

Court Room Advice for Young Lawyers

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Many young lawyers just starting out find it quite overwhelming just making head and tails of work and or digging deep to find the confidence to do the right thing or meet work expectations. There is a feeling that they are expected to perform at a high level and rightly so, the bar should be a high-level place to perform. Manoeuvring the nuances of practice and whether it be court appearances or client meetings, researching and or staying on top of the law and how it is applied in your day-to-day work can be a challenge. There are expectations all around.

Here are ten (10) tips to nudge young lawyers along into becoming more prepared, more ready and getting into the game of lawyering so to speak.

1. **Presentation**

A well-presented appearance in Court or in a boardroom etc is a pull factor.

2. **Equate Oral and Written Submissions on the same level**

Presenting in Court involves both oral submissions and written submissions. Oral submissions involve some level of oratory skills, good communication with the bench—eye contact, less distracting hand gestures and a careful structured delivery of your written submissions wrapped in a great pitch. When judges reserve a matter for ruling or decision, they read your submissions. You are confined to what is written on paper and therefore advocating on paper to the judge is equally important as making an oral submission in person before a judge. The written submissions that are well set out, in-depth in research on the law, are straight to the point and are not ambiguous are the most helpful to the judge. They tend to pick up that paper and read it again. The same is true for a great oral presentation, judges want to hear more and are engaged being led by your queues at every step of your presentation.

3. **Preparation, preparation and plan, plan**

You've heard it many times over that preparation takes you a long way. Prepare for your case, prepare for any exchange with the judge and prepare for what the defence will come with. Planning is strategizing, how do you start an argument, how do you lay the foundation, what points do you use as building blocks to your argument and what should a great finish look like. Structured arguments are more coherent and allows the Court to follow you as you lead. Once you have a structure and a plan, prepare for your presentation and be open to change gears in submissions so to speak if you are being thrown off course by the Court or by opposing counsel maintaining the end in sight and your strategy as to what you want to achieve in a good delivery to the Court.

4. **Know your Judge**

In a motions hearing, you may only have 20 to 30 minutes to make submissions. Knowing the judge, you are appearing before in terms of any decisions they have published on the particular point of law that you are arguing saves you time and gets the judge on the same page as you quickly. Read up on their thinking, particular cases they have decided on and or their opinions as part of a Supreme Court bench. Knowing which side of the fence they sit on can prepare you to argue a particular point and to better persuade them if necessary or for you to better clarify a difference in facts of their decided cases and your client's case etc.

5. **The power of pause**

Oral submissions in Court entail a good grasp of communication with the court. Confidence comes as an attraction to a judge as it signifies that the lawyer knows what they are talking about. On the other hand, your nerves can get to you to empty everything within your mind out that you run on high speed. Being too slow may also irritate a judge who has a long list of matters on that day. The goal is to retain the attention of the judge. Using pauses in your presentation to allow a point to sink in at just the right time, sustaining the attention of the judge and moving on to the next point allows for the judge to consume and feed on the points that you have delivered. If you are too fast or too slow, the judge will tell you. Find the momentum and utilise pauses in your oral submissions for effective communication.

6. **Read the room**

Talking over the judge or opposing counsel when he or she is talking is quite disrespectful. You want to be the most respectful yet a fighter for your client in court. A judge may have already read your file, in his or her mind, he or she has already formulated questions to ask you. The ability to read the room, sense the judge's mood, be in tune with how fast he or she is moving through the matter is beneficial. If a judge asks you a yes or no answer, it is advisable to answer the question up front with a yes or no and swiftly follow through with an explanation to affirm the reason behind the yes or the no to cancel any doubt the judge may have in his or her mind. Answering a yes or a no question starting with a reason gives room for the judge to be impatient however where the question attempts to elicit a yes or no answer, answering it directly portrays you as being submissive and following up with an explanation removes any ambiguity or doubt in the answer.

7. **Your values are who you are**

Litigation can be a walk in the park on some days and or it can be a fight. There is a tendency to slip into your emotions, prove that you are right, be vengeful as your client wants to be and or react in the circumstance. Ever heard of the phrase "your integrity precedes you?" In a heated fight where you have emails going to and fro, it may be best to draft that emotionally charged email and let it sit, allow your emotions to pass and then revisit that email before you send. Or you may involve your team to get a clear perspective, are you overreacting, what is

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the right response, get counsel from a superior. In a court hearing, it may mean picking your battles, not engaging in a personal attack etc. You are entitled to fight, but fighting fair with respect reflects on your personal value. If you do mess up, redeem yourself and do better in the next opportunity. Your integrity will knock on doors where your feet will catch up on later.

8. Be fluid in Change

They say when you learn how to drive a car, you attend driving classes, you pass all the road tests before you are being granted your licence. In lawyering, the opposite is true. You are admitted to the bar and then from experience, you learn how to practice law. Failing is part of this process. You may be humiliated in court, put through hell, lost miserably to a very senior lawyer on the opposing side, your client is utterly disappointed that his case did not go his way. What do you do? You pick yourself up. The ability to move quickly from disappointment or set back, and from a learning curve to growth demands evolving through the process. You will not be the first or the last to fail, get up.

9. Professional Growth

Your professional growth is your own responsibility. Just like in life, growth is essential to stay in this profession. As continuing legal education is not yet mandatory in PNG, plan to attend annual skills based events or CLE events, online events etc to stay informed in the law and to sharpen your skills.

10. Mentoring

Find a mentor, be it a senior in your office or someone you look up to in the field that you are interested to progress into and ask for mentorship. It can be a 20-minute coffee conversation every fortnight as to what your dreams and professional pathway vision is and seeking guidance as to how best to achieve or walk those pathways. Being mentored does not have to be open ended, you can agree to a 6 month mentoring time frame or a year until you are on your pathway or you are seen to be achieving a goal if it's confidence in Court etc and bring the mentorship to an end. This allows you to set target goals and plan for your next pathway, next mentor on your journey.