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RESEARCH PAPER

Transformation of Legal Texts into Simplified Accounts to Make the Justice Accessible

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PAPER INFO	ABSTRACT
 Corresponding Author: iram.rubab@gcwus.edu.pk	This research determines the impact of plain English on legal texts by making the comparison with the original legalese for the legal discourse community of Pakistan. In this regard, the linguistic competence of law practitioners and law teachers is computed in terms of comprehension and time spent on reading original and simplified versions of extracts of judicial judgments. For this, two questionnaires were generated, comprising of five extracts of civil judicial judgments with both versions; for gathering the perceptions of lawyers and law teachers. And, then data was systematically analyzed by making relative impact of original and simplified versions of judicial texts. The findings clearly revealed that the simplified versions of judicial texts gained momentum in terms of time saving and raising intelligibility among the participants. In light of findings, *Plain English Language Movement* is suggested in Pakistani legal and academic settings which can revolutionize the legal system of Pakistan.

Introduction

The language of law is an intricate genre involving diverse varieties resting on communicative rationales, communicative engagements, societal factors and the acquaintance of the legal discourse community etc. The difference among these aspects is viewed on behalf of lexico grammatical, semantic pragmatic and discoursal attributes (Bhatia, 1987). These features including use of Latin, French expressions play a role to make the legal language mysterious and obscure (Kelkar, 1983). The complexity of legal language slows down the legal professional tasks.

The effectual language employed in the court may fringe the communicative dimensions of the legalese. It is argued by various researchers that the legal language is not comprehensible by the layman. To focus on the observable fact of legalese or abstruseness to comprehend the legal jargon and the techniques to adapt into simplified language have taken the form of 'Plain English Language Movement'. This movement was initiated by the developed countries in 1970s suggesting techniques and ways to simplify the legal language in order to make ease for the common readers and law discourse community. Taking insights from the various researches, I want to simplify the legal texts to make it comprehensible that can expedite the justice.

With the expansion of population of Pakistan, litigation has reached at its heights because of numerous societal issues. Courts are occupied with massive cases. There are noteworthy hindrances in deliverance of justice which bring about annoyance in the masses. It's a common saying 'Justice delayed is justice denied'. This challenging situation causes glaring problems for people. They do not have approach to the justice. All this is due to poor law and order situation. Government has taken initiatives to establish the speedy trial courts. But, no considerable improvement is evident; the situation is getting retrograde day by day.

By means of this research, I want to address the problem with a unique perspective:

Intricate legal judgments require more time to grasp as compared to the judgments produced in plain English.

Considering it as a hypothesis, I will investigate:

Either the original versions of legal judgments save the time of stakeholders (law professionals and law teachers) in carrying out the legal activities?

If, the hypothesis gets proved, I will suggest popularizing *Plain English Movement* in academic and professional legal context of Pakistan.

Speedy disposal of cases will take place as short time is consumed in executing professional legal activities. Therefore, the issue f delayed justice will be amicably resolved.

Relevant Literature

I review the related scholarship in different segments: a) Language of law and its features, b) Call for Plain English Campaign, c) Plain English Legislation and d) Relevant Scholarship

Language of law

Legalese is regarded as a variety of English Language keeping its own jargon and dialect. Its unique features make it different from the common English language due to its hypnotic rhythm, and mysterious attributes persuaded by French Latin and Greek legal languages. In this context, Tiersma (2008) mentioned the following features: articulation & spellings, morphology, syntax, lexicon, discourse, semantics, legal style, and speech versus writing etc. all these features make the legal text difficult to comprehend. Many other linguistics have worked on the same line. Likewise, Mattila, H. (2006) depicted the tremendous synthesis of attributes of language of law at textual level: a) precision, (tautology, legislation, court verdict, and enumerations). b) overloaded information, c) generalization and aloofness (abstraction and supposed character, impersonality and objectivity, impartiality, and metaphorical expressions), d) systemic character (interrelationship of different elements of the law, functions of referencing, problems of referencing, logical and consistent use of terms), e) construction and formalism in legal contents (rational disposition of legal texts, structure of legal texts), f) frequent use of initializations and acronyms, g) sentence convolution and multiplicity of language constituents.

