

ART OF ADVOCACY

ADVOCACY

- ◉ Is not a business but profession
- ◉ Not a trade but duty of honour
- ◉ A good name like goodwill is got by many actions but lost by one
- ◉ A sincere **no** is uttered from deepest conviction is better than a **yes** uttered to please somebody

ADVOCACY

- ⦿ It is not inherited
- ⦿ Skill acquired by hard work
- ⦿ Live like a hermit work like a horse-Lord Atkin
- ⦿ Genius of success is genius of hard work; no one risen without that-Lord Atkin

RELATIONSHIP WITH CLIENT

- ◉ Hear the client patiently
- ◉ Examine all documents
- ◉ Discuss and advice him correctly
- ◉ Not to divulge his secretes to any one.
- ◉ Not to appear two clients which is in conflict
- ◉ Should give his honest opinion to client; but if instructed to fight- do so
- ◉ Relationship is that of trust and confidence

CUSTOMISE WITH COURT CRAFT

- ◉ Approbate reprobate
- ◉ Unclean hands, bonafide
- ◉ Drafting petition, counter, rejoinder
- ◉ Affidavit
- ◉ Perjury
- ◉ Contempt
- ◉ Cause of action
- ◉ Grievance
- ◉ If you do not pray you won't get it
- ◉ Preponderance of probability
- ◉ Be pleasant but firm

QUALITIES

- ◉ **Courage:** Boldness do not fear the opposition

- ◉ **Eloquence:**

It is fluency, force and style of using the language.

Vocabulary gives him assurance, self confidence.

Art of persuasive and impressive speaking will give best results

QUALITIES

- ◉ He is not the mouth piece of the client but an officer and friend of the court
- ◉ Believe in your submissions; argue with conviction

QUALITIES

- ◉ **Judgement:**

Anticipate all possible moves of the other side-
be ready for surprise moves from the other
side

- ◉ **Duty:**

His duty is more important than that of a
judge

He is the torch bearer of rule of law

He is not to argue with the judge

PREPARATION

- ◉ Frame the issues
- ◉ Strategy vs tactics
- ◉ What is law and case law for and against you
- ◉ Know general laws like, law of limitation, law of evidence, an over view of constitution
- ◉ Prepare a note on dates and events
- ◉ Prepare brief note on critical issues

AT THE COURT ROOM

- ⦿ Be punctual
- ⦿ Appear with formal and official dress
- ⦿ The judge is the king—he can do no wrong
- ⦿ You may lose a client -but do not lose the judge
- ⦿ Speak slowly and clearly
- ⦿ Turn your phone to silent mode
- ⦿ Respect the court customs

AT THE COURT ROOM

- ◉ Knowing the law and case law is important but it is not the whole picture
- ◉ Someone is always watching you-other counsels, other visitors
- ◉ You could be friendly with bench clerk
- ◉ The bench clerk is more knowledgeable
- ◉ Opposing counsel is not your enemy, he is your friend

AT THE COURT ROOM

- ⦿ First impression really counts.
- ⦿ When submitting documents make sufficient copies.
- ⦿ Large documents submit in advance.
- ⦿ Avoid interrupting when other counsel argues
- ⦿ Do not leave the court when your case is being heard
- ⦿ Read the rules thoroughly

CONCLUSION

- For winning a case:
 - one needs a good case
 - then good evidence
 - then good judge
 - then good luck