



# **A study into best practice in community legal information**

**A report for the  
Winston Churchill Memorial Trust of Australia**

Ms Johann Kirby  
Executive Director, Victoria Law Foundation  
2010 Churchill Fellow



# **The Winston Churchill Memorial Trust of Australia**

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Executive Director, Victoria Law Foundation  
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## **To study the delivery of best practice community legal information**

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Signed

16 September 2011

Dated

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## Introduction

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The Churchill Fellowship allowed me to travel across the world to study developments in the area of plain language and community legal information. The Fellowship confirmed my passion for this topic and the positive difference organisations such as the Victoria Law Foundation can make with their work. This opportunity would not have been possible without the Churchill Trust and its commitment to supporting the individual passions of its Fellows, and I would like to formally acknowledge this support.

From the time I conceived my project I had a number of people who encouraged and supported me in my endeavour. I would like to thank them for their continued support, in particular past Fellows Caitlin English and Tabitha Lovett, who assisted me with my application and the planning of my trip, my referees The Honourable PD Cummins and Hugh de Kretser, and the Board of the Foundation for their support. A special note must go to the staff of the Foundation, many of whom offered me both moral and practical support through the preparation of my application, during my trip and the writing of my report. I would also like to thank Christopher Balmford for his assistance in helping me develop my itinerary and in sharing his library of resources. Also, thanks to all the people and organisations that gave so willingly of their time and shared their skills and knowledge. Finally, I would also like to thank my husband Andrew Kirby and my family for coming along on this journey with me.



## Executive summary

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My Fellowship confirmed that community legal information plays an important part in assisting members of the public in avoiding legal issues, addressing them when they occur and increasing legal literacy. The sector is still in many ways developing and new ideas and research is improving the quality of legal information constantly. However more work needs to be done to understand what is best practice and address the issues faced by organisations with limited funding.

### Highlights

There were many highlights during my Fellowship including my visit to CLEO in Canada which gave me a wealth of information on which to build. The ability to examine the whole legislative process in Washington only made possible by the support of Annetta Cheek and my brief introduction into health literacy at Health Literacy Maryland arranged by Joanne Locke.

### Recommendations

The key recommendations from my Fellowship are:

- Organisations such as the Foundation should continue to raise awareness of the benefits of community legal information.
- Further research should be undertaken to investigate the benefits of community legal information and assist with the development of standards for the sector.
- Further research should be undertaken which looks to the work being done in other sectors and its application to the community legal sector.
- The effectiveness of community legal projects should be documented and shared among the sector.
- The Foundation should continue to deliver its training and sector development programs and document outcomes from this.
- The plain language sector in Victoria should investigate establishing awards and standards to raise awareness and encourage compliance and promote the passing of legislation to improve the quality of community information generally.

### Implementation and dissemination

- Circulate my paper widely among the legal sector and other interested parties.
- Present the findings of the Fellowship at relevant conferences, workshops and working groups.
- Continue to deliver community publishing and plain language workshops and training including information from my Fellowship.
- Continue to development international networks that promote the sharing of ideas.
- Investigate the development of standards and conduct surveys on the use of new technologies in the sector across Victoria.
- Work collaboratively with other plain language specialists to promote plain language and implement measures to raise awareness.

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## Program

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### **Toronto, Canada**

**Community Legal Education Ontario/Éducation juridique communautaire Ontario (CLEO) – Kim McCutcheon and Caroline Lindberg**

CLEO develops information resources on legal issues faced by low-income and other disadvantaged communities.

**Ontario Legal Education Network/Réseau ontarien d'éducation juridique (OJEN) – Sarah McCoubrey**

OJEN develops programs for students to encourage engagement with the law.

**Ontario Law Foundation – Elizabeth Goldberg and staff**

Foundation distributes the interest on solicitor trust accounts similar to the Victorian Public Purpose Fund. They fund many projects that support community legal information.

**ARCH, Disability Law Centre – Ivana Petricone**

ARCH provides legal services to people with disabilities.

### **Washington DC, United States of America**

**Centre for Plain Language – Annetta Cheek**

**Centre for Plain Language – Joanne Locke**

**Health Literacy Maryland conference**

**Executive Office of the President, Office of Management and Budget (OMB) – Alexander T. Hunt and Nicholas A. Fraser**

OMB is responsible for monitoring the implementation of the Plain Writing Act 2010 (US)

**Congressman Bruce Braley's Office – Todd Wolf**

Congressman Bruce Braley was responsible for negotiating the passing of the Plain Writing Act 2010 (US)

**United States Department of Justice, Access to Justice – Maha Jweied and Karen A. Lash**

The Access to Justice unit is examining issues relating to the delivery of legal services.

**Internal Revenue Service (IRS) – Jodi L. Patterson**

The IRS is the equivalent to the Australian Tax Office. They are currently implementing a program to update all their notices.

