



Immigration Advocates
NETWORK

Learn to Write Documents Your Clients Really Understand

June 25, 2013

Transcend Translations
Davis, CA



Panelists

- Maria Mindlin, Transcend Translations
 - Created the 1st plain language court forms in the U.S. (CA, 2001)
 - 1st *Comparative Readability Study of Plain Language Court Forms* (*Scribes Journal of Legal Writing*, 2005)
 - Readability instructor, UC Davis Law School, under Professor Richard Wydick (author of *Plain English for Lawyers*).
 - Edited Bryan Garner's *Redbook* text on visual accessibility.
 - Drafted over 2,000 plain language legal documents for state courts, legal aid agencies, and government agencies in: CA, WA, ID, NY, OH, TX, UT, AL, TN, KY, IO.
- Rafael Miguel, Actor
- Pat Malone, Moderator



Questions?

(Use the chat box on the right of your screen to ask questions.)



Class Goals

This class will explain:

1. What PL is
2. The 4 Essential Ingredients
3. How to recognize readability obstacles, articulate the problems using common language, and
4. Recommend steps to make the text more readable



Why plain language?

It saves money.

- Researchers in Communications report this extraordinary finding:

Language, design and format of text can be manipulated to influence user response.

- Plain language is a manipulation that can produce these outcomes:
 - Fewer errors on forms,
 - Fewer misunderstandings, greater compliance,
 - Fewer complaints,
 - Fewer questions that require court/staff time,
 - Quicker processing

Example: Witnesses will be more likely to respond to a subpoena if the form is called *Order to Go to Court and Provide Documents*, rather than *Subpoena Duces Tecum*.



What is PL?

In *Plain English for Lawyers*, Wydick says:

Plain legal language is:

- Clear,
- Concise, and
- Correct.



PL vs. Readability

PL is a subset of Readability.

PL \neq Readability.

Text must also be:

- Right grade level
- Visually accessible
- Generate reading interest & encourage reading persistence
- User-tested!



Usability

Can your readers fill out your forms, or find the information they need?

Highly usable documents are:

- as short as possible
- intuitively ordered, from the reader's perspective
- predictable

They:

- avoid cross-references and complex tables
- follow readability "real estate" guidelines
- use columns
- chunk text, using subheads
- are field tested with typical users to find the weak spots

Visual Accessibility

Certain design features help people read more easily. Here are terms you'll need to know:

Serif **Sans Serif** **Text Enhancement**
 a a Underline *Italics* **Bold**
Reverse Text ~~Strikeout~~

Case
 lower case ALL CAPS **White Space**
 Title Case Sentence case Justification
 SMALL CAPS Kerning Kerning
 Leading Leading
 Leading Leading

Chunking

Should I use mediation?
 Mediation is a non-adversarial, out-of-court alternative used to settle disputes. You and the other person with whom you have the dispute meet with a panel of volunteer mediators in a neutral location to discuss and attempt to resolve your dispute. If you want to use mediation, you need to contact a mediator or an agency that provides mediation services. The mediator will contact the other side and explain the process to them. If both sides agree, then a mediation session is scheduled.

VS.

What is mediation?
 Mediation is when a trained professional (a mediator) works with you and the other people in your case to find a solution without going to court.

Can I use mediation?
 Yes! In fact, this court says you must try to mediate first.

Where is the mediation?
 You will meet with the mediator in a private room in the courthouse. The mediator will meet with each side privately. Then, you will all meet together.

Register

The level of complexity of the words, phrases and reading grade level (RGL). Use familiar language and active voice. Examples:

- Modification → Change
- Subsequently → Then
- At the present time → Now
- The Court further orders → You must

This:

This Uniform Civil Affidavit of Indigency is an optional form for those who believe they qualify for financial relief. If the judge determines that you qualify for financial relief, the filing fee may be deferred; however it will not be forgiven. – 12th grade

Becomes:

If you cannot afford to pay the filing fees at this time, fill out this form. – 4th grade

Run a Spelling & Grammar check, to access the RGL.

Readability Statistics	
Counts	
Words	602
Characters	3050
Paragraphs	45
Sentences	26
Averages	
Sentences per Paragraph	1.2
Words per Sentence	16.3
Characters per Word	4.9
Readability	
Passive Sentences	3%
Flesch Reading Ease	43.9
Flesch-Kincaid Grade Level	11.0

OK

Readability =

- Visual Accessibility
- Usability
- Register
- Reading Interest
- Reading Persistence

Reading Interest & Reading Persistence

Interest: Capture your readers' interest right away – no preambles!

Persistence: Use navigation and intuitive ordering to keep them reading.

Tips...

- The **title** is (almost) everything. It should respond to the reader's natural question.
- Put the title in its natural **location**.
- Use highly readable fonts and meaningful graphics.

1. Register

The level of complexity of the words, phrases and reading grade level (RGL).
Our goal: Use familiar language and active voice. Write as if you were speaking.

Examples:

Obtain → *Get* Demonstrate → *Prove, Show* At the present time → *Now*

This:

This Uniform Civil Affidavit of Indigency is an optional form for those who believe they qualify for financial relief. If the judge determines that you qualify for financial relief, the filing fee may be deferred; however it will not be forgiven.

– *12th grade*

Becomes:

If you cannot afford to pay the filing fees, fill out this form. If the court approves your form, you can pay the fee later.

– *4th grade*



Tips to improve register

- Use familiar words and phrases. Write as if you were speaking.
- Use short words, short sentences, short paragraphs, v. few pages.
- Avoid overuse of specialized terms
Ex. *BIA accredited representative*, then *BIA rep.*
- Build (& share) an online glossary of terms that work for your audience (shared Google doc.)
- Omit words that do not convey meaning. See *PEL's working words*
- Replace legalese with PL; use *Black's Law Dictionary*



Tips to improve register

Working Words & Glue

From: Wydick's *Plain English for Lawyers*

Before:

A motion has been made by Erickson seeking severance of his case from the action against Orrick and the proceedings against Sims, and for a trial of his case separate from the trial of the other two cases. (38 words, 19 working words)

After:

Erickson moved to sever his case from the Orrick and Sims cases and have a separate trial. (17 words, 10 working words)



Tips to improve register

Let Your Readability Stats Guide You

Readability Statistics	
Counts	
Words	289
Characters	1629
Paragraphs	19
Sentences	13
Averages	
Sentences per Paragraph	1.9
Words per Sentence	14.4
Characters per Word	5.5
Readability	
Passive Sentences	7%
Flesch Reading Ease	37.0
Flesch-Kincaid Grade Level	11.6

± 350 wds per page

1-2 sentences per ¶

5-7th grade level (RGL)



Register – let's practice

General Information About the Physical Presence Requirement for Naturalization

In order to qualify for naturalization, you must show that you have been physically present in the United States for a certain number of days in the past three or five years (this is called demonstrating “continuous physical presence”).

