



PLEI Guidelines Project Final Report

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Éducation juridique communautaire Ontario

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PROJECT OVERVIEW

Community Legal Education Ontario (CLEO) undertook a public legal education and information (PLEI) mapping exercise and found close to 1700 PLEI resources, from almost 200 providers identified in a survey on Ontario resources. One of the themes emerging from this exercise was that a set of guidelines for good practices or minimum indicators of reliable PLEI would serve to improve the body of PLEI materials and, ultimately, make it easier for people and organizations to find accurate and relevant resources.

The discussion of guidelines raises questions about the attributes of good quality PLEI materials. PLEI, whether online or in print, must be accurate, jurisdiction-specific, up-to-date, relevant and written in plain language. It should reflect the needs of the community it is designed for in terms of language and format, meet accessibility standards and anticipate how people receive and use PLEI.

RESEARCH OBJECTIVE

The objective of this project is to determine stakeholder interest in and acceptance of potential guidelines for PLEI using the criminal law context with a view to applicability across Canada.

As part of this project, draft guidelines have been developed and used for the purposes of consultations and a case study. The draft guidelines were circulated to primary PLEI providers in Ontario and through the Public Legal Education Association of Canada (PLEAC). A case study identified a selection of PLEI resources on a common criminal law topic and applied the draft guidelines through self and external assessments. These consultations and assessments have been supplemented with research into tools that may assist in the application of the guidelines, and explorations of relevant initiatives in other jurisdictions.

The project has investigated the following research questions:

1. What could guidelines for PLEI look like?
2. How does a sample of existing criminal law PLEI measure up to the potential guidelines?
3. What exists in terms of automated tools, and other technology that might assist in applying these guidelines?
4. What do PLEI providers think about the guidelines?

PROJECT BACKGROUND

The PLEI Guidelines Project seeks to help PLEI producers in Ontario improve the quality of their PLEI resources. The central role of PLEI as an access point to the justice system has been well-documented with calls to strengthen the access to PLEI as an access to justice strategy¹. The project links to the ongoing efforts within the Department of Justice's criminal justice system review to assess public awareness and understanding of the justice system

¹ See for example, the National Action Committee report, reports from the Canadian Forum on Civil Justice, the CBA Envisioning Equality report, etc.

CLEO's recent mapping project² identified a number of steps to strengthen the community of PLEI providers and improve the public's access to relevant PLEI. In particular, the Learning from a Snapshot report drew attention to the duplication and lack of coordination of PLEI in Ontario. It found "a large number of PLEI resources, on a wide range of topics, for a diversity of audiences, and intended for a variety of uses." It also described the difficulty finding and categorizing these resources, positing that:

"Our researchers were challenged to wade through the vast body of existing PLEI, and to categorize, in a consistent way, the resources they identified. Could this maze be similar to what users face when they try to sort through the legal information they encounter in their online searches?"³

The recommendations of CLEO's Learning from a Snapshot report focused on specific steps to build greater collaboration and move the sector towards higher quality, easier-to-navigate PLEI, including a specific recommendation to pursue guidelines.

CLEO RECOMMENDS MOVING FORWARD, IN A PHASED WAY, WITH THESE ACTIVITIES, STARTING WITH THE DEVELOPMENT OF STANDARDS AND FOLLOWED BY THE DEVELOPMENT OF A "SEAL OF EXCELLENCE" PROGRAM.

Initial research into similar guidelines projects in other jurisdictions, as well as the use of standards in other sectors, informed the development of draft guidelines used in this project. The project has focused on guidelines, as opposed to standards or requirements, to promote good practices and to respect the local and linguistic expertise and nuances that are integral to the PLEI produced by many organizations in Ontario.

DRAFT GUIDELINES

The draft guidelines developed for testing in a case study included five questions that could be answered with a yes or no response. Commentary was added to each draft guideline to assist the reader in determining if a resource meets the guideline. The draft guidelines are provided below.

² Community Legal Education Ontario, Public Legal Education and Information in Ontario: Learning from a Snapshot, 2015.

³ Learning from a Snapshot, page 2.

Does the resource...