**Plain Language Action and Information Network (PLAIN) – Amy P. Bunk, Kathryn A. Catania and Miriam Vincent**

PLAIN is a group of passionate individuals that promote and provide training in plain language.

### **Stockholm, Sweden**

PLAIN Conference

**London, UK****Clarity – Working group meeting**

Clarity is the international body promoting plain language in the law.

**Advicenow and PLENET – Martin Jones**

Advicenow brings together resources on the law and legal rights for the community.

PLENET promote high quality community legal education and ASA Advicenow.

**Citizen Advice Bureau – John Gilles**

The Citizen Advice Bureau provides information, advice and legal services for the community.

**Money Advice Service – Garry Hunter**

The Money Advice Service is an independent statutory body that focuses on increasing the financial literacy of those living in the UK.



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# 1

## About the author

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As Executive Director of the Victoria Law Foundation (**Foundation**) I oversee an organisation with a focus on helping Victorians understand the law. In large part this work involves producing high quality publications and funding other organisations to do the same. I know from my work that the quality and effectiveness of community legal information can vary greatly and the Foundation has made steps to address this by offering training and developing resources to assist organisations to improve the quality of their work. However, in the striving for excellence we are always looking for new ideas that can improve what we do. In 2010 this desire led me to apply for a Churchill Fellowship with the aim of examining the work of overseas organisations and seeing what we could learn from them to improve community legal information in Australia.

# 2

## Background

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The law is undeniably complex. As a lawyer it can be hard to remember what it's like not to understand the basic order, procedures and jargon of law. But, imagine the difficulty of understanding the law if you have not studied it, or have had limited exposure to it, are intimidated by it, or if you are new to Australia and come from a country where the Australian legal system is totally alien.

My interest in my Fellowship project has been driven by a belief that while it is not possible to remove the complexity of law, it is possible to produce publications that go some way to improving the community's understanding of the law, by applying the principles of plain language.

For my Fellowship I travelled to: Toronto, Canada; Washington DC, USA; Stockholm, Sweden and London, England and visited a broad range of organisations that develop and deliver community legal information and education programs and others that worked in related fields. While many of these organisations approach their work from different perspectives, the consistent dedication to making a difference to the lives of the people they served shone through at every meeting. I was inspired by their dedication, often with limited budgets, and the innovation that this produced. This is an area that relies heavily on the skills, passion and knowledge of individuals to achieve its aims.

As part of my Fellowship I wanted to discover:

- world's best practice in community legal information;
- areas for further research and what other sectors I could learn from; and
- how to raise awareness and keep good communication on the agenda.

This paper contains my findings.

### **2.1 Why do we need community legal information?**

When faced with a legal problem most people seek assistance in the first instance from non-legal professionals – relying on their known networks to assist them in taking the first steps to try and address their legal problems. At this stage they can, and sometimes do also seek out legal information, by accessing self-help material, searching the internet or visiting their public library to find assistance.<sup>1</sup>

While there is a multitude of information available from these sources, only a limited amount is designed for a community audience.<sup>2</sup> The complexity of the law means that many people find this material impenetrable – too complicated, too long and with too many assumptions about prior knowledge. This is further complicated when the reader finds the legal system intimidating or struggles with basic literacy.<sup>3</sup>

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<sup>1</sup> Law and Justice Foundation of New South Wales, *Justice Made to Measure: NSW legal needs survey of disadvantaged areas – Access to justice and legal needs Volume 3* (Law and Justice Foundation of NSW, 2006) 104.

<sup>2</sup> Consider legislation, reference books and text books.

<sup>3</sup> A survey of adult literacy and life skills conducted by the Australian Bureau of Statistics in 2006 found that 46% of Australians aged 15 to 74 did not have the literacy levels necessary to 'meet the complex demands of everyday life and work in the emerging knowledge-based economy.' Australian Bureau of Statistics, *448.0 – Adult Literacy and Life Skills Survey, Summary Results, Australia, 2006* (reissue) (2008) 5.

Effective community legal information addresses this issue by developing resources which apply plain language principles<sup>4</sup> that consider the audience's needs, knowledge and skills to ensure that they:

- can find the information they need;
- understand it the first time; and
- then take action to fulfil their goals.

While community legal information obviously has a role in assisting users to address their immediate legal problems it is also important for improving overall *legal literacy*. Improving the community's understanding of the legal system and how it affects them. This assists people to prevent legal problems altogether or be better prepared to deal with them when they arise.

## **2.2 Why did I travel where I did?**

In choosing my itinerary I looked for organisations or bodies who specialise in plain language and/or produce community legal information. Community Legal Education Ontario (CLEO) and Ontario Justice Education Network (OJEN) in Canada and Advicenow and Public Legal Education Network (PLENET) in the UK were all key bodies that I wanted to visit, as well as the Centre for Plain Language in Washington which had just been successful in lobbying for the passing of the *Plain Writing Act 2010* (USA).

