
Oral Advocacy: General Techniques – Skills every advocate needs

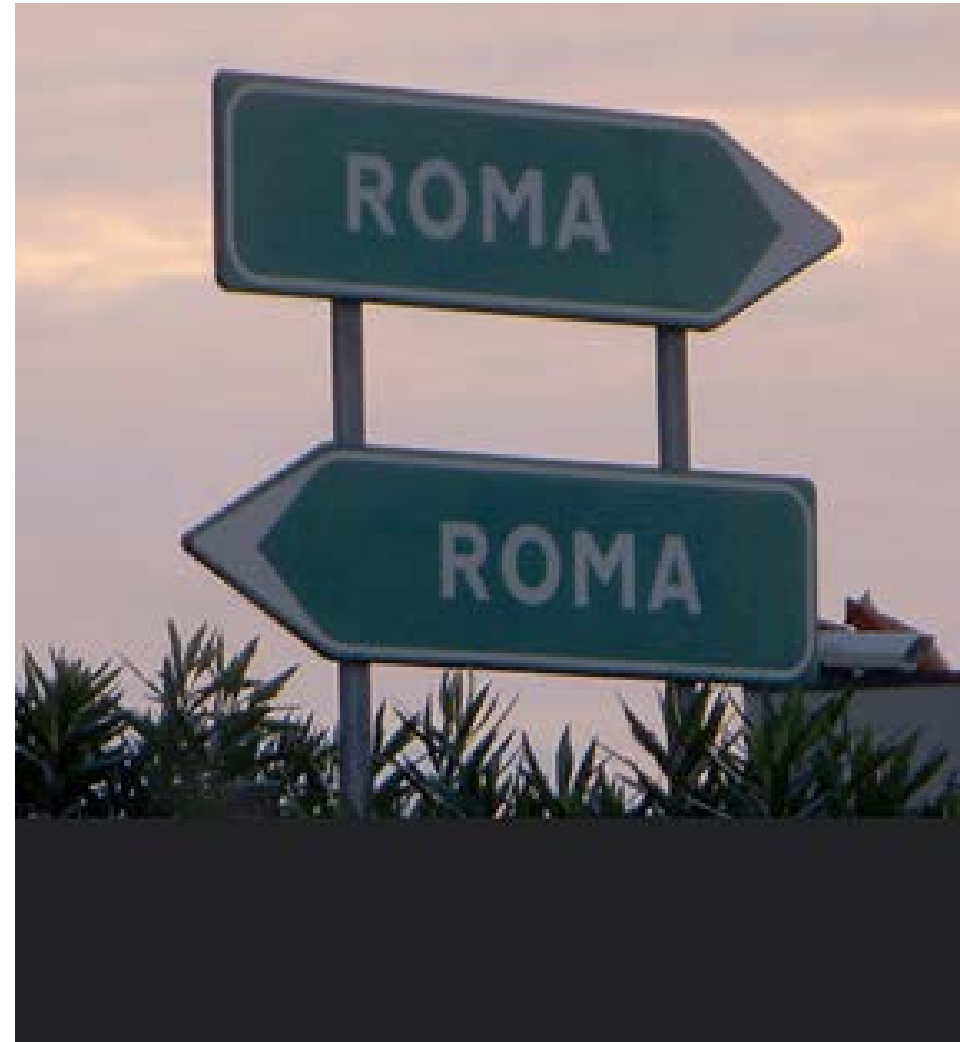
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Goal of oral advocacy:

- ⇒ convince the arbitral tribunal
- ⇒ win your case

BUT: all (many) roads lead to Rome...



Five key skills (?)

1. be **prepared** (but remain flexible)
2. be **selective** and **focused**
3. be **clear**
4. be **reasonable** and **credible**
5. be **confident** (but not overconfident)



STATING THE OBVIOUS

1. be prepared (but remain flexible)

› **know your case**

- facts, legal arguments (of all parties)
- know where to look up what you don't know

› **know your audience**

- who are the arbitrators? what is their background?
- what do they know? how well are they prepared?

› be prepared for questions and surprises

› BUT: retain flexibility



2. be selective and focused

- › define the **theme/theory** of your case
- › focus on (two or three) **key issues**
 - emphasis on facts rather than legal arguments (?)
 - start with your strongest point (?)
- › **time management**



[source: www.persoennlichkeits-blog.de]



3. be clear

> **what you say**

- structure your argument(s)
 - sharp, focused and memorable introduction
 - road map
 - conclusions
- use of familiar phrases / analogies / examples
 - BUT: remember who you are talking to

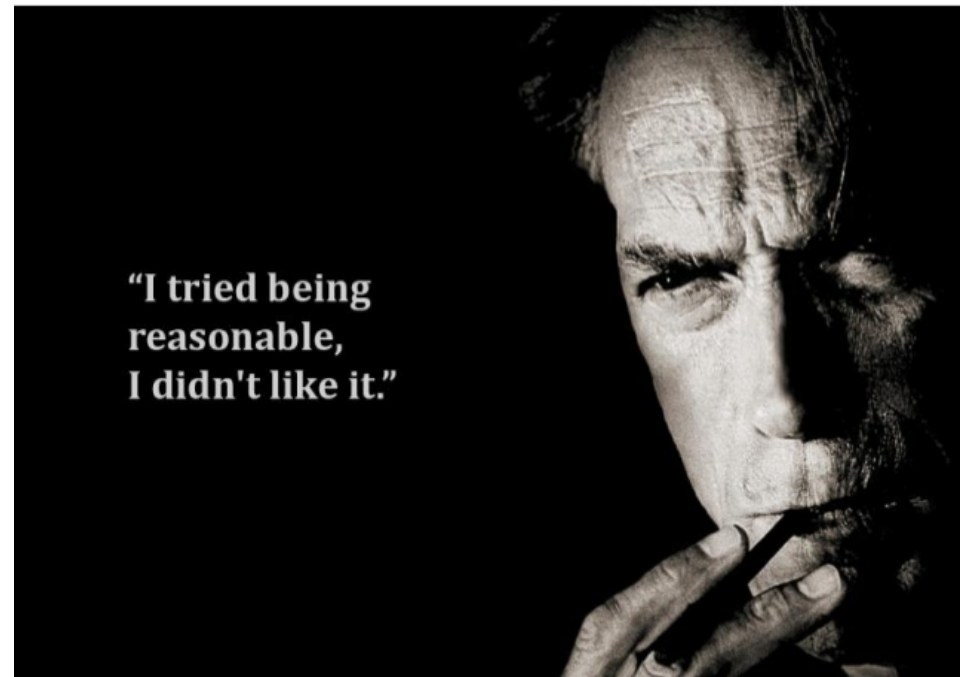
> **how you say it**

- speak clearly and slowly
- make sure the arbitral tribunal is following



4. be reasonable and credible

- › (or at least appear to be reasonable)
- › **credibility is key**
- › avoid:
 - overstatements
 - being too stubborn
(concede what you must concede)
 - personal attacks on opposing counsel
 - sarcastic/rude comments



[source: www.slideshare.net]

5. be confident

- › **keep calm**
- › **body language**
 - posture
 - keep eye-contact with the arbitral tribunal
- › **avoid being evasive**
 - “I think, I believe etc.”
 - guessing
(ask for time if you do not know an answer)
- › **BUT:**
 - don't get overconfident
 - thin line between being confident and appearing arrogant



Thank you for your attention