

Forensic Linguistics Session  
Friday, 4 January 2013 10 am

# Plain English Jury Instructions for Massachusetts: first steps

**Janet Randall**

Linguistics Program, Northeastern University  
&  
2012-13 Research Fellow, Massachusetts Bar Association



Northeastern University



MBA •

- *Failure of recollection is common. Innocent misrecollection is not uncommon.*
- *People often forget things or make mistakes in what they remember.*

Book of Approved Jury Instructions (BAJI), 2.21.  
Judicial Council of California Civil Jury Instruction (CACI, 2003)  
[http://www.courts.ca.gov/partners/documents/caci\\_2012\\_edtion.pdf](http://www.courts.ca.gov/partners/documents/caci_2012_edtion.pdf)

# Research on the comprehension of jury instructions

- Charrow & Charrow (1979)
- Elwork, Sales and Alfini (1982)
- Reifman, Gusick and Ellsworth (1992)
- Saxton (1998)

# In a study with jurors who had served on a trial:

(cited in Tiersma, 1993)

More than half:

- could not define: *speculate*
- thought that *a preponderance of the evidence* meant either
  - “a slow, careful, pondering of the evidence”
  - “looking at the exhibits in the jury room”or

More than a quarter:

- could not define: *burden of proof, impeach, admissible evidence or inference*

See also Diamond & Levi (1996); Diamond (2003); Tiersma (1999, 2001, 2009).

Failure of recollection is common.

Innocent misrecollection is not uncommon.

- Negatives

Failure of recollection is common.

Innocent misrecollection is not uncommon.

Wason 1972; Just & Carpenter 1976; Just & Clark 1973

- Negatives
- Nominalizations

Failure of recollection is common.

Innocent misrecollection is not uncommon.

Klare 1973

- Negatives
- Nominalizations
- Missing Arguments

[x's] Failure of recollection [of y] is common.

[x's] Innocent misrecollection [of y] is not uncommon.



# Barriers to reform

1997 California began reforming its Jury Instructions, joining several other states

**BUT** the movement has faced barriers (Marder 1996)

- inertia
- jury instructions are “sacred texts”
- jury instructions should inspire awe & respect for the court
- the empirical studies were wrong
- revising the instructions won’t get jurors to listen anyway
- judges and lawyers don’t see a problem with them

and, a concern about reversals:

“... jury instructions full of legalese are unlikely to be reversed for error by appellate courts if they use the same language used by those courts.”

Dumas (2006)

**in other words,**

**If a case uses jury instructions written in Plain English instead of the language of the court, the verdict is open to challenge.**

# Nevertheless,

- 2007 Massachusetts Bar Association launched the Plain English Jury Instruction Task Force
- 2010 The Task Force invited 2 linguists to join. Together, we
- studied the literature
  - determined that a rewriting project will require
    - \$\$\$
    - evidence that our current instructions **actually need** rewriting
    - data showing that rewriting will **improve comprehension**
  - ran 3 pilot studies to find the best methodology to test comprehension
- 2012 Began research

# Research Questions

1. Do people have trouble understanding the Original Jury instructions?
2. If so, Why?
3. Can we make the instructions easier to understand?

# 8 planned studies

LISTENING		
	Original Jury Instructions	Plain English Jury Instructions
Students	1	2
Jurors	3	4

LISTENING & READING		
	Original Jury Instructions	Plain English Jury Instructions
Students	5	6
Jurors	7	8

# hypotheses:

1. Plain English Instructions will be easier than Original Jury Instructions.
2. Reading plus listening will be easier than Listening alone.
3. College students will perform better than Jurors.

## 2 completed studies

LISTENING		
	Original Jury Instructions	Plain English Jury Instructions
Students	1	2
Jurors	3	4

LISTENING & READING		
	Original Jury Instructions	Plain English Jury Instructions
Students	5	6
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## Study 1

listening

29 college students

1 warm-up

6 **Original** Jury Instructions

## Study 2

listening

29 college students

1 warm-up

6 **Plain English** Jury Instructions



# Study 1: Original JIs

audio

Standard of Proof

Please listen.



