



# LEGALLY SPEAKING

Kristi Paulson

## Power of persuasion: Arguments that connect

**EDITOR'S NOTE:** Welcome to the inaugural *Legally Speaking* column by Kristi Paulson, the owner of PowerHouse Mediation and The Professional Education Group. Kristi earned a law degree from the University of Minnesota Law School and holds a master's degree in communication. With a diverse background as a trial lawyer, mediator, and educator, she specializes in writing about communication skills, ethics, dispute resolution and trial techniques. To learn more, visit <https://powerhousemediation.com>.

By Kristi Paulson  
Special to Minnesota Lawyer

When we think about being lawyers, we often think about knowledge — knowledge of the law, how to craft legal arguments, and how to win cases. But here's the thing: Being a great lawyer isn't just about understanding the law; it's about how well you can communicate and, more specifically, how well you can persuade. Whether you're standing in front of a judge, talking to a jury, or even negotiating a settlement, the ability to persuade is what sets top lawyers apart.

Having spent years as a trial lawyer, I've seen the power of persuasive communication firsthand. It's not just about winning cases — it's also about building trust, finding common ground, and making people listen. And now, as a mediator, I see it in action every day. Persuasion isn't just for trial lawyers — it's a skill that every lawyer, no matter your specialty, can benefit from. Whether you're drafting a contract, negotiating a deal, or arguing in court, persuasion is a skill that can elevate your practice.

It's all about understanding how to communicate more effectively with your clients, opposing counsel, judges, and juries. When you master persuasion, you become a better advocate and achieve better outcomes for your clients, whether you're in the courtroom or the boardroom.

### Ethos, pathos, and logos: Building blocks of persuasion

When we talk about persuasion, it often boils down to three big ideas: ethos, pathos, and logos. These are the cornerstones of persuasion, dating back to Aristotle, but they're still just as relevant today. Let's break them down:

#### Ethos: Establishing credibility

The foundation of persuasion begins with ethos — credibility. When you step



DEPOSIT PHOTOS

into the courtroom — or any setting where you're advocating for your client — the most important asset you bring is your reputation. Will the judge or jury trust you? Do they believe you have the knowledge and experience to back up your arguments? These are the questions that matter when establishing your credibility.

In my years of trial experience, and now as a mediator, I've learned that credibility isn't just about knowing the law. It's about how you present yourself. Being confident, prepared, and reliable goes a long way in earning trust. Credibility is built by consistently showing up well-prepared, with a clear strategy and a calm demeanor. It's not just what you know — it's how you communicate it.

Early in my legal career, I faced off against a seasoned attorney. On paper, this attorney had more experience, but I quickly realized that what set me apart wasn't just my legal knowledge — it was my preparation. I knew the case inside and out, and I made sure my arguments were clear and easy to follow. The opposing attorney, however, seemed scattered and unprepared. The judge took notice, and that made all the difference.

#### Pathos: Connecting emotionally

While credibility is essential, pathos — appealing to emotion — is just as powerful. As lawyers, we often see the law as a realm of facts, logic, and hard evidence. And yes, that's true. But it's also important not to overlook the emotional component. Think about it: When was the last time you connected with a case on a deeply emotional level? When you can evoke the right emotion — whether it's empathy for a client or outrage at an injustice — you increase your chances of persuading others to act.

Take personal injury cases, for example. We naturally focus on the victim's physical injuries and pain, but there's often an even greater story behind the scenes — the emotional toll. How has the injury affected their relationships, their sense of security, or their ability to live a fulfilling life? While it's easy to get caught up in the specifics of the accident itself, it's often the emotional impact that resonates with a jury or judge.

But here's the key: balance. Too much emotion can come across as manipulative, while too little can make you seem distant or cold. When you hit that sweet spot — connecting emo-

tionally without overwhelming — the impact is undeniable. That's when you truly make an impression.

#### Logos: The power of logic

Last but certainly not least, we have logos — the logical appeal in persuasion. Facts, reasoning, and evidence form the backbone of any strong argument, and this is where most lawyers truly shine. After all, we're trained to build our cases on legal principles, facts, and precedent.

