

Making Sense of the Law

A content and style guide for reviewers, editors, and authors of the People’s Law Library

Rev. 6.0, June 29, 2016

The Goal of the Maryland People’s Law Library:

The People’s Law Library (“PLL”) website is the Maryland Judiciary’s primary method of providing legal information and referral assistance to people representing themselves in court. PLL provides clear, reliable summaries of Maryland law, links to the text of the law, and referrals for legal help from a real person.

Reviewing an existing PLL article:

The purpose of the annual article review is to ensure we’re not misleading the public, in light of any changes in the law. At this level of review, we are **not** seeking to rewrite the articles for stylistic perfection.

You may notice that the articles have a “last updated” date that is very recent. Unfortunately, that is not as current as it looks – the date automatically updates any time even a spelling change is made.

Many articles will be fine – no tweaking required. If that’s the case, just send an email saying so. Here is a process checklist:

AM I DONE YET?

Article Content Review

- ___ **READ.** Read the article from start to finish, and read “Making Sense of the Law,” the PLL style guide.
- ___ **REVIEW THE LAW.** Read the following, to understand the content:
 - ___ Start with the existing citations in the article. Read these laws in context.
 - ___ Read a Maryland-specific secondary resource, or do your own statutory/case/rule research, to be clear about the contours of the legal topic.
 - ___ Review mgaleg.maryland.gov for recent changes in the law.
- ___ **VERIFY STATEMENTS & SPECIFICS.** Make sure the article accurately reflects current law, and that there are no significant omissions. In addition to statements of law, verify the accuracy of any of the following:
 - ___ Procedural steps,
 - ___ Deadlines, and
 - ___ Monetary amounts.
- ___ **DEVELOP.** If the article contains few or no legal citations, research and include appropriate citations.
- ___ **CHECK LINKS.** Make sure that any links on the page work properly and go to appropriate content.
- ___ **BILLS -> CODE.** Remove unnecessary date references and change bill citations to code citations.
- ___ **SIMPLIFY.** Include parenthetical explanations or definitions for terms of art, and consider writing around technical terms. Verify consistent word choice. (*vs. “renter” and “tenant”*)

Optional Issues

- ___ *Are article subheadings roughly parallel in scope? Do they quickly orient the reader to the material?*
- ___ *What is the grade level of the language? Are there suggestions on Hemingway or WriteClearly?*
- ___ **Visually check the article. Can you get the main [most important] point in thirty seconds?**
- ___ *Is the article a stub? Can you develop new content?*
- ___ *Is there extraneous information that should be removed? Is the article outdated or problematic?*

Basic annual review: Students

If you want to help, but don’t have extensive experience in the area of law involved, you can still do so! In this case, you will need to do the extra research to get up to speed in the area of law. You also need to find (or ask PLL for help finding) an attorney or other professionally experienced advisor to review your work.

Writing a new PLL article:

There are several considerations involved with writing a new PLL article.

1. Choosing a topic to develop

- Is the content likely to be used? (We don’t have much information about corporate mergers, because merging corporations usually have legal counsel.)
- Is the content central to our mission? (Civil, Judicial, Maryland-specific)
- Do we already have an article about the topic?
 - Look through the category pages in the relevant categories.
 - Use the “search” box to search articles containing key terms.
 - If the topic has already been addressed in a significant form, does the available information need to be updated, edited for clarity, or additionally linked from another category?
- Can we support the article? Is the author willing to review their work annually?
- It’s a good idea to run the idea by us ahead of time, so we can provide guidance before you do the work!

2. Consider Audience, Purpose, Scope, and Tone

Scope

Determine the scope of the article. How much of your topic can you cover in one article? Generally, articles should not exceed 1,500 words in length.

If you cannot accomplish the purpose you have selected in 1,500 words, you may need to break the article into two smaller, related articles. You may also choose to focus on one aspect of a topic. If you are only addressing one aspect of a topic, make the scope clear to the reader, and tell the reader where they can look for more information on aspects your article will not explain.

Tone

PLL is a judiciary website. It provides impartial summaries of the law. The writing must not appear to favor either party in a court case, and it must not express the writer’s personal opinion about the law. A PLL article is an explanation, not an editorial.

Some statutes are written from the government’s point of view. You will need to write from your audience’s point of view. Where “rights” are involved, your audience may be in conflict with the government.

Frame content for an **audience** of Marylanders, with wording adjusted to reflect the reality that non-Marylanders will also be reading. We don’t have to go far in trying to accommodate non-Marylanders, but we have to put them on notice when what we are saying is only true or applicable in Maryland.

