It cannot be denied, indeed, that there have been great lawyers, who were not great orators; as there have been great orators, who were not great lawyers. But it must be admitted at the same time, that, when both characters are united in the same person, human genius has approached as near perfection, as it may. They are kindred arts, and flourish best in the neighborhood of each other.

--Justice Joseph Story, Story’s Miscellaneous Writings 461 (1835).

The three authors - all “professional arguers” - promote The 12 Secrets of Persuasive Argument as filling a need. Despite our role as advocates, most attorneys fail to study argument as a subject, process and tool. In their 241-page study guide, Ronald Waicukauski, Paul Mark Sandler and JoAnne Epps address 12 key factors of persuasion. The book is a revised, updated and expanded edition of 2001’s The Winning Argument.

While labeled “secrets,” the factors are presented with references to some of the world’s greatest minds: Aristotle, Cardozo, Cicero, Darrow, Holmes, Lincoln, Shakespeare, Wellman, Wigmore, Younger. The authors have combed the classics, contemporary communication theory, social psychology and trial advocacy for examples to teach you persuasion and advocacy skills. Learning to make your arguments more persuasive will position you for success.

The 12 secrets headline the 12 chapters of this book:

1. Focus on your goal (12 pages).
2. Tailor your argument to the decision-maker (30 pages).
3. Cultivate ethos (14 pages).
4. Base your argument on reasons (24 pages).
5. Build with evidence, law and policy (26 pages).
6. Appeal to emotion (10 pages).
7. Use the best medium for the message (18 pages).
8. Strategically arrange your arguments (24 pages).
9. Argue with style (22 pages).
10. Use delivery to enhance communication (16 pages).
11. Engage your listener (10 pages).
12. Immunize and refute opposing points (18 pages).

If you are a novice, The 12 Secrets will provide you with a thorough introduction to the Do’s and Don’ts for presenting arguments in structured legal settings. If you are a more experienced advocate, The 12 Secrets will remind you of which techniques work and why they work. You also will discover nuggets for maximizing your efforts and persuasiveness.

As an example, Secret #8 includes a discussion of Monroe’s Motivated Sequence, a five-step, problem-solving approach to argument. The sequence is based on modern communications theory and tracks the normal human process when confronted by problems:

1. Attention - Arouse interest and establish goodwill.
2. Need - Identify what is wrong and why.
3. Satisfaction - Propose a solution.
4. Visualization - Present a vision of the future.
5. Action - Ask for a specific action.

The three authors have trial advocacy backgrounds, with frequent contributions to teaching law students and practicing attorneys. Waicukauski is an Indianapolis trial attorney. He has taught at Indiana University School of Law, the National Institute of Trial Advocacy, and the Defense Counsel Trial Academy. Sandler is a Baltimore trial attorney. He has written numerous materials and lectured throughout the United States. Epps is the Dean and law professor at Temple University’s Beasley School of Law. She has been
a long-time faculty member of the National Institute of Trial Advocacy. All three authors have made significant contributions to the ABA Litigation Section.

The 12 Secrets of Persuasive Argument present you with the opportunity to refine your craft. Study argument as a subject, process and tool, and you will enhance your ability to persuade. You will be more satisfied with your efforts and more successful in your results. Someone else has researched the secrets and organized them for you. Now it is up to you to open the book, learn them and put them into practice. Your clients will thank you.