



GUIDELINES FOR CREATING EFFECTIVE SELF-HELP INFORMATION



These implementation tools were developed by IAALS to support real change on the ground. Each guide is designed to provide the information necessary to help judges, lawyers, court administrators, and others to understand the problems facing our system and the people who use it—and to make improvements that will increase access and bolster public trust and confidence.

This guide stems from IAALS' work alongside the Conference of Chief Justices (CCJ), the Conference of State Court Administrators, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges on the Civil Justice Initiative and the Family Justice Initiative. In recent years, CCJ launched both initiatives—and developed recommendations and principles—to guide state courts and family courts in better meeting the needs of those who need access to the courts, decreasing cost and delay, and improving case processing. IAALS has been a proud and long-time partner in these national civil and family justice reform projects.

As these sister efforts gain momentum, IAALS is working to support courts implementing these reforms by developing a variety of resource guides like this one, in partnership with national experts.

GUIDELINES FOR CREATING EFFECTIVE SELF-HELP INFORMATION

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INSTITUTE *for the* ADVANCEMENT
of the AMERICAN LEGAL SYSTEM



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IAALS, the Institute for the Advancement of the American Legal System, is a national, independent research center at the University of Denver dedicated to facilitating continuous improvement and advancing excellence in the American legal system. We are a “think tank” that goes one step further—we are practical and solution-oriented. Our mission is to forge innovative and practical solutions to problems within the American legal system. By leveraging a unique blend of empirical and legal research, innovative solutions, broad-based collaboration, communications, and ongoing measurement in strategically selected, high-impact areas, IAALS is empowering others with the knowledge, models, and will to advance a more accessible, efficient, and accountable American legal system.

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INTRODUCTION

The American legal system is designed for use by highly trained professionals. Most frequently, however, it is used by individuals without formal legal training. A first-of-its-kind national study into family case processing found that in 72 percent of cases the petitioner and/or respondent was self-represented.² A similar national study of civil dockets published a few years earlier found that at least one party was self-represented, usually the defendant, in 76 percent of cases.³

Self-represented litigants face a variety of challenges navigating the process without legal help, and research shows that outcomes can be impacted when parties are unrepresented. There are widespread efforts by courts around the country to assist self-represented parties: self-help materials, online resources, self-help centers and other in-person assistance, etc. In 2018, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) adopted Resolution 3, Expanding Meaningful Access to Justice for All, setting “the aspirational goal of establishing 100 percent access to effective assistance for essential civil legal needs through a continuum of meaningful and appropriate services.”⁴

New recommendations from CCJ and COSCA with respect to civil case processing⁵ and family case processing⁶ acknowledge the essential need for courts to provide litigants with access to justice. The recently released Family Justice Initiative (FJI) *Principles for Family Justice Reform*⁷ sets forth in Principle 4: “Courts should provide clear, straightforward information to parties about the court process. Courts should provide assistance to self-represented parties including procedural information and available resources to assist the family.”⁸

The FJI Principles acknowledge, however, that not all self-help materials are created equal. The materials that facilitate meaningful access are those that “help parties translate the information into action, to move their case forward, or achieve another goal within the court process.”⁹ This assertion addresses the current reality in many jurisdictions that while there is widespread *access* to legal self-help information and materials, individuals who need to interact with the legal system without professional legal assistance have difficulty *deploying* such information.¹⁰

In order to be effectively used by those who need them, self-help materials must acknowledge and address the barriers to deployment. Self-help materials must be written in a way that users can process. Moreover, self-help materials must recognize that individuals involved in unfamiliar and intimidating legal proceedings may have difficulty navigating these proceedings because they suffer from a lack of self-agency. The following guidelines are intended to help courts increase the efficacy of existing self-help materials and assist in the development of new materials that empower parties with information and an understanding of what to do with that information. The concepts presented here are not specific to family cases and can be applied to any issue or case type.

GUIDELINES SUMMARY

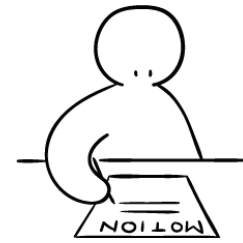
1. Self-help materials should include line-drawn illustrations and visual depictions of concepts.¹¹ Both have been shown to improve learning.
2. Self-help materials must provide the seemingly mundane details of how the legal system works, including specific logistical information about how to interact with the formal legal system.
3. Self-help materials should, to the extent feasible, include procedural, not conceptual, information.
4. Deployable self-help materials must include clear and specific direction as to how to respond to actions taken in a legal proceeding.
5. Self-help materials must help users overcome the challenge of necessary plan making and plan execution.
6. Checklists and advanced organizers can provide the user with useful tools to keep organized and help them see the process as a whole.
7. Legal jargon and complicated processes should be simply defined and clearly explained. The goal is to direct users, not educate them.
8. Self-help materials must be written at a fifth-grade reading level and in a conversational style.
9. Self-help materials should draw on and reflect communication theory at the level of the page, the sentence, and the word.
10. Self-help materials should draw on presentation and graphic design theory developed in other contexts.



1.

SELF-HELP MATERIALS SHOULD INCLUDE LINE-DRAWN ILLUSTRATIONS AND VISUAL DEPICTIONS OF CONCEPTS. BOTH HAVE BEEN SHOWN TO IMPROVE LEARNING AND A USER'S ABILITY TO DEPLOY INFORMATION.