# Standard of Proof

## **“The preponderance of the evidence” :**

(circle all that apply)

1. means a slow, careful, pondering of the evidence.
2. is a lower standard than "beyond a reasonable doubt"
3. can be satisfied if one side is 51% more convincing than the other side
4. is used in both civil and criminal cases

# Standard of Proof

## **“The preponderance of the evidence”**

3. can be satisfied if one side is 51% more convincing than the other side

*The “preponderance of the evidence”  
can be satisfied if one side is 51%  
more convincing than the other side.*

**28% (8/29)**

of the subjects got this **wrong**  
after listening to the **Original** JI.

# Research Questions

1. Did people have trouble understanding the Original Jury Instructions?
2. Why?
3. Can we make the instructions easier to understand?

**YES**

Only 23 of the 72 questions ( $\approx 1/3$ ) were answered correctly by at least 90% of the subjects.

**(We'll come back to this later.)**

**Let's listen.**

# Study 2: Plain English JIs

audio

Standard of Proof

Please listen.



*"The preponderance of the evidence"  
can be satisfied if one side is 51%  
more convincing than the other side.*

**28% (8/29)** of the subjects got this **wrong**  
after listening to the **Original JI**.

**7% (2/29)** of the subjects got this **wrong**  
after listening to the **Plain English JI**.

Significant improvement:  $p = 0.019$



# Research Questions

1. Did people have trouble understanding the Original Jury Instructions?
2. Why?
3. **Can we make the instructions easier to understand?**

**YES**

Only 23 of the 72 questions ( $\approx 1/3$ ) were answered correctly by at least 90% of the subjects.

**Let's take a look**

**YES**

Now, 33 of the 72 questions ( $\approx 1/2$ ) were answered correctly by at least 90% of the subjects.

(Significant improvement ,  $p < .05$ )



*The “preponderance of the evidence”  
can be satisfied if one side is 51% more convincing than the other side.*

## Semantics

### Original Jury Instruction

The standard of proof in a civil case is that a plaintiff must prove (his/her) case by a preponderance of the evidence. This is a less stringent standard than is applied in a criminal case, where the prosecution must prove its case beyond a reasonable doubt.

By contrast, in a civil case such as this one, the plaintiff is not required to prove (his/her) case beyond a reasonable doubt. In a civil case, the party bearing the burden of proof meets the burden when (he/she) shows it to be true by a preponderance of the evidence.

The standard of a preponderance of the evidence means the greater weight of the evidence. A preponderance of the evidence is such evidence which, when considered and compared with any opposed to it, has more convincing force and produces in your minds a belief that what is sought to be proved is more probably true than not true.

A proposition is proved by a preponderance of the evidence if, after you have weighed the evidence, that proposition is made to appear more likely or probable in the sense that there exists in your minds an actual belief in the truth of that proposition derived from the evidence, notwithstanding any doubts that may still linger in your minds.

Simply stated, a matter has been proved by a preponderance of the evidence if you determine, after you have weighed all of the evidence that that matter is more probably true than not true.



The “preponderance of the evidence”  
can be satisfied if one side is 51% more convincing than the other side.

## Semantics

- **Lexical choices: formal register & low-frequency words**  
*stringent, such evidence, sought, notwithstanding,*

## Original Jury Instruction

The standard of proof in a civil case is that a plaintiff must prove (his/her) case by a preponderance of the evidence. This is a less **stringent** standard than is applied in a criminal case, where the prosecution must prove its case beyond a reasonable doubt.

By contrast, in a civil case such as this one, the plaintiff is not required to prove (his/her) case beyond a reasonable doubt. In a civil case, the party bearing the burden of proof meets the burden when (he/she) shows it to be true by a preponderance of the evidence.