In addition to these general attributes of legal language, there are some particular genres of written legal language: cases, statutes, laws, judicial verdicts law reports, law journals, and law text books etc as pointed out by Bhatia (1987) in taxonomy of legal language. They are the form of "argumentative texts" (Moneva, 2012). All forms of legal texts are overly compact and highly institutionalized which make them different from the ordinary language. Apart from these, there are different factors which are contributing to make it ambiguous: intricacy of society, force to drive through convention, ensuring the power of righteousness, and entailment of legal shelter. All these features and factors are connected to each other which bring a gap between the messes and the legal discourse community.

Call for Plain English Campaign

Legal language had become so arduous and all-encompassing that nearly ground the steering wheels of communication to stop which spawned a campaign to transform the flight of written legal text into clear and simple language. Unluckily, the traditional writing style died hard and new standards of writing were adopted by keeping in view the audience' needs, understanding and what they want to accomplish their requirements.

Plain English refers to a language that is understandable by the layman. This campaign was initiated in 1979 in European countries. Its purpose was to persuade the organizations to communicate with the public in simplified language and took a stand against to the legalese. To facilitate the layman to comprehend the legal language, the legislative bodies decided to improve the

legislative lucidity by revising the legal texts in straightforward, brief, and simple style. Many linguists have worked along these lines. The proponents of this movement have suggested writing techniques in order to make it simplify, which are: logical arrangement of the ideas, 'active voices', 'short sentences', 'user friendly designs', 'comprehensible expressions', 'use of second person pronoun rather than third person'.

Plain English Legislation

As it is revealed by the many studies, the plain language campaign got spawned in all over the world. It has also undergone through various challenges in this regard, but The United States was more enthusiastic to incorporate the plain language in legislation. As well they strived to pass a bill regarding it, while other states were reluctant and depending on their educational and intentional gauges. To draft the persuasive legal documents, Tiersma (1999) pointed out the following approaches which were adopted by American congress: 1) universal approach, 2) instructional approach, 3) impartial approach. Universal approach is concerned with the legalese that must be concise, unified, comprehensible, segmented into different chunks with headings. On the other hand, the instructional approach provided solid directions to the legal drafters. In this regard, following guidelines were enlisted to make the legal text comprehensible: 1) legal texts must be comprised of short words, sentences and chunks", 2) use of "active verbs", 3) ignore technical terms, with the exception of general expressions like "warranty, mortgage and security interest etc", 4) avoid the expressions bearing archaic meanings, 5) expressions used in legal texts must be comprehensible, 6) use of personal pronouns 7) length of one sentence of a legal text should not accede from one provision, 8) avoid double negations 9) avoid cross references "except cross references that briefly and clearly describe the substances of the item to which reference is made"

Illustrating to impartial approach proposed by Tiersma, following directions were described: a) a sentence must comprise of "less than twenty two words", b) sentence length should not accede from fifty words, c) passage shouldn't accede from "one hundred and fifty words", d) a word shouldn't be "less than 1.55 syllable", e) acronyms or contractions, "personal pronouns" should be used for references for the parties(petitioner/defendant) in the legal texts, f) font size shouldn't be "less than 8", g) space between paragraphs should be "three sixteenth of an inch", h) page margins must be "half inch" from each side, i) the titles should be of 10 point, j) average length of line should not accede from "sixty five characters". This approach is effective in machine simplification, because softwares may easily do such computations. These approaches are measurable. Tiersma also mentioned Flesch Reading Tests, Fog index and other formulas for measuring the readability of legal texts in simplified English. These instructions to simplify the legal texts are effective for the law community, administrative and judges to achieve the set goals.

Watson-Brown (2009), Riera (2015), Enright (1987), Beasley (1994), Maley (1985), Maley (1987), Bhatia (1993) and other linguists have worked along this line. They have highlighted the principles of plain English language at linguistic, structural, and designs of documents, as well suggesting different techniques, diagrams, flow charts and tables to present the information.