Audience

The first step is to consider the audience. Writing for the public is challenging, because there are many things you cannot know about your audience. There are certain assumptions you can make when writing for PLL.

You may assume that the reader has a middle school education, lives in Maryland, and is in a hurry.

To get you beyond those basic assumptions, answer these questions:

2.1 Audience Focus Questions:

1. Describe the target reader of this article?
2. What single, primary reader goal is this article written to address? State the goal from the point of view of the reader.
3. What is the single most important fact/message this article seeks to express?
4. What is the most unexpected/counter-intuitive/confusing aspect of this topic, for a reader?
5. List any secondary objectives of this article, in order of importance (most important first):
6. Risk assessment: Describe the specific risks involved with this article. (What is the worst case scenario if the article is wrong or if the reader does not understand it?)

Purpose

Which of the following options best represents the purpose of the article you wish to write?

2.2 Purpose and type of article

Purpose	Type of Article
A general background understanding of an area of law. (“How does child custody work?”)	Overview
An explanation of the legal options for dealing with a specific circumstance. (“What are my legal options when my boss fires me?”)	Options
An explanation of a technical legal process. (“How do I file a motion in a Maryland Circuit Court?”)	Process
An explanation of how a process works in a specific county. (“What are the specific steps for recording a land deed in Baltimore County?”)	County list

3. Initial Research

There is no substitute for thoroughly understanding the topic you are trying to explain.
 If you are writing about an area of law in which you don’t have 10,000 hours of experience, most of your time will be spent learning!

- **Start broadly**
 - When creating new content for the site, review a number of resources. Begin with secondary sources to get an overview of the subject. New content should rely on a number of reputable sources. These are a good place to start:
 - The Conference of Maryland Court Law Library Directors Recommended Treatises (see <http://mdcourts.gov/lawlib/audiences/cclib/cclib.html>)
 - Texts by reputable publishers, particularly those with materials designed for self-represented litigants
 - *Pleading Causes of Action in Maryland*
 - *Maryland Law Encyclopedia*
 - *American Law Reports*
 - News items from the Daily Record, the Washington Post, the Baltimore Sun, or other reputable news organizations
 - The 90-day report from the General Assembly’s website
- **Identify all relevant Maryland primary law**
 - PLL articles should identify and link to relevant primary law sources. Because some laws are available from multiple different websites, PLL has standardized on the following sites to link for the various types of law.

- Statutes: <http://mgaleg.maryland.gov/webmga/frmStatutes.aspx?pid=statpage&tab=subject5>
- County codes: <http://www.lawlib.state.md.us/researchtools/codescounty.html>
- City and municipal codes: <http://www.lawlib.state.md.us/researchtools/codeslocal.html>
- Rules: <http://government.westlaw.com/linkedslice/default.asp?sp=mdc-1000>
- Regulations: <http://www.dsd.state.md.us/comar/>
- Case law: **Content should not liberally cite case law.** A PLL article is not a legal memorandum. Cases often require expertise to interpret, and not all cases are freely available. Important cases may be listed among the resources to investigate, however. Content may cite to cases when the case in question has a clear definitive statement of the law easily understandable by a lay party. Case citations do not need to follow each reference to the case. One citation in Blue Book form on the first reference to the case will suffice.

4. Organize your research into a “Reader-Directed” Draft

The research process will yield a great volume of unsorted information. You must take care in sorting the information and presenting it in a way that will help readers and answer their questions.

4.1. Introduction

Include an introductory sentence or paragraph that gives context for the topic, and explains to the reader what is included, and what is not included, in the article. Give some indication where a reader can turn if they are looking for information that is not included.

Start with the thirty-thousand foot view of the topic you will cover, and then zoom in. Here are two mental exercises that may help you develop a high-level summary:

- Try to summarize your topic in 20 words.
- Imagine explaining your topic to a 12-year old.

4.2. Organize concepts around the needs of your audience

There are often multiple ways to split up a topic and present it. Sometimes the organization scheme that is easiest for the writer makes the article much harder for a reader to absorb.

For example, you could organize an article according to the code sections or book volumes where you initially found the information. This is a great way to be sure you include all the relevant information. However, that approach forces the reader to read a great deal of extra information, and decide which relates to the reader’s own situation.

Generally, PLL articles will be organized around **likely audience questions**.

Go back and review the questions and answers you generated in response to the Audience Focus Questions in Section 2.1.

