



Advocate or Adversary

EFFECTIVE ADVOCACY

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ANSELM THE INQUISITOR



OVERCOME SLOTH



- In Brazil, sloths are commonly called *Bicho-preguiça* ("lazy animal"). However, recent studies have revealed that they only sleep ten hours a day. In reality, there is something active about them. They are busy part of the day not being un-slothful.
- *Acedia* is a Latin word, from Greek, meaning "Carelessness".

A READING FROM “HUMBOLDT’S GIFT” - Saul Bellow

Some think that sloth, one of the capital sins, means ordinary laziness; sticking in the mud; sleeping at the switch. But sloth has to cover a great deal of despair. Sloth is really a busy condition, hyperactive. This activity drives off the wonderful rest or balance without which there can be no poetry or art or thought – none of the highest human functions. These slothful sinners are not able to acquiesce in their own being, as some philosophers say. They labor because rest terrifies them.

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ADVOCATE

- Both noun and verb:
 - to summon, call to one's aid
 - from *ad-* + *vocare* to call
 - Both attractive and attracting
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ADVERSARIAL

- *Contending*
 - *Opposing*
 - *Resisting*



DEVIL'S ADVOCATE

- **1:** *Roman Catholicism* : an official of the Congregation of Rites whose duty is to point out defects in the evidence upon which a demand for beatification or canonization rests or in the character of the person for whom the honor is sought -- called also *promoter of the faith*.
- **2 :** a critic who picks flaws to evoke controversy or to bring out the whole truth
- **3 :** a champion of the worse cause for the sake of argument



DEBATE AND ADVOCACY

- **Polemic**: an aggressive attack on or the refutation of the opinions or principles of another; an argument
- **Irenic**: operating toward peace, moderation, harmony, and conciliation and away from contention and partisanship especially among disputants
- **Elenctic**: indirect modes of proof; a form of inquiry and debate between individuals with opposing viewpoints based on asking and answering questions to stimulate critical thinking and to illuminate ideas; in Logic, refuting an argument by proving the falsehood of its conclusion.

“ZEALOUS” OR “HONORABLE”



UN DUEL À MORT



ACJA. § 7-202(F)

- 1. Code of Conduct. Each licensed fiduciary shall adhere to the code of conduct in subsection (J), adopted pursuant to A.R.S. § 14-5651(A)(1).

ACJA § 7-202(J)(1)(d)

- The fiduciary shall maintain an awareness of their **limitations**, shall carefully consider the views and opinions of those involved in the treatment, care and management of the ward, protected person, or estate and shall also seek independent opinions when necessary.

ACJA § 7-202(J)(1)(e)

- The fiduciary shall recognize their decisions are open to the scrutiny of other interested parties and, consequently, to criticism and challenge. Regardless, the fiduciary **alone** is ultimately **responsible** for decisions made on behalf of the ward, protected person, or estate.

ACJA § 7-202(J)(3)(m)

- m. The fiduciary shall work **cooperatively** with available individuals and organizations to assist in ensuring the ward receives care, treatment and services representing the least restrictive form of intervention available and are consistent with the wishes or best interests of the ward.

ACJA § 7-202(J)(2)

- Ethics. The fiduciary shall exhibit the highest degree of **trust, loyalty and fidelity** in relation to the ward, protected person, or estate.

ACJA § 7-202(J)(2)(c)

- c. The fiduciary shall *vigorously* protect the rights of the ward or protected person against infringement by third parties.



The Ideal Advocate

CHARACTERISTICS OF GOOD ADVOCACY

CREDIBILITY

- Your reputation precedes you. What is your reputation?
- The condition of being regarded as worthy or meritorious .
- The estimation in which one is generally held.
- “Credo” means “I believe.” You are a living creed. **You create your reputation. You are what you are reputed to be.**

An Ability to Separate Relevant from Irrelevant Information



Probative Value/Probative Danger

An Open and Flexible Mind

- It means to be receptive to different ideas; to avoid narrowness of thought. But it doesn't mean accepting ideas that make no sense, or adopting beliefs without any reason or evidence.
- Being open minded means being open to the possibility that the explanation you prefer may be either wrong, absolutely or qualitatively.



Good Working Knowledge of
the Area in Question

HAVE

YOUR

FACTS

STRAIGHT

No False Premises

Listening Skills

- Do you hear what *you* say, as well as what others speak? Listen to yourself! Does what you say qualitatively have value?
- Martin Buber – “I and Thou”
 - *Ich-Du* - *treat the other as a subject* - encounter, meeting, dialogue, mutuality, and exchange.
 - *Ich-Es* - *treat the other as an object* – using the other to serve your own interest

An Ability to Disagree Without Being Disagreeable.

- It's called *reasoning* together.
 - Intelligent and dispassionate thought.
 - Think it through logically, based on facts and *sound* premises.
 - The concept of agreeing is related to that of grace (gratum/gratus); to disagree implies a lack of grace (not necessarily bad in itself) – but it can turn into *disgrace* in the sense of shaming.

