

Introduction of Plain Language Forms with a Spanish Translation in a Family Court Setting Results in Dramatic Reduction in Reported Violations of Orders of Protection

Summary of Research Conducted by NPC Research in a Pilot Project Funded by the Legal Services Corporation

I. Introduction

There has long been strong political support for making sure that governmental information, forms, and websites are written in plain understandable language, and translated into the primary languages of those who use them. But making the needed changes has often been delayed by fears of the costs. Now comes dramatic evidence of the impact on institutions, in this case the courts, of making these changes. Moreover, the new research described here also strongly suggests that cost savings are high enough to more than justify the investments needed.

Specifically, one court was able to reduce the number of returns to court by over 70% by putting such a system in place in domestic violence cases involving people who spoke either English or Spanish. With funding from the Legal Services Corporation, the Travis County Court in Austin, Texas, deployed computer software that generated orders as directed by the judge, and the software automatically used only standardized easy-to-understand English to create the full court orders. Where needed, the software then used approved similarly easy-to-understand Spanish translations of the standardized language to create a translation of the order. (Occasionally the judges requested individualized language. That text was then translated by a qualified interpreter.)

The researchers then studied the rate of return to court for alleged violations for the 6-week period following the order and found there was over 70% reduction overall.

They were then able to estimate the total savings from this reduction as over \$100,000 over a 3-month period.

In this initial research, no distinction was made between the effect of using plain language and the effect of the Spanish translation.

It is clear that deployment of plain language bilingual documents can have a major impact on both the efficacy and the efficiency of organizations, including courts. The

study also showed the value of technological innovation, as championed by the Legal Services Corporation with a special Congressional appropriation, in improving access to justice and the legal system.

II. Methodology:

The software used to develop the plain language and bilingual documents was the LawHelp Interactive (LHI) platform, lawhelpinteractive.org. LHI is a project of Pro Bono Net, a nonprofit group pioneering the use of technology for access to justice, www.probono.net.

Transcend, www.transcend.net, a group that has worked with more than 20 court systems to create easy to understand court materials, led the plain language drafting and the translation process. Capstone Practice Management, www.capstonepractice.com, an expert at creating multilingual online forms, automated the forms which had been selected by Texas Rural Legal Assistance, and the Travis County District Attorney, two organizations that, between them, file 97% of requests for protective orders.

NPC Research, npcresearch.com, an independent third party research organization based in Portland, Oregon, was retained to conduct the evaluation of the LHI generated orders and their impact on litigants and courts. NPC used a pre-post comparison design, instead of a random assignment approach.¹

Between January and March 2014, the Plain Language Order process was used to complete documents assembled 142 times.

For the project, NPC reviewed 287 cases. The sample included low-income litigants. The evaluators reviewed 287 case files composed of 140 in the control group and 147 in the pilot group. The evaluators, after consulting with court staff, had decided to focus their study on the low-income litigants and excluded those who were denied requests for waivers of court fees.

It is important for background to note that studies of the protective order process report a wide range of rates of violation ranging from 23% to 76%.² In this project, the litigants

¹ Additional data were collected in Sonoma County, California, from a parallel project about the potential impact upon compliance of providing a plain language procedural order for such cases. However, the court made very significant changes to the underlying court and assistance processes during the study, moving the required orientation program and certificate of attendance receipt online, and it was not therefore practicable to make any reliable estimate of the impact of the plain language changes upon compliance. There was some indication in the raw numbers of increases in some areas, and decreases in others. That moving required steps to a *mandatory* online process correlated with lower compliance with that required step might be considered to be cause for alarm, or at least assessment. Both studies are fully reported and analyzed in NPC Research, *Evaluation of the Introduction of Plain Language Forms with a Spanish Translation in Two Family Court Settings* (2015).

² Logan, T. K., Shannon, L., Walker, R., & Faragher, T. M. (2006). *Protective orders: questions and conundrums*. *Trauma Violence Abuse*, 7(3), 175-205.

were only followed for 6 weeks due to resource and time limitations. In addition, not all violations were reported or brought back for contempt hearings in court. The County Attorney noted from experience that violations of orders go unreported for multiple reasons.

III. Results

The results are summarized in the following chart, showing asserted order violations in the 6 weeks following order issuance. In summary, the violation percentage went from almost 11% to less than 3% -- a reduction of over 70%.

Was the Order Violated?				
	No	Yes	Missing	Total
Control	112 (90%)	12 (10%)	3	127
Program	141 (97%)	4 (3%)	1	146
Total	253	16	4	273

As the formal report submitted by NPC explains:

For cases proceeding before Spanish translation of the orders was implemented, 12 out of 127 or 10% of protective orders were violated within 6 weeks. After Spanish translation of the orders, 4 out of 146 or 3% of protective orders were violated within 6 weeks. A chi square test was performed and a relationship was found between translation of orders and rate of violation (X^2 (2, $N = 273$) = 7.036, $p = .03$).

The pre-implementation group had a rate of violation over 3 times that of the group receiving Spanish-translated printed orders. The lead county attorney felt that although the orders were explained to the parties on the day of the hearing, "...it's really hard for people to remember everything that happens in court once they walk out the door. Stress, nerves, anxiety, etc. contribute to the memory loss...[h]aving a document to refer to, one that they can understand, probably does make a big difference."

In terms of cost savings, the researchers reported that analysis of Delaware data had found that each contempt action in that state cost an average of \$4,665 in taxpayer funds. NPC estimated that a total of 23 contempt actions were avoided through these forms. Assuming the approximate equivalence of the Texas numbers with the Delaware numbers, NPC projected that this reduction would have produced savings of \$107,295 to the Texas courts. Moreover, these estimates do not include savings to the county on shelter costs, police costs, other support services, and additional expenses victims would have incurred if they had to come back to court to enforce the original order.

Furthermore, the costs of real-time human translation of the orders would have been high -- approximately \$11,000, for the study period, assuming that each order translation takes 1 hour to complete with a rate for Spanish translation of \$40.00 an hour.

IV. Conclusions

The project confirms that use of plain language and translated court forms has a highly significant impact upon the rate of violation of domestic violence protective orders. It also strongly suggests that this impact extends to the expenditures of the courts, and indeed other agencies and the parties, for such procedures, as well upon the underlying burdens imposed by violations themselves.

The policy implications are obvious. Broad deployment and additional research are critical and urgent. Such investments would result in a very speedy return on investment.