

## Plain Speaking with Bill Perritt

John Caher: Welcome to Amici, news and insights from the New York courts. I'm John Caher.

I'm going to call today's program "Plain Speaking with Bill Perritt." Bill, the chief management analyst with the OCA Division of Professional and Court Services, is spearheading an effort in the courts to cleanse our materials of jargon and legalese, and to provide clear and concise information to court users. In other words, it's all about the reader. Bill recently advertised for a "plain language coordinator," a person who will help him implement the plain language initiatives the court system is now pursuing.

Bill, welcome to the program. What do you mean by plain language? What does that mean?

Bill Perritt: Morning, John. Thanks for having me on. Appreciate it. Plain language very simply is speaking in common terms that the average person can understand. That's really the point of plain language.

John Caher: Is it fair to say it's all about the reader?

Bill Perritt: It is absolutely about the reader. That's exactly the point, that the court forms, resource materials, including online information that we have available for the public or that we disseminate to the public, are intended to communicate with court users. And that includes litigants, attorneys, partner agencies, such as police or DAs, or social services agencies, treatment programs. The list goes on and on of those that we communicate with in the court system. And if these court users cannot understand or interpret what we're attempting to convey to them, then we're not communicating effectively. And this is really counter to our initiatives regarding access to justice and public transparency as an organization. We want to be able to communicate effectively with the people that use the courts. And, in fact, research has found that even attorneys who have legal background and legal training often prefer these types of communications and forms and online information to be in plain language rather than in very technical legal terms.

John Caher: So, to be clear, what we're *not* talking about is dumbing down, right?

Bill Perritt: No, we're not talking about "dumbing down" at all. The idea is to restate the procedural information that the court disseminates to the public in terms that they can easily understand. That's not always easy to do

because there are legal statutes that govern what we do every day in the court system. However, if you can convey that information to someone without a legal background in a way that they can easily understand without the aid of convoluted instruction sheets or someone to explain it to them, essentially interpret it for them point by point, then you've used plain language effectively and you've communicated it effectively. And that's really the whole drive and the whole impetus for using plain language and integrating plain language into what we do.

John Caher: I can see that being a real challenge, particularly in the legal area, because the law is by necessity precise. It's sometimes jargony and sometimes the Latin phrase is the one you need to know. So how do you work around all that with plain language?

Bill Perritt: That's really a core issue that we grapple with all the time in using plain language, because we have to strike that balance between legal accuracy and effective communication, and it can sometimes be a difficult balance to strike. Judges and attorneys will very often opt for a very precise, legal language that tracks the language in the applicable legal statutes that govern what it is that they're doing, the proceedings that they're presiding over, et cetera.

And I certainly understand the perceived necessity for that especially in light of their legal training, because they are trained in the law. However, if the target audience for these communications do not understand what is being conveyed to them, then that legal accuracy is of limited value, right? So, yeah, the language may conform to the statute, but the recipient has no idea what it means, then that's not effective communication. And the new thinking regarding plain language is that it's better for the target audience to understand what they're reading and the information that you're trying to convey to them and the directives that the court is providing, even if we may sacrifice some of the technical legal language in the process because you're communicating more effectively.

John Caher: I understand. So let's talk about this coordinator position that you're advertising for. What is it that person will do precisely and where is it that they will do it?

Bill Perritt: Well, the plain language coordinator will work for my office, which is the Office of Trial Court Support. We provide operational support and guidance to New York State's trial courts, meaning the criminal courts, the civil courts, family courts, and surrogates courts. And so we are very involved with creating and revising court forms, with creating and

disseminating information, be it written documentation or online information that is intended for procedural information, procedural guidance to the public, and to others, to partner agencies and the like. And so the plain language coordinator would work with us to revise existing court forms, to create new court forms, to revise reference materials, web content, in a way that conforms to plain language principles. That is really the core of the job. They would work in conjunction with the court liaisons in my office who are subject matter experts in the courts who know the procedural machinations of the family courts and the civil courts and the criminal courts. And so there would be some guidance here. We would also work hand-in-hand with counsel's office because we want to make sure that in using plain language we're not omitting some very critical legal requirements in the language, but stating them in a way that's understandable for the average person. So we will be working hand-in-hand with other OCA units and divisions in doing this as well, working hand-in-hand with the web team in order to get that information disseminated, and that is really the crux of the job.

John Caher: What's the criteria? What sort of a person are you looking for—a writer, an attorney, a professor, someone who has experience in this? What are you looking for?

Bill Perritt: It's really a wide-open field, John. The posting is what we call a “tiered” posting. The person could be hired as a management analyst, which is a non-attorney title, a non-legal title, or as a senior counsel or an associate counsel, which is a title for an attorney. So it could be an attorney or a non-attorney, depending upon their experience and their qualifications. Obviously strong writing skills are going to be essential here, and training and expertise in plain language is going to be essential. Can a layperson do that? Sure. Can an attorney do that. Sure.

So we don't have any preconceived notions about what type of individual it has to be necessarily, but just that they have plain language expertise and they understand what our goals are here regarding the plain language coordinators role in converting the materials, the forms, the online information that we have currently available into plain language terms, and proficiency with some technology is also going to be a huge help—things like Microsoft Office, the Foxit program, which is the PDF reader that we use to create PDF forms and fillable forms, things like that. Experience working in the legal field in some way, shape, or form, either as an attorney or a paralegal or perhaps within a court system, either here in New York or in some other state or at the federal level, would be helpful for that familiarity with legal terminology. But again, we

have an open mind and don't have any preconceived notions about exactly where this person comes from as long as they have those skills.

John Caher: And they would work where?

Bill Perritt: The office is located in Albany. It is on Wolf Road in Colonie in the County of Albany, and so they would be working primarily out of this office. There would be some travel within New York State required. It wouldn't be extensive travel, but for committee meetings or meetings with counsel, or meetings with judicial districts regarding certain forms or information that they're trying to formulate, they may be required to travel.

John Caher: I understand. I know the deadline for applying is coming up real soon. I believe August 5th. So if someone is interested, what do they do? How do they apply?

Bill Perritt: Well, actually, I'm happy to say that the deadline has just been extended for an additional four weeks. So now that the new deadline will be September 2nd, it gives us a little additional time. We have done extensive outreach, posting the job on various job sites online and doing outreach through our Office of Diversity and Inclusion. They have a vast network that they distribute job postings to, including law schools, graduate schools and other organizations. And so we hope that through this outreach, we will reach more people and more qualified candidates.

If someone is interested in applying, there is a posting online. It's announcement number [1268](#), and it is on our public website, under the Careers page, where all of our public facing jobs are posted.

If someone is interested, they should file an [application](#), which is also available on the website, and they should submit a resume and any professional references, letters of recommendation, anything like that they would like to include with their application. As part of the application process, if someone is selected for an interview, they would be asked to submit a writing sample, which, of course for this position, would be very critical to evaluate their writing skills. So that would be part of the exercise as well.

John Caher: Well, that sounds great. Bill, thank you so much for your time and thanks for what you're doing. I think the work you're doing is important. As you made clear, it's all about communicating.

Bill Perritt: Thank you again for having me on. I appreciate your time.