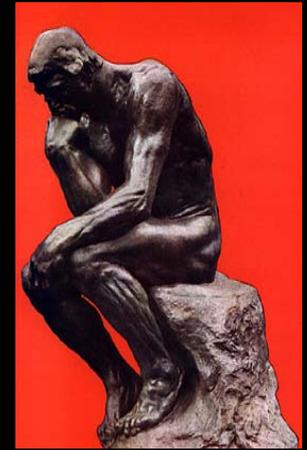
Careful to Analyze Problems.

WHAT

IS

THE

ISSUE?



Ask the "So what? question.

An Ability to Persuade.

- “The best books are those, which those who read them believe they themselves could have written.” – *The Art of Persuasion*, Blaise Pascal (1623–1662).
 - The most successful form of persuasion is to make the other believe that he or she thought of it. Move the other along with you by assessing options for their strengths/weaknesses and perform a cost/benefit analysis.

Humility

- “Whoever undertakes himself as the Judge of Truth and Knowledge is shipwrecked by the laughter of the gods.” – Albert Einstein
- “Humility is to make a right estimate of one’s self.” – C.H. Spurgeon
- “Humility is the only certain defense against humiliation.” - Unknown



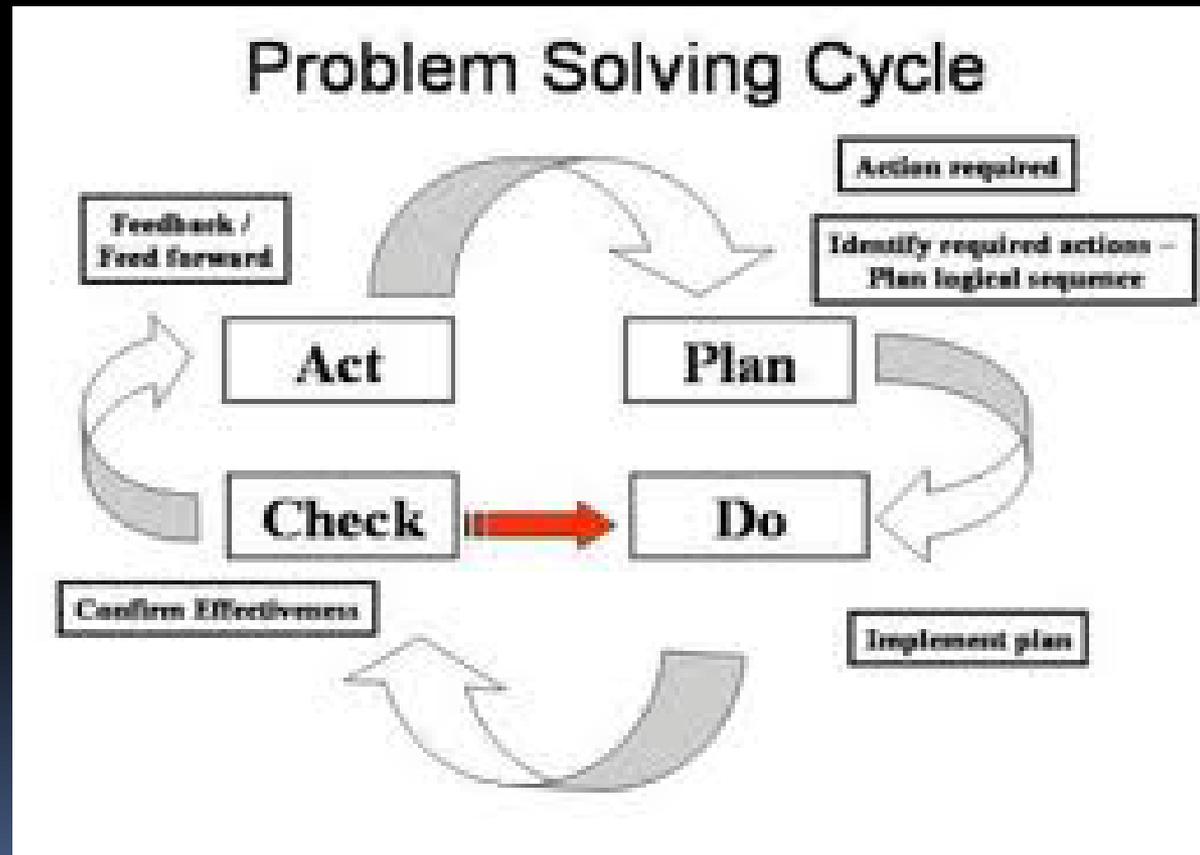
An Ability to be Persuaded.

THE GOAL IS
TO GET IT RIGHT



DON'T PERSONALIZE THE DISPUTE.

Creative Problem-solving



Much Else

BRING

SOMETHING

TO

THE

TABLE



What Do You Think?



Ottawa-Philly-Line-Brawl-Right-Off-the-Draw.htm