VIDEO ORAL ARGUMENT TIPS
CPCS/CAFL Appellate Panel Support Unit – April 2020
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Prepare physical space and test technology and lighting

- Set up a test Zoom with a friend to get familiar with use and feel of the program
- Make sure your laptop/desktop camera and audio are working
- Test headset if using one
- Adjust lighting in advance (no halos, glare, or weird shadows; this can be hard to fix if you wait until the last minute)
- Choose an appropriate background (unless you want the panel to see your massive VHS tape collection or your grandfather's clown paintings behind you)
- If it's a phone argument (or your computer audio isn't working), plan to use land line, not cell
- Make the camera angle eye-level

Argument preparation

- Do a moot using the same technology

Morning of argument

- Eliminate anticipated distractions during argument (children; barking, tweeting, or roaring pets; *Tiger King* episodes on your phone)
- Plug in your laptop (so your battery doesn't die in the middle of the argument)
- Disengage other devices from Wi-Fi, if possible, if you have bandwidth problems
- Dress for a live oral argument.[1] Avoid bright white clothes (which wash you out) and bold patterns (which might create a strobe effect on camera)
- Have water handy
- Keep track of your own time with cellphone (but make sure phone is on silent mode)
- Turn off any audible beeping or ringing on your email and other programs, if they are open while you are doing your argument. Better yet, close any program that might beep or ring

Argument presentation

- Stand (it will focus you)

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[1] Wear pants . . . please! Judges seem to care about that:

https://abovethelaw.com/2020/04/miami-judge-reminds-attorneys-to-wear-pants-for-zoom-hearings/?utm_campaign=Above%20the%20Law%20Daily&utm_source=hs_email&utm_medium=email&utm_content=86317554&_hsenc=p2ANqtz-8plC8J79c-86eyrLFzSd2xzN5w7gFzt-IsyTPEdhYSxMXMHYQZtoshSod9A8IMzWVFa-w4MSedRmzg3x_15b1j5CImKg&_hsmi=86317554

- Don't rattle papers, tap desk, or tap laptop (very loud in microphone); consider laying argument notes on a towel to reduce noise
- Speak more clearly and slowly than you might during a live argument
- Use numbers: "The trial court erred in admitting the foster parents' letter for three reasons. First, . . . Second, . . ." (This is a good tip for any argument, but it's particularly important when you may have uninterrupted time.)
- Wait a beat in between your points to see if there are questions from the judges
- Prepare for a colder bench; judges may hesitate to interrupt you because the video and audio aren't perfect and don't clearly reveal openings for questions
- Consider inviting questions if you aren't getting any
- Avoid nodding excessively or making faces while others are talking

Bibliography (and other tips on virtual oral arguments)

- Tessa L. Dysart & Hon. Eva Guzman, "Guest Post: Zoom Arguments – A View from the Texas Supreme Court," Appellate Advocacy Blog (April 13, 2020), available at: https://lawprofessors.typepad.com/appellate_advocacy/
- Benjamin Glassman, "Telephonic Oral Arguments; Tips for Advocates," Sixth Cir. App. Blog, (March 25, 2020), available at: https://www.sixthcircuitappellateblog.com/news-and-analysis/telephonic-oral-arguments-tips-for-advocates/
- William Jay (appellate attorney at Goodwin), LinkedIn.com post, available at: https://www.linkedin.com/posts/william-jay-84a89754_today-i-did-my-first-telephonic-appellate-activity-6653341258989260800-ZY6N
- Ryan Marth & Qian Julie Wang, "3 Tips for Appellate Advocacy Amid Pandemic Disruptions," Law 360, available at: https://www.law360.com/appellate/articles/1261511/3-tips-for-appellate-advocacy-amid-pandemic-disruptions

Links to tips for trial court virtual presentations

- CPCS, Children's Bureau, NITA, etc: https://www.publiccounsel.net/cafl/cafl-news/covid-19-news-and-resources/technology-resources-for-attorneys/
- ABA (and other resources at end of document): https://www.americanbar.org/content/dam/aba/administrative/child_law/conducting-remote-hearings.pdf