Stats: 48 words; 14th grade; 2 sentences



Register

This:

General Information About the Physical Presence Requirement for Naturalization

In order to qualify for naturalization, you must show that you have been physically present in the United States for a certain number of days in the past three or five years (this is called demonstrating “continuous physical presence”).

Becomes:

Physical Presence Requirement

To be eligible for naturalization, you must show you have been here in the U.S. at least half of the last 3 or 5 years. (This is the *physical presence* requirement.) – 7th grade



Pre-sentencing advisement

Which are the working words?

If you are not a citizen, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

becomes...

If you are NOT a citizen and you are convicted of this crime, you may be:

- Deported
- Denied entry to the United States
- Denied naturalization



Another option:

Attention non-U.S. citizens!

You have been charged with a crime. Under U.S. law, if you are convicted, you could be deported and not be allowed to return to the U.S., or be denied naturalization.



Questions about:

- **Register?**
- **RGL?**



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2. Reading Interest

Does your document capture the reader's interest?

Titles are important!

The title should explain the document's purpose:

- Dissolution Procedures in Tennessee

How to Get a Divorce in Tennessee

- Pre-Trial Preparation

Get Ready for Court

Put the title, help prompts, most important info in its ***natural*** location



2b. Reading Persistence

Does your reader *want* to keep reading?

Make navigation easy.

- Use section numbers that are easy to spot:

① 2. ③ 4.

- Headings and numbers serve as *stepping stones* for the reader
- Information is in its *natural* spot.



CAO SC INSTRUCTIONS 1-1
INSTRUCTIONS FOR PLAINTIFF IN SMALL CLAIMS CASES

The person who files a claim in small claims court is called the plaintiff. The person the claim is filed against is called the defendant. This is a short information sheet for plaintiffs in small claims cases. At the Idaho Supreme Court's website you can get a booklet with more detailed information: <http://www.isc.idaho.gov/material.htm#sclaim>.

1. Filing Your Claim

You must file your claim in the county where the defendant lives or the county where the claim arose. For example, if your claim is about a car accident, the county where the claim arose is the county where the accident happened.

You can get a claim form from the court clerk in the county where you are going to file your claim. Fill out the form completely (except for the case number), and give it to the court clerk to be filed. You must pay a \$41.00 filing fee.

You cannot ask for more than \$5,000.00. You cannot avoid the \$5,000.00 limit by filing more than one claim against the same defendant about the same transaction or occurrence.

There are laws that put a time limit on filing claims. There are different limits for different types of claims. Many of the time limits are in Idaho Code Title 5, Chapter 2. The court clerk will not be able to tell you the time limit that applies in your case. The judge will decide what time limit applies in your case at the hearing on your claim. Generally, you should file your claim within one year after it arose, but there are many cases in which the time limit is much longer, and a few in which it is shorter.

2. Giving Notice of Your Claim to the Defendant

You must give notice of your claim to the defendant. The procedure for giving notice to the defendant is called service of process. If service of process is completed correctly, and the defendant doesn't answer your claim, the judge can give you a default judgment. The judge cannot give you a default judgment if service of process is not completed correctly. If there is more than one defendant, you must serve process on each defendant. If the defendants are husband and wife, you must serve process on each spouse.

Service of process should be completed within 30 days after you file your claim. In most counties, if you do not complete service of process within 30 days, your claim will be dismissed. If your claim is dismissed for lack of service, you can reopen your case by re-filing your claim. If you reopen your case within six months after you first filed your claim, you won't have to pay another filing fee.

There are two basic ways to serve process: certified mail and personal delivery by a non-party. Service of process is complete when the court clerk receives a certified mail return receipt signed by the defendant, or an Idaho Sheriff's Return of Service or an Affidavit of Service stating when and how the defendant was served.

a. Certified Mail

You can ask the court clerk to serve process on the defendant by certified mail. The court clerk will charge you a fee. The court clerk will mail the papers to the defendant, return receipt requested. If the court clerk does not receive a return receipt signed by the defendant, you will have to try a different way to serve process. Service of process by certified mail costs less than the other methods to serve process, but is often not completed because the defendant did not sign the return receipt.

How to Sue in Small Claims Court



Small Claims Court is a special court where:

- A person or a business can sue for up to \$5,000. (You can sue for more than \$5,000, but you must sue in Magistrate Court. You cannot get around the \$5,000 limit by filing 2 small claims.)
- The rules are simple.
- You don't need a lawyer. (You can talk to a lawyer before and after your trial, but you cannot have a lawyer speak for you in court. If you are a business, the owner or an employee can speak in court if that person is **not** a lawyer.)

To Start Your Case...

① Fill out these court forms:

- *Plaintiff's Claim** (You are the *Plaintiff*. The person or business you are suing is the *Defendant*.)
- *Summons*
- *Proof of Service*

You can get these forms from the Court Clerk or online at: www.courtselfhelp.idaho.gov. (Click on *Forms*, then *Small Claims*.)

② Take your completed forms to a court in the county where:

- The Defendant lives, or
- The problem happened.

The Clerk will charge you a **\$49** filing fee.

Different kinds of cases have different deadlines. If you miss your deadline, you won't be able to file your claim.

To know the deadline for your case, ask a lawyer or read this state law: <http://legislature.idaho.gov/idstat/Title5/T5CH2.htm>

③ Someone – not you – serves the Defendant

Each Defendant should be **served** (given) a copy of the papers you file at court. Read *How to Serve Your Small Claims Papers* to know what to do.

Warning! If you do not serve correctly, the court will close your case.

