

ASPEN COURSEBOOK SERIES

# ADVANCED LEGAL WRITING

Theories and  
Strategies in  
Persuasive  
Writing

*THIRD EDITION*

Michael R. Smith



**Wolters Kluwer**

Law & Business

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# Advanced Legal Writing

*Theories and Strategies  
in Persuasive Writing*

Third Edition

Michael R. Smith

*Professor of Law  
University of Wyoming College of Law*



Wolters Kluwer  
Law & Business

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*To Lois Ann and Windrem  
For the support. For the faith. For the sacrifice.*

# Preface

As the title indicates, this book covers *theories and strategies in persuasive writing*. It is designed to build on the introductory persuasive writing instruction offered in most first-year legal writing courses by covering specific strategies and techniques that lawyers can employ to make their writing more persuasive.

The persuasive strategies covered in this book are based not merely on anecdotal advice but on theoretical principles of human nature that are relevant to the process of persuasion. A tremendous amount of research and scholarship has been undertaken in other disciplines—such as cognitive psychology, literary theory, and classical rhetoric theory, to name a few—regarding aspects of human nature that are important in persuasion. Accordingly, lawyers, as persuasive writers, have much to learn from these disciplines. This book analyzes persuasive writing strategies that are designed to tap into and account for some of the human behavior tendencies that have been identified and explored in these other disciplines.

This text has two main goals. The first is to provide legal writers with specific techniques they can use to make their legal documents more persuasive. The second, more general, goal is to introduce students to the “hidden world” of powerful forces underlying effective persuasive writing, a world that the legal profession is just beginning to explore and understand.

This third edition of this book has three major changes from the second edition. First, the formatting of the text has been revised to make the book more open and accessible to the reader. Second, the rhetorical analysis of television commercials in Chapter 2—where students are first introduced to the concepts of logos, pathos, and ethos—has been updated to include the examination of some more current ads. Third, Chapter 15 on rhetorical figures of speech has been revised to include a new section on the stylistic device of *alliterative antithesis*. This new section—section II.D of Chapter 15—also includes a new writing exercise that allows students to try their hands at crafting an original passage of alliterative antithesis.

Michael R. Smith  
December 2012



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