

## Drafting a Memorial in International Arbitration with Structure, Logic and Appeal \*

### Summary

**\* Please note that this summary of the panel was AI-generated and therefore has not been fully vetted for accuracy.**

The session, led by co-founder Jose Antonio Rivas, focused on practical aspects of legal writing, particularly in drafting briefs for arbitration. The panel featured experienced practitioners including Liana, Ashley, Couvert, Munir, and Kabir, who shared insights on effective communication in legal contexts.

The discussion emphasized that legal writing aims to inform and persuade, differing from creative writing. Key points included the importance of clarity and simplicity in legal documents, as well as the need to consider the audience, particularly the tribunal, when drafting arguments. The panelists stressed the iterative nature of the writing process, advocating for outlines and structured approaches to enhance clarity.

Participants highlighted the significance of the fact section in legal briefs, noting that cases are often won or lost based on how well the facts are presented. The conversation also touched on the role of storytelling in legal writing, suggesting that compelling narratives can engage arbitrators more effectively.

The panel addressed the importance of knowing the legal culture and preferences of the tribunal, as well as the necessity of adapting writing styles to suit different audiences. They discussed the use of legal technology, such as AI tools, while expressing caution about their application in legal advocacy due to ethical considerations.

Overall, the session provided valuable insights into the nuances of legal writing and the collaborative dynamics of drafting in arbitration contexts, underscoring the balance between advocacy and clarity to effectively communicate legal arguments.

### Authors

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## Topics

Drafting memorials, drafting, writing memorials, memorial, memorials, international arbitration, international arbitration memorials

## Category

WAU

## Full Transcript

00:00:12

Hi, everyone. Can you hear

00:00:16

me? Okay, great. Welcome to

00:00:54

So welcome to World arbitration

00:00:57

update and my name is

00:00:58

Jose Antonio Rivas, one of

00:00:59

the co-founders of world arbitration

00:01:01

update. And today we're going

00:01:04

to have a panel which

00:01:07

is a really practical panel

00:01:09

for a about a year

00:01:12

or year-and-a-half for 2 years.

00:01:13

We have moved both the

00:01:16

world arbitration update on Washington

00:01:18

arbitration week at which is

00:01:20

it sister at event into

00:01:22

practical panels are not only

00:01:24

have a an essay format

00:01:28

about how to better arbitration.

00:01:30

But actually at getting the

00:01:33

skills to improve as counsel

00:01:37

as a Associates as paralegals

00:01:40

as arbitrators and this panel

00:01:41

is a particularly interesting because

00:01:43

it's a very practical one

00:01:45  
on how to draft a

00:01:48  
briefs of All Sorts. This

00:01:51  
was a conversation that or

00:01:53  
or is Frank. From a

00:01:54  
conversation that I had with

00:01:56  
the Louisiana or Dean who

00:01:58  
is counsel at eversheds and

00:02:00  
and luckily she took me

00:02:02  
up on it. And it

00:02:03  
has now I gather counseling

00:02:07  
and various separate issues to

00:02:09  
hopefully help us all out

00:02:11  
on how to draw briefs.

00:02:12

So we are now represents

00:02:14

clients across Industries in complex

00:02:16

cross-border disputes, including International commercial

00:02:19

arbitration investor-state dispute and business

00:02:23

litigation matters. She is Ukrainian

00:02:26

national and access counseling arbitration

00:02:30

case is governed by the

00:02:31

rules of all major arbitral

00:02:34

institutions such as in the

00:02:36

ICC AAA as an older

00:02:39

centers that you have heard

00:02:41

of and in which she

00:02:42

have or upon whose rules

00:02:46

you have practice and I'll

00:02:48  
stop there and welcome Liana

00:02:50  
and welcome everyone for this

00:02:51  
panel. Thank you very much.

00:02:58  
That's funny. Oh, well, everyone

00:03:01  
you still can hear me.

00:03:03  
That's good. Sue as you

00:03:07  
know, our panel is dedicated

00:03:09  
and Antonio just mentioned to

00:03:11  
the topic of legal writing

00:03:12  
very practical and legal writing

00:03:17  
is really one of the

00:03:18  
most essential and perhaps the

00:03:20  
most frequently used hell of

00:03:23  
a lawyer. The goal of

00:03:26  
legal writing is somewhat different

00:03:28  
from the goal of creative

00:03:31  
writing. The goal of legal

00:03:34  
writing is to fold centrally

00:03:36  
to inform and to persuade.

00:03:41  
Whether it is a brief

00:03:42  
or mammal or a ladder

00:03:44  
with just a simple email

00:03:45  
each of them typically satisfied

00:03:48  
one or sometimes both of

00:03:50  
these goals. So the purpose

00:03:54  
of today's program is to

00:03:56

shed some light on the

00:03:58

key aspect of the process

00:04:01

of legal writing. How does

00:04:02

one go about creating an

00:04:05

effective communication? What does one

00:04:09

adult how does one organize

00:04:11

the document and how does

00:04:13

he or she organized the

00:04:15

process of writing itself? You

00:04:18

have a distinguished panel Google

00:04:21

guide us through these and

00:04:23

many other questions that you

00:04:24

might have. And before we

00:04:27

delve into the topic, I

00:04:29

just wanted to say one

00:04:31

other thing that legal writing

00:04:33

just like any other type

00:04:35

of writing is Art. It's

00:04:37

not science. So there isn't

00:04:39

one and only one objective

00:04:41

objectively correct way of approaching

00:04:43

it desk instead. There's the

00:04:45

multitude of views approaches perspective

00:04:50

and practices and some was

00:04:54

better than others. And even

00:04:55

then you might have different

00:04:56

Minds to green and disagreeing

00:04:58

but the goal for all

00:05:02

of us. His lawyers is

00:05:03

really to expose ourselves to

00:05:06

some of the money more

00:05:07

different ways and use and

00:05:10

perspectives and practices so we

00:05:12

can all learn from each

00:05:12

other. So we have your

00:05:16

other mind now it's pending

00:05:17

panel and I am really

00:05:20

honored to share the planet

00:05:22

with them and to introduce

00:05:24

them. So starting with ash

00:05:25

leaf was sitting on the

00:05:28

right end of the table

00:05:30

to the council's here. I

00:05:32

will morning in DC and

00:05:34

she has over 15 years

00:05:36

of arbitration experience to represent

00:05:39

clients at all stages of

00:05:40

the commercial investment treaty arbitration

00:05:43

process including Petersfield rescue Testament

00:05:46

and enforcement and annulment proceedings.

00:05:50

Next to Ashley is covered

00:05:53

couples who is Jewel Sable

00:05:55

and common-law qualified lawyer with

00:05:58

over 15 years of experience

00:06:00

is taught in public international

00:06:01

law and in particular in

00:06:03

investor-state dispute having worked in

00:06:06

Academia and in private practice

00:06:08

in Belgium and London government

00:06:10

is now legal counsel at

00:06:12

exit. Next to him is

00:06:15

a doctor could be to

00:06:16

go to the computer isn't

00:06:27

a tornado at Arnold important

00:06:29

in the New York office

00:06:30

focusing on International arbitration and

00:06:33

public international law matters, but

00:06:35

he serves but mostly as

00:06:37

an arbitrator and mediator if

00:06:39

you're also teaches at Columbia

00:06:41

and what I'm lost coast

00:06:44

and he is a chartist

00:06:46

arbitrator the highest ranking of

00:06:49

arbitrators under the chartered Institute

00:06:52

of arbitrators and the Asian

00:06:53

Institute of alternative dispute resolution

00:06:55

and last but not least

00:06:56

is munir El haddadi Alonso

00:06:59

has a New York and

00:07:01

Belgium Bart attorney and she

00:07:04

works as Council of conception

00:07:06

Global. It is beautiful cake

00:07:08

in Miami with strategic offices

00:07:10

in Madrid when y'all came

00:07:12

all the way from Madrid.

00:07:13

To be here with us

00:07:14

and we are very very

00:07:15

helpful. Happy to hear to

00:07:17

have her share with us.

00:07:18

So welcome to all of

00:07:22

you. It's so great to

00:07:22

have you here and I

00:07:24

truly apologize. I don't with

00:07:26

you. Let's get started on

00:07:29  
in the interest of time

00:07:30  
and I just wanted to

00:07:32  
begin perhaps the spending a

00:07:34  
few minutes on discussing that

00:07:37  
you wouldn't of writing as

00:07:39  
a scale in Loris daily

00:07:41  
work instead of writing is

00:07:45  
the painting of The Voice.

