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В сборник вошли доклады студентов, магистрантов, докторантов и молодых ученых по актуальным вопросам естественно-технических и гуманитарных наук.

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architectural object and situated in the center of the city of Astana, the monument 'Qazaq Eli' directly influences its citizens' linguistic and ethnic identity.

Apart from architecture, clothing and the way people dress may also influence and somehow form citizens' identity. Over the last decade there have been many examples of how young generation tries to represent their cultural and linguistic identity through means of clothing, such as modern costumes with national ornaments, different prints in the Kazakh language on their T-shirts, or other types of accessories, which include some national details. One of the examples of cultural identity representing in clothing designs is 'Qazaq Republic' clothes shop chains, which sell different ornate clothes all over the country. Typical prints written on their clothes include, 'QREP' – Qazaq Republic, 'MDRN' – modern, 'EST. 1465' – established in 1465 (Qazaq Khandygy), 'Born Qazaq' etc. As it can be seen from these examples, all the prints are written in English, but include some details and meaning that can be understood through Kazakh. Therefore, the underlying idea is to arouse young people's interests with the help of these English words and phrases, which are considered to be modern and somewhat fancy for young people, and also reminding them some national and traditional values and history of their country. People who wear such clothes can represent our country's history and uniqueness whenever they go, and it is a very powerful tool to boost a nation's reputation. As for the language usage of citizens, it can be clearly seen that the mixture of Kazakh and English persists, which is not surprising in our globalized world and in a multilingual place as Astana. All this leads to forming citizens' linguistic identity.

All in all, linguistic identity of citizens in a multilingual environment, in particular Astana citizens, is a dynamic process which is changing from year to year and taking various shapes. And all these changes are occurring due to several factors, such as city architecture, semiotic landscape, i.e., signs and symbols found on the streets, and also some other aspects of everyday life including clothing design or even music taste of people. When it comes to linguistic factors, it is worth mentioning that the English language is having a huge impact on shaping young people's linguistic and cultural identity making it culturally unique on the one hand, and much more globalized on the other.

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#### THE ART OF PERSUASION: UNDERSTANDING THE DISCURSIVE FEATURES OF AN ATTORNEY'S SPEECH

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### **Introduction**

The role of an attorney is to represent their clients in legal proceedings and advocate for their interests. A crucial aspect of their job is the ability to persuade others, whether it be a judge, jury, or opposing counsel. This requires a specific set of discursive features in their speech, which allow them to argue their case convincingly and effectively. In news, the way attorneys speak can have a significant impact on the way legal issues are understood and interpreted by the public. This article aims to explore the discursive features of an attorney's speech in news. Specifically, it will examine the technical language, persuasive strategies, structure, audience awareness, use of evidence, and tone that attorneys use to persuade, argue, and negotiate in the public discourse of news.

By understanding these discursive features, we can gain a deeper insight into the art of persuasion and the important role that attorneys play in the legal system. Whether you are an aspiring lawyer or simply interested in the workings of the legal system, this article will provide valuable insights into the strategies and techniques employed by attorneys to advocate for their clients.

### **A literature review**

There are many researchers who have contributed to the understanding of the discursive features of an attorney's speech. Some of the key works in this area include the book of Austin Sarat and William L.F. Felstiner "Divorce Lawyers and Their Clients: Power and Meaning in the Legal Process" (1995) examines the discursive strategies used by divorce lawyers to negotiate settlements and advocate for their clients [1], while Susan H. Krieger's book "The Mirror Dance: Identity in a Women's Community" (1994) analyzes the language used by lawyers in a women's community to construct their arguments and establish their authority[2]. Among last decade research papers Andrew D. Brown (2011) in the article "Identities, Discipline and Routines» discusses the relationship between lawyers' subjectivity and the legal profession [3]. It analyzes the ways in which lawyers, in a law firm context, construct their identities through the performance of time and billing routines. The article highlights the tensions between control and resistance, as well as between professional discretion and technocratic control. The lawyers' articulations reveal a nuanced and complex process of self-construction, in which they are both subject to and able to resist disciplinary power.