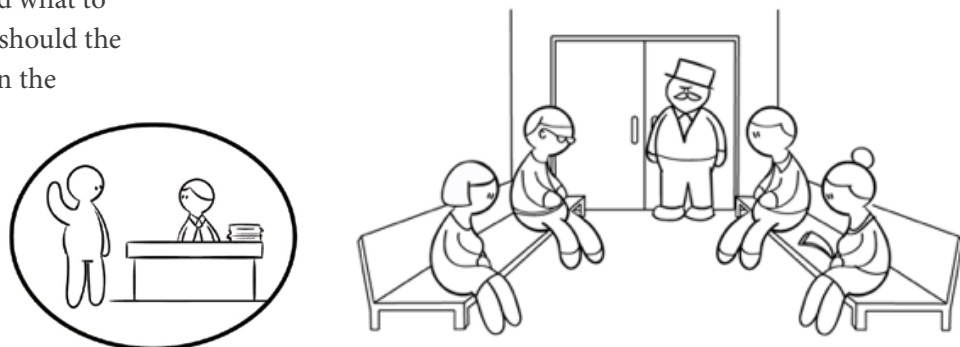
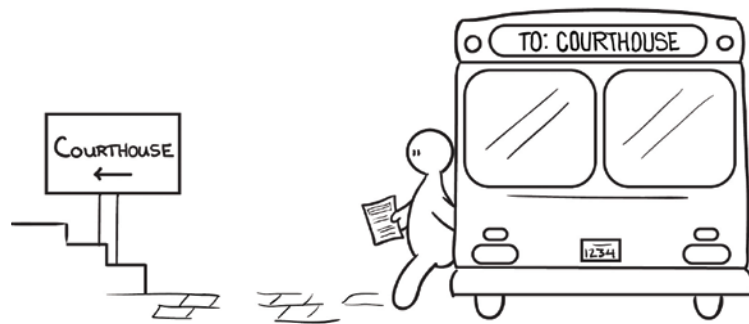
- Visual depictions of ideas and actions can improve learning.¹²
 - Visual imagery can also ease anxiety, entertain so as to motivate, and facilitate an understanding of complex concepts.
 - Stick figure drawings and cartoons are superior to photographs or highly detailed drawings.
 - Learners generally lack the ability to distinguish important features in photographs or complex drawings from irrelevant details.



2.

SELF-HELP MATERIALS MUST PROVIDE THE SEEMINGLY MUNDANE DETAILS OF HOW THE LEGAL SYSTEM WORKS, INCLUDING SPECIFIC LOGISTICAL INFORMATION ABOUT HOW TO INTERACT WITH THE FORMAL LEGAL SYSTEM.

- No detail is too mundane to include in self-help materials, from how to get to the courthouse, to what it will look like when they are waiting for a proceeding.¹³
- From the perspective of the user, if self-help materials "designed" to be helpful fail on the small things, such as where to sit and what to expect next, why should the user trust them on the big things?



STEP 1. FILL OUT THE COURT FORMS

There are three forms you need to fill out.

You can get these forms by asking the clerk at the courthouse.
The clerk will tell you which forms are right for you.

The court's address is _____. There is parking on the street next to the court with meters. Or you can take the _____ bus.

When you walk through the front door of the courthouse, you will have to go through a metal detector. Make sure you don't have anything with you that the guards will take, like a pen-knife.



Ask the guard where the Family Law Clerk's Office is. They will tell you where to go.

You may have to stand in line at a window to ask for the court forms. Or they may be on a shelf or table.

If you don't have kids, find the form that says "Divorce without Children" on top.

Find the **GREEN** page in this packet. The **GREEN** page will help you fill out the **Divorce without Children** form.



If you have kids, find the form that says "Divorce with Children" on top.

Find the **ORANGE** page in this packet. The **ORANGE** page will help you fill out the **Divorce with Children** form.

Ask someone if you can't find it.

3.

SELF-HELP MATERIALS SHOULD, TO THE EXTENT FEASIBLE, INCLUDE PROCEDURAL, NOT CONCEPTUAL, INFORMATION.

- It may not be necessary for a user of legal self-help materials to gain a *conceptual* understanding of the problem-solving process (such as learning WHY one has to do something) but rather simply learn about how the process works (such as WHAT to do first).¹⁴
- Procedural information provides a user with instructions for following a set of sequential steps, but the user is not taught the reasons for the steps or how to apply those steps to markedly new situations.
- Self-help materials should include an overview of the process, broken down into discrete tasks. Step 1, Step 2, Step 3, *etc.*

OVERVIEW OF THE DIVORCE PROCESS

Step one: Gather all of your pay stubs, bank statements, and every other paper that has to do with the money you get or have. Then make a list of everything you own.

Step two: Fill out the court forms.
You can get the forms online at www.court.xxx or you can go to the court and get the forms.

Step three: Send the forms to the court. Here is the address:
100 Main Street
Anytown, STATE 12345



Step four: Send a copy of your forms to your spouse. You can do this by mail. If you go to the post office, you can get a receipt and tracking number.

- Self-help materials should clearly identify the documents needed to fill out forms.



DOCUMENTS NEEDED

- TWO PAY STUBS
- TWO MONTHS OF BANK STATEMENTS
- MARRIAGE LICENSE
- DRIVERS' LICENSE
- SOCIAL SECURITY CARD

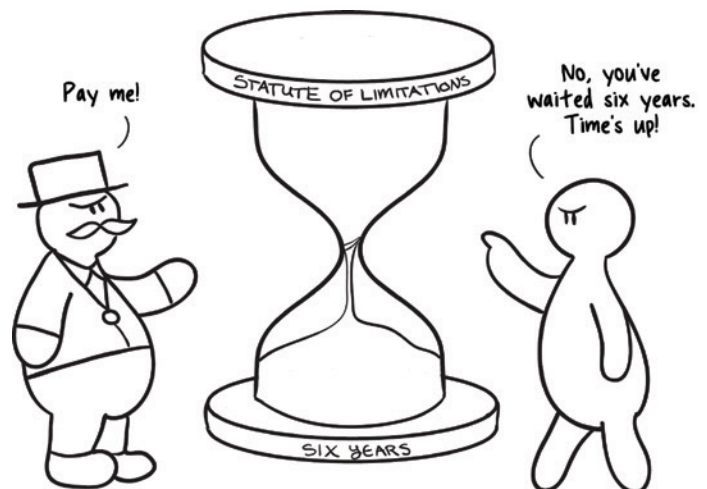
- Self-help materials should offer specific instructions about how to fill out court forms.

