

MAKING YOUR CASE

*The
Art of
Persuading
Judges*

ANTONIN SCALIA
BRYAN A. GARNER

Making Your Case The Art Of Persuading Judges

Antonin Scalia

Rosina Ehmann



Making Your Case The Art Of Persuading Judges Antonin Scalia:

Making Your Case Antonin Scalia, Bryan A. Garner, 2008 In their professional lives courtroom lawyers must do these two things well speak persuasively and write persuasively In this noteworthy book two noted legal writers systematically present every important idea about judicial persuasion in a fresh entertaining way The book covers the essentials of sound legal reasoning including how to develop the syllogism that underlies any argument From there the authors explain the art of brief writing especially what to include and what to omit so that you can induce the judge to focus closely on your arguments Finally they show what it takes to succeed in oral argument

Brief-Writing Master Plan Chinua Asuzu, 2022-08-23 As much a sword as a shield Brief Writing Master Plan offers an unparalleled and unprecedented curriculum of written advocacy It s a sparkling alchemical blend of doctrine ethics and skills It recruits linguistics logic psychology rhetoric and semantics into the arsenal of learned advocacy It contains the rhetorical wisdom of ages pages and sages An advocate files a brief to persuade the judge to decide the lawsuit in favor of the advocate s client The keyword is persuade Too often advocates forget this and write to please themselves They address themselves instead of the court They write in chest thumping prose and style Advocates will do well to keep in mind that in advocacy all that counts is persuading the judiciary Hence Brief Writing Master Plan responds to the judicial wish list for advocates writing style and substance This book is a transformative resource with the potential to accelerate court proceedings by easing judicial burdens and caseloads A sober reflection on the advocate s duty to the court Brief Writing Master Plan encourages professional candor decency and honesty Writing as taught in this book will surely propel you to the top 1% of the global legal profession and secure your legacy

Legal Writing in Plain English, Third Edition Bryan A. Garner, 2023-09-06 The leading guide to clear writing StartFragment and clear thinking StartFragment in the legal profession for more than two decades now newly updated Admirably clear concise down to earth and powerful all too often legal writing embodies none of these qualities Its reputation for obscurity and needless legalese is widespread Since 2001 Bryan A Garner s Legal Writing in Plain English has helped address this problem by providing lawyers judges paralegals law students and legal scholars with sound advice and practical tools for improving their written work Now the leading guide to clear writing in the field this indispensable volume encourages legal writers to challenge conventions and offers valuable insights into the writing process how to organize ideas create and refine prose and improve editing skills Accessible and witty Legal Writing in Plain English draws on real life writing samples that Garner has gathered through decades of teaching experience Trenchant advice covers all types of legal materials from analytical and persuasive writing to legal drafting and the book s principles are reinforced by sets of basic intermediate and advanced exercises in each section For this third edition Garner has retained the structure of the previous versions with updates and new material throughout There are new sections on making your writing vivid and concrete and on using graphics to enhance your argument The coverage and examples of key topics such as achieving parallelism avoiding legalese writing

effective openers and summaries and weaving quotations into your text have also been expanded And the sample legal documents and exercises have been updated while newly added checklists provide quick summaries of each section Altogether this new edition will be the most useful yet for legal professionals and students seeking to improve their prose

Legal Writing in Plain English Bryan A. Garner, 2022-12-22 This easy to follow guide is useful both as a general course of instruction and as a targeted aid in solving particular legal writing problems Harvard Law Review Clear concise down to earth and powerful all too often legal writing embodies none of these qualities Its reputation for obscurity and needless legalese is widespread For more than twenty years Bryan A Garner s Legal Writing in Plain English has helped address this problem by providing lawyers judges paralegals law students and legal scholars with sound advice and practical tools for improving their written work The leading guide to clear writing in the field this indispensable volume encourages legal writers to challenge conventions and offers valuable insights into the writing process that will appeal to other professionals how to organize ideas create and refine prose and improve editing skills Accessible and witty Legal Writing in Plain English draws on real life writing samples that Garner has gathered through decades of teaching Trenchant advice covers all types of legal materials from analytical and persuasive writing to legal drafting and the book s principles are reinforced by sets of basic intermediate and advanced exercises in each section In this new edition Garner preserves the successful structure of the original while adjusting the content to make it even more classroom friendly He includes case examples from the past decade and addresses the widespread use of legal documents in electronic formats His book remains the standard guide for producing the jargon free language that clients demand and courts reward Those who are willing to approach the book systematically and to complete the exercises will see dramatic improvements in their writing Law Library Journal

