



CYRUS R. **VANCE CENTER**
FOR INTERNATIONAL JUSTICE

Davis Polk

Guide

International Standards & Comparative Analysis

of the regulation and
implementation of
'easy-to-read' judgments

2025

Cyrus R. Vance Center for International Justice
& Davis Polk & Wardwell LLP

GUIDE

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I. INTRODUCTION

The Cyrus R. Vance Center for International Justice¹ actively addresses mechanisms for access to justice, fostering equality, citizen participation, and trust in the judicial system. In this regard, the Vance Center has collaborated extensively with judges' associations in Latin America and Africa to extend the application of such mechanisms.

Using language exclusive to the legal profession is not inclusive and undermines the effectiveness of access to justice. Practices that hinder comprehension include the excessive use of legal jargon, unexplained technical terms, Latin phrases, numerous references, and overly lengthy decisions. These issues disproportionately affect vulnerable groups, such as children and disadvantaged individuals. The concept of easy-to-read or accessible judgments—i.e., judicial decisions that non-lawyers can readily understand—is gaining traction among judges and courts worldwide. This report seeks to provide an overview of the different jurisdictions and courts that have started to weave easy-to-read practices into their opinions in a variety of ways.

The Cyrus R. Vance Center for International Justice thanks Davis Polk & Wardwell LLP for its pro bono support to produce this report. The Vance Center would like to thank Chief Pro Bono Counsel Amelia T.R. Starr; Associates Majd Atalla, Gilbert Lim, William Urukalo, and Cindy Wu; Pro Bono Attorney Jenny Dai, and summer associates Fabrizio Herrera Alfaro, Alexa Brady, Federico Pollevick, Manoela Scarpa Saldanha and Daniel T. Roque-Coplin for their assistance and valuable contributions in the research and preliminary drafting of this memorandum. The Vance Center would also like to express their gratitude to legal assistants Emilia Boggs and Ned Grady for all their help with translation and compilation of this memorandum.

This memorandum begins with a brief background section defining the concept of easy-to-read judgments, followed by a discussion of a few relevant international guidelines. The next section of the memorandum provides a deep dive into selected countries that are experimenting with publishing easy-to-read judgments, with the aim of offering practical examples and analysis for any jurists interested in the concept. For ease of reference, an appendix (the “**Appendix**”) includes a compilation of the guidelines mentioned in the memorandum as well as additional case examples, organized by country. Additionally, each of the cases analyzed in the country case studies are included in an attached exhibit (the “**Judgments Exhibit**”).

¹ The Cyrus R. Vance Center for International Justice advances global justice by engaging lawyers across borders to support civil society and an ethically active legal profession. The Vance Center is a unique collaboration of international lawyers catalyzing public interest innovation. A non-profit program of the New York City Bar Association, we bring together leading law firms and other partners worldwide to pioneer international justice initiatives and provide pro bono legal representation to social justice NGOs.

II. GENERAL OVERVIEW

A. *What Is an Easy-to-Read Judgment?*

Whilst there is not a single unified and comprehensive definition of accessible judgments, they typically refer to judicial opinions that can be easily understood by non-specialist readers.² Another characteristic of accessibility is the use of empathy for sensitive personal or historical matters³ in judicial writing. When combined with easy-to-understand language, such empathy helps parties to understand the court's rulings. For example, in order to effectively communicate with a 14-year-old party to a case, a judge may draft a section of the judgment in the form of a letter, in colloquial language, directly addressing the minor.⁴

Certain common characteristics that are generally present in easy-to-read judgments include:

- the use of simple language instead of legal jargon;
- a consideration of the audience such that the tone, language, and format of the judgment takes into account the demographics of the parties involved or its audience and any other context relevant to the decision;
- a simple structure;
- brevity; and
- empathy and sensitivity shown through language that is mindful of the parties' emotional states and the avoidance of language that may cause distress or trigger discomfort.

B. *Why Are They Important?*

Accessible judgments are important as they help promote the comprehensibility of the justice system for those outside the legal profession who may be unfamiliar with legal processes. Helping the general population understand the outcome of a legal matter in which they are involved fosters a sense of trust in the legal system, while clarity on the reasoning as to why certain legal steps are undertaken helps provide guidance at what is often a difficult time in their lives. This is important particularly in communities where there is a lack of trust in the legal system. Judge Carlos Núñez, a criminal judge and a professor at the Judicial School of the Costa Rican judiciary, believes that a better understanding of the work of judges will reduce unfounded allegations of corruption.⁵ Accessible judgments are similarly as important in the context of international courts, such as the International Criminal Court, in fostering a sense of trust and legitimacy, and with it, institutional acceptance in communities they may be prosecuting.⁶

² Kane, Matthew C. Accessible Judgments as a Practical Means to Reengage African Interest and Salvage the International Criminal Court. *African Journal of International Criminal Justice*. Vol. 1, No. 1 (2015), <https://www.jstor.org/stable/48581896>. Pg. 6-46.

³ Ibid. Pg. 32.

⁴ A (Letter to a Young Person), Re (Rev 1) [2017] EWFC 48 (26 July 2017). <https://www.bailii.org/ew/cases/EWFC/HCJ/2017/48.html>.

⁵ Poder Judicial de República de Costa Rica. Lenguaje claro unió a países latinoamericanos en conferencia internacional. <https://pi.poder-judicial.go.cr/index.php/prensa/1237-lenguaje-claro-unio-a-paises-latinoamericanos-en-conferencia-internacional>.

⁶ Ibid. Accessible Judgements to Reengage African Interest and Salvage the International Criminal Court. Article 1, footnote 16.

III. INTERNATIONAL GUIDELINES

International bodies have undertaken initiatives and published guidelines to assist national courts in improving the accessibility of their judicial writings. These efforts typically support the broader goals of bolstering the right and access to justice and strengthening the justice system's general credibility, which ultimately enhances the rule of law. As international bodies often hold an advisory function and lack enforcement power over their member states, the guidelines produced are consequently neither prescriptive nor mandatory. Nevertheless, such initiatives represent important signposts indicating the desire and progress of the various member states to move away from overly complicated judgments and towards a justice system that is more readily accessible, and therefore more trusted, by the public.

A. Europe

The Council of Europe (the “**Council**”), the leading human rights organization in Europe with 46 member states, works to promote democracy, human rights and the rule of law across Europe and beyond.⁷ Its first convention, the European Convention on Human Rights (“**ECHR**”), which became the cornerstone of all its activities, sets out in Article 6 (Right To A Fair Trial) the principles to be applied to civil and criminal cases, including that everyone charged has the right to be “informed promptly, in a language which he understands and in detail.”⁸ The section below captures some initiatives and guidelines introduced by the Council or in which the Council participated, namely: (i) the opinions of the Consultative Council of European Judges; (ii) the Handbook on improving quality of judicial decisions produced in March 2021; and (iii) the Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice.

i. Consultative Council of European Judges’ Opinions and “Magna Carta of Judges”

The Consultative Council of European Judges (the “**CCJE**”)—established in 2000 as the first international body composed exclusively of judges—is an advisory body of the Council of Europe that focuses on the implementation of Article 6 of the ECHR and, specifically, the issues relating to the independence, impartiality and competence of judges.⁹ In discharging this function, the CCJE prepares opinions for the Committee of Ministers (the “**Committee of Ministers**”), the Council's decision-making body, as well as for other Council of Europe bodies or member states when requested, and presents innovative proposals to improve the status of judges.¹⁰ CCJE opinions have been useful for drafting national regulations and legislation and for organizing the work of legal professions.¹¹

Two opinions are particularly relevant with respect to making judgments more accessible to the public: Opinion No. 7 (2005) on Justice and Society (“**Opinion No. 7**”) and Opinion No. 11 (2008) on the Quality of Judicial Decisions (“**Opinion No. 11**”). Opinion No. 7 states that “. . . accessibility, simplicity, and clarity of language of courts are . . . desirable,”¹² and also emphasizes that judicial language should be concise, plain and should avoid unnecessary Latin or complex wording,¹³ whilst Opinion No. 11 states that “all judicial decisions must be intelligible, drafted in clear and simple language,”¹⁴ and that such decisions’ reasoning must be “consistent, clear, unambiguous and not contradictory.”¹⁵ The CCJE further adopted on its tenth anniversary a Magna Carta of Judges, which summarizes and codifies the main conclusions of the opinions that the CCJE have adopted,¹⁶ whereby Principle 16 states that “[c]ourt documents and judicial decisions

⁷ Council of Europe. The Council of Europe at a Glance. <https://www.coe.int/en/web/portal/the-council-of-europe-at-a-glance>.

⁸ Council of Europe. Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 15. Article 6(3)(a). <https://rm.coe.int/1680a2353d>.

⁹ Consultative Council of European Judges. Background and Mission. <https://www.coe.int/en/web/ccje/background-and-mission>.

¹⁰ Consultative Council of European Judges. CCJE Opinions and Magna Carta. <https://www.coe.int/en/web/ccje/ccje-opinions-and-magna-carta>.

¹¹ Ministers’ Deputies / Working Party on Institutional Reforms. Survey of Steering and Ad hoc Committees. 2009. <https://search.coe.int/cm?i=09000016805d165b>.

¹² Consultative Council of European Judges, Opinion No. 7 (2005), para 56. For more information: <https://rm.coe.int/1680747698>.

¹³ Ibid. Para 59.

¹⁴ Consultative Council of European Judges, Opinion No. 11 (2008), para 32. For more information: <https://rm.coe.int/16807482bf>.

¹⁵ Ibid. Para 36.

¹⁶ Consultative Council of European Judges, Magna Carta of Judges (Fundamental Principles). 2010. <https://rm.coe.int/2010-ccje-magna-carta-anglais/168063e431>.

shall be drafted in an accessible, simple and clear language.”¹⁷ These recommendations are, however, neither binding nor enforceable.

ii. Council of Europe’s Handbook on Improving Quality of Judicial Decisions

The Handbook on Improving Quality of Judicial Decisions (the “**Handbook**”) (see Appendix 1(a))¹⁸ was produced as part of the Partnership for Good Governance. This cooperative initiative was formed by the European Union and the Council from 2019 through 2021 to strengthen good governance in the Eastern partnership region, which consists of Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The Handbook, which was aimed at supporting the Armenian judiciary in improving the quality of judicial decisions, also seeks to “provide a larger audience of judges and assistants of judges with a practical and easy-to-use manual summarizing the most essential ideas and tools relating to the drafting of judicial decisions.”¹⁹ Whilst the Handbook recognizes that it is not a “universal guide on drafting judicial decisions,”²⁰ it does emphasize that the quality of judicial decisions is derived from both its substantive aspects as well as “the accessibility and clearness of the language used by the judge.”²¹ In fact, as part of its recommendations, the Handbook indicates that the structure, organization, numbering of paragraphs and page numbering are as important as the logical reasoning of the judgment.²²

iii. Committee of Ministers’ Guidelines on Child-Friendly Justice

The Committee of Ministers is composed of the Ministers for Foreign Affairs of the 46 member states of the Council. Broadly, its role is to decide the Council’s policy through regular meetings in which political issues are reviewed, declarations or resolutions adopted and decisions taken.²³ The Committee of Ministers’ decisions are embodied in European conventions and agreements, which are largely binding on states that ratify them, or otherwise reach governments in the form of recommendations.²⁴

On November 17, 2010, the Committee of Ministers adopted the “Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice” (the “**Guidelines**”) (see Appendix 1(b)) following extensive collaboration with specialists and almost 3,800 children.²⁵ Although not legally binding, the Guidelines set out basic rules for European states to follow when adapting their justice systems to the specific needs of children (defined by the Guidelines as anyone under the age of 18 years),²⁶ particularly in situations “in which children are likely, on any ground and in any capacity, to be in contact with the criminal, civil or administrative justice system.”²⁷ The Guidelines note that Article 49 calls for judicial opinions affecting children to be “duly reasoned and explained to [the child] in language that [they] can understand,” especially if the judge is ruling against the opinions or views of the child.²⁸

iv. Inclusion Europe

Inclusion Europe is a nonprofit organization co-funded by the European Union, comprising 78 members spanning 39 European countries. With the mission of fighting for equal rights and full inclusion of people with intellectual disabilities and their families in all aspects of society, Inclusion Europe published European standards and checklists (see Appendix 1(c) and 1(d)) for making information generally easy to read.²⁹ As

¹⁷ Ibid. Para 16.

¹⁸ The European Union and Council of Europe. Handbook on improving the quality of judicial decisions. <https://rm.coe.int/handbook-on-improving-the-quality-of-judicial-decisions-eng/1680a2ecf3>.

¹⁹ Ibid. Ch. 2 (Introduction), Pg. 5.

²⁰ Ibid. Ch. 2 (Introduction), Pg. 5.

²¹ Ibid. Ch. 2 (Introduction), Pg. 6.

²² Ibid. Ch. 8 (General Conclusions and Recommendations), para. 6, Pg. 26.

²³ The Committee of Ministers of the Council of Europe. Voice of the Governments. <https://www.coe.int/en/web/cm/voice-of-the-governments>

²⁴ Ibid.

²⁵ The Committee of Ministers of the Council of Europe. Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice. <https://search.coe.int/cm/?i=09000016804b2cf3>.

²⁶ The Guidelines. Ch. II (Definitions), para (a), Pg. 17.

²⁷ The Guidelines. Pg. 97.

²⁸ The Guidelines. Ch. IV (Child-friendly justice before, during and after judicial proceedings), para 49, Pg. 28.

²⁹ For more information: <https://www.inclusion-europe.eu/easy-to-read/>.

part of this movement, for example, Inclusion Europe (at the request of the Council) produced an easy-to-read version of the Council of Europe Recommendation CM/Rec(2011)14 of the Committee of Ministers to member states on the participation of persons with disabilities in political and public life (see Appendix 1(e)).³⁰ Whilst not specifically aimed at judicial writings, this is yet another example of the general desire of the European community to push towards a world in which public written communications are easily understandable, in particular to achieve an inclusive society for everyone, regardless of background and abilities.

B. Latin America

- i. “Justice with Clear Language,” by the Specialized Group of Open Justice (“GET”) of Consejo Judicial Centroamericano Y Del Caribe.

