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As a legal educator, what are you looking for in the oral arguments students develop?

The first thing I'm looking for is that it is logical, that it displays sound research, and that they have anticipated the weaknesses of their argument and provided contingencies for them or at least distinguish them.

One thing that new law students find very strange is that there is no perfect answer. There is no black and white answer and there is no such thing as a black and white answer. That's why there are appeals. That's why there are cases. That's why there are disputes and arguments. If it was black and white: A) it wouldn't be part of your assessment; and B) it wouldn't be part of the law.

I've told students that if you can answer a question and you can say yes or no definitively, you probably haven't appreciated the question because no one will assess a student when they can give a clear answer. They need them to argue it. They need them to balance the argument, so they need to do it in a way where they believe in that argument and with that belief, they can deliver it effectively.

What are the main challenges of oral advocacy and how can they be overcome?

When students first start out, nerves get the better of them. And let me be fair, public speaking is not easy. I have been to the high courts and I have heard some very senior members of the bar in the washroom, and they were nervous. Of course they were nervous. It's important to be nervous because if you are nervous, it means you care about what you're doing. But how do you control those nerves? You have some deep breathing and in a crowded magistrates' court, you need to look like you're in control.

I would say, and I give this advice to the students that I train, the magistrates' courts in Hong Kong are very challenging. They are busy, they are hectic, they are crowded, they are noisy. You need to stand up and you need to command the attention of the court. You do that through volume. Not loud, controlled. You do it through pace.

How can students improve their oral advocacy skills?

What I think is effective in Hong Kong and would help the law students is that we need to have models of articulate English. We need to hear, we need to see, we need to be exposed to good quality spoken and written English. When I grew up in Hong Kong, we would listen to the radio and we would hear some of the debates in Legco. The language used was persuasive. They were compelling and they were articulate.

I think law students now are probably one of the luckiest groups of law students ever. They have access to so much information. And the Internet, yes, has its disadvantages, but the greatest advantage is the access to information, the access to recordings, the access to recordings of speakers from the eighteenth century and early nineteenth century. We can hear old, sort of slightly damaged recordings, but you can hear the language that was used by some of the compelling speakers. I think students, what would help them is if they thought to themselves, 'Who is the one person or what is the argument that I've heard that made me change my mind?' and 'What was it, what were the qualities of that person?', 'What did they possess that I can try to emulate, that I can practise, that I can develop, so that I too can be as convincing, as confident as they are?'

What advice do you have for students who are learning oral advocacy?

My biggest advice or the most useful advice I would say is anticipate the challenges, anticipate the difficulties you will face, anticipate questions and have a contingency. So I'll give you two very useful tips. Number one, when you start preparing any case, always prepare the opposing side first. When you prepare the opposing side first, you will understand the strengths of their case, which will highlight the weaknesses of your case. And their weaknesses will be your strengths. Prepare the opposing side first, you will then understand where the weaknesses are in your case.

A second tip, when you have finalized your skeleton and finalized your arguments, put it aside and go for a cup of coffee or a cup of tea. Go and meet someone who is not related or not involved in law, and sit with them and tell them a story. Tell them the story of the case in simple clear terms

and listen carefully to their questions because their questions will be the ones showing the gaps in your case, the confusion in your arguments, the queries. Help explain your particular point of view and listen to their questions because they will help guide you with respect to the gaps in your case.