

A Modern Approach To Oral Argument: The Do's And Don'ts

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Section Six

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Introduction	1
The Do's	2
1. Begin Strong	2
2. Argue your strongest issue first.....	3
3. Limit your issues	3
4. Relate important facts to each issue	4
5. Use an outline approach to oral communication	4
6. Combine repetition with the outline approach to oral communication	5
7. Characterize the cases you cite	5
8. Answer the court's question before you explain your answer.....	6
9. Where appropriate, use blow-ups of crucial evidence, diagrams and flip charts	6
10. Eye contact with judges	7
11. Use the techniques that define pure argument.....	7
12. Make sure your style portrays confidence and competence.....	7
13. Use the rhetorical question technique	8
The Don'ts	9
1. Don't repeat other side's argument	9
2. Don't overuse case citations	9
3. Don't mention a case without an explanation of its relevance to the argument.....	10
4. Don't negatively characterize the argument of opposing counsel	10
5. Don't personalize the conduct of the parties	11
6. Don't assume the judges remember all the cases cited in the briefs	11
7. Don't look at your notes while a judge asks you a question	12
8. Don't engage in a debate with the questioning judge.....	12
9. Don't engage in unnecessary passion.....	13
10. Don't go outside of the record	13

A MODERN APPROACH TO ORAL ARGUMENT: THE DO'S AND DON'TS

Much has been written and even more has been said about oral advocacy before appellate tribunals. A theoretical construct to oral argument may be instructive, but there are already volumes written about the theory of oral argument. Likewise, law library shelves are full of books and periodicals addressing the philosophy of arguing before appellate courts. The following outline does not abandon theory and philosophy, but focuses on persuasion; a lawyer's goal during oral argument must first and foremost be **persuasion**.

In a general sense, it is possible to develop a guide to oral advocacy. I say, "in a general sense," because the complexity of the issues in each case, the number of issues to be addressed, the preparation by individual judges and the aggressiveness of each judicial panel are elements prohibiting the development of a specific guide to appellate oral advocacy. The do's and don'ts are intended to be a general guide to achieving persuasive oral argument.