While in Washington I was interested in looking at the work being completed by the government on health literacy to see whether this had any relevance to my work in legal literacy. Through this I was invited to attend a conference in Maryland on improving health literacy.

There were a number of organisations that I had hoped to visit in the UK but sadly due to recent government cutbacks many of these had either been closed or had their funding cut, preventing them from continuing to deliver community legal education programs.

My interest at looking at what was happening in the plain language field took me to the PLAIN<sup>5</sup> Conference held in Stockholm, Sweden. Not only did this give me the opportunity to meet with plain language specialists working across a range of fields but also allowed me to share my own experience through the presentation of a paper on the development of three editions of one of the Foundation's publications – the *Law help guide*.

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<sup>4</sup> It is often misunderstood that plain language is about simply using short sentence and simple words. This is not the case. Plain language is about good writing that ensures that your audience gets from the writing what they need.

<sup>5</sup> A international body promoting plain language, see: <http://www.plainlanguagenetwork.org/>

# 3

## What's the world's best practice in community legal information?

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Defining best practice is difficult in an emerging sector that is continually developing within an environment of rapidly changing technological advances.

In large part my Fellowship concentrated on looking at the processes involved in developing community legal information. Below I have detailed the consistent themes that came through my Fellowship, many of which are fundamental to the success of any community legal information program. I have also highlighted examples of successful approaches. Like Ms Rima Rudd, Senior Lecturer on Society and Human Development and Health at Harvard University when speaking at Health Literacy Maryland, I challenge us all to look in the mirror and ask ourselves what we can be doing better to make our communication and education programs more effective.

### 3.1 Knowing your audience

Unsurprisingly, the strongest theme from my Fellowship interviews was that successful community legal information relies on clearly identifying the audience of your publication and then developing your publications specifically to address that audience's needs. A clearly defined audience allows you to more readily determine the extent of the information required, sophistication of language, design, format and distribution.<sup>6</sup>

Once the target audience is identified, it is also important not to rely on assumed stereotypes of what the audience knows or requires to inform the development of the publication. It is preferable to engage with the audience to check that you have an accurate understanding of their characteristics and that you are developing something that meets their needs rather than what you think they need. The organisations that I visited took a similar approach to audience consultation in Australia including a combination of:

- the use of reference groups;<sup>7</sup>
- active involvement in the relevant sector through developing networks and sitting on working groups (to identify possible titles and what is working and what isn't);
- involvement in direct service delivery;
- other direct contact with members of the target audience; and
- various other forms of desktop research.

One organisation that I visited developed personas for their target audience members – allocating key characteristics to them to help tailor their publications accordingly. This might include cultural background, average education level, literacy, relevant legal issues, preferred form of delivery of information, etc.

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<sup>6</sup> The effectiveness of a publication can be drastically reduced where it is developed to meet the needs of several audiences. As these audiences invariably have different backgrounds, skill and knowledge. (For an example of this see the discussion in relation to translation at **section 3.6**).

<sup>7</sup> Reference groups are usually established during the development of a publication. Generally made up of representatives of the target audience or subject specialists a reference group will provide advice on the content, form and distribution of a publication.

### **Focus and other testing**

I discussed extensively the use of focus testing with all the organisations that I visited, including those not directly involved in community legal education.<sup>8</sup> In larger or commercial organisations the use of focus testing at all stages of the development of a publication was widespread. However, views on the most effective form of the focus testing varied greatly across organisations, including the number of participants, the way the testing is performed and at what stages it should be performed.

In the case of not-for-profits and community organisations with limited resources there was acknowledgement that the use of focus testing represents best practice. However, only a limited number of organisations complete it as a standard step in the development of their publications due to time and funding limitations. All of the organisations except one viewed it as an aspirational goal.

My Fellowship only allowed me to look superficially at the issue of focus testing. While I acknowledge that there is a wide range of expertise in this area, it still remains unattainable to many of the front-line organisations delivering community legal education programs. Given its potential to improve the effectiveness of these types of resources, it is an important area for further research with the potential to develop models that can be readily implemented by this sector at relatively low cost.

Another form of testing which is often discussed in the plain language arena is reading age testing. The issue of assessing the suitability of information for a target audience by determining the reading age of a publication incited heated discussion among the practitioners that I visited. Overall the use of setting reading ages for this purpose was viewed negatively as it was the general view that this type of testing relied too heavily on assessing the length of words as a determination of complexity rather than assessing the actual content of the material.

### **3.2 Publication development and editing**

My interviews confirmed my view that there is a continuing tension in the development of community legal information. This tension lies between providing a comprehensive précis of the law versus ensuring that the publication will be accessible to the audience, who may have little or no legal background and thus have difficulty understanding, on first reading, some legal concepts. Lawyers who have a very good understanding of the law can struggle to write in a way that is easily understood, while a writer may not understand the subtlety of some legal concepts – in a worst-case scenario leading to the development of incomprehensible, misleading or incomplete materials.