IF YOU ARE FILING A LAWSUIT, WRITE YOUR NAME HERE. WRITE THE NAME OF WHO YOU ARE SUING WHERE IT SAYS "DEFENDANT."

SMALL CLAIMS WRIT AND NOTICE OF SUIT		CONNECTICUT SUPERIOR COURT SMALL CLAIMS SESSION	
PLTF # 1	_____	PLTF # 2	_____
DEF # 1	_____	DEF # 2	_____

- Conceptual knowledge may be needed, however, when a user of self-help materials has to respond to a query outside the scope of a script.

- Research shows that when conceptual understanding is a must, analogies and pictures are useful to explain complex concepts.¹⁵



YOU MIGHT HEAR THE WORD "HEARSAY" (PRONOUNCED "HEER-SAY") WHEN YOU TELL YOUR STORY TO THE JUDGE

When you are telling your story to a judge, you might hear someone say the word "hearsay."

Hearsay is a story that a person heard from another person. That kind of story is harder for a judge to believe.

It's like the game "telephone" – when one person whispers a sentence to a second person, and the second person repeats it to a third person, and so on. After a while, the sentence changes because people mishear or misunderstand the sentence.

For example, after a few rounds of whispers, the sentence, "I was waiting for two hours," could sound like, "I was skating with blue flowers."

If the judge agrees that all or part of your story is hearsay, they won't be able to use it when they decide your case.

4.

SELF-HELP MATERIALS SHOULD INCLUDE CLEAR DIRECTION ABOUT WHAT TO DO IN RESPONSE TO ACTIONS TAKEN BY THE COURT OR BY THE OTHER PARTY.

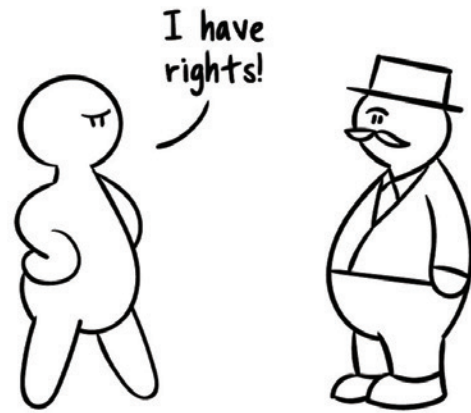
YOU MAY BE ASKED TO AGREE TO A SETTLEMENT. DON'T AGREE TO A SETTLEMENT IF YOU THINK IT'S UNFAIR.

DON'T AGREE TO A SETTLEMENT IF YOU CAN'T DO WHAT THE SETTLEMENT SAYS.

IF YOU AGREE TO A SETTLEMENT, YOU CAN'T GO BACK. IT'S A PROMISE YOU HAVE TO KEEP.

STOP TALKING TO THE LAWYER IF THEY WANT YOU TO AGREE TO A BAD SETTLEMENT.

YOU ALWAYS HAVE THE RIGHT TO SEE THE JUDGE.



5.

SELF-HELP MATERIALS MUST HELP USERS OVERCOME THE CHALLENGE OF NECESSARY PLAN MAKING AND PLAN EXECUTION.¹⁶

- Users of self-help materials need to plan and execute a number of complex tasks.
 - These may include responding to a lawsuit within a short time period, keeping track of notices to know when to come to court, and arranging for a child sitter to attend a court hearing.
 - Research has shown that if goals are specific, proximate, and characterized as learning exercises rather than as performance, they are most likely to be met.¹⁷
- The framing of the goals also matters; goal attainment is more likely if the goal is framed positively.¹⁸

I WILL BUY THREE FOLDERS TOMORROW AFTER WORK.

I WILL KEEP ALL MY COURT PAPERS IN A FOLDER.



- Similarly, simple prompts increase follow-through on achieving goals.
 - The inclusion of a post-it note with the language “Don’t forget! Colonoscopy appointment” attached to a reminder to undergo a colonoscopy significantly increased patient compliance.¹⁹
- This prompt worked by addressing three different barriers to intention implementation.
 - Cognitive, by associating a future cue (the date) with a plan of action (the appointment);
 - Logistical, by providing a solution to the practical challenge of remembering the date and time of the appointment; and
 - Material, by offering a visual reminder of the appointment.²⁰



6.

CHECKLISTS AND ADVANCED ORGANIZERS PROVIDE THE USER WITH USEFUL TOOLS TO KEEP ORGANIZED AND HELP THEM SEE THE PROCESS AS A WHOLE.

- Checklists can help the user understand the broad process and keep the user organized.²¹

CHECKLIST

Step one: Gather your papers. Turn to page ___ to see what papers you need to find.

Step two: Fill out the court forms. Turn to page ___ to see how to get them and how to fill them out.

Step three: Once you have filled out all the forms, you need to make copies of all the forms. Turn to page ___ to see where you can make copies.

Step four: Give one copy to the court with a filing fee or a waiver form. Turn to page ___ to learn exactly how to do this.

Step five: Send one copy of all the forms to your spouse. Turn to page ___ to learn exactly how to do this.

- Self-help materials should include easy-to-read and easy-to-understand advance organizers.²²
 - Advance organizers provide context and relate each subsequent topic to what the user already knows. Users demonstrate better learning outcomes and are less likely to be discouraged and walk away from a task.²³

YOU CAN TAKE CARE OF YOUR COURT CASE WITHOUT A LAWYER

THIS PACKET WILL SHOW YOU HOW. IT HAS FOUR PARTS:



Part One is called, “**You Should Go To Court.**” It explains why you should go to court.



Part Two is called, “**Know Your Rights.**” It tells you why you might not have to pay any money, or as much money as the company suing you says you owe.



Part Three is called, “**What to Do.**” It tells you what to do in court.

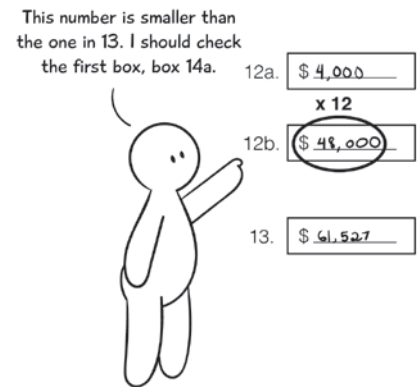


Part Four is called, “**Take This To Court.**” You should take this packet to court with you. It suggests what to say in court.

