

Litigation Academy Training Program:
Oral Advocacy in Court

June 15 and 16, 2022

Co-sponsored by the

*U.S. District Court for the District of Rhode Island,
Roger Williams University School of Law, and the
Rhode Island Chapter of the Federal Bar Association*

Welcome (or welcome back) to the Litigation Academy! This training program will help you develop the skill of presenting effective oral arguments in federal district court. The skills you learn will also be transferable to arguments in other types of adversary proceedings.

Introduction: You will be provided in advance with reading materials on the mechanics of an effective courtroom presentation. As part of the program, each participating attorney will:

- Watch an online lecture by an experienced litigator (now serving as a federal judge) on the art of persuasion.
- See a videotaped demonstration of a motion argument by two highly skilled federal litigators, available online before the program.
- Be provided with briefs on a motion to dismiss a federal civil action for lack of personal jurisdiction and assigned to argue either for or against the motion.
- Present arguments live before a judge in the courtroom, followed by constructive critiques by a judge, an experienced litigator and a professional actor.
- Attend a lecture on the ethics of oral argument.
- Attend a panel discussion by judges on the elements that make an oral presentation effective, with the opportunity to ask questions.

The program will conclude with a reception to meet and speak with fellow participants and program faculty members. Below, we explain the steps you need to take advance of the program, along with a detailed schedule for June 15 and 16.

Book and Materials: Enclosed is a copy of Johnson & Hunter, *The Articulate Advocate*, Crown King Books (2d ed. 2016). This is required reading in advance of the program. You will also be provided, by email, with a link to get access to electronic copies of the briefs for the motions argument that will be the focus of the training exercises (*more on this below*). These briefs will be required and essential reading.

While not required reading, the following sites also provide excellent advice about preparing for oral arguments, if you would like more guidance in advance (there are lots more as well!):

- <https://www.law.georgetown.edu/wp-content/uploads/2019/08/May-It-Please-the-Court-The-Oral-Argument-Component-of-Your-Legal-Practice-Course.pdf> (This is a terrific guide about how to approach oral arguments, from Georgetown Law Center).
- <https://www.stetson.edu/law/academics/lrw/media/Stetson-oral-advocacy-guide-.pdf> (This is an excellent guide, available for download, which addresses arguments both in trial and appellate settings).
- <https://www.americanbar.org/groups/litigation/committees/pretrial-practice-discovery/articles/2012/winter2012-aspen-ten-tips-oral-argument/> (This is a concise, helpful summary of ten tips for arguing contested motions in district court, from the American Bar Association website).
- https://www.americanbar.org/groups/gpsolo/publications/gp_solo/2021/november-december/oral-argument-five-tips-improve-your-delivery/ (This is an even more concise summary of five helpful tips for improving your oral arguments to judges, also from the ABA website).

Preparing in Advance: Note that you will be expected to arrive at the first day of the live program on Wednesday, June 15, **ready to present your arguments on the motion** based on your assigned role, either as the motion proponent or the party opposing the motion (this assigned role will be sent to you along with the link to the briefs).

This means that well in advance of June 15, you need to set aside significant time to prepare for the program. Before the program begins, you need to have done the following:

- Watch and learn from an online video: A lecture on oral argument techniques; and a demonstration of a federal motions argument. The link to the 1 hour, 34 minute video is available at: <https://youtu.be/GWMCcnkAZm0>
- Carefully read the motions briefs for both sides and the key cases on personal jurisdiction on which this motion turns (there are two recent Supreme Court cases that are particularly critical).
- Prepare and outline your oral argument, using the guidance provided in the videos and assigned materials. You should assume that you will have 15 minutes to present your side. Be sure to consider the questions you are likely to encounter from the judge as well as the theme you want to advance. Consider whether you want to reserve time for rebuttal.

Tip: It is highly recommended that you print out copies of the briefs to bring with you to the arguments.

