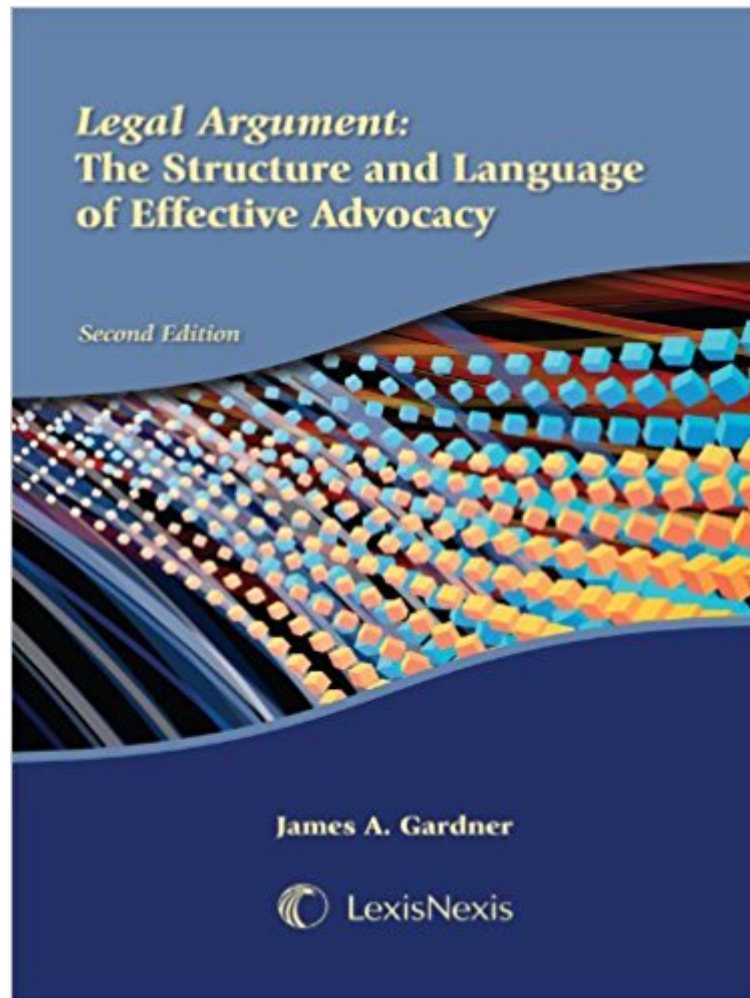




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Legal Argument: The Structure And Language Of Effective Advocacy



Synopsis

This book has two main purposes. The first is to explain how lawyers construct legal arguments. It is meant to be a purely practical guide to the process by which lawyers take the raw materials of litigation cases, statutes, testimony, documents, common sense and mold them into instruments of persuasive advocacy. The book's second purpose is to explain how to take a well-constructed legal argument and present it, in writing, in a way that legal decision makers will find persuasive. The centerpiece of *Legal Argument: The Structure and Language of Effective Advocacy* is a step-by-step method, based on the construction of syllogisms, designed to walk the advocate through the process by which such a winning argument may be crafted. The book is divided into five parts:

- Part I sets out a general methodology for constructing legal arguments.
- Part II focuses more closely on the construction of persuasive, well-grounded legal premises, and covers the effective integration of legal doctrine and evidence into the argument's structure.
- Part III shows how to put the method to work by giving two detailed examples of the construction of complete legal arguments from scratch.
- Part IV provides a detailed protocol for reducing well-constructed legal arguments to written form, along with a concrete illustration of that process. It also provides concrete advice on how to recognize and avoid a host of common mistakes in the written presentation of legal arguments.
- Part V moves from the basics into more advanced techniques of persuasive legal argument. These include rhetorical tactics of framing and emphasis, how to respond to arguments, maintaining professionalism in advocacy, and the ethical limits of argument.

Book Information

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Customer Reviews

This textbook for law students provides a concise introduction to legal advocacy that discusses and explains: (1) how to frame legal arguments for presentation to a court; (2) how to anticipate and respond to opposing legal arguments; (3) the need to avoid some common problems and pitfalls in legal advocacy; and (4) how rhetorical techniques can be used to make written advocacy more effective. This is a textbook I would have liked to have available when I was in law school many years ago. Although written for law students, this book could be of interest to paralegals, and college students planning to go to law school. And, a professor or instructor interested in exposing college students to different forms of argumentation might consider using this book as a reference guide. Readers interested in this book should consider taking a look at Wilson R. Huhn, *Å* The Five Types of Legal Argument, Second Edition.

I am a first year Law Student and I bought this book on my Legal Writing Professor's recommendation. I was a bit hesitant at first because it was more expensive than I could really afford, but I reasoned that it was a small investment compared to the \$30K+ a year I was already investing in school. I have to tell you I LOVE this book! Mr. Gardner lays out how to make an effective Legal Argument step-by-step in an easy to understand manner. Learning to make effective and persuasive Legal Arguments is pretty much the essence of Law School. All Law School exams are graded based on your reasoning and logic skills. This book hands you the tools to ace your exams and writing assignments on a silver platter! I have tried lots of different study aides, and this is the first one where I felt I truly found the KEY to being successful in Law School. I am definitely going to keep this on my reference shelf throughout Law School and into my practice of law - it's that valuable. I know I will reap dividends for years to come from this investment, because the better grades I get in Law School, the better paying job I can get after graduation. This one is well worth it!

Law studies require a different approach - you need to be skilled in creating syllogisms. This book is very useful for the layperson with little knowledge of formal logic. As I am at the beginning of my law degree I am pleased that I bought this book now - in legal process we were told to use IRAC to structure our answers to legal problems but this book gets down to the nitty gritty - useful for all common law jurisdictions.

The smartest lawyer I know, and the book proves it.

Total transparency, the author was my professor, and he was writing this while I was a student of his. Gardner teaches the basics of syllogistic argument, and it benefits anyone who is looking to build a persuasive argument. The writing is clear and concise, and easy to follow. I recommend this book for law students, people already in the study of law, and anyone who wants to make a solid argument for their side.

Ah, where to begin: This little book saved my law school career. For all the "writing" law students do in law school, very little time is actually spent teaching the student the nuances of constructing an argument. Of course, many people will have had many different experiences with their Research and Writing instructor--but for those of you who would like to see how it's done in clear and concise language, this book is for you. Professor Gardner doesn't waste time prattling on about himself, or his philosophy or for that matter what distinguishes good writing from mediocre writing. What he does do is demonstrate in a very simple and easy to understand manner how a writer should construct a legal argument. The principles he describes are simple, clear, and logical, and the best part is that the book can be used in any sort of persuasive argument. Professor Gardner has geared it towards legal writing, but the principles involved will make any argument better. Let's face it, legal writing is dry and to the point, but it's supposed to be, the writers aren't shooting for a Pulitzer. However, Professor Gardner insures that whether you are a professional-quality jazz pianist, a mediocre tennis player, or just someone who has to write an argument, even if you have to write bone-dry, mouthful-of-sand-under-the-blazing-heat-of-the-desert prose, your argument will stand up to intense scrutiny and will have a solid foundation. Buy this book for law school, buy this book for critical thinking classes, buy this book for use whenever you need to persuade someone else of the error of their ways, but whatever you do, buy this book. `Nuff said.

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