There were two structures that stood out as addressing common issues faced in this area one at CLEO and one at OJEN.

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<sup>8</sup> Focus testing is testing of materials on members of the target audience to assess their useability. Participants are often paid to attend information sessions.

### **Case study – Community Legal Education Ontario/Éducation juridique communautaire Ontario (CLEO)**

CLEO is the primary producer of community legal information for low-income and other disadvantaged communities in Ontario, Canada. They have in place a system that draws together the expertise of a lawyer and the communication skills of an editor.

The lawyer's role is to identify the subject matter of each publication, develop a first draft and then hand it over to the plain language editor for review and an initial design layout.

The lawyer acts as what is commonly known in publishing as a commissioning editor, consulting widely with the legal and community sectors to identify current issues and gaps in information that may be suitable for new titles. Consultation is both formal and informal including participating in working groups and other similarly coordinated activities. By identifying titles in this way the publication remains audience driven and therefore more likely to be relevant to them. The inclusion of legal expertise at this stage improves the accuracy of the material and avoids the complications of legal checking.

Once a title has been identified, the lawyer (usually) prepares a first draft themselves or engages a writer to do so drawing on the expertise of the reference group that tests the content of the publication. Once the first draft is completed it is passed to the plain language editor to review and complete a rough layout of the publication. Like in other areas in community publishing the presentation of material can be critical. So the plain language editor conducts a plain language edit and lays out the text. In some circumstances it may go to a designer for final layout. This step is important to ensure that not only the words are correct but that the presentation of the material supports audience understanding to make it more accessible.

### **Case study – Ontario Justice Education Network/Réseau ontarien d'éducation juridique (OJEN)**

OJEN develops programs that increase engagement and understanding of the law. Many of the programs focus on school students drawing on the skills of law students, lawyers and members of the judiciary to deliver their programs.

At OJEN all material undergoes the same editing process without exception. OJEN uses a wide range of writers including students, lawyers and members of the judiciary. To make sure it can be understood by the student audience each publication is edited as follows:

1. Legal edit to ensure that the content is legally correct.
2. Teacher edit to ensure the content meets teaching needs.
3. Student edit to ensure that the content of the publication is pitched at the correct level.

While obviously legal knowledge varies across the writers so does the ability to write appropriately for a student audience. By requiring all writers to go through the same editorial process the stigma is removed and the quality of the publication increased.

### 3.3 Design

All the organisations that I visited acknowledged the assistance that good design, layout and choice of format could have in improving the effectiveness of a publication. Good design acts as a visual guide to assist with finding information and highlighting key issues. When dealing with an audience that is time-poor and struggling to understand new legal concepts these features can be of significant assistance to increase understanding.

When this work is combined with plain language principles that consider appropriate heading levels and the order of information the potential benefits are considerable. However, like the issue of testing, this was an area where with limited resources many of the community organisations that I visited expressed a desire to do more work.

#### **Case study – Internal Revenue Service (IRS)**

The large scale work being completed by IRS in Washington DC highlights the potential benefits of good document design. The IRS sends out over 200,000,000 notices a year from a possible 1000 and is in the process of redesigning them to make them clearer consistent with the requirements of the *Plain Writing Act 2010* (USA). For the IRS each second notice avoided, payment made on time or phone call seeking additional advice that is avoided adds up to millions of dollars. This project is in its early stages but is likely to provide statistics that highlight the cost benefits of a commitment to better designed documents.

### 3.4 Format of publishing

While it may seem surprising all the organisations that I visited continued to focus on producing material in hardcopy.

The preference for hardcopy publishing is based on a number of reasons. Anecdotal evidence suggests that hardcopy material is preferred by the reader,<sup>9</sup> which is particularly true in the case of disadvantaged or rural groups who have more limited access to the internet and computers. Secondly, when the aim of a publication is to provide not only information but also to 'reach out' to a community the internet can be less effective as it relies on the reader actively searching for material. While this can be successful when the person is motivated by the need to look for an answer to a legal problem, it can have limitations when the focus is on raising legal literacy. In this case hardcopy publishing allows the publication to be brought to the reader rather than the other way around through placing material where the audience is likely to find it themselves or be given it by an associated service provider.

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<sup>9</sup> This is likely to change overtime as access, acceptance and usage of the internet increases.

### Issues with web downloads

All the organisations that I visited with a few exceptions have a strong hardcopy publishing focus. Their publications are also available on the web for download in PDF format where they can be viewed online or printed by the user.

While making material available on the web in PDF format is an important way of distributing publications (see distribution **section 3.7**), it does have shortcomings:

- there may be accessibility restrictions for some; and
- the layout, design and format of a hardcopy publication may not translate well to being viewed on screen or printed in an A4 format.

