

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

Socrative.com

Later ...

An anonymous online quiz.



3

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)



4

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?

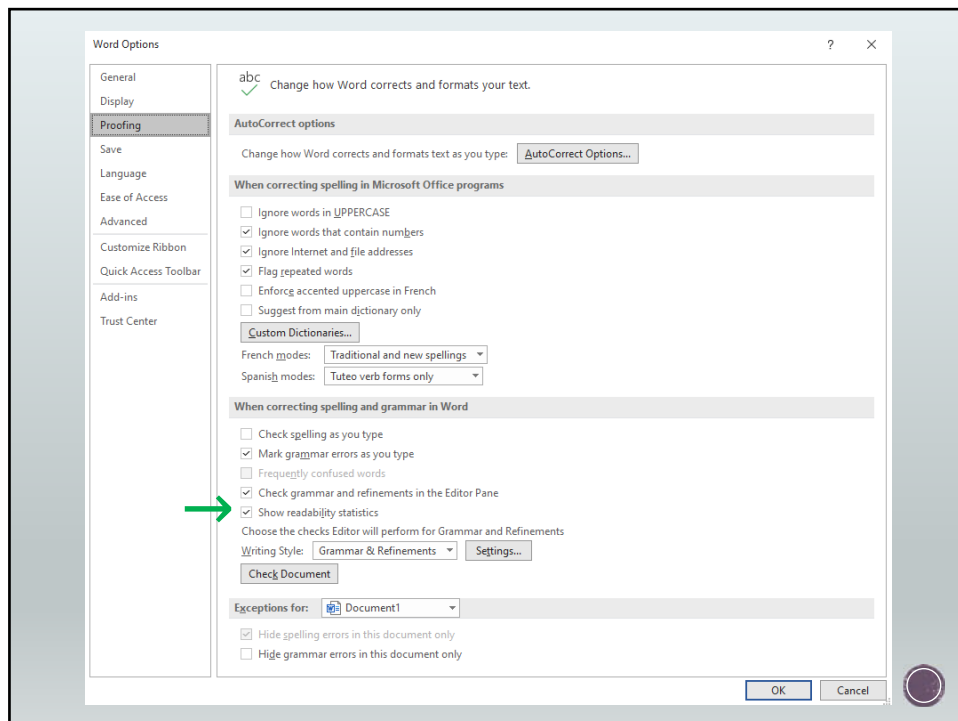
12 = completed high school

16 = completed college

19 = completed law school

42 = ?

5



6

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2024 Robert O. Dawson Conference on Criminal Appeals session
"The Science of Readable Legal Writing"