It’s a good idea to use bolded section headers that are in the form of questions, asked from the reader’s point of view.

Since you will not be present to guide the reader or answer the actual questions that arise, you must anticipate their questions as you write. Imagine explaining the topic verbally, and mentally “listen” for the questions that would flow from your explanation.

If you have no idea what questions a reader would have, talk to someone who regularly helps people navigate this area of law.

If you are explaining a process, keep the steps in sequence. Use bullets or numbers. After each step, mentally “listen” for the questions that might arise, and answer them. Present processes in a single sweep, without requiring the reader’s eyes to jump around the page any more than necessary.

4.3 Separate your content into discrete chunks

Divide what you want to say into separate chunks (for example, paragraphs or tables), with one main thought in each chunk.

“A common mistake in written instructions is intermixing procedures with concepts, policies, or facts.”

Organize information by type or category, not mixing rules, facts, or definitions throughout step-by-step procedure lists.

Information Types

Rule – A Statement intended to guide some behavior

Process – A Big-picture description of how all the actors work together to achieve a result

Procedure – A Recipe or instructions that guide the reader in doing a task

Concept – A Definition or example

Fact – A true statement about reality

What is expungement?

Can expungement help me?

IF	THEN
.....	YES!
.....	YES!
.....	NO!
.....	NO!

What do I need to do?

- 1.
- 2.
- 3.
- 4.

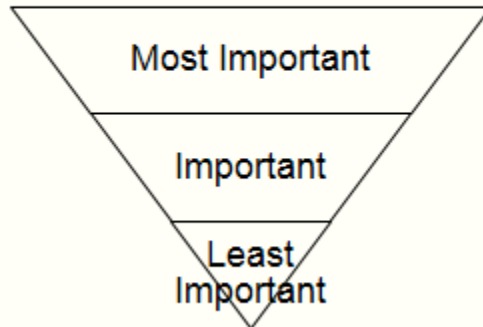
Who can I call for help?

Information Type	Characteristics	Presentation
Procedures	These are instructions for doing something.	Action tables (concise, sequentially numbered instructions, each beginning with an action word)
Process Descriptions	These are explanations of how something is done.	Consider diagrams, numbered lists, or tables.
Structures	These show what a thing consists of.	Charts and drawings
Concepts	These are definitions or examples , or combinations of both.	Consider using different layout and typography.
Principles	These are rules.	Consider using different layout and typography.
Facts	These consist of objective information regarding physical characteristics.	Consider text, pictures, diagrams, and bulleted lists.
Classifications	These deal with types and categories.	Lists and tables This may include bulleted lists of options.

http://members.ozemail.com.au/~bcoster/seven_principles_of_structured_writing.htm

4.4. Get practical, fast.

Clarity: The Big Picture



The average session duration for People’s Law is less than two minutes. People are reading your article to understand how to **take action**, given their circumstances. Keep general discussions of doctrine, history, and policy to a minimum. Help your audience solve a problem. In each paragraph, state your conclusion first, then back it up.

Again, consider the Audience Focus Questions from Section 2.1. Make sure that you answer questions 3 and 4 at the beginning of your article.

5. Edit for Simplicity

Statutory Language versus Plain Language

“Statutory language” (the language of statutes and other legal rules) is constructed to stand the test of time. The wording must be applicable the day it is drafted as well as years into the future, when lawyers will rely on it to measure situations as yet undetermined. That’s why statutory language contains so many qualifiers and apparently redundant descriptive clauses in an attempt to be precise. ...

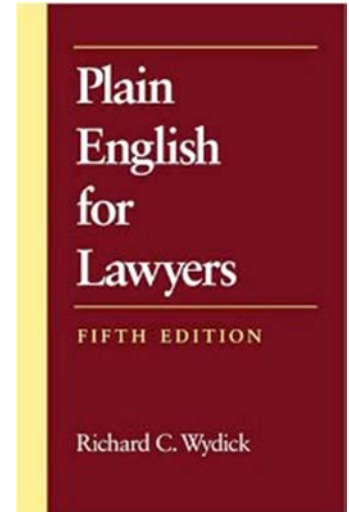
Plain language is not meant to stand as law, but to communicate efficiently and directly.

Untangling the Law: Strategies for Legal Writers, by Kristin R. Woolever, Wasdworth, Inc., © 1987.

Simplify wording without losing meaning. New content should clearly state the problem or legal issue that the information addresses. Content should be written in plain language as much as possible. We aim to provide content at a sixth grade reading level.

