

LAWYER TO LAWYER MENTORING PROGRAM
WORKSHEET MM
INTRODUCTION TO APPELLATE COURTS AND ORAL ARGUMENT

Worksheet MM is intended to facilitate a discussion about appellate arguments and techniques and tips for effective oral argument.

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- Observe together appellate arguments in the Supreme Court of Indiana, Indiana appellate court, or United States District Court. Observe the different styles of argument and discuss what was effective and ineffective. If you cannot attend oral arguments in person, watch live or archived Indiana Supreme Court arguments on-line at <https://mycourts.in.gov/arguments>.
- Provide suggestions for preparing for oral argument. Share with the new lawyer exercises that you or members of your firm engage in to prepare for oral argument. Review the attached resource on the Indiana Rules of Appellate Procedure re Oral Arguments
- Discuss techniques for being effective during your argument, including:
 - Choosing the most important issues to raise during argument
 - Avoiding misstating or over-stating the facts or law in a case
 - Being honest and responsive when asked questions
 - Re-focusing on an issue you were addressing before being interrupted with questions
 - Limiting or excluding emotion from argument
 - Having a conversation with the court (as opposed to reading from a script)
 - Managing your time
- Review the suggestions and tips provided in the attached articles. Hon. Danny J. Boggs, *Appellate Advocacy from a Judge's Perspective*, ABA Young Lawyer Division e-Library; John M. McCoy III, *Litigation 101: Handling Your First Appeal*, <http://meetings.abanet.org/webupload/commupload/YL406000/relatedresources/HandlingYourFirstAppeal.pdf>
- Discuss the importance of professionalism in appellate practice. Review the attached article by Tom Elligett, Judge John Scheb and Amy Farrior, *Answering to a Higher Authority: Appellate Professionalism*, The Bench, Sept./Oct. 2008 (attached)
- Discuss unwritten guidelines for oral arguments such as proper attire, how to address the court, when and where to check in before arguments, who may sit at counsel's table, etc.
- Review and discuss the guidelines regarding argument before the Supreme Court of Indiana that are found on-line at <http://www.in.gov/judiciary/arguments/index.html>.