

Judicial Sentences and Textual and Terminological Accessibility

Sentenças Judiciais e Acessibilidade Textual e Terminológica

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ABSTRACT: This article presents part of the development of a doctoral research in progress in the Graduate Program in Letras of the Federal University of Rio Grande do Sul. The research seeks to generate descriptive data about the language in use in Judicial Sentences of the Special Civil Courts, which are based on principles such as informality and simplicity and were created to expand and facilitate access to Justice. And, considering that many of those who resort to these Courts are people with low income and limited schooling, the reflection promoted is on how, through textual simplification, seen as an intralinguistic translation, one could promote the textual and terminological accessibility of these Judicial Sentences. In order to carry out the analyzes, based on the studies related to textual simplification and through the AntConc, Sketch Engine and Coh-Metrix-Dementia tools, this article analyzes some indexes of cohesion and textual coherence of a corpus of these judicial sentences and compares its lexicon with that of a corpus of texts from *Diário Gaúcho* and with a reference corpus of written Brazilian popular Portuguese, *CorPop*. Both

RESUMO: Neste artigo, apresentamos parte do desenvolvimento da nossa pesquisa de doutorado em andamento no Programa de Pós-Graduação da Universidade Federal do Rio Grande do Sul. Nesta pesquisa procuramos gerar dados descritivos sobre a linguagem em uso em Sentenças dos Juizados Especiais Cíveis, que se baseiam em princípios como a informalidade e a simplicidade e foram criados para ampliar e facilitar o acesso à Justiça. E, considerando que muitos do que recorrem a esses Juizados são pessoas com baixa renda e escolaridade limitada, a reflexão que fazemos é sobre como, pela simplificação textual, vista como uma tradução intralinguística, se poderia promover a acessibilidade textual e terminológica dessas Sentenças. Para a consecução das análises, com base nos estudos relativos à simplificação textual e por meio das ferramentas AntConc, Sketch Engine e Coh-Metrix-Dementia, analisamos alguns índices de coesão e coerência textual de um corpus dessas sentenças e comparamos o seu léxico com o de um corpus de textos do *Diário Gaúcho* e com um corpus de referência do português popular brasileiro escrito, o *CorPop*.

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represent what can be called everyday written Portuguese. Based on the results of these analyzes, rewriting alternatives that are more appropriate for the adult Brazilian citizen with low schooling and little experience in reading are proposed. Preliminary results suggest that the judicial sentences of these Special Courts have lexical and syntactic patterns that hardly coincide with patterns of everyday written language so that they may hinder their intelligibility for the target audience.

Ambos representam o que se pode chamar de português cotidiano escrito. Com base nos resultados dessas análises, propomos alternativas de reescritas mais adequadas ao cidadão brasileiro adulto com baixa escolaridade e pouca experiência em leitura. Os resultados iniciais sugerem que as sentenças desses Juizados Especiais apresentam padrões lexicais e sintáticos pouco coincidentes com padrões da linguagem cotidiana escrita, de modo que podem dificultar a inteligibilidade para o público a que se destinam.

KEYWORDS: Textual and Terminological Accessibility. Intralinguistic Translation. Text Simplification

PALAVRAS-CHAVE: Acessibilidade Textual e Terminológica. Tradução Intralinguística. Simplificação Textual.

1 Introduction

In different social spheres in Brazil, complaints are heard regarding the hermetic nature of legal language. In this sense, according to research commissioned by the Brazilian Association of Magistrates (AMB) to Ibope in 2004, "the image of the Judiciary is that of a black box, mysterious, not very accessible to the average person and with secrets that only judges can decode".

Corroborating this image, more recently, the writer Luís Fernando Veríssimo, in one of his newspaper columns, expressed himself as follows:

Nothing like keeping up with legal debates to learn the esoteric language lawyers use to communicate. I thought one could use Portuguese subtitles to what they're saying. But I'm afraid that, if reduced to an clear language, the texts would lose their primary function, which is to trick us. (VERÍSSIMO, 2018, p. 4).

Given this scenario, in our doctoral research, ongoing at the Federal University of Rio Grande do Sul's Graduate Program, we intended to describe lexical,

grammatical and stylistic peculiarities in the language used in rulings of the Small Claims Court (JECs) of the Judicial Branch of the State of Rio Grande do Sul. (PJRS). Such description has the objective to verify how much these rulings can be comprehended by lay citizens with limited schooling and little reading experience, represented by Brazilian adults up to the 9th grade of Elementary School.

Next, based on the data from this description, we intend to verify how, through linguistic simplification, seen as a form of intralinguistic translation (JAKOBSON, 1959; ZETHESEN, 2009), we can help promote greater Textual and Terminological Accessibility (TTA) with regard to these sentences. The TTA represents a new topic of studies that supports the analyses of texts, speeches, writing conventions, terminologies and vocabularies of different areas of human knowledge, with the aim of facilitating comprehension for adult readers with limited schooling.

Finally, we also intend to present guidelines to support a Simplified Sentence Writing Guide for Laypeople, aimed at professionals who deal with writing sentences for the Small Claims Courts and anyone interested in the subject.

This is therefore a multidisciplinary research project, as it draws on input from various fields of knowledge, such as Language Studies and related disciplines - Textual Linguistics, Psycholinguistics, Corpus Linguistics, Lexical Studies, Terminology and Specialized Text Studies, Textual and Terminological Accessibility, and Intralinguistic Translation.

Regarding the Small Claims Courts, they were created in 1995 by Law No. 9.099, to address less complex disputes: disputes that do not depend on more elaborate expert opinions and evidence and that have a value of up to 40 current minimum wages. Article 2 of Law No. 9099/95 establishes: "The process will be guided by the criteria of orality, simplicity, informality, procedural economy and speed, seeking, whenever possible, conciliation or transaction" (BRAZIL, 1995). And how do legal professionals understand these principles?

The principle of orality means that, in the practice of procedural acts in Small Claims Courts, oral communication should prevail: any person can make their request orally at the Court's Secretariat. But that doesn't mean these actions aren't documented in writing. The principles of procedural economy and celerity seek the rapid resolution of the demand through procedures with less complexity and shorter processing time. And, regarding the principles of simplicity and informality, according to PISKE (2012), their objective is to lower the amount of material attached to the case files.

Regarding the language used in the judgments of the Small Claims Courts, it seems that it does not always adhere to the principles of article. 2º of Law 9.099/95. By way of example, we transcribed two excerpts taken from Judgments of the Small Claims Courts of the State of Rio Grande do Sul. The first one, besides presenting a complex syntax, is noteworthy for its vocabulary, which, in our view, would be a major factor in a possible lack of comprehension - we have underlined some words in the passage. The second, in addition to vocabulary, consists of a single sentence with 97 words and several levels of subordination.

- i. Finally, the claim regarding lost profits is inadmissible, as there is no way to demonstrate any loss resulting from the accident in this particular aspect. Indeed, there is not even reliable proof of the author's profession, as the testimonial evidence is weak in this regard, let alone of the amounts she failed to earn, especially considering that the only document attached refers to a request for a negligible amount (p. 55), thus requiring the rejection of this request. (Case No. 015/3.14.0000039-0 – RIO GRANDE DO SUL, 2015)
- ii. However, I believe that such a clause does not serve to negate the author's right, so far as it was not drafted clearly, since there is no proof that the defendant expressly clarified to the consumer that the surgery in question would be excluded from coverage under the health plan. Furthermore, the chapter dealing with exclusions from coverage is extremely obscure, as it does not clarify which procedures are included in the aforementioned INAMP/SUS Table, and there is no proof that the consumer had access to it. Therefore, she is not bound by such contractual exclusion. (Process: 9000378-

32.2015.8.21.0027 – RIO GRANDE DO SUL, 2015b)

Few legal professionals make connections between these criteria in article 2º of Law n. 9.099/95 with language, except for orality. Among these few, we find CUNHA (2018), for whom simplicity, in addition to seeking less formalism, prioritizes "a language that values clarity as opposed to overly technical terms, which can be extracted from the very criterion of informality".

Despite that, many other legal professionals and institutions tied to the Brazilian judiciary have expressed their support for legal language being in the public domain, and not a privilege of the few. This is the case of Minister Ellen Gracie Northfleet, who, in her inaugural speech as President of the Supreme Federal Court on April 27, 2006, stated the following:

The ruling should be understandable to the party filing the claim and addressed to the parties in dispute. The decision should be both clarifying and educational. The intended recipient of our work is the citizen under the jurisdiction of the courts, not legal academies, specialized publications, or higher courts (NORTHFLEET, 2006, p. 1).