7.

LEGAL JARGON AND COMPLICATED PROCESSES SHOULD BE SIMPLY DEFINED AND CLEARLY EXPLAINED. THE GOAL IS TO DIRECT USERS, NOT EDUCATE THEM.

- Self-help materials must also present information so that it can be easily understood and thus deployed by its user.²⁴
- The goal should be to *direct* the user, rather than to educate him or her.
- There are many examples of resources that result in self-represented parties' confusion and cognitive overload, rather than the provision of needed direction.
 - For example, a person seeking a divorce has to understand what the law defines as marital property, how to divide it up, whether or not the parties can come to an agreement, or whether the court needs to get involved.²⁵
- Users of self-help materials need just enough information about the process so that they know what issues are at stake, and how to deal with them. They do not need statutory cites, history, or jargon.²⁶
- When forms require simple calculations, illustrations can be used to provide an example.
- Clear direction can be accompanied by graphic representations of concepts.



Part of the divorce process involves splitting the things you and your spouse bought or got while you were married. If you bought or got furniture, cars, a house, the money in a bank account or anything else while you were married, it is marital property. Marital property must be split between you and your spouse.

Make a list of everything you and your spouse own. For each thing, ask yourself, did I buy or get this while I was married? YES NO

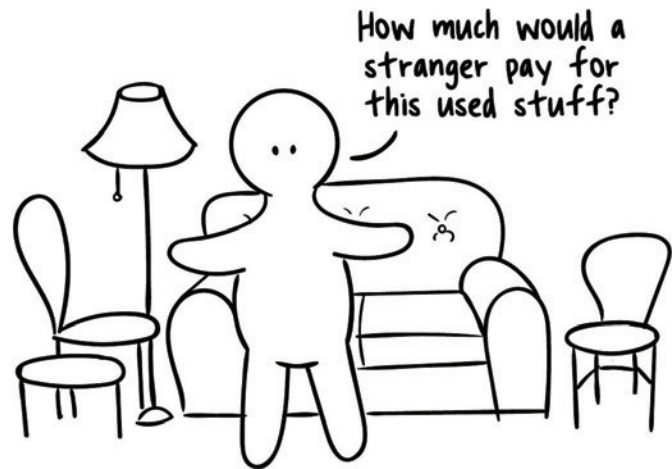
If YES, you have to figure out how to split it with your spouse. Either by selling it and splitting the money, or by trading it for some other item of marital property. If NO, that means that you or your spouse got that item before you were married and it doesn't have to be split. It is not marital property.



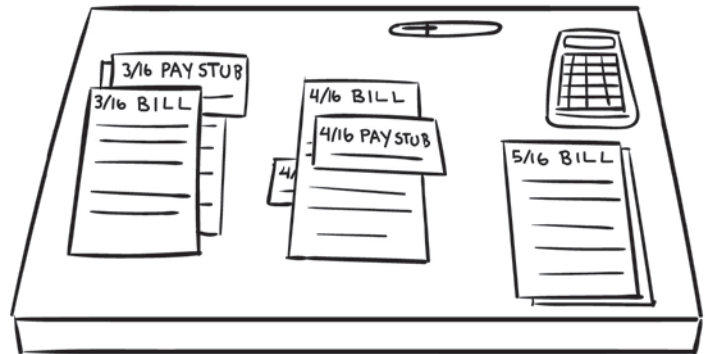
Which of the following sentences seems right to you? Check one of these boxes.

- My spouse and I have agreed how to divide the property we bought or got while we were married. We don't need the court's help.
- My spouse and I can't agree on how to divide the property we bought or got during our marriage. We need the court's help.

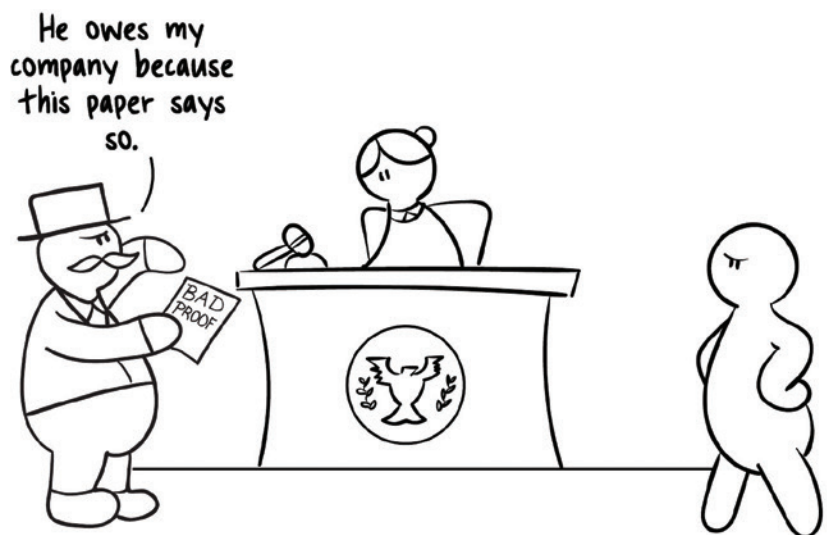
THIS VISUAL EXPLAINS HOW MARITAL PROPERTY, SUCH AS FURNITURE, SHOULD BE VALUED.



THIS ILLUSTRATION CAN ACCOMPANY AN EXPLANATION ABOUT THE NEED TO GATHER AND ORGANIZE DOCUMENTS IN ORDER TO FILL OUT FINANCIAL DISCLOSURE FORMS.



THIS ILLUSTRATION CAN ACCOMPANY AN EXPLANATION OF THE NEED FOR "BEST EVIDENCE" IN A COURT PROCEEDING.



8.