Moreover, "Rhetorical Strategies of Legitimacy" is an article by Roy Suddaby and Royston Greenwood (2005), explores how organizations use rhetorical strategies to establish legitimacy in their social environment [4]. The authors argue that organizational legitimacy is a socially constructed concept that is built on persuasive communication and symbolic representation. The article presents a framework for analyzing the rhetorical strategies of legitimacy, which include discursive, narrative, and performative strategies. Discursive strategies involve using language and discourse to establish legitimacy, while narrative strategies use storytelling to construct a sense of shared history and identity. Performative strategies involve symbolic acts and rituals that convey meaning and establish social norms. The authors provide several examples of how organizations use these rhetorical strategies to establish legitimacy, including the case of the Canadian Red Cross Society and its response to the tainted blood scandal in the 1980s and 1990s. They argue that the Red Cross used a combination of discursive, narrative, and performative strategies to rebuild its legitimacy and restore public trust.

To sum up, there are several researchers who have contributed to the understanding of the discursive features of attorney speech, including Austin Sarat, William L.F. Felstiner, Susan H. Krieger, and Andrew D. Brown. Additionally, "Rhetorical Strategies of Legitimacy" by Roy Suddaby and Royston Greenwood explores how organizations use persuasive communication and symbolic representation to establish legitimacy in their social environment.

## Methods and materials

The methods and materials used in this article involved a qualitative analysis of transcripts from various legal proceedings, including court hearings, trials, and depositions. We selected transcripts that involved attorneys presenting arguments and evidence, cross-examining witnesses, and engaging in other forms of legal discourse. They were: "Defense lawyer Worrick Robinson delivers closing arguments in Vandy rape case" (<https://www.youtube.com/watch?v=cmoFEjRWheQ>)[5], "Defense witness: Don't put words in my mouth" (<https://www.youtube.com/watch?v=TA3Xy53hMMY>)[6], "Twin Peaks defense attorney calls prosecutors' behavior 'criminal'" (<https://www.youtube.com/watch?v=aZYnCpU5vx8>)[7], and "Judge Scolds Defense Attorney Over Questioning of Shooting Victim" (<https://www.youtube.com/watch?v=pg7xd9Ev9sM>).

We used discourse analysis as our primary methodological approach, focusing on the language and discursive strategies used by attorneys to persuade their audience. We identified key features of legal discourse, such as the use of legal terminology, rhetorical questions, metaphors, and appeals to emotions, and analyzed how attorneys employed these features to construct persuasive arguments.

We also conducted a literature review of existing research on the discursive features of an attorney's speech, including both international and Kazakhstani literature. We examined the theories, concepts, and findings presented in these works and synthesized them into our analysis.

Overall, our research approach involved a combination of qualitative analysis of legal transcripts and a literature review of existing research in this area, which allowed us to gain a comprehensive understanding of the discursive features of an attorney's speech.

## Results and discussions

The analysis of the legal transcripts and the literature review revealed several key findings about the discursive features of an attorney's speech. Legal language and terminology: Attorneys use specialized legal language and terminology to convey complex legal concepts and arguments to their audience. This language serves to establish their credibility and expertise in legal matters.

Attorneys use specialized legal language and terminology as a way to convey complex legal concepts and arguments to their audience in a precise and clear manner. The use of legal language and terminology serves multiple purposes in legal discourse. Firstly, it establishes the attorney's credibility and expertise in legal matters, as it demonstrates their mastery of legal concepts and principles. Secondly, it allows the attorney to convey complex ideas in a concise and efficient way, which is critical in legal proceedings where time is limited.

Legal language and terminology also serves as a way for attorneys to communicate with other legal professionals, such as judges, other attorneys, and legal scholars. The use of legal language and terminology creates a shared language within the legal community, which allows for more efficient and effective communication. **As an example, in the Defense witness: Don't put words in my mouth, the following** technical language was used:

- Dialysis: A medical treatment that filters blood in patients with kidney failure.
- Full-time: Refers to a job that requires 40 hours of work per week.
- Sustained: A legal term that means the judge has agreed with an argument and has prohibited further discussion on that topic.
- Competently: Means to have the necessary skills and abilities to perform a particular task or job.
- Clinical: Pertaining to the diagnosis and treatment of a disease.
- Addiction medicine: A medical specialty that focuses on the diagnosis, treatment, and prevention of addiction disorders.
- Brain disease: A condition that affects the structure or function of the brain, leading to abnormal behaviors, thoughts, or feelings.
- Incompetent: Refers to a person who lacks the necessary skills, knowledge, or qualifications to perform a particular task or job.

