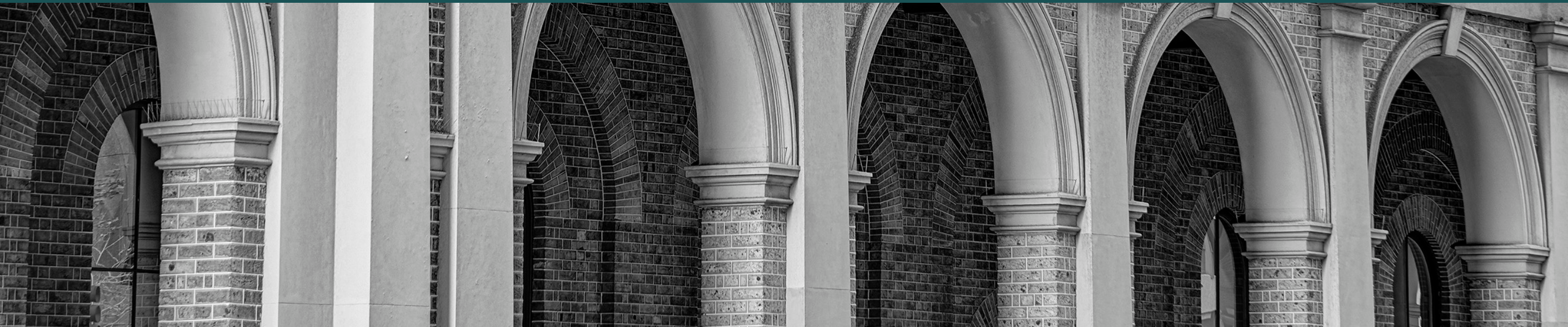




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Advocacy 101- Courtroom Craft and the Art of Persuasion

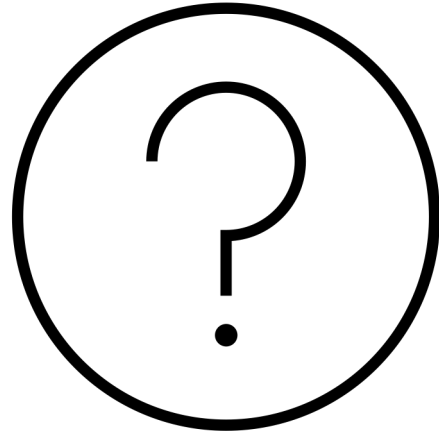
J. Knackstredt & M. Connor



I'm not a cat



What is advocacy



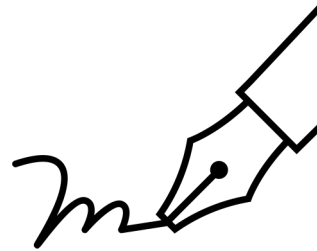
- The professional work of a legal advocate - Oxford
- Giving public support to an idea, plan or course of action - Oxford
- The art of persuasion or influence - anywhere, and in any context

Forms of advocacy

- Oral



- Written - not just submissions

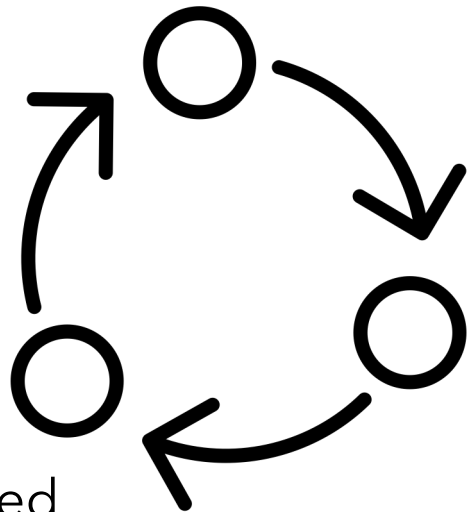


- Non-verbal communication



Objective and methodology

What are you trying to achieve?



Be prepared

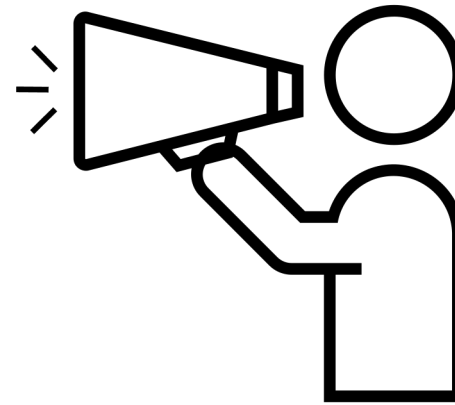
How are you going to achieve it?



