INTLAW CUP

Foreign Direct Investment Moot

Advocacy Workshop

IntLaw
Consortium LLP

IntLaw Advocacy Workshop

Lecturer: Michael G. Karnavas

Date: 17 October 2025

Table of Contents

Moot Court Advocacy Tips
Strategies, Techniques, and Reflections

Don't prepare to fail. Prepare only to win

— Mehdi Hasan

A stranger asks you what the FDI Moot competition was about. You describe, in summary, the operative facts, the issues, the gist of your arguments and refutations of the opposing arguments, and finish with a nicely framed, cogent grand finale. It takes about 5 minutes.

He asks for elaboration. You provide a compelling narrative of the facts, marshaled into persuasive prose; you expand on the legal issues and focus on the nuances most critical to be raised and addressed with reasoned, evidence-based arguments.

Intrigued by your storytelling style—delivered conversationally with the skill of a seasoned storyteller, including eye contact, hand gestures, tone, and a relaxed manner—he inquires about your preparation, the rhetorical and oratorical techniques, and the strategies and tactics behind a winning performance. Like the Dude in The Big Lebowski, I abide. Your one-person audience occasionally interrupts with penetrating questions. He's not just curious; he's a disciplined listener. Like you, he listens not just with his ears but with his eyes, absorbing the full extent of the performance.

Your narrative has a beginning, middle, and end. It follows the classic three Ts: Tell them what you will tell them, tell them, and then tell them what you told them.

Your moot court presentation followed this structure. With only about 20 minutes per team member, some of which had to be allocated for rebuttal, each issue was addressed using the same three-T approach. Depending on whether the panel was cold, warm, or hot, you adapted on the spot; you were, as they say in the theater, in the moment. A cold bench provided an unobstructed chance to present arguments and refutations fully; a hot bench meant rapid-fire questions requiring concise, clear answers and time to address key nuances. Ignoring these nuances could sway the outcome in the opponent's favor. You kept in mind that every panel was different, so you tailored your presentation, stayed flexible, and customized your answers to the panel members' questions. You also responded to fallacious arguments, false claims, misstatements, or misinterpretations. None of this would have been possible without thorough preparation, including anticipating all likely questions and plausible arguments from the opposing side.

You briefly mention the rhetorical devices and strategies originating from Aristotle, improved by Cicero and Quintilian, and continued by modern orators, scholars, and debaters. These elements helped shape your arguments aimed at persuading the audience—the panels you faced—and, ultimately, at winning.

I. Rhetorical Foundations

Rhetorical devices are not meant for pure reasoning or discovering absolute truths—that's the role of dialectic, which relies on Socrates' questioning method. However, the Socratic method can be useful when preparing for the presentation stage of a moot competition.

Rhetoric relies on probability and relativism, aiming to win arguments rather than uncover the truth, though it sometimes helps in revealing it. As a lawyer, your goal is to craft the most persuasive arguments that sway judges or arbitration panels to rule in your favor.

Aristotle identified three primary methods of persuasion in The Art of Rhetoric: Logos, Ethos, and Pathos. These remain relevant today, though their effectiveness varies with the context. When constructing an argument, you blend these modes according to the situation, presentation style, and audience.

- *Logos*: the use of logic and reasoning—the most convincing method in litigation and arbitration, grounded in evidence.
- *Ethos*: the character and credibility necessary for trustworthiness. Avoid manipulating facts or misrepresenting the law.
- *Pathos*: involves emotion, empathy, and passion—particularly impactful with lay juries. When used judiciously, it also strengthens the final summary.

II. The Five Types of Argument in Practice

The five main forms of legal argument, relevant to both written and oral submissions, are:

- *Legal text*
- *Drafters' intent (legislative history or travaux préparatoires)*
- *Judicial precedent*
- *Traditions*
- *Policy*

Effective argumentation relies on integrating these elements. The legal text and drafters' intent establish the foundation, judicial precedent provides authority and comparison, traditions reinforce consistency and legitimacy, and policy considerations ensure coherence with broader objectives. Together, they form a structured and persuasive analytical framework.

III. Structuring an Argument to Persuade

Concerning Aristotle's categories—judicial, deliberative, or demonstrative; with judicial being relevant for the competition—the five core elements of a persuasive framework he considered essential, and which remain important today, are:

- *Invention (research and gathering material)*
- *Arrangement (organizing material into a coherent, persuasive narrative)*
- *Style (choosing language and crafting wording)*
- *Memory (memorizing the presentation)*
- *Delivery (tone, gestures, facial expressions)*

Not much has changed since Aristotle: the fundamental approach still involves preparing, organizing, and presenting persuasive arguments based on probability.

In moot court competitions and actual hearings, avoid simply repeating the written submission; arbitrators have already reviewed it and do not need a lecture on the facts. Focus should be on directing attention to the main issues, especially by directly addressing the arbitrators' questions.