④ Wait 20 days for the Defendant to “answer”

If the Defendant files an *Answer* within 20 days of being served, that means s/he **disagrees** with your claim. If this happens, the Clerk will mail you:

- A *Notice* with the date and time of your trial, and
- A copy of the Defendant's *Answer*, which explains his/her side of the case.

⑤ If the Defendant does **not** “answer” within 20 days (and was served correctly) you will get:

- A *Notice* with the date and time of your trial, or
- An *Affidavit* form to fill out and file. (Some counties use *Affidavits* instead of a trial).

A judge will review your claim and evidence. You will win your case **if**:

- The judge decides your claim is valid,
- You go to your trial (or file a complete *Affidavit*).
- The Defendant is 18 or older and able to understand what the case is about.
- You show the court that the Defendant is **not** on active military duty. Contact the Defense Manpower Data Center for a free report:

Tel.: (703) 696-6762

Fax: (703) 696-4156

Online: www.dmdc.osd.mil/appj/scra/ (only if you have the Defendant's social security #)

Important: If the Defendant could not answer because s/he is in the U.S. Armed Forces, you **cannot** get a default judgment.

If you meet these requirements, the clerk will mail or give you a copy of the “default judgment.”

⑥ Contact the Clerk if...

You cannot go to your trial on the date listed on the *Notice*. If you have an *urgent* reason to change the date, file a *Request for New Trial Date* at least 2 weeks before your trial.

You or a witness needs help with English or has hearing problems. The Clerk can send a free interpreter to your trial. The court does not allow friends or relatives to interpret for you.

Reading Interest and Reading Persistence

Capture your reader's interest right away. Use catchy headings, organize your information, and help your readers find what they are looking for by presenting the text in a way that responds to the reader's natural questions and interests.



How to Change Your Name *(for an Adult)*

In California, adults can change their name *without* going to court. You can just start using your new name.

But, sometimes it's better to get your name changed by a court. Federal agencies and many government agencies, like DMV, will not accept your new name without a court order.

There are **two** main ways to get a court order for a name change.

- Fill out and file these court forms to ask the court for a name change:**
 - *Petition for Change of Name*, Form NC-100
 - *Attachment to Petition to Change Name*, Form NC-110
 - *Order to Show Cause for Change of Name*, Form NC-120
 - *Decree Changing Name*, Form NC-130You can fill out the forms online at:
www.courtinfo.ca.gov/selfhelp/other/namechange.htm

And, put a notice in a newspaper saying you are changing your name. (You do not have to let anyone else know you are asking for a name change.)

Then go to a court hearing and ask the judge for a court order with your new name.
- Ask for your old name during or after your divorce.**

If your divorce is *not* final, ask the judge to give you back the name you had before you were married.

If your divorce *is* final, you can ask the court to give you back your old name by filing a *Request for Restoration of Former Name*, form FL-395.

The Family Law Self-Help Center can help you fill out your forms.

Go to: **400 McAllister Street, Room 009**

Can the Court refuse to change my name?
The court usually agrees to change the name, *unless*:

- Someone objects and the judge agrees.
- Your new name includes threatening or obscene words, racial slurs, or words that would cause confusion.
- You want to do something illegal with a new name.
- The new name interferes with the rights of someone else. For example, you cannot change your name to a famous movie star's name to make money by using that name.

What happens after my name is changed?
It is a good idea to get a certified copy of the court order from the court clerk. (Some agencies or companies may ask you for this.)

You can use the certified copy to request important legal documents with your new name, including:

- A birth certificate with your new name
- A new social security card
- A driver's license or ID card with the new name.

This will make it easier to have your other records changed.

Need help?
Go to the ACCESS Center for the forms and instructions you need. We can also help you prepare your notice for newspaper publication. And, we can provide you with a list of newspapers for you to contact.

Our schedule is:

Monday – Thursday: 8:30 a.m. – 12 Noon
1:30 p.m. – 4:00 p.m.
Friday: 8:30 a.m. – 12 Noon

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San Francisco, CA
94102-4514
415.551.5880
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Funding from Foundation of the State Bar of California

Tips...

- The title is (almost) everything. It should respond to the reader's natural question.
- Put the title in its **natural** location.
- Use highly readable fonts and meaningful graphics.



LEGALIZATION

There is currently no **Amnesty** or **Legalization** that would allow undocumented non-citizens to file for legal residence (Green card) in the United States. Proposals for **Legalization** are currently pending in Congress. No one can predict if any of these proposals will become law.

If any of the proposals being discussed in Congress passes and becomes law, undocumented non-citizens could apply to obtain legal temporary residence that would allow them to live, work, travel and return to the United States.

Even though we do not know what the new law (if there is one) will require, there are a few things you can do now to prepare just in case there is a new legalization program in the future:

- **Obtain your identity documents:** make sure you have a current, unexpired passport. Do not wait for a change in the law to obtain or renew your passport! If you do not have a copy of your birth certificate, try to obtain one from family or from your consulate. Hold on to any other photo identification that you may have: State Id, School Id, etc.
- **Keep all documents that show your physical presence in the United States:** You may have to prove how and when you came to the United States. You should keep in a safe place documents in your name such as a passport with an immigration stamp; I-94 Arrival/Departure card; lease/mortgage; rent receipts, gas, electricity, and telephone bills, tax returns, marriage certificates, birth certificates for children born in the United States, school records for all children, etc.
- **File your taxes:** If possible, file any back taxes that you have failed to file in the past (keep in mind that you will likely owe money). Going forward, begin filing your federal income taxes each year, even if you are being paid “off the books”. If you do not have a Social Security Number you can apply for an Individual Tax Identification Number (ITIN)
- **Arrests and convictions:** You should try to avoid getting arrested or convicted of crimes. Convictions and admission to commission of a crime using forged documents, fraud, possession of marijuana or possession of a firearm are ineligible for any legalization program.
- **Obtain all certificates of disposition:** If you have ever been arrested (even for something minor), obtain all certificates of disposition from where arrested. In New York City these can be obtained at the borough where you were arrested.
- **Study English:** Enroll in an English as a Second Language program and continue working toward learning basic English.