1. Clearly indicate the intended audience or specific purpose?

Yes

No

Guidelines:

- The resource indicates that it is designed for a specific audience (ex. tenants, employees) or a specific purpose (ex. completing forms, preparing for court). General titles like 'Introduction to Criminal Law' are only used for overview resources that do not focus on one party or other.
- The intended audience / purpose is in the document itself, not in the web banner, and is retained when the document is printed from online sources or accessed on mobile devices.
- The intended audience or purpose might be implicit in the title or in the navigation of the resource (ex. in the question asked in a resource that uses guided pathways)
- Examples:
Specific audiences - *Guide for Young Workers, Supporting Someone Leaving an Abusive Relationship?*
Specific purpose - *Tips for filling out Small Claims Forms*
General Audience - *Overview of the Family Law Process in Ontario*

2. Clearly indicate the jurisdiction?

Yes

No

Guidelines:

- Use of a logo that includes the name of the province is not sufficient. Logos that are well recognized within a province are not sufficient as they give no indication to readers from another province that the resource is not necessarily relevant.
- Examples:
Renting in Ontario
Making a Complaint: A guide for Ontarians contacting the Human Rights Tribunal (phrase included under the title: Applicable in Ontario)

3. Prominently display the date of last review?

Yes

No

Guidelines:

- The 'last reviewed' date tells the reader when the content of the resource was reviewed by a qualified legal expert to ensure content is legally accurate and up-to-date. The last reviewed date may change, even if no changes were made as a result of the last review.
- The date of last review is included near the top of the document. The resource might also include other applicable dates such as the date of review by specific relevant professionals (doctor, educator). The 'last reviewed' date is designed to be an indication of the reliability of legal content in the resource.
- Updates to addresses, contact information, or minor operational changes do not warrant a change in the 'last reviewed' date. Changes to the graphics and layout or additional pictures in a resource do not constitute a review of its legal content. Copyright dates or webpage updating dates are also not sufficient indications of a legal review. These dates might be included on a page, often in the footer.
- If an online resource is printed, the 'last reviewed' date must be included in the text that is formatted for printing.

4. Use an appropriate language level for the intended audience?

Yes

No

Guidelines:

- A Grade 8 reading level is often used for resources designed for the public. Some PLEI resources are designed for specific audiences with a higher or lower reading level. There are tools to check the reading level of a resource by inputting a web address, or pasting a selection of text: <https://readability-score.com/>. The reading level of a Microsoft Word document can be included in the spell checking function by turning on the readability statistics in the Spelling and Grammar options.
- Using plain language drafting principles (will include definition from CLEO editors).
- Visual, infographic and audio-visual content should also be selected with the audience in mind and be appropriate to the medium.

5. Include a referral to free or low-cost assistance?

Yes

No

Guidelines:

- The resource includes a concrete next step or action that can be taken by the reader, including a referral to a free or low-cost avenue for assistance. Free resources include legal clinics, pro bono programs, legal aid or legal help lines. Low-cost services include co-pay or reduced rates legal services like JusticeNet or legal aid services
- Examples:
 - To find out how to start your family matter, call ...*
 - Visit the courthouse where law students can help you fill out forms ...*
 - Go to the landlord tenant board website at*
 - For help making a complaint, call the Ombudsman office at ...*

OPTIONAL: GOOD PRACTICES IN DEVELOPING QUALITY PLEI

In addition to the draft guidelines, optional “good practices” were articulated, to foster understanding of good practices and promote additional thinking about the writing and production processes – and, ultimately, to shift and support good practices in the sector. We did not expect PLEI producers to respond to these points on a yes/ no basis, but rather asked them (as an option) to reflect on their usefulness. The good practices shared in the case study are provided below.

Text of Good Practices:

These good practices are optional prompts, particularly designed for the community organization that does not have legal expertise or experience producing PLEI. See CLEO’s Better Legal Information Handbook: <http://www.plelearningexchange.ca/better-legal-information-handbook/>

Addresses a need and avoids duplication

- In addition to focusing on user needs, research other resources that focus on these needs. Where an existing good resource is available, focus on improving distribution or partnering to connect with new users, rather than creating a new, and duplicative resource.
- Consider the long-term obligation to keep your resources up-to-date, make regular legal reviews and monitor changes in the law. Consider partnering with a legal organization that has the resources and expertise to make sure legal information is up to date and reliable.

Developed with a user-centric approach

- Speak with users about their needs and questions prior to developing the new resource. Share the draft with users to find out if the content is understandable and meets their needs.
- User-centered design includes consideration of the format, visual and text presentation, adaptability, language level, and location of legal information.
- For more information, see CLEO's Better Legal Information Handbook: <http://www.plelearningexchange.ca/better-legal-information-handbook/>

Written in plain language

- Write in language that is clear and accurate, and that your target audience can easily understand
- Plain language includes the readability or language level of the resource, as well as design principles such as how much white space there is on the page, how information is placed on the page, how key information is featured, and how graphic elements are used to break up dense text.
- For more information, see CLEO's Better Legal Information Handbook: <http://www.plelearningexchange.ca/better-legal-information-handbook/>

Written or regularly reviewed by someone with legal expertise

- The final content should always be reviewed by someone with legal expertise.
- Legal expertise is critical for producing reliable legal information. Even if a resource is based on reliable legal information, once it is modified for a new audience, translated into a new language or converted into a more accessible format, the legal meaning may be inadvertently changed.

