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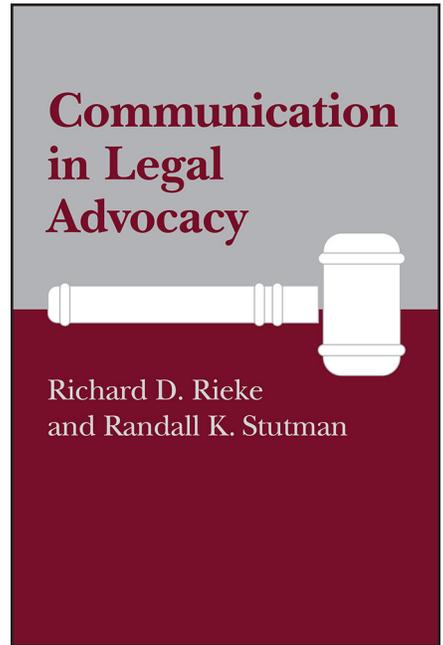
COMMUNICATION IN LEGAL ADVOCACY

Richard D. Rieke and Randall K. Stutman

The first book in a new series—Studies in Communication Processes—this is a research-based, practical analysis of communication processes in trials. Besides the traditional perception of trials as scientific fact-finding proceedings, the authors look at trials as social-scientific phenomena. Responding to the emerging interest in alternative dispute resolution, the book examines the ways in which negotiation, mediation, and arbitration interrelate with trials. The authors combine traditional argumentative analyses (such as presumption and burden-of-proof) with contemporary ideas about narrative rationality.

Social science research is used to expand the understanding of such traditional concepts as procedural fairness, the credibility of witnesses as sources of knowledge, and procedures such as jury selection, opening and closing statements, witness examination, and jury deliberation. Readers looking for a practical and strategic guide to effective trial advocacy, theoretical insights into trials as socially sanctioned mechanisms for dispute resolution, and a study of applied argumentation within the specialized field of law will find this book extremely beneficial.

February 2009, 245 pages



Richard D. Rieke has been a student of communication and law since his doctoral work at Ohio State University in 1964. His dissertation "Rhetorical Theory in American Legal Practice" was one of the first studies to argue for a rapprochement between legal theory and rhetorical theory in relation to the practical processes of conducting trials and appeals. Since then, as a member of the faculty at Ohio State and later the University of Utah, he has continued to study trials, appellate advocacy and appellate decision making from the perspective of rhetorical/communication theory.

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2. Prevention of legal disputes is an integral part of legal assistance provided by the lawyer; the lawyer will take care to eliminate any obstacles that may hinder an amicable agreement. Article 18. 1. Violation of the provisions of the Law on Advocacy and the Bar and of this Code, committed by lawyers intentionally or by gross negligence, entails the imposition of disciplinary sanctions as provided by the Law on Advocacy and the Bar and this Code. 7. Withdrawal of complaints, presentments and communications or reconciliation of the lawyer with the claimant formalized in writing, may be effected before the Bar Council passes a judgment and will result in the termination of disciplinary proceedings.