

pér-suad-able \pə(r)'swādəbəl\ *adj* [*persuade* + *-able*]
1 a : capable of persuading **b** : subject to being persuaded
2 obs : commendable to the judgment — **per-suad-able-ness**
 \-nəs\ *n* -ES — **per-suad-ably** \-blē,-bli\ *adv*
per-suade \pə(r)'swād\ *vb* -ED/-ING/-S [*L persuadēre*, fr. *per-*,
 prefix denoting completion + *suadēre* to advise, urge — more
 at *PER-*, *SUASION*] *vt* **1** : to induce by argument, entreaty,
 or expostulation into some mental position (as a determina-
 tion, decision, conclusion, belief) : win over by an appeal to
 one's reason and feelings (as into doing or believing some-
 thing) : bring (oneself or another) to belief, certainty, or
 conviction : argue into an opinion or procedure (he ~s his
 friend to study law) (persuaded us that we were wrong) (he
 ~s himself that you cannot fail) **2** : to use persuasion upon
 : plead with : URGE (even now at my elbow, persuading me
 not to kill the duke —Shak.) **3** : to demonstrate or prove
 (something) to be true, credible, essential, commendable, or
 worthy (as of belief, adoption, practice) : bring about by
 argument and persuasion the doing, practicing, or believing
 of (hadst thou thy wits, and didst ~ revenge —Shak.) **4** : to
 obtain or get with difficulty (as by coaxing) (finally persuaded
 an answer out of him) ~ *vi* **1** : to use or to prevail by per-
 suasion : plead movingly or successfully — sometimes former
 used with *with* **2** : to become persuaded (he ~s easily)
syn see *INDUCE*
per-suad-er \-də(r)\ *n* -s **1** : one that persuades **2** :
 thing (as a gun or whip) used in compelling
per-suad-ing-ly *adv* : in a persuading manner : so as to
 persuade (spoke ~ and at length)
per-sua-si-bil-i-ty \pə(r),swāzə'biləd-ē, -āsə-, -lətē\ *n*
 : **PERSUADABILITY**

BUILDING A PERSUASIVE CASE

From Briefing to Motions for
Reconsideration

1

PICKING UP THE BANKER'S BOX



2

The Record

- Parties responsible for designating – IAR 28(a)
- Standard record in civil case – IAR 28(b)(1)
 - Pleadings
 - Findings of Fact and Conclusions of Law and Memorandum Decisions
 - Judgments and Decrees
 - NO BRIEFING
- Standard record in criminal case – IAR 28(b)(2)
- Standard record in administrative proceedings – IAR 28(b)(3)
- Designate additional records in NOA – IAR 17(i)
- Designate transcript in NOA – IAR 17(h)
- Designate exhibits in NOA – IAR 17(j)

3

MOTION TO AUGMENT

- "At any time before the issuance of an opinion . . . " IAR 30(a)



4



ERROR ANALYSIS

- WHAT DID THE TRIAL COURT DO?
- WHY WAS IT WRONG?
- WHAT IS OUR AUTHORITY TO DO SOMETHING ABOUT IT?



5

BRIEFING

“It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of light, it was the season of darkness, it was the spring of hope, it was the winter of despair.”



6

BRIEFING

- Orient Reader Quickly
- Maps/Diagrams/Photos
- Bullet Lists
- Outline of Argument
- Short, Choppy Sentences
- Quotes
 - Statutes
 - Rules
 - Contract provisions



7



ORAL AGUMENT

- IDAHO PUBLIC TELEVISION
- CONVERSATION ABOUT THE LAW
- COMPUTER SCREENS ON BENCH
- DON'T BE AFRAID TO SIT DOWN EARLY

8

MOTIONS FOR RECONSIDERATION

- TONE
- INACCURACIES
- INCONSISTENCIES
- CASE LAW DISCREPANCY