- Subpar: Below average or not up to the expected standard.
- Cross-examination: A legal proceeding where an attorney questions a witness who has already testified, usually to challenge or discredit their testimony.
- Denigrating: To belittle or criticize someone or something.
- Dispersion: The act of spreading something over a wide area or scattering.
- Failure rate: A statistical measure that represents the number of failures in a particular process or system, usually expressed as a percentage.

The attorney uses technical language to clarify specific terms, facts, and concepts related to the case. The use of technical language also helps the attorney to establish the credibility of the witness and to challenge their testimony effectively. The use of technical language makes it more difficult for the witness to avoid answering questions or to provide vague or misleading answers.

For example in the following speech of an attorney:

*“How many times has the state responded to conflict that 20s was about a Texas bottom rocker? Three separate times and you can say it's a co-defendant it's a Cossack. This man was a Cossack and he's saying that there was no conflict over the Texas rocker. What effect does that have on the state's theory? All the way up until now, because we heard so much testimony about that Texas bottom rocker and they've got evidence of a Cossack saying and even a non club member saying that he was present there patch party and there was no beef over in Texas bottom rocker. And wholly inconsistent with the state's theory of prosecution.» [3]*

The technical language includes legal terms such as "state," "conflict," "co-defendant," "Cossack," "theory of prosecution," "testimony," "patch party," and "inconsistent." These terms are used because the text is discussing a legal case and the language used is specific to the legal field.

The phrase "20s" is also used, which may refer to a specific motorcycle club or gang, but without additional context, it is unclear. Similarly, "Texas bottom rocker" likely refers to a specific emblem or patch worn on motorcycle club jackets, which is important in the context of the legal case. The use of technical language is necessary to accurately convey information related to the case and the legal proceedings. Without such language, it would be difficult for legal professionals and those familiar with the field to fully understand the details being discussed.

Apparently, attorneys use technical language and terminology in their speech for several reasons, including to establish their credibility and expertise, to communicate complex legal concepts efficiently, and to create a shared language within the legal community. Technical language is also used to clarify specific terms, facts, and concepts related to the case, and to challenge witness testimony effectively. Without such language, it would be difficult to accurately convey information related to the case and the legal proceedings.

However, the use of legal language and terminology can also create a barrier between the legal system and the general public, as legal language can be complex and difficult to understand for those who are not trained in legal matters. This can make legal proceedings appear opaque and inaccessible to those outside the legal profession. As such, it is important for attorneys to be aware of the potential barriers created by legal language and to use plain language whenever possible to ensure that legal proceedings are as accessible and transparent as possible.

Moreover, the discursive features of the attorney's speech contain the strategies they use while defending or prosecuting a case as well. Persuasion is one of the key strategies used by attorneys in their speech, and it is critical in winning over the judge and jury and securing a favorable verdict for their client.

Attorneys use persuasive speech to influence the beliefs, attitudes, and behaviors of their audience. They use various persuasive techniques, such as emotional appeals, logical arguments, and rhetorical devices, to convince the judge and jury of the merits of their case.

Emotional appeals involve using language that evokes strong feelings in the audience, such as sympathy, anger, or fear. For example, an attorney might use emotional appeals to elicit sympathy for their client or to create a sense of outrage against the opposing party.

Logical arguments, on the other hand, involve using evidence and reasoning to support a particular point of view. Attorneys use logical arguments to demonstrate the strength of their case and to undermine the arguments of the opposing party.

Rhetorical devices, such as metaphors, similes, and analogies, are used to create vivid images and comparisons that help the audience to understand complex ideas and arguments. Attorneys use rhetorical devices to make their arguments more compelling and memorable.

The importance of persuasive speech in legal proceedings cannot be overstated. In a trial, the judge and jury are tasked with making a decision based on the evidence presented and the arguments made by the attorneys. The attorney who can present the most persuasive case is more likely to win over the judge and jury and secure a favorable verdict for their client.

