A. And analyze for passive voice.
Q. What does that mean?
A. Means when the subject receives the action of the verb.
Q. And how is that scored?
A. I would assume, but I do not know, that passive voice construction is more difficult to read, but I don't know that. That's an assumption. That's an inference I'm making because it's part of what's given in the report. So there might be weighting. It might be extra information. I don't know.
Q. Is it possible that the computer program that you're using that is actually analyzing that passive voice component is adding something that is not in the Flesch scoring system?
A. It's reported as a separate number.
Q. What do you mean by that?
A. Well, if it were included in the formula, it wouldn't be reported separately.
Q. I see. So the Flesch --
A. I would assume.
Q. I assume you're correct. So the Flesch reading formula itself does not measure the passiveness of the voice?
A. I don't know for sure. I would assume
Q. And the difference between the reading ease formula versus the grade level formula is the reading ease formula comes up with a score, if you will; is that correct?
A. That's correct.
Q. And is the score from zero to a hundred?
A. Yes.
Q. With a hundred being harder to read or easier to read?
A. Easier to read.
Q. And going towards zero is harder?
A. More difficult.
Q. More difficult to read. And the Flesch-Kincaid grade level score actually comes out with an approximate grade level readability; is that correct?
A. Yes, yes.
Q. And when we talk about grade level, we mean K through 12 grade level?
A. Yes.
Q. And it is true to say that those scores, when they are done even in the program that you put them in, they are counting scores.
A. Yes.
Q. They are counting words.
A. Yes.
Q. There's no analysis of any ability of a particular individual to comprehend what is on the page that's being scanned?
A. There's an assumption that there's a relationship between what it counts and ability to comprehend.
Q. Well, if someone has a 10th grade reading level, does that mean that anyone who graduates 10th grade can read and comprehend in exactly the same manner?
A. No.
Q. Does comprehension vary between individuals regardless of what grade level they attained?
A. Yes.
Q. What factors into comprehension? What other, either external --
A. I don't understand your question. I'm sorry.
Q. What affects someone's ability to comprehend what they are reading?
A. You want all the variables that I can think of?
Q.  Sure, as many as you can think of.
A.  And then there's the X factor. Whether or not they have a reading disability, whether or not they are mentally impaired, the quality of their education, the home environment. And many others that --
Q.  Many other external factors?
A.  External as in are you talking about --
Q.  Environmental factors.
A.  Outside of their --
Q.  Either home life -- I'm sorry. We can't talk at the same time. What I mean, factors other than the fact that you graduated a particular grade level.
A.  You graduate in 12th grade. So if you pass the grade levels, you graduate.
Q.  Right.
A.  Yes, a world of variables.
Q.  If I gave you a particular nursery rhyme to feed into the program to come out with a Flesch reading ease and grade level score, it could do that, correct?
A.  If it were in Word.
Q.  If it were in Word, right. Word is -- thank you, Bill Gates, for that. If I take that
nursery rhyme and juggle the words around and feed
those exact same words into that program, would you
get the same score?
   A. If you had the same ratios that this
tests, I assume, but I don't know.
   Q. Because it's a counting program, it
doesn't make a difference in what order the words are
in; is that correct?
   A. I don't know.
   Q. You don't know. Well, if it counts words,
how would it count differently if the noun followed
the verb or the verb followed the noun?
   A. I don't know. I could make assumptions,
but I don't know.
   Q. What authority is out there that would
answer that question for you if you were interested
in looking at it?
   A. I would probably do an experiment.
   Q. Well, I know, but the Flesch reading
scores are what they are.
   A. Yes, they are what they are, absolutely.
   Q. They were developed by Flesch -- well, one
was developed by Flesch and one by both Flesch and
Kincaid, correct?
   A. I assume so, yes.
Q. And these are standard formulas that are used the same way --
A. Yes.
Q. -- all over the country?
A. In Word.
Q. In Word. That's right. And, again, those formulas, basically you feed words in, and they count the number of words; is that correct?
A. Yes and sentences.
Q. And sentences?
A. And paragraphs.
Q. And paragraphs. But it's all numerical.
A. Yes.
Q. It's a numbers game, and the numbers are fed into a formula?
A. Yes.
Q. And the formula itself has numbers in it?
A. Yes.
Q. So that if, again, I give you whatever I give you, a group of sentences that are fed into that Microsoft Word program and it does the counting of the words under the Flesch formulas, you'll get a score?
A. Counting of words, counting of words in sentences, counting of sentences in paragraphs.
Q. Correct. And it matters not what order those words are in, it will count the same words?
A. I don't know.
Q. It's possible --
A. It's possible.
Q. -- that it would count them the same?
A. It's possible. It's possible that they wouldn't.
Q. And isn't that why there's a lot of literature that talks about the Flesch scores not indicating comprehension?
A. Possibly.
Q. Are you familiar with any of that literature?
A. The literature about other assessments?
Yes.
Q. What are you familiar with?
A. Marginally familiar. This is not something that I follow.
Q. Have you read any literature that you recall that talked about the Flesch reading and Kincaid grade level scores in terms of comprehensibility.
A. In the Eighties I read some. Don't remember it, other than that there were critiques.
Q. Do you recall who performed the critiques?
A. No.
Q. Are you familiar with the National Council on Teachers of English?
A. Yes.
Q. What is your familiarity with that group?
A. I've been a member of that group.
Q. Are you familiar with the advice of that council against using the Flesch scores for readability?
A. In teaching writing, it would not be appropriate.
Q. And why is that?
A. Because in teaching writing we're not looking at counting. We're looking at logic.
Q. Right.
A. Syntax.
Q. Are you familiar with any advice that that same group has given against using the Flesch scores with respect to comprehension of text?
A. It's not the best measure of comprehension.
Q. What is?
A. I don't remember what they recommended, but I could certainly find it.
Q. Does the Flesch formula, either the reading ease formula or the grade level formula, measure sentence structure?
A. No. I don't know, but I would assume, since it's a numerical process, no.
Q. Does it measure composition?
A. Well, it measures passive voice.
Q. But I thought passive voice was an additional component --
A. Yes, it is.
Q. -- that that program --
A. That the program does, right.
Q. But the Flesch scores do not measure that, correct?
A. I believe that's correct.
Q. Are you familiar with Holland and Campbell, two researchers in the literacy area?
A. Dorothy Holland?
Q. Yes.
A. Yes.
Q. Did you ever read her and Dr. Campbell's paper Understanding the Language of Public Documents Because Readability Formulas Don't?
A. No.
Q. You're not familiar with that at all?
A. I haven't read it.
Q. Are you familiar with Dr. Holland's views in terms of the use of readability formulas on public documents?
A. I would assume from the title that she's critical.
Q. Is she considered an expert in the field?
A. Yes.
Q. Are you familiar with George Clare?
A. No.
Q. Does the Flesch, either the reading ease score or the grade level score, tell you whether the material appears in a form that is easy to read?
A. No.
Q. Does it tell you whether the material appears in a font that is easier to read?
A. No.
Q. Does it tell you whether the design of the documents is attractive in terms of helping or hindering reading?
A. No.
Q. Does the index tell you whether there's any kind of gender bias --
A. No.
Q. -- with respect to the document? Does it
tell you whether there's any kind of racial bias with respect to the document?

