user's language in page titles, headlines, and body text.

Source: Jakob Nielsen

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Some useful resources

Asprey, Michèle M. **Plain language for lawyers**. Australia: Federation Press, 2010.	Kimble, Joseph. **Lifting the fog of legalese : essays on plain language**. Carolina Academic Press, 2006.	Kimble, Joseph**. Writing for Dollars, Writing to Please. The Case for Plain Language in Business, Government, and Law**. Carolina Academic Press, 2012.
Legal Services Society**. Public Legal Education and Information Resources Accessibility Initiative**. June 2012.	Legal Services Society. **Reaching Your Readers**. www.lss.bc.ca, August 2007.	Mowat, Christine**. A Plain Language Handbook for Legal Writers**. Toronto: Carswell, 1999. (New edition scheduled for publication in 2014.)
Redish, Janice. **Letting Go of the Words. Writing Web Content that Works**. San Francisco: Morgan Kaufmann Publishers. 2007	Stephens, Cheryl (ed**). Plain Language in Plain English**. Vancouver. PlainLanguageWizardry.com, April 2010	Victoria Law Foundation. **Better Information Handbook**. Australia, 2011

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Some useful resources

Clarity www.clarity-international.net	Clear Language and Design (CLAD) www.easterndliteracy.on.ca
Nielsen Norman Group reports on website design and usability www.nngroup.com/reports	PlainLanguage.gov www.plainlanguage.gov/index.cfm
PlainLanguage.com www.plainlanguage.com including Plain Train - www.plainlanguage.com/PlainTrain/index.html	
Plain Language Association InterNational (PLAIN) www.plainlanguagenetwork.org	WriteClearly.org www.clearly.org
Reaching your Readers www.lss.bc.ca/assets/communityWorkers/reachingYourReaders.pdf	

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The most valuable of all talents is that of never using two words when one will do.

- Thomas Jefferson

Using plain language does not mean giving up legal precision.

- Michele Asprey, Plain Language for Lawyers

The exercise of trying to write judicial opinions in a way to make them accessible to intelligent lay persons contributes to keeping the law in tune with human and social needs.

- Judge Richard Posner, quoted in the New York Times

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