

# ADVANCED ADVOCACY (LAW 6000)

Stetson University College of Law

SYLLABUS – Fall Semester 2022

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## I. GENERAL OVERVIEW

Welcome to the first course of your Advocacy LL.M. This semester will explore concepts associated with persuading others from both a theoretical and practical perspective. The goal is to expose you to a variety of concepts associated with persuasion theory, and for us to explore their applications to practical advocacy. Expect to create a deeper understanding of what persuades in order to lay the foundation for your continued study and development throughout the rest of the Advocacy LL.M. At the end of the semester you will have improved your ability to advocate, as well as your understanding of what is happening underneath the surface when we attempt to persuade someone else to our way of thinking.

You will explore methods of persuasion from a theoretical perspective and apply the lessons learned through performance-based and discussion exercises designed to expand the boundaries of your understanding and mastery of advocacy techniques. This advanced approach to studying trial advocacy works best if we teach each other collectively while striving to stretch our own limits individually. Therefore, this course includes a strong emphasis on establishing and maintaining personal connections in order to facilitate effective communication. We will move back and forth between related subjects using a variety of electronic tools designed to allow us to effectively work together. Occasionally we may hear from subject matter experts or prominent national advocates throughout the semester.

Those of you who are relatively new to the practice of law may feel overloaded at times; just keep absorbing the material a little at a time and you will be fine. Those of you who are more experienced advocates should find yourself connecting the dots between your experiences and the theory supporting it. If we share effectively with one another both approaches should increase the quality of our time together.

### Goals:

1. Analyze personality traits, and understand how that impacts trial advocacy.
2. Deepen your understanding of rhetoric and its importance to trial advocacy.
3. Explore tenets of influence from other disciplines and how they can be

- employed in trial advocacy.
4. Survey aspects of courtroom psychology.
  5. Study the art of storytelling and its application to trial advocacy.
  6. Investigate your individual advocacy skills based upon your practice area interests.
  7. Develop your ability to understand, identify, teach, and critique “best practice” advocacy techniques.

## II. CLASS STRUCTURE

Our coursework includes reflective writing, performance video with feedback, lectures, and exercises. The course is designed to be delivered mostly asynchronously, allowing you to do your course work when it best fits your schedule. However, there will be live sessions scheduled for regular conversation about the topics we are studying.

If you run into any access or scheduling issues please contact me or Ms. Julie Kitzmiller, our Electronic Education Specialist, [jkitzmil@law.stetson.edu](mailto:jkitzmil@law.stetson.edu).

### Class Attendance Policy

The course will be conducted through the use of video lectures, electronic discussions on Canvas – including assignments and written feedback – from both classmates and myself. There will be a few online “live” sessions hosted through Canvas.

The Canvas system used to organize our materials records your course engagement. You are expected to review the materials sufficiently to accomplish the assigned tasks in accordance with Stetson’s attendance policies. The recorded presentations are classes, the observation of which are subject to the University attendance policy requirements, found at school website:

<https://www.stetson.edu/law/policies/home/media/attendance-requirements-for-electronic-education-courses-pdf.pdf>

Class participation is critical to success in this course. You will need to pay particular attention to the Canvas website and the time limits it places on the availability of each module (lesson). Thus, you should plan on touching the class regularly. This will serve two purposes: first, you will meet weekly deadlines for submitting assignments, and second, we will learn from each other by regular interaction, discussion, and debate.

### **1. Pre-recorded Lectures**

I will primarily instruct in a lecture format (via prerecorded lectures on Canvas) during which we will discuss and analyze advocacy topics and areas described in the weekly outline below. Additionally, you will be asked to view videos from other lectures

(TED presentations, etc) that are in each Canvas module.

