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K.K. DuVivier
University of Denver, kkduvivier@law.du.edu

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The Scrivener: Modern Legal Writing

Grammar and Style Check Programs: Machine v. Man*

by K.K. DuVivier

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Garry Kasparov fought for all of us. A human being against Deep Blue, a computer that has thirty-two processors acting as thirty-two brains simultaneously to consider future chess moves. When the computer won the first game, it was an apocalypse for chess enthusiasts. Was an artificial brain actually superior? A similar question arises in writing: do computerized grammar and style checkers create superior writing?

Grammar and style check programs have become standard software on many computers. Most of these programs provide the following two types of information: (1) readability calculations and (2) advice on mechanics and style.

Readability scores emphasize sentence and word length. The presumption is that the longer the sentences and the more complex the words, the harder the sentence is to read. Reading ease is calculated by applying set factors to the number of words per sentence and the number of syllables per word. For example, a well-recognized scale, the Flesch-Kincaid Grade Level, uses the following formula:

(0.39) x (average number of words per sentence)
+ (11.8) x (average number of syllables per word)
Total - 15.59 = grade level

Based on the Flesch-Kincaid formula, the above paragraph is comprehensible at approximately the ninth-grade level.

Most grammar and style check programs are more sophisticated. In addition to providing readability scores, Grammatik, Right Writer and other commercially-available text-analysis tools apply from thirty to sixty guidelines to check spelling, punctuation, syntax or grammar, word choice and style.

Eventually these programs should be helpful for the more mechanical corrections, such as spelling and punctuation. At present, however, the standard programs frequently highlight legal citations as punctuation and spelling errors. (*E.g.*, 547 P.2d 635 might show both the period and the "2d" as errors.) Fortunately, some companies are working on programs specific to legal writing that eventually should eliminate the problem of identifying legal citations as errors.

Changes in word choice or style are more personal and, therefore, more problematic for artificial intelligence. As you may have read, Lincoln's Gettysburg Address received the lowest rating in Right Writer's readability scales and was criticized by the program for its word choices and style.[1] Check programs also pick up many false "errors" when scanning legal terms of art, such as *res ipsa loquitor* (*archaic*) or the penumbra of rights (*long-winded* or *wordy*).

Some of the program rules can be edited (intentional passive voice marked as "error") to minimize false detections of error for legal terms. Even with customized rules, however, it remains a dangerous practice to delegate decisions about word choice or style to those programs that offer the option of automatic corrections. A change in a single word may signficantly alter your meaning, so automatic corrections should be monitored closely. Consequently, most editing programs are criticized because they create more work, rather than less.[2]

Grammar and style training may be the most beneficial use of check programs. For example, Writer's Workbench was invented by Bell Labs as a diagnostic program that provided tutorials to help its staff with their writing. Within six months, Bell found the quality of writing had so improved that its staff no longer needed to use the program. Many of the available editing programs help writers learn about patterns that arise in their own writing by providing interactive feedback and discussion of "errors."

**Error: gender specific. Consider replacing with "person," "human being" or "individual."*

Reader feedback requested: Do you use a grammar-check program? How helpful have you found it? Can you make recommendations for other readers?

DO YOU HAVE QUESTIONS ABOUT LEGAL WRITING?

K.K. DuVivier will be happy to address them through *The Scrivener* column. Send your questions to: K.K. DuVivier, University of Colorado School of Law, Campus Box 401, Boulder, CO 80309-0401.

K.K. DuVivier is an instructor of Legal Writing and Appellate Court Advocacy at the University of Colorado School of Law, Boulder.

After six games (two were ties), Kasparov was able to win his chess match with Deep Blue. Human intelligence has prevailed over the brute force of the machine, for now. Similarly, while computers can assist humans in improving their ability to create superior writing, artificial intelligence cannot yet match the human. But keep your eye on the computer—the future may be different.

NOTES

1. Owens, "Grammar Gods Unkind to Lincoln, Jefferson and Jesus," *St. Louis Post Dispatch* (October 24, 1995) at 1D.
2. Duffy, "Designing Tools to Aid Technical Editors: A Needs Analysis," 42 *Technical Communication No. 2* (ISSN: 0049-3155) (May 1995) at 262.

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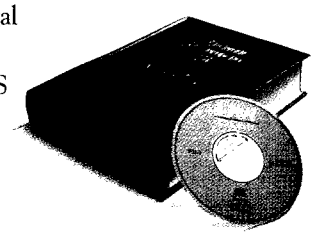

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