CASE STUDY

The case study was designed to test the applicability and ease of use of the draft guidelines within a discrete substantive topic. The substantive topic selected was emergency orders or urgent actions in the partner abuse / domestic violence context. This topic allowed for an examination of the usefulness of the guidelines to a range of types of PLEI producers including government, clinic, community organization and advocacy groups. Although the guidelines apply to print and online PLEI, only text-based PLEI available online was assessed in this case study.

Selected Resources

Resource Title	Producer
Getting Help with Family Violence	Department of Justice
Stalking is a Crime Called Criminal Harassment	Department of Justice
Peace Bonds	LAO Law Facts
Restraining Orders: A Guide for Representing Yourself	Ministry of the Attorney General
Violence in the Family	Ministry of the Attorney General
Do You Know a Woman Who is Being Abused	CLEO
What kind of evidence is required for a woman to obtain a permanent restraining order	Luke's Place
Restraining Orders Infographic	METRAC
Protection Orders – A Basic Guide to Restraining Orders	Ontario Women's Justice Network
Factsheet: Stalking and Family Law	Springtide
Legal Protection Orders	YWCA VAW Legal Info Project

Each of these resources was assessed according to the draft guidelines by two external assessors (Sarah McCoubrey and a CLEO staff expert) familiar with this guidelines project and knowledgeable about attributes of high-quality PLEI. As well, all of the producers of these resources were invited to self-assess their resource using a simple online tool. Two of the producers did not respond to the invitation to participate; one of the selected resources is an infographic making it difficult to assess using the draft guidelines.

The other resources were assessed by the producing organizations as well as the two external assessors. A comparison of the three assessments – particularly where the assessments differ – highlights ways in which the draft guidelines need clarification or a revised approach. Findings from the case study will inform the next draft of the guidelines and recommended good practices, as well as a strategy to introduce the guidelines to PLEI producers in Ontario.

Individual responses to the assessment questions are not included in this report. As mentioned earlier, the focus of this project is to determine stakeholder interest in and acceptance of potential guidelines for PLEI, and not on the quality of the specific selected resources or the understanding of individual staff members who completed the self-assessment. The results of the assessments have been aggregated or reported in narrative form to focus on the draft guidelines, and not on the participating organizations.

CASE STUDY RESULTS

SELF-ASSESSMENT RESULTS

The participating organizations completed the draft guidelines survey and some answered the optional good practices questions. While there was some initial concern about the time required to complete the process, respondents completed the self-assessment survey tool quickly. A few commented that the process and time required was much less than they had expected.

There were some differences between the assessments carried out by the self-assessors and those done by the external assessors, pointing to different interpretations of the draft guidelines. The project had planned to discuss these differences with the self-assessors, focusing on the ease of application of the guidelines, and some early conversations for this purpose took place. However, the discussion prompted some defensiveness on the part of some self-assessors, and it was decided not to continue with these discussions.

In our view, the drafters' investment in the resource and immersion in the subject area meant that they were very "close" to the resource, and a discussion that could be seen as suggesting areas for improvement threatened to alienate the self-assessors from the PLEI guidelines approach. Instead, the project has focused on modifications to the draft guidelines based on the assessments, anticipating future engagement with the PLEI producers and protecting CLEO's strong reputation with PLEI producers.

ANALYSIS

DRAFT GUIDELINE ONE: AUDIENCE OR PURPOSE

This guideline is designed to ensure that resources give readers early information to help them decide if the resource applies to them. Looking for a statement of audience or intended purpose will help avoid situations where someone reads a resource designed for self-help support if they are looking for a training material, or resources designed for tenants versus landlords, or other targeted usage.

CASE STUDY RESULTS

All nine of the self-assessments answered yes: the audience or intended purpose was clearly indicated. The external assessment of the website versions found that all but two of the resources clearly stated audience or purpose while the review of the downloaded versions only received two clear positive responses. The range of interpretations of this draft guideline demonstrates a need for refinement of the text and accompanying commentary, including a consideration of the context of online and print sources of PLEI.

It seemed that many self-assessing organizations rely on the inference of audience or purpose from the context of other information on a website. When online resources were viewed on a website, embedded within the rest of the organization's description of its focus, the self-assessors inferred the intended audience from the rest of the information on the page. When the resource was viewed from a pdf, the external assessors did not infer the audience or purpose the same way the self-assessors did. The inference of audience may be especially common for resources developed by organizations with a strong advocacy role for a particular audience, such as those in the case study who support women experiencing domestic violence.

This draft guideline is intended to encourage drafters to consider whether readers will quickly understand the audience or purpose of the resource, but it is not designed to create an awkward declaration of purpose on each resource. Requiring too explicit of a statement of purpose may eliminate stylistic flexibility or undermine efforts to make resources reflect the audiences they are designed for.