A. No.

Q. And, as we talked about, it doesn't tell you whether the content is in a logical order or not?

A. I don't believe that it does.

MR. COHEN: Are you okay? We've been going a little while. Do you want to take a break?

THE WITNESS: No. I'm fine. Thank you.

MR. COHEN: Sure.

Q. (By Mr. Cohen) If you can pull your report, I think it's Exhibit 2. I think it's underneath the formulas there.

A. Oh, yes.

Q. Let's take the first document you analyzed, which is Exhibit A attached to your report, which I think you testified is the application for an absentee ballot that you pulled off the Secretary of State's Web site; is that correct?

A. Yes.

Q. Do you have any independent knowledge on how you can actually get an absentee ballot in Georgia?

A. Other than going online, no.
Q. Is it your view that this is the only way to get an absentee ballot?
A. I don't know.
Q. You don't know. Have you been told from either Mr. Brackett or anybody else how a citizen, the ways in which a citizen can get an absentee ballot in Georgia?
A. No.
Q. If you knew that you didn't have to complete that form to get an absentee ballot, would that alter your opinion at all?
A. Not of the readability of the document, no.
Q. Would it alter your analysis if you were doing a study of the ease in which to get an absentee ballot knowing other manners in which you can get one?
A. No, because I wasn't looking -- I was only looking at the readability of the document.
Q. You were just looking at the one document's readability?
A. Yes.
Q. You were not looking at any analysis of how easy or hard it is to get an absentee ballot in Georgia; is that correct?
A. No. I wasn't asked to do that.

Q. And I think you've answered this generally, but I want to be specific about the document. Did you basically scan the application and feed it in a Microsoft Word form into the program?

A. I believe I was able -- and I can't recall -- I believe I was able to download it into Word.

Q. From the Web site?

A. Yes.

Q. And then once you do that and the program performs its function, what do you get back?

A. You get a little box with a report that has all the data.

Q. Where is that data now?

A. You know, it won't save it. So every time you want it, you have to go back to the document and ask it to perform it again. You can't print it out, which I find troubling.

