

Overviews

David Stratas
Federal Court of Appeal

The starting point

- **What does the judge need to know right at the start of the case?**
- **Can you start the task of persuasion?**

Content of an overview

- What does the judge need to know right at the start of the case?
 - ▶ Supply orienting information. What's the case about? What's the controlling idea?
- Can you start the task of persuasion?
 - ▶ Intellectual, emotional, credibility

Controlling idea

- On what will the case turn?
- What is the standard of review?
- What's strongest for your client? (What will have the most persuasive effect?)

Controlling idea

- Sometimes you have to sell it
- Characterize the issue: is it law and order? or is it accused's rights?
- Getting the right answer depends on asking the right question

Content of an overview

Content of an overview

- What does the judge need to know right at the start of the case?
 - ▶ Supply orienting information. What's the case about? What's the controlling idea?

Content of an overview

- What does the judge need to know right at the start of the case?
 - ▶ Supply orienting information. What's the case about? What's the controlling idea?
- Careful! Be brief! It is only an introduction

Content of an overview

- Can you start the task of persuasion?
▶ Intellectual, emotional, credibility

Content of an overview

- Can you start the task of persuasion?
▶ Intellectual, emotional, credibility
- Careful! Be brief! It is only an introduction

Content of an overview

Starting the task of persuasion:

- Intellectual: give a flavour of the law and the controlling idea
- Emotional: give a flavour of the facts

Content of an overview

- Credibility:
 - By constructing this well, you'll make a great first impression
 - Heavy editing for memorable prose – and think of advanced writing techniques for emphasis
 - Careful: you are making promises that must be kept

Content of an overview

- **Credibility:**
 - Responding to respondents
- **Some examples to assess:**
Precedents, Tabs 1, 4C

Content of an overview

Cornell exercise