The purpose of online PLEI may be inferred from the pathway users take to get to the resource. Research into the way people search for online resources identifies the importance of the credibility of referral sites and search functions⁴. When people arrive at a resource after navigating through trusted referral sites, the purpose will have been inferred from the trusted referral. General comfort with online searching will lead many people to rely on a website banner, tagline or site description to confirm relevance. In other words, the dynamics of online searching may reduce the need for an explicit indication of audience or purpose for online resources. Print resources or print-outs of online information do not benefit from the context of a website and may require more explicit indications of purpose.

DRAFT GUIDELINE TWO: JURISDICTION

The second draft guideline asks if the jurisdiction is clearly stated on the resource. It is designed to prevent people relying on a description of law from another jurisdiction or having inaccurate expectations of process, services, timeframes and avenues of help. This is one of the easier guidelines to understand, assess and rectify. Simple modifications to resources can easily prevent the situation where the reader discovers the jurisdiction only after working through the whole resource to find the links to forms or referral services from a different jurisdiction.

While most PLEI resources do have reference to places, names of court or other process descriptions that might cue a reader to the jurisdiction, these are not always at the beginning of the document. Further, readers may assume that the description of the law is applicable in other provinces. Without a clear statement of jurisdiction, even where there are regional references to cities or courts, readers may assume that the law applies across Canada or even assume that American law applies.

CASE STUDY RESULTS

Half of the self-assessors chose no when asked if their resource indicated jurisdiction. The external assessors found similar levels of missing jurisdiction; however, they identified different resources as lacking jurisdictional information. The primary confusion is with government produced resources with prominent 'Canada' or 'Ontario' logos. While these are not explicit indications of legal jurisdiction, they may function as an indication of the jurisdiction to readers.

With smaller organizations whose logos are not well known, at least beyond their service area, the reference to Ontario in an organization name or logo cannot be assumed to convey jurisdiction. A number of the self-assessments answered yes to this guideline despite the logo being the only reference to jurisdiction.

DRAFT GUIDELINE THREE: DATE OF LAST REVIEW

The third draft guideline asks about the prominence of the date of last review. The accompanying commentary clarifies that the date needs to let the reader know if the substantive legal content can be trusted. It does not reflect updates to addresses and phone numbers or general website copyrighting.

⁴ Gigerenzer, G., Todd, P.M., *Simple Heuristics that Make Us Smart*. New York: Oxford University Press, 1999.

There has been considerable debate amongst PLEI providers in BC about whether or not the review must be a legal review, or a review by a qualified expert in the non-law related component of the resource.

CASE STUDY RESULTS

Seven of the nine self-assessors indicated that their resources include a date of last review. Two of those were government-produced resources for which the external assessors only found copyright dates at the bottom of the resource. The two self-assessments that answered no were with respect to resources that actually had dates, but they were difficult to find. Only two resources used clear terminology such as 'date of last review'. While none of the self-assessors in the case study explicitly questioned the meaning of the phrase 'date of last review', their assessment was not always the same as external assessors.

DRAFT GUIDELINE FOUR: LANGUAGE LEVEL

Assessing language level is the most difficult to assess in a simple manner. The case study suggested an online readability tool for use in assessing the selected resource. The external assessment used two different readability tools, finding relatively consistent rankings with both. The adequacy of readability as an indication of appropriate language level came up in a few conversations with stakeholders. This issue is discussed in more detail below.

CASE STUDY RESULTS

Self-assessments and external assessments were almost completely consistent with each other, coming within half a grade level in all but one instance where the self-assessment rated the readability much higher than the external assessment.

DRAFT GUIDELINE FIVE: REFERRALS TO LEGAL SERVICES

The last of the draft guidelines looks for referrals to legal support, requiring free or low cost referrals to help people take next steps. It is designed to ensure that a reader can take at least initial action based on the PLEI resource.

CASE STUDY RESULTS

All of the resources were self-assessed as having referrals to free or low cost legal assistance. The external assessment found only half of the resources included sufficient referrals. One had no referral information and the others had referrals to police or emergency lines, or links to government forms, but no referrals to legal assistance.

RESPONSE TO TAKING THE SURVEY

When asked to complete the survey, a number of the participating organizations simply completed the survey and did not have any questions about the case study or the larger research project.

Others indicated some concern about the amount of time it would take or the expectation that they be knowledgeable about the substantive topic. These participants, once the process was further explained, completed the survey and then confirmed that it had been quick and within their knowledge base. Both

the federal and provincial government contacts forwarded the request to someone else on their team to complete the survey tool.

Some participants wrote follow-up emails indicating that they found the guidelines to be a useful reminder of these basic PLEI components and that they might integrate these as internal reminders prior to publication.