SELF-HELP MATERIALS MUST BE WRITTEN AT A FIFTH-GRADE READING LEVEL AND IN A CONVERSATIONAL STYLE.

- Self-help materials should be written the way people speak.
- The language doesn't necessarily have to be grammatical or follow language conventions.
 - The Flesch-Kincaid Reading Level Test can be used to test the reading level of self-help materials.²⁷

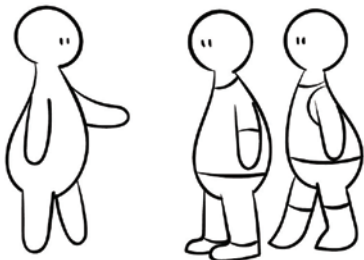
<http://www.readabilityformulas.com/flesch-grade-level-readability-formula.php>



YOU CAN ALWAYS TELL YOUR SIDE OF THE STORY TO THE JUDGE – EVEN IF THE JUDGE SAYS THAT IT WILL TAKE A LONG TIME TO FINISH THE CASE IF YOU DON'T SETTLE.

IF YOU WANT THE JUDGE TO HEAR YOUR STORY, THE JUDGE HAS TO LISTEN.

- Words should be used consistently throughout the text. Repetition of word choice is okay and should be encouraged.²⁸



REMEMBER YOU SHOULD ASK FOR THE ALIMONY YOU NEED.

**YOU NEED A PLACE TO LIVE.
YOU NEED TO EAT.
AND YOU NEED TO TAKE CARE OF YOUR KIDS.
YOU SHOULD ASK FOR THE ALIMONY YOU NEED.**

SELF-HELP MATERIALS SHOULD DRAW ON AND REFLECT COMMUNICATION THEORY AT THE LEVEL OF THE PAGE, THE SENTENCE, AND THE WORD.

- Uncontextualized legal terms should be avoided.²⁹

For example:

Send your “Certificate of Service Form” to the Court with a copy of the forms you sent your spouse.

rather than

You must file a Certificate of Service with your Answer or Counterclaim.

- Legal terms the user will encounter should be defined using everyday language.

When you go to court, you or someone else will give information to a judge. This is called “evidence.”

This evidence may include a story that you or someone else tells the judge. This is called “testimony.”

Emails and text messages, documents, photos, and objects that help you tell your story can also be evidence.

- Broad statements of general principles should similarly be avoided in favor of clear and specific information and direction.³⁰

HOW TO BEGIN YOUR DIVORCE

Read this whole page so you know where to start and what to do next.

Step one: Ask yourself, who will start the divorce, you or your spouse?

- If you will be starting the divorce, turn to page ____ (the **BLUE** page).
- If your spouse has started the divorce, or will start it, turn to page ____ (the **PURPLE** page).

Step two: No matter who starts the divorce, you are going to have to file some forms with the court.

- If **YOU** start the divorce, you have to send your spouse a form that tells them that you started the divorce.

FIRST, CHECK THE PAPERS YOU GOT FROM THE COURT.

IS YOUR ADDRESS RIGHT? IF IT ISN'T RIGHT, CALL THE COURT AND LET THEM KNOW.

IF YOU HAVE TROUBLE FINDING THE COURT'S NUMBER, ASK A LIBRARIAN AT A PUBLIC LIBRARY TO HELP YOU.

THIS IS IMPORTANT. THE COURT NEEDS TO KNOW WHERE TO SEND YOU THINGS.



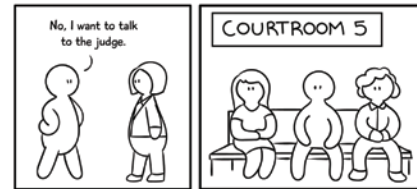
- Express one idea per sentence. And keep sentences short.³¹

If you don't want to agree to a deal, you don't have to.

Tell the lawyer that you want the judge to decide. Then go back into the courtroom.

You might have to wait for a while before it is your turn. That's OK.

You have the right to see the judge.



- Use the active voice and the present tense.³²

If your spouse has a lawyer, they are working for your spouse and not for you. That lawyer is not thinking about what's best for you. That lawyer is thinking about what's best for your spouse.

- **Don't** hesitate to use contractions. They enhance readability.
- Place the main idea of a concept or a direction before the exceptions.

PROPERTY TRANSFERS

After you have filed for divorce, you should not transfer any property to your spouse, unless the judge says it is OK.

The exception to this rule is if you owe your spouse money, you can repay them even after you file for divorce.

- Familiar words should be used, rather than the obscure.³³

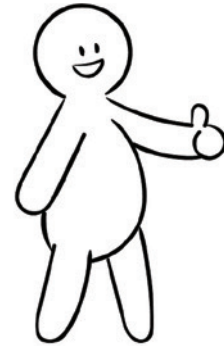
HOME	<i>rather than</i>	DOMICILE
PAPERS OR FORMS	<i>rather than</i>	DOCUMENTS
CHANGE	<i>rather than</i>	MODIFY
GET	<i>rather than</i>	ACQUIRE
RULE OR LAW	<i>rather than</i>	STATUTE
NEXT TO	<i>rather than</i>	ABUTTING

10.

SELF-HELP MATERIALS SHOULD DRAW ON PRESENTATION AND GRAPHIC DESIGN THEORY DEVELOPED IN OTHER CONTEXTS.

Self-help materials should be designed for easy reading.

- The information presented needs to be organized in a way that makes it easy for the user to sequentially walk through the steps in the process.



USE HEADERS ON EACH PAGE SO THAT THE USER IS REMINDED OF THE SELF-HELP MATERIAL'S SPECIFIC THEME.³⁴



You Can Stand Up For Yourself in Court!
PART 3: WHAT TO DO IN COURT



- Headings should be used to help the user skim the page.
 - Use uppercase and lowercase.
 - Use consistent graphics as navigators.
 - Headings should be bold and justified to the left margin.
 - Triple-space before headings and double-space after (for example, 19.2 points before, 8.4 points after).