Along the same lines, the Brazilian Magistrates' Association (AMB) launched a national campaign in 2005 to simplify the language of the Judiciary. This campaign resulted in the publication of a manual explaining how the justice system works and including a glossary of legal terms. In the presentation of this manual, the AMB states the following:

The justice system must be understood in its actions by everyone, and especially by those it serves. Once understood, it becomes even more essential to the consolidation of the Democratic Rule of Law (AMB, 2007, p. 4)

It should be noted, however, that despite all these initiatives and everything that has been written about the need to simplify the language of the Justice system, the results today are still very modest. From this perspective, the questions that drive this research are:

- *To what extent, from the perspective of Language Studies, Text Studies, Terminology, Textual and Terminological Accessibility, and the facilitation of reading comprehension, can the sentences in JECs be considered complex texts for adult readers with limited schooling?*
- *Given that the sentences in JECs are considered complex for adult readers with limited schooling, what can scholars of Text, Language, Terminology, Textual and Terminological Accessibility, and the facilitation of reading comprehension do, in concrete terms, to improve the writing of these sentences and promote communication with greater textual and terminological accessibility?*

Therefore, this article presents some data extracted from two pilot studies conducted so far. The remainder of this article is organized as follows: the section Terminology discusses key concepts of the field and the theoretical framework underpinning this research, namely Textual Terminology. In Legal Specialized Language, we explore the notions of specialized languages, sublanguages, textual genres, and discourse communities within the legal sphere. Textual Accessibility provides a historical overview of studies on the subject, while Textual and Terminological Accessibility addresses accessibility specifically within specialized texts. The section Intralingual Translation and Textual Simplification examines aspects of intralingual translation and its relationship to text simplification. In Materials and Methods, we describe the analyzed corpora and the procedures adopted for their analysis. Finally, Results and Analysis presents the findings of our study, and Final Considerations and Research Outlook offers conclusions drawn from the pilot studies and future directions for this research.

2 The Terminology

Our object of study is the rulings of the Small Claims Courts of the State of Rio Grande do Sul, whose texts convey the language used in Law. In the field of linguistic studies, this language is analyzed from the perspective of Terminology.

As a field of study, Terminology has its origins in the General Theory of Terminology (TGT), with the work of Eugen Wüster in the 1930s. According to this theory, the essential elements of professional communication are concepts and the signs associated with those concepts. Scientific concepts are “timeless, paradigmatic and universal” (KRIEGER; FINATTO, 2004, p. 33), and not variable like meanings, which are activated in the discursive context. Because of this conception, TGT has been criticized by other scholars with more descriptive approaches, and new theoretical perspectives have emerged.

Among these new theoretical approaches that emerged after TGT, our research, by focusing not only on the lexicon but also on the grammatical and stylistic configuration of the sentences in the JECs, will adopt principles of Textual Terminology. However, other theoretical frameworks may also help us account for the recognition of terminology.

One such framework is Socioterminology, developed by François Gaudin (1993), Jean-Claude Boulanger (1995), and Yves Gambier (1991). Within this approach, the concept is constructed in specialized discourse and is subject to modification due to social and historical variables. Such stance led to the recognition of terminological variation in specialized communication.

In the field of law, although manuals prescribe that the term to be used is the one appearing in statutory texts, in day to day legal practice many variants are employed, such as *precatória* (rogatory) for *carta precatória* (letters rogatory), *embargos declaratórios* (motion for clarification) for *embargos de declaração* (motion to clarify), *exordial acusatória* (accusatory pleading) for *denúncia* (complaint) and

peça inaugural (opening piece) for petição inicial (statement of claim). We emphasize, however, that some of these variants, such is case in peça inaugural and exordial acusatória, constitute legalese, which the way of speaking in an attempt to exclude and segregate rather than fulfilling technical requirements or serving justice.

Another relevant framework is Communicative Theory of Terminology (CTT), developed by Maria Teresa Cabré (1999). CTT terms are entitled as an element of polyhedral nature: terminological units simultaneously exhibit linguistic, cognitive and social aspects.

As an example, consider the words parente (relative) and sentença (judgment). These words belong to the lexicon of the natural Portuguese language, however when used in a legal context, they acquire the status of terms. In the legal domain, sentença refers to the written decision issued by a judge regarding a matter submitted for adjudication. Likewise, parente is a legal term addressed in Articles 1591 to 1595 of the 2002 Brazilian Civil Code.

We stress, however, that the main concern of these theories is the term itself. Thus, taking into account the text and communicative scenarios within specialized domains – our research's main goal – leads us to another theoretical approach: Textual terminology, which will be discussed in the next section.

2.1 Textual Terminology

According to Finatto (2004, p. 352), “a perspective in Textual terminology [...] would equate to a study of text that has terms, distancing itself from a study of terms in text”.

One of the main leading figures of this theory, Lothar Hoffmann, believes that “text is the primary linguistic sign” (2015, p. 47). In accord with Hoffmann, the same time specialized text is a tool it is also the result of a communicative activity carried out within the scope of a given socio-productive specialty. Moreover, this text is built

around a complex communicative structure in which the author's communicative intentions and strategies are utilized, and the receiver has his own expectations.

And small-claim court rulings fit this viewpoint, because it through them (as a tool) that a decision is made (as a result) by a issue brought to the Special Courts. Further more, within the communicative structure of these rulings there is a judge, acting as the author, with communicative strategies and intentions used to compose the sentence text, and the citizen, the recipient, has their own expectations of seeing their dispute resolved.

For this reason, Hoffmann proposes that the text, not a word or phrase, is the object of study in specialized languages. However he clarifies that this doesn't mean the syntax and lexicon should be abandoned. To him,

each linguistic unit will be considered, with greater emphasis, as a constituent of phenomena related to a level or even higher levels. [...] it is within text as a whole that it can be better explained, functionally and communicatively, the specialized linguistic use and the preference for specific linguistic resources (HOFFMANN, 2015, p. 48).

This preference for certain linguistic resources can be illustrated by the tendency toward impersonalization through the use of the third person, subject indeterminacy procedures, or the use of passive voice constructions, as highlighted in the example below:

This is an action for levying based on an extrajudicial instrument relating to the sale of goods by the plaintiff to the defendant, which remained unpaid." (Recurso Cível, nº 71008531964, Segunda Turma Recursal Cível, Turmas Recursais, [...]. Settled on: October 30, 2019).

Ciapuscio (1998, 2003) likewise understands that text can be studied from the perspectives of process and product. She views terms as a lexical unit preferably employed in specialized areas, but could transcend these domains.

In her 1998 work, she analyzed texts addressed to readers with different profiles (specialist, semi-layman, layman) with the same themes. Texts addressing layman and semi-laymen had many paraphrastic operations and formal variations of terminology. Said operations showcase that factors of functional and situational natures (interlocutors, text class, discursive domain) determine the selection, treatment and limits of formal and conceptual variation of the terminology.

In a later work, Ciapuscio (2003), proposes that scientific texts can be categorized in four levels: functional, situational, semantic and formal-grammatic.

Following this direction, Finatto draws attention to the contribution of enunciation theories, in which

scientific texts, as well as any other texts in natural language, have, among other things [...] a subject that embodies not only the voice of science [...] but also its own individual voice, the voice of a scientist or technologist that have a specific conception of this knowledge and of the very conversation established through the text (FINATTO, 2004, p. 349).

This analytical perspective can be considered in relation to the modest results associated with a more simplified and accessible language for citizens in the legal sphere. One of the causes for this would be the strong resistance of legal practitioners – the enunciating subject who embodies the voice of legal science – in adopting a new stance regarding their *modus dicendi*.

Having presented the terminological theories underpinning our analyses, in the next section we will address the language of Law as a specialized language.

3 Specialized Language of Law

Cornu (1990, p. 15) states that, in each country, legal language is a particular use of the common language. And according to Hoffmann (2015, p. 91), it constitutes a specialized language. To this author, a

specialized language is, by definition of sublanguage, the totality of linguistic means used within a field of communication delimited by a specialty to ensure that the individuals active in that field understand one another.

According to this researcher, sublanguages can be “seen not as a stock of terms, but rather of textual genres with their own uses, according to the linguistic community” (HOFFMANN, 2015, p. 87). Such considerations leads us to reflect ,in the legal language domain, about textual genres and linguistic and discourse communities.

Among the authors that address the genre issue, we cite Bakhtin, to whom

the use of language is done so through concrete and unique utterances (oral or written), delivered by members of this or other sphere of human activity. These utterances reflect the specific conditions and purposes of each sphere not only through their content (theme) and linguistic style, therefore, through the selection of lexical, phraseological, and grammatical resources, but above all, through their compositional structure. All these three elements – theme, style, and compositional structure – are inseparably linked within the whole of the utterance and are equally determined by the specificity of a given sphere of communication. Clearly, each individual utterance is unique, but each sphere of language use develops relatively stable types of utterances, which we call speech genres (BAKHTIN, 2006, p. 261–262).