The standard of a preponderance of the evidence means the greater weight of the evidence. A preponderance of the evidence is **such evidence** which, when considered and compared with any opposed to it, has more convincing force and produces in your minds a belief that what is **sought** to be proved is more probably true than not true.

A proposition is proved by a preponderance of the evidence if, after you have weighed the evidence, that proposition is made to appear more likely or probable in the sense that there exists in your minds an actual belief in the truth of that proposition derived from the evidence, **notwithstanding** any doubts that may still linger in your minds.

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## Semantics

- **Lexical choices: formal register & low-frequency words**  
*stringent, such evidence, sought, notwithstanding,*
- **Presupposed meanings**  
*civil v. criminal case  
plaintiff  
beyond a reasonable doubt*

## Original Jury Instruction

The standard of proof in **a civil case** is that **a plaintiff** must prove (his/her) case by a preponderance of the evidence. This is a less stringent standard than is applied in **a criminal case**, where the prosecution must prove its case **beyond a reasonable doubt**.

By contrast, in **a civil case** such as this one, the plaintiff is not required to prove (his/her) case **beyond a reasonable doubt**. In **a civil case**, the party bearing the burden of proof meets the burden when (he/she) shows it to be true by a preponderance of the evidence.

The standard of a preponderance of the evidence means the greater weight of the evidence. A preponderance of the evidence is such evidence which, when considered and compared with any opposed to it, has more convincing force and produces in your minds a belief that what is sought to be proved is more probably true than not true.

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*civil v. criminal case  
plaintiff  
beyond a reasonable doubt*
- **Definitions given too late**  
*preponderance of the evidence*

## Original Jury Instruction

The standard of proof in a civil case is that a plaintiff must prove (his/her) case by **a preponderance of the evidence**. This is a less stringent standard than is applied in a criminal case, where the prosecution must prove its case beyond a reasonable doubt.

By contrast, in a civil case such as this one, the plaintiff is not required to prove (his/her) case beyond a reasonable doubt. In a civil case, the party bearing the burden of proof meets the burden when (he/she) shows it to be true by **a preponderance of the evidence**.

The standard of a preponderance of the evidence means the greater weight of the evidence. **A preponderance of the evidence is such evidence which, when considered and compared with any opposed to it, has more convincing force and produces in your minds a belief that what is sought to be proved is more probably true than not true.**

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*civil v. criminal case  
plaintiff  
beyond a reasonable doubt*
- **Definitions given too late**  
*preponderance of the evidence*
- **Words with “special” meanings**  
*bearing, burden, meets*

## Original Jury Instruction

The standard of proof in a civil case is that a plaintiff must prove (his/her) case by a preponderance of the evidence. This is a less stringent standard than is applied in a criminal case, where the prosecution must prove its case beyond a reasonable doubt.

By contrast, in a civil case such as this one, the plaintiff is not required to prove (his/her) case beyond a reasonable doubt. In a civil case, the party **bearing the burden** of proof **meets the burden** when (he/she) shows it to be true by a preponderance of the evidence.

The standard of a preponderance of the evidence means the greater weight of the evidence. A preponderance of the evidence is such evidence which, when considered and compared with any opposed to it, has more convincing force and produces in your minds a belief that what is sought to be proved is more probably true than not true.

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**The “preponderance of the evidence”  
can be satisfied if one side is 51% more convincing than the other side.**

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- **Presupposed meanings**  
*civil v. criminal case  
plaintiff  
beyond a reasonable doubt*
- **Definitions given too late**  
*preponderance of the evidence*
- **Words with “special” meanings**  
*bearing, burden, meets*
- **Confusing phrases**  
*an actual belief  
not true ?= false*
- 

## Original Jury Instruction

The standard of proof in a civil case is that a plaintiff must prove (his/her) case by a preponderance of the evidence. This is a less stringent standard than is applied in a criminal case, where the prosecution must prove its case beyond a reasonable doubt.

