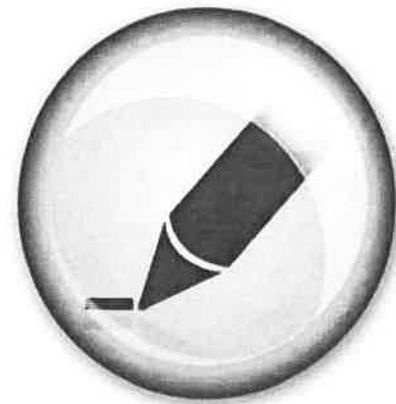
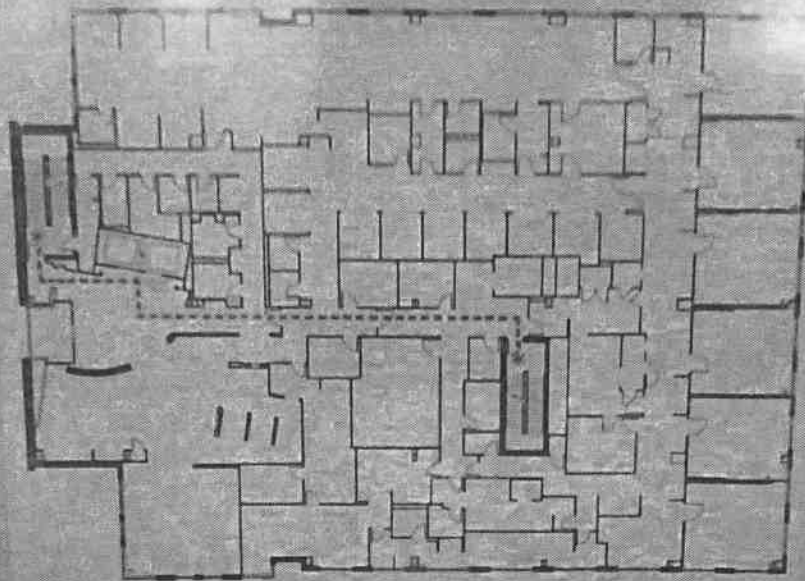


Linguistic Communication Simplification Strategies for Legal Practitioners:


Plain Language for Lawyers

July 25, 2019






* Accessible Means
of Egress



People with lower literacy can read, but they have difficulties doing so.

Plain language is not only for people with low literacy

- Immigrant communities – 2nd language
- Stressful situations
- Different abilities
- New to system
- Other barriers



Plain Language is not only about the words. It's about readability and accessibility as well.

Writing style

Format / Font

Visual

Organization



Getting Ready to Write

- 1) Who are you writing for?
- 2) What are you writing?
- 3) How would you explain the concepts to someone out loud?



Organize


- Create a title that explains the text
- Break information down into steps
 - Use headings and subheadings
 - Use bullets / numbers
- Give explanations and definitions
- List things in chronological order and explain all details



Keep it Short!

1. Intros are usually unnecessary
2. Avoid long, complex sentences
3. Break a long sentence up into 2 or 3 sentences
4. Each sentence should have only one main thought
5. Keep sentences to 25 words or less
6. Keep paragraphs to 60 words or less

Note: Sometimes shorter and easier is longer overall



Concise is better than verbose.
(Short and clear is better than wordy.)

Verbose

In some instances the parties can...

Concise

Sometimes the parties can...

Verbose

In the majority of instances the grantor will sign...

Concise

Usually the grantor signs...



Use Active Voice, not Passive Voice.

The active voice takes fewer words and is less ambiguous than the passive voice.

Passive

A complaint was filed by the union.

Active

The union filed a complaint.

Passive

Your motion will be denied by the trial judge.

Active

The trial judge will deny your motion.



Choose and Arrange Your Words with Care

- Use first person
- Use familiar words
- Cut out extra words
- Do not use “lawyerisms”
- Nuanced words
- Use positive statements not negative ones
- Give only needed information
- Use more paragraphs and less big text blocks



Avoid compound constructions. Use only one or two words to “do the job.”

Examples:

For the purpose of

In favor of

Prior to

For the reason that

In relation to

In the event that

At the present time

to

for

before

because

about

if

now



Be Consistent

- Don't say the same thing three different ways. If something is important enough to repeat, say it the same way every time.
- Use the same terms consistently throughout
For example, do not use lawyer and attorney interchangeably.