## **2. Reading materials**

The structure of this particular course does not lend itself well to one specific text. I will instead use a series of individual books you can purchase online or in hard copy. These books may be supplemented by materials provided through Canvas. Those supplemental materials will include outlines, articles and teaching materials created to deepen your understanding of a particular subject. You are more than welcome to download them for your subsequent use. I ask only that you reference them appropriately, giving credit to the academics or practitioners who have developed them. My goal is that they will form an entire group of materials that you will then be able to use in the future.

## **3. Advocacy LIVE! Sessions**

I will supplement the Canvas lectures with live sessions held via ZOOM. I have both learned and taught advocacy theory in the online environment. This is my favorite part of the class, as it is the only time I get to personally and directly interact with you in the online environment.

The sessions may be me and you discussing advocacy issues, or they may have guests. Mostly, it is a chance for all of us to get together and talk about the materials, share “war stories”, and learn from each other. We will coordinate our schedules to make it happen.

Live sessions will be recorded and made available on Canvas in case you cannot attend the session in real time.

## **4. Discussion boards**

Some of your learning experience will be through the collaborative learning process via discussion boards in Canvas. This is accomplished by participation in discussions on the various topics. Due to the online structure of this course, your participation is critical, and will be the starting point for LIVE! discussions. I think you will find this part of the course very enriching.

## **5. Advocacy assignments**

There are several assignments throughout the semester, that you will submit through Canvas (and Acclaim, contained within Canvas). Some are written, some are recorded performances of advocacy skills. There will also be critiquing assignments (both self and of others) based on what we learn during the semester.

## 6. Final assignment

In the last two or so of the semester, there will be no lectures or reading assignments. You will undertake completion of final assignments, which may involve performing an advocacy skill and critiquing each other using what we learn during the semester, critiquing pre-recorded performances by Stetson J.D. students, and completion of an semester-long writing assignment.

## 7. Office Hours

I am available to talk, text, email, Zoom, etc. Email or text me, and we can take it from there. In-person meetings are great, too, as we can make them happen. I love talking advocacy, and will make myself available to you.

## 8. ADA

According to the College of Law policies on ADA Accommodations and ESL Testing Modifications, students with disabilities or foreign students may seek reasonable accommodations and/or ESL testing modifications for this course. Accommodations and/or modifications cannot be made unless written notice is provided from to the ADA Coordinator. To seek accommodations students must communicate with the ADA Coordinator as soon as possible at [ada@law.stetson.edu](mailto:ada@law.stetson.edu) and follow the procedures found on the school's Accessibility Resources website:

<http://www.stetson.edu/law/accessibility/index.php>

## III. GRADING

This course is graded in accordance with the LLM grading procedures identified in the Stetson Law *Grading, Academic Exclusion and Readmission, and Honors for LL.M. and M. Jur. Students*, found at the link below. There will not be a final exam, but I will instead base the final grade upon your participation as assigned throughout the course, and your participation in the assignments, exercises and projects (including the final projects).

<https://www.stetson.edu/law/policies/home/media/grading-academic-exclusion-and-readmission-and-graduation-honors-for-ll-m-students-pdf.pdf>

# FALL 2022 COURSE CALENDAR

(subject to change)

- Below you will find a weekly/bi-weekly schedule of events for this class. Keeping up is critical to real-time discussion and exchange of ideas.
- The schedule here corresponds with Canvas, so you can use this as a guide. In Canvas, you will find Lectures, Readings, Assignments (which can be papers, video submissions, or discussions).
- There will be a big “final project” at the end of the semester, which will be an advocacy exercise designed to incorporate all of the semester’s lessons.

## I. Finding Your Voice as an Advocate (Ethos)

### MODULE 1: Introduction; Personality Matters

8/29 – 9/4

**MODULE 1** serves as the introduction to Advanced Advocacy.

In Part I of this module, we will cover the journey to be expected, and introduce the concepts and ideas. We will take the time to introduce ourselves to each other.

In Part II, we will discuss personality and advocacy, and try to “type” each other while considering the impact of personality in the practice of law, in pretrial practice, and in the courtroom.