- Keep your sentences short. Break long sentences into multiple shorter sentences.

- Use shorter, common words. (“lawyer”, instead of “attorney”; “follow” instead of “conform”) If you must use a complex word or term of art, and a simpler term just doesn’t exist, provide a definition.
- Use terms consistently throughout the document. (Don’t switch from “senior citizens” to “elderly.”)
- Write in the active voice, unless you have a specific reason not to.
- Use personal pronouns. (Consider referring to the reader as “you.”)
- Use the command form (imperative mood) to explain a process, but do so carefully. “Should” is tricky. We are not offering advice. However, when explaining a process, you can use the command form to direct the reader through the process. Readers want instructions.
- Turning verbs into nouns (nominalizations) makes for long-winded, unclear sentences. (“Usage of cell phones in court is prohibited,” is less clear than, “Don’t use cell phones in court.”)
- Check your document with a readability tool. Microsoft Word contains a little-known tool that will tell you the grade-level of your writing. You just have to turn it on. (<http://office.microsoft.com/en-us/word-help/test-your-document-s-readability-HP010148506.aspx>)



Using the WriteClearly style analyzer

WriteClearly

Visit <http://openadvocate.org/writeclearly/> to use this interesting tool. All you need to do is drag the WriteClearly icon to your bookmarks bar, visit the page you wish to analyze, and click the WriteClearly bookmark.

The tool will make suggestions for improving readability.

Because PLL articles are summaries of the law (and not complete restatements), you do not need to spell out every legal possibility. However, make intentional choices about what topics to omit, and provide accurate hedges. Hedges include, “for example;” “including;” “generally;” and others.

6. Edit for Visual Clarity

Clarity: The Big Picture



<http://www.nngroup.com/articles/f-shaped-pattern-reading-web-content>

- **Readers often scan a page in an F-shape. They read the first line and then scan down the left side of the page. Pack your most important words into the top and left.**
- Dense paragraphs of text are difficult to navigate. Use white space, and use bolded section headers. It is useful to use questions, phrased from the point of view of the reader, as section headers.
- Readers may **ONLY** read your headings and subheadings. Use the headings to pull the reader into the paragraph!
- Use numbered or bulleted lists to clarify the steps in a process.
- Consider using a graphical illustration.
- In the first sentence of each paragraph, lead off with the general rule, stated in simple words. Follow with a concise summary of points, elements, exceptions, etc.
- Consider including an example. Italicize the example to set it apart on the page. (You may also wish to italicize the roadmap/introduction at the top of the page.)
- Annotate with citations to Maryland statutes or regulations.

7. Verify Accuracy

This is the order of priorities:

1. First, be accurate.
2. Second, be clear.
3. Third, be artful.

When you have edited and reedited for clarity, go back and make sure you are still meeting priority one.

8. Cite a relevant statute after the chunk or paragraph that explains it

- PLL does not use footnotes or endnotes. Our most common annotation is a link to the text of a statute or regulation after the discussion of that law. Those links come immediately after the paragraph in which the law is discussed.
- Very occasionally, you may link within the text to another PLL page, a government website, or another reliable resource. However, most of the helpful links we give readers will remain at the right side of the page in a special menu.
- Identify key helpful links to other reliable websites, so they can be included in the right-hand menu.
- Because PLL is a practical summary of the law aimed at a public audience, and not a scholarly journal, you don't need to cite for very basic concepts that a lawyer would readily be able to establish. Remember however, that lawyers do use the site. If you are making a statement a lawyer might wish to use, it is a good idea to identify the statutory text you rely on, and to include the citation after the paragraph.

9. Finishing the Job

9.1. Choose a good title

The title is almost everything. The vast majority of site traffic comes from Google. First, the title should respond to the reader's natural question. Try to include the keywords the reader will likely use in their Google search. That will help your article to show up in the Google search results.

Next, the title should be engaging. You need to convince the reader to choose *your* article from the Google search results list. The title could once again be a question from the point of view of the reader. Or it could

be a “promise” of what the reader will find by clicking on the article. One excellent page title on the site is this: “Example of a Good Demand Letter.”

9.2. Tell readers where they can find more help.

Identify key helpful links to other reliable websites, so they can be included in the right-hand menu.

9.3. Proofread!

By the time you have researched your article, you have developed the Curse of Knowledge:

1. You now know so much about this topic that it is easy to lose sight of the one thing your reader needs to read.
2. Because **you** know what you meant to say, it is easy to be blind to the ambiguities that will prevent your readers from understanding your words.

