

KIMEP University School of Law
LWI One-Day Workshop
Friday, December 4, 2020
9:00 a.m. – 2:00 p.m. PST

9:00 – **Fred Isaacs (KIMEP University)**
9:50 **Persuasive Writing for Appellate Courts**

Despite the existence of moot court training and legal research and writing classes in law school, most students' efforts in these courses are focused on learning legal terminology and the nuts-and-bolts of citing legal authority, not arguing persuasively. The purpose of this short presentation will be to help show students what appellate judges are looking for -- and what they don't want to see -- in a good brief.

Kim Holst (Arizona State University)
Modes of Persuasion in Alternative Dispute Resolution

In law school, persuasion is largely discussed in the context of litigation. Persuasive skills are equally important when seeking to avoid or resolve disputes in alternative contexts. This presentation will focus on how the modes of persuasion (ethos, pathos, logos, and kairos) can be applied in alternative contexts such as negotiations and mediation.

9:50 – Break
10:00

10:00 – **Rachel Stabler (Arizona State University)**
10:50 **Using Mandatory Court Observations to Teach Legal Analysis and Persuasion**

Many legal writing programs require students to observe court proceedings during their 1L year. This experience helps bridge the gap between legal theory and practice: by observing lawyers actively engaging in advocacy, students better understand the lessons they are learning in the classroom and how to apply them in practice. This presentation will walk through the best practices to use when implementing this requirement so that students can learn the most from the experience.

Janet Dickson (Seattle University)
**Ten Tips to Overcoming Student Fears to Maximize Persuasion
in Oral Argument**

Many students come to law school with a fear of public speaking that prevents them from effectively presenting oral arguments or advocating for their clients in any situation that requires them to speak. This presentation gives 10 tips on how to help our students conquer their fears and unleash their ability to persuade their listeners.

10:50 – Break
11:00

11:00 – **Regina Hillman (University of Memphis) and Anna Vescovo
11:50 (University of Memphis)**
**Learning to Paint the Picture in Persuasive Writing with In-
Class Exercises**

Our proposed presentation will focus on the use of in-class writing exercises to teach students how to (1) re-write an objective rule into a persuasive rule; (2) find the right balance to persuade using case facts; (3) balance the use of emotion; and (4) effectively paint a picture in persuasive arguments.

Mark Wojcik (UIC John Marshall Law School)
**Creating Meaningful and Appropriate Assignments for
Objective Analysis, Persuasive Advocacy, and Transactional
Drafting**

In the world of legal writing education, one size does not fit all. Writing assignments must be appropriate to the skill level and professional needs of the students. This interactive presentation will engage the participants in identifying topics, materials, and educational goals of three different types of writing assignments: objective analysis, persuasive advocacy, and transactional drafting.

11:50 – Break
12:00

12:00 – **Kirsten Dauphinais (University of North Dakota)**
12:50 **The Angel and the Racing Stakes: Putting a Face on *Pathos***

Law students often struggle with advancing persuasive legal arguments. They struggle even more with presenting precedent based arguments in concert with arguments from policy or equity.

I have developed two devices to help students in thinking of *pathos* based arguments in a more intentional manner, not just as desultory sentences professors demand they drop into briefs and oral arguments. “The Angel” is a trope designed to aid the advocate give life to their cause, particularly where the client him, her, or itself, is less than sympathetic. “The Quadfecta” has the advocate winning four persuasive races at once.

Andrew Turner (University of Wisconsin)
**Teaching Students to Use Persuasive Authority Persuasively:
Why Students Struggle and What to Do About It**

Many students struggle to use persuasive authority effectively in persuasive writing. Either they shy away from it unnecessarily or use it recklessly. Few use it successfully to persuade skeptical readers. This presentation focuses on helping students acquire pragmatic techniques to overcome readers’ natural skepticism about persuasive authority. I will share techniques to help students use persuasive authority properly and effectively in persuasive writing including “bridging” to persuasive authority (explaining how and why), stacking persuasive techniques (layering different methods to increase persuasion), proper focusing (finding the right level of abstraction for persuasion), and the distinction between persuasive and binding analogies.

12:50 – Break
1:00

1:00 – 1:50 **Susie Salmon (University of Arizona)**
Teaching Oral Advocacy Online

The pandemic has pushed significant aspects of law practice online, escalating what had already been a gradual trend. With legal education and moot-court competitions also shifting at least partially to the virtual realm, we face an ideal opportunity to train the legal advocates of the future in some best practices of online oral persuasion. This presentation will discuss the shift to virtual advocacy, outline some “dos and don’ts” of online oral argument, and suggest online exercises.

Michael Blasie (Penn State Dickinson)
Reply Briefs Are Not Repeat Briefs

Reply briefs are powerful tools rarely used effectively. This presentation highlights persuasive writing techniques specific to

reply briefs. These techniques include, (1) streamlining a case by distinguishing what remains disputed from what is uncontested, (2) triaging which opposition arguments warrant a response and the depth of that response, including when the opposition has multiple legal or factual inaccuracies, (3) refuting opposition case law without discussing each case, and (4) helping the court resolve close calls and setting up oral argument.

1:50

Concluding Remarks