00:07:48  
But this is there a

00:07:50  
different painting painting techniques are

00:07:52  
also different writing styles and

00:07:56  
I wanted to pose this

00:07:58  
first question to a doctor.

00:08:00

Would you agree that writing

00:08:03

is not a one-size-fits-all proposition

00:08:05

and what are the different

00:08:07

fighting styles you use in

00:08:09

your own practice? Thank you.

00:08:12

You're delighted to be here.

00:08:14

It's all friends on the

00:08:16

panel. And that's always awesome.

00:08:18

I'm trying to share my

00:08:21

slide deck. Okay that we

00:08:23

go. I think if you

00:08:25

do it, I don't see

00:08:26

it here, but it makes

00:08:27

sense. So we would proceed.

00:08:30

Answer your question. Yes, there

00:08:34

is no one-size-fits-all you do

00:08:36

you want to write in

00:08:38

a manner that I think

00:08:40

Echoes something you said at

00:08:42

the beginning? I think how

00:08:47

you get to pursue education.

00:08:48

It's something you need to

00:08:50

decide having sex. Best practices

00:08:54

and I'll just take two

00:08:55

seconds to thumb through today

00:08:57

first. You see this in

00:09:00

front of you. I'm not

00:09:01

going to read it out,

00:09:02

but they are both telling

00:09:04

you the same thing one

00:09:08

tells it to you in

00:09:09

12 lines and 79 words.

00:09:11

The other tells it to

00:09:13

you in 24 words. This

00:09:16

is a very standard different

00:09:18

specie in how we used

00:09:21

to perceive legal writing versus

00:09:23

how we think of legal

00:09:25

writing today. This is from

00:09:27

Brian Gardner. I think arguably

00:09:29

the most authoritative offered on

00:09:32

legal writing sound like a

00:09:37

lawyer. And that is the

00:09:40

worst thing you can do

00:09:42

everything today and get to

00:09:45

all this time. And again

00:09:46

good legal writing is something

00:09:49

truly honest 5, you can

00:09:51

understand not doesn't matter question

00:09:54

by the five-year-old kid is

00:09:56

reading a legal document but

00:09:58

the idea is to make

00:10:00

things simple. Just flowing from

00:10:04

that. This is what I'll

00:10:05

talk to now the goal

00:10:08

is persuasion. I think in

00:10:12

Persuasion to good tips. We

00:10:15

may wish to keep in

00:10:17

mind. The first is to

00:10:18

romantic tip of the tip

00:10:20

doesn't involve demands and stick

00:10:23

its true. Keep it simple

00:10:26

stupid. B w drafting anything

00:10:30

you do very open when

00:10:32

your account it is very

00:10:33

clear in your mind. You

00:10:35

have read everything surrounding the

00:10:37

you look at all the

00:10:39

documents munir who has not

00:10:42

had the benefit and it's

00:10:44

likely going to read this

00:10:45

document once maybe twice that

00:10:47

she got the point of

00:10:48

the she pulling her hair

00:10:49

out and you just see

00:10:51

the same point. The goal

00:10:53

is Clarity when you see

00:10:56

things like this in your

00:10:58

briefs the underside counsel for

00:11:01

the reason to explain respectfully

00:11:02

to spell blah blah blah

00:11:04

blah blah blah blah blah.

00:11:05

What are you asking you're

00:11:06

asking for somebody judgment say

00:11:08

that To keep it simple

00:11:11

and stupid strive for clarity.

00:11:13

You've done your job as

00:11:15

a lawyer and the time

00:11:16

I stop. Thank you so

00:11:21

much computer for getting us

00:11:23

started are there aren't you

00:11:25

points that I would like

00:11:26

to come back you a

00:11:27

little later, but now the

00:11:29

chief of the conversation going

00:11:31

with a slightly different angle

00:11:33

but still funny channels question

00:11:36

that I will address to

00:11:37

Ashley Ashley what characteristics of

00:11:40

legal writing do you try

00:11:42

to cultivate in in your

00:11:44

own writing. Is there any

00:11:45

you know any particular elements

00:11:47

that you are really enjoying

00:11:49

and you're trying to practice

00:11:50

more than others certainly so

00:11:52

simple to follow on with

00:11:54

what could be or said

00:11:54

absolutely want to make it

00:11:56

clear for your tribunal what

00:11:58

you're trying to say. These

00:11:59

people are busy it got

00:12:01

multitude of cases. You want

00:12:03

them to understand your point

00:12:05

and to take it on

00:12:06

board and to find a

00:12:07

persuasive for me. What is

00:12:09

persuasive is to be direct

00:12:12

and trustworthy. I want them

00:12:14

to believe me and I

00:12:16

find the writing and a

00:12:17

more neutral even-handed Manor. Especially

00:12:20

with your fat is more

00:12:22

persuasive. I don't need to

00:12:24

underline and bold and italicized

00:12:26

every word. I don't need

00:12:28

to use a lot of

00:12:28

hyperbole. I don't need to

00:12:30

call opposing counsel bad names

00:12:32

or their plans bad names.

00:12:35

I'm just going to tell

00:12:36

you my story. I'm going

00:12:37

to do it in a

00:12:38

straightforward clear manner. I have

00:12:41

a big Point you'll get

00:12:42

Samantha says I might use

00:12:43

a fun as but for

00:12:45

the most part. I'm going

00:12:46

to be just calm and

00:12:47

straightforward and I want you

00:12:48

to believe me. I want

00:12:49

when you see my name

00:12:50

on a brief for you

00:12:51

to know. I am going

00:12:53

to tell you the truth

00:12:53

no matter what like I'm

00:12:56

going to advocate for my

00:12:57

clients. I'm going to put

00:12:58

their best case for word,

00:12:59

but I'm not going to

00:13:01

misrepresent fact. I'm not going

00:13:03

to be waving my writings

00:13:05

this about while I do

00:13:07

it. I love it. And

00:13:09

it sounds Ashley that you

00:13:12

are saying it's the written

00:13:13

part of it is as

00:13:14

important as building Rapport between

00:13:16

you and the decision-making process

00:13:19

business decision maker you want

00:13:22

them to trust you. You

00:13:24

want them to like you

00:13:25

have to believe you and

00:13:27

that's I think that's a

00:13:29

very powerful approached. I think

00:13:30

I would leave it in

00:13:33

the Atlanta Braves ranked much

00:13:35

more benefits to our to

00:13:38

your case in terms of

00:13:41

the actual process of drafting.

00:13:43

Do you prepare an outline

00:13:46

or do you just start

00:13:48

Drafting and you formulate your

00:13:50

own thoughts as you do

00:13:52

the lawn? What's your project?

00:13:53

So I always start with

00:13:55

an outline. It's usually an

00:13:57

outline that our team has

00:13:58

sat down and talked about

00:13:59

and then my husband is

00:14:01

a lawyer for the Army

00:14:02

and he loves to say

00:14:03

no plan survives first contact

00:14:04

with the Enemy and I

00:14:07

think that happens a lot.

00:14:08

Sit down and I start

00:14:09

writing I realized await these

00:14:12

two topics should actually be

00:14:13

moved up or down or

00:14:15

this is more persuasive or

00:14:17

some of my legal claims.

00:14:19

So as you start writing

00:14:20

it involves is iterative and

00:14:22

I know we'll talk about

00:14:23

this later. But if you

00:14:24

have a big team writing

00:14:25

you need at least one

00:14:27

person helming the ship to

00:14:29

make sure that those decisions

00:14:30

are being made and a

00:14:32

clear and sensible manner that's

00:14:34

very important and he will

00:14:36

come back to that. So

00:14:37

thank you so much for

00:14:38

a flagging that let me

00:14:41

ask call vert when you

00:14:45

approach a drafting process at

00:14:48

the at the outset. Do

00:14:50

you take into account your

00:14:52

audience and you go or

00:14:54

do you serve just sat

00:14:56

out, you know the legal

00:14:57

arguments in the most powerful

00:14:59

way or at each point

00:15:01

in time to actually start,

00:15:02

you know, adapting your draft

00:15:04

the audience. I think it's

00:15:08

Most people that communication 101

00:15:11

that you try to keep

00:15:12

your audience in mind what

00:15:14

your objective is, especially since

00:15:17

majority is not everything W,

00:15:18

right internal is to persuade

00:15:21

someone that has been mentioned.