Created in 1989, *Consejo Judicial Centroamericano Y Del Caribe* or the Central American and Caribbean Judicial Council (the “CJCC”) is a regional, intergovernmental body whose membership includes the presidents of the supreme courts and state tribunals of various member countries in Central America and the Caribbean, namely Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Puerto Rico and the Dominican Republic.³¹ Among other things, the CJCC’s main objectives are to: (i) strengthen the institutionality of the judicial branches in its member states; (ii) contribute to the defense of the rule of law; (iii) consolidate the impartiality, stability and independence of the magistrates and judges of its member states; and (iv) promote policies that tend to strengthen judicial independence and the establishment and development of judicial career systems.³²

To address various important issues in the judicial field, the CJCC brings together experts from the judicial branches of its member countries and forms *Grupos Especializados de Trabajo* (“GETs”) or Specialized Working Groups. One such GET is *Justicia Abierta* or Open Justice (“GET-OJ”), which is coordinated by Costa Rica and whose objective is to promote access to justice based on the principles of transparency, participation and collaboration.³³ On May 27, 2024 and in collaboration with GET-OJ, the Judicial Branch of Costa Rica held an intergovernmental conference titled “*Justice with Clear Language*” to discuss the importance of accessible judgments.³⁴ This conference featured judges from Panama, the Dominican Republic, Honduras and Guatemala.³⁵ As noted above, in the view of Judge Núñez, “*open justice*” can reduce unfounded accusations of corruption or government misfeasance born out of a lack of understanding of the work of judges.³⁶ Judge Núñez further stated that to make the judicial system more accessible, judges should focus on effective oral communication and making sure their opinions are appropriately tailored to the needs of their clients, like when cases involve minors.³⁷ Additionally, according to Judge Núñez, the usage of long paragraphs, complex syntax, ‘Latinisms,’ and ‘solemn’ phrases are a large barrier to the comprehension of the general public.³⁸ In addition to the conference, GET-OJ is also holding webinars regarding open justice and offering virtual courses regarding open justice taught by the Judicial School of Costa Rica.³⁹

IV. COUNTRY CASE STUDIES OF EASY-TO-READ JUDGMENTS

Through the efforts of the judiciary and/or civil society, various countries around the world have made progress towards adapting easy-to-read judgments. In the following section, each country case study

³⁰ For more information: https://www.inclusion-europe.eu/wp-content/uploads/2015/04/6CoE_Rec_PPL_ETR_EN_PDF_format.pdf.

³¹ For more information: <https://consejojudicialcc.org/sobre-el-cjcc/>.

³² Consejo Judicial Centroamericano y del Caribe. Historia del Consejo Judicial Centroamericano y del Caribe. <https://consejojudicialcc.org/sobre-el-cjcc/>.

³³ Ibid.

³⁴ For more information: <https://pi.poder-judicial.go.cr/index.php/prensa/1237-lenguaje-claro-unio-a-paises-latinoamericanos-en-conferencia-internacional>.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ For more information: <https://consejojudicialcc.org/wp-content/uploads/2024/06/Informe-de-Gestion-2023-2024-GET-Justicia-Abierta.pdf>.

begins by setting the domestic legal and social backdrop of the country, providing context for the progress individual countries have made in their own movements while bringing together the manuals and handbooks that leading countries have produced. Then, to make the discussion of easy-to-read judgments concrete, each country-specific section (except for Costa Rica) includes an analysis of curated example(s) of easy-to-read judgments, with the full judgment attached in the Judgment Exhibit for ease of reference.

A. Latin America

1. Colombia

The Colombian Legal System. Colombia's judicial system consist of five jurisdictions: ordinary, constitutional, administrative, indigenous special jurisdiction and transitional justice.⁴⁰ The Constitutional Court, which is Colombia's highest court, reviews constitutional challenges to laws and decrees. A unique feature of Colombia's judicial system comes in the form of a writ called a "tutela," which allows any citizen to request the protection of their fundamental rights that are under threat.⁴¹ Tutelas can be written or oral, and vary in levels of formality.⁴² After the Constitutional Court reviews a tutela, the Court either dismisses the tutela immediately or publishes an opinion on its website.⁴³

It is especially important for tutela judgments to be easy to read, given that they are likely to have broad applicability to the lives of everyday Colombians. Tutelas provide an avenue for regular people—not only lawyers—to seek protection of their fundamental rights.⁴⁴ Margaret Hagan, a lecturer at Stanford Law School, explains that opinions on tutelas "*aspire to be transparent, participatory, and trusted.*"⁴⁵ Despite the fact that hundreds of thousands of tutelas are filed each year, Colombians still report low levels of trust in the judiciary.⁴⁶ In response to this mistrust, the government has endeavored to pass legislation to make all judicial judgments accessible and easy-to-read.⁴⁷

Colombia's Movement Towards Easy-to-Read Judgments. In 2014, Colombia passed a bill to tackle accessibility issues, *Ley 1712 de 2014 "Por medio del cual se crea la ley de transparencia y el derecho de acceso a la información pública nacional"* (the "**2014 Law Project**").⁴⁸ The stated purpose of the 2014 Law Project is to "*regulate the right of access to public information.*"⁴⁹ The act is enforced by the Public Ministry and the Attorney General's office, with support by the municipal offices.⁵⁰ The law sets out to strengthen obligations that facilitate access to information and establish new duties and obligations to publish information, including judicial decisions.

⁴⁰ Fuentes, Juan-Andrés. Harvard Law School Library. Colombian Legal Research. <https://guides.library.harvard.edu/colombia#:~:text=Colombia's%20legal%20system%20follows%20the,authority%20of%20the%20central%20government>

⁴¹ Hagan, Margaret. A Journey through Colombia's Constitutional Court's Tutela Design Challenge. <https://medium.com/legal-design-and-innovation/a-journey-through-colombias-constitutional-court-s-tutela-design-challenge-c3f4d20d73bd>; Pereira, Álvaro. Judicial Independence and Accountability in Colombia: A Brief Contextual Reflection. https://www.law.berkeley.edu/research/the-robbins-collection/judicial-independence-and-accountability-in-colombia-a-brief-contextual-reflection/#_ftn21.

⁴² Colombia's Tutela Design Challenge.

⁴³ Ibid. The opinions of the Constitutional Court are available at: Corte Constitucional de Colombia. Main Decisions. <https://www.corteconstitucional.gov.co/english/#MainDecisions>.

⁴⁴ Colombia's Tutela Design Challenge. Pg. 10.

⁴⁵ Ibid.

⁴⁶ Taylor, Whitney K. Ambivalent Legal Mobilization: Perceptions of Justice and the Use of the Tutela in Colombia. https://www.jstor.org/stable/45093912?read-now=1#page_scan_tab_contents.

⁴⁷ Universidad de los Andes, Facultad de Derecho, *Sentencias en Lenguaje Fácil, Mecanismos de Acceso a la Justicia*. <https://derecho.uniandes.edu.co/sentencias-lenguaje-claro-y-lectura-facil-mecanismos-de-acceso-justicia/>.

⁴⁸ Ley 1712 de 2014. <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=56882>.

⁴⁹ Ibid.

⁵⁰ Camilo Andrés Muñoz Peña, Publica, *Ley de Transparencia y del Derecho de Acceso a la Información Pública*. https://www.minjusticia.gov.co/Sala-de-prensa/PublicacionesMinJusticia/ABC%20Ley%20de%20Transparencia%20y%20Acceso%20a%20la%20Informaci%C3%B3n%20P%C3%ABlica_.pdf

In 2022, the Constitutional Court circulated an internal memorandum outlining new directives on the topic of accessible judgments, with a focus on synthesizing judgments.⁵¹ In the memorandum, the president of the Constitutional Court mandated the Office of Divulcation and the Press to create summaries of tutela judgments—a practice already in place for other types of judgments. The memorandum requires that the summaries describe the Constitutional Court’s reasoning using clear and succinct language.

This focus on accessibility is also reflected in the design of the Constitutional Court’s website. The website has several features intended to make it easier for the public to search for cases, including a search tool bar that can filter cases by keyword, presiding judge, case number, date, or challenged provision.⁵² Most importantly, the website features short memoranda that summarize the facts, issues and holdings of most cases decided by the Constitutional Court.

Whereas the 2014 Law Project was intended to address the transparency and accessibility to public information broadly, recent proposed legislation seeks to target the development of easy-to-read judgments specifically. The 2023 *Proyecto de Ley*,⁵³ “*Por medio de la cual se establecen medidas para promover, difundir y facilitar el uso del lenguaje claro y se dictan otras disposiciones*” (the “**2023 Law Project**”) (see Appendix 2(b)),⁵⁴ which is currently in its second round of debate in the Colombian legislature,⁵⁵ aims to promote the use of clear language in the documents, processes, communications and procedures that public entities generate for citizens, including judicial opinions.⁵⁶ Under the provisions of the 2023 Law Project, the Escuela Superior de Administración Pública (the Public Administration Office) has one year to formalize mechanisms to promote easy-to-read judgments.⁵⁷ The overall objective of the 2023 Law Project is to increase efficiency, reduce administrative costs, promote transparency and promote access to public communications, including judgments.⁵⁸

Importantly, the 2023 Law Project proposed definitions of three concepts: (1) clear language; (2) easy-to-read; and (3) good practices and strategies for clear language. First, the 2023 Law Project defines clear language as simple, direct, clear and concrete. Clear language is stripped of unnecessary language and should be contextualized to allow citizens to understand the scope of the information. Moreover, clear language emphasizes the most useful parts of the material. The goal of clear language is to promote transparency.⁵⁹

Second, “easy-to-read” is defined as a process by which complex documents are adapted to account for the audience. A document is easy-to-read when the writer considers the background and identity of the reader, with an understanding that what is considered clear language for one reader may not be clear language for another reader. The 2023 Law Project highlights particular communities that may benefit from easy-to-read judgments, such as elderly people, people with cognitive disabilities, people with low reading comprehension, or recent immigrants to Colombia.⁶⁰

Third, with regard to good practices and strategies for clear language, the 2023 Law Project specifies that judges and magistrates must ensure that their writings allow the reader to easily identify the most relevant points of the decisions. Well-written judgments should not require special background knowledge or

⁵¹ Circular Interna No. 11 de 2022. <https://www.corteconstitucional.gov.co/transparencia/Circular11-S%C3%ADntesis%20de%20sentencias.pdf>.

⁵² Political Constitution of Columbia.

⁵³ For the difference between a “Proyecto de Ley” (Law Project) and an “Acto Legislativo” (Legislative Act), see Penagos Ramirez, Juana Pablo. ¿Qué Diferencia hay entre un Proyecto de ley y un Acto Legislativo? Así funcionan. El Tiempo. <https://www.eltiempo.com/politica/congreso/congreso-estas-son-las-diferencias-entre-un-proyecto-de-ley-y-un-acto-legislativo-781210>.

⁵⁴ Congreso del a República de Colombia. Radicación del Proyecto de Ley Por Medio de la Cual se Establecen Medidas para Promover, Difundir y Facilitar el uso del Lenguaje Claro y se Dictan Otras Disposiciones. https://www.camara.gov.co/sites/default/files/2023-09/PL_193-2023C%20%28LENGUAJE%20CLARO%29.pdf.

⁵⁵ Universidad de los Andes, Facultad de Ciencias Sociales. Por Medio de la Cual se Establecen Medidas para Promover, Difundir y Facilitar el uso del Lenguaje Claro y se Dictan Otras Disposiciones - Información General. <https://congresovisible.uniandes.edu.co/proyectos-de-ley/ppor-medio-de-la-cual-se-establecen-medidas-para-promover-difundir-y-facilitar-el-uso-del-lenguaje-claro-y-se-dictan-otras-disposiciones-promueve-el-lenguaje-claro/13328/>.

⁵⁶ Radicación del Proyecto de Ley Por Medio de la Cual se Establecen Medidas para Promover, Difundir y Facilitar el uso del Lenguaje Claro y se Dictan Otras Disposiciones. Pg. 4

⁵⁷ Ibid. Pg. 5.

⁵⁸ Ibid. Pg. 4.

⁵⁹ Ibid.

⁶⁰ Ibid.

technical skills to be understood. For agencies empowered to create processes to implement easy-to-read judgments, the 2023 Law Project directs that they must recognize both linguistic developments as well as the linguistic colloquialism of different ethnic groups within Colombia.⁶¹

Other Governmental Efforts. Colombia has also established and/or participated in other partnerships aimed at promoting the use of easy-to-read language. For example, in 2018, the Red le Lenguaje Claro Colombia ("**Colombia Clear Language Network**", or "**CCLN**") was established via an agreement of intent between government sponsors such as the National Planning Department, the Chamber of Representations, the Caro y Cuervo Institute, the University of the Andes and the EAFIT University.⁶² The purpose of the initiative is for sponsors to generate incentives and projects that promote the use of clear language across the legislative, executive and judicial branches. The network hosts seminars and produces reports for government entities, including the judiciary, to improve their practices.⁶³ CCLN also provides resources regarding easy-to-read language for purchase.

Commentary on Recent Legislative Efforts. The goal of recent legislative efforts in Colombia is to ensure that people can comprehend key legal judgments without the help of a lawyer,⁶⁴ including by reducing the use of technical legal language.⁶⁵ For some critics, the easy-to-read judgment movement is about more than just making judgments easy to retrieve (i.e., obtaining physical or electronic copies); instead, the movement calls for a paradigm shift in the legal academy that deconstructs the understanding that complex and technical judgments should act to differentiate lawyers from nonlawyers.⁶⁶

Some legal scholars and judges think it is not necessary to wait for legislation to be passed to grow the easy-to-read judgment in Colombia—and in fact think it is imperative to not wait for legislation.⁶⁷ For some jurists, such as Judge Ana Maria Munoz Segura, a magistrate of the Labor Chamber of the Supreme Court, many of the aspects that would make judicial writing more easy-to-read are dependent on the will of the judges writing the opinions.⁶⁸

Examples of Easy-to-Read Judgments. The case examples below demonstrate how Colombian judgments are implementing certain easy-to-read features, such as considering the audience and accessibility. However, despite Colombia's participation in initiatives to make judgments more accessible, implementation of such principles is not widespread.

a. Right to Water Access Case T-208/21 (2021)

In Colombia, access to water is a fundamental right.⁶⁹ In this 2021 case, the plaintiff alleged that local authorities violated his right to water by providing no aqueduct and sewerage services to his home.⁷⁰ The defendant authorities argued that the plaintiff's property: (i) is in an area beyond their jurisdiction; and (ii) is protected by environmental initiatives preventing construction in the area. The Constitutional Court ruled

⁶¹ Ibid. Pg. 5.

⁶² Red de Lenguaje Claro. Acuerdo de Intención entre el Departamento Nacional de Planeación, la Cámara de Representantes de Colombia, el Instituto Caro y Cuervo La Universidad EAFIT y La Universidad de los Andes. https://www.redlenguajeclarocolombia.com/files/ugd/dcb38c_4aea2b216f6e465a9a4b1ba5b448be89.pdf.

⁶³ Red de Lenguaje Claro. Seminario Internacional de Lenguaje Claro. <https://www.redlenguajeclarocolombia.com/seminarios>.

For more information: see Circular No. 100-010-2021. <https://www1.funcionpublica.gov.co/documents/418537/33459010/Circular-lenguaje-claro>.

