

Is Plain Language Better? A Comparative Readability Study of Court Forms

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A growing number of courts are converting their pro se forms and instructions to plain language. But are the plain-language forms easier to read and use? My company, Transcend, which specializes in designing and testing plain-language forms, set out to answer this question. This article presents the results from our study — the first quantitative readability study of plain-language court forms in the United States.

The study was designed with advice from academic researchers, a field-test expert, a statistician, and linguists. We selected 60 citizens on a jury panel to respond to brief questionnaires that tested the comprehensibility of plain-language forms and the corresponding traditional forms. The results show a marked and statistically significant improvement in reader comprehension when court forms are converted to plain language. The results also suggest that because users understand more clearly what they have to do, when they have to do it, and where to seek support if they need it, there may be significant economies for the court.

Forms Studied

The study analyzed the comprehensibility of two forms from the Judicial Council of California:

- Proof of Personal Service (Civil Harassment), Form CH-130 — which I’ll call “Proof of Service.”
- Subpoena and Proof of Service (Criminal and Juvenile), Form 982(a)(16) — which I’ll call “Subpoena.”

We studied these forms because both are short and lend themselves to a fairly quick field test. They are available on the Judicial Council’s website.¹ We revised them according to the principal features of our readability index, including the following:

- An appropriate reading grade level.
- Language that is largely familiar to the reader or adequately explained.
- Direct address.
- Active voice.
- Visual features that make the text highly readable.
- Graphics to support the key message of the text.
- Intuitive ordering and integration of information.
- Consideration of user comments from field testing.

Incidentally, as I write this article, the revised Proof of Service has been adopted for use, but the revised Subpoena is not in use yet. I have included the original and revised Proof of Service at the end of the article.

¹ <http://www.courtinfo.ca.gov/forms> (accessed Feb. 25, 2006).

Participants

With help from the jury director of the Administrative Office of the Courts of California and the local jury commissioner, we enlisted 60 participants from a diverse pool of citizens reporting for jury duty in February 2005 at the Superior Court in Sacramento. Participation was voluntary, and all participants responded fully to the questionnaires, thus eliminating nonresponse bias. The participants had no prior knowledge of the study, and none of them knew any of the researchers or test administrators. The demographics of the group are listed below and displayed comparatively with state demographics available from the 2000 U.S. Census data.² As you can see, the demographics were fairly consistent.

Gender:

	Male	Female
Test Group	47%	53%
California	49%	51%

Age:

	18–30	31–50	51–65+
Test Group	17%	45%	38%
California	14%	44%	42%

Ethnicity:

	White	PI/Asian	African-American	Other
Test Group	67%	16%	5%	12%
California	60%	11%	7%	22%

² All county and state data are from <http://factfinder.census.gov> (accessed Feb. 25, 2006).

Education:

	Some High School	High- School Grad	Some College	College Grad
Test Group	5%	20%	32%	43%
California	23%	20%	30%	27%

Income:

	<\$18,000	\$18,000– \$30,000	\$30,000– \$50,000	\$50,000+
Test Group	14%	15%	32%	39%
California	14%	12%	27%	47%

Method

We administered two 10-question tests to two distinct groups of 30 participants in a private room at the main courthouse in Sacramento. Each group responded to questions on one original form and one revised (plain-language) form.

- Group 1 was tested on the original Proof of Service, then the revised Subpoena.
- Group 2 was tested on the revised Proof of Service, then the original Subpoena.

We read the questions aloud twice. The participants were given exactly 20 seconds to write their answers on a blank answer form, and then they moved on to the next question. They were asked not to speak during the test. This same procedure was repeated for the second form.

For control purposes, the first group of 30 participants answered questions about the original form first, and the second group answered questions about the revised form first. The questions were designed to elicit participants' understanding of each form's purpose and the specific steps that each form required.

Questions for the Proof-of-Service Form

1. What do you think this form is for?
2. What forms do you have to “serve”?
3. Who do you have to “serve”?
4. What are you supposed to do with this page, the one attached?
5. Is there any part of the form that you (the server) have to fill out? If so, what parts?
6. What do you do with the form after you fill it out?
7. Who fills out the Name and Signature part at the bottom of the form?
8. How old do you have to be to serve?
9. Are you allowed to mail the forms to the person you have to serve?
10. On a scale of 1–10, 1 = the easiest, 10 = the hardest, how easy or hard is this form to understand?

Questions for the Subpoena Form

1. What do you think this form is for?
2. Who sent you this form?
3. What happens if you do not do what this form tells you to do?
4. Who is the highlighted part of page 2 for?

5. What does this form tell you to do *exactly*?
6. Where *exactly* do you have to go?
7. What would you do if you can't go on the date the form tells you to?
8. How would you know if the court date changes?
9. Does the court have to pay you anything for going to court?
10. On a scale of 1–10, 1 = the easiest, 10 = the hardest, how easy or hard is this form to understand?

Before the actual test, we ran a practice test on practice subjects to ensure that the instructions and questions were clear and that the timing was well paced. We also created a list of acceptable answers. As a safeguard against error, two separate evaluators scored each test.