Relevant Scholarship

An empirical study was carried out by Benson & Kessler (1986) to find out efficacy of simplified language with respect to reliability and persuasion as compared to the conventional legal language. The findings revealed the traditional legal have language risky, unreliable and non persuasive impact on the audiences. Turnbull (1995) drew the attention of the audiences by drafting the rules of the simplified language to make the legal text accessible for the target audiences. He endeavored to emphasize on use of linguistic expressions, style, purpose, function, approaches to craft the simplified version of legal language.

Brown (2011) endeavored to convert the complex syntactical stretches and lexis of complex legal texts into the plain language by using the statistical formulas, "re ranking and n-best list". While, Cormacain (2012) and Onoge (2014) explored the impact of derogatory legislation in the Chago land mass with the perspective of awful legislative concerning with precision, lucidity, vagueness and gender discrimination of language. Similarly,

Ilahi (2014) conducted a study on legislation drafted in Urdu language by incorporating Plain Language techniques and strategies to make ease for the multilingual people of the Islamic State of Pakistan. Lam (2015) investigated the efficacy of plain language to preserve the worth of legislation by incorporating various techniques and technology to make ease for the readers. So the legal texts generated in simplified versions were generated to make the effective communication.

Mamac (2019) worked on youngsters' rights protection and to make it accessible for them by using systemic functional tools; "logico semantics"; "lexico grammatical features", "graphological layout designs" of legal texts relating to public interest and statutory laws. She suggested improving the legal texts by incorporating the plain language to make it accessible for the youngsters.

Likewise, several studies by Lawson (2015), Kirkpatrick & Gaisford (2017), Rubab, (2018), (2019) were executed to transform the complex legal texts into simplified versions. These linguists found the visible difference among the audiences with reference to the intelligibility and time saving.

Material and Method

This study endeavored to initiate the *Plain English Language Movement* in Pakistani Legal settings by keeping in view the issues probing out in our society and to make the speedy trials in legal system. In this regard, I gathered the data from five cities of Pakistan; out of which four were four provincial capitals and fifth city was Multan. Punjab was bigger in population as compared to others, so data was collected from two cities of Punjab referring to upper and lower Punjab. Participants participated in this study were legal practitioners and law teachers who provided their opinions regarding comprehension and consumption of time while reading extracts of judicial decisions in both simplified and original versions. I used purposive sampling in order to collect the data. Total participants were 150. Out of them, 50 were law teachers and 100 were law practitioners. The law teachers were from five universities of aforementioned cities, named; The Bahauddin Zakariya University Multan, Punjab University, University of Peshawar, University of Karachi and University of Balochistan. Ten teachers were taken from each university. As well, 100 law professionals were from these cities; Multan, Lahore, Karachi, Peshawar, Quetta. Twenty law practitioners were from each city respectively. This research design was employed by the researcher in her Ph.D project entitled, "Investigating the Effects of Text Simplification to Speed Justice in Pakistan" (Rubab, 2018).

This study is quantitative in nature. To collect the data, questionnaires were used for both population groups. Each questionnaire was comprised of five extracts of judicial judgments in both versions; original and simplified, which were placed comparatively in the form of column. Each extract of judgment was followed by different questions which were closed ended. The closed items were designed by keeping in view likert and nominal scales. The research participants were instructed to encircle the options after reading each judicial extract. To collect the perceptions of the participants, questionnaires distributed were 150 in number, while received were 109.

Analysis

The analysis entails to opines of law teachers' and legal practitioners' with reference to the original and revised versions of judicial extracts while reading with the perspective of comprehension, required time, clearness, substance, burden posing on mind which are presented below:

i.   Law   Teachers'   and   Legal   practitioners'   Perceptions   about Comprehensibility of Original & Simplified Judicial Extracts

Total 150 questionnaires were distributed among the research participants. Out of them, 109 (72.6%) questionnaires were returned. In terms of comprehension of judicial extracts, out of 73 law practitioners, merely 5.47% (n=4) favored the real version of judicial extracts, while out of 36 law teachers, 5.5 % (n=2) of law instructors selected the real version of extracts from judicial

judgments Resultantly, 5.5% (n=6) of the whole population preferred the real version of extracts from judicial judgments.

