

ADVOCACY SKILLS

ADVOCACY:-

Advocacy is a skill. Any action that speaks in favour of or recommends something, defends or supports, or pleads on behalf of others and argues for a reason.

ADVOCACY AS AN ART:-

The art of advocacy is effective communication that includes speaking, listening, writing and reading. Whereas knowing the facts, knowing the law and knowing the judge are essential. Law is applied morality. The advocate gives to his client the benefit of his learning, his talents and his judgements. Advocacy starts from a meeting with the client and ends with the judgement.

Advocacy is also about convincing others, be it the client or the jury to come to the decision that is favourable to the client. Skills of advocates are also applicable to dispute resolution like arbitration and mediation.

Only communication and research skills are not enough for an advocate. He must be confident. Advocacy needs practice. For a law student mooting is one of the best way to enhance your advocacy skills one can also go to the court and observe a trial.

“He must not merely look to principles, but must have them in readiness to act upon them; not as if they had been taught to him, but as if they had been born in him.” – Quintilian

QUALITIES OF AN ADVOCATE:-

BURNISHED LAW JOURNAL

Communication skills:-

An effective communication includes effective listening, effective speaking, effective reading and effective writing. Communication is the foremost quality, not only a lawyer should possess but all the professionals should. Communication skills can be developed by taking part in activities such as mooting or general public speaking.

Gerry Spence:

"If I were required to choose the single essential skill from the many that make up the art of argument, it would be the ability to listen. I know lawyers who have never successfully cross-examined a witness, who have never understood where the judge was coming from, who can never ascertain what those around them are plainly saying to them. I know lawyers who can never understand the weakness of their opponent's case or the fears of the prosecutor; who, at last, can never understand the issues before them because they have never learned to listen. Listening is the ability to hear what people are saying, or not saying as distinguished from the words they enunciate."

Command on language: -

Nothing could be more important for a lawyer than his command on words. An advocate has to find the right word for a sentence to serve the purpose. An advocate needs to speak during the trial, while convincing the judge and the client and while cross-examination.

Confidence:-

Confidence is subject to time, as time is required to build up confidence. A young lawyer new to the profession may take some time to build confidence. The key to confidence is preparation and believing in one's self.

Assertive and not aggressive:-

An advocate need not be aggressive but must be assertive. It does not matter how hard you studied at the end of the day while dealing with the cases your aggressive nature would destroy all your hard work. A lawyer must be good at realising emotion of others. It is the duty of a lawyer to treat everyone equally.

Client care:-

Everyone wants to be respected and treated with care. A client must be treated with respect as he is going to be the one who would be arranging bread for you at the end.

ETIQUETTE AND MANNERS FOR LAW PROFESSIONALS:-***Dressing appropriately:-***

Your dressing would be the first thing on which client and the judge would be having your first impression. An advocate's black and white dress represents his profession, and his firm. Remember, bands are considered the emblem of the profession it is not only the black coat or white shirt that symbolises an advocate but bands do so too. So, always wear your collar.

Punctuality:-

When you are late, you are not only late but you have also wasted the precious time of other people and also showing up late is disrespectful to others. You would be building bad impression in front of the client and the judge. Showing up on time shows your interest and commitment towards the profession.

Avoiding mobile phone:-

Mobile phones have been an important part of our daily life but during an appointment, you must turn off your phone or put it on vibration mode if important. You should not answer any phone call during the meeting unless it is very important and at the same time, a lawyer should not ignore a client's call. You must call the client back once you get the time.

Golden manners:-

One must use the general manners such as using sorry, thank you, please and being polite. Offering to help your associates and asking for permission rather than ordering would always make you noticeable for respecting them.

Professional relationship with client:-

One must maintain professional distance from the client to be effective with your work. Be polite to the client.

CLIENT COUNSELLING AND INTERVIEWING: -

The purposes of counselling are as follows:-

- To help the person.
- Help the person to decide on a solution.
- Let them decide what to do before taking any action.

Client counselling and interviewing is to reach an agreed decision. First of all, an interviewer should develop a relationship of trust, understanding and respect, as people do not open up with strangers and could miss some information. Interviewer should communicate the questions very precisely and listen to the client actively; active listening does not only mean hearing and grasping information, but also studying the body language. Lawyers generally ignore body language, which is very important to be noticed and reveals a lot. The interviewer should focus on some psychological factors as well.

While interacting one should not think about something else as doing so could make one lose some important information and also you should not criticise the client this will make the client convey more without fearing about being judged. The counsellor should clarify that the questions asked are not to invade the client's privacy and the interviewer should suggest some clues if the client is not able remember some incidents.

Interviewer should look into the facts that does they make any kind of sense or not and the decision about the case should be made after looking into the strength and the weakness of the case it would always be the preference of the advocate to take up the case or not. Remember, free legal assistance to the needy is a noble duty.

An advocate should not fix an appointment during a hurried moment, as this would make the client feel that the advocate is not interested in his case and wants to escape the meeting. The counsellor should make the client feel that the client's problem is important and priorities should be given to the interest of the client.

The client will only be giving interviewer the facts and the advocate would have to extract important information from those facts. It is the duty of the advocate to find relevant laws. The advocate has to satisfy the client because if the client is satisfied he will advertise for the advocate.

Bar Council standards of professional conduct and etiquette mandates that the advocates shall not directly or indirectly, commit a breach of the obligations imposed by Section 126 of the Indian Evidence Act. Legal counselling is fairly considered a 'service' under the Consumer Protection Act, 1986 making the lawyer accountable for deficiency.

***NOTE: - THE SAME TECHNIQUE WILL NOT WORK FOR EVERYONE**

“Some people think that a lawyer’s business is to make white black; but his real business is to make white white in spite of the stained and soiled condition which renders its true colour questionable. He is simply an intellectual washing machine” – J. Bleckley

