

## PROFESSOR MICHAEL HOR (2): WHAT MAKES GOOD ORAL ADVOCACY?

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

If I may speak about this in the context of a student moot, having judged a couple of them in my years, I think the most essential thing about a good oral argument is the correct identification of what is itching the judges. Students, I think their common error is to try and stick to a certain script which they have prepared and come hell or high water, they have to finish that script. I think that is a mistake because judges and moot judges are lawyers themselves, of course, very senior and they would have formed a certain idea of what the most interesting issues the case presents are. And they do not want to hear from a bad script. They want you to respond to what they think is the most important aspect of the case, so I think a good oral argument must address what the judge or judges think is the most interesting or important issue. So I think that's the number one in any oral argument.

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

Oral argument is, I think, is different from written argument: the way in which you speak, the length and the brevity and the formalness or informalness of the situation... Oral argument, I think, tends to be rather less affected by convention than written argument. So, as to how informal you can get, I think it depends on how conservative or progressive the judge or the moot judge in front of you thinks is appropriate.

Presentation skills, again, I think, are very personal. I've seen effective advocates who are very eloquent and showy, able to crack a joke here and make very sharp, cutting remarks. I've also seen, surprisingly, rather more boring advocates. You know there's nothing very amusing or entertaining about them, but they are very methodical, they are very thorough, and they cover each point comprehensively, so I think there are at least two different models of advocacy in oral argument. Depending on the personality of the student involved, I think you will adopt a style which is one or the other or somewhere in between depending on the circumstances.

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

It's the same as written skills. You have to do it again and again. And I think for oral skills, what I think some people have found very useful is to watch videos of themselves doing the oral argument. And then having a debrief or post-mortem after that with a moot or oral argument instructor to see how it can be improved or not improved because when you are actually making the argument, it's very difficult to imagine how the other parties are looking at you. Because how you perceive yourself to be is very different from how someone else listening to you perceives you to be, so I think it helps a great deal if you could watch a video of how you performed. It could be simple things like you're using too many of these ers, like what I do. You might want to cut down on that. You might want to cut down on the length of your sentences. You might want to, for example, look at the judges in the eye rather than look somewhere else. I think this will be evident to you if you watch a video of yourself presenting.

There's no substitute for preparation. The judges or moot judges are likely to be experts in the field they are conducting the hearing in, so if you're not prepared, you'll be caught out straight away. You will need, in fact, in oral argument, to be much more prepared because you can never be sure what the judges will ask you. It could come in from the left field and if you can't answer the question, or rather, if you can answer the question, then that would be very impressive indeed. It shows that you've done your groundwork and you know what you're talking about.