2010 doc

- 435 words
- 10.8 RGL
- 1 page

Readability Statistics	
Counts	
Words	435
Characters	2163
Paragraphs	10
Sentences	17
Averages	
Sentences per Paragraph	2.4
Words per Sentence	22.1
Characters per Word	4.9
Readability	
Passive Sentences	29%
Flesch Reading Ease	50.9
Flesch-Kincaid Grade Level	10.8

5.6 grade level; 342 words	6.4 grade level; 241 words	5.8 grade level; 191 words	109; 4.9	69; 4.4
<p>Amnesty for Undocumented Immigrants? Many undocumented immigrants want to know if there will be an amnesty or legalization program soon. If new immigration laws are approved, the rules about who can become a legal U.S. resident (get a green card) may change. But there is no new immigration law yet.</p> <p>What would the new law say? A new law might let undocumented immigrants apply to become legal residents. That means they would have the right to live, work, and travel to and from the U.S.</p> <p>Should I get ready for the new law now? Yes. No one knows if there will be a new law or what it will say. But you should get ready now, in case. If a new law is passed, you will be ready to apply quickly.</p> <p>Get these things ready now:</p> <p>Your passport, birth certificate and other ID:</p> <ul style="list-style-type: none"> • Current, valid passport • Copy of your birth certificate • Other photo ID, such as a school ID, driver's license, etc. <p>Need help? Your consulate can help you renew your passport and get a copy of your birth certificate.</p> <p>Proof of being in the U.S.: You may have to show proof of the time you have been the U.S. Your proof could include your:</p> <ul style="list-style-type: none"> • Rent / housing, utilities, or phone payments, • Tax returns, pay stubs, or • Stamps on your passport or an I-94 card • Children's school records or birth certificates (if born or schooled here) <p>File your taxes: If you have not filed all of your tax returns, do it now. And keep doing it, even if you have to pay back taxes or are working "off the books". If you do not have a Social Security Number, apply for an Individual Tax ID Number (ITIN).</p> <p>Avoid getting arrested or convicted of any crime. Even a minor crime could disqualify you for legalization. If you have been arrested or convicted of a crime, get copies of your court record and talk to a lawyer.</p> <p>Study and practice your English: Most cities have free or low-cost English as a Second Language classes (ESL).</p>	<p>Are you an undocumented immigrant? A new immigration law may pass soon. If so, you may be able to apply for legal residency (green card).</p> <p>Get these things ready now so you can apply quickly if a new law is passed:</p> <p>Passport, birth certificate, and other ID:</p> <ul style="list-style-type: none"> • If your passport is expired or not valid, renew it at your consulate. • You can get a copy of your birth certificate from your consulate, and in some cases online. • Other photo ID (school or work ID, driver's license, etc.) <p>Proof of being in the U.S.: You may have to show proof of the time you have been the U.S. Your proof could include your:</p> <ul style="list-style-type: none"> • Rent / housing, utilities, or phone payments, • Pay stubs, tax returns, • Stamps or visas on your passport, or • U.S. school records or U.S. birth certificates for your children <p>File your taxes: If you have not filed all of your tax returns, do it now. And keep doing it, even if you have to pay back taxes or are working "off the books." If you do not have a Social Security Number, apply for an Individual Tax ID Number (ITIN).</p> <p>Avoid getting arrested or convicted of any crime. Even a minor crime could disqualify you for legalization. If you have been arrested or convicted of a crime, get copies of your court record from the courthouse.</p> <p>Study English: There are many free and low-cost English as a Second Language classes (ESL).</p>	<p>News for undocumented immigrants If a new immigration law passes, you could become a legal resident.</p> <p>Get these things ready now so you can apply quickly:</p> <p>Passport, birth certificate, and other ID:</p> <ul style="list-style-type: none"> • If your passport is expired, renew it at your consulate. • If you do not have your birth certificate, try to get one online or from your consulate. • Other photo ID (school or work ID, driver's license, etc.) <p>Proof of being in the U.S.: Make copies of documents that prove your time in the U.S., including:</p> <ul style="list-style-type: none"> • Rent / housing, utilities, or phone payments, • Tax returns, pay stubs, • Stamps or visas on your passport, or • U.S. school records or U.S. birth certificates for your children <p>File your taxes: If you have not filed all of your tax returns, do it now. Do it even if you have to pay back taxes or are working "off the books." If you don't have a Social Security Number, apply for an Individual Tax ID Number (ITIN).</p> <p>Stay out of trouble. An arrest or conviction could make you ineligible. If you have been arrested or convicted, see a lawyer.</p> <p>Study English as a Second Language (ESL).</p>	<p>A new immigration law may pass... that lets you become a legal resident.</p> <p>Get these things ready now so you can apply quickly:</p> <p>Passport (valid)</p> <p>Birth certificate</p> <p>One more photo ID (work, school, government)</p> <p>Proof of being in the U.S. (bills, receipts, or any other document that proves you have been in the U.S.)</p> <p>File your taxes even if you are working for cash or have to pay back taxes. Apply for an Individual Tax ID Number (ITIN) if you don't have a Social Security Number.</p> <p>Stay out of trouble. If you have been arrested or convicted, see a lawyer.</p> <p>Study English as a Second Language (ESL).</p> <p>Need help?</p>	<p>Undocumented? If a new law passes, you could apply to be a legal resident.</p> <p>Get these things ready now:</p> <p>Passport (valid)</p> <p>Birth certificate</p> <p>1 more photo ID (work, school, government)</p> <p>Proof of being in the U.S. (bills, receipts, etc.)</p> <p>File your taxes. if you do not have a Social Security No #, get an Individual Tax ID (ITIN).</p> <p>Avoid legal problems.</p> <p>Study English.</p> <p>Need help? Call us: Catholic Charities (890) 123-4567</p>

If a new immigration law passes ...

You could apply to be a legal resident. Get these things ready now:

- Your passport (valid)
有效护照
Su pasaporte válido 
- Your birth certificate
出生证明
Su acta de nacimiento 
- 1 more photo ID
另一个有照片的身份证件
Otra identificación con foto  from work, school, government
从工作单位、学校、或政府机构获得
del trabajo, escuela o gobierno
- Proof of your being in the U.S.
在美国的证明
Pruebas de su estadía en EE.UU.  bills, receipts, etc.
账单、收据等
cuentas, recibos, etc.
- File your taxes.
纳税
Declare sus ingresos.  If no Social Security #, get an [Individual Tax ID \(ITIN\)](#).
如果没有社会安全号码，获得一个个人报税号 (ITIN)。
Si no tiene No. del Seguro Social, obtenga una [identificación tributaria individual \(ITIN\)](#).
- Don't get arrested!
不被逮捕!
¡No corra riesgo de estar detenido! 
- Study English.
学习英语
Estudie inglés. 

