

An Advocate Persuades
Major Changes between First and Second Editions

The most significant change between the first and second edition of *An Advocate Persuades* is a reorganization of content. The reorganization intends to make it easier for professors to assign chapters and for students to find relevant material. The reorganization also combined what was previously two chapters about trial motions and two chapters about appellate briefs into a single chapter about trial motions and a single chapter about appellate briefs. Doing so eliminated overlap.

The chart below outlines the new organization, in which the book has been divided into four parts. The center column of the chart lists the chapters you will see in the second edition. The left-hand column lists the analogous chapter from the first edition. The right-hand column explains any significant changes in content.

Part 1: Introduction to Advocacy		
1st ed	2d ed	Changes in content
Ch. 1 <i>The Nature of Persuasion</i>	Ch. 1 <i>The Nature of Persuasion</i>	Minor changes only.
Ch. 2 <i>The Ethical, Professional Advocate</i>	Ch. 2 <i>The Ethical, Professional Advocate</i>	Minor changes only.
Part 2: Developing Persuasive Arguments		
1st ed	2d ed	Changes in content
Ch. 7 <i>Organizing Persuasive Arguments</i>	Ch. 3 <i>Organizing Persuasive Arguments</i>	Minor changes only.
§ 7.1 <i>Organizing Claims and Arguments</i>	§ 3.1 <i>Organizing Claims and Arguments</i>	Discussion about introductory roadmaps expanded to address options for introductory roadmaps with more complex governing rules.
§ 7.2 <i>Structuring Analogical Arguments</i>	§ 3.2 <i>Structuring Analogical Arguments</i>	Minor changes only.
§ 7.3 <i>Structuring Rule-Based Arguments</i>	§ 3.3 <i>Structuring Rule-Based Arguments</i>	Minor changes only.
§ 7.4 <i>Using Rule-Based</i>	§ 3.4 <i>Using Rule-Based and</i>	Minor changes only.

<i>and Analogical Arguments Together</i>	<i>Analogical Arguments Together</i>	
§ 7.5 <i>Structuring Factor Analyses</i>	§ 3.5 <i>Structuring Factor Analyses</i>	Minor changes only.
Ch. 6 <i>Themes for Persuasive Arguments</i>	Ch. 4 <i>Themes for Persuasive Arguments</i>	Some examples updated. Content reorganized but remains largely the same.
Ch. 8 <i>Developing Persuasive Arguments</i>	Ch. 5 <i>Drafting Persuasive Arguments</i>	“Ladder of abstraction” concept introduced to expand discussion about how to envision rules, cases, and their application broadly or more narrowly.
Ch. 9 <i>Refining Persuasive Arguments</i>	Ch. 6 <i>Refining Persuasive Arguments</i>	Discussion about paragraph cohesion has been expanded.
Ch. 13 <i>Editing and Polishing for Persuasion</i>	Ch. 7 <i>Editing Persuasive Arguments</i>	Chapter now focuses on the argument section only. (The analogous first edition chapter addressed editing an entire document—either a trial motion and supporting memorandum or an appellate brief.) Some content moved from paragraphs to tables to make the material more inviting and easier to use.
Part 3: Constructing Persuasive Court Documents		
1st ed	2d ed	Changes in content
Ch. 4 <i>Motion Practice</i>	Ch. 8 <i>Trial Motions & Motion Practice</i>	Chapters 4 and 10 from the first edition were combined to reduce overlap and streamline content.
Ch. 10 <i>Constructing Motions & Supporting Memorandum</i>		
	Ch. 9 <i>Appellate Briefs & Appellate Practice</i>	Chapters 5 and 11 from the first edition were combined to reduce overlap and streamline content. The merged chapter was divided into sections to make assigning sections easier for professors.
Ch. 5 <i>Appellate Practice</i>	§ 9.1 <i>Appellate Briefs: An Example</i>	Only minor changes.

	§ 9.2 <i>Appellate Practice</i>	Information reordered. In particular, discussion about standards of review moved up to give that concept prominence and to make it easier for a professor to omit appellate concepts that follow (i.e., preservation of error, harmless error, right for the wrong reason). Discussion about rules that govern appeals has been moved to § 9.3.
Ch. 11 <i>Constructing Appellate Brief</i>	§ 9.3 <i>Constructing an Appellate Brief</i>	Discussion about drafting the question presented has been expanded.
Ch. 12 <i>Statements of Fact and of the Case</i>	Ch. 10 <i>Statements of Fact and of the Case</i>	Includes all the same material as the analogous 1st edition chapter. It also incorporates text about editing the Statement of Facts because the current editing chapter (Chapter 7) is now focused on the argument section.
Part 4: Oral Argument		
1st ed	2d ed	Changes in content
Chapter 14	Chapter 11	Minor changes only.
§ 14.1 <i>The Purpose of Oral Argument</i>	§ 11.1 <i>The Purpose of Oral Argument</i>	Minor changes only.
§ 14.2 <i>Preparing for Oral Argument</i>	§ 11.2 <i>Preparing for Oral Argument</i>	Minor changes only.
§ 14.3 <i>Presenting Oral Argument</i>	§ 11.3 <i>Presenting Oral Argument</i>	Discussion about how to close an oral argument moved to § 11.4 so discussion could distinguish between closing a trial-level and closing an appellate-level argument.
§ 14.4 <i>Trial Courts vs. Appellate Courts</i>	§ 11.4 <i>Trial Courts vs. Appellate Courts</i>	Minor changes only. As noted above, discussions about how to close an oral argument were moved to this section.
§ 14.5 <i>Remote Oral Arguments</i>	§ 11.5 <i>Remote Oral Arguments</i>	This section is new.

Appendices		
1st ed	2d ed	Changes in content
Ch. 3 <i>A Litigation Overview</i>	Appx A <i>A Litigation Overview</i>	Minor changes.
Appx. B <i>Prakash v. Starr Corp.</i>	Appx. B <i>Prakash v. Starr Corp. Trial Briefs</i>	Minor changes.
Appx. C <i>State v. Lynwood Appellate Briefs</i>	Appx. C <i>State v. Lynwood Appellate Briefs</i>	Minor changes.
Appx. A Moot Court Arguments	Appx. D Moot Court Competitions	Minor changes.