By contrast, in a civil case such as this one, the plaintiff is not required to prove (his/her) case beyond a reasonable doubt. In a civil case, the party bearing the burden of proof meets the burden when (he/she) shows it to be true by a preponderance of the evidence.

The standard of a preponderance of the evidence means the greater weight of the evidence. A preponderance of the evidence is such evidence which, when considered and compared with any opposed to it, has more convincing force and produces in your minds a belief that what is sought to be proved is more probably true than not true.

A proposition is proved by a preponderance of the evidence if, after you have weighed the evidence, that proposition is made to appear more likely or probable in the sense that there exists in your minds **an actual belief** in the truth of that proposition derived from the evidence, notwithstanding any doubts that may still linger in your minds.

Simply stated, a matter has been proved by a preponderance of the evidence if you determine, after you have weighed all of the evidence that that matter is **more probably true than not true.**

The “preponderance of the evidence”  
can be satisfied if one side is 51% more convincing than the other side.

## Semantics

- **Lexical choices: formal register & low-frequency words**  
*stringent, such evidence, sought, notwithstanding*
- **Presupposed meanings**  
*plaintiff  
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*preponderance of the evidence*
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*bearing, burden, meets*
- **Confusing phrases**  
*an actual belief  
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- 

## Original Jury Instruction

The standard of proof in a **civil case** is that a **plaintiff** must prove (his/her) case by a **preponderance of the evidence**. This is a less **stringent** standard than is applied in a **criminal case**, where the prosecution must prove its case **beyond a reasonable doubt**.

By contrast, in a **civil case** such as this one, the plaintiff is not required to prove (his/her) case **beyond a reasonable doubt**. In a **civil case**, the **party bearing the burden** of proof **meets the burden** when (he/she) shows it to be true by a **preponderance of the evidence**.

The standard of a preponderance of the evidence means the greater weight of the evidence. **A preponderance of the evidence is such evidence which, when considered and compared with any opposed to it, has more convincing force and produces in your minds a belief that what is sought to be proved is more probably true than not true.**

A proposition is proved by a preponderance of the evidence if, after you have weighed the evidence, that proposition is made to appear more likely or probable in the sense that there exists in your minds **an actual belief** in the truth of that proposition derived from the evidence, **notwithstanding** any doubts that may still linger in your minds.

Simply stated, a matter has been proved by a preponderance of the evidence if you determine, after you have weighed all of the evidence that that matter is **more probably true than not true**.

*The “preponderance of the evidence”  
can be satisfied if one side is 51% more convincing than the other side.*

## Syntax

### Original Jury Instruction

The standard of proof in a civil case is that a plaintiff must prove (his/her) case by a preponderance of the evidence. This is a less stringent standard than is applied in a criminal case, where the prosecution must prove its case beyond a reasonable doubt.

By contrast, in a civil case such as this one, the plaintiff is not required to prove (his/her) case beyond a reasonable doubt. In a civil case, the party bearing the burden of proof meets the burden when (he/she) shows it to be true by a preponderance of the evidence.

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## Syntax

- **Passive verbs**

(Gough 1966; Slobin 1966; Olson & Filby 1972; Ferreira 2003)

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The standard of proof in a civil case is that a plaintiff must prove (his/her) case by a preponderance of the evidence. This is a less stringent standard than **is applied** in a criminal case, where the prosecution must prove its case beyond a reasonable doubt.

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The standard of a preponderance of the evidence means the greater weight of the evidence. A preponderance of the evidence is such evidence which, when **considered** and **compared** with any opposed to it, has more convincing force and produces in your minds a belief that what **is sought to be proved** is more probably true than not true.

A proposition **is proved** by a preponderance of the evidence if, after you have weighed the evidence, that proposition **is made** to appear more likely or probable in the sense that there exists in your minds an actual belief in the truth of that proposition **derived** from the evidence, notwithstanding any doubts that may still linger in your minds.