Questions?

Call us: **Catholic Charities**
(890) 123-4567



Inmigrantes: ¡Prepárese para la reforma migratoria!
Tenga listo todo lo siguiente:



Su pasaporte válido



Su acta de nacimiento



Otra identificación con foto del trabajo, escuela o gobierno



Pruebas de su estadía en EE.UU. – cuentas, recibos, etc.



Declare sus ingresos.
No tiene No. del Seguro Social?
Obtenga una identificación tributaria individual (ITIN).



¡No corra riesgo de estar detenido!



Estudie inglés.

Llámenos: Catholic Charities
(890) 123-4567



Questions?

Need a break?



Immigration Advocates
NETWORK

Visual Accessibility

- Does your document design make it easy to read?
- Is it easy to find important information?



Visual Accessibility

Some techniques help people read more easily:

- Easy-to-read fonts (**Arial** = best & system fonts)
- White space,
- Meaningful graphics,
- Adjust font size for your reader, and
- Careful use of color (§ 508 requirement, functionality **must not** be color dependent)



White space & decoding

- This is normal leading. This is normal leading.
- This is expanded leading. This is expanded leading.
- This is tightened leading. This is tightened leading.
- Normal Kerning
- Expanded kerning.
- Tightened kerning.
- Normal ¶ spacing
- Expanded ¶ spacing

Meaningful graphics

Cómo usar intérprete en la corte

El intérprete es su voz en la corte.



Es muy importante hacer lo siguiente:

Escuche bien lo que le diga el intérprete.

Deje que el intérprete termine de traducir antes de contestar.

Hable despacio para que el intérprete pueda escucharlo bien.

No hable en inglés, aun si lo habla un poco. Es confuso para el juez.

No interrumpa aun si alguien dice algo que no sea cierto en su contra. El juez le dará oportunidad de hablar después.

Tome apuntes. Si alguien dice algo que no sea cierto, apúntelo. Luego, cuando sea su turno de hablar, usted puede dar su lado.

Visual Accessibility

CAPS or lower case?

Colin Wheildon says writing a sentence in lower case or sentence case gives better legibility. You will likely find this sentence relatively easy to decode.

BUT READING A PARAGRAPH THAT IS WRITTEN IN UPPER CASE IS A MUCH HARDER TASK. THE EYES HAVE TO GROPE FOR THE IDENTITY OF THE LETTERS AND WORDS TO UNDERSTAND THE MEANING.



Use a readable case.

- ALL CAPS is difficult for readers to decode. Use it for words such as: **NO. STOP.**
- Use title case in titles *only*.
- SMALL CAPS – **never!**

Sentence case:

Both parties are restrained and enjoined from participating in the following activities.

Title case:

Both Parties Are Restrained And Enjoined From Participating In The Following Activities.

All caps:

BOTH PARTIES ARE RESTRAINED AND ENJOINED FROM PARTICIPATING IN THE FOLLOWING ACTIVITIES.



Color

- Use dark text on a light background.
- 8-12% of the population is color blind.
- § 508 (Disability Access) Color-alone must not be used to convey functionality



common

sense

is

vital

when

considering

color

contrast

pass

pass

pass

pass

fail

fail

fail

fail

Left align your text

- Ragged right edge creates natural spacing, more white space
- Justified text can cause “rivers of white”
- Centered text is harder to read

This is an example of justified type. Do you see all the white gaps of space between the words? These are called rivers and they make the text tiring to read. This example is a bit exaggerated, but you get the point.



Text Enhancements

- **Bold:** Use for a word, phrase, or short sentence
- *Italics:* Use for emphasis and foreign words
- Underline, ~~strike-out~~: Use as editing tools
- **Reverse text:** Pretty, but does not copy or fax well, and can be hard on the eyes.
- Roman: Most characters should be unenhanced, Roman text.



Divide text into “chunks.”

- Headings are road signs for your readers. Make the most of them!
- White space increases readability

Should I use mediation?

Mediation is a non-adversarial, out-of-court alternative used to settle disputes. You and the other person with whom you have the dispute meet with a panel of volunteer mediators in a neutral location to discuss and attempt to resolve your dispute. There are no forms to file to start mediation. If you want to use mediation, you need to contact a mediator or an agency that provides mediation services. The mediator will contact the other side and explain the process to them. If both sides agree, then a mediation session is scheduled. If mediation is successful, the mediation will help put your

What is mediation?

Mediation is when a trained professional (a mediator) works with you and the other people in your case to find a solution without going to court.

Can I use mediation?

Yes! In fact, the court says you must try to mediate first.

Where is the mediation?

You will meet with the mediator in a private room in the courthouse. The mediator will meet with each side privately. Then, you will all meet together.



Chunking and Headings

What if the defendant doesn't obey the order?

He or she can be arrested and charged with a crime.

Should I call 911?

Call 911 if you are in danger or afraid, or if the defendant violated a restraining order. When the police come, tell them what happened. Tell them about any restraining orders, injuries, threats, and weapons, and if there were witnesses.

Can I agree with the defendant to cancel the order?

No. Only the judge can change or cancel the order.

Is the order valid outside of California?

Yes. The order is valid all over the United States, including U.S. territories and Indian lands. If you leave California, contact your new state's court or local police department. Ask them how they will enforce your order.

What if I don't have a green card?

The order is valid whether you have a green card or not.

What will the police do?

They will investigate and write an "incident report." You can get a free copy from the police department.

Will the police make an arrest?

If the police think a crime was committed, they can make an arrest. If they think the defendant violated a protective order, they must arrest him or her. If they do not make an arrest, you can ask the DA to file criminal charges instead.

What if I was raped?

Call the police. Don't wash yourself or your clothing until after the police come. Sexual assault is a crime, even if the defendant is your spouse or someone you know.

Tip... More than 50% of readers of brochures read *only* the headings.

