

Twenty Tips from a Battered and Bruised Oral-Advocate Veteran

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A partner of mine was once arguing in front of an appellate panel when, suddenly, the lights went out and the courtroom was plunged into utter darkness. My partner heard, "Counsel, continue with your argument." Unfortunately, his brain had "short circuited" in the dark, and he could not remember what he was saying – he could not even remember what case he was arguing. He stammered, "Your Honor, I can't see my notes," and he remained silent for hours (minutes) until the lights returned. He then finished his argument and returned to his seat. This panel rarely asked questions. When the chief judge of this local district court was on the panel and asked a question, it usually foreshadowed a reversal. The chief judge called my partner's name, and his spirits soared as he thought, "The chief has a question; I have a chance to win!" He jumped back up, expecting to be challenged with a question going to the key issue in the case. Instead, the chief judge declared, "Counsel, I want you to know that we're still in the dark about your argument." The point is, you never know what may happen at oral argument, no matter how hard you have prepared. To read Sylvia Walbolt's tips, visit [Twenty Tips from a Battered and Bruised Oral-Advocate Veteran](#). *This information or any portion thereof may not be copied or disseminated in any form or by any means or downloaded or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.*

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