⁶⁴ Lozano Parra, Johan Sebastián. Fallos Sustanciosos y Decisiones Cortas: Hacia Una Lectura Sencilla de las Providencias Judiciales. <https://una.uniandes.edu.co/blog/317-fallos-sustanciosos-y-decisiones-cortas-hacia-una-lectura-sencilla-de-las-providencias-judiciales>.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Universidad de los Andes, Facultad de Derecho. Sentencias en Lenguaje Fácil, Mecanismos de Acceso a la Justicia. <https://derecho.uniandes.edu.co/sentencias-lenguaje-claro-y-lectura-facil-mecanismos-de-acceso-justicia>.

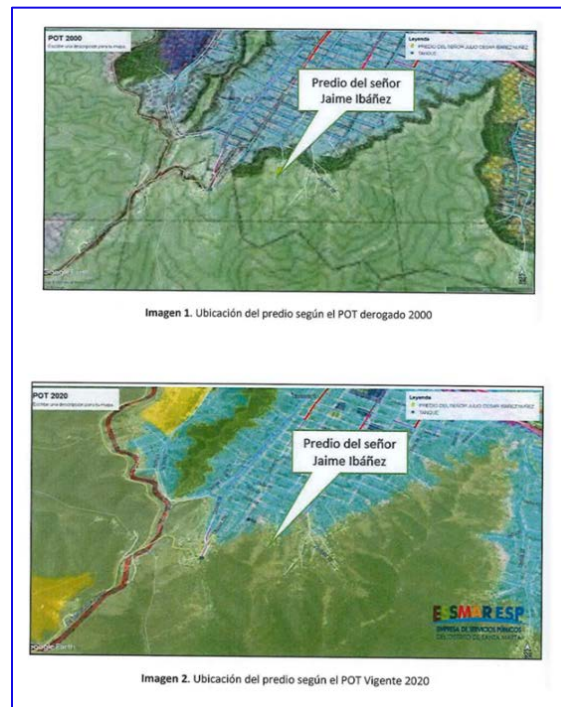
⁶⁸ Ibid.

⁶⁹ Fromherz, Nick and Erica Lyman. Colombia Freshwater Resource Rights Report. https://programme.worldwaterweek.org/Content/ProposalResources/PDF/2021/pdf-2021-9644-2-Colombia%20FWR%20Rights%20Report_FINAL_ENG.pdf, pg. 2

⁷⁰ Acción de Tutela para Solicitar Protección del Derecho al Agua, Sentencia T-208/2 (Line n. 62) (2021). <https://www.corteconstitucional.gov.co/relatoria/2021/T-208-21.htm>

that the local authorities cannot be required to provide water outside of their jurisdiction or in areas where environmental initiatives bar construction.

The judgment contains important easy-to-read features. First, the judgment considers its audience by including visuals of the plaintiff's property in the opinion. The purpose of the images is to demonstrate why his property is outside the jurisdictional zone of the local authorities, making the court's reasoning easy to understand.⁷¹ See Figure 1.



In addition, the judgment also helpfully includes headers and sub-headers (e.g., “cause of action,” “issue reviewed,” “summary of relevant jurisprudence,” “determination in relation to the plaintiff's property”), which provide a clear structure to the judgment. The judgment is supplemented by a three-paragraph case memorandum that synthesizes the facts, issue, ruling and reasoning, allowing a reader to grasp the key takeaways from the judgment without having to read the entire judgment.⁷² Reading and comprehending the judgment itself, however, would be more challenging, as it is approximately 60 pages long and is not written in simple language. Overall, though the judgment has elements of an easy-to-read judgment, there are areas for improvement—specifically, the use of technical judicial terms, the length of the judgment and density of the content.

b. Right to Old-Age Pension of Transgender Women SU-440/21 (2021)

A 61-year-old transgender woman filed a tutela after her request for a pension was denied because she did not meet the age requirement established for men.⁷³ The issue before the Constitutional Court was “*whether transgender persons have the right to properly acknowledge their gender transition for legal purposes.*”⁷⁴ The court held that transgender persons do have such a right, reasoning that people have a

⁷¹ Tutela para Solicitar Protección del Derecho al Agua.

⁷² Julio Cesar Ibáñez Núñez v. Mayor's Office of Santa Marta et al., July 01, 2021, T-208/21 Corte Constitucional <https://www.corteconstitucional.gov.co/english/Decision.php?IdPublicacion=15352>.

⁷³ Acción de Tutela Para Reconocimiento de Pensión de Vejez a Favor de Personas Transgénero, Sentencia SU-440-21 (2021), <https://www.corteconstitucional.gov.co/relatoria/2021/SU440-21.htm>.

⁷⁴ Helena Herran Vargas v. Pension Fund “Colepensiones”. <https://www.corteconstitucional.gov.co/english/Decision.php?IdPublicacion=15449>.

fundamental right to choose their personalities and, accordingly, have a right to choose their gender identity. Any refusal of benefits based on gender identity therefore transgresses these fundamental rights.

Similar to the Right to Water Case described above, this decision is supplemented by a case memorandum that synthesizes the relevant portions of the judgment. However, unlike the Right to Water Case, the judgment itself satisfies several easy-to-read criteria. The outset of the judgment includes an executive summary, which explains the relevant facts surrounding the case. The judgment then proceeds to summarize the procedural requirements for the action and includes a chart with a short paragraph explaining how the plaintiff satisfied each procedural requirement. See Figure 2.

<i>Legitimación en la causa</i>	<u>Cumple.</u> La acción de tutela fue interpuesta a nombre propio por la señora Helena Herrán Vargas, titular de los derechos fundamentales presuntamente vulnerados (<i>legitimación por activa</i>). De otro lado, Colpensiones es la entidad presuntamente responsable de la vulneración de los derechos fundamentales, por negar el reconocimiento de la pensión de vejez de la accionante (<i>legitimación en la causa por pasiva</i>).
<i>Inmediatez</i>	<u>Cumple.</u> La tutela fue presentada 8 meses después del hecho vulnerador, término que la Sala considera razonable y oportuno.
<i>Subsidiariedad</i>	<u>Cumple.</u> El proceso ordinario laboral no es eficaz, debido a que la accionante se encuentra en una situación de vulnerabilidad y los hechos vulneradores que denuncia se derivan de presuntas prácticas discriminatorias sistémicas que podrían implicar una afectación intensa a su derecho a la igualdad y al reconocimiento jurídico de su identidad de género mientras el proceso ordinario se resuelve.
<i>Carencia actual de objeto</i>	No se configura carencia actual de objeto por hecho superado debido a que el reconocimiento de la pensión de vejez por parte del Colpensiones obedeció al cumplimiento de la orden del juez de tutela de instancia.

This is followed by a chart that defines the fundamental right to choose one's gender identity and describes three related guarantees of the right: (i) the ability to develop one's gender autonomously; (ii) the right to express one's gender identity; and (iii) the prohibition of discrimination based on one's gender identity. The judgment also defines types of gender identities, such as male and female transgender and gender non-binary. See Figure 3. By ensuring gender identities are well defined and using this inclusive language throughout, the judge establishes a baseline vocabulary for use throughout the judgment and shows both empathy for the audience and sensitivity to the subject.

Categoría	Subcategoría	Concepto
1. Identidades cisgénero	Son aquellas personas cuya identidad de género coincide con el sexo que le fue asignado al nacer. Cisgénero es lo contrario de transgénero o trans _____. [164]	
2. Identidades transgénero	Femineidades trans	Personas a quienes les fue asignado el género masculino, pero su identidad de género se inscribe en el ámbito de lo social y culturalmente construido, concebido y leído como femenino. Entre ellas se inscriben quienes se identifican como mujeres "trans", mujeres "transgénero", mujeres "transsexuales" y las "travestis", entre otras.
	Masculinidades trans	Personas a quienes les fue asignado el género femenino al nacer, pero su identidad de género se inscribe en el ámbito de lo social y culturalmente construido, concebido y leído como masculino. En esta subcategoría se encuentran quienes se identifican como hombres "trans", trans masculino, "varón trans", hombres "transsexuales" y los "hombres transgénero".
	Género no-binario	Personas que no se identifican con el género que les fue asignado al nacer, pero que pueden o no identificarse a sí mismas como "trans", ni con ninguna de las categorías identitarias convencionales. Entre estas identidades se encuentran las personas que se identifican como personas no binarias, o bien personas de género no binario (o gender-queer, sobre todo en contextos anglofonos) entre muchas otras posibilidades.
3. Identidades ancestrales	Se trata de las distintas identidades sexuales en el marco de la diversidad de género ancestral, generalmente identificadas en pueblos indígenas, que no tienen equivalentes exactos en los conceptos occidentales.	

The judge makes strong use of headers and sub-headers to break down her reasoning and the constitutional mandate at issue. The sections explaining the judge's reasoning are adequate in length and specific enough to provide a basis for understanding the premise of the decision as applied to the facts of the case at hand. After providing the reasoning underlying the final decision, the judge includes a final synthesis of the case and remedy. Overall, this opinion—with its distillation of complex sections of a judgment—can serve as an example of what one type of easy-to-read judgment looks like, in contrast to the density, length and technical nature of the judgment in the Right to Water case.

2. Mexico

The Mexican Legal System. The Mexican legal system is divided into three tiers: *Suprema Corte de Justicia de la Nación* (the Supreme Court of Mexico), *tribunales de circuito* (circuit courts) and *juzgados de distritos* (district courts) or *jurados populares federales* (jury courts).⁷⁵ The Supreme Court of Mexico is made up of 11 associate justices and one chief justice, who meet in four panels: criminal, civil, administrative and labor.⁷⁶

Guidelines for Easy-to-Read Judgments in Mexico. Though the Mexican legislature has yet to enact any legislation on easy-to-read judgments, Mexican courts appear to be at the forefront of supporting the use of easy-to-read judgments. In 2022, the General Directorate of Human Rights of the Supreme Court of Mexico published a robust guide (the "**SCJN Easy-to-Read Judgment Guide**") (see Appendix 3(a)) on easy-to-read judgments for cases in which one of the parties is not able to read or can only read at an elementary level, among other topics. To make judgments easier to read and more accessible to all, the SCJN Easy-to-Read Judgment Guide offers tips on organizing information in a chronological order with temporal indicator words or in thematic blocks, such that the logic is easier to follow, and provides drafting

⁷⁵ Libguides: Mexican Law. The University of Arizona James E. Rogers College of Law Daniel F. Cracchiolo Law Library, <https://law-arizona.libguides.com/c.php?g=1267358&p=9294226#:~:text=The%20Mexican%20Federal%20Judiciary%20is,are%20the%20federal%20appellate%20courts.>

⁷⁶ Ibid.

examples of using active voice and simple verbs.⁷⁷ Since the statutes and legislation referenced in judgments are often themselves not easy to read, the SCJN Easy-to-Read Judgment Guide encourages judges to include a brief summary of the applicable legislation in their analysis.⁷⁸ While there is no formal enforcement of the SCJN Easy-to-Read Judgment Guide, the Supreme Court of Mexico encourages courts to follow the easy-to-read practices when drafting applicable judgments. The guide provides that a plaintiff may ask for procedural adjustments to ensure equal participation for all people with disabilities. Such adjustments include the presence of a trusted person, having important points be written in simple words, offering explanations that use drawing or images, or even having the easy-to-read sentence be read aloud or presented in the form of a recording.

Enforcement, Commentary and Criticism. While easy-to-read judgments were initially introduced in Mexico with the intention of helping persons with intellectual disabilities, more recent easy-to-read judgments seek to help other vulnerable populations like domestic workers, thus expanding the accessibility of judgments to a wider spectrum of the population, including along the lines of socioeconomic characteristics.⁷⁹ However, it does not appear that a landmark easy-to-read decision has appeared in Mexico since the *Adair* case described below, and most of the easy-to-read cases are now over a decade old. Little information and statistics are available that would allow measurement of the extent of the adoption of easy-to-read judgments in Mexico.⁸⁰

Examples of Easy-to-Read Judgments.

a. Ricardo Adair Coronel Robles Case (Amparo en revisión 159/2013)

Ricardo Adair, an individual diagnosed with Asperger's Syndrome, sought more autonomy in his life, including the ability to bring a lawsuit on his own instead of having to do it through his parents (as he did when presenting this case).⁸¹ Overturning lower court decisions, the Supreme Court of Mexico decided in Adair's favor—i.e., to provide Adair with greater independence in making decisions.

The opinion begins with a short, easy-to-read judgment directly addressing Adair and an explanation of the easy-to-read format before delving into the full-length, traditional judicial opinion.⁸² The first section opens with a simple and clear statement: "after analyzing your case, the court has decided that you, Ricardo Adair, are correct."⁸³ This initial section utilizes colloquial language and directly addresses Adair in the informal second person. From an empathy perspective, the direct nature of this writing breaks down the barrier between the judicial system and Adair and focuses on the practical next steps for the plaintiff and human impact of the case. The easy-to-read judgment explains that a judge will call Adair to learn about him before deciding the activities he can engage in and decisions that he can make on his own. The court demonstrates sensitivity and understanding of the fact that Adair is facing an unfamiliar and difficult to understand process by saying "*cuando platicues con el juez, te va a explicar por qué te llamó y hablará contigo de forma amigable*" (or when you talk to the judge, he will explain why he called you and will talk to you in a friendly way). Lastly, in terms of brevity, the court addresses the issue of Adair's case and the process in which the court will seek to grant Adair more autonomy in just ten sentences.⁸⁴ This introductory easy-to-read judgment stands in sharp contrast to the lengthy traditional judicial opinion that begins with the procedural history of the case, among other details. The easy-to-read judgment seeks to include Adair in the judicial

⁷⁷ Suprema Corte de Justicia de la Nación. Guía para elaborar sentencias en formato de lectura fácil dirigidas a personas con discapacidad intelectual. <https://www.scjn.gob.mx/derechos-humanos/sites/default/files/Publicaciones/archivos/2022-12/Gu%C3%ADa%20para%20elaborar%20sentencias%20en%20formato%20de%20lectura%20f%C3%A1cil%20para%20pcd%20intelectual.pdf>

⁷⁸ Ibid.

⁷⁹ Belmont, José Antonio. Sentencias de lectura fácil cumplen 10 años. Milenio. February 19, 2023. https://www.milenio.com/politica/comunidad/sentencias-facil-lectura-cumplen-10-anos#google_vignette

⁸⁰ Arenas Ramiro, Mónica. Cuadernos Manuel Giménez Abad. La Voluntad Que Mueve El Mundo: La Primera Sentencia Sobre Discapacidad en Formato De Lectura Fácil. December 6, 2013. <https://dialnet.unirioja.es/descarga/articulo/4723912.pdf>

⁸¹ Amparo en revisión 159/2013. https://bj.scjn.gob.mx/doc/sentencias_pub/bTEL3ngB_UqKst8occMJ/159%252F2013%20lectura%20f%C3%A1cil

⁸² Ibid.

⁸³ Ibid. Sentencia en formato de lectura fácil, Para 1.

