

Skeletons: how to be 15-love up (or down) before the hearing —



Charles Bagot KC

Commonwealth Law Conference, Malta 2025

Do you feel a bit like this
when it's time to draft a skeleton argument?



Make sure the Judge doesn't feel the same when reading it!

Communication is key: a rough guide to skeletons

- Remember your target audience is the Judge, *not* your client or opponent;
- Make an impression before going into Court... preferably a good one;
- Make it user-friendly: a navigation aid to the case/ your preferred outcome;
- Make it succinct: the clue is in the name;
- Avoid hyperbole or mock outrage;
- Think ahead how it is going to get to the Judge & in good time;



Think about your target audience...the Judge

- Aim to make busy J's task easier;
- A skeleton for (virtually) every hearing;
- Gain an advantage before the hearing;
- Brevity; accuracy & clarity;
- A routemap through the issues/law/subs
- A template for the J's oral judgment or a cut and paste for a written one;
- Crafting a good skeleton will be a key part of your preparation



Presentation

- Make it easy on the eye & simple to navigate;
- Check Court Practice Dir.s on format/ length/ timing;
- Identify Court (if known), parties, hearing and who you represent in title;
- 12 pt, 1.5 spacing, depending on font; margin for notes
- Use paragraph no.s, sub-headings, page no.s;
- Author's name & date at end & who you represent;
- Avoid excessive footnoting unless PDs require it;
- Explain how bundle refs work.
- Preparing a short skeleton takes more time than a long one...



An example structure (but be flexible)

- Intro para: succinct exposition of issue/ case: tell the J what you want them to do!
- Representation & parties;
- Suggested pre-reading and (realistic) time estimate;
- Background: neutrally stated;
- (Neutral) Chronology: in an appendix unless it is brief;
- Applicable law: less is more, avoid long citations; balanced
- Submissions: applying law to facts/ app with cross-refs;
- Conclusion: briefly state what result/ Order is sought

Ethics & Integrity

- Put ethics at the heart of everything you do as an advocate, including drafting skeletons;
- Never cut a corner or risk your reputation to impress or placate a client: Js have long memories;
- Be persuasive but don't overstate your case/ the law;
- Distinguish clearly what is common ground & what is disputed;
- Do not engage in hyperbole, mock outrage or rhetoric : this will backfire & will undermine the good points you make in the J's eyes;



A brief word about generative AI and skeletons

- Check your Court's/ firm's/ Chambers' policy;
- Ensure data protection/ security and client consent is addressed;
- Establish whether the use of AI needs to be declared;
- Learn from the mistakes of others, e.g. checking carefully for accuracy of content and caselaw references etc.
- AI is a powerful tool but *your* name is on the document: you are vouching for its content/ language/ tone;
- Exercise caution and carefully assess the risks; you might need to justify to the Court/ your client; your regulator.
- Never use AI because you are short of time. Rushing out a document without time properly to check it is courting disaster.



A well-crafted skeleton can be pivotal to success...



Happy drafting and good luck!

Thank you!

Any questions?

charles.bagotkc@gatehouselaw.co.uk