

LALIVE



ASA below 40 – Oral Advocacy  
**Opening and closing statements:  
How to present your case effectively in  
the short time available**

Johannes Landbrecht

The Dolder Grand, Zurich, 6 November 2015



“... in the short time available.”

“How to present your case effectively ...”

## The general challenges

- Make the point that you want to make and get across your case / position;
- But at the same time hit the points that the Tribunal wants to hear about;
- Attention span of about 10-15 minutes.

# Modes of presentation

“Entertainment” ↔ “Work Session”

## Work session tools

- Take the Tribunal through evidence;
- Have the Tribunal annotate paper copies;
- Further illustrate complex facts;
- Skeleton arguments.



# Opening statements in particular

## **Skeleton arguments:**

“A skeleton argument is intended to identify ... those points which are, and are not, in issue and the nature of the argument in relation to those points ...”

Admiralty and Commercial Courts Guide, Appendix 9, Part 1.1  
(White Book 2A-166)



# Skeleton arguments – concept

- Background facts
- Propositions of law
- Submissions of fact

Admiralty and Commercial Courts Guide, Appendix 9, Part 1.2(a)





# Skeleton arguments – content

“It is not a substitute for oral argument.”

Admiralty and Commercial Courts Guide, Appendix 9, Part 1.1  
(White Book 2A-166)



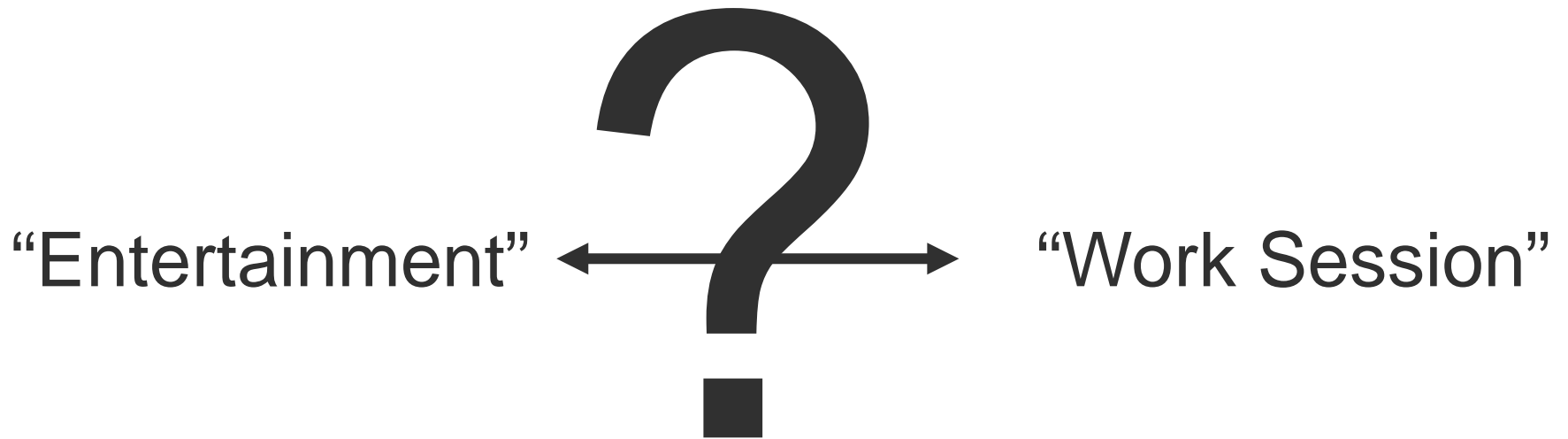
# Closing statements in particular

## Key considerations:

- Whether there will be written post-hearing submissions;
- Whether the tribunal will stay around for deliberations.



# Closing statements



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THANK YOU

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