Swales (1990) is another author who addresses this theme, he views genres as a class of communicative events accomplished by discourse communities that have a communicative purpose. Both authors Bakhtin and Swales perceive textual genres as events with communicative purposes, but Swales is the only one that introduces the notion of discourse communities, which can be related to Hoffmann’s observation that specialized languages are seen as textual genres that become specific according to the linguistic community in which they are embedded.

Within this framework, it can be said that the rulings of Small-Claim Court constitute a textual genre, since they reflect the conditions and purposes of the field in which they are situated: the legal domain. Their purpose is to present a solution to a dispute brought before the Judiciary. They exhibit a thematic content of legal arguments related to the dispute in question; a varying style from drafter to drafter according to their lexical and syntactic choices; and a compositional structure, which corresponds to their formal organization, usually divided into report, reasoning, and operative part (dispositive), the latter being the final decision.

Swales, regarding discourse communities, understands them as a group of people that work together with common goals. Such a community produces a set of genres to guide and monitor the group's goals and purposes.

This is the case in the legal field, documents such as the statement of claim, dispute, sentencing and many others fulfill specific functions. The statement of claim is drafted by a lawyer, acting in the name of his client, with the objective of making a claim to the court. The dispute is the piece drafted by the party against whom the initial claim is directed. The sentencing is the text that contains the judge's decision regarding a dispute submitted for adjudication.

With regard to the notion of discourse community in the legal field, the use of language as a form of authority or social prestige is a recurring theme in several academic studies. Santana (2017) is one such case, to whom the "elitism of the language employed (verbal or non-verbal) is one of the main causes of the segregation of legal knowledge and access to justice." According to this author, transforming legal language to facilitate access to justice challenges the "historically constructed and untouchable vanity of many members of this field."

This is also the view of Lages (2012, p. 203), to whom initiatives such as those of the Brazilian Magistrates Association (AMB), mentioned in the introduction of this

article, are commendable but ultimately impede judicial independence, as judges will only follow such guidance if they deem it appropriate.

In this same vein, we have the words of Adilson Carvalho:

Being aware of the significance of the group to which they belong, those who have the privilege of belonging to the legal world do everything to ensure that this sacred world is not profaned by the presence of non-initiates. [...] In this process of symbolic violence that “protects” the legal world from access by a large part of the population, nothing is as effective as legal language (CARVALHO, 2017, p. 1).

This hermeticism on the part of the legal discourse community with regard to language begins in the very early stages of academic training, as explained by Santana (2017):

If it is through ideology that the jurist strives to construct their ornate language, it is through the reading of legal texts that they operationalize and learn to develop such linguistic formation. Since the word is the jurist’s primary working instrument, it is by means of reading that it is absorbed, and subsequently expressed in the communicative tools of Law. [...] Few authors in the field of Law are able to develop, even in manuals, a less dense, less ‘technically correct’ and less a communicatively ineffective language. This issue, however, does not seem to be perceived by a large portion of jurists, especially younger ones, who are dazzled by the possibility of reproducing this false erudition in their discourse, texts, and even in the most informal conversations.

Having worked for 30 years in the judiciary of Rio Grande do Sul, we have a very personal experience with this type of phenomenon. Even with the various language improvement courses that are taught in the courts in general, all of which emphasize the need of usage of simpler and objective language, there are few who dispose themselves to change the manner in which they draft legal documents. Even today, one can still find texts such as the following:

Manumitted the case, it is clear that, without a doubt, given that the statute of limitations had already expired, the judge's decision to dismiss the case was a voluntary act on his part.

Given this reality, our research begins with the final product, in this case being the JEC rulings and, based on data extracted from the description of our analyses, we propose simplified, accessible written summaries tailored to our target audience. These rewrites will also serve as the basis for a guide of recommendations specifically aimed at legal professionals and the writers who assist them.

In the next section, we will discuss studies that have examined these methods of adapting the text to a specific reader profile.

4 Textual Accessibility

According to Sassaki (1997), the term “accessibility” emerged in the 1940s to describe the conditions of access of urban spaces, buildings, homes, and public transportation for people with disabilities. However, today this concept extends to other contexts, such as many written materials that can become “environments” inaccessible to a large number of people, whether or not they have special needs.

Studies on TA originated in the United States, driven by a desire to make written texts more accessible to immigrants. One of the pioneers was Rudolf Flesch. With bachelor's degrees in both law and library science, Flesch was an active advocate for accessible language (plain language), inventor of the Flesch Reading Case, and a co-creator of the Flesch-Kincaid Grade Level Index. The first index estimates the complexity of a text based on the relationship between sentence length and word length, while the second, developed in partnership with J. Peter Kincaid for the U.S. Navy, estimates the grade level required to understand a given text. It also takes into account the length of sentences and words, but with different weights in the formula.

In 1996, these formulas were adapted into Brazilian Portuguese, resulting in a single formula that combines both. This adaptation was carried out by researchers from the Institute of Mathematical and Computer Sciences at USP in São Carlos, as part of the NILC group. The formula is as follows:

$$\text{ILF} = 164.835 - [1.015 \times (\text{total words} / \text{total sentences})] - [84.6 \times (\text{total syllables} / \text{total words})]$$

The result of the formula can be interpreted as shown in Table 1 below.

Tabela 1 – Níveis de Leiturabilidade segundo a Fórmula do Índice Flesch

RESULTADO	LEITURABILIDADE	GRAU ESCOLAR
100-75	Muito fácil	Ensino fundamental 1 (1º a 5º ano)
75-50	Fácil	Ensino fundamental 2 (6º a 9º ano)
50-25	Difícil	Ensino médio
25-00	Muito difícil	Ensino superior

Fonte: <http://www.ufrgs.br/textecc/acessibilidade/autores.php> - Acesso em 10 nov. 2018

Another author is William DuBay, an American priest and activist who was expelled from the Church for defending gay rights and civil rights in the United States. His works include recommendations on how to tailor a text to its target audience, such as: using short, simple words that are familiar to the reader, employing simple sentences, the active voice, and the present tense.

In Brazil, there are the pioneering works of Perini (1982) and Fulgêncio and Liberato (1998) related to the facilitation to reading and the teaching of Portuguese language in the national K-12 system. There are also studies by Kleiman (1997) and Magda Soares, beginning in 1998, on literacy (SOARES, 2004). More recently, Pereira and Baretta (2018) have addressed the topics of reading and teaching, as well as the challenge of adapting instructional texts to the profiles of different types of students. In the field of foreign language teaching, there are the works of Leffa (1996). According to this author, the process of comprehension must take three aspects into account: the reader, the text, and the circumstances in which the two come together.

All of these studies on TA address concepts such as intelligibility, readability, comprehensibility, textual complexity, and textual simplification.

According to DuBay (2004), intelligibility is the property that makes some texts easier to read than others. The term “readability,” on the other hand, refers to the physical characteristics of the text, such as its formatting elements. The term “learnability” refers to the ease of understanding a text, reading speed, and overall comprehension of a text.

Textual complexity (TC), in turn, refers to the aspect of a text related to the effort required by a given type of reader or user to understand that text, such as:

the lexicon and the types of surface-level structures in the text, such as the number of words per sentence, the overall length of the text, word variation or repetition, the presence of pronoun references, anaphora, ellipsis, and the amount of specialized terminology that may fall outside the common vocabulary for a given reader profile, among other factors. In addition to these elements, there are properties related to the semantics and pragmatics of the text, such as the level of inference required to understand parts or the whole of the text, presupposed and implicated (FINATTO; MOTTA, 2019, pp. 328–329).

And textual simplification would be the embodiment of AT: the transformation of a text considered complex - to some - into a simpler text. This process can be subjective, based solely on the writer’s impressions or diverse knowledge. You may also be guided by a series of procedures that have been previously established and evaluated using a scientific methodology. One example would be to use a list of “easy” words to replace “difficult” ones, such as substituting “acquire” for “buy” or “solve” for “resolve.”

The topic of TA is addressed in studies on health literacy and legal literacy , which are related to the Plain Language movement, a movement active in several countries aimed at making government information more accessible to citizens. These topics lead us to discuss, in the next section, TA in the context of specialized languages.