Results

The scores on the revised documents were substantially higher than those on the original documents, with a statistical significance over the 99% confidence level. In other words, the difference in comprehension was so high that there is a 99% chance that these results can be generalized to the entire population.

To take just the first question, when asked, “What do you think this form is for?” only 23% of the participants tested on the original Proof of Service were able to answer correctly. In contrast, 70% of them understood the purpose of the revised form. Since research shows us that readers who cannot determine a document's basic

purpose typically abandon further reading, the original forms appear to be of little value.³

When asked the same question about the Subpoena, only 60% answered correctly on the original form, but 90% did so on the revised form. Again, this is significant at the 99% level.

Overall, for the Proof of Service, the average scores were 81% and 61%, significant beyond the 99% confidence level ($z = 4.01$, $p = 0.0003$, one-tailed). For the Subpoena, the average scores were 95% and 65%, significant at a 95% confidence level ($z = 1.94$, $p = 0.027$, one-tailed). In other words, there is a very high probability that any court form revised for plain language and adhering to these readability guidelines will see similar levels of improved comprehension.

To further explore the results, we conducted exit interviews with a subset of ten members of each group. During these interviews, most participants indicated that if they did not understand a court form, they would not know where to turn for help. Since 77% were unable to identify what the Proof of Service was for, we can obviously expect a low level of compliance with the form's instructions.

Readability

The last question on each test asked participants to rate on a scale of 1 to 10 how easy or hard it was to read each form. Their subjective assessment was also heavily weighted to the plain-language forms beyond a 99% confidence level ($z = 2.77$; $p = 0.0027$, one-tailed). So we can say with certainty that the Judicial Council's new plain-language forms are easier for consumers to read and understand.

³ William H. DuBay, *Principles of Readability* 30, <http://www.nald.ca/fulltext/readab/readab.pdf> (2004)

Habituated Readability

While average readers are likely to find the plain-language forms easier to use, legal professionals in California who are familiar with the old forms may not — at first. Familiarity with the subject matter, format, and organization of text contributes greatly to readability. Just as credit-card holders know where to look for the key information on their monthly statements, and just as students can quickly find that hidden little spot on their report cards where the GPA is listed, legal professionals know where to look for important information on the old forms — and may be temporarily perplexed by the new ones.

Here are some new features of the revised forms that might pose initial obstacles:

- The name is no longer in the middle of the form.
- The name may be completely new (e.g., the Subpoena is called Order to Go to Court and Provide Documents).
- Some of the statutory language that lawyers may know by heart has been replaced with more natural phrasing.
- Noun-heavy prompts are replaced with phrases that use direct address and strong verbs.
- The old look of the caption, the 9-point Arial type, the heavy use of boxes, and ALL CAPS are also gone.

But lawyers are highly skilled readers, and they will quickly get used to the new templates.

Additional Benefits

More comprehensible court forms have ancillary benefits:

- As more consumers understand and are able to comply with the forms' instructions, court expenditures should be reduced: the staff will spend less time explaining the forms and dealing with errors.⁴
- At the same time, consumers should be more confident and self-reliant.
- Printing costs are reduced because plain-language documents are typically 40% shorter.
- Likewise, translation fees are reduced. After revising California's domestic-violence forms into plain English, Transcend translated them into other languages. Because of the reduced word count, the fees were 43% less than the fees for translating the original forms.

Improved comprehension. Time and money saved. Greater satisfaction and confidence. What could be better?

⁴ Gordon Mills & Mark Duckworth, *The Gains from Clarity*, at v, 26–30 (Centre for Plain Legal Lang., Centre for Microeconomic Policy Analysis & Law Found. of New South Wales 1996) (reporting on a study of divorce forms in which plain language improved the completion rate and reduced the number of errors).

Revised Proof of Service (reduced size)

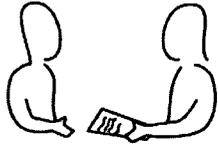
CH-130 Proof of Personal Service

① Protected person's (Plaintiff's) name: _____

② Defendant's name: _____

③ **Notice to Server**
 The server must:

- Be 18 or over.
- Not be listed on the restraining order.
- Give a copy of all documents checked in ④ to the person in ②. (You cannot send them by mail.) Then, fill out ⑤-⑥, sign this form and give or mail it to the person in ①.



The Court fills out these boxes
 Clerk stamps below when form is filed.

Court name and street address:
Superior Court of California, County of

Case Number:

④ I gave the person in ② a copy of all documents checked below:

- a. CH-120, *Notice of Hearing and Temporary Restraining Orders*
- b. CH-100, *Request for Orders to Stop Harassment*
- c. CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)
- d. CH-151, *Information for the Defendant*
- e. CH-140, *Restraining Order After Hearing – Civil Harassment*
- f. Other (specify) _____

⑤ I personally gave copies of the documents checked above to the person in ② on:

a. Date: _____ b. Time: _____ a.m. p.m.

c. At this address: _____
 City: _____ State: _____ Zip: _____

⑥ **Server's Information**

Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
(If you are a registered process server,)
 County of registration: _____ Registration number: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print server's name

➔ _____
Server to sign here