But simply knowing the law isn't enough. To truly persuade, you need to present your argument in a way that's easy for your audience to follow. This means organizing your points logically and ensuring the connections between your evidence and legal reasoning are crystal clear. It's about presenting your facts in such a way that convinces the judge or jury that your version of events is the most reasonable and believable.

The key here is clarity. If you've ever sat through a legal argument that felt like navigating a maze, you know how frustrating that can be. When you lay out your argument step by step



# Opinion Digest

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diagnosed with a left calf and Achilles tendon strain. Employer and insurer appealed the compensation judge's denial of their petition to discontinue temporary total disability (TTD) benefits. The Workers' Compensation Court of Appeals held that (1) at an expedited administrative conference under Minn. Stat. § 176.239, subd. 6, an employer and insurer must show reasonable grounds to discontinue the employee's wage loss benefits; (2) at a de novo

hearing on a petition to discontinue benefits under Minn. Stat. § 176.238, subd. 5, the employer and insurer must show a basis for discontinuance by a preponderance of the evidence, and the compensation judge did not err by failing to consider whether the employer and insurer had reasonable grounds for their petition to discontinue; and (3) substantial evidence supported the compensation judge's finding that the employer and insurer had not proven that the effects of the employee's work injury had fully resolved without restrictions as they had claimed. Affirmed.

WC24-6585 Hill v. Fed. Express Corp.

## TAX COURT

### DEFAULT JUDGMENT

#### TRIAL

This matter was scheduled for an in-person trial. The Court did not receive any pre-trial documents or correspondence from appellant prior to or at trial as appellant did not appear for trial. The Commissioner of Revenue brought a motion for default judgment. The Tax Court granted the motion.

COR-9587 Wilburn v. Comm'r of Revenue

## PROPERTY TAXES

### Service

Petitioner challenged the assessed value for taxes payable in 2024 of four parcels located in Spring Lake Park, Anoka County. County sought dismissal for lack of subject matter jurisdiction due to petitioner's failure to effectuate service of the petition. Noting that petitioner's agent admitted the no service was made, the Tax Court dismissed the petition for lack of jurisdiction.

02-CV-24-2313 City View Prop., LLC v. County of Anoka

# Legally Speaking

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— anticipating counterarguments and addressing them — you show that you've thought through the case thoroughly. It's also about presenting evidence that builds on itself, creating a cohesive narrative that supports your position.

## Why mastering persuasion matters for lawyers

Many of us might assume that because we're lawyers, we're already skilled communicators. After all, we've spent years in law school, countless hours drafting motions, writing briefs, and arguing in front of judges. But here's the thing: Being good at communication doesn't automatically mean you're good at persuasion.

Effective persuasion isn't just about presenting the facts — it's about presenting them in a way that influences decision-makers. We may know the law inside and out, but without an understanding of the principles of persuasion, we risk losing our audience's attention — or worse, their trust.

I've seen just how different persuasion can be from traditional legal communication, both as a trial lawyer and now as a mediator. In mediation, persuasion is often what helps parties move from positions of conflict to finding common ground. A well-timed persuasive argument can change the course of a discussion, helping both sides see the value in compromise. The same is true in settlement negotiations — being able to shift someone's perspective can be the key to closing a deal.

But here's where I think we, as lawyers, sometimes miss the mark: We get so focused on the legal aspects of our cases that we overlook the underlying principles of how we communicate. If you're constantly arguing a case based purely on legal theory, without considering how your audience — whether it's a judge, jury, or opposing counsel — will receive that argument, you're missing a crucial opportunity.

For decades, I've taught public speaking at the collegiate level, helping students master the art of persuasion with an emphasis on the timeless principles of ethos, pathos, and logos.

But it's not just students who need to understand these concepts — lawyers do too. Or at the very least, we need a regular reminder. Why? Because in our profession, where persuasion is at the heart of what we do, we rarely take a step back to reflect on these foundational principles or their impact.

## The #How2Skills: Implementing persuasion in your legal practice

Now that we've explored the core elements of persuasion, let's dive into specific, actionable tips you can start using today to enhance your persuasive power in legal practice. Whether you're in the courtroom, a mediation session, or negotiating a deal, these strategies will help you communicate more effectively and make a stronger impact.