5 Textual and Terminological Accessibility

Research in Textual and Terminological Accessibility (TTA) investigates:

texts, speeches, writing conventions, terminology, and vocabulary from various fields of human knowledge, with the aim of aiding comprehension among adult readers with limited schooling [...] equivalent to a complete elementary school education. (FINATTO; MOTTA, 2019, p. 319)

Finatto (2011) notes that, within the field of studies on specialized texts and languages in the international field, there are few references. She mentions two studies by Davison and Green that examine problems with understanding scientific or technical texts on a global scale. One of these studies involved a study in which excerpts from NATO Navy instruction manuals (BAKER; ATWOOD; DUFFY, 1988) were presented in both their original and simplified versions for comprehension tests with a group of technical readers from different backgrounds. Another involved recall notices from vehicle manufacturers, with the aim of drafting these notices in a way that is more accessible to the average consumer.

On this topic, there are also the works by Ciapuscio (1998, 2003), which have already been mentioned in this article. The criteria proposed by Ciapuscio (2003) for classifying specialized texts are related to TC, as they take into account the function or purpose of the text and its addressees.

At the international level, Zariski (2011) notes that, in a complex legal system with numerous laws and written documents, basic literacy is not sufficient for effective participation in the legal system. It brings forth the following reference:

Even if people with low literacy have found a way to cope with their daily routine, they find it very difficult to read, understand, and use material related to legal problems. They do not understand the concepts contained in the words, even if they understand the words themselves. Therefore, they cannot understand what is expected of

them and often the implications of what is being said (Council of Canadian Administrative Tribunals, 2005, 11). (ZARISKI, 2011, p. 2, our translation).

With regard to court rulings, it is worth noting a recent news report, published on August 6, 2018, which states that three out of every ten young people and adults aged 15 to 64 in Brazil, equivalent to approximately 38 million people, can be considered functionally illiterate. This group exhibits “significant difficulty understanding and expressing themselves through letters and numbers in everyday situations,” such as “calculating the cost of a small purchase or identifying key information on a vaccination poster,” as the published text points out.

Thus, according to the data in this news article about Brazilian readers - data from the Functional Literacy Indicator (INAF) -, based on the semantic content and the formal-grammatical level of the texts and sentences, the encounter between reader and text, in the context of a judicial decision that directly affects the life of the citizen-reader, does not always facilitate comprehension. This breaks the triad - the reader, the text, and the circumstances in which the two meet - which Leffa (1996) considers essential for reading comprehension, and maintains the historical distance between the judiciary and society.

In light of this, and recognizing the need to simplify legal language, we will address this issue in relation to specialized texts in the following section.

5.1 Textual Simplification and Specialized Text

Finatto, Evers, and Stefani (2016), in their account of an experiment to simplify a scientific text in Portuguese on Parkinson’s disease (PD), note that the simplification of language and written texts remains a controversial topic, as many associate it with the popularization of science. They cite as an example the mistrust that arose regarding Luther’s translation of the Bible into the German dialect in 1600.

In any case, at the end of the article, they state that textual simplification may be one of the:

ways to implement initiatives that democratize access to knowledge, by promoting and translating the results of academic research into practical applications for the Brazilian population at large, thereby supporting their linguistic development. After all, simplifying a text can indeed serve as a motivating factor that encourages individuals to begin working toward - and ultimately achieve - higher levels of literacy (FINATTO; EVERS; STEFANI, 2016, pp. 155–156).

As for legal language, in Brazil, Decree No. 9,191, dated November 1, 2017, addresses the drafting of regulatory acts. Following below, we transcribed some of those guidelines:

Art. 14. Regulatory provisions shall be drafted clearly, precisely, and in a logical order, taking into account the following:

I. For the sake of clarity:

- a) use words and expressions in their ordinary sense, unless the provision concerns a technical matter, in which case the terminology specific to the field being regulated may be used;
- b) use short, concise sentences;
- c) construct sentences in the active voice, avoiding flowery language, neologisms, and unnecessary adjectives; [...]

Even though all these guidelines exist, actual legal texts seem to ignore them and therefore lack procedures that would give them higher TTA. In this regard, simplifying the language in which they are conveyed can be a step toward the implementation of the TTA. And since ST can also be viewed as a process of intralinguistic translation, in the next section we offer some reflections on this relationship.

6 Intralinguistic Translation and Textual Simplification

Jakobson (1959) classifies translation in three types: intralinguistic, interlinguistic and intersemiotic translation. Although translation scholars recognize these types of translation, the intralinguistic and intersemiotic translation are not considered particularly relevant to the field of translation studies.

And it is based on the perception that intralinguistic translation has been given little attention in translation studies that Zethsen (2009) intends to describe intralinguistic translation and the strategies involved in it. According to this author, modern social relations require translation activities that go beyond the boundaries of what a traditional Translation Theory would consider to be translation. This applies to functional translation, such as the ones used in communication between experts and laypeople, translation of children's books, or adaptations tailored to a specific target audience, subtitles for deaf people, etc.

To this author, the main factors involved in intralinguistic translation are: knowledge, time, culture and space. And simplification, driven by these four factors, would be the keyword in intralinguistic translation.

In terms of knowledge, which focuses on the level of understanding of the subject's matter, simplification would be achieved through the use of simpler words and syntax. In terms of time, simplification would occur with the use of more contemporary words and syntactic structures. In terms of culture, simplification would be achieved by using expressions closer to the target audience's culture. In terms of space, simplification could be achieved by removing information, with the addition of an explanation to make the information more accessible, or by restructuring the entire text.

These factors are related to the ST strategies mentioned by scholars in the field. This is the case of simplification guidelines presented in a document made available

by the U.S. government through the Plain Language project. In this material, there are many guidelines on how to write a text in a simplified manner.

According to Paraguassu (2018, p. 142), “there are many textual features that can be modified to make a text more intelligible and understandable, including its presentation, the use of figures and graphic elements”. In her work, this author analyzed the strategies for lexical simplification, syntactic simplification and content simplification. Lexical simplification, related to knowledge, time and culture factors identified by Zethsen,

consists of analyzing the lexicon of a text, assessing whether it is appropriate for the target audience, and, if not, implementing simplification measures to make the vocabulary more accessible to readers (PARAGUASSU, 2018, p. 142)

Syntactic simplification, which is also related to knowledge, time and culture factors identified by Zethsen, analyzes the syntactic structure of the text that may pose difficulties for the target reader, such as the use of passive voice or indirect speech for readers with limited reading proficiency.

Content simplification, which is related to factors such as knowledge, time, culture and space, focuses on selecting the most relevant content to the target audience.

It can be inferred from these factors and strategies that, in intralinguistic translation and/or textual simplification, what matters most are the needs of the target audience, not the source text. In our study, in order to estimate the extent to which the analyzed texts are appropriate for their target audience, we made use of descriptive methodological procedures, which we will outline in the following section.

7 Materials and Methods

We conducted two pilot studies using a sample from our corpus of sentences. In Pilot Study 1, we conducted a more descriptive and comparative analysis. In Pilot

Study 2, in addition to descriptive analysis, we proposed alternative rewrites viewed as processes of textual simplification and/or intralinguistic translation.

In both studies, the corpus consisted of four SCC sentences in February 2016, which resulted in a file containing 8,294 words. These rulings were obtained from the PJRS website. After extracting identifying information - such as the names of the individuals involved (judge and parties), case number, place of origin, etc.-, we save the judgments in a single archive in .txt (text-only) file named S1 - Sentences 1.

In Pilot Study 1, the description and analysis were based on a set of articles from the newspapers Folha de São Paulo (FSP), Zero Hora (ZH), Jornal Massa (JM), and Diário Gaúcho (DG).

The first two, grouped in Set A, are considered reference newspapers because they have a large circulation nationwide, target social classes A, B and C, and use a language that conforms to the standard norm of the Portuguese Language. The articles from Folha de São Paulo, from 1994, were taken from the CHAVE Collection. The articles from ZH were taken from a corpus of 80 articles from 2006 and 2007, totaling 55,528 words, used by researchers Maria José Finatto, Carolina E. Scarton, Amanda Rocha and Sandra Aluísio in an article in which they sought to compare “the intelligibility of popular newspapers and traditional Brazilian newspapers based on cohesive, lexical, syntactic attributes, including ellipses” (FINATTO et al., 2011, p. 49).

The last two, grouped in Set B, are considered popular newspapers because they aim to provide news, entertainment, and practical information to social classes C, D, and E. The articles from DG, published by the media company RBS in Porto Alegre in both print and online editions, were extracted from the PorPopular Project website, which offers popular newspaper corpora for download. PorPopular is focused on “the description and study of vocabulary patterns found in popular newspapers aimed at readers with lower purchasing power” (FINATTO, 2017). These articles from DG cover various months of 2013, while the ones from JM are from May 2011.