⁸⁴ Ibid.

decision whereas the issuance of the traditional judicial opinion would have left Adair with a lengthy, esoteric explanation of how the court arrived at the end result.

b. Tomas Case (Amparo en revisión 1368/2015)

At the age of five, Tomas was diagnosed with an intellectual developmental disorder, which is defined as significantly below-average intellectual capacity causing deficits or alterations in adaptive functioning, in at least two of the following areas: personal communication, domestic life, social/interpersonal skills, use of community resources, self-control, functional academic skills, work, leisure, health and safety. After having various guardians throughout the course of his life, Tomas sought more autonomy to make certain choices for himself, including with regard to his guardian. While the lower courts ruled against him, holding that guardianship was not something in which someone with a severe mental disability could have the ultimate say,⁸⁵ the Supreme Court of Mexico ruled that Tomas was unfairly silenced in this process and that Tomas should have more decision-making power in his life, including but not limited to the ability to influence decisions about his guardian, his daily routines and even his ability to inherit property.

The Supreme Court of Mexico drafted its opinion to be easy-to-read in form and substance. As was the case in *Adair*, the judgment includes both an easy-to-read judgment and a traditional judicial opinion, along with additional emphasis on the general importance of easy-to-read judgments.⁸⁶ The easy-to-read judgment is published in double-spaced, large, bold font. The judgment breaks down the issues of the case and the analysis into succinct sentences with simple words, each directly addressing Tomas, as if in conversation. The holding is preceded by the question “¿Qué decidimos los Ministros sobre tu caso?” (what did the ministers decide in your case?).⁸⁷ In the closing of the easy-to-read judgment, the judges directly address the importance of easy-to-read decisions and empathetically respond to Tomas’s ask for inclusion in making decisions about his life: “Los Ministros dicen que el juez debe escribir su decisión en palabras que puedas entender (esto se llama lectura fácil) para que puedas opinar, como todos las demás personas” (we have decided that judges should write in words you can understand so that you may opine, just like everyone else can).⁸⁸

3. Brazil

The Brazilian Legal System. The Federative Republic of Brazil, which follows a civil law tradition, is comprised of twenty-six states and a federal district. The Brazilian judiciary is made up of two different sets of courts: federal and state courts. The Supremo Tribunal Federal (the “STF”) acts as the highest court of the Brazilian legal system, serving primarily to uphold and rule on constitutional matters and international treaties.⁸⁹ Underneath the STF sits, among other courts, the Superior Tribunal de Justiça (the “STJ”) as the highest appellate court ruling on nonconstitutional issues such as criminal and civil matters, as well as state courts in the respective states and the federal district, whose jurisdiction extend to all matters other than those handled by courts with special jurisdictions (e.g., electoral, labor and military disputes).⁹⁰

Landscape of Easy-to-Read Judgments in Brazil. Whilst there are no federal laws specifically mandating accessible judgments, the principle of making justice more accessible through easy-to-read judgments is rooted in the Brazilian constitution and has found support through other initiatives. The 1988 Brazilian Federal Constitution establishes, among others, the fundamental rights for access to justice (including to a reasonable duration of the process by which this is achieved), which the Conselho Nacional de Justiça (“CNJ”) (also known as National Council of Justice)⁹¹—a public institution whose objective is to improve

⁸⁵ Amparo en revisión 1368/2015, <https://www.sitios.scjn.gob.mx/casascultura/sites/default/files/page/documentos/2020-08/AR%201368-2015.pdf>

⁸⁶ Ibid.

⁸⁷ Ibid. Pg. 3.

⁸⁸ Ibid.

⁸⁹ Superior Tribunal de Justiça. Supreme Federal Court. <https://international.stj.jus.br/en/Brazilian-Judicial-Branch/Supreme-Federal-Court>

⁹⁰ For more information: <https://www.unodc.org/documents/corruption/G20-Anti-Corruption-Resources/G20-Step-by-step-guides-on-international-cooperation-and-asset-recovery/MLA-Guides/Brazil.pdf>.

⁹¹ Conselho Nacional de Justiça. Quem Somos. <https://www.cnj.jus.br/sobre-o-cnj/quem-somos/>.

the control and transparency of the legal profession—deems “can only be achieved through the use of words, terms and expressions understandable by all people, as well as faster trial sessions.”⁹²

On December 4, 2023, the key federal judicial bodies, including the STF, the STJ and the CNJ, announced their commitment to the “Pacto Nacional do Judiciário pela Linguagem Simples,” (the “**National Judiciary Pact for Plain Language**,” or the “**Pact**”),⁹³ which consists of the adoption of actions, initiatives and projects in all segments and levels of the judiciary with the aim of adopting simple, direct and understandable language for all citizens in the production of judicial decisions.⁹⁴ The Pact was immediately endorsed by regional judges and officials, including by Justice Rogerio Schietti Cruz of the Superior Court of Justice⁹⁵

Under the Pact, all Brazilian courts undertake the commitment to encourage judges to act along five main axes (the “**Five Axes**”), as set out in the table below:⁹⁶

Axis	Components
Simplification of Document Language	<ul style="list-style-type: none"> • Encouragement of the use of simple and direct language in court documents, without unnecessary technical expressions. • Creation of manuals and guides to guide citizens on the meaning of essential technical expressions in legal texts.
Brevity in Communications	<ul style="list-style-type: none"> • Encouragement of the use of summarized versions of votes in trial sessions, without prejudice to the inclusion of an expanded version in legal proceedings. • Encouragement of brevity in speeches at events held by the courts, with specific training for oral communications. • Creation of protocols for events that avoid, whenever possible, excessive formalities.
Education, Awareness and Training	<ul style="list-style-type: none"> • Initial and ongoing training of judges and civil servants to prepare texts in simple language that is accessible to society in general. • Promotion of wide-reaching awareness campaigns on the importance of access to justice in an understandable way.
Information Technology	<ul style="list-style-type: none"> • Development of platforms with intuitive interfaces and clear information. • Use of audio resources, explanatory videos and translations to facilitate the understanding of documents and information from the courts.
Interinstitutional and Social Articulation	<ul style="list-style-type: none"> • Encouragement of collaboration between civil society, government and nongovernment institutions and academia to promote plain language in documents. • Creation of a network to defend the rights of access to justice through simple and clear communication. • Sharing of best practices and plain language resources. • Creation of joint training programs for employees to promote simple, accessible and direct communication.

⁹² Conselho Nacional de Justiça. Pacto Nacional do Judiciário Pela Linguagem Simples. <https://www.cnj.jus.br/gestao-da-justica/acessibilidade-e-inclusao/pacto-nacional-do-judiciario-pela-linguagem-simples/referencias-normativas/>

⁹³ Supremo Tribunal Federal. Chief Justice of STF and CNJ launches National Pact for Plain Language in the Judiciary. https://portal.stf.jus.br/internacional/content.asp?id=521581&ori=1&idioma=en_us

⁹⁴ Pacto Nacional do Judiciário Pela Linguagem Simples.

⁹⁵ Superior Tribunal de Justiça. Ministro Schietti adota diretrizes para implantar linguagem simples em votos e decisões. <https://www.stj.jus.br/sites/porta/paginas/Comunicacao/Noticias/2024/08022024-Ministro-Schietti-adota-diretrizes-para-implantar-linguagem-simples-em-votos-e-decisoes.aspx>.

⁹⁶ Conselho Nacional de Justiça. Eixos. <https://www.cnj.jus.br/gestao-da-justica/acessibilidade-e-inclusao/pacto-nacional-do-judiciario-pela-linguagem-simples/eixos/>

	<ul style="list-style-type: none"> Establishment of partnerships with universities, media outlets or digital influencers for technical cooperation and development of language simplification protocols.
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Brazil's Movement Towards Easy-to-Read Judgments. Various examples in Brazil suggest that it has made strides in formulating judicial decisions that are more accessible and easy-to-read. On top of the Five Axes as set out in the Pact, various states have released their own guidance on easy-to-read formats, such as the state of Bahia (see Appendix 4(b)), the state of Rio de Janeiro (see Appendix 4(c)) and the state of Rio Grande do Sul (see Appendix 4(d)), each of which created guides with diagrams capturing the key elements of an easy-to-read judgment.

Further, Brazil has taken steps to assess and improve the accessibility of past judgments. The STF have established adjacent projects including summarizing its pre-existing decisions to further align with the Five Axes. Academics have analyzed and critiqued existing opinions and judgments for the use of unnecessary words, technical terms and passive phrasing, resulting in long, hard-to-follow sentences.⁹⁷ More importantly, they have sought to improve judicial drafting by advocating for the use of more verbs, simple language and shorter sentences.⁹⁸

Despite the various guidance and recommendations as set out above, actual examples of judgments written to the standards espoused by the Pact remain rare. Nevertheless, to encourage courts to use plain language, the CNJ has instituted, through Ordinance No. 351/2023, a Plain Language Seal seeking to recognize courts at all levels of jurisdiction for the use of direct and understandable language for all citizens in the production of their judicial decisions and in general communications with society.⁹⁹ The Seal will be awarded annually on International Plain Language Day, to be celebrated every October 13.¹⁰⁰ The rules, procedures and criteria for qualifying for the Plain Language Seal are published in Ordinance No. 143/2024.¹⁰¹

Example of Easy-to-Read Judgments.

TRT-4, Lucas Alberto Rodrigues De Oliveira (as Appellant) v. Itamar Carboni (as Defendant) (2015).¹⁰²

Lucas Alberto Rodrigues de Oliveira was a bricklayer who suffered an injury in a workplace accident in Alvorada. In ruling on compensation for Lucas, the then-judge of the Federal Regional Labor Court of the 4th Region, João Batista de Matos Danda, stressed the importance of using language appropriate for the case context and resolved to use colloquial language to help the parties better understand the decision. He used clear and simple language to state the reason behind his ruling, focusing on the practical consequences. In place of complicated legal jargon, he laid out the logic behind the sum of the indemnity payable for the offense, writing: “[i]t can’t be an indemnity so heavy that it becomes hell for Itamar to pay; Not too little, because then he pays without problems and doesn’t care if tomorrow or the day after another accident happens in his house.” This explanation demonstrates that the legal analysis is rooted in a relatable understanding of incentives and human behavior instead of esoteric precedents and legal concepts, which makes the judgment more accessible to both the plaintiff and the defendant. In his judgment, the judge also decided to speak directly to the parties: “Lucas, for his part, does not intend to get rich from the tragedy; But money also has to make a difference in your life.” In directly addressing the

⁹⁷ Motta, Ester. Judicial Sentences and Plain Language: a possible and necessary meeting. Federal University of Rio Grande do Sul, Institute of Letters, Program Postgraduate in Literature, Porto Alegre. 2022. Pg. 360-369. <https://lume.ufrgs.br/bitstream/handle/10183/246496/001147418.pdf?sequence=1>

⁹⁸ Ibid.

⁹⁹ For more information: <https://www.cnj.jus.br/wp-content/uploads/2023/12/portariaselolinguemssimples.pdf>.

¹⁰⁰ Chief Justice of STF and CNJ launches National Pact for Plain Language in the Judiciary.

¹⁰¹ For more information: <https://atos.cnj.jus.br/atos/detalhar/5583>.

¹⁰² Lucas Alberto Rodrigues De Oliveira v. Itamar Carboni 0000869-29.2013.5.04.0241 RO. <https://www.conjur.com.br/wp-content/uploads/2023/09/juiz-redige-decisao-linguagem-coloquial.pdf>

parties and making the logic of his decision transparent, the judge demonstrated understanding and sensitivity to the parties' circumstances.

4. Costa Rica

The Costa Rican Legal System. Costa Rica is a democratic republic with a written constitution.¹⁰³ Their government is made up of three branches: the legislative branch, the executive branch and the judicial branch.¹⁰⁴ The legislative branch is a unicameral body made up of 57 legislators.¹⁰⁵ The legislative branch has the authority to create the law, reform it and interpret it "authentically."¹⁰⁶ Their interpretation of the law is not controlling when it comes to electoral issues given that is under the purview of the Supreme Tribunal of Elections.¹⁰⁷ The presidential branch is responsible for enforcing the laws.¹⁰⁸ The judicial branch consists of the Supreme Court of Justice and the lower tribunals.¹⁰⁹ The Supreme Court is made up of 22 magistrates selected by the legislative branch for a term of eight years. The Supreme Court is made up of three chambers ("**Salas**").¹¹⁰ The First Sala covers civil, commercial and administrative matters.¹¹¹ The Second Sala covers family, employment, bankruptcy and inheritance matters.¹¹² The Third Sala covers criminal matters.¹¹³ There is also a separate Constitutional Sala (Sala IV) that has jurisdiction over constitutional matters and matters related to public law.¹¹⁴ Although the judicial branch has a monopoly on the judicial power, matters of electoral law are not reviewed by any court except the Supreme Tribunal of Elections.¹¹⁵

Landscape of Easy-to-Read Judgments in Costa Rica.

It appears that Costa Rica's efforts in the field of accessible judgments focus more on guidelines, standards, holding intergovernmental conferences and collaborating with local academic institutions to analyze the accessibility of their judicial opinions than actually writing easy-to-read judicial opinions.

a. National Protocols:

In 2013, the judicial branch created a "Protocol of attention for effective access to justice for people with psychosocial disabilities" (see Appendix 5(a))¹¹⁶ in collaboration with the European Union's Program for Social Cohesion in Latin America.¹¹⁷ The protocol provides over 72 pages of recommendations for how to write judicial opinions in cases that may affect or involve people with psychosocial disabilities.¹¹⁸ As a starting point, the protocol recommends that judges always communicate to the parties the "nature, purpose, and format of the hearings and all relevant aspects of the process, while taking into consideration their age and developmental stage."¹¹⁹ These communications should avoid using unnecessary formalities.¹²⁰ The protocol also emphasizes that judges should remember that some parties may behave erratically or inappropriately because of their medical conditions.¹²¹ The protocol recommends that language used in these opinions should be "clear, simple, colloquial, and concrete," while being cognizant

¹⁰³ U.S. Department of State. Costa Rica. <https://2009-2017.state.gov/outofdate/bqn/costarica/88435.htm>.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Instituto Nacional de Aprendizaje. El Sistema Político y Legal de Costa Rica. https://www.inapide.ac.cr/pluginfile.php/17929/mod_resource/content/1/2.%20Sistema%20politico%20y%20legal%20de%20Costa%20Rica.pdf. Pg. 2.

¹⁰⁷ Ibid.

¹⁰⁸ U.S. Department of State. Costa Rica. m

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ El Sistema Político y Legal de Costa Rica. Pg. 5.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid. Pg 6.

¹¹⁶ Comisión de Acceso a la Justicia del Poder Judicial de Costa Rica. Protocolo de atención para el efectivo acceso a la justicia de personas con discapacidad psicosocial. https://sia.eurosocial-ii.eu/files/docs/1396253595-Protocolo_Costa_Rica_Acceso_Justicia_personas_discapacidad.pdf

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid. Pg. 50.