Failures of American Civil Justice in International Perspective James R. Maxeiner, 2011-08-29 Civil justice in the United States is neither civil nor just Instead it embodies a maxim that the American legal system is a paragon of legal process which assures its citizens a fair and equal treatment under the law Long have critics recognized the system s failings while offering abundant criticism but few solutions This book provides a comparative critical introduction to civil justice systems in the United States Germany and Korea It shows the shortcomings of the American system and compares them with German and Korean successes in implementing the rule of law The author argues that these shortcomings could easily be fixed if the American legal systems were open to seeing how other legal systems civil justice processes handle cases more efficiently and fairly Far from being a treatise for specialists this book is an introductory text for civil justice in the three aforementioned legal systems

The Rhetorical Invention of Diversity M. Kelly Carr, 2018-05-01 Despite the tepid reception of Regents of the University of California v Bakke in 1978 the Supreme Court has thrice affirmed its holding universities can use race as an admissions factor to achieve the goal of a diverse student body This book examines the process of rhetorical invention followed by Justice Lewis F Powell Jr his colleagues and other interlocutors as they sifted through arguments surrounding

affirmative action policies to settle on diversity as affirmative action's best constitutional justification. Here M. Kelly Carr explores the goals, constraints, and argumentative tools of the various parties as they utilized the linguistic resources available to them, including arguments about race, merit, and the role of the public university in civic life. Using public address texts, legal briefs, memoranda, and draft opinions, Carr looks at how public arguments informed the amicus briefs, chambers memos, and legal principles before concluding that Powell's pragmatic decision-making fused the principle of individualism with an appreciation of multiculturalism to accommodate his colleagues' differing opinions. She argues that Bakke is thus a legal and rhetorical milestone that helped to shift the justificatory grounds of race-conscious policy away from a recognition of historical discrimination and its call for reparative equality and toward an appreciation of racial diversity. *Nino and Me* Bryan A. Garner, 2019-05-21 From legal expert and veteran author Bryan Garner comes a unique, intimate, and compelling memoir of his friendship with the late Supreme Court Justice Antonin Scalia. For almost thirty years, Antonin Scalia was arguably the most influential and controversial Justice on the United States Supreme Court. His dynamic and witty writing, devoted to the Constitution, has influenced an entire generation of judges. Based on his reputation for using scathing language to criticize liberal court decisions, many people presumed Scalia to be gruff and irascible. But to those who knew him as Nino, he was characterized by his warmth, charm, devotion, fierce intelligence, and loyalty. Bryan Garner's friendship with Justice Scalia was instigated by celebrated writer David Foster Wallace and strengthened over their shared love of language. Despite their differing viewpoints on everything from gun control to the use of contractions, their literary and personal relationship flourished. Justice Scalia even officiated at Garner's wedding. In this humorous, touching, and surprisingly action-packed memoir, Garner gives a firsthand insight into the mind, habits, and faith of one of the most famous and misunderstood judges in the world. *The Roles of Psychology in International Arbitration* Tony Cole, 2017-03-15 The system of international arbitration is built on private contractual relations yet has been endorsed by governments around the world as a fair and reliable alternative to litigation in state courts. As a private process, however, its authority and legitimacy derive entirely from the views and actions of those involved in the arbitral process: whether arbitrators, counsel, or parties. It is though increasingly clear that psychological factors complicate and in some cases radically change every arbitral proceeding. In this context, psychological insights are crucial for understanding how international arbitration genuinely operates and whether the legal framework currently applied to it is well suited to achieving the aims of ensuring a fair and reliable dispute resolution procedure. This is the first book to focus on this important issue: the insights into international arbitration that can be gained from contemporary psychology. With contributions from nineteen internationally known figures in their fields—arbitrators, mediators, lawyers, law professors, psychology professors, psychologists—and drawing from a longer-term project on the role of psychology in arbitration, this ground-breaking volume addresses a range of topics, including the following: the decision-making processes of arbitrators; the ability of arbitration to serve as a genuine dispute resolution mechanism; the impact of

particular procedures on the arbitral process bias self deception and vested interests in judgment and decision making the role of arbitrators in managing the arbitral process cultural differences in the evaluation of arguments psychological influences on witness testimony the impact of tribunal composition on arbitral decision making the influence of arbitration s professional context on arbitrators and legal counsel and methods for arbitrators and legal counsel to more effectively manage the arbitral process Informed by the behavioural insights in these essays counsel and arbitrators will be enabled to think critically about the underlying assumptions and the potential behavioural effects of a prospective arbitration while individuals researching arbitration will gain a greater understanding of the psychological context in which every arbitration occurs This book meets the increasingly recognized need for understanding the role of psychology in arbitral proceedings and forms an indispensable foundation for subsequent work in this area Its innovative and forward thinking analysis will be of immeasurable value to the international arbitration community as well as to institutions supporting arbitration and to academics in the field