Table 2 shows the number of words in the corpora used in this pilot study.

Tabela 2 – Quantidade de palavras dos *corpora* no estudo-piloto 1

	CORPUS DE ESTUDO	CASO A		CASO B	
		ZH	FSP	DG	MASSA
Quantidade de palavras	8.294	8.616	8.125	8.335	8.313

Fonte: elaborada pela autora.

In Pilot Study 2, the description and analysis were based on a corpus of articles from DG, the same one used in Pilot Study 1, and data from CorPop. CorPop (PASQUALINI, 2018 – Corpus de Contraste CCP) is a reference corpus of written vernacular Brazilian Portuguese composed of articles from popular journalism, labor journalism, simplified literary texts, and texts produced by people with low literacy levels, such as the newspaper Boca de Rua.

Table 3 shows the number of words in the corpora used in Pilot Study 2.

Tabela 3 – Quantidade de palavras dos *corpora* no estudo-piloto 2

	CORPUS DE ESTUDO	DG	CorPop
Quantidade de palavras	8.294	8.335	684.799

Fonte: elaborada pela autora.

To describe and analyze the corpora under comparison, we used the computational tools AntConc 3.2.1w, a free software that provides word lists, concordances, and other utilities, and Sketch Engine, a paid platform that provides word lists based on various criteria - frequency, part of speech, etc. - distribution thesaurus, concordances, terminology extraction, corpora creation and comparison, among others. We also use the Coh-Metrix-Dementia, developed by Cunha (2015). This tool is related to Coh-Metrix-Port, an adaptation of the Coh-Metrix system, which stands for cohesion metrics. It is a tool

developed by researchers at the University of Memphis, in the U.S. (GRAESSER; McNAMARA; LOUWERSE; CAI, 2004), which aims to calculate indexes of textual cohesion and coherence across a broad spectrum of lexical, syntactic, semantic, and referential measures in order to indicate a text's suitability for its target audience (the text's "cognitive demand" and readability). It also serves to highlight data in order to identify structural problems in the text (FINATTO, 2011, p. 39).

In Brazil, the Interinstitutional Center for Computational Linguistics at USP adapted Coh-Metrix from English into Portuguese, creating Coh-Metrix-Port. It is free to access and is provided as part of the PorSimples Project (Textual Simplification of Portuguese for Inclusion and Digital Accessibility).

In the next section, we will present the descriptions and analysis conducted along with the resulting findings.

8 Analysis Results

In this section we present the results from the analysis conducted in the pilot studies carried out to date.

8.1 Pilot Study 1

In this Pilot Study 1, to assess certain measures of textual complexity in the texts, we ran the corpora through the Coh-Metrix-Dementia tool and selected the following metrics: Flesch Index; number of words per sentence; sentences per paragraph; syllables per content word; frequency of content words - lexical order -; incidence of negations; incidence of connectives; number of words preceding main verbs - syntactic order -; overlap of adjacent arguments and adjacent anaphoric reference - semantic order.

Among the metrics of lexical order is the Flesch Index (FI), which, as we have already mentioned in this paper, estimates the complexity of a text based on the

relationship between sentence length and word length. The other lexical metrics, with the exception of the one related to the frequency of content words, even though they may be considered redundant in relation to the FI, can serve as evidence for it. The Content Words Frequency metrics is very important, because these words

carry a meaning and [...] require the reader to make the connection between the signifier and the significant. [...] the more content words are presented in a text, more lexically prepared a reader needs to be to understand the lexical units and make the correct connection between words and reality (SILVA, 2018, p. 120).

As for syntactic metrics, the high frequency of negations significantly interfere with comprehension. According to PINKER (2018, p. 217),

The cognitive difference between believing that a proposition is true (which requires nothing more than understanding it) and believing that it is false (which requires adding and remembering a mental label) has enormous implications [...]. Every negation requires mental workload, and, when a sentence contains many of them, the reader may feel overwhelmed.

And the metric related to the use of conjunctions is also important because, by indicating the semantic relationships between clauses, it facilitates the reader's comprehension. The Number of Words Before Main Verbs metric is important for assessing the load on the reader's working memory in terms of retaining information about the subject while processing the verb. According to Aluísio and Scarton (2010, p. 53), sentences with many words before the main verb are more complex, as they overload the readers' working memory.

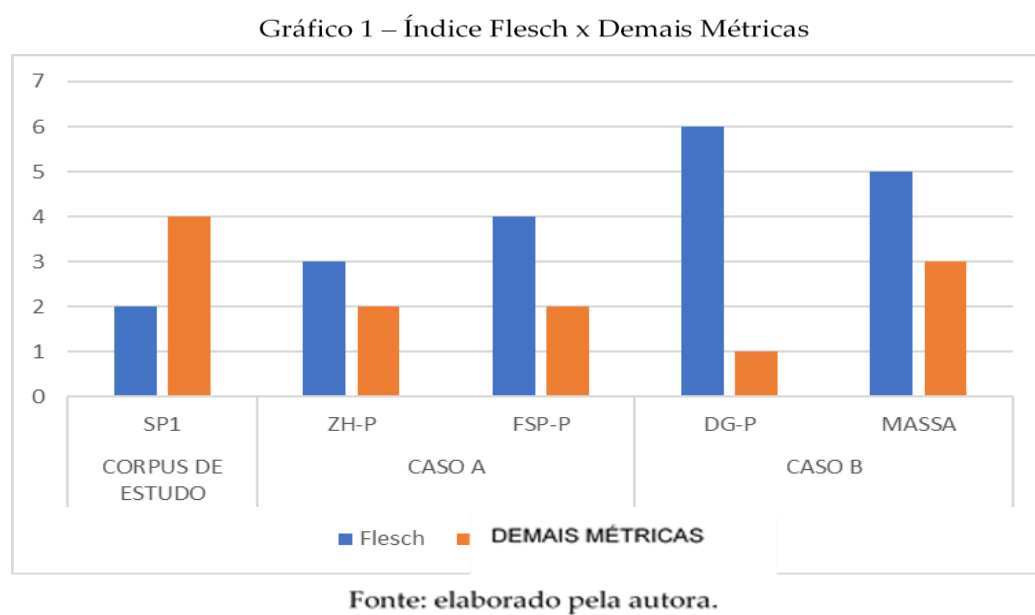
As for semantic order metrics, there is Adjacent Argument Overlap, which relates to the repetition of arguments. As for that,

higher numbers can be seen as reading aids, since, in principle, when arguments overlap, the information is repeated, making it easier to maintain context and follow the progression of the topic (MESQUITA, 2011, p. 57).

With regard to anaphoric reference, the higher the value, the more difficult the text will be, because there will generally be more candidates for the anaphor to refer to.

The data for each metric analyzed were compared with the FI data. This comparison was made because many consider it is superficial, since it takes into account only the number of words per sentence and the number of letters or syllables per word. Therefore, our goal was to determine what extent the IF, taken on its own, would reflect the complexity of the texts.

Graph 1 shows the results of this comparison.



To understand Graph 1, the numbers 0 through 7 correspond to a scale of complexity, with number 1 attributed to the most complex text and 6 to the simplest. Thus, according to the FI, the easiest texts are those from the popular newspapers in

Case B, but there is a huge discrepancy compared to the average of the other metrics analyzed. We see that, based on the average of the metrics analyzed, the DG was considered the most difficult.

As previously mentioned, the FI is considered superficial as it only takes into account the number of words per sentence and the number of letters or syllables per word. From the graph above, it can be inferred that this is indeed the case. The metrics analyzed in this pilot study, however, cover a wider spectrum of textual attributes than the FI and can therefore provide a more accurate picture of the analyzed texts. Nevertheless, it should be noted that the metrics of sentences per paragraph versus words per sentence and syllables per content word are consistent with the results presented by the FI regarding the corpus texts being more complex than the others. This seems logical, as they measure practically the same as the FI.

In any case, the indexes of articles from popular newspapers stand out. Given that the complexity ratings assigned by the metrics analyzed in our pilot study, when compared to the FI data, are closer to the actual complexity of the texts in our corpora, we were surprised to find that a popular newspaper—DG—ranked as the most complex amongst the texts analyzed. Popular newspapers are aimed at social classes C, D and E, who have little formal education and do not read much. Thus, in theory, they should present simpler language, which does not seem to be the case.

In this regard, we believe it is relevant to cite the observations of Finatto et al. (2011), in a study whose objective was to determine in which characteristics the articles from popular newspapers—in this case, the DG—differs from traditional newspapers—in this case, the ZH.

