WRITING FOR SELF-REPRESENTED LITIGANTS

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A guide for Maryland's courts and civil legal services providers

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MARYLAND ACCESS TO JUSTICE COMMISSION

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Writing for Self-Represented Litigants

A GUIDE FOR MARYLAND COURTS AND LEGAL SERVICES PROVIDERS

Many people work to address their legal problems without the help of a lawyer. We call these people "self-represented litigants" or "pro se" parties.

It's easy to write documents that more self-represented litigants can understand if you follow some basic rules. Documents for the public don't have to be formal or full of legalese. You can write with the ordinary language that you use every day.

When you give help in person, people can ask you questions if they don't understand. But written documents can't respond to questions. Therefore, it's best to write in a way that's easy to understand.

If you think about the needs of self-represented litigants as you write a document, your office will run in a more efficient way. When your documents completely answer readers' questions, staff can help more people with problems that require a personal touch.

How to write for self-represented litigants: the basic rules

1. Write clearly.
2. Check your document with a readability tool.
3. Improve readability with layout.
4. Explain information with a visual aid.
5. Accommodate people's differences.
6. Tell readers where they can find more help.

1. Write clearly.

Plain language helps readers find and understand information. Readers can then use that information to meet their needs.

Plain language includes:

- Shorter words and sentences
- Personal pronouns ("you," "we")
- Active voice
- Commands

Use short, familiar words:

✓	✗
Lawyer	Advocate / Attorney
Follow	Conform
Decision	Judgment
You, the other person, the other side	Party / Plaintiff / Defendant
On time	Timely
But	Whereas

Avoid legalese and Latin words. If simpler terms don't exist, define the words you're using (and consider making a glossary). The District Court of Maryland has a glossary of court terms, available online at mdcourts.gov/district/selfhelp/glossary.html.

A plain language legal resource library is available at writeclearly.org, including a legal glossary and sample forms written in plain language.

Be consistent. For example, it may seem like you're talking about two different groups if you write "senior citizens" first, and "the elderly" later.

a. Use personal pronouns.

Refer to the reader as "you," and refer to your organization as "we." Personal pronouns are more direct and easier to understand. Address one person, not a group.

Instead of: "The court requires petitioners to file three copies of all documents to accelerate review of cases."

Try: "We require three copies of all documents. This speeds up review of your case."

Begin by defining "you," if necessary:

"You (the defendant) can respond to the complaint by filing a Notice of Intention to Defend. If you believe you don't owe the money...."

b. Active voice is easy to understand.

Active verbs are straightforward. Passive verbs can seem stuffy or bureaucratic. Using passive verbs adds at least two extra words.

Active voice = Subject + *Verb* + Object

✓ Pedro *completed* the form.

✓ A lawyer *represented* Dara.

Passive voice = Object + *Verb* + Subject

✗ The form *was completed* by Pedro.

✗ Dara *was represented* by a lawyer.

The *subject* is the actor in the sentence, often a person or thing. The *verb* is the action itself. The *object* receives the actor's action. The order of these parts decides whether the sentence is active or passive.

There are some cases where you may want to use passive verbs:

- When it's unclear who or what the actor (the "subject") is
- To soften the blow of a statement
- To avoid taking or placing blame
- If passive voice makes the sentence easier to understand

c. Commands shorten your sentences.

Readers want instructions, so a direct tone – a command – is appropriate (and easier to read).

~~You can~~ File your complaint with the Clerk's Office.

~~You may~~ Contact an attorney by calling your county's lawyer referral service.

Remove unnecessary words at the beginning of a sentence to create a command. Begin instructions with a verb when possible.

d. Prefer verbs over nouns.

Turning a verb into a noun is called "nominalization." If you use too many nouns, your sentences will be longer and harder to understand. Examples of nominalization include:

✓ Verb	✗ Noun
Use	Usage
Complete	Completion
Pay	Payment
Decide	Decision

Nouns have their place, but if a sentence seems long, try turning some nouns into verbs. Changing the sentence into a command might switch some nouns into verbs too.

Usage of cell phones in court is prohibited.

→ Do not use cell phones in court.

Upon completion of the form, the Clerk's Office will provide a party with the case file.

→ Complete the form, and we will give you the file.

2. Check your document with a readability tool.

The Flesch-Kincaid Reading Level Test estimates the number of years of schooling a reader would need to understand a document. It uses a formula that looks at word and sentence length. Find this tool in Microsoft Word and in Corel Word Perfect:

- ***Microsoft Word***: Within the options for Spell Check, check the box for "Show readability statistics." After you run Spell Check, a box will display readability information.
- ***Corel Word Perfect***: In the Grammatik tool, click "Options" > "Analysis" > "Readability."