ISSUES IDENTIFIED IN THE CASE STUDY

ADDING EXTERNAL GUIDELINES TO INTERNAL PROCESSES

The first response to the invitation to complete the case study from both the provincial and federal government, as PLEI producers, was that their resources are developed following an internal process. In both cases the respondents were happy to receive any results of the assessment and review suggestions but were initially resistant to applying and assessing the draft guidelines in addition to their internal process. There seemed to be concern that the guidelines might conflict with their internal policies, and that applying them might add to their already complex system for developing resources. This may also have been a factor in the lack of response from one of the large institutional producers that did not participate in the case study.

After further discussion about the purpose of the case study and the clarification that the substantive content was not being assessed, both government producers were happy to participate and enthusiastic about incorporating the draft guidelines into their process. As mentioned above, this response may be indicative of the dynamic of larger producers with formal policies and a large team involved in the drafting, production and updating of PLEI.

This dynamic and related concern from staff at large organizations reinforces the need to be respectful of, and work with, existing processes and roles, including the need to be mindful of supporting the PLEI efforts of small organizations that serve specific communities, including particular linguistic, cultural or issue specific clients.

INFOGRAPHICS

One resource that was considered for inclusion in the case study was an infographic. In the end it was not assessed against the guidelines because of the difficulty of applying the language assessment approach to a graphic. Automated readability tools require text input; however, infographics integrate the text with graphics and layout that convey the meaning of the resource. With the increasing use of infographics, graphic novels and video and audio content, any assessment of language level will need to include multi-media options. Expectations that resources be modified to comply with the guidelines must also accommodate the additional cost and technical difficulty in modifying these types of resources.

MEASURING LANGUAGE LEVEL

The fourth draft guideline raises questions about efficient ways to assess something as complex as appropriate language level. The draft guideline aims to assess more than just the grade level of the writing, with attention to principles of plain language and clear communication tailored for the audience. The formality of the language should vary depending on the audience.

Readability assessments that measure text by grade level should not be conflated with plain language writing. Even within the readability tools, there are different ways of measuring grade level ranging from the Flesch-Kincaid assessment, which is built into the spelling and grammar tools in Microsoft Word, to systems that combine word and syllable count. One site, CheckText.org, offers the results according to a number of these systems, as well as an average of the rankings. It also assigns its own guide to understanding the reading level by providing a simple colour-coded assessment of Reading Ease, Grade Level and Comprehensibility that replaces the numeric assessment.

While none of these readability tools are sufficient to measure appropriate language level, they do provide ideas for adopting a multi-faceted approach that includes readability and plain language strategies.

Reading Ease:	Hard
Grade Level:	High school
Comprehensibility:	Newspaper

GRADUATED SCALE VERSUS YES / NO

The survey tool for self-assessment of the draft guidelines was deliberately developed with yes/no questions to produce a simple tool that would require minimal staff time from the participating organizations. Having analyzed the different responses to the question of audience or purpose, as well as the nuances of appropriate language level, a graduated scale should be explored that links the specific requirements in the commentary, guiding respondents to more consistent and nuanced responses.

CONSULTATIONS WITH PLEI PROVIDERS

NATIONAL COORDINATION

The timing of this project has aligned with an independent discussion in BC about PLEI standards; the BC Law Foundation has struck a Committee to look at standards for PLEI publishers. The Committee has established its mandate and had initial discussion about standards. Last spring, CLEO shared its early research and participated in the BC's Committee's conference calls through the fall. There have been efforts to align the two discussions, without predetermining what each will conclude or chose to promote locally.

The proposed guidelines being tested through this project are now also being discussed in BC. That initiative may adopt broader or more detailed variations of the guidelines, but will base its discussions on CLEO's draft guidelines and will build on the work carried out in this project.

PLEAC CONSULTATION

At the October 2016 PLEAC conference, a session was dedicated to the discussion of guidelines for PLEI. Both this project and the BC Committee work were described. The case study was then presented, with an outline of the draft guidelines. With this background, PLEAC members were invited to provide responses to the PLEI Guidelines Project generally and to the specific draft guidelines.

There was enthusiasm for a set of guidelines, with some PLEAC members asking if these guidelines could become national in scope. Particularly in the Maritime provinces that have smaller staff and budget resources, the idea of guidelines was seen as advancing a conversation with funders about the long-term costs of maintaining quality PLEI and drawing attention to the amount of free support PLEAC members are providing to community PLEI producers.

Specific questions of applicability to large and small producers, issues of translation and multi-language PLEI were raised. Attendees discussed the costs of modifying existing PLEI to reflect the guidelines (e.g., standard terminology or prominence of text, reformatting of downloadable content) as a potential risk that may be countered with the opportunity to highlight to funders the ongoing work of maintaining PLEI that is currently difficult to quantify.

Discussion about the difference between language level and plain language was countered with a concern that too much detail in the guidelines would look like training for editors.