According to these researchers, Brazilian popular newspapers have increased the reading rates of a large parcel of the low-income urban population. They note, citing Amaral (2006, p.39), that an IBOPE survey revealed that the DG was responsible

for raising the readership rate in the metropolitan area of Porto Alegre to the highest in all of Brazil.

To analyze the newspaper texts, they used the Coh-Metrix-Port metric and added five more metrics related to the presence of ellipses. And, based on the results obtained, they determined that the

popular newspaper DG, compared to the traditional ZH, exhibits a similar use of ellipses. Therefore, if ellipses were equivalent to more complex and even sophisticated text in terms of composition, one could detect precisely there one of the hallmarks of a “new genre that is simultaneously popular and complex” (FINATTO et al., 2011, p. 55-6).

The data collected in our pilot-study also seem to support the conclusion that we are dealing with a “new genre that is simultaneously popular and complex”. It also suggests the need to expand these comparisons to larger text corpora, as we intend to do in our research, so that we may further comprehend the reasons why this “new genre” represented by popular newspapers is better understood than judicial Sentences, according to assumptions presented at the beginning of this article.

8.2 Pilot Study 2

In this Pilot Study 2, firstly, we generated the word lists for the Sentences texts and the DG materials in AntConc. In this type of computational tool, a “word” refers to the graphic word, composed of a sequence of characters separated by a space. Subsequently, we submitted all of the texts under examination to the Coh-Metrix-Dementia system and selected the following metrics: the type–token ratio (TTR), which indicates the variety in vocabulary used in the text; the Semantic Density (SD), which considers the number of content words (lexical—noun, adjectives, adverbs and verbs) divided by the number of function words (grammatical—prepositions, conjunctions, numerals and articles), and the Flesch Index (FI).

Table 4 presents the data related to those indices as well as those of AntConc.

Tabela 4 – Dados dos *corpora* extraídos do AntConc e do Coh-Metrix-Port

	SENTENÇAS	DG
tokens (total de palavras)	8.149	8.278
types (palavras diferentes)	2.228	2.293
Relação <i>types/token</i> (variedade do vocabulário)	0,27	0,28
Densidade Semântica	1,648	1,533
IF	34,53	53,93

Fonte: elaborada pela autora.

The results show that the texts are very similar in terms of the TTR. This represents the ratio between the total number of words (tokens) to that of different words (types) in the text. The higher this ratio is, the more varied the lexicon of the text is. The lower, the more repetitive, which seems to be the case for our corpora. In the Sentences' case, with a ratio of 0.27, one possible explanation is that they are specialized texts in which, for the sake of terminological precision, there is a high degree of word repetition. In the DG's case, the ratio of 0.28 may indicate that a narrower vocabulary would make it easier for the newspaper's target audience to understand its content. According to Finatto et al. (2011), the majority of DG's readers—60%—have only studied up to Elementary School.

Regarding the SD, the higher the numerical score, the more semantically dense the text is. This is because this metric measures the relation of lexical words, such as “process” (a noun), and function words, such as “of” (a preposition). The more lexical words in the text, the more words the reader must know to comprehend it.

Texts with high semantic density are those that require readers to have more prior knowledge and that require a greater cognitive effort to interpret not only the meaning of the words, but also the relationships between them (SILVA, 2018, p.121).

In that regard, the Sentences, with a score of 1,648, prove to be more complex than the texts from the DG, with a score of 1.533. As for the FI, the Sentences texts, having a score of 34.35, are considered difficult, while the DG texts, having a score of 53.93, are considered easy.

Afterwards, we compared, initially, the word list from the Sentences with the word list from the DG; then, the word list for the Sentences with the CorPop; and, ultimately, the word list from the DG with the CorPop. This comparison was performed using the lemmatized word list. The lemmatization process consists of reducing variable words to their corresponding canonical forms, such as verbs in the infinitive form, nouns and adjectives in the singular form, etc. To lemmatize the words in our corpora, we used the tool Sketch Engine and then filtered the results following the same criteria applied to the lemmatization of CorPop1.

After the lemmatization process, the word list for the Sentences had 1299 items and the DG's, 1321 items. The CorPop, in turn, had 5235 lemmas.

The inclusion of the CorPop in these comparisons is due to the fact that this list serves as reference corpus of written Brazilian vernacular Portuguese, which can act as a benchmark for estimating the lexical complexity of a text. Thus, words from our corpora that are not found in CorPop's list can be considered "potentially complex or in need of simplification" (PASQUALINI, 2018, p. 92).

Table 5 presents the data for these comparisons.

Tabela 5 – Comparação entre os lemas dos *corpora*

	Número Total de Lemas	Lemas inexistentes no CorPop		Lemas inexistentes no DG	
		Nº	%	Nº	%
Sentenças	1297	494	38,09	947	73,01
DG	1321	307	23,24		

Fonte: elaborada pela autora.

In Table 5, of the total of lemmas in the Sentences, 38.09% are not shown in CorPop's list and 73.01% are not shown in DG's list. This would mean, in theory, that approximately 38% of the vocabulary in the Sentences is potentially unknown to our target reader. It is worth noting, however, that the higher proportion of lemma in the Sentences that do not appear in the DG may be related to the fact that this list is four times smaller than CorPop's list (the DG has 1321 lemmas, and the CorPop, 5235). Therefore, this comparison would require further mathematical reflection.

In any case, considering that the lemmas absent from the CorPop can be considered potentially complex, the Sentences are more difficult than DG's texts in this respect. Table 6 presents some examples of these lemmas.

Table 6 – Examples of Lemmas from the Sentences and the DG absent in the CorPop.

Lemmas from the Sentences absent in the CorPop.	Lemmas from the DG absent in the CorPop.
terminate, covenant, consumer-oriented, deterrent, distinguished, exclusionary, purge, fulcrum, underprivileged, default, safety, undue payment, indubitable, case law, commit, evidentiary, pronouncement, accident rate, solve, costs.	butcher, flooding, outpatient, barrel, traffic jam, septic tank, fracture, hydraulic, computerize, tile, manicure, maximum, paving, feat, shopping bag, gravel, traffic light, road, inspection, ensure.

Source: prepared by the author.

The words from the DG listed in Table 1 refer to everyday aspects of citizens lives, such as “butcher”, “flooding”, “traffic jam”, “manicure” etc. Although these words are not included in the CorPop, they are part of the daily routine of Brazilian citizens, regardless of their education level, and can be considered simple.

On the other hand, words such as “covenant”, “fulcrum”, “underprivileged”, that are on the Sentences' word list in Table 1, even though they can be used in texts other than those in the field of the Law, occur almost exclusively in legal texts. Some words can be considered specific terms, such is the case of “consumer-oriented”, “undue payment” and “case law”. Others, however, often represent legal niceties and

jargon that would conform to the much discussed legalese, even if this can be understood as merely traces of erudition, as would be the case with the words “indubitable”, “commit” or “solve”. These may be, therefore, the reasons why these lexical items are not included in the CorPop.

Given this, we reiterate here that, if those words are not found in the CorPop, they can be considered potentially complex. Thus, and considering that one of the objectives of this study is to propose, when necessary, more suitable rewritings for the citizen receiving the Small Claims Judicial Sentences, we selected some words from the Sentences exemplified in Table 1, the passage in which they occur, and carried out the procedures explained in the next section.

8.3 Rewrites Propositions and/or Intra-linguistics Translation

Among the words from the Sentences missing in the CorPop, we selected “safety” and “accident rate”. First, we looked for any explanation or paraphrase for each word in the Sentences from which they were extracted. Then, we selected the paragraph where they were found and proposed simplified rewriting alternatives, seen here as an intra-linguistic translation procedure.

Those rewrites sought to follow the guidelines of authors such as Dubay (2004), who provide the basis for the guidelines found in the Plain Language manuals. We also used the results of Silva’s (2018) studies. In this research, after describing and analyzing the specialized languages associated to the topic of Post-Traumatic Stress Disorder (PTSD) in 10 disclosure articles in Portuguese for laypeople, the author proposes eight different rewrite proposals for each text. The objective of each proposal was to “test”, through measurements of elements that enhance the CT performance, a specific type of text presentation strategy. The measurements tested were: a) Flesch Index (FI); b) latent semantic analysis (LSA); c) type-token ratio (TT); d) semantic

density (SD); e) incidence of nouns (N); f) incidence of verbs (V); g) incidence of adjectives (ADJ); h) incidence of adverbs (ADV); and i) incidence of pronouns (P).

When comparing the performance of the measurements, Silva (2018) concluded that those that presented the best results in terms of reducing the CT were (in order): lexical simplification, adjective reduction and information reduction.