The ideal Flesch-Kincaid number depends on your audience. A document for the public may reach readers with limited reading skills. Readability experts usually recommend ***a reading level of 6 or below***. However, some topics (such as the law) require complex words. If you can write at a grade level of 8 or below, you're off to a great start.

This manual is at a 7.6 reading level (not including the examples that show what to avoid).

3. Improve readability with layout.

Use:

- Bullets
- Numbered "steps"
- White space
- Headings
- Other layout devices to make your document more readable

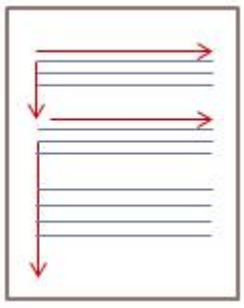
a. Put important information first.

Always put the most important information at the ***top*** of the paragraph, section, or page.

Place key words further to the ***left*** when creating titles, headings, and lists. Key words further to the left will snag your reader's attention during that vertical skim.

Readers visually scan information in an "F" shape. Most will read the top sentences completely, but will likely only skim the rest down the left-hand side.

Eye-tracking studies show that readers skim in an F shape, and often skip over large blocks of text.



b. Headings are helpful.

Use headings – titles for sections within your document – so people can find what they need. Make your headings specific and useful. Sometimes, a question and answer format is most helpful.

For longer documents, provide detailed tables of contents.

Be consistent when designing related forms or guides. This way, the reader knows what to expect where.

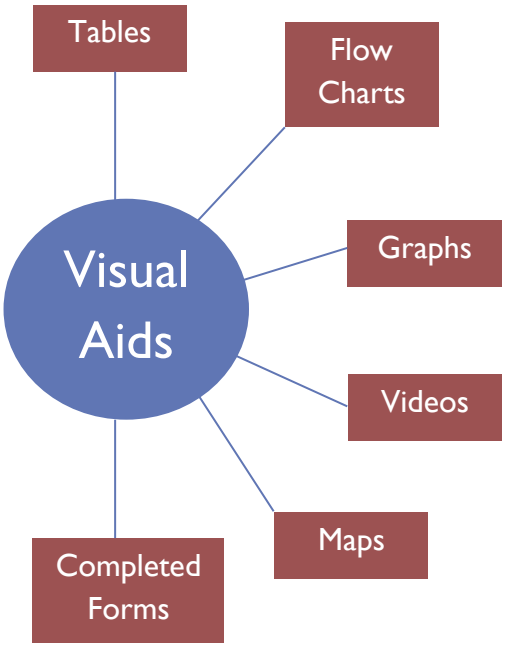
c. Add more white space.

Use white space to keep your document from looking intimidating and cluttered. Documents with more white space are easier to read and keep readers' focus. Here are some ways you can increase white space:

- Add "blank" areas.
- Limit paragraphs to one idea.
- Break up ideas into shorter sentences (but vary sentence length to keep the tone interesting).
- Use fewer words to get to the point quicker.

d. Turn information into lists and numbered steps.

Use lists and numbered steps when presenting information that has several parts or is chronological. Even if the information isn't too complicated, a list adds white space and helps with understanding.



4. Use visual aids.

Simplify complex or detailed information with a table, chart, or other visual aid. For example:

- Explain the differences between a criminal and a civil proceeding in a table.
- Show the steps of a final protective order in a flowchart.
- Display statistics in a graph.
- Provide completed sample forms in addition to blank forms.

For emphasis, use ***bold and italics*** (sparingly). These formats are easier to read than ALL CAPS and underlines.

5. Accommodate people's differences.

More people will be able to read your document if you take certain steps:

- Provide information and forms in a variety of languages used in the community.
- Create printed documents with fonts no smaller than 12 point, or provide large-typeface versions for people who are visually impaired.
- Look at colored charts, maps, and other visual aids through a colorblindness tool to make sure that all items are visible and that no meaning is lost. Try vischeck.com.
- Place public materials at heights accessible to people with limited reach.
- For documents posted online, create accessible Word documents and PDFs. For instructions, visit mdcourts.gov/mdatjc/accessibility.html.

For more examples of how you can accommodate people's differences, see the Maryland Access to Justice Commission's document, *Beyond Compliance: Creating a Culture of Inclusivity and Accessibility*, available online at mdcourts.gov/mdatjc/accessibility.html.

