

[Address]

Dear Chief Justice [],

This letter is on behalf of The Judicial Language Project, a unique program based at New England Law | Boston, which uses sociolinguistic research to critique the language used by courts to describe violence against women and children. By identifying problematic words and phrases, and proposing preferable alternatives, we hope to improve the influence of judicial language on law and society.

Language used in judicial decisions affects the way readers interpret and react to information.¹ In the past, the Judicial Language Project has focused on the way erotic and vague words and phrases can minimize a reader's understanding of victims' suffering. Our current focus is on the harm caused by courts' needless inclusion of irrelevant personal information in judicial decisions.² Our concern is that such information violates victims' privacy rights, deters reporting,³ and reinforces harmful stereotypes and preconceptions⁴ that readers may unfairly attribute to certain ideas and behaviors about victims, without conscious awareness.⁵ It bears stating the obvious that publication of irrelevant personal information in rape cases is disproportionately harmful to women as a class.

To illustrate the problem, we examined [relevant state's] appellate court decisions and identified irrelevant personal language in several cases.

A recent example can be seen in [relevant case], which dealt with rape in the second degree. The Court wrote "According to the testimony at ... trial, R.M. spent the evening at the [casino] R.M., who was homeless and addicted to heroin, spent a considerable amount of time at the casino." We respectfully request that irrelevant personal information not be included in the future decisions of [relevant state] appellate courts, and that disclosures of even relevant personal information be avoided in the absence of due process.

Thank you for your consideration.

Yours truly,

Wendy Murphy, Esq., co-Director
Women's and Children's Advocacy Project

Jessica Landry, 2022, student
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¹ L. Coates, J.B. Bavelas, & J. Gibson, *Anomalous Language in Sexual Assault Trial Judgments*, *Disclosure & Society*, 5(2), 38-39 (1994); S.J. Collings & B.M. Bodill, *Methodological Issues in Research on Child Sexual Abuse Attributions*, *South African Journal of Psychology*, 33 (3) 170-75 (2003).

² Bernieri, F.J. & Rempala, D.M., *The Consideration of rape: the effect of target information disparity on judgments of guilt*. *Journal of Applied Social Psychology*. 35(3). 536-550 (2005).

³ http://www.middlebury.edu/media/view/240971/authentic/sable_article.pdf

⁴ https://www.nationalguard.mil/Portals/31/Documents/J1/SAPR/SARCVATraining/Barriers_to_Credibility.pdf

⁵ Nina Philadelphoff-Puren, *The Right Language for Rape*, EBSCO Publishing (2003).