Another article that served as a basis for this process of simplification was Carpio (2017), an undergraduate thesis project working with texts on occupational lung diseases. Each of the texts used in her paper were evaluated for their readability, as well as the target audience reading profile, and an analysis at the lexical, structural and syntactical levels of the corpus studied.

Beyond this descriptive step, Carpio (2017), based on the empowering characteristics of the observed textual complexity, presented simpler rewritings, more adequate to her target reader's reading comprehension. For each of these simplified versions, the author chose to adopt some strategies, such as "this text must be short and every information presented must be concise and literal [...] to avoid unnecessary usage of specialized terminology [...] and if the use of such terminology is inevitable, include a brief and clear explanation" (CARPIO, 2017, p. 50).

The following example will serve to illustrate this strategy:

Incolumidade

This word, in legal context, means "to be free of harm". As it occurs in the text, *incolumidade subjetiva* (subjective safety) refers to having one's image and reputation free from subjective harm. There's no explanation for the term included in the text. Thus, at first, we present a strategy of lexical simplification, in which the original text is rewritten in order to use a more frequent word than *incolumidade* in Brazilian Portuguese: the word *intimidade* (intimacy), which has 30 occurrences in CorPop's corpus, as presented in table 7.

Table 7

Original segment	First rewrite
This litigation addresses issues with services rendered, according to article 14 of Código de Defesa do Consumidor (Consumer Defense Code), in which the object of the transaction presents failures that affect the legitimately expected safety in relation to the consumer's subjective safety (incolumidade), or its assets.	This litigation addresses issues with services rendered, according to article 14 of Código de Defesa do Consumidor (Consumer Defense Code), in which the object of the transaction presents failures that affect the legitimately expected safety in relation to the consumer's subjective intimacy (intimidade), or its assets.
FRE = 10.330	FRE = 17.53
SD = 1.136	SD = 1.043

Source: prepared by the author.

The evaluated readability metrics can be found under each segment in table 2. The first rewrite shows an increase in the FRE index, which means that the segment is less complex, but still difficult. Other metrics went down, which means that the first rewrite is less complex than the original segment.

This was followed by a second rewrite, working with the first one as a basis. By employing a strategy of simplification by explanation, an explanation for what *intimidade do consumidor* (consumer intimacy) means was added, as underlined in table 8.

Table 8

First rewrite	Second rewrite
This litigation addresses issues with services rendered, according to article 14 of Código de Defesa do Consumidor (Consumer Defense Code), in which the object of the transaction presents failures that affect the legitimately expected safety in relation to the consumer's subjective intimacy, or its assets.	This litigation addresses issues with services rendered, according to article 14 of Código de Defesa do Consumidor (Consumer Defense Code), in which the object of the transaction presents failures that affect the legitimately expected safety in relation to the consumer's right not to be harmed in its intimacy, honor, image or assets.
FRE = 17.53	FRE = 13.095
SD = 1.043	SD = 1.000

Source: prepared by the author.

The metrics of the second rewrite show that this simplification through explanation increased the segment's complexity according to FRE, but lowered complexity according to SD and TTR. The FRE index went down as a result of extra words being added to the new rewritten, since those are taken into consideration when calculating this metric. Let's consider, for now, the analysis employed for *incolumidade* and its consequences for our text. Just like *incolumidade*, there are two other words not present in CorPop: *lide* and *versa*. The first one – *lide*, translated as litigation – is a term that means a conflict that is solved via judicial means. The second one – *versar*, translated as address – is common, but not very frequent. It is used in legal contexts, meaning “to talk about something”. For *lide*, we used as a synonym the word *discussion*, and for *versa*, we used the construction “is about”. As can be seen in Table 9, this substitution happened through mostly syntactical means, rather than lexical ones.

Table 9

Second rewrite	Third rewrite
This litigation addresses issues with services rendered, according to article 14 of Código de Defesa do Consumidor (Consumer Defense Code), in which the object of the transaction presents failures that affect the legitimately expected safety in relation to the consumer's right not to be harmed in its intimacy, honor, image or assets.	This lawsuit discussion is in regards to issues with services rendered, according to article 14 of Código de Defesa do Consumidor (Consumer Defense Code), in which the object of the transaction presents failures that affect the legitimately expected safety in relation to the consumer's right not to be harmed in its intimacy, honor, image or assets.
FRE = 13.095	IF = 18.735
SD = 1.000	DS = 1.000
TTR = 0.733	TTR = 0.733

Source: prepared by the author.

The substitutions made at the third rewrite increased the FRE index, lowering complexity of the segment, even with the addition of new words. TTR and SD were unchanged.

Following that, we removed information present in the segment considered dispensable to our target audience: adult citizens with up to middle school education. Removed segments are highlighted in bold at table 10's third rewrite column below.

Table 10

Third rewrite	Fourth rewrite
This lawsuit discussion is in regards to issues with services rendered, according to article 14 of Código de Defesa do Consumidor (Consumer Defense Code), in which the object of the transaction presents failures that affect the legitimately expected safety in relation to the consumer's right not to be harmed in its intimacy, honor, image or assets.	This lawsuit discussion is in regards to issues with services rendered affecting the consumer's right not to be harmed in its intimacy, honor, image or assets.
FRE = 18.735	IF = 57.566
SD = 1.000	DS = 0.789
TTR = 0.733	TTR = 0.764

Source: prepared by the author.

Free from the information highlighted at the third rewrite, the segment went from a difficult one, according the FRE metric, to one considered adequate to middle schoolers.

Lastly, we utilized another simplification strategy: breaking sentences, a form of syntactical simplification. According to Leal (2019, p.11), the

the idea of splitting long sentences into smaller ones was one of the first advancements in the field of automatic text simplification. This improves results from syntactic analyzers.

Table 11

Fourth rewrite	Fifth rewrite
This lawsuit discussion is in regards to issues with services rendered affecting the consumer's right not to be harmed in its intimacy, honor, image or assets.	This lawsuit discussion is in regards to issues with services rendered. This issue with services rendered affects the consumer's right not to be harmed in its intimacy, honor, image or assets.
FRE = 57.566	FRE = 71.481
SD = 0.789	SD = 0.809
TTR = 0.764	TTR = 0.658

Source: prepared by the author.

In order to split the sentence, repetition was needed in the fifth rewrite, . Specifically, in “issue with services rendered”. This repetition aids comprehension by introducing a smaller variation in words used. As the metrics show, the fifth rewrite has a significantly lower complexity compared to the fourth rewrite. an even bigger difference can be seen when compared to the original segment, as shown below in table 12:

Table 12

Original segment	Fifth rewrite
FRE = 10.330	FRE = 71.481
SD = 1.136	SD = 0.809
TTR = 0,766	TTR = 0.658

Source: prepared by the author.

Rewrite 5's 71.481 FRE index places this text as easy and adequate for middle schoolers, our target readers. The SD and TTR metrics were also lowered, signaling lower textual complexity.

Let's now analyze these simplifying procedures in regards to the word *sinistralidade*.

Sinistralidade

This word is derived from the word *sinistro*, which has amongst its meanings in the Houaiss Brazilian Portuguese Dictionary, “unexpected incident that causes damage, suffering or death”, “great material loss; damage” and “damage to insured goods”.

Based on these definitions, the term *sinistralidade* (in English, loss ratio), under legal contexts, is understood as the ratio between the amount of damaged suffered by an insured item and its premium. Cars, houses, health, life, and many others are among things that can be insured. The insurance premium, thus, varies with the loss ratio, that is, the probability that damage will occur to the insured good. Car insurances are a good example of this. In order to estimate a car insurance’s premium, the insurance company takes into account criteria such as location, driver’s age, etc. For instance, the bigger the robbery rate at the driver’s address of residence, the more expensive the premium.

Just like *incolumidade*, no explanation as to what *sinistralidade* means is present in the text to be analyzed. Thus, in the first simplification proposal, we propose a rewrite where we use a synonym for *sinistralidade*: the syntagma *previsão de dano* (damage prediction), which does not occur at CorPop; its constituent words, however, do: prediction shows up 21 times; damage, 11 times. Such rewrite is presented below at Table 13.

Table 13

Original segment	First rewrite
It has been shown that there is a distinction in the premium’s adjustment due to price indexing, as present in the contract, and adjustments due to a change in the age bracket, used as a factor in the premium’s price adjustment, with each age bracket uses as a basis for loss ratio calculation.	The party argued that there is a distinction between tuition adjustments based on monetary indexation, as stipulated in the contract, and age-band adjustments, which are used as a factor in adjusting tuition fees based on projected usage and the expected risk of injury in each age group.