¹²⁰ Ibid. Pg. 47.

¹²¹ Ibid. Pg. 47

of the parties' cultural background, socioeconomic status and membership in other groups.¹²² The judges should always make sure that they ask the parties if they are understanding the proceedings.¹²³ The protocol also focuses on making sure the judges treat parties with psychosocial disabilities with the respect they deserve: judges should direct the writing to the affected party, not their guardian or aide; they should recognize the parties as capable people and ensure they are communicating with them in a natural manner; judges should refrain from carrying themselves in a manner that implies superiority; and they should answer questions in a manner that demonstrates that they were actively listening to the parties.¹²⁴

b. Government Collaboration with Academic Institutions:

The Costa Rican government's collaboration with academic institutions in the field of accessible judgments is an important step towards achieving a better system. This partnership with the government started around 2017 through conversations and workshops between the University of Costa Rica ("UCR"), the Graduate Program in Linguistics and the National Commission for the Improvement of the Administration of Justice ("Conamaj") and formalized into an agreement between the Judicial Branch of Costa Rica and the UCR in 2020 that will increase the research and analysis of Costa Rican judicial opinions.¹²⁵ The UCR has also conducted trainings and courses for judges, together with the Jurisprudential Information Center, the Judicial School, and Conamaj.¹²⁶ The UCR is currently working on "glossaries in Spanish, for citizens of different subjects of law; glossaries in indigenous languages; models of summaries of citizen proposals and judicial rulings; [and a] guide for the presentation of new bills."¹²⁷ Later stages of the research project will focus more on providing accessible judgment resources in sign language and indigenous languages.¹²⁸

c. Clear Language: Manual for Writing Legal Texts:

The academic partnership has led to the creation of a judicial manual titled, "Clear Language: manual for writing legal texts" (see Appendix 5(b)).¹²⁹ The manual emphasizes that access to justice constitutes a fundamental right in a law-based state and that such access guarantees a participatory and egalitarian democracy.¹³⁰ Therefore, judgments must be clear and be drafted with comprehensible language.¹³¹ The manual also supports the Brasilia Rules of Accessibility, which aims to create accessible judgments for vulnerable populations.¹³² The manual emphasizes using short sentences, whereas most sentences that appear in legal texts exceed 30 words.¹³³ The manual also recommends avoiding technical jargon, breaking down complex sentences, using active voice, avoiding Latin terms (or at least translating them), using commas properly, avoiding ironic use of quotation marks, avoiding unnecessary exclamation or question marks and using language that is inclusive and nondiscriminatory.¹³⁴

As an example of an accessible opinion, the manual mentions a family law case in which the judges had to decide whether a minor child was going to live with the father or mother.¹³⁵ The judge wrote a separate section of the opinion in plain language and formatted that section of the opinion as a letter addressed to

¹²² Ibid. Pg. 34

¹²³ Ibid. Pg. 35.

¹²⁴ Ibid. Pg. 35.

¹²⁵ Heidke, Adrián Vergara. Voz experta: El derecho a comprender, un pilar para la Sociedad. Universidad de Costa Rica. 2023. <https://www.ucr.ac.cr/noticias/2023/10/13/voz-experta-el-derecho-a-comprender-un-pilar-para-la-sociedad.html>

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Montero Bolaños, Fernando. El Poder Judicial estimula el uso del "lenguaje claro" en resoluciones y notificaciones. Universidad de Costa Rica. 2021. <https://www.ucr.ac.cr/noticias/2021/04/30/el-poder-judicial-estimula-el-uso-del-lenguaje-claro-en-resoluciones-y-notificaciones.html>

¹²⁹ Henao et al., Lenguaje Claro: Manual de redacción de textos jurídicos. Centro de Información Jurisprudencial del Poder Judicial et al. https://cij.poder-judicial.go.cr/images/Lenguaje_Claro/Libro_Lenguaje_CLARO_Version_digital.pdf

¹³⁰ Ibid. Pg. 25.

¹³¹ Ibid. Pg. 25.

¹³² Ibid. Pg. 28.

¹³³ El Poder Judicial estimula el uso del "lenguaje claro".

¹³⁴ Lenguaje Claro: Manual de redacción de textos jurídicos. Pg 65-80

¹³⁵ Ibid. Pg. 31

the child.¹³⁶ The opinion also highlighted the judge's empathy when the court concluded the accessible section of the opinion with "Daniela, we are here to help you. Greetings."¹³⁷

Costa Rica's Movement Towards Easy-to-Read Judgments. Based on an in-depth review of Costa Rica's compilation of legal opinions that comply with the Brasilia Rules of Accessibility for people that suffer from vulnerable conditions (see Appendix 5(c)), it does not appear that Costa Rica's judgments are in fact accessible. While there are many practical guides on drafting accessible judicial opinions, there is still limited evidence that opinions have in fact become easier to comprehend. Adrián Vergara Heidke, director of the graduate program in Linguistics and coordinator of the project at the UCR, argues that one reason for the slow adoption may be traced to a sector of the legal community that opposes the movement, stemming from their fear that it will affect legal argumentation.¹³⁸ Heidke emphasizes that the project does not aim to affect the type of argumentation or legal reasoning; instead, it only aims to affect the linguistic strategies that are used when delivering legal information to the public.¹³⁹ In other words, Heidke argues that if lawyers want to communicate between themselves in a highly complex manner, they may do so as they know what they are saying to one another.¹⁴⁰ The issue arises when legal opinions are directed to the general population because, in those situations, people "have the right to be informed, to understand legal norms, and judicial processes."¹⁴¹

Members of the Jurisprudential Information Center of the Judiciary (the "Information Center") agree with Heidke and argue that "the use of clear language must be implemented in all State institutions." Members of this organization have begun efforts to make the justice system more accessible by publicizing legal opinions through a website called Nexus-PJ system.¹⁴² The Information Center, which is a subunit of the Judicial Branch of Costa Rica, is another key player in the collaboration between the UCR and the Judicial Branch of Costa Rica.¹⁴³ Their primary responsibilities include responding to information requests, recording court votes, communicating votes to the public, coordinating special projects and analyzing new matters such as habeas corpus petitions.¹⁴⁴ From the Information Center's perspective, the UCR is responsible for creating technical guidance, whereas the Information Center is responsible for the logistical business of the project.¹⁴⁵

Conamaj, the National Commission for the Improvement of the Administration of Justice, also recognizes that making judges change their legal writing style will be a challenge and will be a lengthy process because it conflicts with pre-existing cultural norms and "deep-rooted judicial practices."¹⁴⁶ Thus, the university's work is key because its institutional legitimacy and scientific approach will make it harder for the judiciary to argue that these are unnecessary or baseless recommendations.¹⁴⁷

Lastly, the UCR research team recognizes that providing resources for the judiciary only solves one facet of the issue, and that judges may be writing inaccessibly in the first place due to their legal education.¹⁴⁸ Thus, the research team hopes to have productive discussions with the law school faculty to "explore ways to incorporate the use of clear language in the training of future professionals in this discipline."¹⁴⁹ It is important to note that this is a unique example of a country relying on university scholars in linguistics and

¹³⁶ Ibid. Pg. 32

¹³⁷ Ibid. Pg. 32

¹³⁸ El Poder Judicial estimula el uso del "lenguaje claro".

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Poder Judicial de la República de Costa Rica. Historia Organización y Funcionamiento. <https://pj.poder-judicial.go.cr/index.php/historia-organizacion-funcionamiento>

¹⁴⁴ Ibid.

¹⁴⁵ El Poder Judicial estimula el uso del "lenguaje claro".

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

philology to try to approach this issue from a scientific and academic perspective. Whether this is a successful approach will likely depend on the enforceability of their standards and recommendations.

B. Asia

1. India

The Indian Legal System. India is a federal union comprised of 28 states and 8 union territories and uses a common law system that consists of main three levels with subsidiary parts.¹⁵⁰ The Supreme Court of India is the top appellate court in India. Below the Supreme Court of India are the High Courts, which are the top judicial bodies in individual states. Below the High Courts are the District Courts and below those are the Civil Courts. Laws declared by the Supreme Court of India bind the lower courts.¹⁵¹

There are multiple languages spoken in India, but 22 are specifically mentioned in its Constitution.¹⁵² Hindi, the most widely spoken language,¹⁵³ has been designated as India's official language.¹⁵⁴ Only ten percent of the population speaks English;¹⁵⁵ despite this, the Constitution of India states that all proceedings in the Supreme Court of India and in every High Court shall be in English,¹⁵⁶ though it also provides that the governor of a state may, with presidential consent, authorize the use of Hindi or any other official language in the proceedings of the relevant local high court.¹⁵⁷

Landscape of Easy-to-Read Judgments in India. The Indian legal system has not widely implemented the concept of easy-to-read judgments, although commentators, including a former member of the Bombay High Court, have acknowledged its importance.¹⁵⁸ The concept of accessibility is even more complicated in India because of the multitude of regional languages spoken in the country.¹⁵⁹ As a result, the accessible judgment movement in India, also known as the "Plain English Movement,"¹⁶⁰ focuses not only on the complexity of the language used in judicial decisions, but also the language used itself. The Plain English Movement seeks to not only make the language used in judicial opinions more easily understandable, but also seeks to have more judicial opinions translated to languages that common people speak.¹⁶¹ As a result, the Supreme Court of India translated 1,268 judgments into 13 of the 22 languages listed in the Eighth Schedule to the Constitution of India.¹⁶²

Additionally, in 2018, the Drafting Law in Plain Language Bill was introduced in the Lok Sabha (House of the People) by the MP Rajeev Shankarrao Satav, which aims "*to establish a legal framework which mandates that all Government Bills and Acts be drafted using plain, clear and concise language.*"¹⁶³ While this bill is still pending, it represents further interest in making the judicial and legislative process more accessible to regular people.

¹⁵⁰ Britannica, *Constitutional Structure*. <https://www.britannica.com/place/India/Constitutional-structure#ref487344>

¹⁵¹ Const. of India Art. 141. <https://www.constitutionofindia.net/articles/article-141-law-declared-by-supreme-court-to-be-binding-on-all-courts/>

¹⁵² Britannica. Indian Languages. 2024. <https://www.britannica.com/topic/Indian-languages>

¹⁵³ Forbes India, Hindi Day 2020: India's Most Spoken Languages are... Sep. 14, 2020. <https://www.forbesindia.com/article/news-by-numbers/hindi-day-2020-indias-mostspoken-languages-are/62577/1>.

¹⁵⁴ Constitution of India. Art. 343. <https://www.constitutionofindia.net/articles/article-343-official-language-of-the-union/>

¹⁵⁵ Ploscaru, Diana. How Many People in India Speak English? History of English. 2024. <https://www.thehistoryofenglish.com/how-many-people-in-india-speak-english>.

¹⁵⁶ Constitution of India. Art. 348. <https://www.constitutionofindia.net/articles/article-348-language-to-be-used-in-the-supreme-court-and-in-the-high-courts-and-for-acts-bills-etc/>.

¹⁵⁷ Ibid.

¹⁵⁸ Naidu, Dama Seshadri. J. Plain Is Fine: Law, Legislation, And Language', Live Law, Jul. 26, 2020. <https://www.livelaw.in/columns/plain-is-fine-law-legislation-and-language-160532>.

¹⁵⁹ Indian Languages.

¹⁶⁰ A. Nigam et al. The SARAL Manual. Vidhi Centre for Legal Policy. March 2023. <https://vidhilegalpolicy.in/research/the-saral-manual/>.

¹⁶¹ Ibid.

¹⁶² CJI announces 1200 SC verdicts to be made available in 13 languages. The News Minute. Jan. 25, 2023. <https://www.thenewsminute.com/news/cji-announces-1200-sc-verdicts-be-made-available-13-languages-172478>

¹⁶³ Rajkumar, Malavika and Kadambari Agarwal. Plain Language Drafting Movement: Time for Revival in India, Rgnul Student Rsch. Rev. Apr. 28, 2020. <https://www.rsrr.in/post/plain-language-drafting-movement-time-for-revival-in-india>

India's Movement Towards Easy-to-Read Judgments. The dissatisfaction with what some critics claim to be inexplicable legal jargon has spurred conversations on accessibility in Indian legal decisions.¹⁶⁴ A major contribution to the stagnation of the Indian accessible judgment movement is the reluctance of Indian lawmakers to adopt "Plain Language Acts," which other countries have adopted to make legal documents more accessible. This reluctance is rooted in the idea that using more complex language can help ensure that there are no ambiguities as to what is being addressed.¹⁶⁵

The main enforcement mechanism for accessible judgments comes in the form of public criticism and the Indian Supreme Court. In recent years, the Indian Supreme Court has remanded several lower court decisions because of the inaccessibility of their language. The cases listed below are some examples of the Indian Supreme Court directly tackling accessibility.

Examples of Easy-to-Read Judgments.

A. State Bank of India v. Ajay Kumar Sood CA 5305/2022 (2022)

A bank employee challenged the termination of their employment. The lower courts held that the penalty of dismissal was harsh and disproportionate.¹⁶⁶ The Indian Supreme Court found the appellate court's decision to be "*incomprehensible*" and "*difficult to navigate*."¹⁶⁷

Accessibility considerations featured heavily in the Indian Supreme Court's judgment, both in terms of making judgments accessible to those that are the subjects of such judgments and to society more generally. For example, the judgment provides that "*a judgment must make sense to those whose lives and affairs are affected by the outcome of the case. While a judgment is read by those as well who have training in the law, they do not represent the entire universe of discourse,*" meaning that judgments should be easily understandable by those outside the legal profession.

The judgment also considers the accessibility of judgments to those with physical disabilities in terms of "*making judgments accessible to persons from all sections of society.*" The judgment states that "*all judicial institutions must ensure that the judgments and orders being published by them do not carry improperly placed watermarks as they end up making the documents inaccessible for persons with visual disability who use screen readers to access them.*" This shows that the idea of making a judgment easy-to-read extends beyond the content and structure of the judgment itself, impacting the form in which it is presented as well. This notion could also apply to the ease of accessing law reports, which the UK court system has taken steps towards addressing: law reports published for free on a simple government website are more accessible than those that appear only behind paywalls on commercial legal databases or in physical copies of law reports.

B. Shukla v. State of Uttar Pradesh CA 876/2021 (2021)

Members of a local police force were accused of issuing a sham police report to cover up the cause of death of a person who was allegedly murdered.¹⁶⁸ Upon reviewing the lower court's judgment, the Indian Supreme Court found that while the judgment was accurate, it was not well-reasoned, logical or easily comprehensible.¹⁶⁹

The Indian Supreme Court considered accessibility in terms of both the content and structure of the judgment. In terms of content, the Indian Supreme Court noted that "*[t]he reasoning in the judgment should be intelligible and logical. Clarity and precision should be the goal. All conclusions should be supported by*

¹⁶⁴ Debroy, Bibek. Legal Language in India is Filled with Jargon, India Express. Nov. 12, 2020. <https://indianexpress.com/article/opinion/columns/supreme-court-legal-jargon-india-legislature-bar-council-law-education-7048306/>.