Some organisations are working on addressing this by developing PDF formats of the publications that are more readily suited to be downloaded or printed. At the Foundation we are also adding additional features to these publications when viewed online, including hyperlinks and a soon-to-be launched feature which will allow linking to an online glossary.

### 3.5 Use of technologies

All of the organisations that I visited had strong internet presences through well-established websites. The majority of these sites however were corporate sites which provided information about the organisation and access to material rather than being custom-made community legal education websites.

#### Websites

Some of the better funded organisations that I visited had developed very sophisticated websites for a general community audience with the primary aim of providing community-focussed information.

When websites were initially used for community legal information there was a tendency to imitate the format of a reference book on the screen, providing information organised like chapters in a book. In order to find information the reader had to scan large sections of text. For an audience that has limited background knowledge and is seeking an answer to a legal question this is unlikely to engage them appropriately. Current thinking suggests that websites for this purpose need to be designed to allow the user to 'pick and go', quickly finding the information they need and then leave the site. This requires information on a website to be layered. For example, if you are looking for information on a particular topic, the first page on the website might tell you the 10 most important things on that topic. If you want more information it will then lead you to that information expanding the information and level of difficulty as you progress through the site. This can be seen in the work on the American Healthfinder website.<sup>10</sup>

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<sup>10</sup> <http://www.healthfinder.gov/>

Another example of a website that performs a wider range of services than simply distributing publications is that website of the Money Advice Service (UK).<sup>11</sup> In this case the site takes the user through a questionnaire. After completing the questionnaire the user is provided with a tailored plan for taking better control of their money. This site works in conjunction with a number of other services offered by the Money Advice Service including telephone and face-to-face support. In many ways the work of the Money Advice Service represents best practice in community education. Their work is underpinned by extensive research, including consumer-focussed research and the support of behavioural psychologists. However, the quality of this work is difficult to emulate for smaller or community organisations whose budgets can be very limited.<sup>12</sup>

### Other technologies

The organisations that I visited also showed considerable interest in the use of new technologies such as phone apps, videos and webcasting. The Legal Services Commission (UK) (LSC) has developed a number of different internet-based resources through its Community Legal Advice Service (CLAS) but unfortunately these, like other critical services in the UK, have been recently decommissioned due to funding cuts.<sup>13</sup> Some of the formats tested by CLAS include: webguides, aural guides and video. Unfortunately, I was unable to speak to anyone from the LSC to determine the success of these resources.

In Canada I saw examples of webinars used for providing training but generally these focussed on training intermediaries rather than the public. Overall these were seen as a relatively cheap way of increasing their understanding in certain subject areas. There was also a sense that these types of approaches could be provided at relatively low cost as high production values were not required for this type of activity.

I know of a number of innovative internet projects produced in Victoria over the past few years. These include video guides for new immigrant communities (particularly focussing on groups who do not have a written language tradition) as well as videos provided on USB drives for students, the use of YouTube videos, online visual guides,<sup>14</sup> and interactive learning tools. However, my experience is that these tend not to be the focus of specialist community legal information organisations that often have limited resources, pressing needs and a focus on delivering to disadvantaged groups.<sup>15</sup> This is not to say that these organisations lack innovation. They do however have to allocate their resources where they consider they will have the greatest impact, often this won't be directed towards internet based or electronic resources.

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<sup>11</sup> <http://moneyadvice.service.org.uk/>

<sup>12</sup> In 2011/12 the Money Advice Service will receive £43.7 million in funding from fees raised from financial services firms regulated by the Financial Services Authority under the Financial Services and Markets Act 2000 (UK).

<sup>13</sup> For an archived copy of the Community Legal Advice website established by the Legal Services Commission see: [http://webarchive.nationalarchives.gov.uk/\\*/http://www.communitylegaladvice.org.uk](http://webarchive.nationalarchives.gov.uk/*/http://www.communitylegaladvice.org.uk)

<sup>14</sup> As used in some Courts including those in Victoria for example the Magistrates' Court of Victoria has an online visual guide to the Court and court process for those involved in intervention orders.

<sup>15</sup> Who in the view of most of the organisations that I visited still have more limited access to the internet than other groups.

Further the development of the internet has been critical for improving access to material, (see discussion under **section 3.7**), often making it available from one location rather than many. In Canada CLEO has established a website called CLEOnet<sup>16</sup> which provides access to a range of high quality community legal information through one portal for community sector workers. In Australia the Victoria Law Foundation has developed Victoria Law,<sup>17</sup> a website which does the same thing but focuses on bringing information about the law to the Victorian community.

### **3.6 Accessible information and alternative formats**

#### **Translation**

Another issue I discussed with all the organisations that I visited was translation and its application in community legal information. Given the diversity of the countries I visited, understandably the motivation for producing translated material varied greatly.

In predominantly English speaking countries such as Canada and England the universal view was that producing material in languages other than English that replicated existing English language material was of limited benefit. This was particularly the case when the target audience of the material was newly arrived immigrants.

