

## **Appellate Argument Checklist**

Use the following checklist to prepare your presentation to the Court.

### **I. ORGANIZATION OF THE PRESENTATION**

#### **A. INTRODUCTION**

Have you introduced yourself, party affiliation, and if appropriate, your co-counsel?

Are the issues to be discussed and the highlights of the argument previewed for the Court?

#### **B. CLARITY OF ORGANIZATION**

Are the arguments presented in logical sequence?

Are smooth transitions made from one argument to another?

Does the organization aid and insure clarity and comprehension of the various arguments?

#### **C. ALLOCATION OF TIME**

Is time allocated among arguments in an efficient manner?

Does the allocation of time anticipate and allot the most time to those specific issues that most concern the Court?

#### **D. CONCLUSION**

Does the argument conclude with a concise and effective summary of the major points?

### **II. DEVELOPMENT OF THE ARGUMENT**

#### **A. PERSUASIVENESS**

Is maximum effective use made of the strongest points?

Were weaker points made in such a way as to minimize any detrimental impact of such points?

Are the arguments presented in the most persuasive sequence?

Are the arguments of the opposing side anticipated and minimized by proper selection of available arguments?

#### **B. ARGUMENT SUPPORT**

Is the best case law authority used? Are the strongest policy arguments made and emphasized?

#### **C. APPLICATION OF LAW TO FACTS**

Are the arguments and authorities effectively tied into the facts of the case?

Are cases relied on properly analyzed and used to support arguments or show similarity to the facts of the case at bar?

Is each step of the argument logical in its welding of facts, law, and policy?

### **III. RESPONSES TO QUESTIONS FROM THE BENCH**

#### **A. PREPARATION**

Is the speaker adequately prepared to answer all questions?

Are the facts and holdings of cited authorities and the details of policy arguments clearly recalled, understood, and applied?

### **B. RESPONSIVENESS**

Does the advocate answer the questions posed without first beating around the bush?

Are the responses persuasive? Do they address the Court's concerns and attempt to dispel those doubts with the best authority and logic possible?

Do the responses evoke empathy from the Court toward the advocate's position and client?

### **C. FLEXIBILITY**

Is the advocate able to adjust his presentation to immediately address any persistent concern of the Court over a specific issue?

Is the advocate able to continue the presentation in an organized manner after each question is answered?

### **D. PERCEPTION**

Is the advocate able to understand the questions from the tribunal and perceive what elements the Court considers troublesome or unpersuasive?

## **IV. SPEAKING ABILITY**

### **A. ADVOCACY**

Does the advocate's speech and manner at all times convey conviction and purpose on behalf of the client? Does the advocate avoid appearing overly scholarly or detached from the client's position?

### **B. SPEAKING TECHNIQUE**

Does the advocate speak without undue hesitation and with proper diction?

### **C. DEMEANOR**

Does the advocate appear poised and relaxed?

Is composure and tact retained at all times, even under stress?

Are notes avoided or used effectively, e.g., unobtrusively, without excessive reliance?

Is eye contact frequent? Does it convey interest and conviction?

### **D. OVERALL EFFECTIVENESS**

Does the advocate's use of the above attitudes, techniques, and skills combine to make the advocate's arguments and responses to questions significantly more persuasive?