00:15:23

And so I think if

00:15:26

you don't set out what

00:15:28

your uncle if you don't

00:15:29

keep if you don't set

00:15:30

up Compass, it's very easy

00:15:31

to get sidetracked a shih

00:15:33

tzu our cases are complex.

00:15:35

There's many many issues and

00:15:38

you also I think it's

00:15:39

very useful to try to

00:15:41

Oiled down what you need

00:15:44

to convince your tribunal of

00:15:46

in as few points as

00:15:48

possible cuz even the most

00:15:49

complex of cases. Generally come

00:15:52

down to a few. It's

00:15:56

going to be legal. This

00:15:57

can be faxed whatever. It

00:15:58

may be but very very

00:16:00

necessary to keep those in

00:16:02

mind. And then when you

00:16:05

go to the Grocery iQ

00:16:06

mentioned you you might speak

00:16:08

to my change and I

00:16:09

think that the screws look

00:16:11

like you're effective is missing

00:16:12

and who your audience is

00:16:14

your tribunal and also if

00:16:16

possible know your tribunal know

00:16:19

who's on your tribunal noted

00:16:20

people know what kind of

00:16:23

style they have. No their

00:16:25

background know their decisions. They've

00:16:27

been a part of and

00:16:30

definitely that seems essential to

00:16:32

me when you do any

00:16:33

writing keep in mind if

00:16:35

you don't write a brief,

00:16:36

but if you write letters

00:16:37

different, let's focus on embrace

00:16:40

you Thank you very much.

00:16:44

I'll go over it. And

00:16:45

this actually would what you

00:16:47

just said made me think

00:16:49

of a point. I recalled

00:16:51

hearing once at a conference

00:16:52

when a very well-known arbitration

00:16:56

practitioner said that everyone complains

00:16:58

about the length of arbitration

00:17:00

process and how long it

00:17:02

takes and how long their

00:17:04

words are but then it's

00:17:07

ultimately is US counsel who

00:17:10

contribute significantly to that severely

00:17:14

if you wanted to streamline

00:17:16

and become an end in

00:17:17

sight. I think the plan

00:17:18

is very true that at

00:17:20

the end of the day

00:17:21

no matter how complex the

00:17:22

case each case is really

00:17:25

quite quickly try on a

00:17:27

few points. And by the

00:17:29

time we got to the

00:17:30

end of the case, everyone

00:17:32

is very well educated about

00:17:33

most of the case and

00:17:34

everyone is really on the

00:17:36

same page and there's some

00:17:37

disagreement the really gets home.

00:17:39

So can focus their attention.

00:17:42

On those points, they probably

00:17:44

will do the tribunal stop

00:17:45

a little easier and help

00:17:47

streamline the process alone. That

00:17:53

is the main principles. I

00:17:56

would say they're very experienced.

00:18:00

Very smart people. Is it

00:18:01

also people that was with

00:18:02

human they will not know

00:18:06

which page is paragraph of

00:18:08

these hundred pages of ribs

00:18:10

as well as the other

00:18:11  
so it is for you

00:18:12  
to help them to make

00:18:14  
their decision. And of course

00:18:15  
preferably to come to the

00:18:17  
same conclusion you did it

00:18:19  
to help them as much

00:18:20  
as possible in the presence.

00:18:23  
And you covered I know

00:18:25  
so you all so you'll

00:18:28  
come to this with the

00:18:30  
council experience. Right? So you

00:18:32  
are actually right breathe and

00:18:34  
you do work all of

00:18:36

us in each other's levitation,

00:18:37

but you work so much

00:18:38

across different jurisdictions. I know

00:18:40

you just flew from Milan

00:18:42

to ask to how do

00:18:43

you approach is cultural differences?

00:18:45

Do you see if it's

00:18:47

just you actually take into

00:18:48

account cultural differences of a

00:18:51

Tribunal. Who talks about our

00:18:56

audience? Thank you, Dear. Tried

00:18:59

to go. So you mentioned

00:19:03

the audience for me as

00:19:04

Council my audiences, of course

00:19:06

my tribunal and also my

00:19:08

opposing counsel to a certain

00:19:10

degree the client and there's

00:19:13

different legal cultures that we

00:19:16

encounter International arbitration. Certainly the

00:19:19

case is that I've dealt

00:19:20

with and I deal with

00:19:21

everyday have some portions of

00:19:23

common law on some portions

00:19:25

of civil law. For example,

00:19:27

you have claimed into Spanish

00:19:28

company defendant has a US

00:19:30

company Council for claiming Spanish

00:19:32  
counsel for defendant has from

00:19:34  
the US applicable laws Spanish

00:19:36  
law and then my seat

00:19:38  
is in Miami at that

00:19:40  
point very early on I

00:19:42  
do not know who my

00:19:43  
arbitrator is either the parties

00:19:45  
can agree on it or

00:19:46  
the institution will appoint it

00:19:48  
but my RV trailer could

00:19:50  
be us Latin American European.

00:19:53  
Right, so I'd be terrified

00:19:55  
stage. You do not know

00:19:56

who your arbitrator is and

00:19:58

there's differences that AC between

00:19:59

the common law and civil

00:20:00

Approach at the very beginning

00:20:02

of the case when disputes

00:20:05

emerge with for example, the

00:20:06

formulation of your request for

00:20:08

arbitration in the US. There

00:20:11

is a notice of pleading

00:20:13

practice that comes from Tularosa

00:20:15

procedure 8 a.m. That the

00:20:18

case has commenced with a

00:20:20

short and plain statement of

00:20:21

claim in Europe or in

00:20:24

civil and Latin America in

00:20:26

contract attorneys, but their case

00:20:30

forward fully developed and you

00:20:32

have our faces are way

00:20:33

more sorrow and sensors last

00:20:36

Discovery. You will also add

00:20:39

an important number of exhibits

00:20:41

that is not just your

00:20:41

contract. Right? So you're going

00:20:43

to put your case forward

00:20:45

what I see in practice

00:20:47

and international arbitration is the

00:20:49

conversion practice that is emerging

00:20:51  
emerging that is somewhat in

00:20:53  
the bed. The parties would

00:20:54  
be wise to follow want

00:20:56  
if they don't know who

00:20:57  
they're arbitrator is yet in

00:20:59  
particular and that practice involves

00:21:01  
telling as much of the

00:21:02  
story as possible in the

00:21:04  
request for arbitration not inserted

00:21:07  
in the detail of civil

00:21:09  
law filing but more than

00:21:11  
in a notice bleeding. Once

00:21:14  
you know who we are

00:21:15

betrayed her is right, I

00:21:16

think would go over said

00:21:18

is very important to think

00:21:19

about your arbitrator in citing

00:21:22

two cases. I have seen

00:21:24

opposing counsel site two cases

00:21:28

for getting that panel somebody

00:21:30

in the panel or the

00:21:31

arbitrator had authored that decision.

00:21:33

So when I read case

00:21:36

law and international route rhaetian,

00:21:37

I tend to read the

00:21:39

cases but also analyze food

00:21:42

the arbitrator's were and that

00:21:44

gives me somewhat of a

00:21:45

spectrum in decision-making and I

00:21:48

can I can plead in

00:21:50

a certain way of knowing

00:21:52

who the Arbiter where is

00:21:53

but I do find it

00:21:54

surprising that you come across

00:21:56

often citations to case law

00:21:58

and forgetting that the arbitrator

00:22:00

offered those and then I

00:22:03

will keep my eye on

00:22:04

those constant. There's no binding

00:22:07

case law and arbitration but

00:22:10

this is why it's so

00:22:11

important to side to the

00:22:12

pertinent to the person case

00:22:14

law. Thank you Moana quick

00:22:20

question about this one. That's

00:22:21

that's that is very interesting.