The majority of English language material is produced on the assumption of a prior knowledge. In the case of some newly arrived immigrants what might appear to be basic concepts can be quite alien, for example: their understanding of the community's relationship with the police; acceptability of bribes; or other things that a person born in a country such as Australia might take for granted such as the concept of a drivers licence or the need to buy a ticket on public transport. Further, in some cases the use of written material may in itself be inappropriate if the target audience does not come from a country with a strong written culture. Obviously, for these groups a direct translation of English language resources may not be adequately meeting the audience's needs because of their different background knowledge.

The most successful projects in meeting the audience's needs are those that consult with the target audience and understand the needs and knowledge of the group and tailor information accordingly. This was one of the strongest outcomes from research conducted by CLEO on this topic. Caroline Lindberg,<sup>18</sup> in her paper in *Clarity*,<sup>19</sup> which discussed the development of a number of multilingual factsheets, emphasised the need to consult with representatives from the target audience to ensure that material was 'culturally appropriate and responsive to [the group's] needs.'

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<sup>16</sup> See: [www.cleonet.ca](http://www.cleonet.ca)

<sup>17</sup> See: [www.victorialaw.org.au](http://www.victorialaw.org.au)

<sup>18</sup> Staff Lawyer, CLEO

<sup>19</sup> Caroline Lindberg 'Developing plain language multilingual information about the law' (2009) 62 *Clarity* 53.

Further, in the same paper Ms Lindberg highlighted the need to be aware of the subtlety of language given how people from different cultural backgrounds may interpret the meaning of particular words differently, as demonstrated in this extract from her paper on the development of the multilingual fact sheets:

Our piece on criminal charges and immigration status said that if you are charged with an offence, you have the right to a trial. We meant this to be reassuring to people by implying the possibility that you might not be found guilty. But when we tested the translation text, newcomers from China were alarmed by the reference to trial. As a result we added a brief explanation about the criminal process in Canada.<sup>20</sup>

There are many other complex issues that need to be considered in relation to developing high quality multilingual publications which are outside the scope of this paper. The majority of these issues are covered in a number of research papers prepared by CLEO which can be found on their website.<sup>21</sup> Ultimately, the message from my study was similar in this area as in others is that in order to be effective translated publications need to address the specific needs of the target audience.

### **Easy English**

Easy English<sup>22</sup> is being used more and more effectively as a way of providing information to those with learning difficulties and low literacy. Easy English uses a combination of short, simple sentences without any hard words or jargon, combined with easy to understand pictures that support these words.<sup>23</sup> When faced with the challenge of making complex legal information accessible to a broad audience there is an attraction in thinking that Easy English can provide the solution.

Organisations such as SCOPE<sup>24</sup> in Australia and Change<sup>25</sup> in the UK have used Easy English with great success in their publications. However, of the organisations that I visited there was a view that explaining legal concepts and issues is complex and is therefore unfortunately ill-suited to the use of Easy English.

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<sup>20</sup> Ibid 55.

<sup>21</sup> <http://www.cleo.on.ca/english/reports.htm>

<sup>22</sup> Also known as Easy Words and Pictures.

<sup>23</sup> *Change, How to make information accessible – a guide to producing easy read documents* (4 May 2011) Change <http://www.changepeople.co.uk/productDetails.php?id=2010>.

<sup>24</sup> See: <http://www.scopevic.org.au/>

<sup>25</sup> See: <http://www.changepeople.co.uk/>

### **3.7 Distribution**

Probably the most critical issue for all the specialist organisations which I met with was the issue of distribution of information and how to effectively reach their audience. No matter how well written or designed a publication or resource is, it cannot be effective if it does not reach the target audience. This is an area that particularly highlights the need to understand how the audience will use the material.

We know from Australian and UK research that those seeking legal assistance in the first instance do so from non-legal professionals and other sources,<sup>26</sup> ranging from local authorities, the police and health workers and the internet. So the most obvious legal channels will often be ineffective.

#### **The challenge of the public audience**

Obviously, the breadth of a public audience creates considerable challenges when attempting to develop targeted marketing and distribution plans. For smaller community organisations this challenge is difficult to address due to logistics and costs. Therefore these organisations tend to work more closely with other service providers who act as intermediaries to reach their audience (which can be extremely effective). Where funding allows, organisations may choose to add direct but targeted delivery of community legal information. The advantage of having some distribution of materials directly to the audience is that this reaches readers who have been unable to navigate their way to formal assistance.

#### **Distribution through other community organisations**

Distribution of this type tends to focus on developing relationships with other service delivery organisations within the community sector. This might include support groups, health services providers, education services or other complementary services. For example a brochure on immigration law can be effectively delivered through immigration service providers. Some organisations also provide education to intermediaries, allowing them to better direct clients to information.

