

# Research on Legal Writing

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## 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



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## Some concepts:

### Readability

#### The Flesch Reading Ease Scale

0	15	30	45	60	75	90	100
Very difficult		Difficult	Fairly difficult	Plain English	Fairly easy	Easy	Very easy

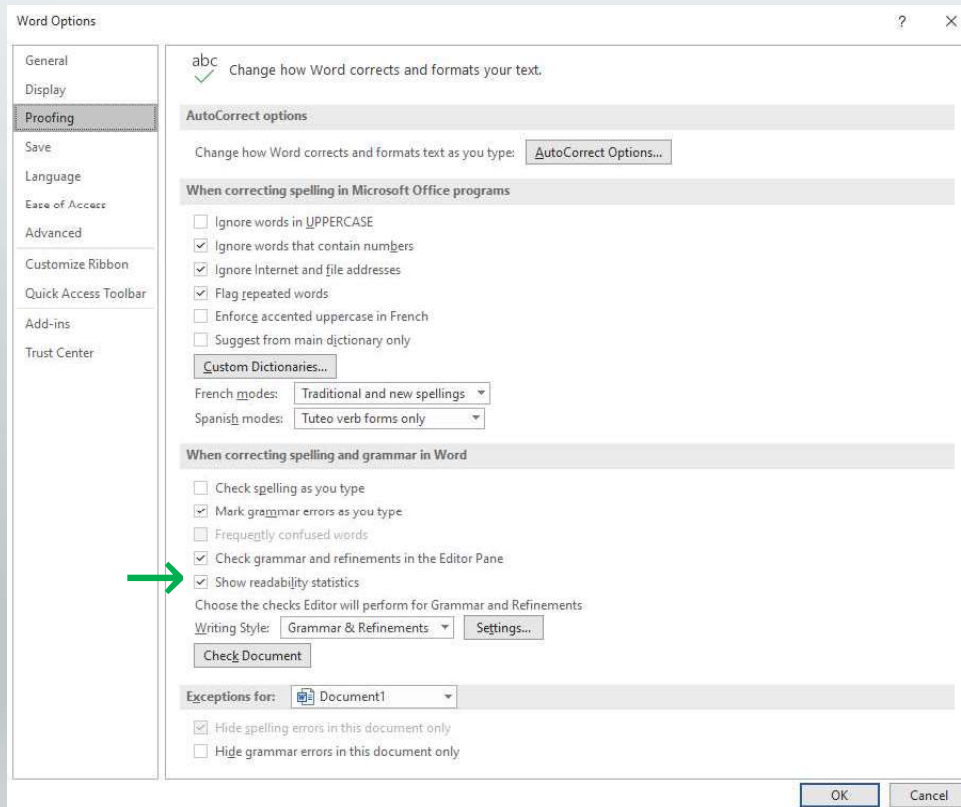
Rudolf Flesch,  
*How to Write Plain  
English* 25 (1979)



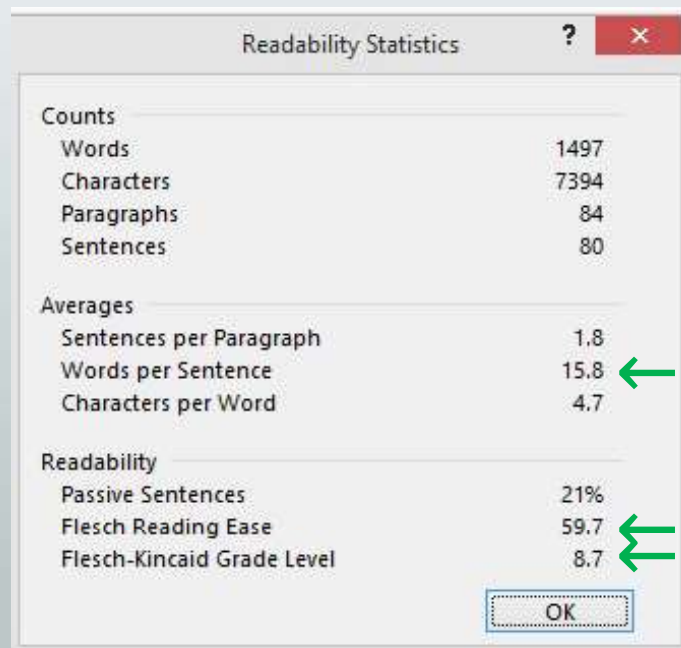
### Grade level

- 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 = ?





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

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18<sup>th</sup> Annual Advanced Texas Administrative Law Seminar session  
"Research on Legal Writing"