

# Legal Communication & Rhetoric: JALWD

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## BOOK REVIEWS

### **Don't Leave Me Tongue-Tied**

Robert N. Sayler and Molly Bishop Shadel,  
*Tongue-Tied America: Reviving the Art of Verbal Persuasion*

Kristen Murray, reviewer

Book Review

# Don't Leave Me Tongue-Tied

## **Tongue-Tied America: Reviving the Art of Verbal Persuasion**

Robert N. Sayler and Molly Bishop Shadel, (Wolters Kluwer 2011), 341 pages

Kristen Murray, Reviewer\*

Many scholars have written about the links between classical rhetoric, modern legal argument, and the teaching of law.<sup>1</sup> However, it has always seemed like a long road from Aristotle's canons of rhetoric to a courtroom's podium. *Tongue-Tied America* helps us navigate that very path.

The book serves as both a primer on classical rhetoric and a field guide for law students and lawyers planning oral presentations, whether formal or informal. The book starts by explaining some Aristotelean basics, such as ethos, logos, and pathos; it neatly breaks down classical rhetoric into a digestible, useful set of principles. It then shows how rhetorical principles were used in specific political speeches and how speakers can, in turn, use them to refine their own speeches and presentations.

Helpfully, Sayler and Shadel move from these general rhetorical principles to concrete tips for effective presentations, even including an admonition to avoid caffeine, alcohol, and (sometimes) dairy for

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<sup>1</sup> Linda A. Berger, *Studying and Teaching "Law As Rhetoric": A Place to Stand*, 16 Leg. Writing 3 (2010); J. Christopher Rideout, *Storytelling, Narrative Rationality, and Legal Persuasion*, 14 LEG. WRITING 53 (2008); Kristen Robbins-Tiscione, *Paradigm Lost: Recapturing Classical Rhetoric to Validate Legal Reasoning*, 27 VT. L. REV. 483 (2003).

maximum vocal effect.<sup>2</sup> Throughout the book, the authors are conscious of the effect of gender, age, and presentation style on both the presenter and the audience. That a book starting with “Aristotelian Basics”<sup>3</sup> ultimately winds its way to sample PowerPoint slides<sup>4</sup> is a testament to the book’s hybrid theory–practice approach; throughout, the book makes good use of its own recommendations for organization, clear communication, and visual aids. This approach is especially useful in a culture where people often identify public speaking as their greatest fear.<sup>5</sup>

In all, *Tongue-Tied America* includes more than 75 pages of speeches to illustrate the principles articulated in the earlier chapters and to inspire those planning their next speech. These include classic American speeches such as Lou Gehrig’s “Luckiest Man” farewell speech at Yankee Stadium<sup>6</sup> and Sojourner Truth’s “Ain’t I a Woman” speech from the 1851 Women’s Convention.<sup>7</sup> The most useful example for a legal audience is probably Representative Barbara Jordan’s Statement on the Articles of Impeachment, delivered to the House Judiciary Committee in July 1974.<sup>8</sup> In it, she juxtaposes legal principles and related facts, as one might in a written brief.<sup>9</sup>

Law students and lawyers will also benefit from a close reading of Sayler and Shadel’s chapter on “rhetoric in court.”<sup>10</sup> In it, the authors connect classical rhetoric to trial practice. In particular, they note that an opening statement—in which one must establish credibility to earn the jury’s trust—is an exercise in ethos, while effective witness examination relies on logos, because the examining attorney must use facts and logic to present or challenge the witness’s story.<sup>11</sup> The authors also note the importance of credibility, awareness of audience, candor, and poise in trial settings.<sup>12</sup> Nonlitigators can also benefit from this advice, or from rhetorical observations about general workplace communication, a topic to which they devote an entire chapter.<sup>13</sup> Professors or others interested in including public-speaking advice in their classes or CLEs can benefit from the sample syllabus provided in the first Appendix.<sup>14</sup>

Not every chapter provides tangible takeaways for the courtroom or the negotiating table. An entire chapter dedicated to the rhetoric of presi-

2 ROBERT N. SAYLER & MOLLY BISHOP SHADEL, *TONGUE-TIED AMERICA: REVIVING THE ART OF VERBAL PERSUASION* 93 (2011).

3 *Id.* at 13.

4 *Id.* at 106.

5 Heidi K. Brown, *The “Silent but Gifted” Law Student: Transforming Anxious Public Speakers into Well-Rounded Advocates*, 18 J. LEGAL WRITING INST. 291, 294–300 (2012).

6 Sayler & Shadel, *supra* n. 2, at 217.

7 *Id.* at 235.

8 *Id.* at 226.

9 *Id.* at 233–34.

10 *Id.* at 147–62.

11 *Id.* at 152, 155–56.

12 *Id.*

13 *Id.* at 163–69.

14 *Id.* at 297–302.

dential campaigns provides accessible examples but offers little practical advice for law students, lawyers, and public speakers.<sup>15</sup> However, overall, with its easily digestible bullet points and concise chapter summaries, *Tongue-Tied America* does a good job of demystifying the rhetorical art of verbal persuasion for all speakers, both those fighting public-speaking fear and those perfecting presentations.

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**15** *Id.* at 175–91.