

THE FURIES

In mythology the Furies were three deities – in the form of ancient and ferocious crones – who gave advice to mortals. In this new column three wise counsel advise on all the things you never learned in the Bar Practice Course – or were too afraid to ask.

I have recently been in a number of matters where a judge has set strict limits on the length of submissions – three pages, even two pages. My problem is I have great difficulty in keeping my submissions to this length, particularly when the issues are complicated – and they're always complicated. Do you have any tips?

Dear Loquacious Lawyer,

Your aim should be concision, and not brevity. To convey the essence of an issue with precision and clarity is to demonstrate your deep understanding of it.

Take $E=mc^2$. In that simple equation, Einstein conveyed his theory of special relativity that mass and energy are interchangeable by reference to a single constant¹.

On the other hand, and at some two characters longer than Einstein's famous equation, is 'covfefe'. Granted, the word conveys much; however, none of it was intended by its author.

It is possible that your discovery or strike out application is more complex than the theory of special relativity, but we doubt it. If you discipline your thinking and writing to convey, with precision and clarity, the essence of the issue, you will save yourself and your judge time and effort. If that is your practice, you will come to embrace strict page limits on submissions. After all, judges do not set page limits thinking that all counsel can write concisely. But they do save themselves reading copious pages of writing by those that cannot. Do not let that be you!



People always say you have to develop a gravitas in court. I've seen some senior practitioners and they do have an impressive solemnity about them. How do I develop this myself? Is it something you learn, or are you born that way?

Dear Aspiring Advocate,

Take a moment to conjure, in your mind, the image of a barrister with *gravitas*. Think of the voice. Think of the bearing. Think of the height and age of the speaker. Think of the receptive judges hanging on every word. Now, tell us, was the image you conjured one of a dwarf Eskimo in her mid 20s? I thought not.

The problem with the word 'gravitas' (even qualified, as you have done, by speaking of 'impressive solemnity') is to convey a physicality and depth of register of voice that some barristers will have difficulty, if ever, attaining.

The word 'presence' is far better. You can have 'presence' provided you have

knowledge, insight and direction on a matter and you are confident that your contribution will assist the court and your client. To have 'presence' is to assert, secure in your own case preparation, your rightful place at the bar table. It is to say, 'I will be heard!' because what you say is worth listening to. It is to say, 'I know the facts, the law and my client's case just as well, if not better, than any other person in this court room!'

If, on every matter, you can assert your 'presence' based on proper preparation, then those opponents who rely only on their 'gravitas' or 'impressive solemnity' will be shown to be no more than performers enacting a costly pantomime.

Endnotes

- 1 Commonly referred to as the speed of light travelling through a vacuum.