Where to Find Legal Help

Click on any question:

- [Where can I get help for my immigration case?](#)
- [What is a *qualified* non-profit agency?](#)
- [Do I have to pay the non-profit to help me with my immigration case?](#)
- [Will it cost money to talk to a lawyer?](#)
- [How do I find a private lawyer?](#)
- [How much will a private lawyer charge me?](#)
- [How can I help my lawyer or non-profit with my case?](#)

Warning! Do **not** use a *Notario* or an immigration consultant for your immigration case.

If you have a complaint about a notario or consultant, go to: [Stop Notario Fraud](#) or [Fight Notario Fraud](#).

Where can I get help for my immigration case?

You can get legal help for your case from a:

- Qualified non-profit agency, or
- Private immigration lawyer.

What is a *qualified* non-profit agency?

Qualified agencies have lawyers and/or specialized staff (called BIA reps) who can help with immigration cases.

To find an agency near you, go to the [Agency Directory](#) of this website, then:

1. Click on your state.
2. Find an agency near you.
3. Check if the help you need is listed under *Types of legal assistance* they offer. If so, call or email them. Ask if they can take your case.

Do I have to pay the non-profit to help me with my immigration case?

Help from a qualified non-profit is free or low-cost for low-income people. If you use a private lawyer, you will have to pay the lawyer's fee.

Will it cost money to talk to a lawyer?

You may have to pay for your first meeting or "consultation" with a lawyer. You should ask about consultation fees before making an appointment. Talking to a lawyer does not mean that s/he will accept your case.

How do I find a private lawyer?

You can search for a lawyer who knows about immigration law at the [American Immigration Lawyers' Association's](#) website.

How much will a private lawyer charge me?

First Appointment: Most lawyers charge for the first appointment (consultation) separately. It's your chance to get to know the lawyer and see if s/he can take your case. Before you meet with a private lawyer, ask how s/he charges for the first appointment.

Case Fees: If you decide to hire that lawyer, and s/he can take your case, the lawyer will ask you to sign an agreement that shows you have hired him/her. Before you sign, ask the lawyer to give you these things:

- A written estimate of the lawyer's fees,
- A list of services s/he will provide for that fee,
- A list of things you need to do to help with your case, and
- An estimate of how long your case will take.

Where to Find Legal Help Dónde obtener ayuda legal

Click on any question: Haga clic en cualquiera de las preguntas:

- [Where can I get help for my immigration case?](#) ¿Dónde puedo obtener ayuda con mi caso de inmigración?
- [What is a *qualified* non-profit agency?](#) ¿Qué es una agencia sin fines de lucro calificada?
- [Do I have to pay the non-profit to help me with my immigration case?](#) ¿Tengo que pagar a la agencia sin fines de lucro para que me ayude con mi caso de inmigración?
- [Will it cost money to talk to a lawyer?](#) ¿Tengo que pagar para hablar con un abogado?
- [How do I find a private lawyer?](#) ¿Cómo encuentro un abogado privado?
- [How much will a private lawyer charge me?](#) ¿Cuánto me cobrará un abogado privado?
- [How can I help my lawyer or non-profit with my case?](#) ¿Cómo puedo ayudar a mi abogado o agencia sin fines de lucro con mi caso?

Warning! ¡Alerta! Do not use a *Notario* or an immigration consultant for your immigration case. No use un *Notario* o consultor de inmigración para su caso de inmigración.

If you have a complaint about a *notario* or consultant, go to: [Stop Notario Fraud](#) or [Fight Notario Fraud](#). Si tiene una queja sobre un *notario* o consultor, visite: [Stop Notario Fraud](#) o [Fight Notario Fraud](#).

Where can I get help for my immigration case? ¿Dónde puedo obtener ayuda con mi caso de inmigración?

You can get legal help for your case from a: Puede obtener ayuda legal para su caso de:

- [Qualified non-profit agency, or](#) Una agencia sin fines de lucro calificada, o
- [Private immigration lawyer.](#) Un abogado de inmigración privado.

What is a *qualified* non-profit agency? ¿Qué es una agencia sin fines de lucro calificada?

Qualified agencies have lawyers and/or specialized staff (called BIA reps) who can help with immigration cases. Las agencias calificadas tienen abogados y personal especializado (que se llaman BIA reps) que pueden ayudar con casos de inmigración.

To find an agency near you, go to the [Agency Directory](#) of this website, then: Para encontrar una agencia en su zona, visite el [Directorio de agencias](#) de este sitio web y:

- [Click on your state.](#) Haga clic en su estado.
- [Find an agency near you.](#) Encuentre una agencia en su zona.
- [Check if the help you need is listed under *Types of legal assistance* they offer.](#) Fíjese si la ayuda que necesita figura en los *Tipos de ayuda legal* que ofrecen. If so, call or email them. Si es el caso, llámelos o envíeles un mensaje por correo electrónico. Ask if they

Questions?

(Use the chat box on the right of your screen to ask questions.)



Immigration Advocates
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Step by Step Plain Language

Original

Here is a court document. Which characteristics of this document will make it difficult to read?

FORM VI		
STATUTORY INJUNCTION AGAINST BOTH PARTIES		
STATE OF TENNESSEE	COURT <small>(Must be completed):</small>	COUNTY <small>(Must be completed):</small>
STATUTORY INJUNCTIONS AGAINST BOTH PARTIES		FILE #: <small>(Must be completed; Clerk assigns #)</small>
		DIVISION: <small>(For large counties only)</small>
PLAINTIFF <small>(Name – First, Middle, Last):</small>	DEFENDANT <small>(Name – First, Middle, Last):</small>	

Both Parties Are Restrained and Enjoined From:

Transferring, assigning, borrowing against, concealing or in any way dissipating or disposing of, without the consent of the other party or an order of the court, any marital property. Expenditures from current income to maintain the marital standard of living and the usual and ordinary costs of operating a business are not restricted by this injunction. Each party shall maintain records of all expenditures, copies of which shall be available to the other party upon request.

Voluntarily canceling, modifying, terminating, assigning or allowing to lapse for nonpayment of premiums, any insurance policy, including but not limited to life, health, disability, homeowners, renters and automobile, where such insurance policy provides coverage to either of the parties, or that names either of the parties as beneficiaries, without the consent of the other party or an order of the court.

