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Theories and

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Writing

Second Edition

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Smith, 2002 Advanced Legal Writing Theories and Strategies in Persuasive Writing is exceptionally well suited for use in upper level Legal Writing courses that focus on strategy The author's distinctive approach emphasizes persuasive writing strategies and explores specific techniques for legal writers combines theory with practicality by taking an interdisciplinary approach avoids a documents based approach going beyond the trial or appellate brief to identify effective strategies for a broad range of documents and settings follows a consistent format offering for each writing strategy an explanation of its nature and characteristics an account of the theoretical principles that explain their effectiveness detailed how to guidelines for students to use in their own writing numerous examples of proper use of the strategy and exercises consideration of ethical implications a thorough Teacher's ManualThe book is divided into five main parts that cover literary references and their value in persuasive writing the three basic processes of persuasion logic and rational argument emotional argument and establishing credibility rhetorical style persuasive writing strategies based on psychology theory the ethics and morality of persuasionBe sure to review Advanced Legal Writing Theories and Strategies in Persuasive Writing before you make an adoption decision for your course Advanced Legal Writing Michael R. Smith, 2008 With a practical focus on persuasive writing strategy Michael R Smith identifies and explores three processes of persuasive writing logos pathos and ethos and provides a thorough introduction To The elements of rhetorical style Using detailed how to guides and plenty of examples The author's distinctive approach to persuasive writing examines technical aspects of rhetorical style metaphor literary allusion figures of speech and graphic design three basic processes of persuasive legal writing strategy Logos logic and rational argument Pathos value based argument Ethos establishing credibility interdisciplinary contributions to persuasive writing from fields such as cognitive psychology classical rhetoric and morality theory effective strategies that extend beyond the trial or appellate brief to a broad range of documents and settings in the Second Edition The reader will find a new organization that puts a greater emphasis on practice and relatively less on theory for each of the three processes of persuasive writing strategy a new six Part organization I Introduction II Logos Strategies III Pathos Strategies IV Ethos Strategies V Rhetorical Style VI The Ethics and Morality of Persuasion coverage of new developments in cognitive psychology Pathos persuasion And The role of metaphor in persuasive legal writing the same manageable length For a complete examination of the technique and strategy behind persuasive writing Smith's text strikes the right balance of depth and scope for upper level legal writing courses Rhetoric, Persuasion, and Modern Legal Writing Brian L. Porto, 2020-02-11 Classical rhetorical techniques can enhance the persuasiveness of Supreme Court opinions by making their language clear lively and memorable This book focuses on three techniques invention creation of arguments arrangement organization and style word choice in the work of Oliver Wendell Holmes Jr Robert Jackson Hugo Black William Brennan and Antonin Scalia respectively The justices featured here contributed to the Court's rhetorical legacy in different ways but all five rejected the magisterial opinion style of the eighteenth and nineteenth centuries in favor of a more personal and conversational format As a result their opinions have endured and even modern readers who cannot recall the justices names understand and embrace the ideas expressed in their legal writings and apply those ideas to current debates Practicing lawyers professors and students can use this book to study legal writing techniques and make their own writing more persuasive Essentials of Lawyering Skills in Africa Festus Emiri, Ernest Owusu-Dapaa, 2020-07-01 In twenty two chapters divided into six parts for convenience the authors not only lay bare the art of lawyering but also provide invaluable nuggets of perfecting and excelling as a solicitor and advocate There is little doubt that the contents of this book dramatically make a lawyer especially the lawyer in Africa to be more effective more skilful and a proper lawyer useful to the client and society **Critical and Comparative Rhetoric** Elizabeth Berenguer, Lucy Jewel, Teri A. McMurtry-Chubb, 2023-06-30 Through the lenses of comparative and critical rhetoric this book theorizes how alternative approaches to communication can transform legal meanings and legal outcomes infusing them with more inclusive participation equity and justice Viewing legal language through a radical lens the book sets aside longstanding norms that derive from White and Euro centric approaches in order to re situate legal methods as products of new rhetorical models that come from diasporic and non Western cultures The book urges readers to re consider how they think about logic and rhetoric and to consider other ways of building knowledge that can heal the law's current structures that often perpetuate and reinforce systems of privilege and power Narrative and Metaphor in the Law Michael Hanne, Robert Weisberg, 2018-02-08 Scholars from many disciplines discuss the crucial roles played by narrative and metaphor in the theory and practice of law When Dissents Matter Pamela C. Corley, Amy Steigerwalt, Artemus Ward, 2023-09-26 The ability of US Supreme Court justices to dissent from the majority to formally register and explain their belief that a case has been wrongly decided represents a time honored tradition of perhaps the most august American institution Yet the impact of these dissents which allow justices to engage in a dialogue over law and policy has seldom if ever been the focus of dedicated study Analyzing the influence of past dissents on later Supreme Court majority opinions this book presents the first comprehensive study of the effects of dissenting opinions and illuminates which types of dissents successfully influence legal and policy debates which ones fail to make a difference and why Drawing on the private papers of the justices and original data this book demonstrates that court majorities engage with dissents posing a particular threat to their opinions and that they can be persuaded by thoughtful and careful dissenting arguments

