Overview

- What are typical guidelines from experts in plain legal language?
- Do guidelines for plain legal language have empirical support?
- What aspects of good writing and design do plain legal language guidelines miss?
Research Process

- Identify typical guidelines for legal writing
- Use my research review as a framework to sort guidelines
- Determine empirical support for guidelines
- Assess coverage and gaps

Expert Advice on Legal Writing
Guidelines for Plain Legal Writing
(randomly ordered :-)

Omit unnecessary detail.
Order the parts in a logical sequence.

Use ample white space—and use it meaningfully. Space should convey structure.
Use between 50 and 70 characters per line.

Avoid using capital letters.
Use a topic sentence to summarize the main idea of each paragraph or of a series of paragraphs on the same topic.

© 2012 Karen Schriver | KSA Communication Design & Research
Keep sentences to an average length of about 20 words.

Sentences on average should be short, but it’s also important to vary your style.
Don’t pile up a series of conditions or qualifiers before the main clause. Put them after the subject and verb. Itemize conditions separately if it will help the reader.

Keep the subject near the verb.
Prefer familiar words—usually shorter ones—that are simple and direct and human.

Avoid unnecessary jargon.
Use page layout and space to convey the text’s structure.

Adopt a “you” style: use personal pronouns, including we and you.
Avoid multiple negatives.

Use informative headings.
Try putting the main headings in the form of a question.

Use headings to provide readers with a road map.
Simplify wordy phrases. Watch out for too many prepositional phrases.

Use concrete words.
Use a readable typeface.

Use diagrams, tables, and charts as needed to help explain the text.
Use highlighting techniques (itemized lists, boldface, italics, color), but do not over use them.

Set the text using “ragged right” rather than “justified” margins (set with parallel margins).
Vary the length of paragraphs, but generally keep them short.

Whenever possible, test your document.
For long documents, make a table of contents.

Know your reader.
Use the right tone.

Use contractions to achieve a more conversational tone.

Consolidates 500+ empirical studies
- How people read functional texts
- How reading may be shaped by
  - Writing
  - Visual design
  - Technology

Interdisciplinary Perspective

- Information design
- Technical communication
- Rhetoric
- Reading & literacy
- Library science
- Cognitive psychology
- Educational psychology
- HCI & human factors
- Psycholinguistics
- Technology studies

© 2012 Karen Schriver | KSA Communication Design & Research
Findings: Writing & Visual Design

Writing
- Whole-text level: Verbal
- Sentence-level
- Word-level

Visual Design
- Whole-text level: Graphic
- Layout features
- Typographic features

Whole-text Level: Verbal
- Previews, advance organizers, summaries
- Headings
- Connectives and structural signals
- Organization and genre cues
- Repetition and redundancy
- Grouping and clustering
- Topical structure
- Text density
Example: Text Density

<table>
<thead>
<tr>
<th>Features</th>
<th>Characteristics</th>
<th>Findings</th>
<th>Implications</th>
<th>Research</th>
</tr>
</thead>
<tbody>
<tr>
<td>Text Density</td>
<td>Ratio of content words to total words</td>
<td>• Texts with a greater ratio of content words (adjectives, adverbs, nouns, verbs) to total words tend to be dense and make remembering the main points more difficult.</td>
<td>• Consider the demands that dense text can place on readers and edit for comprehension.</td>
<td>[1]</td>
</tr>
<tr>
<td></td>
<td>Many concepts vs few concepts</td>
<td>• Fewer concepts per paragraph are more easily understood than many concepts per paragraph.</td>
<td>• Make text simpler to process by reducing the number of adjectives or adverbs before nouns.</td>
<td>[2]</td>
</tr>
<tr>
<td></td>
<td>Amount of modification before nouns</td>
<td>• The greater the number of adjectives and adverbs before a noun, the more difficult the sentence is to process.</td>
<td>• To avoid taxing working memory, reduce the number of words that come before the verb.</td>
<td>[3]</td>
</tr>
<tr>
<td></td>
<td>Number of words before verb</td>
<td>• The more words before the verb, the more dense the sentence and the greater the cognitive load.</td>
<td>• Avoid dense paragraphs and strive to reduce the number of inferences readers must make.</td>
<td>[4]</td>
</tr>
</tbody>
</table>

Sentence-level Features

- Syntax
- Voice
- Anaphora
- Prepositions
- Given-new
- Negatives
- Embedding
- Conditionals
Word-level Features

- Length
- Frequency
- Complexity
- Concreteness
- Noun strings
- Nominalizations

Whole-text Level: Graphic

- Visual impression
- Hierarchy
- Grouping
- Proximity
- Lists
- Images
- Repetition
- Contrast
- Density
- Consistency
Layout Features

- Line length
- Columns
- Whitespace
- Alignment

Typographic Features

- Typeface (serif versus sans serif)
- Typesize
- Case
- Line-spacing
- Justification (justified or ragged right)
Sorting the Legal Guidelines