00:22:23

No biting president saying full

00:22:27

of arbitrators same as she

00:22:29

has similar issues are quite

00:22:31

often be find ourselves in

00:22:34

the situation that why don't

00:22:35

you do know that I'm

00:22:36

actually ruled on on my

00:22:38

similar issue to me. I

00:22:41

always have the Dilemma because

00:22:43

I almost feel fighting to

00:22:46

that case with the arbitrator

00:22:48

on the spot. What is

00:22:50

your profit to that? And

00:22:51

how do you navigate that

00:22:53

course? You don't want to

00:22:55

not cite the case but

00:22:56

is there a way to

00:22:59

downplay without you know taking

00:23:01

their attention away from the

00:23:03

right? I mean, I guess

00:23:05

it depends if the case

00:23:07

goes in my favor as

00:23:09

counsel for claiming to counsel

00:23:11

for defendant is certainly more

00:23:13

difficult if the case is

00:23:14

not going in my favor

00:23:16

then I would have to

00:23:17

navigate that by sink not

00:23:19

mentioning it because it's going

00:23:21

to hurt me is definitely

00:23:22

you know, he might create

00:23:24

your descent yourself in that

00:23:26

way. So it's it's best

00:23:28

to do absolutely I might

00:23:30  
even does go in your

00:23:31  
favor, but that's that's why

00:23:37  
I've been struggling with that

00:23:38  
but you're right. I asked,

00:23:41  
you know that place a

00:23:42  
lot of questions and as

00:23:44  
we said at the beginning

00:23:45  
that really know one way

00:23:47  
approach to things and we

00:23:49  
can even discuss this in

00:23:51  
our Q&A session, but now

00:23:53  
let's move on to the

00:23:55  
real business of our discussion

00:23:58  
and that is a ghetto

00:24:00  
focusing on writing legally if

00:24:03  
that's really what we are

00:24:04  
discussing here. So as you'll

00:24:07  
know in the world of

00:24:09  
International Education legal basic of

00:24:11  
the memorials and dressing and

00:24:14  
move them or else is

00:24:15  
really a queer Go out

00:24:17  
for dinner as well. You

00:24:21  
know, I've betrayed us and

00:24:27  
they stay open YouTube quickly,

00:24:30  
idolizing meeting and understanding these

00:24:33

documents. So let's talk for

00:24:35

a second about the architecture

00:24:37

of the memorials. What are

00:24:38

they composed of what section

00:24:40

do they comprise and does

00:24:44

this architecture differ from a

00:24:45

leading to a pleading for

00:24:47

Memorial, Memorial Boulevard? I know

00:24:51

you look at these things

00:24:52

from the neutral perspective. So

00:24:54

would you like to pick

00:24:56

us up on this? As

00:25:00

you as you well know

00:25:01

fish in Lee Memorial for

00:25:05  
speeding follow an inspection and

00:25:08  
eviction merits and then damages

00:25:10  
and parties tend to stick

00:25:13  
to the Border. In fact

00:25:16  
switched around the traditional arguments

00:25:18  
are made with overall liquid

00:25:24  
and and of course within

00:25:27  
your arguments, it's also very

00:25:29  
very important. I think it

00:25:30  
goes together with disgust structure

00:25:35  
is incredibly important and from

00:25:38  
A New Perspective. What is

00:25:40  
Kia that you can navigate

00:25:41  
the memorial for any submission

00:25:43  
for that matter? You can

00:25:45  
navigate it quickly and is

00:25:47  
tribunal's wife might maybe do

00:25:49  
it once but generally they

00:25:51  
will not read your submission

00:25:53  
cover-to-cover going to leave you

00:25:55  
will be engaged in arguments

00:25:56  
and we'll go back and

00:25:57  
we'll compare the arguments and

00:25:59  
different. Runs of submissions of

00:26:02  
a different parties. And so

00:26:04  
please please make sure that

00:26:06

the arguments on a particular

00:26:07

matter are all found in

00:26:10

a certain section within your

00:26:12

moral. It happens quite often

00:26:14

that you have to go

00:26:15

at least cover to cover

00:26:17

to find bits and pieces

00:26:20

of an argument of by

00:26:21

one legal issue among several

00:26:25

sections and see how you

00:26:34

trying to pull things together.

00:26:35

So structure is incredibly important.

00:26:37

It might take some tweaking

00:26:40

likely while you're drafting you

00:26:41  
might change things around but

00:26:43  
he's treacherous reflect on your

00:26:45  
table of contents is incredibly

00:26:47  
important and should be persuasive.

00:26:52  
Can I just fill up

00:26:54  
quickly on this? Is there

00:26:55  
any difference in how difficulty

00:27:00  
there's two rounds of briefs

00:27:01  
in arbitration unless there is

00:27:03  
some unique situation and in

00:27:06  
your experience. Do you see

00:27:08  
differences in the structure in

00:27:11  
the first round of breath

00:27:12  
and sat 2nd and Reed

00:27:14  
for example with the fact

00:27:16  
that said let's say be

00:27:17  
repeated again with big introduction

00:27:21  
be there a rounds. It's

00:27:29  
batula just a little bit

00:27:30  
great structural elements can be

00:27:35  
found in the second round

00:27:36  
of submissions. But if it

00:27:38  
turns out that the suspect

00:27:39  
this case turns on the

00:27:45  
respect that you didn't discuss

00:27:47  
discussing very extensively. I think

00:27:54

she has to dress in

00:27:55

a dissection Heights of you

00:28:03

have all of these and

00:28:03

envy discuss a little bit.

00:28:05

So you would a little

00:28:05

bit that's typically they have

00:28:07

large teams drafting various sections,

00:28:10

but let's say it's smaller

00:28:14

case and you are an

00:28:16

individual person working on it.

00:28:18

Do you just drop this

00:28:20

leading from the beginning to

00:28:21

the end or do you

00:28:22

actually drop them in an

00:28:25

order? That might not do

00:28:27

it yet despite the federal

00:28:29

order so it varies by

00:28:31

case, but I typically I

00:28:34

think it's human nature to

00:28:36

include the nearly so Typically

00:28:38

start beginning of my fax

00:28:40

section and start drafting through

00:28:41

and then I might hit

00:28:43

a key set of facts

00:28:44

that really related to one

00:28:46

of my issues. And so

00:28:47

I get distracted and go

00:28:48

work up that issue and

00:28:50

then I'll come back and

00:28:51

pick back up on my

00:28:52

socks and go through and

00:28:53

it is really a durative.

00:28:54

I often find that if

00:28:56

I lay out the framework

00:28:58

of just a key major

00:28:59

events, you know, just dry

00:29:01

on this date on this

00:29:02

date on this date on

00:29:03

this date and that's my

00:29:04

scaffolding and then I can

00:29:06

build in narrative and more

00:29:09

persuasive interesting text around those

00:29:12

that scaffolding that tends to

00:29:14

be one of the more

00:29:16

successful if they shouldn't ways

00:29:18

but I draft so it's

00:29:19

iterative but it's all moving

00:29:21

toward the final product. But

00:29:23

yes, I usually start at

00:29:24

the beginning of my facts

00:29:25

and then there's always some

00:29:28

moving around and then talking

00:29:30

about the table of content

00:29:31

that actually ends up being

00:29:33

the very last thing that

00:29:34

I finalized the once everything

00:29:36

is done. I've got working.

00:29:37

Matters, but the very end

00:29:40

I go through and make

00:29:41

sure that they sing until

00:29:43

one story and that it

00:29:47

all makes sense amongst each

00:29:48

other and sometimes you'll even

00:29:49

find out if I change

00:29:50

this Hatter a little bit.

00:29:52

I need to go back

00:29:53

into that section and tweak

00:29:54

it lightly some more iterations

00:29:57

that so you actually need

00:30:00

a pay table of contents

00:30:02

as a separate section. That's

00:30:04

that I did that's my

00:30:05

story and I'm short because

00:30:07

I have my headers are

00:30:08

usually sort of declaratory statements

00:30:11

or sentences not so long

00:30:14

that the tribunal has stopped

00:30:16

reading but you two or

00:30:18

three lines of affirmative assertive

00:30:21

facts or statement a introduction

00:30:26

section as a begin at

00:30:27

the beginning or a really

00:30:32

messy notes documents as I

00:30:34

can while I'm writing and

00:30:36

at the very end. Will

00:30:39

Wrangle that into some form

00:30:41

of introduction I will confess

00:30:43

an introduction to my least

00:30:44

favorite thing to write and

00:30:46

if so important so I

00:30:48

will often I work a

00:30:49

lot with the end where

00:30:50

it and I'm often calling

00:30:51

him and saying what do

00:30:52

you think? What do you

00:30:53

think about the answer to

00:30:54

this? so let's think about

00:31:02

the introduction a little more

00:31:03

because it is important to

00:31:08

Since again, you're sitting on

00:31:10

the universe evening. And what

00:31:13

is your view about the

00:31:14

role of the introduction section

00:31:16

at the last because you

00:31:26

do we need to know

00:31:27

all the pieces of your

00:31:28

case before you can pretend.