The use of intermediaries lends itself to internet distribution. Where material is available on the internet, intermediaries can print-on-demand publications for clients giving them immediate access to a range of publications without the need to store large quantities on site. Other advantages for suppliers included limited distribution costs and reduced printing costs as these are deferred to the intermediary.

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<sup>26</sup> Pascoe Pleasance, 'Civil Justice in England and Wales' (Report of the 2006-9 English and Welsh Civil and Social Justice Survey, 2010) 55; Christine Coumarelo, 'Access to justice and legal needs volume 3' (Justice Made to Measure, NSW Legal Needs Survey in Disadvantaged Areas) 104.

### **Other distribution models**

I saw examples of even greater targeting of distribution through intermediaries which aimed to reach out to the audience at particular points in their lives. An example of this is the work of the Money Advice Service which distributes some of its resources through focusing on pin-point distribution such as 'change of life' events that may impact on a person's financial position, for example the birth of a child, redundancy and retirement. In this case medical services and employers are involved in distribution.

Other similar examples include the distribution of information on the legal obligations of owning a pet through councils, veterinary surgeries and pet shops and information on parking laws through councils and driving instructors.

The challenge of attempting to reach a very broad audience can be further assisted through focussing on where the community goes when faced with a legal problem. As stated above, this is often in the first instance not to legal professionals but to family members, friends, libraries, the internet, other support networks or even the family doctor as they are suffering stress-related illnesses. The Foundation distributes one of its most popular publications, the Law help guide which helps Victorians find legal services, through general practice doctors' surgeries.

# 4

## Research and learning from other sectors

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Significant steps have been taken in the past few years to raise awareness of the qualities of good community legal information through the work of organisations such as Public Legal Education Association of Canada (PLEAC),<sup>27</sup> PLENET,<sup>28</sup> Advicenow, CLEO and the Victoria Law Foundation. Many of these organisations run on limited resources, adding to the complexity of the work they do. However, there are still numerous examples of poor quality resources being produced which fail to reach their audience due to it being overly complicated (both in the extent of the content and the language used) and poorly designed and structured. My Fellowship confirmed that while a lot has been achieved in this area in recent years there is still a need for further research, training and the opportunity to learn from the work in other sectors.

### 4.1 Research

Much of the information about the use and effectiveness of community legal information materials is anecdotal. Further research is required to more fully document how community legal information is used; its benefits and what steps can be taken to improve its delivery. There is a need to seek further funding or enter into partnerships with research bodies to identify critical issues and undertake high quality research to support this work.

### 4.2 Training

While there are some very good examples of community legal information there are also many examples of poor materials. Specialist skills and training are required to develop these resources. One way to alleviate the resource limitations of community organisations is to focus on building capacity in the sector. The Victoria Law Foundation utilising the model of Advicenow in the UK, has produced the *Better Information Handbook* which details best practice in community legal information.<sup>29</sup> It is my experience that these types of resources when used in conjunction with further training can make a significant difference in the quality of material produced.

### 4.3 Sharing ideas

In an area which often has limited funding it is particularly important that organisations share their successes and failures to learn from them to ensure the same mistakes are not made again.

While plain language principles play a key role in the development of community legal information there are important lessons to be learnt from other areas of specialisation. Areas such as document design, and marketing and communications are obviously rich sources of information on how to design resources that successfully meet set communication aims.

My attendance at the Health Literacy Maryland conference, attended by many leaders in the health literacy sector in America, and my meeting with the Money Advice Service (UK), confirmed for me the many similarities faced by the health, financial and legal literacy sector and the opportunities to learn from all of our successes and failures.

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<sup>27</sup> <http://www.pleac.ca/>

<sup>28</sup> <http://www.plenet.org.uk/>

<sup>29</sup> The publication can be downloaded from the Foundation's website: [http://www.victorialawfoundation.org.au/images/stories/publication\\_better\\_info\\_handbook.pdf](http://www.victorialawfoundation.org.au/images/stories/publication_better_info_handbook.pdf)

# 5

## To the future – ensuring change

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Developing specific skills and knowledge in the community legal information sector is critical but this sits within a larger systemic issue of the generally poor quality of information produced for the general public.

Overseas examples show that taking steps to address the larger issue of public communication is likely to have a run-on-effect. There are three main areas where steps had been taken to create a public profile of the plain language movement. These include:

- awards;
- endorsements; and
- legislation.

### 5.1 Awards

The establishment of awards that highlight both good and bad writing assist in raising the government and the public's awareness of the need for good clear communication. A number of countries have established awards including the Centre for Plain Language in the US who have a ClearMark Award – celebrating good writing, and the WonderMark Awards – highlighting examples of poor quality communication and others such as the Plain English Awards in New Zealand. At present Australia does not have an award for this purpose but overseas experience suggests that establishing one is likely to promote both the concept of plain language and encourage better communications.