Be Careful with Punctuation

punctuation. Can? Clutter; your! Text: and} make) it, hard” to/ read(

- Do not use too much! Forget your grammar rules!
- Avoid contractions unless VERY common (don't use “you've,” write it as “you have”)
- Use parenthesis or quotes for “terms”
- Avoid abbreviations and acronyms – unless VERY commonly known
- Use actual numbers instead of writing them out



Quick Review

- If you have a title – is it informative?
- Overall look – white space?
- Are paragraphs or sections clear and short?
- Headings and bullets are ok in letters too
- Check order of things
- Scan for long words and extra words
- Read it out loud. Does your tongue trip over words? Do sentences feel long? Does it make sense?

Checking Grade Level and Word Counts

Readability Statistics		?	×
Counts			
Words		1,486	
Characters		6,836	
Paragraphs		112	
Sentences		90	
Averages			
Sentences per Paragraph		2.0	
Words per Sentence		12.0	
Characters per Word		4.2	
Readability			
Flesch Reading Ease		74.4	
Flesch-Kincaid Grade Level		5.8	
Passive Sentences		13.3%	
		OK	



Before and After

Before:

May I make reasonable changes to my dwelling in order to make it accessible to me?

Yes. It is discrimination to refuse to permit a person to make reasonable physical changes to a home when the changes are needed to let that person or someone else who is disabled to fully use the premises, including public and common-use areas.

11.6 grade level




After:

Can I make changes to my home so it works better for me with my disability?


Yes. You can make changes in your home if you need them to be able to use the areas better. This includes changes to public areas of your building. But the changes can't be too much for the landlord to handle.

It is discrimination if your landlord says you can't make these kinds of "reasonable" changes.

5.3 grade level




Although Minnesota law prohibits a payday lender from financing the repayment of one payday loan with another payday loan (known as a “rollover” loan), some companies may still offer you a second payday loan immediately after you pay off the first loan, increasing the amount of the loan to correspond with the amount you just paid off (sometimes called a “touch-and-go” loan).



When a payday lender gives you a second loan to pay off your first one, it is called a “rollover” loan. **This is illegal in Minnesota.**

There is another kind of payday loan that is not illegal, **but** it can get you deeper into debt. It is called a “touch-and-go” loan. This is when a payday lender offers you a second loan right after you pay off your first one. The amount of the loan is what you just paid off - your loan plus the interest.



Furthermore, you may want to consider petitioning the court for a continuance in order to compile additional documents to support your case.


Grade level: 13.9

Think about asking the court to change your hearing date. This gives you time to get more information together that can help your case.

Grade level: 4.8

Do you need more time to get things together to help your case? Ask the court to change your hearing date.

Grade level: 1.9




Mr. Lawyer indicated that the county is planning on terminating your Minnesota Supplemental Aid (MSA) benefits for lack of adequate documentation as to your immigration status.

Grade level: 14.4

Mr. Lawyer said the county is stopping your Minnesota Supplemental Aid (MSA) benefits. It is because they don't have proof of your immigration status.

Grade level: 8.7 (6.0)




One option you have for obtaining proof of your entitlement to MSA, is to access your Social Security Administration file in which the first several pages should contain information regarding your immigration status and your entitlement to SSI benefits.

Grade level: 21.4


You need to get proof that you are eligible for MSA (Minnesota Supplemental Aid). To do this, get your Social Security Administration file. The first pages say what your immigration status is. It also says if you are eligible for SSI benefits and what they are.

Grade level: 7.5



To start a lawsuit against you, a person or company must serve a Summons and Complaint on you either: (a) by delivering it to you personally or leaving it at your home; or (b) by mail, if you agree in writing to accept “service” of the Summons and Complaint by mail and sign a form that so indicates. The person or company starting the lawsuit is known as the “Plaintiff.” The person being sued is known as the “Defendant.” The Summons informs you that you must provide a *formal, written legal “answer”* to the Complaint within 20 days after you receive the legal documents.

Grade level: 9.5



If somebody wants to sue you, they have to follow rules. They have to “serve” you with a Summons and Complaint.