00:31:30

It's like the first the

00:31:34

first few minutes of your

00:31:37

opening meeting at the so

00:31:39

you really have to grab

00:31:40

the attention and said of

00:31:41

the big often to the

00:31:43

meeting so, you know, is

00:31:46

this story of egregious government

00:31:49

overreach or is it the

00:31:51

story of a poor investor

00:31:54

or is it a corrupt

00:31:56

Enterprise that was not going

00:31:58

to go nowhere from the

00:31:58

beginning, you know, so when

00:32:06

would you agree with that?

00:32:07

Is that also your approach

00:32:08

to sketch out the big

00:32:10

picture steam or do you

00:32:11

generally just try to review

00:32:13

what degrees is going to

00:32:15

be about how do you

00:32:16

replace cancel approached by also

00:32:20

have cannabis macroview where where

00:32:22

I sketch it out and

00:32:24

then get into detail rather

00:32:25

than in the other way

00:32:26

around. I would also say

00:32:29

sometimes I see you see

00:32:31

both Styles, you know the

00:32:33

sort of short straight forward

00:32:34

in this brief. We're going

00:32:35

to prevent these five issues

00:32:37

and read on and then

00:32:39

sometimes you'll see 150-page brief.

00:32:42

There's a 40-page introduction that

00:32:46

is because you're wasting people's

00:32:50

time like they're reading through

00:32:51

it's basically the back section

00:32:53

without footnotes and then they

00:32:54

are going to reread it

00:32:55  
all again. So I think

00:32:57  
there's a happy in between

00:32:58  
but I I have seen

00:33:01  
more often than I would

00:33:03  
have thought reasonable like really

00:33:04  
long and trying and I

00:33:06  
think that just gets overly

00:33:07  
repetitive personally. I think this

00:33:10  
one that you are just

00:33:11  
making Ashley, it's something raise

00:33:14  
write resumes for me from

00:33:16  
the Facebook that you mentioned

00:33:17  
a doctor of the Gardners

00:33:22

book about legal writing. So

00:33:24

what they were explaining is

00:33:27

that And I wanted to

00:33:29

see whether you do it

00:33:30

you agree with that is

00:33:32

as decision-makers and frankly as

00:33:35

anyone once you read information

00:33:36

twice, this sounds familiar. So

00:33:39

you turn off our attention

00:33:41

and second time. You don't

00:33:43

eat it as I'm asking

00:33:45

so doing this in between

00:33:48

introduction might actually be a

00:33:50

very unexpected way because you

00:33:53

can preview what you think

00:33:55

I keep going for the

00:33:56

to do now so when

00:33:57

they actually get to the

00:33:58

5 Section, they will turn

00:34:00

off their attention span, but

00:34:01

that's really wanted to speak

00:34:02

to me right is No,

00:34:05

I think there's something to

00:34:07

that I eat for me.

00:34:08

What's with frustrating when I'm

00:34:10

reading these long sections as

00:34:11

they usually don't have some

00:34:12

notes. So I'm thinking where's

00:34:13

the document that proves that

00:34:15

and I'm going to have

00:34:16

to read all over again

00:34:17

to see what you're hanging

00:34:19

your Source on and so

00:34:21

that's that's why I was

00:34:22

saying I find it to

00:34:23

be Not the most efficient

00:34:27

way and I think is

00:34:27

weird. Especially those of us

00:34:29

who are billing attorneys efficiency

00:34:31

is always the goal for

00:34:33

our clients time are time

00:34:35

resources. We have limited resources.

00:34:37

So I like to just

00:34:39

get right into it. I

00:34:42

just make a very brief

00:34:43

point, you know, this is

00:34:45

very famous quotation by Mark

00:34:47

Twain. If I had extra

00:34:49

time, I would have written

00:34:51

a shorter ladder and I

00:34:54

think that is generally very

00:34:55

good advice but jeans because

00:34:57

I think reset becoming longer

00:34:59

repetitive, you know, this is

00:35:02

where I think it's in

00:35:03

the federal courts. You can

00:35:05

do it in 25 Pages.

00:35:06

Why are we in 51

00:35:09

400 pages and 7 experts.

00:35:13

In fact witness is something

00:35:14

we need to think about

00:35:15

but I just need to

00:35:17

throw that boy can stop

00:35:18

you. 2 in as I

00:35:25

was thinking about how we

00:35:26

are going to go over

00:35:27

our discussion. I wanted to

00:35:32  
have a look at the

00:35:34  
next it is the facts

00:35:35  
section which people do but

00:35:39  
what could be a just

00:35:41  
man should be like a

00:35:46  
big old is is is

00:35:49  
what is extremely important part

00:35:53  
of drafting and that attitude,

00:35:55  
right? And so maybe we

00:35:58  
will stay there till a

00:35:59  
little later but I would

00:36:00  
want us to alter it

00:36:01  
back on that because I'm

00:36:02

sure everyone can benefit from

00:36:04

hearing how you go about

00:36:06

this process of everything and

00:36:07

what you're trying to do

00:36:08

that but now let's go

00:36:11

back to our Memorial and

00:36:13

the next section that we

00:36:14

have on the table is

00:36:16

defect section. I know Robert

00:36:20

you started already. Explaining a

00:36:22

little bit about you know,

00:36:24

the importance of would you

00:36:25

like to elaborate a little

00:36:26

more about why this section

00:36:29

is important and you as

00:36:32

again you are a neutral.

00:36:33

What are you really bleeding

00:36:35

from that section? I think

00:36:39

the great majority of cases

00:36:40

the fact section is the

00:36:42

most important section of the

00:36:45

majority of cases are won

00:36:47

or lost on the back

00:36:48

and maybe even worse than

00:36:53

invest in arbitration at the

00:36:55

law is also more or

00:36:57

less second Stone. There's more

00:36:59

interpretation as a loss of

00:37:01

even more important that we

00:37:04

could stay and I am

00:37:08

I can't believe this is

00:37:15

where you going to be

00:37:16

spending most of your time

00:37:17

drafting if you please it's

00:37:20

very important to integrate all

00:37:21

the documents. You have the

00:37:23

richest Nations you have and

00:37:26

you really make sure you

00:37:27

bring some emphasis in all

00:37:31

these documents been what's terminal

00:37:32

really should be looking at

00:37:35

This more to the council

00:37:37

to discuss is very important.

00:37:48

Right but also as computer

00:37:51

already mentioned these cases that

00:37:53

you don't invest into the

00:37:55

case is really large and

00:37:58

they hold so many different

00:38:00

aspects and I'll get experts

00:38:03

and fax witnesses that you

00:38:06

wouldn't see in court because

00:38:07

what is your approach to

00:38:13

taking the volume of information

00:38:15

organizing it in a way

00:38:17

that would you know be

00:38:19

capable of keeping the attention

00:38:20

even though you're presenting, you

00:38:23

know something that's what I

00:38:24

feel is very dry and

00:38:25

locked. Absolutely. I'm so you

00:38:28

mentioned at the beginning that

00:38:30

creative writing is different to

00:38:32

Legal writing. But however, I

00:38:35

think us lawyers could sometimes

00:38:37

be a little creative and

00:38:39

there's been thought leadership bios

00:38:42

Reservoir that is a Peruvian

00:38:45  
professor and international arbitrator on

00:38:47  
this topic and he writes

00:38:50  
about storytelling in an international

00:38:52  
adjudication and speaks about it.

00:38:54  
So I just wanted to

00:38:56  
share with you Professor ballards

00:38:58  
advice has a port for

00:39:02  
us, and he gave two

00:39:04  
examples and Three Points two

00:39:06  
examples the story that never

00:39:08  
ended and this was repeated

00:39:11  
by Council in a repeated

00:39:14  
breaches of contract case. And

00:39:16

actually it was a story

00:39:18

that story that never ended

00:39:19

about contract violations write another

00:39:22

case where specific performance was

00:39:24

asked from the arbitral tribunal

00:39:26

which It happens where the

00:39:29

parties were one party was

00:39:31

asking to Wine Down the

00:39:33

operations of a bankruptcy rank

00:39:36

bankruptcy company and Council said

00:39:38

a sad story that ends

00:39:41

is better than a never-ending

00:39:43

or one right? So lawyers

00:39:47

assume incorrectly. Sometimes that everything

00:39:50

they were right in their

00:39:51

briefs will be red and

00:39:52

that everything they say at

00:39:54

a hearing will be heard.