- Raters provided with summary tables of research findings
  - six categories from review
- Raters read the 32 guidelines on separate 3x5 cards and sorted them into the six categories

© 2012 Karen Schriver | KSA Communication Design & Research
Results

- Raters agreed (94% of the time)
- Differed on categories for:
  - Adopt a “you” style; use personal pronouns
  - Use highlighting techniques (lists, boldface, italics, color)

Legal Writing: Whole-text Guidelines

- Use informative headings.
- Order the parts in a logical sequence.
- Omit unnecessary detail.
- Vary the length of paragraphs, but generally keep them short.
- Use a topic sentence to summarize the main idea of each paragraph or of a series of paragraphs on the same topic.
- Whenever possible, test your document.
Legal Writing: Whole-text Guidelines

- Use the right tone.
- Try putting the main heading in the form of a question.
- Adopt a “you” style: use personal pronouns, including we and you.
- Know your reader.
- For long documents, make a table of contents.
- Use headings to provide readers with a road map.

Legal Writing: Sentence-level Guidelines

- Keep the subject near the verb.
- Avoid multiple negatives.
- Prefer the active voice.
- Simplify wordy phrases. Watch out for too many prepositional phrases.
- Sentences on average should be short, but it’s also important to vary your style.
Legal Writing: Sentence-level Guidelines

- Keep sentences to an average length of about 20 words.
- Don’t pile up a series of conditions or qualifiers before the main clause. Put them after the subject and verb. Itemize conditions separately if it will help the reader.

Legal Writing: Word-level Guidelines

- Avoid unnecessary jargon.
- Prefer familiar words—usually shorter ones—that are simple and direct and human.
- Use concrete words.
- Use contractions to achieve a more conversational tone.
Legal Writing: Whole-text Graphic Guidelines

- Use diagrams, tables and charts as needed to help explain the text.
- Use highlighting techniques (itemized lists, boldface, italics, color), but do not overuse them.

Legal Writing: Layout Guidelines

- Use ample white space—and use it meaningfully. Space should convey structure.
- Use between 50 and 70 characters per line.
- Use the page layout and space to convey the text’s structure.
Legal Writing: Typographic Guidelines

- Use a readable typeface.
- Avoid using capital letters.
- Set the text using “ragged right” rather than “justified” margins (set with parallel margins).
- Set the point size for the type between 10 and 12 points for body text in printed documents; for online, use 12 to 14 points.

Were the legal writing guidelines supported by research?
Whole-text Level: Supported by Research

- Use informative headings.
- Structure a logical sequence.
- Employ topic sentences.
- Test your document.
- Use right tone.
- Frame headings as questions.
- Adopt a “you” style.
- Make a TOC.
- Use headings as roadmaps.
- Know your reader.
- Omit unnecessary detail.

Whole-text Level: Not Supported by Research

- Vary length of paragraphs.
Sentence-text Level: Supported by Research

- Put subjects near verbs.
- Avoid double negatives.
- Prefer active voice.
- Don’t pile up prepositional phrases.
- Keep sentences to about 20 words.
- Don’t pile up conditionals.

Sentence-text Level: Not Supported by Research

- It’s important to vary your sentence style.
**Word-text Level: Supported by Research**

- Avoid jargon.
- Choose familiar words.
- Use shorter words.
- Select concrete words.

**Word-text Level: Support is “iffy”**

- Use contractions.

Conflict between friendly and clear for some audiences
Whole-text Graphics: Supported by Research

– Use diagrams, tables, and charts.
– Use highlighting techniques.

Layout Guidelines: Supported by Research

– Use whitespace meaningfully.
– Use between 50-70 characters per line.
– Use layout and space to convey structure.
Typographic Guidelines: Supported by Research

– Use a readable typeface.
– Avoid using all capital letters.
– Use ragged right.
– Set the type 10-12 print, 12-14 online.

Coverage and Gaps

● Most guidelines are on writing (72%)
● More attention to graphics needed
● Almost nothing on writing/design of legal materials for the Web
● Little on achieving an appropriate tone
● Some guidelines are too vague
Omissions in Legal Writing Guidelines

- Research tells us much more than is reflected in legal writing guidelines
  Visual impression, hierarchy, grouping, contrast, density, given-new, tabular formats
- More evidence-based guidelines need to be developed

Summary

- My framework for writing and design research can be applied to legal writing.
- Most legal writing guidelines do have empirical support, but new ones need to be developed.
- Legal texts designed using plain language principles are likely to be read faster, understood better, and preferred.
References for Legal Guidelines


Schriver Refs


Thank you!

For more information...

Karen Schriver, PhD
KSA Communication Design & Research
Pittsburgh, PA
412.828.8791
kschriver@earthlink.net