

# ABRAHAM LINCOLN AND MAKING A CASE

## *The Story of a Master*

**Y**ou might know that the author of this slim, but important work is a legendary Lancaster trial lawyer. Harvard College and Penn Law grad, Joe Roda, now retired, had a long and distinguished legal career as one of the most prominent and successful personal injury lawyers in eastern and central Pennsylvania in the last 40-plus years. Over the past almost decade he has used his passion for the law and Lincoln to build a second ‘career’ giving presentations on Lincoln’s talent for persuasion, which forms the basis for this volume.

At least 13 books have been written on Lincoln’s 24-year law practice, and in 2000, the University of Illinois published online 96,386 documents from Lincoln’s practice. Roda draws on these and more, but focuses on explaining how Lincoln persuaded in cases in courtrooms and in politics in public. He, relies however, on only a handful of Lincoln’s cases, speeches, public letters and official documents to carefully and persuasively prove his case that Lincoln was a master of persuasion in courts of law as well as the court of public opinion. This book is not only an important, if modest, addition to Lincoln scholarship, but

also a very important and useful work for lawyers, especially trial lawyers. As my (and the author’s) friend, stellar Philadelphia litigator Dennis Suplee, perceptively observes, “... this is an extraordinary book that ought to be read by every young lawyer before he/she tries that all-important first case.”

Almost every American town, North and South, has at least one lawyer who fancies themselves an amateur Lincoln scholar, who is prepared to expound at the drop of a stovepipe hat about “The Great Emancipator” and who sometimes

gives speeches and has either written or is writing one or more pieces about him. Roda fits that bill well and may know more about our 16th president than any Lancastrian since Thaddeus Stevens (1792-1868). It probably did not hurt that Doris Kearns (later Goodwin and then not yet famous) was his senior thesis adviser at Harvard.

As one of these “Lincoln Lawyers” myself, and a tough audience for any Lincoln work, I was skeptical when I read the title, the author, and the stated premise. I knew Roda only by reputation as a litigator, and I was until now unfamiliar with his passion for Lincoln and, particularly, for Lincoln the litigator. I frankly did not expect this highly successful trial lawyer, albeit retired from active practice, to divulge his own secrets of jury persuasion, as any careful analysis of Lincoln’s talents in that regard would necessarily do. It reminded me of a CLE lecture years ago attended by almost a thousand eager lawyers. Though billed as something like “Famed Trial Lawyer Jim Beasley Tells All His Trial Secrets,” Beasley disclosed not a one. Since he was then still an active practitioner, we should

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have known better.

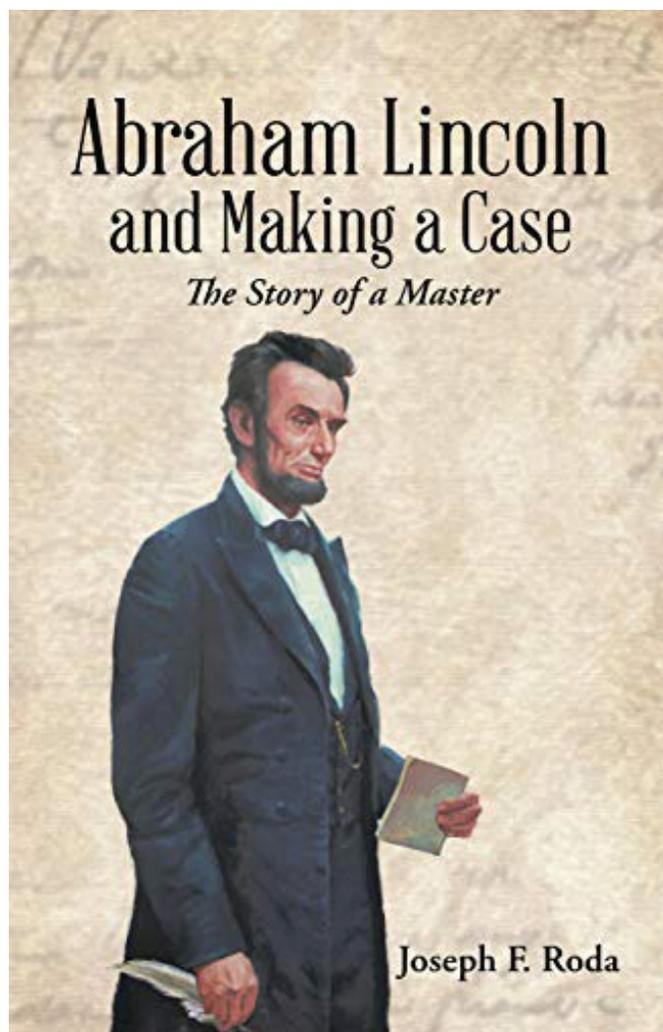
Roda, however, delivers in this regard, from the comfort of retirement. As Lincoln always focused on what he called “the nub of the case,” masterfully reducing complex facts and law to one or two simple themes, so, too, does Roda when analyzing and explaining the principles and values held and practiced by Lincoln when persuading either a jury in court or the public in politics.

For any Lincoln buff, “Part I” (86 pp.) will seem an unnecessary summary of the basic facts of Lincoln’s lifetime of persuading others and a story told better in other works, but for the Lincoln neophyte, it lays a good and sufficient groundwork for the excellent analysis which follows. In the heart of the book – “Part II (77 pp.),” Roda separately discusses seven fundamentals which made Lincoln “The Great Persuader” – personality and intellect, knowledge of people, preparation and timing, credibility, facts, logic and emotion. Roda concludes with 13 key “lessons” learned from Lincoln the litigator. While an excellent summary, it felt a bit as if the author had run out of steam near the end. As an engaged reader, I wanted more and thus was somewhat unsatisfied. However, it did make me want to sign up for his next presentation.

In Lincolnia, nitpickers abound, so any author in this realm must venture carefully. Roda’s scholarship is excellent, though one error was noticed. He says, “The Emancipation Proclamation [Jan. 1, 1863] would remain the only emancipation measure that would go into effect until the Thirteenth Amendment abolished slavery on January 31, 1865.” (p. 50). In fact, the Second Confiscation Act, signed by Lincoln on July 17, 1862, freed slaves of disloyal slave owners, though requiring court proceedings, and the District of Columbia Emancipation Act, signed by Lincoln, on April 16, 1862, freed 3,185 slaves in Washington City at a cost of almost \$1 million to the federal government. And, while Congress passed the Thirteenth Amendment on Jan. 31, 1865, that did not abolish slavery; that was accomplished only upon ratification on Dec. 6, 1865.

Nevertheless, Roda’s work nicely presents a cogent analysis of what made Lincoln an effective persuader and provides valuable guidance to anyone, lawyer or not, who seeks to make a case. ■

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**Abraham Lincoln and Making a Case – The Story of a Master**

by Joseph F. Roda

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