To “serve” you they:

- give you the papers, or
- give the papers to someone at your home, or
- mail the papers to you. BUT they can only mail them if you signed a paper saying that’s ok.

Note: The person or company starting the lawsuit is the “plaintiff.” The person being sued is the “defendant.”

You have to “answer” the Summons and Complaint. It tells you how to do this in the papers. It is very important to do it right. You have 20 days from when you get the papers to “answer.”

Grade level: 4



Dear Client,

You called our office requesting assistance for your immigration issues. Our office cannot represent you at this time, but I will briefly put forth options that you have regarding your case. First you should think about getting copies of your immigration papers from USCIS. In doing this, one can determine their exact immigration status. It is important also to obtain records of one's criminal history, as this can affect one's ability to apply for adjustment of immigration status.

Grade level: 10.4



Dear Client,

You called our office asking for help with your immigration issues. I'm sorry that we can't represent you, but here are some things you can do to help your case.


1. Get copies of your immigration papers from USCIS. You need to know your exact immigration status.
2. Get records of your criminal history. A bad criminal history can make it hard to adjust your immigration status.

Grade level: 6.7



Some notes on plain language formatting

- Use **bold** and/or underlining for important info (but too much of it can be visually hard)
- ALL CAPS IS HARDER TO READ than lower case letters
- Be careful with columns.
- If you are doing a flyer or handout for clients, use plenty of space and simple graphics. Don't go font crazy !!!
- Use 12 point font or larger for text, 14 point for headings. Use at least 14 point for text for seniors and visually impaired.

- 
- Be careful with color
 - Use graphics to break up the space. Keep them simple, and only use a few
 - Leave space between paragraphs and sections
 - Line blocks of text or graphics up
 - Remember who your audience is
 - Cultural factors



www.plainlanguage.gov


www.writeclearly.org

Richard Wydick's "Plain English for Lawyers"

Transcend's "Readability"

Plain Language Act of 2010:

www.congress.gov/bill/111th-congress/house-bill/946



At this time, we have discussed the importance of writing in a more accessible manner, and thus have reached the culmination and termination of our visual presentation submitted for your education, inquiries and comments.

Hmmmm..... Or we could just say:

The End



Elsa Marshall, Coordinator

**Education for Justice Program
Mid-Minnesota Legal Aid
Legal Services State Support**

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Plain Language - Readability Checklist

- 1) Who are you writing for? (audience)
- 2) What are you writing? (letter, flyer, fact sheet etc.)
- 3) How will it be distributed?

Over-all:

- ☐ Title! Does it tell the reader what it is about?
- ☐ Use headings and subheadings to organize the material. Clear subheadings give clues to the contents of a section. Questions work well, ie. How can I get my refund?
- ☐ Use active voice, not passive voice.
- ☐ Give only needed information. Too much info is difficult to track. Avoid stating the law name or statute unless absolutely necessary.
- ☐ Use bold, italics, and underlining for important info, but too much of it can be visually hard.
- ☐ Don't go font crazy!! Don't use all caps. Stay away from Times New Roman.
- ☐ Plenty of white space makes it easier to look at. Leave space between paragraphs and sections.
- ☐ Justify left
- ☐ Use a minimum of 12 point font size, 14 for headings. For seniors or people with sight challenges use at least 14 for text, 16 for headings. Use fonts that are easy to read.
- ☐ Try to use 350-400 words per page if possible. But you need to balance this with the "overwhelming" feeling of too many pages.
- ☐ Are your graphics simple and relevant?
- ☐ Read it out loud as if you are talking to someone. See how it sounds.

Paragraphs and Sentences:

- ☐ Make paragraphs short. Large chunks of text scare readers off and they may skip important info
- ☐ Explain steps one at a time. Use a separate paragraph or sentence for each step. Bullets are great and even ok to use in letters to clients.
- ☐ Break sentences down to be short and informative. Try for only one idea per sentence.

- ☐ Use positive statements instead of negative (eg- *follow safe practices* is better than *do not follow unsafe practices*)
- ☐ Do not use too much punctuation. Lists (bulleted or numbered) are better than long sentences with commas or semicolons.

