

## Shavonnie Carthens

*The Science Behind the Art of Legal Writing* (2d ed). By Catherine J. Cameron and Lance N. Long. Carolina Academic Press, 2019. Pp. 164, \$25.

As the name suggests, the second edition of *The Science Behind the Art of Legal Writing* methodically examines the theoretical and empirical underpinnings of legal-writing practices. The authors, Catherine J. Cameron and Lance N. Long, break the book into seven parts that are designed to educate novice legal writers and assist them in making informed choices.

Ultimately, the authors' goal is to survey core legal-writing practices and examine how scientific studies add credence to some of the hallmark "rules" and conventions of legal writing. For example, in chapter 4, "A Word About Legal Research and Writing," the authors rely on the empirical work of Ronald Kellogg.<sup>1</sup> They apply Kellogg's work on cognitive psychology and writing process to the benefits that law students experience when they outline legal documents before starting the writing process.<sup>2</sup>

If you have ever wondered about the "why" behind legal-writing practices, then this book may answer some of your queries. Its achievements are many — and I will explore those in a moment. Yet the authors acknowledge that there are limitations to applying science to legal writing. They comment, "The important thing for readers of this book to remember is that the studies discussed in the following chapters may not be as reliable as we might hope them to be."<sup>3</sup> While some may view this admission as a weakness, I view it as a necessary caution about the realities of applying science to the study of writing. As the authors

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<sup>1</sup> Catherine J. Cameron & Lance N. Long, *The Science Behind the Art of Legal Writing* 17 (2d ed. 2019).

<sup>2</sup> *Id.* at 55–56.

<sup>3</sup> *Id.* at 17.

note, several variables ensure the integrity of the scientific method — those that can be controlled and those that cannot. Further, within the universe of scientific research on writing in general, a much smaller body has focused solely on legal writing.

This gap in legal-writing scholarship opens a space for the authors to apply scientific studies from a range of disciplines in their endeavor to determine empirical bases for the legal-writing skill set. Such a broadened approach pushes boundaries and forces one to examine a broad swath of information. Some readers may find discomfort in this approach. But many readers will, like me, be invigorated by the possibility of using a scientific approach to evaluate — and potentially critique — tried-and-true legal-writing standards.

In the face of acknowledged research limitations, this book still rings with high points. It is easily digestible and has broad audience appeal. And I predict that it will stoke the fires of pedagogical inquiry for many legal-writing professors.

The authors position themselves as legal professionals applying scientific knowledge to legal writing, and they do so with a great measure of ease and objectivity. For the neophyte legal writer, this book is easy to understand. Its tone doesn't advocate for change but presents data points and analyses in a way that leaves the power in the reader's hands. I imagine that a student, and even practitioners or academics, would embrace the authors' suggestions, given the book's informative, rather than dictatorial, voice.

For student readers, the authors strike a balance between sharing the results of empirical study and offering practical advice. They accomplish this, in part, by comparing studies. For instance, in one chapter, they compare a study by Loretta Gray and Paula Heuser against an earlier study by Maxine Hairston.<sup>4</sup> The

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<sup>4</sup> *Id.* at 56.

Gray/Heuser study considered how “nonacademic readers in the professions” perceived the seriousness of grammar errors.<sup>5</sup> The authors evaluate Gray and Heuser’s findings and suggest that today’s readers may be less concerned about grammar errors, and may judge writers less harshly, than readers in the past. Yet the authors encourage students to adhere to the professional expectation that documents will be grammatically correct.<sup>6</sup> This balanced approach typifies the authors’ methods throughout the book.

As companions to the cited studies, this book offers examples that bring potentially unknown legal-writing practices within law students’ grasp. For example, when discussing microorganization, the authors apply a Carnegie-Mellon study used to assess how readers process information at the paragraph level.<sup>7</sup> To make the application of this study more relatable, the authors include sample paragraphs that exemplify both clear and questionable organization.<sup>8</sup> They also present a “Deductive and Inductive Reasoning Exercise” that asks students to read a passage and identify the type of logical structure used by the writer, and the extent to which the writer’s syllogistic or inductive reasoning is logically sound.<sup>9</sup> Learning moments such as these keep the book from overwhelming the new legal writer with scientific reporting, which could alienate angst-ridden law students.

Despite the book’s student focus, it will also reach seasoned lawyers, judges, and professors. It reviews what we know about legal writing, while offering empirical bases for why our practices are scientifically sound or are perhaps rooted in a combination of practical expectation and academic cultural traditions. For legal-

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 58.

<sup>7</sup> *Id.* at 93.

<sup>8</sup> *Id.* at 93–96.

<sup>9</sup> *Id.* at 39.

writing professors, or those aspiring to be, the most compelling reason to read this book is its ability to spark pedagogical inquiry. This is especially true for those who are newer to the academy and who customarily follow the instructional precedent established by predecessors. Taking that avenue is wise and rich with sage advice. But you might still have questions about the origins and efficacy of certain tenets of legal-writing pedagogy — questions worth exploring.

For me, this book ignited questions such as: “Are there reasons why I teach objective writing and persuasive writing in a particular manner?” “Do my teaching strategies prepare students for the practical legal environment?” “Is there a need to shift teaching practices to align with the training and expectations of newer generations?” These questions are largely rhetorical, but they are internal conversation-starters that naturally emerge after reading this book. Such questions remind professors of the ever-present call to learn and revise one’s approach to meet the needs of today’s practice and tomorrow’s attorneys.

In sum, this book masterfully navigates the tension between applying science to writing and the traditional dictates of legal writing in academia and practice. Though it would serve practitioners and students well to read this book, at its best, the book encourages members of the legal academy to examine pedagogical choices and welcome constructive debate about how those decisions shape the classroom experience. For these reasons, *The Science Behind the Art of Legal Writing* is a worthwhile addition to the literature on applying scientific method to the study of legal writing.