Department of Justice Manual Wolters Kluwer,2012-03-23 The new Department of Justice Manual Third Edition takes you inside all the policies and directives outlined in the latest U S Attorneys Manual used universally by the DOJ in civil and criminal prosecutions Along with comprehensive coverage of all the information relied on by today s DOJ attorneys this guide offers you other valuable DOJ publications in the form of Annotations You ll find the Asset Forfeiture Manual the Freedom of Information Act Case List and Merger Guidelines And it s all incorporated in a comprehensive six volume reference You ll discover how to Request immunity for clients using actual terminology from factors that DOJ attorneys must consider Phrase a FOIA request so as to avoid coming within an exempted category of information Draft discovery requests using terminology to avoid triggering an automatic denial by the DOJ Counsel clients on DOJ investigative tactics and their significance using actual DOJ memoranda Develop trial strategies that exploit common problems with certain methods of proof and kinds of evidence offered by the government Propose settlements or plea bargain agreements within the authority of the DOJ attorney handling the case This new Third Edition of Department of Justice Manual has been expanded to eight volumes and the materials have been completely revised to accommodate newly added materials including the text of the Code of Federal Regulations Title 28and Judicial Administration as relevant to the enforcement of the Federal Sentencing Guidelines by the Department of Justice The Manual for Complex Litigation and The United States Sentencing Commission Guidelines Manual The new edition also includes The National Drug Threat Assessment for Fiscal Year 2011 and the updated version of the Prosecuting Computer Crimes Manual In an effort to provide you with the best resource possible as part of the Third Edition the Commentaries in each volume have been renumbered to refer to the relevant section in the United States Attorneyand s Manual for more efficient cross referencing between the Manual and the Commentaries

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

Abraham Lincoln and the Structure of Reason David Hirsch, Dan Van Haften, 2010-11-19 The secrets of one of history's greatest orators are revealed in one of the most stunningly original works on Abraham Lincoln to appear in years John Stauffer professor of English and history Harvard University For more than 150 years historians have speculated about what made Abraham Lincoln truly great How did Lincoln create his compelling arguments his convincing oratory and his unforgettable writing Some point to Lincoln's study of grammar literature and poetry Others believe it was the deep national crisis that gave import to his words Most agree that he honed his persuasive technique in his work as an Illinois attorney Here the authors argue that it was Lincoln's in depth study of geometry that made the president's verbal structure so effective In fact as the authors demonstrate Lincoln embedded the ancient structure of geometric proof into the Gettysburg Address the Cooper Union speech the first and second inaugurals his legal practice and much of his substantive post 1853 communication Also included are Lincoln's preparatory notes and drafts of some of his most famous speeches as well as his revisions and personal thoughts on public speaking and grammar With in depth research and provocative insight Abraham Lincoln and the Structure of Reason offers a whole new angle on Lincoln's brilliance James M Cornelius Curator Lincoln Collection Abraham Lincoln Presidential Library and Museum

Motion Practice David F. Herr, Roger S. Haydock, Jeffrey W. Stempel, 2017-06-03 This comprehensive guide not only analyzes every applicable rule of civil procedure but also gives you practice proven techniques for evaluating what motions will work most effectively in each of your cases From early pretrial motions dealing with complaints and jurisdiction to appellate motion practice for both victor and vanquished *Motion Practice* Eighth Edition shows you both what is permissible and what is advisable in such aspects of motion practice as A General Theory of the Civil Action Thomas Joseph Asma, 2018-09-30 A general theory of the civil action

I Do Solemnly Swear Steve Sheppard, 2009-04-27 This book asks whether officials can be moral and still follow the law answering that the law requires them to do so

How to Get Grant Money in the Humanities and Social Sciences Raphael Brewster

Folsom, 2019-01-08 A valuable and engaging guide to applying for and getting grants in the humanities and social sciences Scholars in the humanities and social sciences need money to do research This book shows them how to get it In this accessible volume Raphael Folsom shares proven strategies in a series of short witty chapters It features tips on how graduate students postdocs and young faculty members can present themselves and their work in the best possible light The book covers the basics of the grant writing process including finding a mentor organizing a writing workshop conceptualizing the project on a larger scale and tailoring an application for specific submissions The book includes interviews with nine of the most respected scholars in the country each of whom has evaluated thousands of grant applications The first authoritative book on the subject Folsom's indispensable work will become a must have resource for years to come