00:39:55

But if you have good

00:39:56

Storyteller and telling us that

00:39:58

that is different and first

00:40:00

you start with a question

00:40:01

question in a legal sense

00:40:03

that generates curiosity and its

00:40:06

efficient storytelling and the Arbitrator

00:40:09

will pay more attention in

00:40:11

the first thing that is

00:40:12

said catch his attention the

00:40:14

second point that Professor Bernard

00:40:16

tells us about and that

00:40:18

one is a difficult one

00:40:19

for us attorneys is a

00:40:21

good stories don't have perfect

00:40:23

protagonist and so lawyers present.

00:40:26

13th are kind sometimes as

00:40:28

blameless and also this got

00:40:31

me thinking when when he

00:40:32

put this point forward that

00:40:34

in the US at least

00:40:35

I'm in u.s. Bar and

00:40:36

grill 3.3 the American Bar

00:40:39

Association. You have a Kendra

00:40:41

to tribunal application, right? So

00:40:44

I saw this rhetoric of

00:40:47

not having perfect protagonist, but

00:40:49

rather, you know their strategy

00:40:51

Grant considerations risk liability, but

00:40:54

we we are sometimes better

00:40:56

off with portraying as client

00:40:58

has not perfect and third

00:41:00

a story is not a

00:41:02

list of data ReStore in

00:41:04

which the facts are connected

00:41:05

in the rated getting intrigued

00:41:07

and in the same time

00:41:08

leading. The arbitrator says boullard

00:41:10

to discover the truth. So

00:41:13

I just wanted to share

00:41:14

this asteroid telling points with

00:41:17

you guys. And I think

00:41:19

I think it would be

00:41:21

more enjoyable for for the

00:41:22

tribunal to read as well.

00:41:26

And such an important point

00:41:30

in so it's not just

00:41:31

throwing out back right but

00:41:33

even your fax section though,

00:41:36

it's cold. It's still an

00:41:37

advocate, right? So you still

00:41:39

connecting the dots even though

00:41:41

you're doing it through a

00:41:43

heavy emphasis of the fact,

00:41:44

right? How do you make

00:41:50

sure that or rather when

00:41:53

you go about selecting which

00:41:55

facts to include and which

00:41:57

to exclude? Is there any

00:41:59

specific rule of thumb that

00:42:00

you're using? Well, I think

00:42:09

first of all it's important

00:42:11

to know all the facts

00:42:12

and those you might need

00:42:13

to do a little digging

00:42:14

because sometimes in the house

00:42:17

counsel will not tell you

00:42:18

so I think that's supposed

00:42:20

to very important that before

00:42:23

you select the fact you

00:42:24

have all the facts from

00:42:26

your client. And and then

00:42:29

again, I I really do

00:42:30

believe in this kind or

00:42:31

to the tribunal of education.

00:42:33

So sometimes putting out there

00:42:36  
before my poison party does,

00:42:39  
you know a point that

00:42:42  
is going to be difficult

00:42:42  
and tackle it might be

00:42:45  
might be a better strategy

00:42:46  
and and also known as

00:42:48  
the way to Advocate. I

00:42:51  
actually intended to ask a

00:42:54  
question that was slightly different

00:42:56  
in that. When is too

00:42:58  
much too much. Which box

00:43:00  
do you know it was

00:43:01  
so let's say Baxter. Not

00:43:04  
directly directly necessary to your

00:43:08  
legal analysis. How do you

00:43:10  
then decide what to include

00:43:12  
if it's not directly engaged?

00:43:16  
I mean the issue is

00:43:18  
that is that your opposing

00:43:19  
party my my Razor, right?

00:43:21  
So as I said, I

00:43:23  
am more favorable to putting

00:43:25  
all my cards on the

00:43:26  
table immediately without throwing the

00:43:30  
sink, of course. Think I

00:43:33  
just Echo Woodman year was

00:43:35

staying because I feel sometimes

00:43:36

anything. This is at the

00:43:38

council's approach. You don't tell

00:43:40

something in opposing counsel screams

00:43:43

murdered. Didn't tell you this

00:43:46

I didn't make a big

00:43:48

deal out of it. Very

00:43:49

good point maybe non consequential

00:43:52

but it's a question of

00:43:52

trust in the email of

00:43:54

the impression. There's that you

00:43:55

were hiding something is better

00:43:57

put it out there and

00:43:59

you can dance payment to

00:44:00

be using kobyłka it inside.

00:44:09

So I think there's a

00:44:13

lot of it has experienced,

00:44:14

right? This is why you

00:44:15

have different levels of experience

00:44:16

on a team because it's

00:44:18

right. You have to know

00:44:19

everything right before you start

00:44:21

writing I is my client's

00:44:23

attorney. I want to know

00:44:24

everything but the tribunal doesn't

00:44:28

need to know everything. So

00:44:30

you need to streamline again,

00:44:33

you're not hiding you're not

00:44:34

pretending your client is perfect.

00:44:37

But there's sometimes we get

00:44:39

as we could until actually

00:44:42

curious about a series of

00:44:43

technical details are technical facts.

00:44:45

I'm really not relevant to

00:44:47

the issues that the tribunal

00:44:48

needs to decide in. This

00:44:49

is we're going back to

00:44:50

what governor was saying. If

00:44:52

you know what your point

00:44:54

is. What is your goal

00:44:55

and you can anchor your

00:44:57

fax and driving that go

00:44:59

forward and supporting your legal

00:45:01

claims than that is a

00:45:02

useful tool to exercise the

00:45:05

too much and so often

00:45:06

I think the final editing

00:45:08

stages. Are you write everything

00:45:10

and then you come through

00:45:11

with a scalpel and you

00:45:13

cut out the extra and

00:45:16

it does take longer to

00:45:17

write shorter briefs, but I

00:45:19

also think your tribunal will

00:45:22

thank you and just as

00:45:24

a point to spell I

00:45:26

have the microphone your audience

00:45:28

is not always the tribunal.

00:45:29

So if your client is

00:45:30

a government your audience might

00:45:32

actually be their constituents if

00:45:34

your client really wants to

00:45:37

settle your audience might actually

00:45:38

be not the tribunal or

00:45:40

opposing counsel, but the other

00:45:43

client and so of course,

00:45:45

whatever you Writing and submitting

00:45:46

needs to move the case

00:45:48

forward and be to the

00:45:49

benefit of the tribunal but

00:45:50

there's often secondary and tertiary

00:45:52

audiences that you're keeping in

00:45:54

mind. And sometimes when you

00:45:56

see a brief from opposing

00:45:57

counsel and you're thinking why

00:45:59

are they saying this take

00:46:01

a step back and think

00:46:01

how they weren't writing this

00:46:03

for me? They were writing

00:46:04

this, you know, this is

00:46:05

a government writing, you know

00:46:07

to its its political stakeholders.

00:46:09

This wasn't about our case.

00:46:11

So I think these all

00:46:13

these point on come together

00:46:14

and the editing process. Absolutely.

00:46:16

That's why it is so

00:46:18

important and agree with you

00:46:22

more Ashley and I always

00:46:27

Find the fact that are

00:46:31

not directly necessary only tends

00:46:35

to confuse to unless they

00:46:37

really present your theme of

00:46:39

the case and really which

00:46:41

way your client as you

00:46:42

do in the life. You

00:46:43

want to it's sometimes might

00:46:46

be able to place them

00:46:48

in that editing process and

00:46:51

maybe all tend to do

00:46:54

that to over-explain an overdue.