Dates and Times: The program begins at 1 p.m. on Wednesday, June 15, and ends at 4 p.m. on Thursday, June 16, with a reception to follow. A detailed program schedule is provided below. Keep in mind the starting and ending times each day:

June 15:	1 to 4 p.m.	Oral Arguments in four courtrooms Presiding: Judges Smith, McConnell, McElroy and Stern Attorney faculty: J. Wood; M. Oliverio; J. Murphy; R. Rose Actor faculty: M. Hantman; A. Brazil; R. Donnelly; P. Kaye
June 16:	2 p.m.	Ethics Lecture: Prof. Peter Margulies
	3 p.m.	Panel Discussion: Judges Smith, McConnell, McElroy and Stern
	4 p.m.	Post-Program Reception

Participants will be expected to be present during all of the scheduled training sessions. Please be sure to **arrive early**, so that we can start right at the scheduled time, as there is a lot to cover.

CLE Credit: Students who watch the required videos and attend the entire live program will receive 4.5 hours of continuing legal education credits from the Rhode Island Bar (including 1 hour of ethics credit). Please be sure to sign in on the CLE registration sheet when you check in on the first day of the program. At the end of the program, CLE certificate forms will be provided to you once you have completed a program evaluation. You will need to have your Rhode Island bar number with you.

COVID Protocol: All participants, judges, faculty and actors will be tested upon arrival at the courthouse on June 15 and June 16. A negative COVID test upon arrival is required for each person who will participate live in the arguments and programs in the courtrooms.

Should any participant test positive for COVID on arrival at the courthouse, the motion argument group to which that person is assigned will be converted to an online argument. The participants affected will then have the option to either return to their offices or to use an isolation room at the courthouse to connect to the argument online. Please bring your laptop, tablet or other digital device with you to the courthouse in case you need to argue remotely. In the event of a positive COVID test, access by video will also be provided to the ethics lecture and panel discussion for the person affected. CLE credit may be earned through this alternative means of participation, should it be necessary.

Each participant will receive by mail some COVID self-testing kits along with the book. Participants are encouraged to start self-testing several days before the program begins and to inform the court immediately of a positive test, so that the necessary alternative arrangements can be put in place. If you test positive in the days preceding the program, then please alert Rana

Smith or Frank Perry immediately in the Clerk's Office. Please let us know, as well, if you are not well enough to argue.

Location: The program will be conducted at the U.S. Federal Building & Courthouse. The Courthouse is located at One Exchange Terrace, Providence, Rhode Island 02903. Please report to the Jury Assembly Room on the first floor.

You will need to find paid parking near the Courthouse at a public lot, or arrange for a ride (or public transportation). Please be sure to budget plenty of time. There are several public parking lots in the area:

The closest and most convenient is Union Station Parking Lot, located at 5 Memorial Boulevard, Providence Rhode Island. The cost would be \$20 per day for parking.

A less expensive option is Rhode Island Convention Center Parking, located at One Sabin Street, Providence, Rhode Island. It is less than a ten-minute walk from the Courthouse and would cost \$12 per day.

Dress Code, Technology and Materials: Please dress in professional attire, as you would if you were scheduled to appear in court. Cell phones and other electronic devices must be turned off during the lectures and motions arguments. No photography by students is permitted. You may use your cell phones as needed during the breaks.

Refreshments: Coffee, beverages, and light refreshments will be provided during the training program. Light refreshments will also be served at the reception on Thursday evening. Please let one of the program co-directors know, **as soon as possible**, if you have any allergies, so that our planners can take this into account in ordering the refreshments.

Refund Policy: If a change in your schedule necessitates withdrawal from the program, please let us know as soon as possible. **Cancellations received no later than Wednesday, June 1, will receive a full refund. After that date, refunds cannot be made.**

Questions: If you have questions about the program that are not answered above, please feel free to contact one of the program directors. We look forward to seeing you.

Program Co-Directors:

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