### 5.2 Standards and endorsements

The UK has a long established system of endorsement and standards to recognise publications and websites that meet set standards. The two main endorsements provide a level of accreditation depending on the quality of the publication. These standards appear commonly on a range of government and private publications and including the *Crystal Mark* of the Plain English Campaign and the Plain Language Commission's *Clear English Standard*. The high level of awareness of these forms of endorsement in the UK, developed over several years, is an active incentive to produce publications that meet their standards.

Australia does not have a similar standard or endorsement system, though it is my understanding that you can apply to have these standards on Australian publications. If enough interest in a standard can be developed in Australia opportunities exist to use it, as in the UK, to increase the quality of communications.

### 5.3 Legislation

Countries such as the United States<sup>30</sup> and South Africa<sup>31</sup> have both introduced legislation that places obligations on various organisations to communicate clearly and effectively.

When I was preparing for my Fellowship I undertook a wide range of background research and over and over again one thing struck me: reports are written, new bodies established and other initiatives to promote plain language take place but they invariably lose momentum at some point. Even in Victoria as far back as the late 1970s the Victorian government produced a booklet on plain language and yet we are still discussing the issues today almost 40 years later. Legislation unlike the other methods listed above has the advantage of longevity and with appropriate incentives for compliance I suggest is more likely than any other method to have a long-term impact on improving the quality of public information.

While the scope of this paper does not allow me to look in detail at the issues relating to the development of legislation in Australia this is an area that requires further investigation.

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<sup>30</sup> *The Plain Writing Act 2010* (US)

<sup>31</sup> In this case through their consumer protection legislation.

## Conclusion

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My Churchill Fellowship confirmed that community legal information plays an important part in assisting members of the public in avoiding legal issues, addressing them when they occur and increasing legal literacy. The sector is still developing and new ideas and research are improving the quality of legal information constantly. However, there is still a pressing need to move away from anecdotal information to more formal research.

The key findings from my Fellowship are:

- Limited funding restricts the ability of the sector to deliver its programs.
- To be successful community legal information should apply plain language principles and focus on the needs of the audience, considering and being developed in consultation with the target audience.
- Audience cultural issues strongly influence the content and success of community legal information.
- While appropriate testing is an important step in the development of community legal information, cost and time constraints restrict its use.
- Hardcopy publishing is still the primary focus of most organisations.
- The use of new technologies is a developing area but is not widely used by the sector. Further work is required in this area.
- Material in languages other than English needs to be tailored to meet the audience's needs particularly when developed for new immigrant communities.
- Easy English will generally not be appropriate for use in the development of community legal information.
- Further research is required to better understand the issues that face the sector.
- Training and sector development are critical for improving the quality of community legal information.
- Community legal information standards could assist smaller organisations in improving the quality of their programs.
- Sharing of ideas and documenting the work being done in the sector is critical.
- Health and financial literacy as well as communications, marketing and document design are all areas where we could learn from to improve our work in the sector.
- Awards, standards are possible means of improving the quality of community legal information.
- Legislation is likely to have the most significant impact on improving the quality of community information generally.

My Fellowship confirmed for me the high quality of work being completed in this area. It also reiterates the need for Australia to engage in discussion in the international arena, both to offer our experiences and to learn from the unique issues facing other countries. My Fellowship has acted as an inspiration to raise awareness and change the way that we do things in the community legal information area. I plan to disseminate the information from my report in the following ways:

- Circulate my paper widely among the legal sector and other interested parties.
- Present the findings of the Fellowship at relevant conferences, workshops and working groups.
- Continue to deliver community publishing and plain language workshops and training including information from my Fellowship.
- Continue to development international networks that promote the sharing of ideas.
- Investigate the development of standards and conduct surveys on the use of new technologies in the sector across Victoria.
- Work collaboratively with other plain language specialists to promote plain language and implement measures to raise awareness.

## Recommendations

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Following on from the findings of my report the key recommendations from my Fellowship are:

- Organisations such as the Foundation should continue to raise awareness of the benefits of community legal information.
- Further research should be undertaken to investigate the benefits of community legal information and assist with the development of standards for the sector.
- Further research should be undertaken which looks to the work being done in other sectors and its application to the community legal sector.
- The effectiveness of community legal projects should be documented and shared among the sector.
- The Foundation should continue to deliver its training and sector development programs and document outcomes from this.
- The plain language sector in Victoria should investigate establishing awards and standards to raise awareness and encourage compliance and promote the passing of legislation to improve the quality of community generally.





**“Victoria Law Foundation provides a true partnership – collaborating, discussing and then disseminating what can often be complex research information to the justice system.”**

**Associate Professor  
Jeanette Lawrence**

School of Behavioural Science,  
University of Melbourne



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The Foundation is an independent statutory body funded by the Legal Services Board Public Purpose Fund. See our website at [www.victorialawfoundation.org.au](http://www.victorialawfoundation.org.au)

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