- Lists should be used (judiciously) to break up text and outline steps in a process. Standard bullets should be used consistently.³⁵

BEFORE YOU START, HERE ARE A FEW TIPS

Read all of these steps before you start. You'll want to know what's coming.

- Turn off the TV and find a quiet place.
- Complete this form all at once. If you take a break before you finish, you might have to start over.
- Be ready to answer questions about all the places where you lived. And about bank accounts you have and used to have.

- Use shading and borders only to accent graphs and charts.

My things	I got while I was married	I got before I was married
Car – Honda Civic	<input type="checkbox"/>	<input type="checkbox"/>
Living room furniture	<input type="checkbox"/>	<input type="checkbox"/>
Snowmobile	<input type="checkbox"/>	<input type="checkbox"/>
Credit Union Account	<input type="checkbox"/>	<input type="checkbox"/>

- Use ragged right margins rather than centering or justifying text.

WHAT TO DO IF YOUR SPOUSE FILES FOR DIVORCE

If your spouse filed for divorce, they are called the Plaintiff.

And you are called the Defendant.

But don't worry, being a Defendant in a divorce case isn't like being a Defendant in a criminal case. You didn't do anything wrong! It's just what you will be called in the case.

You can still make decisions about your divorce. You still have rights. As many rights as your spouse.

- Clear, easy-to-read fonts should be used.³⁶
 - Select 11- to 12-point serif font for the body text (such as **Times New Roman**) (11- or 12-point).
 - Select 12- to 14-point sans serif font for the headings (such as **Helvetica** or **Helvetica Neue**).
 - Don't mix fonts within the body.
 - Don't use more than one or two typefaces.
 - Use **bold** for emphasis (not underlining).
 - Color should be used consistently throughout the text.

HOW TO FIND OUT ABOUT YOUR DEBT

You may not know how much debt you have.

That's OK.

There are easy ways of finding out.

If you know you have a Federal student loan, you can call 800-xxx-xxxx and ask what loans you have.



- Use *italics* to distinguish between information that is meant for the user, and information that should be presented to or read to the court.

ANSWER

I believe I have the following defenses that support my argument that this debt was incurred without my knowledge and therefore should be set-aside to the Plaintiff.



Check **each** box that applies to you.
Don't worry about the italics. They're for the Judge.

- I do not know about this credit card bill. I've never seen it before.
Therefore, this debt should be set-aside to the Plaintiff.
- I never charged anything on this credit card. *Therefore this debt should be set-aside to the Plaintiff.*

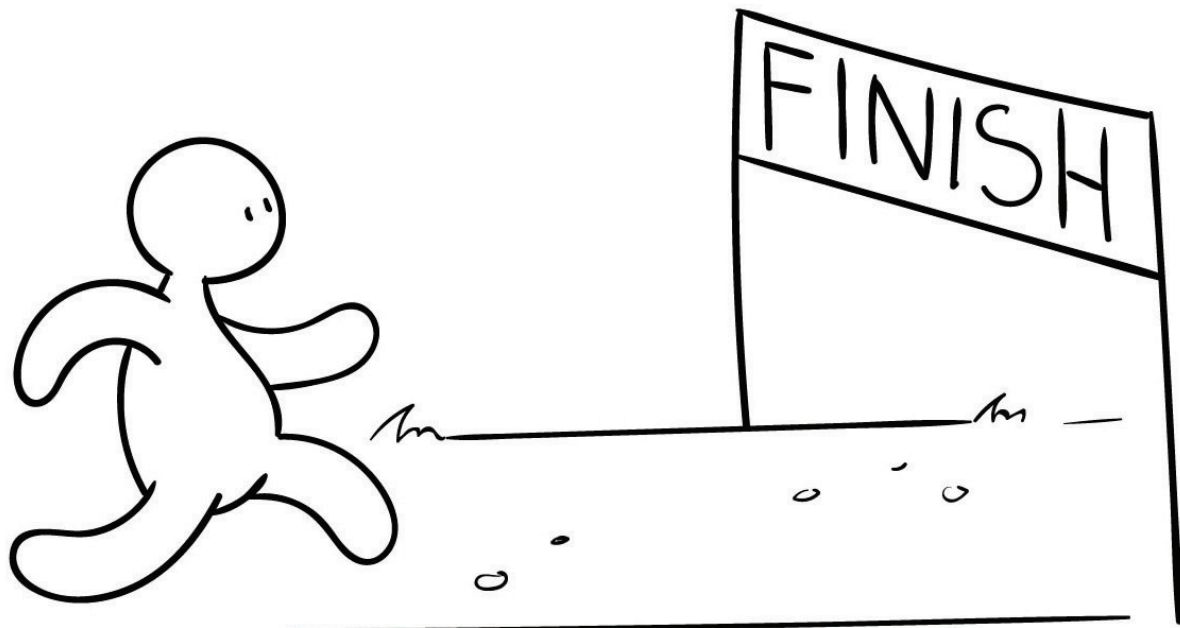
- The less crowded each page, the less overwhelming to someone with low literacy skills.
- There should be plenty of white space in the margins, and there should be double spacing between paragraphs.³⁷

READ THESE PAPERS CAREFULLY.

THEY WILL HELP YOU GET THROUGH THIS PROCESS.

FIND A QUIET PLACE TO SIT DOWN. TRY TO FIND A
TIME WHEN NO ONE ELSE IS HOME.

YOU CAN DO THIS!



