

MR HARPRABDEEP SINGH (3): MY COMPOSING PROCESS

What is the process that you go through to produce your best work?

When I start working on a case, first of all, I brainstorm. In order to brainstorm, I have absolute silence. That could either be at home or at the workplace. I completely shut off my doors, I just leave the lights on with no refreshments, no music, I put down the blinders. I need absolute silence when I brainstorm, so the only thing working in that room is my brain. So once I've read the case, I let my brain formulate some sort of ideas, some sort of solutions to the problem, and the second step is then I take out my marker and board. And so I draw out the potential solutions to this problem. And having drawn out the solutions with the marker and the pen, I leave it there and then, and I take a complete day off by not thinking about the case at all.

Having gotten this day off, left it alone, I come back a day later, and again, read the case, this time in more detail with the exhibits and all the evidence and all the written submissions. Having looked at that, I then reflect back on the board and I cross out the ones which are not viable based on the additional material I've read. Having left with the solutions that I have, I then go on to research those solutions, looking at case law, looking at books, looking at judicial authorities, and then having left with the solutions that I have, crossing them all out after research, I then see whether those solutions really fulfill the objective the client has set out for me. Is the objective to maintain a minimum amount of sentence or reduce the costs or to exempt from liability? If the solutions match, then I try to find out back-up solutions because I know in a court or whether is it in a tribunal, one solution is never appropriate.

So with the sufficient number of back-ups, I then again leave the case for about a week, work on a completely different case, completely forget about it. Having forgotten about it, I come back a week, maybe two weeks later and re-evaluate the whole case to see whether or not it really makes sense. And then I try to speak it out to fellow lawyers, whether it be in my chambers or whether it be at home to laymen to see whether or not this actually makes sense from a layman's or professional's perspective, before I really nail down my oral arguments for court. That's the general process of how I present my oral arguments in court.

What advice do you have for students about adopting a productive process?

Well, some of the few tips that I can give students out there who want to present good oral arguments is to, first of all, really focus on the case. And when I say focus, that means read the case, read all the exhibits, read all the materials, all the evidence, and really think about what's the objective of your client. Now, having figured that out, it's really essential to keep that objective in mind and never to lose focus. The problem I find quite common nowadays is, given the amount of research, given the amount of materials out there, people get jumbled. All this information being presented all at once makes them confused and they lose focus of their objective. So keep the objective in mind, that will help to determine the research you need to do, the type of materials that you need, and the type of cases or the type of authorities you need to assist you in that.

Having gotten all those materials, it's very essential to really understand your case as a whole with all those materials. It's not enough just to present them and say, 'Well, voilà. Here is the case and here are the materials. Judge, it's up for you to digest them'. No, you have to really understand that these are two jigsaw puzzle pieces and you really have to make them fit completely as best as possible. Having done that, and really look at that whole picture as a whole to see what the message is coming from those facts and authorities, and is that message the same as your objective? If it isn't, that means your jigsaw puzzle pieces are wrong. You have to start all over again. But if it is, job well done. Now you can go on to start practising your oral advocacy.