**Simply stated**, a matter **has been proved** by a preponderance of the evidence if you determine, after you have weighed all of the evidence, that that matter is more probably true than not true.

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## Syntax

- **Passive verbs**

(Gough 1966; Slobin 1966; Olson & Filby 1972; Ferreira 2003)

- **Interjected phrases**

## Original Jury Instruction

The standard of proof in a civil case is that a plaintiff must prove (his/her) case by a preponderance of the evidence. This is a less stringent standard than is applied in a criminal case, where the prosecution must prove its case beyond a reasonable doubt.

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Simply stated, a matter has been proved by a preponderance of the evidence if you determine, **after you have weighed all of the evidence**, that that matter is more probably true than not true.

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## Syntax

- **Passive verbs**

(Gough 1966; Slobin 1966; Olson & Filby 1972; Ferreira 2003)

- **Interjected phrases**

- **Multiple embeddings**

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The standard of proof in a civil case is that a plaintiff must prove (his/her) case by a preponderance of the evidence. This is a less stringent standard than is applied in a criminal case, where the prosecution must prove its case beyond a reasonable doubt.

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**The standard of a preponderance of the evidence means the greater weight of the evidence. A preponderance of the evidence is such evidence which, when considered and compared with any opposed to it, has more convincing force and produces in your minds a belief that what is sought to be proved is more probably true than not true.** [1 sentence; 4 clauses deep]

**A proposition is proved by a preponderance of the evidence if, after you have weighed the evidence, that proposition is made to appear more likely or probable in the sense that there exists in your minds an actual belief in the truth of that proposition derived from the evidence, notwithstanding any doubts that may still linger in your minds.** [1 sentence; 5 clauses deep]

Simply stated, a matter has been proved by a preponderance of the evidence if you determine, after you have weighed all of the evidence, that that matter is more probably true than not true.

The “preponderance of the evidence”  
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- **Passive verbs**

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*The “preponderance of the evidence”  
can be satisfied if one side is 51% more convincing than the other side.*

## Semantics

### Plain English Jury Instruction

This is a civil case. In a civil case, there are two parties, the “plaintiff”, and the “defendant”. The plaintiff is the one who brings the case against the defendant. And it is the plaintiff who must convince you of his case with stronger, more believable evidence. In other words, it is the plaintiff who bears the “burden of proof”.

After you hear all the evidence on both sides, if you find that the greater weight of the evidence -- also called “the preponderance of the evidence” -- is on the plaintiff's side, then you should decide in favor of the plaintiff.

But if you find that the evidence is stronger on the defendant's side, or the evidence on the two sides is equal, 50/50, then you must decide in favor of the defendant.

Now, you may have heard that in some cases, the evidence must convince you “beyond a reasonable doubt”. That’s only true for criminal cases.

For civil cases like this one, you might still have some doubts after hearing the evidence, but even if you do, as long as one side's evidence is stronger -- even slightly stronger -- than the other's, you must decide in favor of that side.

Stronger evidence does not mean more evidence. It is the quality or strength of the evidence, not the quantity or amount, that matters.

*The “preponderance of the evidence”  
can be satisfied if one side is 51% more convincing than the other side.*

## Semantics

- **Lexical choices:  
formal & low frequency words  
replaced**

## Plain English Jury Instruction

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## Semantics

- **Lexical choices:**  
**formal & low frequency words  
replaced**
- **No meanings are presupposed**  
**Legal terms are defined**  
*civil v criminal cases*  
*plaintiff*  
*beyond a reasonable doubt*

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*civil v criminal cases*  
*plaintiff*  
*beyond a reasonable doubt*
- **Definitions given early**  
*preponderance*

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After you hear all the evidence on both sides, if you find that the greater weight of the evidence -- also called “the preponderance of the evidence” -- is on the plaintiff's side, then you should decide in favor of the plaintiff.