Q. So you did not print it out for this ballot?

A. You can't.

Q. You can't.

A. I handwrote it.

Q. You handwrote it off the screen?
A. Yes.

Q. And where are your notes from that?

A. They are in my file with the rest of the materials.

MR. COHEN: We weren't provided those.

MR. BRACKETT: Did you ask for him?

MR. COHEN: As you well know after reading Judge Murphy's last Order, under Rule 26 we're entitled to all the data and all information that she used.

MR. BRACKETT: The data, it's written in the report.

MR. COHEN: But it's based off of a computer screen that she wrote down.

MR. BRACKETT: We'll get it for you.

MR. COHEN: Well, I don't have that now, David. I mean, here we go again.

MR. BRACKETT: Let's take a break and see if we can get it.

MR. COHEN: Okay.

(RECESS FROM 11:21 A.M. TO 11:27 A.M.)

MR. BRACKETT: Dr. Gowen doesn't have anybody back at the office that she can call and get to look for those notes and fax them to us. So the best we can do is for Dr. Gowen to go
back and see if she can locate the notes and fax them to me, and I'll fax them directly to you.

Now, my understanding is that the notes simply contain the numbers that she put in her report. We'll look for them just the same.

Q. (By Mr. Cohen) Would your notes indicate the actual, the way that the computer program worked, the formula to come up with the score, or do you just get a score?

A. You just get a score.

Q. So you wouldn't have the, you know, the numbered formula that I had showed you; you wouldn't be able to see that calculation --

A. No.

Q. -- would you. The computer does that inside the machine somewhere?

A. I assume so.

Q. So basically what you get in feeding a document in the Word program is you then get on the Flesch reading ease score a score between zero and a hundred?

A. Yes.

Q. Do you get anything else besides that round or decimal number?

A. On the reading ease?
Q. Yes.
A. No.

Q. And then on the grade level score do you get anything other than the grade level number?
A. No.

Q. And is the grade level number a whole number, or is it a decimal number?
A. Can be a decimal number.

Q. Is there any kind of standard in terms of rounding up or down if it's a decimal number?
A. No. It's, for example, 12.1 would be 12th grade, first month.

Q. Right, I see. So it's actually not a decimal between 1 or 10; it's between 1 or 12?
A. No. Children -- well, you know, I don't know. I would assume; children are in school for ten months.

Q. Is it possible it's just an ordinal number?
A. It's possible.

Q. If a Flesch-Kincaid grade level, for example, ended up at 10th grade level, does that indicate that it is impossible for someone with a ninth grade education to read the document?
A. No.
Q. Does it indicate that it is certain that someone with a 10th grade education could read the document?
A. No.
Q. How do you measure difficulty of being able to read the document?
A. How do I measure it?
Q. Do you measure it any other way —
A. No.
Q. -- other than the Flesch measurement?
A. I didn't use any other measure on these documents.
Q. Is there anywhere in the field that you're aware of that uses some other type of scoring device to measure either difficulty of reading or comprehension?
A. Yes, the Fog and the SMOG.
Q. The Fog and the SMOG. But those scoring mechanisms are not used by Georgia State University?
A. Not for the IRB approval, no.
Q. Are they used for any other manner?
A. They may be. I'm not aware one way or the other.
Q. Are you familiar with any of the details of the Fog or the SMOG scores in terms of how they
would measure those other components?

A. No.

Q. Are there any other steps you could have taken at Georgia State to come up with a more precise measurement than the one you concluded in your report?

A. It's always possible to do that.

Q. In what way?

A. I always assume that there's a better way to do anything as we create new knowledge.

Q. If you were rerunning the tests today, is there anything else you would have done that you didn't do before?

A. I would have to do research on that.

Q. Is it possible that other experts in this area would use different methodology?

A. Yes.

Q. And is it a different test, the SMOG and Fog tests you talked about?

A. Or other.

Q. What others could they use?

A. I don't know.

Q. There are others out there --

A. There are others out there.

Q. -- that you're not familiar with?
A. I can't name one.
Q. Can you comment or give an opinion as to whether one method is better than another method?
A. The better method for me professionally is the one that I use the most.
Q. But you're not familiar with all the methods, correct?
A. The universe of methods, no, not all of them.
Q. You're familiar with the Fog and the SMOG methods?
A. But I don't use them.
Q. But you don't use them. So you couldn't really tell me whether those are better or worse than the ones you use?
A. No.
Q. I noticed in reviewing the four documents that you reviewed that they all, the Flesch-Kincaid grade level score on all of them was 12; is that correct?
A. That's correct.
Q. Is there some type of standard when you're running the program that measures document readability by 12th grade as opposed to some other grade? Could this have come out if these -- well, if
the words were calculated in a different application, could they have come out as 11 or 10 or different numbers?