Harassing, threatening, assaulting or abusing the other AND from making disparaging remarks about the other to or in the presence of any children of the parties OR to either party's employer; and

Relocating any children of the parties outside the state of Tennessee, or more than 100 miles from the marital home, without the permission of the other party or an order of the court, except in the case of a removal based upon a well-founded fear of physical abuse against either the fleeing parent or the child. In such cases, upon request of the non-relocating parent, the court will conduct an expedited hearing, by phone conference if appropriate, to determine the reasonableness of the relocation and to make such other orders as appropriate.

This injunction shall not preclude either party from applying to the court for further temporary orders, an expended injunction or modification or revocation of this temporary injunction. This temporary injunction remains in effect against both parties until the final decree of divorce or order of legal separation is entered, the complaint is dismissed, the parties reach agreement, or until the court modifies or dissolves this injunction. This injunction does not require the signature of a Chancellor or Judge and, instead, operates automatically pursuant to Section 36-4-106(d) of the Tennessee Code Annotated because irreconcilable differences are not the sole ground alleged for dissolution of the marriage.

IT IS SO ORDERED, this the _____ day of _____, 20____.

JUDGE

7-1-07 1

Step by Step Plain Language

Step 1. Adjust Register

Here is the document after the author adjusted it for register only.

FORM 6		
COURT ORDER FOR DIVORCING SPOUSES		
STATE OF TENNESSEE	COURT	COUNTY
COURT ORDER FOR DIVORCING SPOUSES		CASE #: <small>(the clerk fills this in)</small>
		DIVISION: <small>(if any)</small>
PLAINTIFF'S NAME <small>(person who asked for a divorce):</small>		DEFENDANT'S NAME <small>(the other spouse):</small>
<small>first</small>	<small>middle</small>	<small>last</small>
<small>first</small>	<small>middle</small>	<small>last</small>

Both spouses must obey all orders below.

Do not sell, spend, transfer, assign, borrow against, hide, or do anything with any marital property that lowers its value, unless the court orders it or your spouse agrees. You may use your income for expenses that maintain your marital standard of living or pay the usual operating expenses of your business. You must keep records of all expenses and give your spouse copies of those records, if s/he asks for them.

You must not (unless the court orders it or your spouse agrees), change, cancel, or assign any insurance policy that covers either spouse. You must not change, cancel, or assign any insurance policy that names either spouse as beneficiary. You must not stop paying for any insurance policy premium that covers either spouse.

You must not harass, threaten, assault or abuse your spouse. You must not talk about your spouse in a negative way to OR in front of your children, your spouse's children, OR your spouse's employer.

You must not move the children out of Tennessee, or more than 100 miles from the marital home, unless the court orders it or your spouse agrees. Exception: If you have a good reason to be afraid that your spouse may hurt you or your children, you may go away. Later, you may ask the court for an emergency hearing and new orders. The court can hold the hearing by phone, if needed.

You must follow this order unless the court changes or ends it, your case is finalized or dismissed, or you and your spouse make an agreement. Either spouse may ask the court to change or cancel this order. If irreconcilable differences are not the only grounds for divorce this order goes into effect automatically. It does not need to be signed by a judge or chancellor. (TCA § 36-4-106(D)).

Date: _____

SIGNATURE OF JUDGE OR CHANCELLOR

7-1-071

Step by Step Plain Language

Step 2. Improve Reading Interest and Persistence

Here is the document after the author adjusted it to improve reading interest and persistence. What changed?

COURT ORDER FOR DIVORCING SPOUSES		Case number (the clerk fills this in): _____
In the Family Court of: _____ County, TN		Division (if any): _____
Plaintiff's Name (person who asked for a divorce): _____		
first	middle	last
Defendant's Name (the other spouse): _____		
first	middle	last
Both spouses must obey <u>all</u> orders below.		
Do not:		
1. sell, spend, transfer, assign, borrow against, hide, or do anything with any marital property that lowers its value, unless the court orders it or your spouse agrees. You may use your income for expenses that maintain your marital standard of living or pay the usual operating expenses of your business. You must keep records of all expenses and give your spouse copies of those records, if s/he asks for them.		
2. (unless the court orders it or your spouse agrees), change, cancel, or assign any insurance policy that covers either spouse. You must not change, cancel, or assign any insurance policy that names either spouse as beneficiary. You must not stop paying for any insurance policy premium that covers either spouse.		
3. harass, threaten, assault or abuse your spouse. You must not talk about your spouse in a negative way to or in front of your children, your spouse's children, or your spouse's employer.		
4. move the children out of Tennessee, or more than 100 miles from the marital home, unless the court orders it or your spouse agrees. <i>Exception:</i> If you have a good reason to be afraid that your spouse may hurt you or your children, you may go away. Later, you may ask the court for an emergency hearing and new orders. The court can hold the hearing by phone, if needed.		
You must follow this order unless the court changes or ends it, your case is finalized or dismissed, or you and your spouse make an agreement. Either spouse may ask the court to change or cancel this order. If irreconcilable differences are not the only grounds for divorce this order goes into effect automatically. It does not need to be signed by a judge or chancellor. (TCA § 36-4-106(D)).		
Date: _____		
_____ SIGNATURE OF JUDGE OR CHANCELLOR		
FL-6	COURT ORDER FOR DIVORCING SPOUSES	2/12/10

Step by Step Plain Language

Step 4. Test Usability

Here is a sample field test instrument that the court can use to test the document's usability.

Sample Field Test: Questions for Consumers

- ① What is this form for?
- ② *Who* is it for?
- ③ What type of court issued this form?
- ④ What do you think is the most important information on this form?
- ⑤ If you were getting divorced and you got this form, what would you do with it?
- ⑥ Do you have to obey the orders on the form?
- ⑦ If your spouse asked for the divorce, are you the **plaintiff** or the **defendant**?
- ⑧ Would the orders on this form change the way you handle your money/property? Explain.
- ⑨ What would you do if you needed to move out-of-state for a job while the divorce case was open?
- ⑩ Are there any words on this form you think someone might have trouble understanding?

ATTACHMENT

Client Retainer Agreement- Sample 2

I, _____, understand that Immigration Legal Services (also known as the Program) will represent me in the following matter:

I understand that I am being represented in the matter listed above only and that, should any appeal be necessary, I am not guaranteed representation. The fee for this service is \$ _____.