- Be careful - competing duties; remembering the judge is the decision-maker

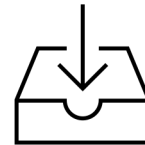
Delivery

- Know your audience and jurisdiction/ procedure
- Psychology
- Logic
- Emotion
- Eye contact
- Understatement and intensifiers/ absolutes
- Preaching
- Confidence, modulation and volume
- K.I.S.S. / clarity/ brevity



Courtroom etiquette

- Diary management
- “May It Please the Court”
- Arguing - knowing the line
- Casual language
- Obtaining instructions
- Punctuality
- Attire
- Dealing with mistakes/ errors
- Dealing with hostility



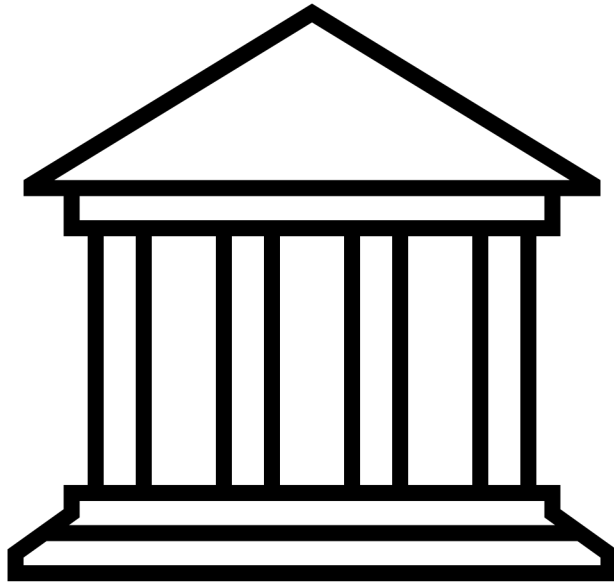
Content

- Logic
- Credibility/ trust/
reputation/ honesty/
ethics



- Dealing with questions
- Dealing with difficult/ adverse
points

Differences across jurisdictions



- Inferior courts
- Superior courts
- Tribunals
- Arbitrations
- References
- Mediations

Online vs IRL

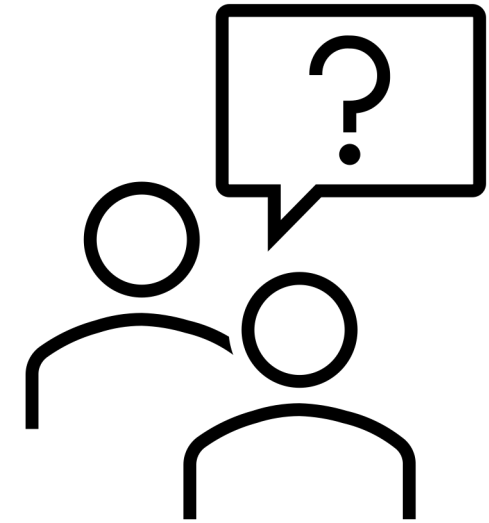
- Similarities
- Differences (and remembering them)
- Presentation/ appearance
- Technology
- Body language and tone
- Document preparation, organization and accessibility
- Avoid cats



Real life examples

When the Bench asks a question

- You hand up an affidavit explaining procedural delay
- The judicial officer looks at the affidavit and asks: "Are you asking me to make an order under r 35.1?"
- What do you do?



Real life examples

Pleasantries and familiarity

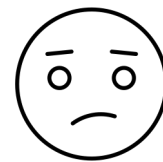


- The judge comes onto the Bench first thing in the morning.
- When can you/ should you say "Good morning?" and why?

Real life examples

Jokes

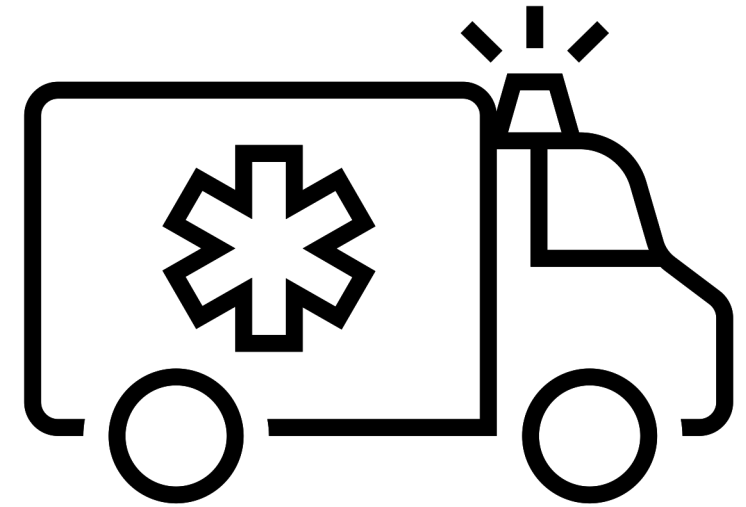
- You are in the middle of an exchange with the Bench and you think of a great joke you could make that is sure to make everyone laugh. Should you?
- The Bench makes a joke. Should you laugh?



Real life examples

Where you/the client has done something wrong

- You give the wrong information to the Court
- Your client or a witness gives the wrong information to the Court
- You or the client is guilty of delay
- You forgot to turn up to Court one day





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Questions?

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