

Oral Advocacy Presentation

Derek Wong, Elena Watson, Alex Porter



Key Important Goals of Advocacy

- Persuading and putting forward your argument
- Making the judges understand your overall argument
- Being prepared
- Speaking in a clear and coherent manner

Delivery

Do:

- Take a deep breath before presenting your arguments.
- Try to speak slowly and clearly; rather than quickly and unconsciously.
- Include eye contact
- Use pauses; tone; and signpost words.
- Understand your skeleton argument really well.
- Dress appropriately

Don't:

- Use filler words
- Fidget uncontrollably
- Rush through your submissions
- Use a speech

Engaging with the Opposing Counsel

Counter Arguments

- When researching, try to predict the nature of the opposing counsel's arguments.
- What key cases might they use? How can you distinguish the moot problem from the facts of these cases?

Rebuttal

- At the end of the opposing counsel's submissions, you will be given the option of a short rebuttal if you are the Appellant (usually 1 minute)
- This is an excellent opportunity to reaffirm your own submissions, and gain extra points.
- Take notes of the opposing counsel's key points during their speech, and think of a short counterpoint to each - this should usually relate back to your own submissions.

Etiquette

- Respecting the opposing counsel looks good in front of a judge.
- Thank them for their time/ presence, as well as for their submissions.

Time Management

TIME MANAGEMENT IS KEY! YOU ALWAYS HAVE LESS TIME THAN YOU THINK.

1 - Preparation

1.1 Knowledge - of authorities, the moot problem and the wider area of law. Quality not quantity. 2 authorities per submission max. Summaries of the facts

1.2 Structure - be clear. What order of points will make your argument as persuasive as it can be? Which submissions or authorities are the priority? Tailor use of time accordingly. Prepare topic sentences and key info on flashcards. Skeleton printed in front of you. Concluding sentence written down.

1.3 Practice - do not underestimate. Helps gauge how much of the allocated time you're likely to use. Cull or prioritise submissions before entering the courtroom.

2 - During the moot

2.1 Timers - optional.

2.2 Courtroom etiquette - maintain despite time concerns. Tone and volume. Case name pronunciation.

2.3 Case citations - ask to dispense when introduce first case.

2.4 Judges - engage. Can indicate whether managing time well - move on before they intervene.

2.5 Materials - flashcards and skeleton accessible and easy to see at all times. Take the time and space you need to set up properly before starting.

2.6 Know your limits! DO NOT continue if you have been told to move on to an alternative submission or conclude your entire argument.

3 - After the moot

3.1 Reflect - how did your time management go? What techniques worked? What didn't?

Personal Tips from Elena

- Preparation and research is always the key to good advocacy.
- Engage as much as you can with the judges, not just during interventions. See as an opportunity, not something to be scared of. Can actually boost confidence.
- Stock phrases. Can help regulate your pace and give thinking time. Using names can make seem more confident.
- Focus on comparing your authorities to the moot problem. Applying the legal rule is the basic minimum.
- Always try to address opposing arguments before the judges intervene. If they do so before you get the chance, don't be afraid to say that you had planned to address them.
- Policy arguments. Always include if level of court allows.
- Build rapport with judges. Professional. Body language important. Smile. Show enthusiasm.

Personal Tips from Alex

Responding to Judges

- More than just writing it down, try to really **understand your submissions**. When questioned by judges, it is so much easier when you can talk about your submissions without immediately having to look at a piece of paper.

Pace and volume

- **Have your own style!** Prioritise being clear and concise in your own way. Some barristers are dramatic in their advocacy style but others are far more calm and measured.
- As long as you're clear and the Judges are persuaded by the logic of your submissions, there isn't a wrong way to deliver them.

Personal Tips from Derek

- Treat the mooting round as a seminar or tutorial.
- Try not to bring a speech, but understand the problem and your skeleton argument well.
 - In turn, put effort into your skeleton argument. This not only helps you but also helps judges to follow your argument.
- Take deep breaths to calm yourself down. Use pauses and take time to think. Judges will not expect you to know everything off the top of your head.
- Try to address opposing arguments by incorporating and anticipating into your skeleton arguments.

Handout: Oral Advocacy:

Please note that your style of oral advocacy is highly personal and should depend on your approach; however, we have identified the following traits which we believe are shared by all good mooters.

Key Important Goals of Advocacy:

- Persuading and putting forward your argument
 - Knowing your overall argument
 - Knowing your audience/the judges
 - Knowing which arguments are most important
- Making the judges understand your argument
 - Presenting yourself in a polite and professional manner
 - Structuring your argument
 - Answering the judges questions to the best of your ability
- Preparation
 - Understanding the purpose of the argument and avoiding tangents
 - Prioritising the most important points
 - Anticipating your opposing counsel's counter-points
- Communicating clearly and coherently
 - Avoiding fillers
 - Using pauses
 - Speaking slowly

Delivery:

- Your delivery is about providing a good impression to your judges; as well as ensuring that your argument is well received and understood by the judges.

Do:

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Personal Tips from Elena, Alex and Derek:

Here are some personal tips from each of us which can help you with the oral advocacy part of your delivery. Use these tips to have an idea of what mooting is about, and develop your own style to bring to your advocacy.

Elena:

- Preparation and research is always the key to good advocacy.
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- Try to address opposing arguments by incorporating and anticipating into your

skeleton arguments.

Finally, remember to enjoy your advocacy. Don't stress too much about it and believe in yourself, because at the end of the day, Mooting is a learning opportunity for you to develop your knowledge, interpretation and delivery of the law.

Any Questions?