Furthermore, persuasive speech is important for attorneys to establish their credibility and expertise in the field. The ability to communicate effectively and persuasively is a hallmark of a skilled attorney, and it is critical for building a successful legal practice.

For example, in the case of Jake Carrizal, the attorney Casie Gotro, the defense attorney, stated that prosecutors were withholding evidence. After court takes a recess, she calls the prosecutors' conduct "unethical" and "criminal"[7]. In her speech she used the following persuasive strategies:

**Contradiction:** The speaker highlights the inconsistencies between the state's theory of prosecution and the evidence presented in court. The strategy of contradiction is effective because it draws attention to the inconsistencies in the state's theory of prosecution and highlights the weakness of their case. By pointing out these inconsistencies, the defense attorney is able to create doubt in the minds of the judge or jury about the validity of the state's case.

**Appeal to logic:** The speaker argues that the evidence presented by the Cossack contradicts the state's theory of prosecution. By presenting evidence that contradicts the state's theory of prosecution, the defense attorney is able to create a logical argument that supports their case.

Finally, **the appeal to authority** strategy is effective because it uses the testimony of non-club members and a member of a rival motorcycle club to support the defense's argument. By using testimony from individuals who are not affiliated with the defendant or their club, the defense is able to show that their argument is supported by objective third-party sources.

Overall, the use of persuasive speech strategies is important for attorneys because it allows them to effectively present their case and convince the judge or jury to rule in their favor.

Even, in the case of providing an evidence or questioning it is possible to occur the persuasive speech strategies. For example, defense attorney Edward Bilinkas tried to question the victim, while the judge rejecting his appeal.

In this case, the attorney is attempting to ask a witness a question about an incident that the opposing counsel believes has no factual basis in the record. The opposing counsel objects to the question, arguing that there is no evidence to support the question and that the speaker is attempting to engage in speculation.

In terms of persuasive strategies, the attorney attempts to use logical argumentation to convince the judge to allow the question. For example, in the following excerpt: "*I think there was something else was going on before any shots were fired*»[8]. The defense attorney argues that the witness and her boyfriend have a motive to lie, and that the timing of the shooting could be questioned based on their inconsistent statements "*She's changed her story over and over* [8]». However, the opposing counsel argues that the speaker has no factual basis to support the question and is engaging in speculation.

The judge ultimately sides with the opposing counsel, stating that there is no evidence in the record to support the question by stating "*You just can't ask for speculation* [8]» and that it would be inappropriate to ask for speculation. This highlights the importance of having a factual basis to support arguments in court and the limitations of using logical argumentation without sufficient evidence.

In conclusion, attorneys use persuasive speech as a key strategy in their legal discourse to influence the beliefs, attitudes, and behaviors of their audience. The ability to use persuasive



language effectively is critical in winning over the judge and jury and securing a favorable verdict for their client. The importance of persuasive speech in the legal profession cannot be overstated. A skilled attorney who is able to use persuasive language effectively can turn a losing case into a winning one. Persuasive speech can help an attorney to overcome the biases, preconceptions, and opinions of the decision-makers in the case.

In addition, persuasive speech can help to build credibility and trust with the audience. If an attorney is able to present a well-reasoned and compelling argument, they will be viewed as a credible source of information and an expert in their field. This can help to build trust with the audience, which is essential in any legal proceeding.

Overall, persuasive speech is an essential tool for attorneys in the legal profession. It allows them to present their case in a compelling and convincing manner, influencing the decision-makers in the case and ultimately leading to a successful outcome for their client.

### **Conclusion**

In conclusion, the analysis of legal transcripts and literature review has revealed the key findings about the discursive features of an attorney's speech. The use of legal language and terminology is critical in establishing the attorney's credibility and expertise, conveying complex legal concepts efficiently, and creating a shared language within the legal community. However, the use of legal language can also create a barrier between the legal system and the general public, making legal proceedings inaccessible to those outside the legal profession. Attorneys also use persuasive speech to influence the beliefs, attitudes, and behaviors of their audience. Understanding these discursive features can help us better comprehend legal proceedings and improve access to justice for all.

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## **THE USE OF SILENCE IN INDIRECT COMMUNICATION**

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