The

Supreme Court and Tribal Gaming Ralph A. Rossum, 2011-04-27 When the Cabazon Band of Mission Indians a small tribe of only 25 members first opened a high stakes bingo parlor the operation was shut down by the State of California as a violation of its gambling laws It took a Supreme Court decision to overturn the state's action confirm the autonomy of tribes and pave the way for other tribes to operate gaming centers throughout America Ralph Rossum explores the origins arguments and impact of California v Cabazon Band of Mission Indians the 1987 Supreme Court decision that reasserted the unique federally supported sovereignty of Indian nations effectively barring individual states from interfering with that sovereignty and opening the door for the explosive growth of Indian casinos over the next two decades Rossum has crafted an evenhanded overview of the case itself its origins how it was argued at every level of the judicial system and the decision's impact as he brings to life the essential debates pitting Indian rights against the regulatory powers of the states He also provides historical grounding for the case through a cogent analysis of previous Supreme Court decisions and legislative efforts from the late colonial period to the present tracking the troubled course of Indian law through a terrain of abrogated treaties unenforced court decisions confused statutes and harsh administrative rulings In its decision the Court held that states are barred from interfering with tribal gaming enterprises catering primarily to non Indian participants and operating in Indian country As a result of that ruling and of Congress's subsequent passage of the Indian Gaming Regulatory Act tribal gaming has become a multibillion dollar business encompassing 425 casinos operated by 238 tribes in 29 states Such enormous growth has funded a renaissance of reservation self governance and culture once written off as permanently impoverished As Rossum shows Cabazon also brings together in one case a debate over the meaning of tribal sovereignty the relationship of tribes to the federal government and the states and the appropriateness of having distinctive canons of construction for federal Indian law His concise and insightful study makes clear the significance of this landmark case as it attests to the sovereignty of both Native Americans and the law

Reflections on Judging Richard A. Posner, 2013-10-07 For Richard Posner legal formalism and formalist judges notably Antonin Scalia present the main obstacles to coping with the dizzying pace of technological advance Posner calls for legal realism gathering facts considering context and reaching a sensible conclusion that inflicts little collateral damage on other areas of the law

The Oxford Handbook of International Arbitration Thomas Schultz, Federico Ortino, 2020-09-11 This Handbook brings together many of the key scholars and leading practitioners in international arbitration to present and examine cutting edge knowledge in the field Innovative in its breadth of coverage chapter topics range from the practicalities of how arbitration works to big picture discussions of the actors involved and the values that underpin it The book includes critical analysis of some of international arbitrations most controversial aspects whilst providing a nuanced account overall that allows readers to draw their own informed conclusions The book is divided into six parts after an introduction discussing the formation of knowledge in the field Part I provides an overview of the key legal notions needed to understand how international arbitration technically works such as the relation

between arbitration and law the power of arbitral tribunals to make decisions the appointment of arbitrators and the role of public policy Part II focuses on key actors in international arbitration such as arbitrators parties choosing arbitrators and civil society Part III examines the central values at stake in the field including efficiency legal certainty and constitutional ideals Part IV discusses intellectual paradigms structuring the thinking in and about international arbitration such as the idea of autonomous transnational legal orders and conflicts of law Part V presents the empirical evidence we currently have about the operations and effects of both commercial and investment arbitration Finally Part VI provides different disciplinary perspectives on international arbitration including historical sociological literary economic and psychological accounts

The Chicago Guide to Grammar, Usage, and Punctuation Bryan A. Garner, 2020-03-04 The authoritative guide to using the English language effectively from the greatest writer on grammar and usage that this country has ever produced David Yerkes Columbia University The author of The Chicago Manual of Style s popular Grammar and Usage chapter Bryan A Garner is renowned for explaining the vagaries of English with absolute precision and utmost clarity With The Chicago Guide to Grammar Usage and Punctuation he has written the definitive guide for writers who want their prose to be both memorable and correct Garner describes standard literary English the forms that mark writers and speakers as educated users of the language He also offers historical context for understanding the development of these forms The section on grammar explains how the canonical parts of speech came to be identified while the section on syntax covers the nuances of sentence patterns as well as both traditional sentence diagramming and transformational grammar The usage section provides an unprecedented trove of empirical evidence in the form of Google Ngrams diagrams that illustrate the changing prevalence of specific terms over decades and even centuries of English literature Garner also treats punctuation and word formation and concludes the book with an exhaustive glossary of grammatical terms and a bibliography of suggested further reading and references The Chicago Guide to Grammar Usage and Punctuation is a magisterial work the culmination of Garner s lifelong study of the English language The result is a landmark resource that will offer clear guidelines to students writers and editors alike A manual for those of us laboring to produce expository prose nonfiction books journalistic articles memorandums business letters The conservatism of his advice pushes you to consider audience and occasion so that you will understand when to follow convention and when you can safely break it John E McIntyre Baltimore Sun *Garner's Modern English Usage* Bryan Garner, 2016-03-11 A cornerstone of Oxford s language reference list Garner s Modern English Usage now includes revisions to more than 2 000 entries to reflect the nuances of English usage not only in the United States but in Australia and New Zealand the United Kingdom Canada and South Africa

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