00:46:56

But at the end of

00:46:57

the day, you are just

00:46:59

causing your decision maker to

00:47:02

have to pay attention and

00:47:05

energy on things that are

00:47:09

relevant to be very mindful

00:47:11  
about potential and inclusion and

00:47:14  
that is as important, but

00:47:17  
thank you so much for

00:47:18  
this client. So now I

00:47:23  
think organized an early and

00:47:29  
let's move on to the

00:47:30  
real meat of the case,

00:47:32  
which is legal argument the

00:47:33  
heart of the case. So

00:47:35  
computer how do you build

00:47:37  
your legal argument? Sure. I

00:47:41  
started for the general observation

00:47:44  
that tends to happen in

00:47:46

cases. can you see this

00:47:49

ruling in buying this versus

00:47:51

Pakistan with the tribunal tells

00:47:53

us it is not bound

00:47:55

by previous decision to fix

00:47:57

the tribunal if drops a

00:47:59

footnote and gives us a

00:48:01

anybody get the joke it

00:48:04

going to prove no precedents

00:48:05

by citing president. Why am

00:48:08

I staying this? I think

00:48:10

the two reasons that I'd

00:48:11

like to make the first

00:48:13

point in this gets back

00:48:15

to the discussion you and

00:48:17

Mona had at the beginning

00:48:19

we have to just make

00:48:21

peace with this reality that

00:48:23

the civil law notion of

00:48:25

you. Know which carrier has

00:48:27

limited applications. Now we can

00:48:29

leave the merits of that.

00:48:31

We have to plead the

00:48:34

law. So that's one point.

00:48:36

I'd like to make this

00:48:37

is part of your kids

00:48:39

like the facts law has

00:48:40  
to be approved if it

00:48:42  
is domestic law. They're going

00:48:43  
to treat it like a

00:48:45  
complications get into play and

00:48:48  
the second point I'd like

00:48:49  
to make is this is

00:48:52  
something Google suggested. We don't

00:48:58  
have a formal legal structure

00:49:01  
to be common-law residents would

00:49:03  
work with trade unions find

00:49:06  
comfort as human beings by

00:49:08  
anchoring the decisions on something.

00:49:11  
Somebody has said or on

00:49:12

patch kids and that's what

00:49:15

you're going to be talking

00:49:16

about. How do you expect

00:49:18

to be anchored? Would you

00:49:19

want to say and this

00:49:21

is very strong Juris Prudential

00:49:23

Securities. I'll just get in

00:49:25

and out of this similar

00:49:27

cases should be decided similarly.

00:49:29

Right? One of the big

00:49:31

I think I can only

00:49:32

criticisms of isds Wars people

00:49:36

looking at is DSN telling

00:49:38

a similar cases that getting

00:49:39

dissimilar treatment. Looks like Madeline

00:49:45

Justice and justices and desirable

00:49:48

random order are some tips

00:49:54

on how you make effective

00:49:56

leader. Presidential legal argument in

00:49:59

this is something I think

00:50:00

everybody has said this is

00:50:02

not a legal argument, but

00:50:04

just know you work a

00:50:05

know your opponent's case and

00:50:08

don't overstay your case you

00:50:11

do when you start dealing

00:50:12

with the facts in great

00:50:14

detail, you really start believe

00:50:16

it either the state is

00:50:18

wrong or the investigators, right?

00:50:20

B a b a b

00:50:21

y just drinking nice kisses.

00:50:24

You said that when you're

00:50:26

a bad that's nice just

00:50:30

recognized that okay looking at

00:50:33

a soda tea trying to

00:50:35

find the best analogous case

00:50:38

that support you but don't

00:50:40

overstate it. I have a

00:50:42

fun go to this. A

00:50:44

lot of these points are

00:50:45

related. Just coming back to

00:50:49

this kisses are big and

00:50:51

boring. Putting a pin sight

00:50:57

of putting the reference to

00:50:58

a case without telling the

00:51:00

tribunal what they need to

00:51:01

do with the kids is

00:51:02

useless. You know when you

00:51:05

give the conical decision which

00:51:06

is 700 pages and you

00:51:08

tell the tribunal speed generally

00:51:10

that's not helpful. Just getting

00:51:15

back to what Ashley said

00:51:16

make it easy for the

00:51:18

decision-maker and finally again, this

00:51:21

is for counseling this is

00:51:23

generally for the most junior

00:51:25

members of our team the

00:51:26

most of us have been

00:51:28

sadly. We cannot classify yourself.

00:51:34

Read it I love the

00:51:35

example. Everybody gives an investor

00:51:44

state law died in Monday

00:51:46

and paragraph 115 Five Points

00:51:49

Amphitheater. You noticed we have

00:51:51

jurisdiction to deal with it

00:51:52

about \$200. Later. About to

00:51:59

be on your point. We

00:52:01

were making if you want

00:52:03

to make the point you

00:52:04

restriction make the point of

00:52:06

jurisdiction would recognize ultimately it

00:52:08

was not allowed opposing counsel

00:52:11

would make a much bigger

00:52:12

deal out of it. That's

00:52:14

just how you present. Your

00:52:16

case cases are like the

00:52:19

Bible just like the interpretation

00:52:21

and by God, I mean

00:52:23

if you read them, you

00:52:24  
will find little bit of

00:52:25  
everything in it is good

00:52:27  
to know exactly what you

00:52:35  
are looking for used for

00:52:37  
in a case and be

00:52:38  
Strategic investment arbitration in particular

00:52:42  
that are 10 or 15

00:52:43  
cases. You can be pretty

00:52:44  
certain investor is going to

00:52:46  
fight back man comes to

00:52:48  
mind and if you are,

00:52:49  
do you know that? Delete

00:52:58  
the kisses, you know, this

00:53:00  
is a good example statement

00:53:01  
refers to park rings to

00:53:03  
stay a PT has been

00:53:04  
interpreted broadly. This is what

00:53:06  
the common low voltage you

00:53:07  
actually pretty early distinguish cases

00:53:09  
has noted and then make

00:53:12  
your point and if you

00:53:13  
read most cases the language

00:53:15  
is actually take measures probably

00:53:18  
an exception but most cases

00:53:19  
give you a little bit

00:53:20  
of everything so you can

00:53:22

find something good for yourself.

00:53:23

I'm just standing here in

00:53:25

the interest of time. This

00:53:27

is a lost art of

00:53:30

people really believe that they

00:53:31

have to put our strongest

00:53:32

arguments and the strongest argument,

00:53:35

but I think one thing

00:53:37

you learn from domestic practices

00:53:39

making alternative arguments. This what

00:53:43

is this doesn't then this

00:53:45

is not this than this

00:53:47

and that is again, if

00:53:48

you thinking about your tribunal

00:53:50

that is and helpful because

00:53:55

you giving the tribunal all

00:53:56

the ammunition and you framing

00:53:59

it the way that you

00:53:59

think is best. Make life

00:54:03

easy for your decision makers

00:54:05

don't be people with two

00:54:06

ships in the ocean that

00:54:08

never crossed. I'm going to

00:54:10

stop here and you can

00:54:12

continue the discussion. This is

00:54:16

great. And we will all

00:54:18

come back to some of

00:54:18  
this point. Let me ask

00:54:22  
one of the points that

00:54:24  
could be made and I

00:54:25  
would have to ask covered

00:54:27  
his ears again as a

00:54:29  
sort of a neutral without

00:54:30  
the recipient of writing said

00:54:35  
we have to give the

00:54:36  
wall a lot of and

00:54:38  
ask if they're also said

00:54:39  
there's some cases that without

00:54:42  
a file a claim and

00:54:44  
will side with out about

00:54:45  
the responsible side and typically

00:54:47  
has probably know what you

00:54:49  
do with these cases would

00:54:50  
support still from your perspective.

00:54:53  
When you see these kind

00:54:54  
of lengthy legal standards section.

00:54:57  
Do you find them effective?