Example: This sentence has 7 meanings, depending which word you stress as you read it:
I never said she stole my money.

- Read mischievously. Try to “break” your writing. Try to misinterpret it. Then fix it so you can’t.
- Get someone else to read it.
 - A colleague: another set of eyes.
 - A family member (someone with no legal training): is it understandable?
 - An experienced practitioner: is it correct?
- Press [Ctrl + P]. Print your writing. Read it OUT LOUD, from PAPER.
- Learn to recognize red flags. Sometimes, passive voice and nominalizations are appropriate. However, they always serve as red flags, reminding to you re-read. Often, they are pointers to places you can edit for clarity.

9.4. Donating your words

When you submit or post your work with PLL, you are donating it to PLL. We are grateful for your service. We like to recognize your work with an attribution. However, at times we have to edit or decommission articles.

10. Helpful Resources

Facebook Group

- People’s Law Library Contributors and Friends: (<https://www.facebook.com/groups/MarylandPLL/>)

LinkedIn Group

- Maryland People’s Law Library Contributors and Friends:
(<https://www.linkedin.com/groups?gid=8160424>)

Writing References

- People’s Law Library Writing Guide: (<http://www.peoples-law.org/writing-guide>)
- Writing for Self-Represented Litigants: (<http://www.mdcourts.gov/mdatjc/pdfs/writingforsrls.pdf>)
- Drafting Legal Documents: (<http://www.archives.gov/federal-register/write/legal-docs/clear-writing.html>)

- “How to write good legal stuff,” Volokh and Tanford, (<http://law.indiana.edu/instruction/tanford/web/reference/how2writegood.pdf>)
- “Style is Substance: Collected Cases Showing Why it Matters,” Cooney (http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2160459)
- [PEFL] *Plain English for Lawyers*, 5th ed., Richard C. Wydick, 2005.
- *Made to Stick*, Chip Heath and Dan Heath, 2007.
- *Untangling the Law*, Kristin R. Woolever, 1987.
- *Legal Writing in Plain English*, 2nd ed., Bryan A. Garner, 2013.
- [Gopen] *Writing from a Legal Perspective*, George D. Gopen, 1981.
- [R&R] *Writing that Works: How to communicate effectively in business*, 3rd ed., Kenneth Roman and Joel Raphaelson, 2000.
- [FPLG] Federal Plain Language Guidelines, March 2011, Rev. 1, May 2011, PlainLanguage.gov
- Mobile Usability, Jakob Nielsen & Raluca Budi, 2013
- Evidence-based Plain Language and Information Design (<https://www.youtube.com/watch?v=PiNV66K8lfs>)
- Designing Plain Language Guidelines Internationally (<https://www.youtube.com/watch?v=1oB1bYlu5us>)
- Making Legal Language Understandable: A Psycholinguistic Study of Jury Instructions, Robert P. Charrow and Veda R. Charrow, Columbia Law Review, (1979)
- Writing Reader-Friendly documents - <http://www.plainlanguage.gov/howto/guidelines/Reader-Friendly.doc>
- <http://www.nngroup.com/articles/mobile-content-is-twice-as-difficult/>
- <http://www.nngroup.com/articles/cloze-test-reading-comprehension/>
- Answering the critics of plain language, Joseph Kimble, <http://www.plainlanguagenetwork.org/kimble/Answering2.pdf>

Specific Facts and ideas

- Long words do ***not*** make you sound smart: <http://personal.stevens.edu/~rchen/creativity/simple%20writing.pdf> (pp. 146-147)
- “Only about 20% of the [Maryland] poor are able to address their legal issues with the help of a lawyer.” <http://www.mdcourts.gov/mdatjc/taskforcecivilcounsel/pdfs/finalreport201410.pdf> (p. 7)
- F-shaped pattern for reading web content: <http://www.nngroup.com/articles/f-shaped-pattern-reading-web-content/>
- Judge uses cartoon in order: http://www.abajournal.com/news/article/federal_judge_uses_cartoon_to_display_ire_at_biglaw_attorneys_motion

Structured writing, and information types

- [SW] Great introduction: <http://www.aallnet.org/mm/Publications/spectrum/Archives/Vol-19/No-2/pr.pdf>

Writing Tools

- Hemingway App (cut and paste your text): <http://www.hemingwayapp.com/>
- WriteClearly “bookmarklet” for analyzing web pages: <http://openadvocate.org/writeclearly/>