FRE = - 4,335	FRE = 1,813
DS = 1,087	DS = 1,083
TTR = 0,792	TTR = 0,760

Source: prepared by the author.

The lexical simplification strategy carried out by replacing the term *sinistralidade* (loss ratio) with the phrase *previsão de dano* (damage forecast), which made the Rewrite 1 less complex, according to the FRE, HS and TTR scores shown in Table 8. It is noteworthy that the FRE shifted from a negative to a positive number.

We then found that Rewrite 1 still contained words that were either absent from or rarely found in CorPop corpus. Among the absent words, we found *aduzir* (to argue), *readequação* (readjustment) and *etária* (age-related). Regarding the rarely found words, we found, *distinção* (distinction) with 3 occurrences, *reajuste* (readjustment) with 6, and *ajuste* (adjustment) with 11. Consequently, as part of an ongoing lexical simplification process, we proposed more frequent words from CorPop that could serve as synonyms: the verb form *disse* (said), with 1,342 occurrences; *diferença* (difference), with 48; *aumento* (increase), with 33; *mudança* (change), with 74; and the phrase *de idade* (of age), with 21 occurrences. In addition to these cases, the technical term *correção monetária* (inflation adjustment), used in the field of economics, is also absent from CorPop. In this instance, we opted for simplification through elaboration, inserting an explanatory note in parenthesis to clarify the terminology. These modifications are detailed in the Rewrite 2, presented in Table 14 below.

Table 14

First rewrite	Second rewrite
The party argued that there is a distinction between tuition adjustments based on monetary indexation, as stipulated in the contract, and age-band adjustments, which are used as a factor	It was said that there is a difference between tuition increases based on monetary correction (adjustment of the currency due to rising prices), as stipulated in the contract, and increases

in adjusting tuition fees based on projected usage and the expected risk of injury in each age group.	due to changes in age groups, which are used as a factor in adjusting tuition fees based on projected usage and the expected risk of injury in each age bracket.
FRE = 1,813	FRE = 7,632
DS = 1,083	DS = 0,968
TTR = 0,760	TTR = 0,635

Source: prepared by the author.

As the scores for Rewrite 2 demonstrate, the FRE increased, indicating that the passage became less complex in this regard. The TTR and DS scores have also decreased, further signaling a reduction in complexity.

Following these simplification processes, we identified other elements in Rewrite 2 that, given our target reader, could be removed through a process of information reduction. These instances are highlighted in Table 15:

Table 15

Second rewrite	Third rewrite
It was said that there is a difference between tuition increases based on monetary correction (adjustment of the currency due to rising prices), as stipulated in the contract, and increases due to changes in age groups, which are used as a factor in adjusting tuition fees based on projected usage and the expected risk of injury in each age bracket.	It was said that there is a difference between tuition increases based on monetary correction (adjustment of the currency due to rising prices) and increases due to age groups changes.
FRE = 7,632	FRE = 34,525
DS = 0,968	DS = 1,066
TTR = 0,635	TTR = 0,774

Source: prepared by the author.

As shown in Table 15, the process of information reduction led to a significant increase in the FRE score for Rewrite 3, even though the passage is categorized as

'difficult'. However, the other two indices showed a slight increase, indicating greater textual complexity. The increase in the FRE score can be explained by the removal of explanatory information, which tends to involve word repetition in the passage, resulting in the text having more distinct words. Regarding the DS, although the index increased, the difference between lexical and functional words remained constant in both passages: lexical words outnumbering functional ones by two.

A comparison between Rewrite 3 and the original excerpt is provided in Table 16 below.

Table 16

Original segment	Final Rewrite
FRE = - 4,335	FRE = 34,525
DS = 1,087	DS = 1,066
TTR = 0,792	TTR = 0,774

Source: prepared by the author.

As shown in Table 16, the final rewrite's FRE score increased significantly, but the passage is still categorized within the 'difficult' range. Both DS and TTR showed a slight decrease, albeit small, but one that likewise indicates lower textual complexity.

Having presented the data from these two pilot studies, we move to the final considerations in the next section, where we will provide an overview of these data in light of our doctoral research objectives.

9 Final considerations and research perspectives

In Pilot Study 1, which represented our first experience with the Coh-Metrix-Dementia tool, we observed that some of the metrics used were redundant, such as the number of sentences per paragraph, the number of words per paragraph and syllables per content word, because they provide data that can be verified in other metrics, such

as the Flesch Reading Ease. Therefore, we do not intend to include them in the analysis of the entire corpora of our research.

The other metrics analyzed in this pilot study, covering lexical, syntactic, and semantic aspects, provided a more accurate picture of the analyzed texts than the Flesch Reading Ease scale alone. In this regard, a particularly striking finding was that a popular newspaper ranked among the most complex within the analyzed corpora. Given this, we believe that extending these analyses to the entirety of our research corpora is essential to determine if this trend recurses.

As for Pilot-Study 2, the data revealed a significant lexical disparity between the sentences and the texts within the DG. As we observed, one of the reasons for this may stem from the fact that these sentences are specialized texts and, therefore, contain a high density of legal terminology. Regarding CorPop, the lexical disparity of these sentences was smaller, however, in this case, is important to note that this list is nearly four times larger than the DG lemma list, which increases the likelihood of covering the lexicons of these sentences. We believe, however, that this situation will not recur in a larger-scale study, such as our doctoral research, because the contrastive corpora will be larger than the study corpus - the court rulings. This larger proportion will serve to highlight what is statistically most prevalent in the rulings.

Regarding the proposed intralingual translation of these rulings, carried out through the simplified rewrites of excerpts containing the terms *incolumidade* and *sinistralidade*, both absent from CorPop, there was a reduction in both lexical and syntactic complexity. It is important to note that this reduction is measured only by the Flesch Reading Ease scale and the lexicon used. Regarding TC, many other factors must be considered, which remained beyond the scope of our analysis due to the limitations of this pilot study.

In light of these findings, we revisit our research questions to assess the extent to which the data from these pilot studies provide insights for answering them.

- To what extent, from the perspective of Language, Text and Terminology Studies, as well as Textual and Terminological Accessibility, and the promotion of reading comprehension, can Small Claim Courts (SCC) rulings be considered complex for adult readers with limited formal education?

We believe that the data from both pilot studies conducted thus far, grounded in Language, Text and Terminology Studies, as well as Textual and Terminological Accessibility and the promotion of reading comprehension, allow us to conclude that these rulings are indeed complex for adult readers with limited schooling.

With regard to the lexicon, the pilot-study data reveal that these legal rulings, as specialized texts, contains high density of legal terminology and many 'potentially complex' words. As we have observed, words that do not appear in texts representing written popular Brazilian Portuguese, as found in both the popular newspaper analyzed and the CorPop corpus, are classified as 'potentially complex'.

As for textual and sentence-level aspects, one of the most striking characteristics was the length of the sentences in these rulings, which are generally quite extensive. Furthermore, as shown in Pilot-Study 1, the rulings exhibited a lower cohesion index compared to the other corpora. As explained in our data analysis, a low incidence of connectives typically makes the text more difficult, as the logical relations are not explicitly established.

Given that Small Claims Court rulings are considered complex for adult readers with limited formal education, what concrete actions can scholars in the fields of Text, Language, and Terminology Studies, as well as Textual and Terminological Accessibility and reading comprehension, take regarding the drafting of these rulings to ensure more accessible communication?

We believe the data from both pilot studies conducted so far demonstrate that the Text, Language, and Terminology Studies, as well as Textual and Terminological

Accessibility and reading comprehension, can indeed contribute to promoting the textual and terminological accessibility of SCC rulings.

In Pilot-Study 1, for instance, characteristics such as excessively long sentences and a low frequency of connectives were prominent in the SCC rulings. And, as established in our theoretical framework, studies on Textual Accessibility and reading comprehension provide guidance to address these situations.

In Pilot-Study 2, the extent to which the vocabulary of SCC rulings deviates from the standards of plain Brazilian Portuguese was established through a comparison with CorPop, a corpus resulting from doctoral research within the field of Textual Accessibility Studies. Furthermore, the intralingual translation applied to excerpts containing words absent from this corpus also followed guidelines already established in previous studies on textual simplifications. As we have seen, these procedures successfully reduced the textual complexity of the analyzed excerpts.

Thus, we believe such studies reveal a highly promising analytical potential for expanding our doctoral research. As this research progresses, we intend to present both original and simplified excerpts from our study corpus to real readers, as we did in Pilot-Study 2, to assess their level of textual complexity. In doing so, we believe we can contribute to promoting textual and terminological accessibility within the SCC rulings of the Rio Grande do Sul State Judiciary.

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