

Research on Legal Writing

Wayne Schiess



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)



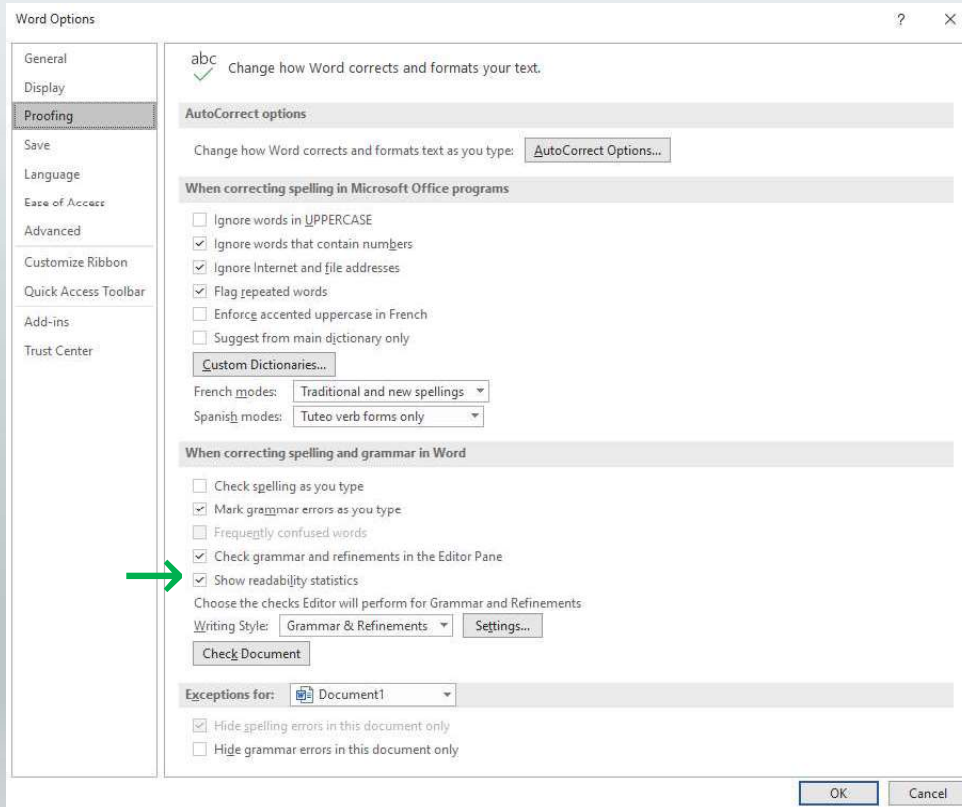
3

Grade level

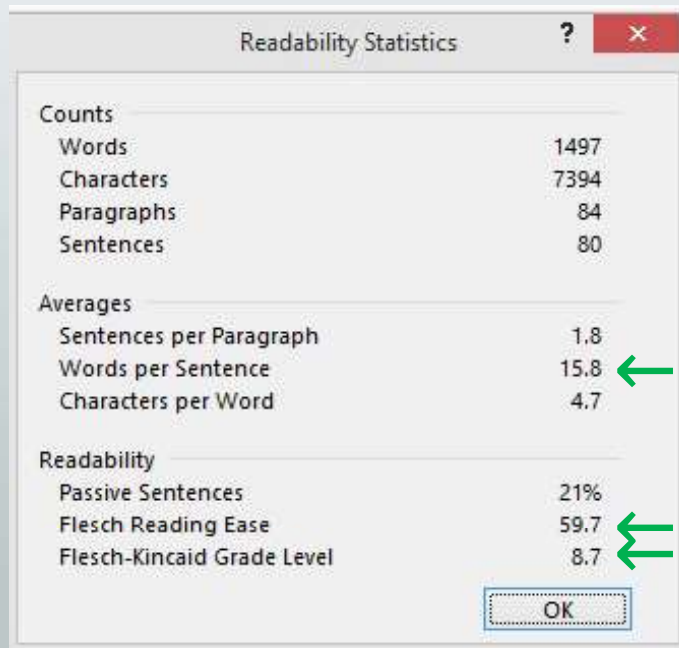
- Flesch Kincaid Grade Level
- Assigns a score corresponding to a grade level:
 - How many years of formal education are required for a person to understand the text?
- 12 = completed high school
- 16 = completed college
- 19 = completed law school
- 42 = ?



4



5



6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Research on Legal Writing

Also available as part of the eCourse

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

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