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- **Confusing phrases eliminated**  
*an actual belief,*  
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- 

## Plain English Jury Instruction

This is a civil case. In a civil case, there are two parties, the “plaintiff”, and the “defendant”. The plaintiff is the one who brings the case against the defendant. And it is the plaintiff who must convince you of his case with stronger, more believable evidence. In other words, it is the plaintiff who bears the “burden of proof”.

After you hear all the evidence on both sides, if you find that the greater weight of the evidence -- also called “the preponderance of the evidence” -- is on the plaintiff's side, then you should decide in favor of the plaintiff.

But if you find that the evidence is stronger on the defendant's side, or the evidence on the two sides is equal, 50/50, then you must decide in favor of the defendant.

Now, you may have heard that in some cases, the evidence must convince you “beyond a reasonable doubt”. That’s only true for criminal cases.

For civil cases like this one, you might still have some doubts after hearing the evidence, but even if you do, as long as one side's evidence is stronger -- even slightly stronger -- than the other's, you must decide in favor of that side.

Stronger evidence does not mean more evidence. It is the quality or strength of the evidence, not the quantity or amount, that matters.

The “preponderance of the evidence”  
can be satisfied if one side is 51% more convincing than the other side.

## Semantics

- **Lexical choices:**  
**formal & low frequency words replaced**
- **No meanings are presupposed**  
**Legal terms are defined**  
*civil v criminal cases*  
*plaintiff*  
*beyond a reasonable doubt*
- **Definitions given early**  
*preponderance*
- **Confusing phrases eliminated**  
*an actual belief,*  
*not true ? = false*

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After you hear all the evidence on both sides, if you find that the greater weight of the evidence -- also called “the preponderance of the evidence” -- is on the plaintiff's side, then you should decide in favor of the plaintiff.

But if you find that the evidence is stronger on the defendant's side, or the evidence on the two sides is equal, 50/50, then you must decide in favor of the defendant.

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## Syntax

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## Syntax

- **No passive verbs**

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After you hear all the evidence on both sides, if you find that the greater weight of the evidence -- also called “the preponderance of the evidence” -- is on the plaintiff’s side, then you should decide in favor of the plaintiff.

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- **Interjected phrases used ONLY for emphasis**

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## Syntax

- No passive verbs
- Interjected phrases used **ONLY** for emphasis
- **Fewer levels of embedding**

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This is a civil case. In a civil case, there are two parties, the “plaintiff”, and the “defendant”. The plaintiff is the one who brings the case against the defendant. And it is the plaintiff who must convince you of his case with stronger, more believable evidence. In other words, it is the plaintiff who bears the “burden of proof”.

[1-2 levels]

After you hear all the evidence on both sides, if you find that the greater weight of the evidence -- also called “the preponderance of the evidence” -- is on the plaintiff’s side, then you should decide in favor of the plaintiff.

[2 levels]

But if you find that the evidence is stronger on the defendant’s side, or the evidence on the two sides is equal, 50/50, then you must decide in favor of the defendant.

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# Results

How many questions were answered correctly by at least 90% of the subjects ?

	Original	Plain English	Difference	
out of 72 q's	23 (32%)	33 (46%)	10 (14%)	p = 0.042
out of 64 q's	19 (30%)	33 (52%)	14 (22%)	p = 0.0049



# Results, continued

72 questions % of 29 subjects who answered correctly							
Instruction #	1	2	3	4	5	6	<b>OVERALL</b>
Original	87.93%	89.37%	74.42%	80.69%	68.68%	63.79%	78%
Plain English	87.07%	88.79%	80.46%	82.24%	73.28%	72.84%	81%
difference			6.04%		4.60%	9.05%	3%
p-value	0.3897	0.4041	0.0285	0.2484	0.0910	0.0181	0.0078

# Results, continued

72 questions % of 29 subjects who answered correctly							
Instruction #	1	2	3	4	5	6	OVERALL
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p-value	0.3897	0.4041	0.0285	0.2484	0.0910	0.0181	0.0078