6. Tell readers where they can find more help.

Maryland has many resources and legal services providers that can help people without lawyers. Provide a list of relevant resources on your documents and website, such as this one:

For basic information about Maryland law:

People's Law Library of Maryland: peoples-law.org

Self-help centers and hotlines:

District Court Self-Help Center: mdcourts.gov/district/selfhelpcenter/home.html or (410) 260-1392

Circuit Court Family Law Self-Help Centers: mdcourts.gov/family/selfhelp.html

Family Law Hotline: (800) 845-8550

Legal Forms Helpline: (800) 818-9888

Free and lower-cost legal services for eligible people who need a lawyer*:

Maryland Office of the Public Defender (for defendants in a criminal case): (877) 430-5187 or opd.state.md.us

Maryland Legal Aid: (800) 999-8904 or mdlab.org

Maryland Volunteer Lawyers Service: (800) 510-0050 or mvlslaw.org

*Maryland has over 35 legal services providers. A full list is available at peoples-law.org/directory

More Examples

The following examples show some of our writing tips in action. The examples are all from plainlanguage.gov. This website has many more "before and afters" that you may find useful. Also, visit selfhelpsupport.org for information and resources about self-representation.

Active Voice

Before

For local PC printing, it is recommended that you use a high-resolution laser or wax-transfer type printer for color reproductions, and that the printer have at least 1 MB of memory.

After

To print color copies locally, use a high-resolution laser or wax-transfer printer that has at least 1MB of memory.

Personal Pronouns

Before

The application must be completed by the applicant and received by the financial office by June 1st.

After

We must receive your application by June 1st.

Common Words

Before

If stuffing a turkey, use a meat thermometer. Cooking a home-stuffed turkey can be somewhat riskier than cooking one not stuffed. Bacteria can survive in stuffing which has not reached the safe temperature of 165 F, possibly resulting in a foodborne illness. Even if the turkey itself has reached the proper internal temperature of 180 F in the innermost part of the thigh, the stuffing may not have reached a temperature in all parts of the stuffing sufficient to destroy foodborne bacteria. If stuffing does not reach 165 F when the turkey itself is done to 180 F, further cooking will be required. During the added cooking necessary to bring the stuffing up to a safe temperature, the meat may become overcooked.

After

Be sure to cook both your turkey and your stuffing completely. If you don't, bacteria that can make you sick may still be alive. Remember:

Cook the stuffing separately – it's ***much*** safer. If you absolutely must cook the stuffing in the turkey, use a thermometer to make sure the stuffing reaches a temperature of 165 F and the turkey reaches a temperature of 180 F in the innermost part of the thigh. Measure the temperature of both the turkey and stuffing. Don't just trust a pop-up indicator.

Visual Aids

Before

FACA applies to groups that provide advice to the federal government, but only if the group is convened by a federal agency and includes one or more participants that are not federal, state, or local officials, unless the individuals on the group are expected to provide only their individual opinions, and consensus is not expected of the group. A non-governmental participant may provide information to the group and participate in discussion without triggering FACA, but if he/she also participates in the group decision-making process, FACA would apply.

After

When Does FACA Apply?

If the convenor of the group is . . .	And if the group . . .	And if . . .	But . . .	Then FACA . . .
NOT a federal agency				doesn't apply
a federal agency	is comprised ONLY of officials from federal, state, or local governments			doesn't apply
a federal agency	includes a participant that isn't a government official	the convenor doesn't expect the group to achieve consensus (that is, each member provides his or her own expert opinion)		doesn't apply
a federal agency	includes a participant that isn't a government official	the convenor expects the group to achieve consensus		applies
a federal agency	includes a participant that isn't a government official	the non-governmental participant provides information and participates in discussion	doesn't participate in decision-making	doesn't apply
a federal agency	includes a participant that isn't a government official	the non-governmental participant provides information and participates in discussion	also participates in decision-making	applies

Lists

Before

Each map must be based on assumptions regarding numbers of aircraft, aircraft types and mix, nighttime operations, airport layout, runway use, flight tracks, operational data, and compatible uses.

After

Base each map on assumptions regarding:

1. Numbers of aircraft
2. Aircraft types and mix
3. Nighttime operations
4. Airport layout
5. Runway use
6. Flight tracks
7. Operational data
8. Compatible land uses

Short Sentences

Before

We must receive your completed application form on or before the 15th day of the second month following the month you are reporting if you do not submit your application electronically or the 25th day of the second month following the month you are reporting if you submit your application electronically.

After

If you submit your form . . .	We must receive it by . . .
Electronically	the 25th of the second month
Not electronically	the 15th of the second month