¹⁶⁵ Ahmed, Shabbir. Jettisoning Jargon: Why India Needs Its Own Plain Language Act. JURIST – Student Commentary. Feb. 3, 2023. <https://www.jurist.org/commentary/2023/02/shabbir-ahmed-india-plain-language-act/>

¹⁶⁶ State Bank of India v. Ajay Kumar Sood CA 5305/2022. https://webapi.sci.gov.in/supremecourt/2021/5546/5546_2021_3_27_37306_Judgement_16-Aug-2022.pdf

¹⁶⁷ Ibid. Pg. 7.

¹⁶⁸ Shukla v. State of Uttar Pradesh CA876/2021. <https://indiankanoon.org/doc/154384989/>

¹⁶⁹ Ibid. Pg. 14.

reasons duly recorded. The findings and directions should be precise and specific.” Ensuring that each conclusion is supported by clear reasoning means that the findings can be understood by the reader.

In terms of structure, the Indian Supreme Court noted that a judgment should aim to be “*coherent, systematic and logically organized*” to “*enable the reader to trace the fact to a logical conclusion on the basis of legal principles.*” The Court suggested that all judgments should consist of the following four basic elements: “(i) *statement of material (relevant) facts, (ii) legal issues or questions, (iii) deliberation to reach a decision and (iv) the ratio or conclusive decision.*” In addition to improving accessibility, the Indian Supreme Court noted that ensuring that judgments “*have a clarity, both on facts and law and on submissions, findings, reasonings and the ultimate relief granted*” can reduce the need for appeals, as there would no longer be the need for a higher court to interpret the unclear judgment of a lower court.

2. Philippines

The Philippine Legal System. The Philippines legal system has a mix of various legal traditions: civil law, common law and Islamic Law.¹⁷⁰ Each city and municipality in the Philippines has its own trial court, known as First Level Courts. The Second Level Courts sit above the trial courts, covering the 13 judicial regions of the country. The Philippines also has a Court of Appeals system and a Supreme Court, with 14 Justices and one Chief Justice sitting on the bench of the Supreme Court of the Philippines.¹⁷¹ In addition to regular courts, the Philippines also has specialized courts, such as the Sandiganbayan Courts, which hear civil and criminal cases regarding graft, corrupt and other offensive practices practiced by public officials, as well as Tax Courts, and Shari’a District and Circuit Courts, which enforce the Muslim Code on Personal Laws.¹⁷²

Landscape of Easy-to-Read Judgments in the Philippines. The Philippine Constitution requires that every Supreme Court judgment express “*clearly and distinctly the facts and the law on which it is based.*”¹⁷³ Additionally, Section 7 of Article III (the Bill of Rights) gives people the right to access “*official records, and ... documents and papers pertaining to official acts, transactions, or decisions.*”¹⁷⁴ However, there is no prescription of what these requirements mean or would look like in practice.

In an effort to provide guiding principles, in 2005, the Philippine Judicial Academy (the “**PHILJA**”)¹⁷⁵ put together a Technical Working Group (the “**TWG**”) to create a standardized form for Supreme Court decisions and resolutions.¹⁷⁶ The TWG was composed of project consultants from the University of the Philippines College of Law and representatives from various offices, including the Office of the Chief Attorney, Office of the Reporter, Public Information Office, and Office of Chief Justices and Associate Justices. The TWG eventually produced a manual (the “**PHILJA 2004 Manual**”), which was approved by the Supreme Court on November 15, 2005 (see Appendix 6(a)).¹⁷⁷

The guidelines in the PHILJA 2004 Manual provide suggestions on word choice, sentence structure and organizing decisions. They explicitly discourage “*legal jargon, or archaic language,*” advocating instead for “*use of plain, concrete words.*”¹⁷⁸ The guidelines further recommend the use of active voice and affirmative statements, in order to make sentences more direct.¹⁷⁹ The manual also provides guidance on how to

¹⁷⁰ Southeast Asian Region Countries Law. University of Melbourne Library. <https://unimelb.libguides.com/c.php?g=930183&p=6722001#:~:text=The%20Philippine%20legal%20system%20is,Spain%20and%20the%20United%20States.>

¹⁷¹ Council of ASEAN Chief Justices. Philippine Court System. <https://caci-ajp.org/philippines/judiciary/description-of-courts/philippine-court-system/>.

¹⁷² Ibid.

¹⁷³ Constitution of the Philippines (1987). Art. VIII, Sec. 14. https://www.constituteproject.org/constitution/Philippines_1987

¹⁷⁴ Ibid. Art. III, Sec. 7.

¹⁷⁵ The PHILJA was created by the Supreme Court in 1996, receiving legislative mandate in 1998 as a “training school for justices, judges, court personnel, lawyers, and aspirants to judicial posts.” The PJA is the education arm of the Supreme Court and receives the Court’s full patronage and support which guarantees the participation of judges and court personnel in its programs and activities.

¹⁷⁶ Supreme Court E-Library. Manual of Judicial Writing. <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/13/63376>.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ PHILJA. Fundamentals of Decision Writing for Judges. 2009. <https://philja.judiciary.gov.ph/web/viewer.html?file=fundamentals-of-decision-writing.pdf> Pg. 147. Note that Chapters 4 through 66 of the 2009 PHILJA Manual are excerpted in Appendix 6(b).

approach decision writing, suggesting that judges first create an outline that uses simple and clear headings.¹⁸⁰ The headings, along with a captivating and informative introduction, are intended to make the judgment easier to follow. In 2009, the TWG then produced another manual, “Fundamentals of Decision Writing for Judges” (the “**2009 PHILJA Manual**”) (see Appendix 6(b)), which was designed to further promote the goal of making judgments more accessible by prioritizing accuracy, clarity and brevity in language and structure.¹⁸¹

The Philippines has also seen other efforts to increase accessibility, particularly around language. Similar to the diversity of languages in India, there are more than 170 Philippine languages.¹⁸² The 1987 Constitution established Tagalog-based Filipino as the official language, and English is also taught in schools. Some polls show that approximately 69 percent of the population in the Philippines can write in English and 55 percent can speak the language.¹⁸³ The upper classes see English as a means of succeeding in the global economy and have pushed higher learning institutions to prioritize the language as a means of preparing students for English-dominated fields, such as business, technology and law.¹⁸⁴ Despite the enshrinement of Tagalog-based Filipino as the national language in the Constitution, it is seldom used in the legal system, causing accessibility issues that often create divisions along class lines.¹⁸⁵ For this reason, academics, politicians and activists have created a coalition called *Tanggol Wika* (Alliance of Defenders of Filipino), which aims to expand the use of regional languages in courts.¹⁸⁶ Unfortunately, policy has seemed to move in the opposite direction, with the Supreme Court upholding plans to remove Filipino language and literature from the university core curriculum in 2019.¹⁸⁷ This could in turn lead to a further decrease in the use of regional languages in court decisions.

The Philippines’ Movement Towards Easy-to-Read Judgments. Each year since 2001, the Society for Judicial Excellence—a society within the PHILJA, and which is now headed by a retired Supreme Court Justice—selects three outstanding lower court judges from each level, as well as the best decisions in civil law and criminal law.¹⁸⁸ The selected decisions employ clear structure, both in terms of organization and use of headings, as well as within individual sentences. The language used is direct, simple and clear, but is not overly simplified in a patronizing way.

Interestingly, the selected decisions are not directed at defendants that necessarily “require” a more accessible judgment. This stands in contrast with jurisdictions like Mexico, where most of the easy-to-read judgments are directed towards people with disabilities. Unlike in many other examples of easy-to-read judgments in the UK (see below), these cases are not from family court, nor are they clearly written for someone that is working class or unable to understand complex language. These examples demonstrate the courts’ success in making judgments accessible for all, not just for specific vulnerable populations or certain subject matter. However, it is also important to note that all of the selected decisions are in English, which may not have been the defendants’ first language given the diversity of languages spoken in the Philippines.

Examples of Easy-to-Read Judgments.

The following two cases were highlighted in the 2009 PHILJA Manual as award winners, and stand out as particularly effective in implementing many of the best practices outlined in the 2009 PHILJA Manual. Three additional case examples from the 2009 PHILJA Manual are briefly described in Appendix 6(c).

¹⁸⁰ Ibid. Pg. 60-65

¹⁸¹ Ibid.

¹⁸² University World News. Court Decision on Language Provokes Cries of Neo-colonialism. <https://www.universityworldnews.com/post.php?story=20190603103315520>.

¹⁸³ Ploscaru, Diana. How Many People in The Philippines Speak English? History of English. <https://www.thehistoryofenglish.com/how-many-people-in-the-philippines-speak-english#:~:text=English%20is%20a%20co%2Dofficial.and%20understand%20the%20language%20well>.

¹⁸⁴ Ibid.

¹⁸⁵ Pefianco Martin, Isabel. Expanding the Role of Philippine Languages in the Legal System: The Dim Prospects. 2012. https://www.researchgate.net/publication/280763006_Expanding_the_Role_of_Philippine_Languages_in_the_Legal_System_The_Dim_Prospects.

¹⁸⁶ University World News, Court decision on language provokes cries of neo-colonialism. <https://www.universityworldnews.com/post.php?story=20190603103315520>.

¹⁸⁷ Ibid.

¹⁸⁸ For more information: Fundamentals of Decision Writing for Judges. Pg. 168.

A. *People of the Philippines v. Allan K. Velayo* (2005)

This decision was awarded the 2005 Judicial Excellence Award in 2nd Level Criminal Court Cases.¹⁸⁹ The case arose from an arson incident, in which a man set his wife's clothes on fire for refusing his sexual advances in front of their young child. Though the decision only uses one heading ("The Court's ruling"), the decision is only five pages in length and is well organized. The judge uses simple, narrative language to communicate the factual circumstances surrounding the arson incident and the relationship between the defendant and victim. In describing the aftermath of the arson, the judge writes: "*This infuriated him even further – he took a knife and chased her. Their six-year-old son saw everything.*" Further, the language used describes the history of domestic violence in plain terms that are easy to understand, while demonstrating empathy and sensitivity given the sensitive subject matter. For example, in the first paragraph of the decision, the judge explains the relationship between the defendant and victim as: "*Her husband had no work. Worse, he drank almost everyday, and whenever inebriated would beat her up.*"

The judge then proceeds to his ruling, which is also direct and short. He outlines the two elements of arson, and applies the relevant facts to explain how the prosecution failed to prove that he committed arson. The decision then proceeds to outline the three elements for malicious mischief and describes in three corresponding sentences how the facts satisfy each of the elements:

"The elements of the crime of Malicious Mischief are:

- 1. The offender deliberately caused damage to the property of another;*
- 2. The damage caused did not constitute arson or crimes involving destructions;*
- 3. The damage was caused maliciously by the offender.*

*The elements are all present in this case. The accused admitted causing damage to the clothes of his wife, by setting them on fire. The Civil Code considers the clothes of the wife as her own property. As has been discussed, the act of the accused did not constitute Arson, or, for that matter, a crime involving destructions. Thirdly, as admitted by the accused, the damage was caused maliciously – out of anger for his wife's rejection of his sexual advances."*¹⁹⁰

This straightforward and succinct application of the facts to the elements of the crime allows the reader to clearly follow the court's reasoning.

B. *Sun Pack Container & Packing Corporation v. Spouses Edmundo de Mata and Concordia de Mata* (2005)

This decision also won the 2005 Judicial Excellence Award, but as a 2nd Level Court, Pre-Trial decision.¹⁹¹ The pre-trial order includes a bulleted list of stipulations, an identification of two factual issues and two legal issues, a list of relevant exhibits and witnesses and a list of trial dates. Of particular relevance here is the judge's one-sentence identification of the issues relevant to trial:

"FACTUAL

- 1. Whether or not there were squatters present on the lot in question during the time that the deed of absolute sale of real estate was entered into between the parties.*
- 2. Whether or not defendants registered an adverse claim over the subject property during the time of the execution of the memoranda of agreement and the deed of absolute sale of real estate.*

¹⁸⁹ Fundamentals of Decision Writing for Judges. Pg. 192-96

¹⁹⁰ Ibid. Pg. 195

¹⁹¹ Ibid. Pg. 216-20

LEGAL

1. *Whether or not the plaintiff has legal ground to have the memoranda of agreement and deed of absolute sale of real estate rescinded, and if so, whether or not plaintiff is entitled to damages and attorney's fees.*
2. *Whether or not defendants are entitled to moral damages, exemplary damages, attorney's fees and costs of litigation."*

Though the sentences do contain jargon—as they are dealing with the technical issue of a deed of sale—they are relatively short and direct. Further, the headings and the numbered bullets allow the reader to clearly identify and categorize the issues to be decided at trial. Additionally, the pre-trial brief contains a list of agreed-upon stipulated facts, exhibits and witnesses to be used, providing clarity as to the trial proceedings.¹⁹²

C. Europe

1. United Kingdom

The United Kingdom's Legal System. The United Kingdom has three separate legal systems: one for each of: (i) England and Wales; (ii) Scotland; and (iii) Northern Ireland.¹⁹³ England and Wales share a unified common law system that relies on legislation and the creation of precedents through case law.¹⁹⁴ The court system in Northern Ireland is similar to that of England and Wales, while the Scottish system is a "hybrid model" that combines civil law and common law.¹⁹⁵ The Supreme Court of the United Kingdom (the "**UK Supreme Court**") sits at the apex of the United Kingdom's legal system, hearing appeals from courts in England and Wales, Scotland and Northern Ireland,¹⁹⁶ including the (i) Courts of Appeal in each of England and Wales; Northern Ireland; and Scotland (where they are named the High Court of Judiciary and Court of Session); (ii) the Subordinate Courts (including the County Court, Family Court and Magistrates' and Youth Courts); and (iii) other special courts and tribunals.¹⁹⁷

Landscape of Easy-to-read Judgments in the United Kingdom. Whilst there has been a movement in the UK towards a greater use of plain English in legislations and general public communications, with a large number of reports being published on the subject,¹⁹⁸ there remains a lack of legislation in force requiring the use of plain English in judicial writing.¹⁹⁹ Notwithstanding the lack of legislative mandate, there is evidence of judicial awareness in the UK of the need to ensure that court judgments are clear and easily understandable. For example, the UK Supreme Court takes an additional step following the publication of its judgments by preparing both "short summaries" of the judgments which are uploaded onto their blogs,²⁰⁰ as well as "easy read press summaries" which summarizes, in large font: (i) the issue being decided; (ii) the UK Supreme Court's decision; and (iii) the UK Supreme Court's reasoning. "Easy read press summaries" always begin with the introduction that any "difficult words" used are written in bold and their meaning will be explained.²⁰¹ Additionally, as demonstrated below, several family court judges in the UK

¹⁹² Ibid.