On the other hand, 88.8% (n=32) law instructors and 89.04 % (n=65) law practitioners favored the plain version of judicial extracts in terms of comprehension, which make 88.9 % (n=97) of the whole sample.

Likewise, only 5.55 % (n=2) law instructors and 5.47% (n=4) law practitioners selected the option 'both' in this regard which comprise 5.5% (n=6) of the whole sample as presented in table 1.

On the whole, the analysis demonstrates that majority law instructors and law practitioners favored the simplified versions of judicial extracts in comparison with original version in context of comprehension.

Table 1
Comparative Comprehensibility b/w Original & Simplified versions of Judicial Extracts

			Law Teachers/ Law Practitioners		Total
Comprehensibility of Judicial Extracts	Original	Frequency	2	4	6
		percentage	5.55%	5.47%	5.5%
	Simplified	Frequency	32	65	97
		Percentage	88.8%	89.04%	88.9%
	Both	Frequency	2	4	6
		percentage	5.55	5.47%	5.5%
Total		Frequency	36	73	109
		percentage	100.0%	100.0%	100.0%

ii. Law Instructors' and Law Practitioners' Perceptions about Content Matter of Original & simplified Judicial Extracts

With reference to the content matter, law instructors' and law practitioners' perceptions revealed that 95.8% (n=70) law practitioners and 83.3% (n=30) law instructors are agreed to the content of simplified judicial extracts, which constitute 91.7% (n=100) of the whole population.

On the contrary, the law instructors and law practitioners 16.6% (n=6) and 4.10 % (n=3) respectively selected the option 'agreed to some extent' with the perspective of content matter of simplified judicial extracts which make 8.2% (n=9) of the whole sample.

Consequently, it is observed that most of the law practitioners and law instructors are agreed to the content matter of plain version of judicial extracts as presented in table 2.

Table 2
Comparative Content Matter of Simplified judicial Extracts

			Law Teachers/ Law practitioners		Total
Simplified Version Contains the Entire Information in All Judicial Judgments	Agree	Frequency	30	70	100
		percentage	83.3%	95.8%	91.7%
	Agreed to Some Extent	Frequency	6	3	9
		percentage	16.6%	4.10%	8.2%
Total		Frequency	36	73	109
		percentage	100.0%	100.0%	100.0%

iii. Law teachers' and Law Practitioners' Comparative Perceptions with Reference to Clarity of Original & Simplified Extracts from Judicial Judgments

In terms of clarity, the law instructors' and law practitioners' perceptions revealed that only 2.7% (n=2) law instructors and 5.5% (n=2) law practitioners favored the original judicial extracts which comprise 3.66% (n=4) of the sample population.

Conversely, 86.1% (n=31) law instructors and 91.7% (n=67) law practitioners preferred the judicial extracts produced in simplified versions are more clear as compared to original version, which comprise 89.9% (n=98) of the population.

On the other hand, only 8.3 % (n=3) law instructors and 5.4% (n=4) law practitioners responded that both accounts of judicial extracts are clear which constitute 6.4% (n=7) of the whole population.

In brief, majority law instructors and law practitioners indicated that the simplified account judicial extracts have more clarity as compared to real account of judicial extracts as indicated in table 3.

Table 3
Comparative Clarity b/w Original and Simplified Versions of Judicial Extracts

			Law Teachers/ Law practitioners		Total
Clarity in Judicial Extracts	Original	Frequency	2	2	4
		Percentage	5.5%	2.7%	3.66%
	Simplified	Frequency	31	67	98
		Percentage	86.1%	91.7%	89.9%
	Both	Frequency	3	4	7
		Percentage	8.3%	5.4%	6.4%
Total		Frequency	36	73	109
		Percentage	100.0%	100.0%	100.0%

iv. Law Teachers' & Lawyers' Perceptions with reference to Time Difference while Reading Original & Simplified Judicial Extracts

With the perspective of time required in comprehending judicial extracts, 36.1% (n=13) law instructors and 54.7% (n=40) law practitioners favoured the original judicial extracts in comparison of simplified judicial extracts. Accordingly, 48.6 % (n=53) of the sample opted the original judicial extracts in relation to consumption of more time while reading.