High level guidelines were seen as facilitating a shift in the quality of PLEI and would be useful to raise awareness about the importance of these basic practices. If adopted on a national level, guidelines were seen as a tool to unify the PLEI community and raise awareness of PLEAC's role in promoting high-quality PLEI.

ONTARIO CONSULTATION

CLEO presented the project and draft guidelines to the PLE Cluster of The Action Group on Access to Justice (TAG), which includes representatives from the major PLEI producers in Ontario. The PLEI Cluster is familiar with CLEO's mapping project⁵ and was supportive of the guidelines project as an extension of the recommendations in the earlier research.

The response to the draft guidelines included a discussion about the difficulty of applying guidelines to organizations that develop PLEI for their specific communities, including the importance of respecting the specialized expertise of legal clinics and community groups serving specific communities.

IMPLEMENTATION

The cost and time involved in correcting existing resources, especially those that might not be in high circulation, has been identified as an implementation challenge. To get a sense of the time involved, the process was contrasted with the transition time and effort that was required to format BC's PLEI providers' resources for inclusion on ClickLaw. The ClickLaw staff spent time assisting with resource

⁵ Community Legal Education Ontario, Public Legal Education and Information in Ontario: Learning from a Snapshot, 2015.

modifications and the BC Law Foundation offered a small amount of funding to organizations that had many resources to reformat. It is a useful comparison to help gauge the time involved in updating date, titles, header content and requirements for different platforms.

While the changes may not be complex, re-formatting multiple pdfs or other downloadable documents, particularly for organizations with hundreds of resources, is a real concern, in addition to the time involved to initially assess the resources. It may assist with this resource concern, as well as the broader adoption of guidelines, to introduce the guidelines for all new resources, encouraging PLEI producers to integrate these practices into their future writing and publishing but not expecting retroactive application of the guidelines.

RESEARCH INTO AUTOMATION AND TECHNOLOGY OPTIONS

TECHNOLOGICAL APPROACHES TO ASSESSING PLEI

The viability of guidelines as a tool for improving the quality of PLEI is dependent on the format in which these guidelines are presented and assessed. Labour intensive review of document will make self-assessment unlikely. Assessment with no link to suggestions for improvement will not address deficiencies in specific areas. The guidelines, if widely accepted, are likely to result in an increase in requests for editing assistance to improve the writing and formatting of PLEI. This will be a positive result if it can be managed sustainably, but will be a drain on staff time and CLEO expertise if it is not anticipated and planned for.

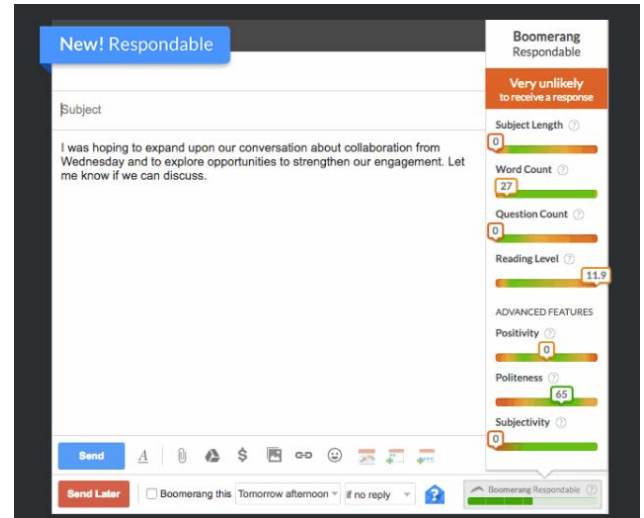
Automating the assessment process would decrease the time requirement for organizations and standardize the interpretation of the guidelines. A simple tool for assessing against the guidelines could generate a ranking or preliminary score, with suggested actions to improve the writing or adding of dates or jurisdictions.

There are a number of promising tools used in other contexts that provide similar assessments based on a small range of factors. In addition to these tools, which may be a model for adaptation, there are common programming functions that can be built into a website or pop-up screen to scan a specific document. Finally, there are two tools being developed in the legal context that offer some of the functionality of an automated assessment tool.

AUTOMATED ASSESSMENTS IN OTHER CONTEXTS

BOOMERANG RESPONDABLE

Boomerang has developed an extension that users can authorize in their email application called Respondable. It generates a prediction of the likelihood that an email will generate a response and offers suggestions for improving the draft email to increase the chances of responses. Respondable is based on a machine learning algorithm developed by analyzing millions of emails and determining the combination of complexity, subject line length, number of questions and style of writing that are most likely to result in a response. As a user drafts an email, a real time ranking of each criteria appears beside the draft. Hovering over each ranking exposes suggestions to improve the text. Respondable's assessment includes consideration of how the aspects of the email interact to improve the quality of the communication.