A. It's possible.

Q. Is 12 a consistent score that you get with applications that you feed into the program?

A. No.

Q. What are the range of scores that can be produced?

A. I've fed in material that scored at fifth grade, third grade.

Q. Is there anything above 12?

A. No.

Q. That's the highest that it could --

A. Yes.

Q. On the reading ease index, between zero and a hundred, with zero being the hardest, as I recall you said --

A. Yes, zero is the hardest; a hundred is the easiest.

Q. Right. -- if the grade level scoring comes out as 12th grade, does that normally indicate that the reading ease scoring will be within a certain range? Or are the two numbers independent of one another?
A. It would be unlikely that they are mutually exclusive of one another, but the extent to which they are dependent upon one another, I don't know.

Q. There are different numbered formulas; is that correct?

A. Yes, according to the document you provided. I mean yes.

Q. It's possible, though, that you can have a Flesch reading ease score of, say, 50 and have a Flesch-Kincaid grade level score of 12th grade?

A. It's possible.

Q. And what would that --

A. I would assume.

Q. Right. And what would that mean in terms of readability of the document --

A. Reading ease.

Q. -- assuming those two scores?

A. It would mean that the reading ease was at 50, and the readability was at 12th grade.

Q. In layman's terms, what would that mean in terms of how easy it would be for someone to read the document?

A. It would be easier to read than a document with a 12th grade reading level and a, say, 9.7
reading ease.

Q. It's a numbers game.
A. It's a numbers game.

Q. And, again, those numbers don't measure the specific individual's ability to comprehend the document they are looking at?
A. No, because the individual is not the unit of analysis. The document is the unit of analysis.

Q. Let's look at Exhibit B attached to your report which I believe you said was provided to you by Mr. Brackett.
A. Yes.

Q. Is that correct?
A. Yes.

Q. And I assume that your analysis of this document was the same in that it was scanned into the Microsoft Word program.
A. It was retyped.

Q. It was retyped?
A. Rather than scanned.

Q. Was it retyped on just a white piece of paper?
A. It was an electronic file. It was in a Word document.

Q. It was in a Word document?
A. Right.

Q. Do you have that document in your files in the office?
A. It's on my computer. I didn't print out everything.

Q. Can you print that out?
A. Yes.

Q. And get that to me?
A. Sure.

Q. So, in actuality, the exact document that you were given was not analyzed under either the reading ease scoring or the Flesch-Kincaid grade level scoring; is that correct?
A. The words are the same.

Q. In what order were they put, though?
A. In the order in which they appear by sentence.

Q. Well, let's look at the first page of that document. There's what I call a star-like yellow figure with some printing within that star. Do you see what I'm talking about?
A. Yes.

Q. It says "bring one of these six forms of identification to vote"?
A. Yes.
Q. Where would that have fit into the Word document that was created?

A. In the middle.

Q. In the middle following what?

A. I don't know if we went all the way across and then down or down and then across. So it's in the middle. It's obviously not the first thing, nor is it the last thing. I would have to look at it to tell you.

Q. Well, remember my old questions about changing words around --

A. Sure.

Q. -- and how the scoring is the same no matter what word order it is?

A. But I said sentences, not words.

Q. Sentences. Correct.

A. Yes.

Q. But don't you think it would make a difference if this particular sentence contained in the star came before the list of what I.D.s are acceptable, in the middle of it or after it?

A. I'd like to run that through the Microsoft program and see. That would be an interesting experiment. I don't know.

Q. Well, but I would assume, no matter what
order you ran it in, you'd get the same score as we talked about because it's a numbers game.

A. One would assume that.

Q. That's right. But in terms of comprehending what's in this star, vis-a-vis this entire document, the reading scores don't measure that, correct?

A. I'm not sure I understand your question.

Q. Well, what I'm saying is, no matter where you put this in your Word document that you fed into your program, whether it makes sense or not where it was placed, you're going to get the same score.

A. I wouldn't know until I did it.

Q. But it's possible you'd get the same score?

A. It's possible.

Q. Typing it in a Microsoft document I assume means you didn't have the color differentiation that was in this brochure; isn't that correct?

A. That's correct.

Q. And you would not have had the difference in fonts that were in the brochure; is that correct?

A. That's correct.

Q. And you would not have the difference in colors or highlighting that are in the brochure; is