In contrast to it, 61.1% (n=22) law instructors and 42.4% (n=31) law practitioners opted the option 'simplified' accounts of judicial extracts in relation to consuming more time while reading, in comparison with 'original' account of judicial extracts which form 48.6% (n=53) of overall population.

On the other hand, only 2.7% (n=1) law instructors and 2.7% (n=2) law practitioners were of the view that both original and simplified accounts of judicial extracts are time consuming with reference to intelligibility, which form 2.7% (n=3) of the whole population.

As a result, it is observed that the original account of judicial extracts demand more time to comprehend as compared to judicial extracts produced in simplified account as indicated in table 4.

Table Error! No text of specified style in document.**4**
Comparative Reading Time Difference b/w Both Accounts of Judicial Extracts

			Law Teachers/ Law practitioners		Total
Time Difference while Reading Judicial Extracts	Original	Frequency	13	40	53
		percentage	36.1%	54.7%	48.6%
	Simplified	Frequency	22	31	53
		percentage	61.1%	42.4%	48.6%
	Both	Frequency	1	2	3
		percentage	2.7%	2.7%	2.7%
Total		Frequency	36	73	109
		percentage	100.0%	100.0%	100.0%

v.   Law Teachers' & Lawyers' Perception with reference to Judicial Extracts posing burden on Mind

With reference to judicial extracts posing burden on mind while reading, out of the whole population, 55.7% (n=20) law instructors and 54.7% (n=40) law practitioners opted the option 'original' version. Resultantly, 55.04% (n=60) of the sample population pointed out the original judicial extracts in this regard.

In contrast to it, 44.4% (n=16) law instructors and 45.2 % (n=33) law practitioners selected the simplified accounts of judicial extracts in terms of burden posing on mind while reading, which formulate 44.95% (n=49) of the overall population.

It is concluded that the original account of judicial extracts make more burden on mind while reading as compared to simplified versions as indicated in table 5. It exhibits that the intricate nature of legal language impedes the comprehensibility of the audiences.

Table Error! No text of specified style in document.
Evaluating Burden Posing on Mind While Reading both Versions of Judicial Extracts

| | | | Teachers/Lawyers | | Total |
			Teachers	Lawyers	Teachers
Judicial Extracts posing Burden on Mind	Original	Frequency	20	40	60
		Percentage	55.5%	54.7%	55.04%
	Simplified	Frequency	16	33	49
		Percentage	44.4%	45.2%	44.95%
Total		Frequency	36	73	109
		Percentage	100.0%	100.0%	100.0%

Conclusion

The findings of this research are three folds: first, it is observed that the judicial extracts drafted in simplified versions have been keeping healthy effect on the legal proceedings and pronouncing the judgments. Secondly, the judgments produced in plain English increase the comprehensibility of the wide range of audiences: law professionals, law teachers and layman. Thirdly, the conversion of legal texts into simplified version may pave a way for the law discourse community to dispense the justice to the masses by saving their time.

Thus, the findings revealed the detailed account of proved hypothesis:

Intricate legal judgments require more time to grasp as compared to the judgments produced in plain English.

In light of this proposition, I explored:

Either the original versions of legal judgments save the time of stakeholders (law professionals and law teachers) in carrying out the legal activities?

This study proved the hypothesis by entailing the comparative research design. It also explores that simplified legal judgments should be drafted to revolutionized the legal system. The warm reception by the legal discourse community can be effectual in several ways to make the speedy trial courts.

Suggestions

This study aimed to explore the impact of simplified legal texts to accelerate the justice by enhancing the comprehension and saving the time of the stakeholders (legal professionals and teachers). The findings demonstrate some new dimensions of the legal settings. In light of findings and hypothesis, to accelerate the justice I suggest initiating *Plain English Language Movement* in academic and professional legal settings of Pakistan which can solve the issue of delayed justice. Furthermore, by providing direct access of justice to the people hailing from all layers of the society with the incorporation of technology, legal system can also be revolutionized. It can breed up the concept of self representation of the client in judicial system. Moreover, the techniques and strategies of plain English movement can also be implemented in other fields like medical, business, natural sciences and academia etc to make the information accessible.

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