

# Research on Legal Writing

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1

## Does persuasion matter?

- I gave a talk about persuasive legal writing at a meeting of appellate lawyers. When I finished, a lawyer asked me,
- “Is there any empirical evidence that the techniques you presented will help win the case?”

Yes



2

# Some concepts:

## Readability

### The Flesch Reading Ease Scale



Rudolf Flesch,  
*How to Write Plain  
English* 25 (1979)



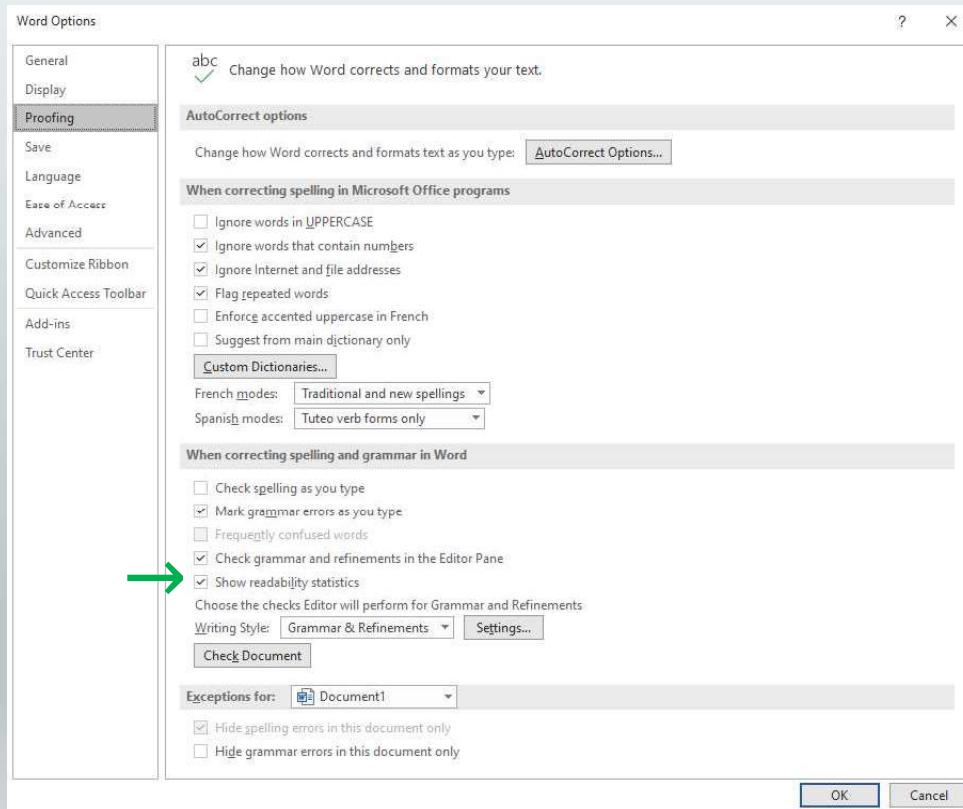
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## Grade level

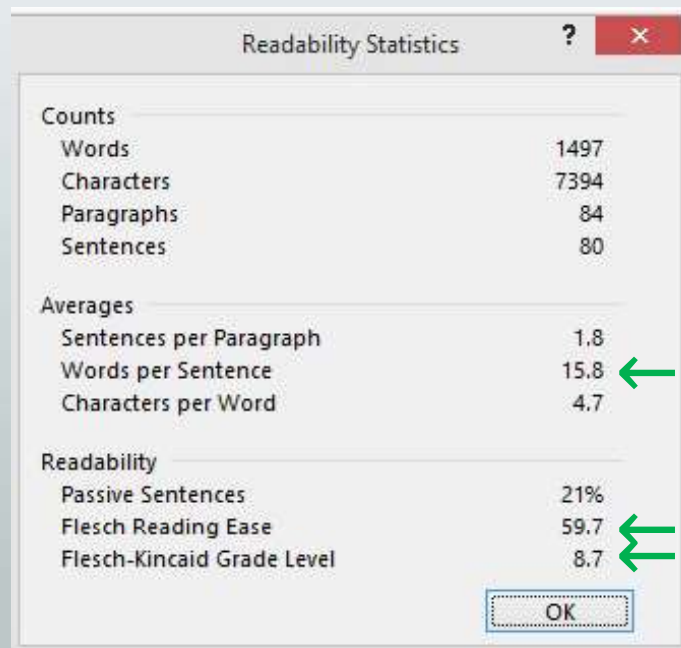
- Flesch Kincaid Grade Level
- Assigns a score corresponding to a grade level:
  - How many years of formal education are required for a person to understand the text?
- 12 = completed high school
- 16 = completed college
- 19 = completed law school
- 42 = ?



4



5



6

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[eSupplement to the 34th Annual Conference on State and Federal Appeals](#)

First appeared as part of the conference materials for the  
18<sup>th</sup> Annual Advanced Texas Administrative Law Seminar session  
"Research on Legal Writing"