Words:

- ☐ Are all terms explained or simplified?
- ☐ Use “you”, “me”, and “I” vs. “one” or “people”
- ☐ Use 1 and 2 syllable words as much as possible.
- ☐ Use easy words. Slang can be ok if it is fairly universal. Be careful if the document is to be translated!!
- ☐ Do not use extra words. Example: Most instances of “will” can be deleted. (*you ~~will~~ get a letter from the court*)
- ☐ Avoid contractions unless VERY common like don’t or can’t. But contractions like “you’ve”, should be written as “you have”.
- ☐ Avoid abbreviations and acronyms – unless VERY commonly known. Always give the full name the first time you use the acronym. MFIP (Minnesota Family Investment Program)
- ☐ Forget the rules you learned about writing numbers!! Use actual numbers – 2 not two.
- ☐ Check the grade level. It should average around the 5th to 7th grade. If the information is completely unfamiliar to your reader go as low as you can manage. Remember that the readability stats are a guideline. Sometimes terms that you can’t avoid push the reading level up. Be sure you have defined everything unfamiliar.

Word replacements:

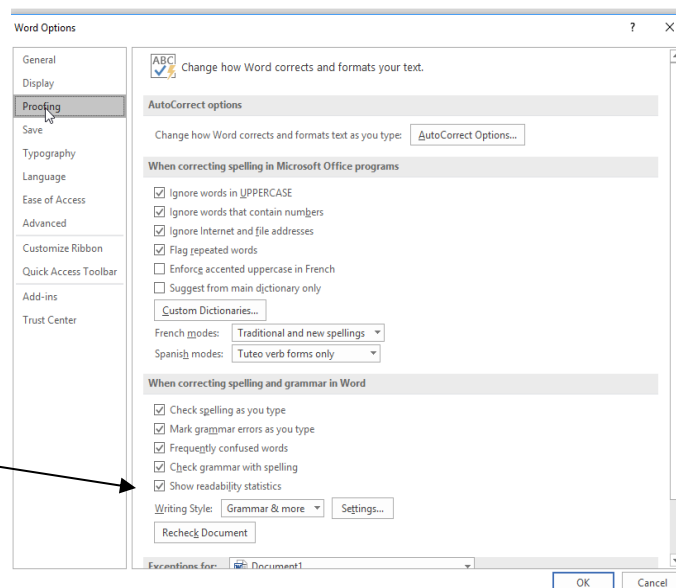
complete (the form) → fill out
 whether → if
 employment → job
 itemize → list
 modify → change
 at the present time → now
 for the purpose of → to
 prior to → before
 for the reason that → because
 regarding → about

however → but
 receive → get
 difficult → hard
 lawful → legal
 accord → agree
 request → ask for
 in favor of → for
 in relation to → about
 in the event that → if

Checking the Counts and Grade Level of Your Document - Word 2010

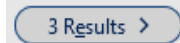
To set it up:

- With your document open, click on “File”
- Click on “Options”
- Click on “Proofing”
- Check the box next to “show readability statistics”
- Click “OK”



To use it:

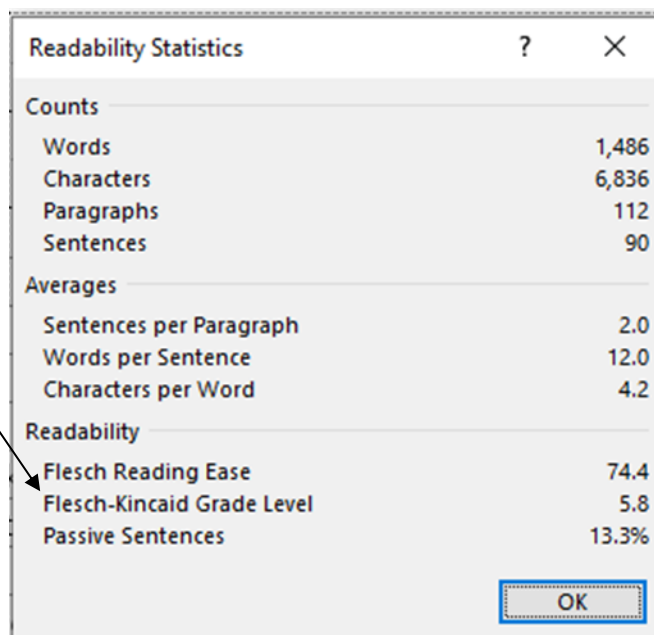
- Click “Review” on ribbon
- Click “Check Document” on the far left – It looks like this —→
This should be there by default. If it’s not you need to change your ribbon options under “Customize Ribbon.”
- An Editor panel opens on the right of your screen. If there are no spelling or grammar issues the Readability Statistics box pops open after a few seconds.
- If there are spelling and grammar issues you have to run through those first. Click on the results button in the Editor panel. —→



