

ADVOCACY

Notes

OPENING STATEMENT

Purpose

- Inform the judge or adjudicator what the advocate is going to talk about
- Preparing an Opening Statement helps the advocate to focus their thinking on the case
- What would the decision-maker want to know about the facts and evidence?

Format

State the Theme of Your case

- Theme is derived from the Theory of the Case

Identify the Parties

- Who are the parties and how do they fit into the case?

State the Cause of Action or Defence

- E.g. "This case involves the Tort of Battery"
- E.g. "The defendant's defence is that the plaintiff consented to the ..."

State Facts Consistent with Your Theory

- Set your version of the case/facts
- State whom you will be calling as witnesses

State the Legal Issues

- Legal issues raised by the facts
- Use "Whether" or Question

State the Outcome You Desire

- Brief statement of your outcome
- If plaintiff, state damages wanted but no details
- If defendant, state you want case dismissed

LANGUAGE FOR ORAL PRESENTATION

- Keep your sentence structure simple and your sentences short
- Use introductory sentences to take the place of headlines: E.g. "There are three issues in this case. The first issue is... The second issue is... The third issue is ..."
- Use words you know how to pronounce