

## MRS AUDREY CAMPBELL-MOFFAT (1): WHAT MAKES GOOD ORAL ADVOCACY?

### **What makes a good oral legal argument in English in professional settings?**

Well, I think if you're talking about a court setting, but even if you're talking about speaking to a client or to your instructing solicitor in a conference, what you have to do every time is keep it simple. You don't want to adopt the sort of language that the normal person doesn't understand because, equally, judges don't always want that type of language, so just keep it simple, keep the issue simple, and if you keep the issue simple, then the language comes with it. I think if you overcomplicate your issues in your head, that's when the language becomes fluffy and when you start to search for words. And when you start to search for words, that's when you look as if you're not being convincing.

### **As a legal professional, what are you looking for in oral legal arguments?**

I want to know immediately what somebody wants. I want that upfront. I want to know that because then I know where I think someone is going with their arguments, so I want to know what they want and why they say they can get it, and then I want them to be upfront with the hurdles that they've got to meet. Whether that's a legal hurdle or a factual hurdle, I want to know that they've addressed those and that they can turn around and say, 'Opposing Counsel will say X, but we say in answer to that Y'. And I want to see that and I want to see that they've addressed it. I don't want to see that they're avoiding the issues that inevitably are going to come up and that they're going to be asked by a judge.

### **What were the main challenges that you encountered when learning to present legal argument orally and how did you overcome them?**

Well, I think nerves, definitely. And I think people should remember that even as senior counsel, you can be nervous. That is something you need to address and you need to accept the fact that it's healthy to be nervous.

I learned to breathe. I think that's a key point of oral advocacy. Get onto your feet, breathe,

introduce what you're going to introduce. If there's a question, breathe. Think about what the question is, learn how to ask for an illustration of what it is that the judge may want or learn how to interpret what it really is that your opposition is saying. Think about it, don't shoot from the hip. And certainly, engage your brain before you engage your mouth.

**What advice do you have for students who are learning oral legal argument?**

Preparation is absolutely everything because if you know your case, you will be less nervous, you will be ready for the questions that are coming at you from the bench, you will be ready for your opposition. So, a lot of oral advocacy comes from the preparation that you put into it beforehand.

You cannot be on your feet and making an argument unless you've decided what your argument is. And you can only do that if you learn to strip it down to its bare bones because you can never be too simple.

**What can students do to learn better oral advocacy skills in English?**

I think, first and foremost, they have to improve their own English, and that doesn't matter whether you're an English speaker or whether it's your second language. Listening to other people who speak well and who advocate well is most probably the easiest way to do it. But if I was a non-English speaker, I would be saying to students: listen to the news, listen to world affairs. It educates you at the same time. It brings you up to date with the sort of people you're going to be mixing with, but also it's always clear and concise English. And then, secondly, I would make sure that I go to court a lot. I would want to see a lot of different applications. I would like to see lots of different levels of application, so that you can see people in various stages of their career and know what you want to aspire to.