This takes you to a list of issues to fix or ignore (you can click an “ignore” option below the list). When you are done fixing or ignoring, your Readability Statistics box pops up.

- Use the “Flesch-Kincaid Grade Level” to get an idea of how you are doing. Shoot for around a 6th grade level.

Note: If you just need a word count, that option is on the ribbon separately.



SHORT PRACTICE EXAMPLES:

Furthermore, you may want to consider petitioning the court for a continuance in order to compile additional documents to support your case.

Grade level: 13.9

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Grade level: 14.4

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Grade level: 9.5

Dear Client,

You called our office requesting assistance for your immigration issues. Our office cannot represent you at this time, but I will briefly put forth options that you have regarding your case. First you should think about getting copies of your immigration papers from USCIS. In doing this, one can determine their exact immigration status. It is important also to obtain records of one’s criminal history, as this can affect one’s ability to apply for adjustment of immigration status.

Grade level: 10.4

Dear _____,

As I explained today, there is no second appeal hearing at Section 8. If you want to challenge the decision to terminate your Voucher your options are to either appeal to the Minnesota Court of Appeals or sue Section 8 in court.

If you want the Minnesota Court of Appeals to review your case, you need to file what is called a petition for certiorari review. **Based on the date of the Section 8 hearing decision the deadline to complete this appeal is XXXXXX, 60 days after the date you told us is on your decision .**

In this type of appeal you would have to prove to the Court of Appeals that the hearing was not conducted properly or that the hearing officer did not have evidence on which to base her decision to terminate your Voucher. If the Court agreed with you it could either order your Voucher be reinstated or order a new hearing at Section 8. The Court of Appeals process usually takes at least 18 months. While your case is under appeal before the Court of Appeals makes its decision you may not a Voucher subsidy and may be responsible for all of your own rent.

As another option, you could sue Section 8 asking a judge to reinstate your Voucher. You would have to show that the Section 8 decision to terminate your Voucher is illegal, that the basis for termination of your Voucher is illegal or the hearing process is illegal. As we discussed, this court process also takes many months. We are not representing you in this matter so we did not research the deadline for such a lawsuit, called a statute of limitations. If you decide to pursue this option, you should not delay action so you do not miss a deadline.

(10.5 grade level)

Dear _____,

When we talked earlier today, I told you that you can't appeal a second time at Section 8. If you still want to challenge their decision to terminate your Voucher, you have 2 options:

1. appeal to the Minnesota Court of Appeals
or
2. sue Section 8 in court

1. Appeal to the Minnesota Court of Appeals:

If you want to appeal to the MN Court of Appeals, **you have to appeal by XXXXX** (this is 60 days after the date you told us is on your decision).

You have to file a paper called a petition for certiorari review. (insert where to find the paper/form)

The Court of Appeals process usually takes at least 18 months. While your case is under appeal you may have to pay the full amount of rent on your home.

In this type of appeal, you have to prove to the MN Court of Appeals that the first hearing was not done right OR that the hearing officer terminated your voucher without good evidence.

If the Court agrees with you, it could order your Voucher be reinstated (given back to you) or order a new hearing at Section 8.

2. Sue Section 8 in court

Another option is to sue Section 8. You ask a judge to reinstate your Voucher. You have to show that the Section 8 decision to terminate your Voucher is illegal. You need to show that the reason your Voucher was terminated is illegal or that the hearing process was illegal.

We talked about this also taking many months.

We can't help you in this matter. We did not look up the deadline for a lawsuit like this, called a statute of limitations. If you decide you want to do this, do it quickly so you don't miss a deadline. (7.5 grade level)