GOOGLE SEO ALGORITHM

Google's powerful search functions are based on machine learning of a complex set of factors. These factors have been refined over time as users learn how to circumvent the search functionality by artificially weighting different factors.

The current search algorithm scans web content for the following metrics, creating a complex assessment of site content quality:

- Keyword density
- Anchor text
- Meta descriptions
- Backlink quantity
- Backlink quality
- Internal links
- ALT and <H> tags
- Bold and italic words
- Content freshness
- Content length
- Social shares

The algorithm is constantly changed as web developers use techniques like keyword stuffing, backlink manipulation, and paid blogging networks to make low-quality sites appear higher on the search ranking. The latest update has replaced keyword counts with a count of accurate, verifiable facts⁶.

WIZENOSE READABILITY CLASSIFICATION

A recent application of machine learning to readability assessments has resulted in a more nuanced automated test of readability that combines traditional data like word and sentence count with an algorithm that assesses natural language programming. This approach is intended to replace traditional readability formulas like the Flesch-Kincaid assessment.

WizeNose has combined this traditional formulaic approach with a machine learning process that considers questions like:

$$0.39 \left(\frac{\text{total words}}{\text{total sentences}} \right) + 11.8 \left(\frac{\text{total syllables}}{\text{total words}} \right) - 15.59 .$$

- Does the reader know most of the words?
- Does the text contain complex grammatical structures?
- Are there enough connectives to explain the flow of the text?
- Is the text about a lot of different concepts?⁷

This “Natural Language Processing” approach generates a ranking on a five point scale. It offers a Chrome plug-in that allows a reader to make an assessment of any website and offers an API for developers to include in site and app development⁸.

⁶ Ryan Law, “Google Algorithms;”, Kapost Content Marketeer Blog, 2015, <http://marketeer.kapost.com/google-algorithms/>

⁷ Gerben de Vries and Rosa Stern, “Readability Classification: Combining the Power of Machine Learning and Natural Language Processing”, November 14, 2016 <http://about.wizenoze.com/2016/11/14/readability-classification/>

⁸ <http://about.wizenoze.com/en/> or www.wizescan.com

Check with WizeScan

Do you wonder if you're writing at the right reading level for your target audience? The core technology of WizeNoze is our reading level classification, which automatically determines the reading level of texts. Using this technology you can:

- easily check the reading level of your text
- rewrite texts for a specific reading level
- offer your readers content at their reading level

Readability classification

The readability of texts is generally analysed by applying readability formulas. In our view, these formulas are obsolete. Using state-of-the-art machine learning technology, we have developed our own readability classification offering a scale of five reading levels. We employ the same text attributes as traditional readability formulas, but we also rely on more advanced grammatical characteristics of a text. Then, based on large quantities of previously labelled sample texts (training data), the machine learning technology determines which textual features are important for predicting its readability.

DEVELOPER TOOLS

A cursory review of APIs and open source code has revealed tools that scan for some of the characteristics of quality PLEI covered by the guidelines. These tools could be integrated into existing online sites to scan for the information included in the Guidelines.

Diffbot is an API that scans academic articles and generates JSON content that includes the title, author and publication date. JSON results can be used to generate listings, spreadsheets and other searchable data tools. The set of criteria is similar in complexity to the guidelines focused on jurisdiction and date of last review⁹.

Text Processing offers sophisticated treatment of specific content that is not shown in a consistent manner. For example, it has a date extraction tool that can extract a date regardless of numeric or text format¹⁰.

Data scraping is another approach to collecting standardized data. Scrapers are programmed to look for similar types of code in a website and pull data for users. Data scraping can look for dates, or similar content viewable on a site. It can also look for data in the code that is not visible to the viewer such as keywords.

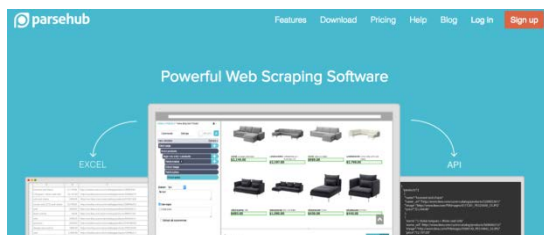
Two of many examples of data scraping for dates, DateParser and Parsehub, use variations of the same approach and are already programmed to read in different languages and to process relational date

⁹ <http://www.diffbot.com>

¹⁰ <http://text-processing.com>

information such as “updated two weeks ago.” These are packages designed to be used to pull information from websites, or to embed in a website to collect data¹¹.

Data scrapers are also available as free tools within the Chrome and Google suite of services. These are extensions or plug-ins that can be authorized by a user to scrape data of sites opened in the browser. This approach would only be functional if the assessments were done by a designated person. However, this tool might be a useful approach if a program of support and transition were offered to community organizations, to automate an assessment done within CLEO. These tools are free with, multiple tutorials on use¹².



dateparser – python parser for human readable dates

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dateparser provides modules to easily parse localized dates in almost any string formats commonly found on web pages.