64 questions % of 29 subjects who answered correctly							
Instruction #	1	2	3	4	5	6	OVERALL
Original	87.93%	89.34%	73.45%	76.51%	68.68%	61.08%	77%
Plain English	87.07%	90.91%	87.24%	83.84%	73.28%	81.77%	84%
difference			13.79%	7.33%	4.60%	20.69%	7%
p-value	0.3897	0.2539	0.0000	0.0025	0.0910	0.0000	0.0000

# Results, continued

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3 Standard of proof

# Conclusions:

1. Plain English Instructions will be easier than Original Jury Instructions.



2. Reading plus listening will be easier than Listening alone.



3. College students will perform better than Jurors.



# Our Northeastern Team



- Principal Investigator  
Janet Randall



- Project Manager  
Brian Kim



- Statistician  
Tong Zhang

- Student Assistants



Aaron  
McPherson



Jill  
Nyren



Katherine  
Dana

## Special thanks also go to:

- Prof. Bruce Fraser, Boston University
- Hon. Judith Fabricant (our reader)
- Attorney Kathy-Jo Cook
- Hon. Gabriele Wolohojian
- the Officers of the Massachusetts Bar Association

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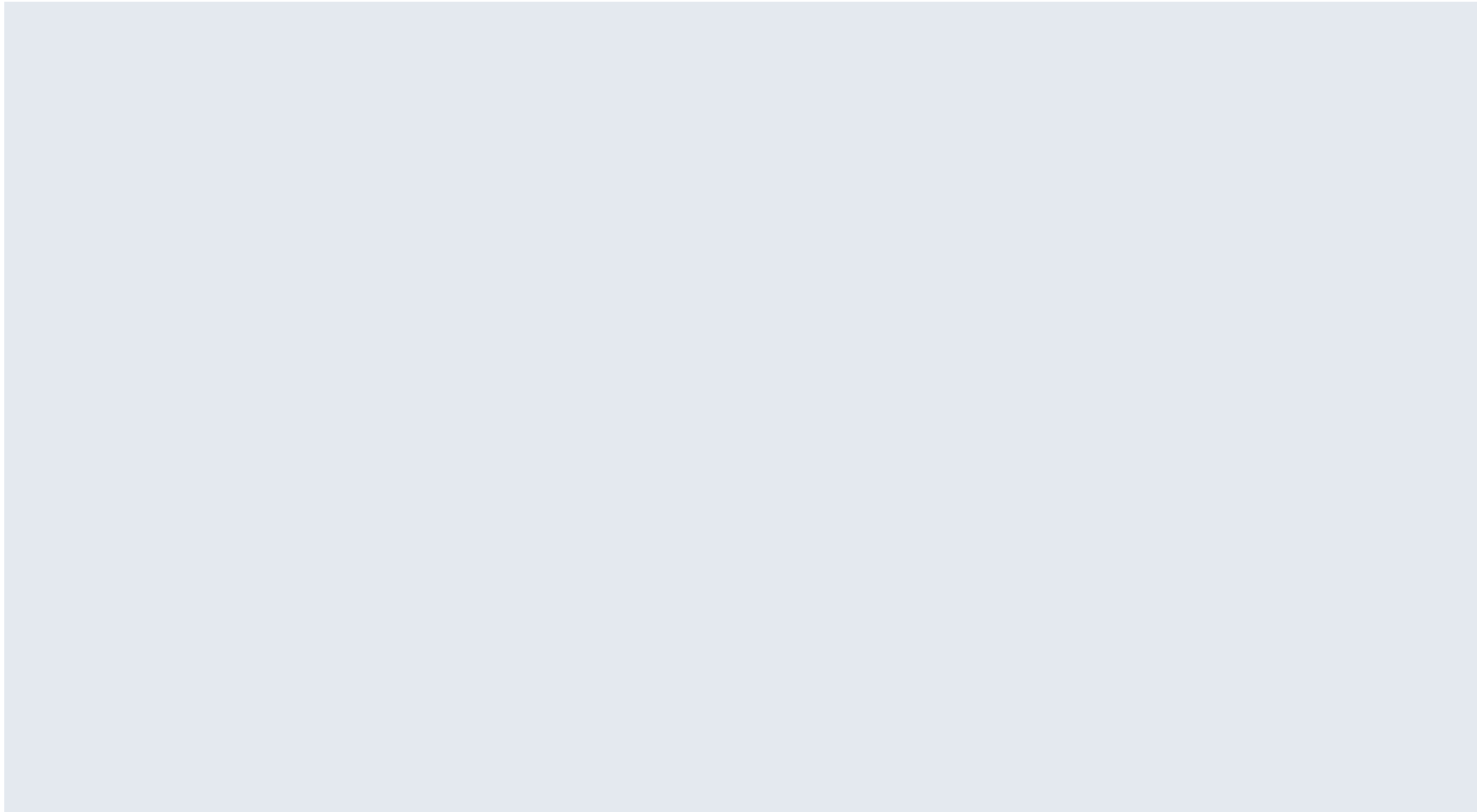
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the end