¹⁹³ Courts and Tribunals Judiciary. The Justice System and the Constitution. <https://www.judiciary.uk/about-the-judiciary/our-justice-system/jud-acc-ind/justice-sys-and-constitution/>

¹⁹⁴ For more information: <https://libguides.bodleian.ox.ac.uk/law-uklaw/legalsystem#:~:text=%22All%20criminal%20cases%20will%20start,2019%20the%20County%20Court.>

¹⁹⁵ Courts and Tribunals Judiciary. Who are the Judiciary? <https://www.judiciary.uk/>.

¹⁹⁶ For more information: <https://www.supremecourt.uk/about/the-supreme-court.html>.

¹⁹⁷ Who are the Judiciary?

¹⁹⁸ For example: (i) Scottish Government published a guidance on the drafting of primary legislation on December 6, 2018 with sections focusing on "plain language", "punctuation" and "particular words and expressions", for more information: <https://www.gov.scot/publications/drafting-matters/pages/1/>; and (ii) the Inland Revenue undertaking an ongoing project to rewrite a large body of tax law described as "too long and too complicated".

¹⁹⁹ Feikert-Ahalt, Clare, "Plain English Laws in England", Library of Congress Blogs. 2011. <https://blogs.loc.gov/law/2011/11/plain-english-laws-in-england/#:~:text=However%2C%20there%20is%20no%20legislation,the%20use%20of%20plain%20English.>

²⁰⁰ For more information: <https://ukscblog.com/table-of-cases-2009-2019/>.

²⁰¹ For an example, see Easy Read Press Summary of a Local Authority (Respondent) v JB (By his Litigation Friend, the Official Solicitor) (Appellant). <https://www.supremecourt.uk/docs/la-v-jb-easy-read-press-summary-2020-0133.pdf>.

have taken the initiative to adopt a different approach in their judicial writings with a view to ensure they can be easily read and understood (taking into account the nature of the parties involved).

In terms of practical accessibility and transparency, the Public Records Act of 1958 (the “PRA”) regulates the preservation of “public records,” which the UK Supreme Court confirmed includes judgments as they are part of court records. The PRA provides the legal basis for the publication of court judgments and tribunal decisions.²⁰² In 2022, court and tribunal judgments were made freely available to the public through a caselaw service on the UK government’s National Archives website, which has received public support as a significant step towards open justice.²⁰³

The UK’s Movement Towards Easy-to-Read Judgments. The UK judiciary has not remained passive in improving the readability of their judicial writings. Beyond the family court ruling examples discussed below, high-ranking judges have also spoken out to discuss judicial writing style. Lord Burrows, a Justice of the UK Supreme Court, admitted that *“like all other good legal writing, the 3 Cs (clarity, coherence and conciseness) are essential for a good judgment,”* and noted, among other things, that *“it plainly would be better, in making the law more accessible, to have shorter judgments if possible.”*²⁰⁴ All in all, public callings for a more concise and easily understood judgments are ever present in the UK, but the delivery in practice, aside from a number of distinct instances highlighted below, leaves room for improvement.

Examples of Easy-to-Read Judgments.

A. *A (Letter to a Young Person), Re (Rev 1) [2017] EWFC 48*

This case, which took place in the England and Wales Family Court, relates to an application by Sam (a pseudonym), a fourteen-year-old, to live with his father in a different country, contrary to the wishes of his mother and stepfather.²⁰⁵ The Honourable Mr. Justice Peter Jackson decided to deliver his judgment in the form of a letter, addressed personally to Sam, in order to explain the reasoning behind his decisions.²⁰⁶ Jackson J made use of numbered paragraphs that are short and concise and included guiding questions to explain how he arrived at the decision. The judge demonstrated empathy and sensitivity to Sam’s circumstances by explicitly acknowledging Sam’s age in various places, noting that *“[he doesn’t] think anyone of [Sam’s] age in [Sam’s] situation could understand it better than [Sam does], but nor could they fully understand the influences that [Sam is] under and the effect that has on [Sam].”*²⁰⁷ In other words, although Sam’s opinions matter, the judge makes it known to Sam that due to his age, his parents may be manipulating his choices and that thus the judge himself must be as transparent as he can. The judge also makes use of underlining text, for clear emphasis on important points of conditionality that factored into his decision.²⁰⁸ In the end, the court rejects Sam’s request to live with his father and concludes the opinion by stating, *“Sam, I realize that this order is not the one that you said you wanted me to make, but I am confident that it is the right order for you in the long run.”*²⁰⁹ This demonstrates the level of emotional care the judge is providing for Sam. This is one of the most high-profile judgments which utilizes empathy, brevity and simple language.

B. *Jack (A Child: care and placement orders) [2018] EWFC B12*

²⁰² Draft Publishing Policy for Court Judgments and Tribunal Decisions. <https://cdn.nationalarchives.gov.uk/documents/cas-87291-guidance-for-case-law.pdf>, Para 1.

²⁰³ Ministry of Justice, HM Courts & Tribunals Service and James Cartledge MP. Court judgments made accessible for all at The National Archives. 2022. <https://www.gov.uk/government/news/court-judgments-made-accessible-to-all-at-the-national-archives>

²⁰⁴ Lord Burrows. Judgment-Writing: A Personal Perspective, Annual Conference of Judges of the Superior Courts in Ireland. Supreme Court of the United Kingdom. 2021. <https://www.supremecourt.uk/docs/judgment-writing-a-personal-perspective-lord-burrows.pdf>

²⁰⁵ *A (Letter to a Young Person), Re (Rev 1) [2017] EWFC 48* (26 July 2017). <https://www.bailii.org/ew/cases/EWFC/HJ/2017/48.html>

²⁰⁶ *Ibid.*

²⁰⁷ *Ibid.* Para 3.

²⁰⁸ *Ibid.* Para 10.

²⁰⁹ *Ibid.* Para 11.

This case, also from the England and Wales Family Court, concerns whether Jack, a child less than one year old, should be placed for adoption.²¹⁰ Deputy District Judge Lucy Reed recognized that Jack's father has several conditions including ADHD, depression and a mild learning disability, and he accordingly sought to "*explain [his] decision using simple words and have written it down*" in order to ensure that the father could understand the judgment.²¹¹ The judgment is written in strikingly short paragraphs and utilizes clear, plain term headings throughout, such as "What the case is about," "Who is everybody," and "What I think of the evidence."²¹² Judge Reed also conveys a deep emotional concern for Jack by writing, "[i]t is important that my decision is explained to him as he gets older."²¹³ Where legal jargon is deemed necessary, the judge opted to include an ordinary language translation, for example by defining "dispense with their consent" as "decide for them."²¹⁴ As with Jackson J's ruling in *Sam*, this is yet another example of a judgment which uses easy-to-read characteristics such as plain language, brevity, empathy and sensitivity.

C. *Dorset Council v. A (Residential Placement: Lack of Resources)* [2019] EWFC 62

Another case from the England and Wales Family Court, this ruling pertains to the deprivation of liberty orders imposed upon "A" (fifteen years-old) because of her behavioral issues that led to her being on constant supervision in a governmental institution.²¹⁵ Taking into account the age of the person involved, His Honour Judge Dancey sought to deliver the judgment "*in a way that [he hopes] will be accessible for A and her family.*"²¹⁶ The judgment was written in plain language and broken down into short paragraphs, making use of bullet points to recount important facts.²¹⁷ The judge also recognized that a lot of the language used may negatively impact "A" and thus said, "*[i]t is important that A understands this is not her fault.*"²¹⁸ As with Judge Reed in *Jack*, Judge Dancey sought to simplify terms such as "regulate" into "control."²¹⁹ As a display of empathy, the judge noted that social workers dedicate "silly hours" to find placements for kids like A,²²⁰ and by doing so acknowledged the efforts of the social workers.²²¹ In this instance, the judge has again showcased the impact that simple language, empathy and sensitivity can have in ensuring that judgments delivered are easily understood.

2. Spain

The Spanish Legal System. The judicial system in Spain is composed of a Constitutional Court, a Supreme Court, a National Court, regional High Courts, Provincial Courts and Tribunal Courts.²²² There is also a division between *Tribunal Constitucional* (Constitutional Court) and *Tribunales Supremos* (Non-Constitutional Courts).²²³ The Constitutional Court governs conflicts between Spain and Autonomous Communities, and issues arising under the Spanish Constitution of 1978.²²⁴ The King appoints 12 members to singular nine-year terms.²²⁵ Non-constitutional courts include the Supreme Court, which is divided into five chambers: civil, criminal, administrative, social and military. Below the Supreme Court are the National Court, Regional High Court and Provincial Court.²²⁶ These courts hear criminal, administrative, labor, and

²¹⁰ Jack (A Child : care and placement orders) [2018] EWFC B12 (27 March 2018). <https://www.bailii.org/ew/cases/EWFC/OJ/2018/B12.html>

²¹¹ Ibid. Para 7.

²¹² Ibid.

²¹³ Ibid. Para 42.

²¹⁴ Ibid. Para 46.

²¹⁵ Dorset Council v A (Residential Placement: Lack of Resources) [2019] EWFC 62 (10 October 2019). <https://www.bailii.org/ew/cases/EWFC/HCI/2019/62.html>

²¹⁶ Ibid. Para 4.

²¹⁷ Ibid.

²¹⁸ Ibid. Para 14.

²¹⁹ Ibid. Para 15.

²²⁰ Ibid. Para 41.

²²¹ Ibid. Para 3.

²²² For more information: <https://apps.law.wustl.edu/GSLR/CitationManual/countries/spain.pdf>

²²³ Ibid.

²²⁴ Ibid.

²²⁵ Ibid.

²²⁶ Ibid.

civil cases, as well as cases that transgress regional boundaries and appeals that arise from the Provincial Court upwards.²²⁷

Landscape of Easy-to-Read Judgments in Spain. In an effort to promote access to justice, the General Council of the Judiciary (the “**Spanish Judiciary**”) released a video on accessing easy-to-read judgments.²²⁸ The video describes how to access easy-to-read judgments on the official website of the Spanish court system by selecting an icon at the bottom of the search page to filter results. See Figure 4. According to the official website of the Spanish Judiciary, Spanish courts have made over 66 decisions since 2016, as of the date of this memorandum, that involve elements of an easy-to-read judgment, such as simpler language and shorter paragraphs.²²⁹ The Spanish easy-to-read decisions appear to follow a similar format, leading to a predictability that also makes these judgments easier to understand.



Plena Inclusión is a civil society organization dedicated to improving the lives of people with mental disabilities and that of their families throughout Spain.²³⁰ Though not comprised of judges or lawyers, one of the avenues in which the organization has sought to achieve its mission is to promote access to justice through easy-to-read judgments.

Examples of Easy-to-Read Judgments.

A. Alejandro

The plaintiff Alejandro brought a case through his parents challenging the impairment of his legal capacity as a result of his legal mental disability, as Alejandro could not bring forward any cases on his own and did not have full discretion over his guardianship.²³¹ In many ways similar to the *Adair* case in Mexico, this

²²⁷ Ibid.

²²⁸ Consejo General del Poder Judicial. Sentencias de Lectura Fácil. https://www.poderjudicial.es/portal/site/cgpi/menuitem.65d2c4456b6ddb628e635fc1dc432ea0/?vgnnextoid=56797c88264f5710VgnVCM1000006f48ac0aRCRD&vgnnextfmt=default&vgnnextlocale=es_ES

²²⁹ CENDOJ, Consejo General del Poder Judicial: Buscador de contenidos, <https://www.poderjudicial.es/search/indexAN.jsp>

²³⁰ Misión, ética y valores, Plena inclusión (2022), <https://www.plenainclusion.org/conocenos/asi-nos-organizamos/mision-etica-y-valores/> (last visited Jul 12, 2024).

²³¹ Alejandro Case (see Judgment Exhibit 7)

decision focused on situations in which Alejandro could have more autonomy and situations in which he did not have as much of an opinion. While confirming that Alejandro needed a guardian, the judgment emphasized that one cannot be completely stripped of freedom. Thus, the court decided that Alejandro legally had a say in his guardianship and certain decisions that were currently entirely made for him. The court stresses the importance of giving equal rights and treatment to those with mental disabilities, and that the law cannot take everything away from Alejandro simply because he has a mental disability.

The Spanish Judiciary provides an easy-to-read version of this decision, adapted by Plena Inclusión, on its website.²³² This decision includes examples of all the key easy-to-read elements: simple language, easy-to-follow structure, audience consideration, empathy and brevity. Beyond the use of plain terms in the body of the judgment, the judgment includes a side bar of text boxes that define important legal terms such as “jurisdictional capacity.” In further consideration of an audience that may lack familiarity with judicial proceedings, the judgment begins with an explanation of the document itself and the procedural history in simple terms of who has done what. In terms of structure, each section begins with a question that a layperson could ask, “*¿Qué ha pasado hasta el día del juicio? Esto son las situaciones y acciones que han pasado*” (What has happened until the day of judgment? These are the situations and actions that have happened) while moving the judgment through the judicial decision and next steps, including appeal. From a formatting perspective, the entire judgment is written in short sentences that are thoughtfully spaced out, with line breaks that break down ideas into easily digestible bites:

La juez considera que necesitas apoyo de otra persona para tomar algunas decisiones de tu vida. Es verdad que tienes apoyo de tu familia, Sobre todo, de tu madre que ya te cuida.	The judge believes that you need support from another person to make some decisions in your life. It is true that you have support from your family, especially from your mother who already takes care of you.
Pero también necesitas que te ayuden en otras cuestiones para que puedas ejercer tu capacidad jurídica.	But you also need help in other matters so that you can exercise your legal capacity.
Por eso designa un curador para que te ayude. Va a ser un curador representativo. Esto es que te va a representar en algunas cosas cuando tú no puedas decidir sólo. El curador va a ser tu madre.	That is why she appoints a guardian to help you. He will be a representative guardian. That is, he will represent you in some things when you cannot decide alone. The guardian will be your mother.

Finally, the decision uses the familiar second person in directly addressing Alejandro, adding a more personal tone.²³³ Despite being only six pages in length, this decision still provides a substantial amount of detail to the reader, in contrast to the *Adair* decision in Mexico, which relies on both a short, easy-to-read section of the judgment followed by a full-length traditional opinion.

3. The Netherlands

The Dutch Legal System. The Dutch legal system is divided into 11 district courts, four courts of appeal, and one Supreme Court, Hoge Raad der Nederlanden. Every district court has its own limited jurisdictional coverage such as employment matters or certain civil claims.²³⁴ Each district court is made up of a

²³² Ibid.

²³³ Ibid.