Documentation

Documentation is built automatically and can be found on [Read the Docs](#).

Features

- Generic parsing of dates in English, Spanish, Dutch, Russian and over 20 other languages plus numerous formats in a language agnostic fashion.
- Generic parsing of relative dates like: '1 min ago', '2 weeks ago', '3 months, 1 week and 1 day ago', 'in 2 days', 'tomorrow'.
- Generic parsing of dates with time zones abbreviations or UTC offsets like: 'August 14, 2015 EST', 'July 4, 2013 PST', '21 July 2013 10:15 pm +0500'.
- Support for non-Gregorian calendar systems. See [Supported Calendars](#).
- Extensive test coverage.

APPLYING THESE TOOLS IN THE LEGAL INFORMATION CONTEXT

The legal market for app development is expanding quickly as entrepreneurs and legal professionals apply machine learning to the legal context. Two models that focus on relevant analysis of legal texts are Legale(a)se and Beagle.

Legale(a)se, an app under development in Canada, assesses writing, generates an assessment and offers suggestions to reduce legal jargon, simplify sentence structure and communicate clearly. While not based on plain language principles, it gives suggestions to users to help improve the clarity of their writing and make it reader-focused. Originally conceived as a tool for lawyers looking to improve their client communication, there may be interest in applying this tool in the PLEI context¹³.

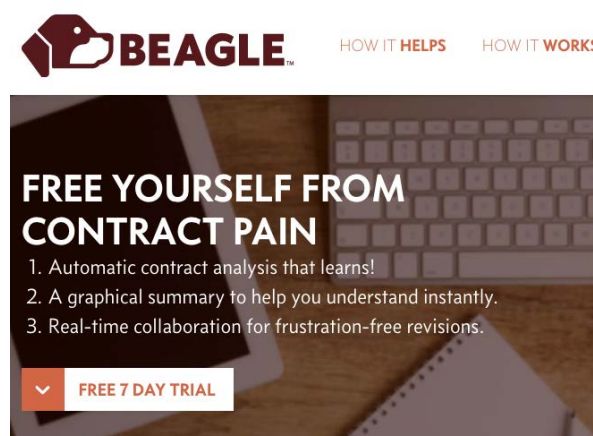


¹¹ www.parsehub.com/features; <https://dateparser.readthedocs.io/en/latest/>

¹² <http://schoolofdata.org/handbook/recipes/scrapper-extension-for-chrome/>

¹³ www.thelegaleaseapp.ca/about.html

Beagle, another Canadian app, is one of many contract review tools that scans a complex contract and generates a plain language summary of the obligations and conditions of the contract. It is designed to help small businesses understand their contracts and check that the legal text reflects their understanding or agreement. In the context of the guidelines project, its algorithm could possibly be adapted to scan for jurisdiction or date of last review; the data for both of these guidelines may be indicated in a variety of ways but would require more sophisticated machine learning than simple data scraping¹⁴.



IMPLEMENTING A MACHINE LEARNING SOLUTION

The development of an algorithm would require inputting a significant amount of data, followed by considerable testing to create an assessment tool for PLEI guidelines. This would be an expensive and time-intensive project. If there is interest in national use of a guidelines assessment tool, the cost of developing an automated assessment could be shared.

A less expensive and faster approach might be to work with existing developers to modify their tools for application to the PLEI context. The team at Legale(a)se could be invited to partner on a PLEI guidelines assessment tool that combines their current tool with additional scans for jurisdiction and date, either relying on machine learning developed in the contract review context or adding a simpler scanning tool to the Legale(a)se algorithm.

A third option would be to offer a simple self-assessment tool to PLEI providers as an encouragement to consider each of the guidelines, combined with a more consistent assessment and data scraping done by CLEO staff in the context of a paid or funded service to assist PLEI providers. This approach could facilitate immediate and inexpensive roll-out of the guidelines but would not address issues of consistent application of the guidelines and would not support a mark or seal approach. It may, however, be a suitable interim solution while a more sophisticated automated tool is developed or while making the case for funding and expansion of the guidelines.

NEXT STEPS

Based on the research, consultations and case study undertaken in this project, it is clear that there is merit in pursuing guidelines for PLEI. This exploratory research has been met with great interest from the wider PLEI community in Ontario as well as across Canada. Possible next steps for CLEO include:

- Revise the draft guidelines used in this case study based on case study responses
- Move forward with the development of a guidelines approach
- Consider a short and mid-term strategy for using technology to promote the guidelines, including possible partnership with other jurisdictions, funders and technology partners.

¹⁴ www.beagle.ai