### Start with a strong, compelling opening

A powerful opening is essential. It sets the tone for your entire argument and captures your audience's attention right from the start. This is your chance to lay the groundwork for what's to follow. Begin by presenting the case in simple, relatable terms that immediately engage your audience. Highlight what's at stake and why it matters, framing the issue as a compelling story that appeals both emotionally and logically.

Your opening statement (or negotiation introduction) should quickly establish your credibility. Show that you are knowledgeable and trustworthy but avoid diving into complex details too soon. Instead, focus on your client's story and the real stakes at play, creating a narrative that draws in your audience and keeps them invested from the very beginning.

### Use stories to humanize your client

Storytelling isn't just for trial lawyers — it's a powerful tool in any legal setting. The more you can weave a compelling narrative around your client's experience, the more your audience will connect with the case. Whether you're in negotiations or settlement talks, sharing your client's story fosters empathy. In trial, it helps juries relate to your client's situation on a personal level. People remember stories, not just facts.

Talk about your client's journey — what challenges they've faced, how those challenges have impacted them emotionally, and the ripple effects on their life. In both court and negotiations, this narrative shifts the focus from your client being just another case number to a real person with struggles, hopes, and fears. By humanizing your client, you create empathy and make their experience feel more tangible, helping your audience become more emotionally invested in the outcome.

When presenting your case, don't just stick to the facts — highlight the journey. What obstacles have they overcome? What emotional toll has this taken on them? Explain why this outcome matters deeply to your client. It's not just about what happened — it's about how it's affected their life and why it's so important to them.

### Frame your arguments around what your audience values

To persuade effectively, it's essential to understand what resonates most with your audience. Whether you're addressing a judge, opposing counsel, or a jury, tailoring your argument to their core values can significantly enhance your position.

Before diving into any presentation or negotiation, take a moment to consider what drives your audience. Each group has its own set of priorities. For a judge, it's often efficiency, fairness, and adherence to legal precedent. When speaking to a jury, their focus may shift toward fairness, empathy, or the broader concept of justice. By aligning your argument with what truly matters to them, you not only strengthen your connection but also increase your chances of making a more compelling case.

### Anticipate and address counterarguments

One of the most persuasive strategies you can use is showing that you've carefully considered the other side's position. Acknowledge opposing arguments, then address them methodically. This not only strengthens your case but also builds your credibility, demonstrating that you're thorough, objective, and prepared.

Anticipating what the other side might argue shows you've thought through every angle, which makes your argument even more compelling. When addressing counterarguments, don't just brush them off — acknowledge them

respectfully and explain why they don't change the outcome. This approach doesn't just neutralize opposition — it builds trust with your audience by proving you're comprehensive and fair-minded.

In trial, after presenting your main arguments, take a moment to anticipate objections the other side might raise and respond proactively. This shows the jury or judge that you've considered all perspectives and that your case is solid, well-thought-out, and ready for scrutiny.

### Persuasion is about clarity

Persuasion thrives on clarity. The simpler and more straightforward you make your arguments, the more likely your audience will follow and be convinced. Avoid legal jargon or overly complex language that could confuse or alienate decision-makers. Simplicity is a powerful tool in persuasion.

If your argument is bogged down by jargon or difficult concepts, its impact weakens. Keep your language clear and accessible. Break down complex ideas into bite-sized, digestible pieces, and reserve legal terms for when they are truly necessary. The clearer you are, the more your audience will connect with your message.

Master the art of simplification. Before delivering a key argument, ask yourself, "Can I explain this to someone outside of the legal field?" If the answer is no, break it down into smaller, more understandable points. Using simple language doesn't mean dumbing down your argument — it means making it accessible, memorable and impactful.

## Conclusion

Mastering persuasion is a skill that extends far beyond the courtroom. Whether you're a litigator, mediator, or transactional lawyer, the ability to persuade is essential to your success. By embracing the principles of ethos, pathos, and logos, along with the practical strategies shared here, you can become a more effective advocate in any setting.

Persuasion isn't just about the arguments you make — it's about how you make them. Whether you're persuading a judge, jury, opposing counsel, or even your clients, mastering the art of persuasion is what truly sets you apart. The more you refine these techniques, the stronger your communication will become, resulting in better outcomes for your clients and a more successful legal practice.