CLELAF PRESENTATION

9 SEPTEMBER 2016

Plain language and the law: Legal information in Australia Dorothy Fauls The University of Queensland d.fauls@uq.edu.au

Why is this project important to me?

But it seems fair to say that Western societies are becoming apathetic. Although many may express sympathy for the plight of those in such bad situations, it is sometimes thought that leaving such people to fend for themselves is part of the harsh reality of any modern economy... But we should not allow ourselves to get used to it... it should be a call to action not only because some people get or own less than others but also because it implies that social relations have deteriorated to an inhuman state.'

(Wolff & De-Shalit, 2007, Disadvantage, p7-8)

'We passively regard the complex workings of our society as like natural forces whose effects are fortunate for some, unfortunate for others, but not a matter of justice for which we should take collective responsibility.'

(Young, 2011, Responsibility for Justice, 40)

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	1995	Testing plain language revisions to the Timeshare Act	testing of each version with <mark>university students, and employees or volunteers at an advice bureau, ecology centre, and a student of the students are students. The students are students are students are students are students are students are students.</mark>	88% of participants rated revisions as being clearer or much clearer, but improvement in answering questions about the act was slight except for one question.
Tanner	2000	Testing plain language revisions of a bank guarantee	questions, tested on undergraduate and	An overall improvement in comprehension but still some difficulty with parts of the document.
Masson ind Waldron	1994	Testing plain language revisions of a mortgage, sale of property, bank loan, and lease renewal	paraphrase, and answer questions about hypothetical scenarios. Participants were	Simplifying drafting style does increase comprehension, but plain language drafting should be supported by public legal education and advice.
ampbel	1999	Testing comprehension of revised bank contracts	All of the participants had a secondary	Reading rate was slower for revised documents but comprehension improved.

	Date		Methods	Results
Giddings & Robertson	2002	To assess the nature of services, reasons/motivations behind services, and their merit, utility, and further use	Interviews – 20 participants (staff from legal aid commissions and community legal centres) Collected documentary data	Insufficient understanding of the limits of self-help services. Participants unable to say with certainty that their self-help services worked well, or produce any evidence demonstrating their success.
Hunter, Banks & Giddings	2009	To assess good practice in legal service design and operation	Interviews – 144 participants (providers, related agencies, clients)	Only two services met their own objectives, and only one also met client needs. The majority of services were more focused on meeting the needs of the provider than the needs of clients. Printed kits required a high level of literacy.
Kirby	2011	To study best practice in community legal information		Further research required to investigate benefits of community legal information
Lawler, Giddings, and Robertson	2012	To gain a clearer understanding of the potential for and limits of self- help in the legal landscape	Textual analysis Interviews (people who provide the materials, people who use the materials, and other relevant stakeholders)	The objective of resources was to empower people. Self-help resources may hinder rather than aid those in need.

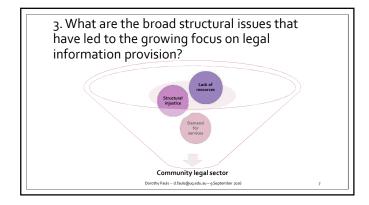
1. Is legal information an effective way of communicating the law to disadvantaged groups, considering their vulnerabilities?

To use self-help resources, people need to 'have a reasonable degree of control over their lives, have sufficient confidence in their abilities, possess negotiation skills, and [be] operating in a context in which debilitating emotional issues are not being generated' (Giddings & Robertson, 2002, p. 454)

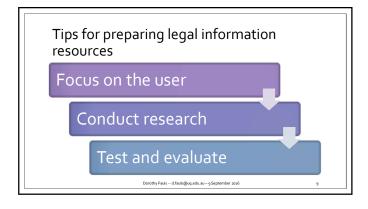
Buck et al. make the point that human behaviour is complex, and even people with access to resources and the knowledge and skills needed to handle a legal problem may choose to do nothing: self-esteem, ability to cope, entrenched avoidance behaviour, life circumstances and support networks are all factors to be taken into account alongside anxiety about the implications of dealing with a problem. Basic levels of literacy and numeracy are further key tools required to deal with legal issues, again highlighting how general vulnerability intersects with potential to achieve access to justice (2008, p. 678).

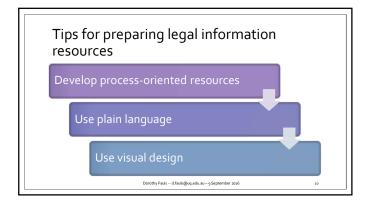
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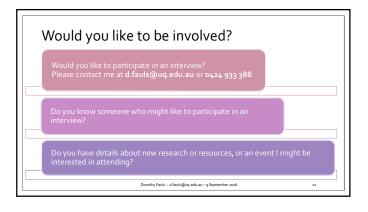












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