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### Preface

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## PREFACE

Volume 18 of *Legal Communication & Rhetoric: JALWD* introduces the theme of author as travel guide who can transport their reader to new places. Lisa Eichhorn's article, "Tonal Variation," introduces the concept of tone, which is defined as the author's attitude toward the audience. Using this frame, Professor Eichhorn explains how the author can use tone to shape the relationship with the reader. The article examines and contrasts two recent judicial opinions authored by Supreme Court Justices Kagan and Gorsuch. Through these tonal analyses, Professor Eichhorn shows how, even within an opinion, the tone may shift as the opinion moves from one purpose to another. These techniques are subtle but can be powerful and useful for any legal practitioner. Tonal analyses help practitioners better understand judicial opinions and their authors' judicial personas. Practitioners would also benefit from studying the use of tone in judicial opinions so that they can use the same techniques to create more forceful or persuasive tone in their own writing.

The metaphor of author as travel guide fully takes flight in "Fiction 201" by Ruth Anne Robbins. This article uses existing scholarship on narrative and legal storytelling as a launching pad for the discussion of storyworlds, which authors use to transport the audience into the world where a story takes place. Storyworlds are most effective as a persuasive writing strategy when they narratively transport readers into the story using action and setting. This transportation is essential in priming the reader to have their opinions changed not only about the characters in the story but about the larger themes and messages the story conveys. Professor Robbins explains that the techniques used to shift a reader's attitude towards characters in a fictional work can be used to great effect in legal advocacy when the author wishes to create sympathy towards and even change their audience's opinion about their client and the issues their client is facing.

Patrick Barry's essay, "Editing and Interleaving," takes us on a slightly different path, as is befitting of an essay that discusses the value of letting one project rest while you work on another. Short and to the point, this essay uses both cognitive science and expert testimonials to introduce and advocate for using "interleaving"—strategically switching between cognitive tasks—as part of the editing process.

"The Power of Connectivity" by Diana Simon takes the concept of transitions literally. Transitions in writing are words or phrases that

connect ideas, phrases, sentences, or even paragraphs, and, despite their ubiquity, Professor Simon shows that transitions are extremely effective in improving reading comprehension and, therefore, persuasiveness. The article analyzes the cognitive science behind transitions and presents the reader with a multitude of techniques and places to use transitions in legal writing. Professor Simon builds on that scientific foundation using examples from pop music, stand-up comedy, and legal writing to help inform readers about the power of point headings, the importance of variety, and the use of rhetorical questions as transitions. And, as is no surprise considering the subject matter, this article breaks down this information and these complex ideas into a thoroughly readable format.

Jonah Perlin's "Making Your (Power)Point" provides essential guidance for how to make the most of another tool commonly used by legal students, practitioners, and academics: digital presentations. Being able to communicate well using digital presentation software has become essential in the legal profession, but few lawyers are trained on how to create digital presentations effectively. This article treats the design of a digital presentation as a creative process and provides a multi-step and research-based method for how to create presentations that take into account the purpose and audience of the presentation. With this article, Professor Perlin aims to not only provide guidance to lawyers on how to create and use digital presentations, but also to jumpstart a more robust conversation about the use of digital presentations in the legal profession.

Our journey through new technology concludes with Michael Murphy's "The Search for Clarity." Professor Murphy acts as the reader's travel guide into what commentators call the "Duty to Google," or the duty to use an Internet search as an investigative tool to find relevant information about a matter. The article illustrates how, although courts have been imposing a Duty to Google on lawyers for the last several decades, there has been no real attempt to define the breadth and depth of the duty. Professor Murphy argues that the Duty to Google should be codified as a specific addition to the rules of professional conduct so that attorneys have some guidance on how to meet this emerging professional requirement. Like any good guide, this article concludes with a suggested model rule that provides direction for attorney use of existing technology as well as whatever technology comes next.

This volume's book reviews show readers a variety of worlds they can explore, some of which are bracing critiques of our society's heart-breaking shortcomings, and some of which dig deep into how to improve various skills and communication techniques. For those interested in books that discuss current social and civil rights issues, Aysha S. Ames reviews *CASTE: THE ORIGINS OF OUR DISCONTENTS* by Isabel Wilkerson,

Ezra Ross reviews *AGAINST EMPATHY: THE CASE FOR RATIONAL COMPASSION* by Paul Bloom, and Pamela A. Wilkins reviews *DOWN GIRL: THE LOGIC OF MISOGYNY* by Kate Manne. For those seeking practical advice on aspects of effective communication and legal skills, Derek H. Kiernan-Johnson reviews *HOW TO DO THINGS WITH LEGAL DOCTRINE* by Pierre Schlag & Amy J. Griffin, Gabrielle Marks Stafford reviews *PITY THE READER: ON WRITING WITH STYLE* by Kurt Vonnegut & Suzanne McConnell, and Jessica Lynn Wherry reviews *RANGE: WHY GENERALISTS TRIUMPH IN A SPECIALIZED WORLD* by David Epstein.

Finally, this volume provides three specialized and annotated bibliographies for those who wish to further engage in legal communication topics. Ellie Margolis provides a comprehensive bibliography of scholarship that involves the visual aspects of legal writing, an increasingly important subject in our digital world. Kristen E. Murray contributes an update of Kathy Stanchi's bibliography on persuasion, focusing on how scholars have built upon the foundational works included in the original bibliography. J. Christopher Rideout has compiled an updated bibliography of an essential topic for legal communication: applied legal storytelling.

As our work on Volume 18 comes to a close, we must say farewell to two of our Board Members: Maikieta Brantley, Social Media Editor, and Kristin Gerdy Kyle, Inter-Journal Liaison. Both took on new roles during a particularly challenging time, and their work has helped the journal to continue its transition to a new online format. Maikieta was a perfect choice for our first Social Media Editor because of her scholarly interest in the legal implications of social media. As a newer scholar and legal academic, we can't wait to see where her career takes her. Kristin has a long record of service to both the Association of Legal Writing Directors and the Legal Writing Institute, as well as both institutions' journals. In fact, before she was our Inter-Journal Liaison, she served as a Lead Editor. Her scholarship focuses on legal writing pedagogy, with an emphasis on communicating client-centered concepts to law students. Her institutional knowledge and familiarity with existing legal communication scholarship has been invaluable to *LC&R* over many years of service, particularly during the editorial process. We wish both Maikieta and Kristin the best as they move forward in their careers.

*Margaret Hannon & Dr. JoAnne Sweeny*  
(Summer, 2021)