In the event that additional services, other than those specifically described above, are needed in my case, I understand that additional fees may be charged. In the event that the immigration law or regulations change, requiring more time and effort to represent me, I understand that the fee for services may increase. I further understand that if changes occur in my life circumstances or if I take any actions that require Catholic Charities more time and effort to represent me, that the fee for service may also increase.

I HAVE THE FOLLOWING RIGHTS AS A CLIENT:

1. To be informed about any important developments in my case.
2. To be consulted before any significant decision is made on my behalf. The caseworker will abide by my decisions with respect to the objectives of the representation, subject to ethical and legal obligations.
3. Catholic Charities will keep information regarding my case confidential. However, it is possible that my case may be reviewed by others for grant or accreditation purposes but those individuals/entities will also be required to respect my confidentiality.
4. I have the right to know the qualifications of the staff assisting me.
5. I have the right to withdraw my case from Catholic Charities at any time.

AS A CLIENT, I HAVE THE FOLLOWING RESPONSIBILITIES:

1. To voluntarily give all information regarding my immigration history, and respond truthfully to all questions asked by my caseworker, furnish all documents requested, and otherwise reasonably cooperate with my caseworker.
2. To keep the caseworker handling my case informed of all developments, including, but not limited to, all changes of name, address, telephone number, immigration status, and other pertinent information. I will inform my caseworker of changes in address and telephone number in writing **within five (5) business days of the change.**
3. To keep all appointments with my caseworker or to call the caseworker *at least 24 hours* in advance to cancel an appointment.
4. To appear at any CIS interview or court hearing or proceeding regardless of whether Immigration Legal Services will represent me in that matter.
5. To make all payments to Immigration Legal Services in a timely fashion as agreed on in the payment agreement.
6. I will see my caseworker at least one time each year while my case is open with Immigration Legal Services for an annual update. There will be an annual charge of \$50 covering this visit and annual case maintenance.

ADDITIONAL UNDERSTANDINGS BETWEEN CLIENT AND IMMIGRATION LEGAL SERVICES:

1. Immigration Legal Services will pursue my case with all reasonable diligence, but **cannot** guarantee results. Thus, Immigration Legal Services **cannot** guarantee that I will be granted the benefit sought or obtain the desired outcome.
2. If I am in the United States without legal documentation, I am always subject to removal by the USCIS. Immigration Legal Services may not be able to protect me from removal and will make an independent decision regarding whether or not to represent me in removal proceedings.
3. Catholic Charities has a grievance procedure I may use if I have any complaints regarding the services provided. The procedure is as follows: The client will first contact the caseworker responsible for the client's case. If the

caseworker is not responsive to the client's complaint within **two days**, the client may prepare a grievance form (available from any staff member or the office receptionist) and give it to the Senior Program Manager of Immigration Legal Services, **Jeanne M. Atkinson at 202-772-4348**. If she does not resolve the problem, the form will go to Catholic Charities' Chief Operating Office who will make the final decision in the matter.

4. Immigration Legal Services may reassign my case among staff members. The Program will inform me in writing of such a transfer.
5. I understand that if I do not fulfill any part of this agreement, the Program may withdraw from my case.
6. I understand that the Program's fee is for legal services and does not include USCIS fees, out of pocket expenses, and charges for checks returned for insufficient funds. If I withdraw from the Program's representation, I will owe for the work completed at the time of withdrawal.
7. If a conflict of interest arises that cannot be resolved, the Program may withdraw from one or both individuals in this matter in keeping with ethical obligations.
8. The Program will keep my file for ten years after it is closed.

The following individuals by their signatures mutually agree to this contract.

Signature of Client

Signature of Caseworker

Date

Date

Our Agreement with You

[Agency name] agrees to give you legal help for your application for (*check one*):

- [new category here?] Visa for a family member
 Naturalization Deferred Action (Dreamers)
 U-Visa (for crime victims) Other: _____

How we will handle your case

We will assign one person to your case. You have the right to ask about that person's qualifications. If we need to change that person, we will send you a notice. We will also:

- Tell you about each important event in your case.
- Talk to you *before* we make any important decisions in your case.
- Respect your decisions, even if we do not agree with you. *Exception:* We can never do anything unethical or illegal.
- Keep all of your information private. Case records stay in our office for 10 years. If an administrator or funder sees your case information, they will keep it private, too.

We cannot make promises about your case or how it will end. If you are here illegally, you can be removed. If the government tries to deport you, we cannot promise to be your lawyer for the removal hearing.

Our fees

We will charge you \$ _____ to handle your case, plus \$50 per year until your case closes. This fee is for our work on this case **only**.

You will have to pay more if:

- We have to spend more time on your case because your situation or the law changes.
- You want our help with other services or an appeal (if you lose).

Other costs: You must also pay all Citizenship and Immigration Services (CIS) fees, your personal expenses, and charges for returned checks.

Signing below means you agree to:

- Tell us the truth about your case.
- Give us the documents we ask for, like passports, etc.
- Go to all CIS hearings and interviews.
- Keep your appointments. If you must cancel, call us at least 24 hours in advance.
- Contact us within 5 days if your address, phone number, or immigration situation changes.
- Pay us on time.

If you do not follow this agreement or if we have a conflict of interest, we can stop giving you legal help. If you are not happy with our services, you can fire us at any time, for any reason. But you must pay for all services provided up to the date you fire us. You must also follow our complaint procedures.

Fill out and sign below if you accept this Agreement:

Client or authorized person signs here Date [Legal Services Agency] signs here Date

The Big 4

1. Register

- Match your reader's register and reading preferences

2. Reading Interest & Persistence

- Capture your reader's interest with the title and subheads
- Make your text easy to navigate

3. Visual Accessibility

- Use design features that make the text easy to read.

4. Usability

- Improve by asking typical readers to use the document



Questions?



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Join Us!

Join a community of over 5,000 advocates dedicated to protecting and promoting the rights of immigrants in the United States.

To learn more, visit

www.immigrationadvocates.org



twitter.com/immadvocates



facebook.com/immigrationadvocates



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Why plain language? *It's the law.*

Federal policies:

- Clinton memo on Plain Language in Government Writing, 1998
- Plain Writing Act of 2010:
 - Requires federal agencies to design & implement a PL plan
 - Requires agencies to use PL in all “covered documents”
 - Provides PL guidance to agencies
- In the works: a Plain Writing Act for federal regulations