### MODULE 2: Rhetoric

9/5 – 9/18

**MODULE 2** is a refresher – and perhaps introduction – to the study of rhetoric. Rhetoric is a seemingly lost discipline, yet serves as the basis for persuasion (and communication as a whole). In this module, we will return to the basics and review the basic tenets of rhetoric – and how trial advocates can effectively use rhetoric in pretrial and courtroom practice.

## II. The Core Message: Finding the Story (Logos)

### MODULE 3: Psychology of Persuasion, 1

9/19 – 10/2

**MODULE 3** explores the psychology of persuasion – how to influence others to do what you want them to do. We will examine the principles of persuasion and extrapolate them to the courtroom and practice of law. We will also borrow from the world of business and marketing to study what makes an idea one with great impression and longevity – and how to use those qualities in the courtroom.

<b>MODULE 4: Psychology of Persuasion, 2</b>	10/3 – 10/9
<b>MODULE 4</b> takes a look at moral foundations theory, and how “social intuition” can be used as an effective tool in courtroom advocacy. We will analyze how moral foundations can be the foundations of themes and theories in your client’s story.	
<b>MODULE 5: Courtroom Psychology</b>	10/10 – 10/23
<b>MODULE 5</b> will take us into more traditional courtroom psychology studies. We will take a closer look at how juror’s perceive and process information, how we find out who and what they are, and how we can understand what they are – and are not – telling us.	
<b>III. Delivering the Story (Pathos)</b>	
<b>MODULE 6: Storytelling</b>	10/24 – 10/30
<b>MODULE 6</b> is a journey through a skill as old as time – storytelling. “As old as a campfire and as young as a tweet”, storytelling is what we do as advocates. We will discuss what makes a story meaningful and why storytelling is so incredibly important to the human experience – and to the trial lawyer.	
<b>MODULE 7: Advanced Advocacy Skills</b>	10/31 – 11/6
<b>MODULE 7</b> will be where we tie all of this together, and discuss how each of these individual areas of thought and idea fit into the various parts of courtroom advocacy. We will look at incorporating personality, storytelling, persuasion, morality, and rhetoric into actual practice.	
<b>IV. Advocacy Final Assessment</b>	
<b>Final Class Project</b>	11/7 – 11/27
The final assignment for this class will be a paper, video, or other work that encapsulates your growth as an advocate over the semester.	

**Books (in Module order)n (Get the listed or any newer edition)**

**REQ** Goldstein & Kroeger (2013). **Creative You: Using Your Personality to Thrive** (Beyond Words)

**REQ** Corbett & Connors (1999). **Classical Rhetoric for the Modern Student** (Oxford University Press) (selections provided on Canvas)

**REQ** Jay Heinrichs, (2017). **Thank you for Arguing: What Aristotle, Lincoln, and Homer Simpson Can Teach Us About the Art of Persuasion** (Crown)

**REQ** Cialdini, Richard (2004). **Influence: The Psychology of Persuasion** (Collins)

**REQ** Heath & Heath (2008). **Made to Stick: Why Some Ideas Survive and Others Die** (Random House)

**REQ** Frederick, Jeffrey T. (2019), **Modern Voir Dire and Jury Selection** (ABA)

**REQ BUT OUT OF PRINT** Waites, Richard (2003). **Courtroom Psychology & Trial Advocacy** (ALM) (out of print; copies are available online and selections provided on Canvas)

**REC** Meyer, Philip (2014), **Storytelling for Lawyers** (Oxford University Press)

**REC** Chris Anderson (2017) **TED Talks: The Official TED Guide to Public Speaking** (Harper Business)

**REC** Tom Asacker (2014). **The Business of Belief: How the World's Best Marketers, Designers, Salespeople, Coaches, Fundraisers, Educators, Entrepreneurs and Other Leaders Get Us to Believe** (Gildan Media)

**REC** Garr Reynolds (2008), **Presentation Zen Simple Ideas on Presentation Design and Delivery** (New Riders)