ENDNOTES

- 1 The ideas behind *Guidelines for Creating Effective Self-Help Information* grew out of the Harvard A2J Lab's Financial Distress Research Project. D. James Greiner, Dalié Jiménez & Lois R. Lupica, *Self-Help, Reimagined*, 92 Ind. L.J. 1119 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2633032.
- 2 NAT'L CTR. FOR STATE COURTS, THE LANDSCAPE OF DOMESTIC RELATIONS CASES IN STATE COURTS 20 (2018), <https://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Children%20Families/FJI/FJI%20Landscape%20Report%20mb.ashx>.
- 3 NAT'L CTR. FOR STATE COURTS, THE LANDSCAPE OF CIVIL LITIGATION IN STATE COURTS iv (2015), <https://www.ncsc.org/~media/Files/PDF/Research/CivilJusticeReport-2015.ashx>.
- 4 CONF. OF CHIEF JUSTICES, RESOLUTION 3: EXPANDING MEANINGFUL ACCESS TO JUSTICE FOR ALL (Jan. 31, 2018), <https://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/01312018-Expanding-Meaningful-Access-to-Justice-for-All.ashx>.
- 5 CONF. OF CHIEF JUSTICES & CONF. OF STATE CT. ADM'RS, RESOLUTION 8: IN SUPPORT OF THE CALL TO ACTION AND RECOMMENDATIONS OF THE CIVIL JUSTICE IMPROVEMENTS COMMITTEE TO IMPROVE CIVIL JUSTICE IN STATE COURTS (July 27, 2016), <https://ccj.ncsc.org/~media/microsites/files/ccj/resolutions/07272016-support-call-action-recommendations-cji.ashx>.
- 6 CONF. OF CHIEF JUSTICES, RESOLUTION 3: IN SUPPORT OF THE FAMILY JUSTICE INITIATIVE PRINCIPLES (Feb. 13, 2019), <https://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/02132019-Family-Justice-Initiative-Principals.ashx>.
- 7 NAT'L CTR. FOR STATE COURTS, FAMILY JUSTICE INITIATIVE: PRINCIPLES FOR FAMILY JUSTICE REFORM (2019), https://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Children%20Families/FJI/Family_Justice_Initiative_Principles_Final.ashx.
- 8 *Id.* at 7.
- 9 *Id.* at 8.
- 10 Greiner et al., *supra* note 1.
- 11 All illustrations used with permission from the Graphic Advocacy Project and the Access to Justice Lab. Thanks to Hallie Jay Pope.
- 12 See W. Howard Levie & Richard Lentz, *Effects of Text Illustrations: A Review of Research*, 30 EDU. TECH. RES. & DEV. 195, 213 (1986), <https://link.springer.com/content/pdf/10.1007%2FBF02765184.pdf>; Chris Delp & Jeffrey Jones, *Communicating Information To Patients: The Use of Cartoon Illustrations to Improve Comprehension of Instructions*, 3 ACAD. EMERGENCY MED. 264, 268 (1996), <https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1553-2712.1996.tb03431.x>; Prabu David, *News Concreteness and Visual-Verbal Association: Do News Pictures Narrow the Recall Gap Between Concrete and Abstract News?*, 25 HUMAN COMM. RES. 180, 199-200 (1998), <https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1468-2958.1998.tb00442.x>; Russell N. Carney & Joel R. Levin, *Pictorial Illustrations Still Improve Students' Learning from Text*, 14 EDU. PSYCHOL. REV. 5, 16 (2002), <https://link.springer.com/content/pdf/10.1023%2FA%3A1013176309260.pdf>.
- 13 Greiner et al., *supra* note 1, at 1130 (“[W]e hypothesize that the lay litigant’s problem is not so much (say) sitting in the wrong seat, a mistake that can be remedied by a polite tap on the shoulder and a point in the right direction. Rather, the problem is the embarrassment and confidence-shattering effect such a tap and point might have, coupled with the increased cognitive load as she attempts to concentrate simultaneously on finding the right seat and on remembering how to deploy unfamiliar legal arguments.”).
- 14 HERBERT A. SIMON & ALLEN NEWELL, HUMAN PROBLEM SOLVING: THE STATE OF THE THEORY IN 1970 (1972) (pioneering these concepts in the artificial intelligence literature, which has been adopted more broadly in the cognitive psychology field); See JOHN R. ANDERSON, THE ARCHITECTURE OF COGNITION (1983).
- 15 Dan Hunter, *Teaching and Using Analogy in Law*, 2 J. OF THE ASS'N OF LEGAL WRITING DIR. 151, 160 (2004), https://pdfs.semanticscholar.org/faf2/e60ea74e36d6313180c68d1ec99fcfb4c14.pdf?_ga=2.266857998.184628608.1562610081-2048026441.1562610081.
- 16 Greiner et al., *supra* note 1, at 1150. For a review of implementation intentions that work, see Todd Rogers et al., *Making the Best Laid Plans Better: How Plan-Making Prompts Increase Follow-Through*, 1 BEHAV. SCI. & POL'Y 1, 16, http://scholar.harvard.edu/files/todd_rogers/files/making_0.pdf.