Introduction to Classical Legal Rhetoric Michael H. Frost, 2017-03-02 Lawyers law students and their teachers all too frequently overlook the most comprehensive adaptable and practical analysis of legal discourse ever devised the classical art of rhetoric Classical analysis of legal reasoning methods and strategy is the foundation and source for most modern theories on the topic Beginning with Aristotle's Rhetoric and culminating with Cicero s De Oratore and Quintilian s Institutio Oratoria Greek and Roman rhetoricians created a clear

experience based theoretical framework for analyzing legal discourse This book is the first to systematically examine the connections between classical rhetoric and modern legal discourse It traces the history of legal rhetoric from the classical period to the present day and shows how modern theorists have unknowingly benefited from the classical works It also applies classical rhetorical principles to modern appellate briefs and judicial opinions to demonstrate how a greater familiarity with the classical sources can deepen our understanding of legal reasoning Cicero and Modern Law Richard O. Brooks, 2017-07-05 Cicero and Modern Law contains the best modern writings on Cicero's major law related works such as the Republic On Law On Oratory along with a comprehensive bibliography of writings on Cicero's legal works These works are organized to reveal the influence of Cicero's writings upon the history of legal thought including St Thomas the Renaissance Montesquieu and the U S Founding Fathers Finally the articles include discussions of Cicero s influence upon central themes in modern lega thought including legal skepticism republicanism mixed government private property natural law conservatism and rhetoric The editor offers an extensive introduction placing these articles in the context of an overall The Rhetoric of Seeing in Attic Forensic Oratory Peter A. view of Cicero's contribution to modern legal thinking O'Connell, 2017-03-01 In ancient Athenian courts of law litigants presented their cases before juries of several hundred citizens Their speeches effectively constituted performances that used the speakers appearances gestures tones of voice and emotional appeals as much as their words to persuade the jury Today all that remains of Attic forensic speeches from the fifth and fourth centuries BCE are written texts but as Peter A O Connell convincingly demonstrates in this innovative book a careful study of the speeches rhetoric of seeing can bring their performative aspect to life Offering new interpretations of a wide range of Athenian forensic speeches including detailed discussions of Demosthenes On the False Embassy Aeschines Against Ktesiphon and Lysias Against Andocides O Connell shows how litigants turned the jurors scrutiny to their advantage by manipulating their sense of sight He analyzes how the litigants words work together with their movements and physical appearance how they exploit the Athenian preference for visual evidence through the language of seeing and showing and how they plant images in their jurors minds These findings which draw on ancient rhetorical theories about performance seeing and knowledge as well as modern legal discourse analysis deepen our understanding of Athenian notions of visuality They also uncover parallels among forensic medical sophistic and historiographic discourses that reflect a shared concern with how listeners come to know what they have not seen

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