[randall@neu.edu](mailto:randall@neu.edu)



### Instruction 3 - Standard of Proof

	1	2	3	4	5	6*	7	8	9	10	11	12	avg of 12 qs	*avg of 11 qs
Original	72.41%	79.31%	68.97%	75.86%	79.31%	75.86%	72.41%	72.41%	68.97%	48.28%	96.55%	82.76%	74.43%	74.29%
Plain Eng.	89.66%	93.10%	65.52%	93.10%	89.66%	37.93%	93.10%	86.21%	93.10%	68.97%	100.00%	55.17%	80.46%	84.33%
difference	17.25%	13.79%	-3.45%	17.24%	10.35%	-37.93%	20.69%	13.80%	24.13%	20.69%	3.45%	-27.59%	6.03%	10.03%
t-score	1.6750	1.5232	-0.2801	1.8134	1.0880	-2.9165	2.0860	1.2969	2.3443	1.5993	1.0090	-2.2707	1.9046	3.1275
p-value	0.0470	0.0639	0.3897	0.0349	0.1383	0.0018	0.0185	0.0973	0.0095	0.0549	0.1565	0.0116	0.0284	0.0009

# Results, continued

72 questions							
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## Readability Comparison

	Flesch Reading Ease (FRE)		Flesch-Kincaid Grade Level (FKGL)		Word Count		Words per sentence	
	Orig.	Plain Eng.	Orig.	Plain Eng.	Orig.	Plain Eng.	Orig.	Plain Eng.
I. Breach of Contract	55.4	82.4	10.5	5.4	125	128	20.0	14.8
II. Credibility of Witnesses	50.6	79.8	12.0	6.2	314	184	26.2	16.4
III. Standard of Proof	52.2	68.0	12.0	8.3	250	223	31.2	18.6
IV. What is Evidence?	60.8	65.7	9.4	7.7	457	291	19.9	14.8
V. Inferences	58.6	59.1	10.8	11.0	163	169	23.3	24.1
VI. Direct and Circumstantial	47.3	68.3	12.0	7.9	111	152	37.0	16.9

**Flesch Reading Ease test:** This test rates text on a 100-point scale. The higher the score, the easier it is to understand the document. The formula is:

$$206.835 - (1.015 \times ASL) - (84.6 \times ASW)$$

**Flesch-Kincaid Grade Level test:** This test rates text on a US school grade level. For example, a score of 8.0 means that an eighth grader can understand the document. For most documents, aim for a score of approx. 7.0 to 8.0. The formula is:

$$(.39 \times ASL) + (11.8 \times ASW) - 15.59$$

**ASL** = Average sentence length

**ASW** = Average number of syllables per word