- 17 EDWIN A. LOCKE & GARY P. LATHAM, A THEORY OF GOAL SETTING & TASK PERFORMANCE 29 (1990); Albert Bandura & Dale H. Schunk, *Cultivating Competence, Self-Efficacy, and Intrinsic Interest Through Proximal Self-Motivation*, 41 J. PERSONALITY & SOC. PSYCHOL. 586, 595 (1981).
- 18 Bandura & Schunk, *supra* note 17, at 595 (for example, losing weight will give me more energy, rather than, being obese will lead to heart disease).
- 19 Katherine L. Milkman et al., *Following Through on Good Intentions: The Power of Planning Prompts* 1, 2 (NAT'L BUREAU OF ECON. RES., Working Paper No. 17995, 2012), <https://www.nber.org/papers/w17995.pdf>.
- 20 *Id.* at 4.
- 21 Daniel Morrow, Von Leirer & Patsy Altieri, *List Formats Improve Medication Instructions for Older Adults*, 21 EDUC. GERONTOLOGY 151 (1995) [hereinafter Morrow et al., *List Formats*]; Daniel G. Morrow, Von O. Leirer, Jill M. Andrassy, Catherine M. Hier & William E. Menard, *The Influence of List Format and Category Headers on Age Differences in Understanding Medication Instructions*, 24 EXPERIMENTAL AGING RES. 231 (1998).
- 22 Ruth Anne Robbins, *Painting with Print: Incorporating Concepts of Typographic Layout and Design into the Text of Legal Writing Documents*, 2 J. ASS'N LEGAL WRITING DIR. 108, 124 (2004), <https://rucore.libraries.rutgers.edu/rutgers-lib/51105/PDF/1/play/>.
- 23 James Hartley, *Designing Instructional and Informational Text*, HANDBOOK OF RES. ON EDUC. COMM. & TECH. 925 (David H. Jonassen ed., 2004).
- 24 Typically, self-help materials start by defining legal terms and then explaining abstract legal concepts. In order to understand what to do next, the user must have internalized the legal concepts, as well as the vocabulary, or jargon. This imposes an unnecessary cognitive burden on the user. See, *Instructions for filing Divorce – Without Children*, KAN. JUDICIAL COUNCIL, <http://www.kansas-judicialcouncil.org/sites/default/files/Instructions%20for%20Filing%20Divorce%20Without%20Children%20%2812-2016%29.pdf> (last updated June 5, 2019).
- 25 The following explanation was included in a brochure prepared by the Virginia Bar Association:
 “Equitable Division of Marital Property and Debts. Virginia is one of more than forty states that has adopted an equitable distribution law for dividing marital property and debts in divorce. Marriage is considered an economic partnership. To determine a fair division of marital property and debts, Virginia law requires the following: that property and debts be classified as marital, separate, or part marital and part separate; that marital property and debts be valued; and that such marital property or debts be equitably divided based on the statutory factors in Virginia Code Section 20-107.3. Marital property is defined as all jointly-owned property and all other property, other than separate property, acquired from the date of the marriage to the date of separation. Typical examples of marital property are the marital home titled in the names of both spouses or a retirement account accumulated during the marriage even if the account is only in the name of one spouse. Separate property includes all property acquired by either spouse before the marriage and all property acquired during the marriage by inheritance or by a gift from a source other than one’s spouse. Typical examples of separate property are an automobile that was given to one of the spouses by a parent and titled in the name of the receiving spouse, an inheritance from a family member, and cash gifts from third parties but only if such gifts and inheritances are then maintained separately from other marital property. Gifts from one spouse to the other spouse such as jewelry are marital property.”
Financial Issues in Divorce, VA. STATE BAR 1, 2, <https://www.vsb.org/docs/Financial-Issues-Divorce.pdf> (last updated Jan. 2019).
- 26 An example of self-help materials describing property division reads:
 “Wisconsin presumes that all property, other than property that a party receives as a gift or through inheritance, will be divided equally (after considering all debts). To achieve an equal division of property, the judge may award property to one party and a cash payment to the other party. The judge may divide property unequally after considering the factors described in WI Statute 767.255, which is available at the following website: <http://www.legis.state.wi.us/Statutes/Stat0767.pdf>. If the spouses agree on how to divide all their property, they must provide a description of which spouse will receive which property. This also applies to the property that may have already been divided. If the spouses have already divided the property, or it is only in one spouse’s name, they must still tell the court which spouse will get what property and the value of that property.”
Basic Guide to Divorce/Legal Separation, WIS. JUDICIAL SYS., https://www.wicourts.gov/formdisplay/FA-4100V_instructions.pdf?formNumber=FA-4100V&formType=Instructions&formatId=2&language=en (last updated Nov. 20, 2018).
- 27 Hartley, *supra* note 23, at 931 (adding to the Flesch-Kincaid test, the “cloze test” can be used to test readability. The “cloze test” presents a passage to readers with every *n*th word missing and asks readers to fill in the missing words; the higher the performance on the “cloze test,” the more comprehensible the material. Another way to test the material is to have readers circle sections, sentences and words that they think would cause trouble for other readers of lesser ability); Greiner et al., *supra* note 9, at 1126 (showing that the Principal Investigators of the Financial Distress Research Project used this technique to test self-help materials. We asked study subjects whether they understood the material presented. We then asked them what they thought “someone not as smart as you would say?” The answers received were enlightening.).

- 28 SUSAN B. BASTABLE, *NURSE AS EDUCATOR: PRINCIPLES OF TEACHING AND LEARNING FOR NURSING PRACTICE* 189-232 (2nd ed. 2003).
- 29 *Id.*
- 30 This is an example of a description of the process in a family court handbook:
“The divorce is commenced when the Summons and Petition signed by the person seeking the divorce are filed with the Clerk of Circuit Court, and served on the spouse. In divorce actions, the party seeking the divorce is the Petitioner and the other spouse is the Respondent. Service of the Summons and Petition occurs when someone, usually the sheriff’s deputy or private process server, delivers the papers to the respondent spouse. Service of the Summons must be done by someone other than the Petitioner. If the papers cannot be served on the respondent personally, then the Court can permit the papers to be published in the newspaper. Joint Petitions for divorce may be signed by both parties if they both want the divorce. Service of a Summons is not necessary if there is a Joint Petition. A copy of the Summons and/or Petition must be provided to the Family Court Commissioner’s Office.”
Fond du Lac County Family Court Handbook, FAMILY COURT COMM’R’S OFFICE OF FOND DU LAC CTY., <http://www.fdlco.wi.gov/home/showdocument?id=3627> (last updated Feb. 2009).
- 31 KAREN A. SCHRIVER, *DYNAMICS IN DOCUMENT DESIGN: CREATING TEXT FOR READERS* 263 (1997); *See also*, Christopher Trudeau, *The Public Speaks: An Empirical Study of Legal Communication*, 14 *SCRIBES J. LEGAL WRITING* 121, 121-152 (2011-2012), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1843415
- 32 BASTABLE, *supra* note 28, at 215.
- 33 *See Measure Text Readability*, READABILITY SCORE, <https://readable.com/text/> (last updated 2017).
- 34 Hartley, *supra* note 23, at 925.
- 35 Morrow et al., *List Formats*, *supra* note 21, at 153.
- 36 Ruth Anne Robbins, *Painting with Print: Incorporating Concepts of Typographic and Layout Design into the Text of Legal Writing Documents*, 2 *J. ASS’N LEGAL WRITING DIRECTORS* 108, 115 (2004).
- 37 BASTABLE, *supra* note 28, at 219.



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