Persuasive Pitching: Strategies from the Law

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Making effective arguments: organization

- Organization: introduction with a roadmap, arguments, conclusion

- Develop a chronology that tells your client's "story" from start to finish

- This type of organization helps the listener follow the path of your argument

- Example of good roadmapping (9:20-11:15): https://www.youtube.com/watch?v=MOBHOEtsNlE&t=477s

- Example of good roadmapping (16:00-17:30): https://www.youtube.com/watch?v=yMV1CaVnbGY&t=4702s

Legal presentation is "about leading the judge down a path to a destination of your choosing"

Making effective arguments: point first writing

- Justice Laskin
  - "Whenever you are about to dump detail on the reader, give the reader the point of the detail first."
  - "We absorb and remember information best when we know why it is important and how it is relevant. If we are forced to read a lot of details before we know why they matter we will skim and skip."

- Helps with time management

- e.g. X and Y set my innovation apart from existing innovations, then explain

"Do not write…like a mystery novel in which the conclusion is revealed only in the final paragraph, if at all."

Making effective arguments: focus

- Justice Wendy Matheson
  - "Otherwise, key points are diluted by being surrounded by weaker points. The impact of key points is similarly diluted. In turn, the ability of the Court to understand the argument is diminished with all the background noise."

"Counsel should have no more than three points"

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Making effective arguments: the importance of language

- Justice Stratas
  - "Get rid of imprecise 'waffle words'" (e.g. "indicate")
  - "Get rid of...useless words" (e.g. "it is the fact that", "it is apparent that")
- Eliminate timid phrasing (e.g. "it appears that) because it waters down your argument and is imprecise
- Simplify bulky phrases (e.g. "because of the fact that" becomes "because")
  - http://pointfirstwriting.com/edit-your-own-work/pdf-word/bulky_constructions_simplified.pdf

Editing your pitch: 4 stage editing strategy

- Structure: are your key points clear from beginning to end?, point first writing, does each paragraph have a theme?

- Continuity: do your ideas flow smoothly from one to the next?, do you use consistent terminology and abbreviations throughout?
  - Transition words: http://pointfirstwriting.com/edit-your-own-work/transition-words.html

- Clarity: remove awkward wording, remove wordiness, avoid passive voice

- Proofread: spelling/grammar/typos
 - Common errors: http://pointfirstwriting.com/edit-your-own-work/gram_errors.html

Editing your pitch: practicing your pitch

- Practice your pitch with specific attention to timing and awkward transitions/stumbling spots

- Practice answering questions about your pitch

- Watch for distracting physical and verbal habits (pen tapping, too much hand talking, umms, uhhs, reading too much from notes, etc.)

  - 1:30-3:30: https://www.scc-csc.ca/case-dossier/info/webcastview-webdiffusionvue-eng.aspx?cas=34997&id=2013/2013-12-13--34997&date=2013-12-13&fp=n&audio=n

Questions about your pitch

- Anticipate counterarguments and questions

- Interrupting (7:00-10:30): https://www.scc-csc.ca/case-dossier/info/webcastview-webdiffusionvue-eng.aspx?cas=34408&id=2012/2012-12-04--34408&date=2012-12-04&fp=n&audio=n

"If you are going to be able to intelligently answer a question, you must first listen to the question"

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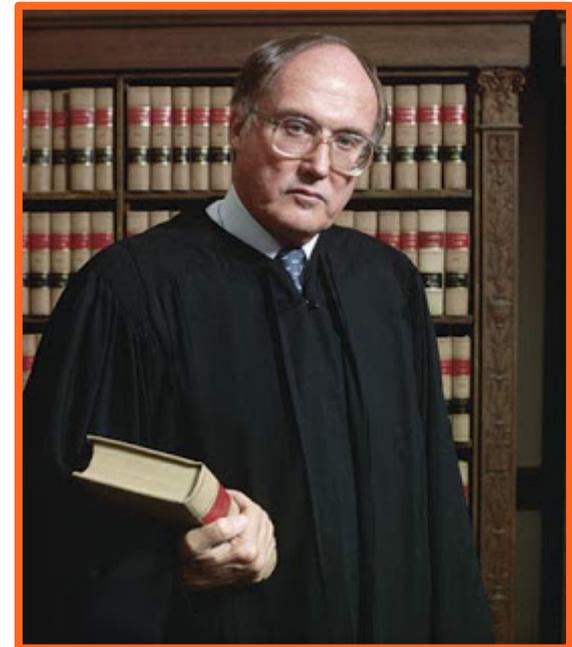
Questions about your pitch

- Justice Binnie: "No matter how disastrously you think the hearing is unfolding, be steadfast and defiant. Don't crumple."
    - Friendly fire questions versus hostile fire questions
- John Davis: "In the argument of an appeal, the advocate is angling, consciously and deliberately angling, for the judicial mind. Whatever tends to attract judicial favour to the advocate's plea is useful. Whatever repels it is useless or worse. The whole art of the advocate consists in choosing the one and avoiding the other"."

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