The aim is to persuade through straightforward, concise, and accurate analysis that enhances the tribunal's understanding of the arguments.

IV. Arrangement: The Four-Part Classical Framework

The focus should be on the arrangement—how arguments are structured. Aristotle's four-part classical framework provides a clear foundation for organizing persuasive advocacy:

- *Introduction (prologue)*
- *Narration (operative facts — the essential, relevant facts)*
- *Arguments (including refutations of opposing arguments)*
- *Conclusion (epilogue)*

The Introduction

The introduction should be brief, lasting 60 to 90 seconds, and include the issues, a summary of arguments and refutations, and the logical conclusion.

The first sentence must be engaging and impactful. A fresh, bold opening captures attention effectively. Starting with a question can be considered but is generally best reserved for later in the argument or conclusion, if appropriate.

In the final summary—the grand finale—depending on how the arguments unfolded and the questions asked, questions may be posed to the opponents to prompt answers rather than direct responses to prior points.

The main goal in oral arguments is to persuade the audience, not to defeat the opponent.

The Narration of Facts

The narration presents the story of the case clearly, accurately, and persuasively. It should focus on the essential facts, excluding unnecessary detail and ensuring every statement serves the argument.

This part is not about reading from the record but about guiding the tribunal through the relevant context.

Balance is key: sufficient information must be provided to create a coherent foundation, yet concisely enough to maintain the panel's attention. The narration sets the tone for the arguments to follow, establishing credibility, logic, and trust. It bridges the facts and the law, transforming the record into a narrative that supports the client's case.

The Arguments (and Refutations)

Argumentation requires both response and listening skills. When questions arise, responses should be direct, maintaining eye contact with the panel member asking the question and with the others to project confidence and control. Answers should be clear, comprehensive, and cogent.

When appropriate, reference may be made to opposing arguments—either presented or anticipated—and these should be incorporated into counterarguments.

A key technique is *steelmanning*—presenting the opposing argument in its strongest possible form to identify and expose its weaknesses. This requires fully understanding the other side: their best argument, most compelling evidence, and strongest counter to one's own case. Steelmanning enhances credibility and is useful both in drafting and in oral pleadings. Objectivity, fairness, and thoroughness are essential to avoid confirmation bias.

The Conclusion (Epilogue)

In the peroration, Aristotle advised achieving four key objectives:

- *Make the audience favorable to one's position and ill-disposed to the opponent*
- *Reassert and amplify the main arguments*
- *Appeal to both pathos and logos to move and persuade the audience*
- *Summarize the key points to reinforce what the panel should retain*

The summary should restate what was promised, what was delivered, and the logical reasoning supporting it. The closing line must be compelling, memorable, and delivered in about 60 seconds. Possible closing techniques include ending with a question, quotation, or brief anecdote before the final plea for action—to rule in favor of the client, grounded in *logos*, *ethos*, and *pathos*.

V. Practical Advice

- Visualize your performance. Practice every possible question and prepare answers.
- Videotape practice sessions, and review:
  - *at high speed to assess hand gestures;*
  - *at slow speed to assess facial expressions;*
  - *at normal speed to assess delivery, responsiveness, and presence.*
- Pay attention to ticks, filler words, and throat clearing.
- Body language matters: keep your chin up, head high, maintain good posture, and make eye contact. Avoid crossing your arms, slouching, or fidgeting.
- Use your voice with purpose. Breathe from your diaphragm. Avoid mumbling or rushing your speech. Pause after important points to let them sink in while making eye contact.
- Humor has a place if tasteful, timed, and preferably self-deprecating. Use sparingly.
- Avoid personal *ad hominem* attacks. Avoid *tu quoque* arguments.
- Keep the presentation conversational. Listen actively using both ears and eyes.
- Take notes sparingly, only jot down points you think will be useful to address.

- Supplement with tact your partner's answers when necessary, especially on important matters.
- Clarify/elaborate on questions your opponent missed; seize opportunities to persuade.
- Concessions can be made on nuanced points but be prepared to shift with a distinction.
- Clever, well-timed zingers can pack a punch—just limit to two.
- Exude confidence. Take deep breaths and reach for water when you need to calm yourself.
- Do not answer a question you did not hear clearly; ask for repetition or paraphrase in order to verify.
- While waiting for your turn, stay attentive to the presentations. If allowed, pass notes to your partner sparingly to clarify a fact, source, or correction.
- Be cautious when citing authority: clearly separate dicta from holdings and verify accuracy. Make flashcards featuring pertinent authorities and practice recalling the underlying facts, issues, rulings, and rationales. A quick reference sheet with names, locations, and authorities can help refresh your memory if you forget.
- *PRACTICE, PRACTICE, PRACTICE!*