²³⁴ Government of the Netherlands. The Dutch Court System. <https://www.government.nl/topics/administration-of-justice-and-dispute-settlement/the-dutch-court-system>

maximum of five sectors, which always include administrative law, civil law, criminal law and sub-district law sector. The Netherlands does not rely on precedents, as it is not a common law jurisdiction.²³⁵

Landscape of Easy-to-Read Judgments in the Netherlands. Individual Dutch courts have, over the last decade and mostly on their own initiative, launched a range of initiatives which demonstrate their serious commitment to making court rulings “more comprehensible to average citizens.”²³⁶ In 2004, “Promis,”²³⁷ a nationally coordinated criminal law project, was launched to “improve the communication between the criminal court, the parties involved and society at large” through clearly expressed sentencing decisions.²³⁸ In 2016, the Administrative Jurisdiction Division of the Council of State launched the project “*Heerlijk Helder*” which aimed to increase clarity of rulings by, among other things, improving the structure of written judgments and avoiding technical legal terms (or, if not possible, offering clear definitions to such terms).²³⁹ In 2017, the Amsterdam District Court launched the WIEB project²⁴⁰ in which linguists provided feedback to administrative judges on their rulings to improve clarity and comprehensibility. In 2018, the Dutch Supreme Court committed itself to “plain legal language” by avoiding Latinisms and using shorter sentences—rulings are read aloud to colleagues and those who are not able to finish a particular sentence without having to breathe again are asked to shorten it.²⁴¹ In addition to the initiatives above, an annual national prize for the best “plain legal language ruling” (*Klare Taal Bokaal*) has been awarded since 2017 to encourage judges to write in plain legal language. Finally, in terms of practical accessibility and transparency, a landmark ruling was released by the Dutch Supreme Court in April of 2023 that required Dutch courts to make case details such as parties involved, status of proceedings, hearing dates and judgments issued publicly accessible,²⁴² which represents another positive step towards ensuring accessibility in the Dutch justice system.

Examples of Easy-to-Read Judgments.

A. Order of the District Court of Oost-Brabant – Name Change (2019)

This case pertains to whether the applicant should be allowed to legally change his name to include the name of his terminally ill daughter who struggled with multiple disabilities. The legal issue depended on whether the applicant’s personal interest in the name change prevailed over the public interest.²⁴³ The judge, Mr. VR de Meyere, produced a concise opinion of around three pages that included a detailed account of the applicant’s viewpoint, including “*the applicant’s deep-rooted wish to allow his daughter to continue to exist in his name.*”²⁴⁴ Iris van Domselaar, a professor of legal philosophy and legal ethics at the University of Amsterdam, observed that this ruling is not “*merely written in plain language*” and is not to be understood “*as a merely linguistic matter,*” because doing so would miss an “*important dimension of the ruling...the narrative style, the attention paid to the particular, and the empathetic summary of the applicant’s viewpoint, which all increase the comprehensibility of the ruling.*”²⁴⁵ The unembellished but emotional language throughout the succinct opinion helped convey the judge’s reasoning and bolstered the

²³⁵ de Groot, Jan Willem. Legal Proceedings in the Netherlands. Dutch Law Institute. <https://dutch-law.com/litigation/index.html#:~:text=There%20is%20no%20jury%20system,Dutch%20courts%20have%20international%20jurisdiction>

²³⁶ van Domselaar, Iris. ‘Plain’ Legal Language by Courts: Mere Clarity, an Expression of Civic Friendship or a Masquerade of Violence? *The Theory and Practice of Legislation*. 10(1), Pg. 93–111. 2022. <https://doi.org/10.1080/20508840.2022.2033946>

²³⁷ An acronym for ‘Project motiveringsverbetering in strafvonnissen’ (Project for improving the explanation/justification of sentencing decisions).

²³⁸ De Rechtspraak, ‘Eindrapport Pilot Promis: Project motiveringsverbetering in strafvonnissen’ (2005), pg. 2. <https://archive.org/details/EindrapportPilotPromis>.

²³⁹ van der Bruggen, Geerke. Een Kleine Stap voor een Rechter, een Reuzensprong voor de Rechtspraak: Afdeling Bestuursrechtpraak Maakt Werk van Begrijpelijke Uitspraken. *Jurisprudentie Bestuursrecht*. (2016) 6. Pg. 109. <https://bruginbedrijf.nl/communicatieadvies/files/pdf/Geerke%20van%20der%20Bruggen%20-%20Een%20kleine%20stap%20voor%20een%20rechter.%20een%20reuzensprong%20voor%20de%20rechtspraak.pdf>.

²⁴⁰ An acronym for *Wat-ik-eigenlijk-bedoel* (What I actually mean). See Raad voor de Rechtspraak, ‘Project Wieb—Vragen en Antwoorden’, pg. 201.

²⁴¹ Verburg, André, ‘De Rechter tussen Straattaal en Jargon: Op Weg Naar Begrijpelijke Uitspraken. *Ars Aequi*. 2018. Pg. 170. <https://directduidelijk.gebruikercentraal.nl/wp-content/uploads/sites/30/2022/01/De-rechter-tussen-straattaal-en-jargon.pdf>

²⁴² For more information: <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:HR:2023:658>

²⁴³ Order of the District Court of East Brabant (Family and Youth Law) (2019), ECLI:NL:RBOBR:2019:7307, Case Number: C/01/352837 / FA RK 19-5543. <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBOBR:2019:7307>

²⁴⁴ Ibid.

²⁴⁵ ‘Plain’ Legal Language by Courts: Civic Friendship or a Masquerade of Violence?

determination that the applicant's personal interest in the name change did outweigh the public interest against it.

B. Order of the District Court of Northern Netherlands – Main Residence of Child Post-Divorce (2018)

This case pertains to a child's request to live with his father instead of his mother following a divorce proceeding.²⁴⁶ The judge, Mr. TML Veen, drafted his opinion in a conversational style with mostly colloquial language. In deciding on a highly important part of the child's life, in this case against his request, where the interests and opinion of the child are at the heart of the decision, the judge made a point of addressing the child directly and paraphrasing the child in a way that helps the child feel heard and understood: "you then explained to me that you want to live with your father because you have the feeling that you are missing something."²⁴⁷ Further, Mr. Veen took the extra step to empathize with the child by acknowledging that his parents "*seem to agree on nothing...manage to get into conflict on everything, and [he is] somewhere in between,*" that "*[he tries] to prevent problems, to calm conflicts and above all not to make anyone feel like [he is] taking side,*"²⁴⁸ to convey to the child that he is understood. Again, and as pointed out by Professor Iris van Domselaar, the comprehensibility of this order derives not just from the use of plain and direct, conversational language, but also the "empathetic approach," "highly personal tone" and a "sense of personal engagement with the outcome."²⁴⁹

The Dutch Movement Towards Easy-to-Read Judgments. In her analysis of the three examples noted above, Professor Iris van Domselaar acknowledged that the plain legal language movement has an "increasing influence in the Netherlands" and suggested that comprehensible legal language, as used by Dutch courts, is driven by their desire to "fulfil their judicial role as a civic friend," and as such often comprises "*empathetic utterances, a conversational, personal, and narrative style...to convey the human meaning of the facts.*"²⁵⁰

D. North America

United States

The U.S. Legal System. The highest court in the federal government is the U.S. Supreme Court, which is made up of nine lifetime appointed justices.²⁵¹ Below the Supreme Court are the Courts of Appeal and the District Courts. The District Courts are organized into 12 circuits, each of which has its own Court of Appeals that reviews cases decided in U.S. District Courts within the circuit. Lastly, there is a Court of Appeals for the Federal Circuit which brings the number of federal appellate courts to 13.²⁵²

Landscape of Easy-to-Read Judgments in the U.S. The U.S. legal system has not widely implemented the concept of easy-to-read judgments, but federal courts recognize that the judiciary should be "*open and accessible, on a non-discriminatory basis, to all those who participate in the judicial process.*"²⁵³ Additionally, federal courts recognize the many ongoing barriers to accessibility, as many people who come

²⁴⁶ Order of the District Court of Northern Netherlands (Civil law) (2018), ECLI:NL:RBNNE:2018:3537, Case Number: C/19/123812 / FA RK 18-1506. <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBNNE:2018:3537&showbutton=true&keyword=ECLI%253aNL%253a%2BRBNNE%253a2018%253a3537&idx=1>

²⁴⁷ Ibid. Section 3.2.

²⁴⁸ Ibid.

²⁴⁹ 'Plain' Legal Language by Courts: Civic Friendship or a Masquerade of Violence?

²⁵⁰ Ibid.

²⁵¹ United States Courts. Supreme Court Procedures. <https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/supreme-1>.

²⁵² Ibid.

²⁵³ United States Courts. Issue 6: Enhancing Access to Justice and the Judicial Process. <https://www.uscourts.gov/statistics-reports/issue-6-enhancing-access-justice-and-judicial-process>.

to the courts “have limited proficiency in English, and [the] resources to provide interpretation and translation services are limited particularly for civil litigants and bankruptcy participants.”²⁵⁴

Although the easy-to-read judgments movement in the United States is still in its infancy, various groups have taken important steps in addressing accessibility in the legal system. Of most relevance, the Federal Judicial Center (“FJC”) has provided plain language guidance for judges that oversee class action lawsuits (see Appendix 9(a)).²⁵⁵ For example, the FJC guidance on class action notice and claims processes includes multiple recommendations on how to write these documents in plain language.²⁵⁶ Recommendations include tips like keeping the notice short, avoiding redundancies, limiting what non-essential details are included, including headlines in large font, and making sure initial paragraphs provide a “snapshot of key information.”²⁵⁷ Additionally, American nonprofits such as the National Center for State Courts (“NCSC”) provides resources, including a glossary (see Appendix 9(b)), for judges across the country so that they may learn how to write judicial opinions in an accessible manner.²⁵⁸ NCSC regularly collaborates with the Conference of Chief Justices and the Conference of State Court Administrators to provide them with relevant resources.²⁵⁹

Examples of Easy-to-Read Judgments.

Washington v. Bennion, 2023 WL 2072093 (D. Colo. Feb. 17, 2023)

This case concerned whether an incarcerated plaintiff could show cause as to why his claims against medical personnel who allegedly deprived him of adequate care should not be dismissed with prejudice.²⁶⁰ This opinion incorporates several easy-to-read features, allowing the pro se litigant to understand the decision being made in his case. First, the opinion takes a personal approach with the plaintiff, writing in the second person: “You started this lawsuit in December 2021. By April 2022, you had filed your third amended complaint.”²⁶¹ The judge also defines legal terms throughout the opinion, such as by stating, “the Magistrate Judge recommended dismissing your claims without prejudice, meaning that the Court should dismiss your claims without permanently closing your claims.”²⁶² Another strategy used in this opinion is the fact that it very simply recounts every step of the process thus far and what the plaintiff has or has not done.²⁶³ Additionally, this opinion makes an important point to avoid the usage of complicated vocabulary. The judge deciding the case is known for providing plain language summaries in cases where there are pro se parties.²⁶⁴ Accordingly, this opinion also has a section, in bold, titled “Summary of Order for Pro Se Plaintiff” in order to direct the plaintiff’s attention to the plain English content.²⁶⁵ This opinion successfully uses easy-to-read traits such as simple language and brevity.

America’s Movement Towards Easy-to-Read Judgments. Outside of the federal and state laws previously mentioned, most of the guidelines by nonprofits and even those by the FJC are not enforceable.

A survey of American state courts found that 29 out of 42 states said “there is no prescribed format for opinions and a number of states indicated that it is up to an individual justice to decide how his or her

²⁵⁴ Ibid.

²⁵⁵ Federal Judicial Center. Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide. <https://www.fjc.gov/content/judges-class-action-notice-and-claims-process-checklist-and-plain-language-guide-0>.

²⁵⁶ Ibid.

²⁵⁷ Ibid.

²⁵⁸ National Center for State Courts. Plain Language. <https://www.ncsc.org/consulting-and-research/areas-of-expertise/access-to-justice/plain-language#:~:text=Plain%20language%20is%20clear%2C%20direct.and%20confidence%20in%20the%20judiciary>.

²⁵⁹ Ibid.

²⁶⁰ *Washington v. Bennion*, 2023 WL 2072093, at *1 (D. Colo. Feb. 17, 2023) (United States of America). <https://www.casemine.com/judgement/us/63f1a5f4ded216229855ab86/amp>.

²⁶¹ Ibid.

²⁶² Ibid.

²⁶³ Ibid.

²⁶⁴ Karlik, Michael. Second Federal Judge in Colorado Adopts Plain English Summaries in Decisions. Colorado Politics. https://www.coloradopolitics.com/courts/second-federal-judge-in-colorado-adopts-plain-english-summaries-in-decisions/article_fdad5baa-bec3-11ed-bb31-4399aa8d9a99.html

²⁶⁵ *Bennion*, 2023 WL 2072093, at *1.

opinion will be written."²⁶⁶ Even with this lack of guidance, some courts and law schools in the United States are introducing more simple opinion formats, plain-language summaries or case syllabi to promote accessibility.²⁶⁷ For example, until 2019, SCOTUSblog provided summaries of key Supreme Court opinions in plain language.²⁶⁸ Another example is the California Supreme Court's news release regarding the 2008 case legalizing same-sex marriage, which provided a summary of the landmark decision, including majority and dissenting opinions, in seven pages in plain English.²⁶⁹ Academics have argued that such initiatives to use plain language can allow courts to communicate effectively and promote procedural fairness by using plain language.²⁷⁰

²⁶⁶ Vickrey, William C. and Douglas G. Denton, Wallace B. Jefferson. *Opinions as the Voice of the Court: How State Supreme Courts Can Communicate Effectively and Promote Procedural Fairness*.

https://heinonline.org/HOL/Page?handle=hein.journals/ctrev48&div=18&q_sent=1&casa_token=&collection=journals, pg. 81.

²⁶⁷ *Ibid.*

²⁶⁸ *Ibid.*

²⁶⁹ *Ibid.* Pg. 85.

²⁷⁰ *Ibid.*

V. Conclusion

As demonstrated throughout this memorandum, countries around the world are clearly committed to the goal of increasing access to justice through easy-to-read judgments. To achieve this goal, these countries are employing myriad techniques and initiatives to expand the use of easy-to-read judgments. These range from sweeping commitments enshrined in legislation to require that legal decisions bear certain easy-to-read features to more targeted, ad hoc efforts from individual jurists to communicate a sensitive decision directly to the impacted litigant. As the easy-to-read judgment movement continues to gain traction, jurists around the world should continue to look to efforts in other jurisdictions for learnings and inspiration. All jurisdictions have opportunities to adapt and enforce easy-to-read principles at all levels of the judiciary, even if efforts to adopt relevant legislation may face challenges. The selected case examples above provide a window into the difference that each easy-to-read judgment can make: to expand access to justice and ensure that the judiciary is truly working to serve the everyday people experiencing the impact of its decisions.