00:54:59  
Do you think there is

00:55:00  
a way to make my

00:55:02  
screen brightness a little bit

00:55:03  
or is it really necessary

00:55:05  
for Council to draft at

00:55:07  
all because there is no

00:55:09

such thing as you know,

00:55:11

we have to do our

00:55:12

job. Quick we have to

00:55:14

do our job. Legal Section

00:55:27

8 if you had a

00:55:33

very experienced tribunal don't explain

00:55:36

them. What do you mean

00:55:38

like you're due to a

00:55:39

bed with student to ask

00:55:41

him for the first time

00:55:42

the entirety of the standard

00:55:46

at one of the cases

00:55:47

avoids the issue on for

00:55:51

example stations by a regulation

00:55:54

or something like that that

00:56:00

you need to focus and

00:56:02

do you explain it? Like

00:56:03

you're explaining very clear from

00:56:05

what they've been deciding on

00:56:07

for decades as a quick

00:56:16

note with with, you know,

00:56:18

dozens of references. Do you

00:56:21

really expect your Tribunal? I

00:56:25

believe it's a a a

00:56:26

Rudder generic statement to go

00:56:29

to every case and to

00:56:30

check yes indeed. So definitely

00:56:38

be a selective there and

00:56:40

then work with and also

00:56:42

there to pick up from

00:56:43

a point to get up

00:56:44

earlier. If a arbitrator has

00:56:46

had my case no defects

00:57:02

were orders this week in

00:57:03

this game to this conclusion,

00:57:04

but it was only because

00:57:05

we didn't expect for a

00:57:07

reference and if something happens

00:57:15

when people Maybe Morrison invest

00:57:18

in commercial dispute the fact

00:57:25

that while actually if you

00:57:27

will really have been involved

00:57:30

in a game, you know,

00:57:31

how important aspect or travel

00:57:34

can be certain he doesn't

00:57:35

even if not every time

00:57:38

there is a reference made

00:57:40

to do. When did it

00:57:42

become legal center of you

00:57:46

on the case and book

00:57:48

weigh. I absolutely love this

00:57:52

point that you both are

00:57:53

lagging and I wanted to

00:57:55

ask our Council on the

00:57:56

panel about this working with

00:57:58

you with cases. And because

00:58:01

s b Wright Elementary School

00:58:03

together. There are there is

00:58:05

legal standards and you know

00:58:07

it more simple approach legal

00:58:10

writing would be able to

00:58:11

copy that legal standards and

00:58:13

just coffee and tea. It's

00:58:15

a much more sophisticated approach

00:58:19

when we actually analyze and

00:58:21

you see how that legal

00:58:23

standard is applied in that

00:58:25

case and then you argue

00:58:27

that it should be applied

00:58:28

in your case is different

00:58:31

or that it should be

00:58:32

able to have the practice

00:58:41

when opposing counsel is fighting

00:58:43

a case. That's really you

00:58:44

don't know that's not helpful

00:58:45

for you to dive into

00:58:47

that case and try to

00:58:49

see today. Absolutely, that's that

00:58:53

says system so that I

00:58:57

would have to to Dabangg

00:58:59

the the case in front

00:59:00

of me while they're all

00:59:02

other crates with very easy

00:59:04

to to say those facts

00:59:06

on apply to this case.

00:59:08

So that's a very good

00:59:09

way to counter argue a

00:59:12

case that seems unfavorable at

00:59:14

first glance. Anything else. Actually,

00:59:17

they know I would say

00:59:18

it's just like when if

00:59:20

you see a Building Council

00:59:21

misrepresenting facts, you have to

00:59:23

respond to that I think

00:59:24

likewise with legal restrictions and

00:59:27

ideally you can create doubt

00:59:30

in the minds of the

00:59:30

tribunal about how candid opposing

00:59:33

counsel is being. When are

00:59:37

you going to lemons make

00:59:38

lemonade in the legal contract?

00:59:42

All right now so let's

00:59:49

what let's quickly talk about

00:59:50

last substantive section reaches damages

00:59:54

go over it. Would you

00:59:57

like to explain to us?

00:59:59

The significance of that section

01:00:01  
underestimated experts are absolutely C

01:00:13  
Council just before two extra

01:00:15  
food court and there's often

01:00:18  
an affection for your Appliance

01:00:20  
huge difference book sample on

01:00:23  
it is it is not

01:00:26  
particularly sexy every time your

01:00:28  
you specially when you're thinking

01:00:31  
about this legal. Standard something

01:00:38  
like interest to make not

01:00:48  
every time it is actually

01:00:49  
considered or not. Every time

01:00:51  
it is it is argued

01:00:52

or often. Maybe you do

01:00:57

you have your facts you

01:00:59

have your legal damages and

01:01:01

then you have to ask.

01:01:02

Yes, let's would have presented

01:01:04

expert report. Thank you so

01:01:15

much more if I asked

01:01:17

you for similar question from

01:01:18

the council perspective and also

01:01:20

with a little bit of

01:01:21

a what's the difference of

01:01:22

not really. Not really engaging

01:01:25

with that extra bored with

01:01:27

the same old is there

01:01:28

so, you know why? Absolutely

01:01:33

offers. You can have surprisingly

01:01:35

Arbiters are very engaged in

01:01:37

Damages and they do themselves

01:01:39

or damage is routinely known

01:01:41

you get Mark counter will

01:01:43

have my stuff. So that's

01:01:45

risk. If you're not Top

01:01:47

Notch as legal counsel with

01:01:48

the with your damages and

01:01:50

and you live it up

01:01:51

to to The Experts they

01:01:54

might get into it themselves

01:01:55  
or the bed and go

01:01:57  
approach, you know, which is

01:01:59  
the point of our own

01:02:01  
expert which you know, there's

01:02:02  
talks about it, but I

01:02:03  
haven't seen it that much

01:02:04  
so you might might have

01:02:07  
that issue of whether they're

01:02:10  
not comfortable with damages and

01:02:12  
therefore, you know, you have

01:02:14  
a split of the baby

01:02:15  
or their own expert or

01:02:16  
they will get into it

01:02:18

themselves. And then I've seen

01:02:20

certain cases that I found

01:02:22

very interesting they stem from

01:02:24

alternative claims in the Spanish.

01:02:26

ECT cases are 63 of

01:02:29

them with Argentina. Out there

01:02:33

with the most cases historically

01:02:35

and a recent trend has

01:02:37

been the reasonable rate of

01:02:39

return of the investment. That

01:02:41

was an alternative claim and

01:02:43

it's there's been 45 cases

01:02:45

where the tribunal and now

01:02:47

that makes an analysis of

01:02:49

both liability and Quantum together.

01:02:51

And if Council does not

01:02:54

understand is if it could

01:02:56

very well lose our case.

01:02:57

I'm just going to site

01:02:58

to the PV case resurrecting

01:03:00

the Army no case for

01:03:02

for you to to see

01:03:04

this upcoming Trends. So in

01:03:05

this case the quantification of

01:03:07

the heart if any in

01:03:09

forms of finding on liability

01:03:10

unlike other cases in which

01:03:13

liability for example, the allegedly

01:03:15

wrongful withdrawal of a permit

01:03:17

is clearly separated from Quantum

01:03:19

here the two elements of

01:03:21

the analysis are intimately intertwined.

01:03:24

So, you know, I think

01:03:26

you you go into the

01:03:27

case and and you think

01:03:29

I'll leave it to the

01:03:30

at the quantum face you

01:03:31

kind of creep. Artificial trifurcation,

01:03:34

right? So yeah. I just

01:03:36

wanted to to point out

01:03:38

to this emerging Trend and

01:03:40

if anybody wants to read

01:03:42

about those cases, let me

01:03:44

know and there's an article

01:03:45

that's fascinating from point from

01:03:48

Donnie medicine going to Injustice

01:03:50

rethinking the calculation of Damages

01:03:52

and I recommend it to

01:03:53

everyone Thank you. Sue after

01:03:59

hours, Just section that now,

01:04:02

you know Council needs to

01:04:03

be on top of difficulty.

01:04:06

There might be some many

01:04:07

sections that already I think

01:04:09  
over to alluded to that

01:04:11  
is the interest section and

01:04:15  
the cross section. Sometimes they

01:04:17  
may be a heartbreaker by

01:04:20  
then the damage of section

01:04:21  
or they can be stand

01:04:22  
alone sections. You won't spend

01:04:24  
much time with them because

01:04:25  
they are for the most

01:04:26  
part pretty straightforward and really

01:04:28  
has bass Reeves that I

01:04:34  
wanted the very basis Peak

01:04:35  
about the pedals think about

01:04:38

so that's the conclusion section

01:04:41

what you want to tell

01:04:44

us the significance of that

01:04:45

and why would we do

01:04:48

with it? I might be

01:04:50

in the minority, but we

01:04:51

typically do a very perfunctory

01:04:53

conclusion like we've given you

01:04:56

our intro Story with hopefully

01:04:58

sold you, you know, you've

01:05:00

got your hearts and your

01:05:02

minds in your you're with

01:05:03

us through facts and legal

01:05:05

claims. And so we might

01:05:07

hit a couple more of

01:05:08

those Hi-Point. We might be

01:05:09

hit the systematic almost like

01:05:11

elevator speech points. But otherwise

01:05:14

if we haven't won the

01:05:16

tribunal over by the time

01:05:18

they've gotten through damages. I

01:05:19

don't think the conclusion is

01:05:21

going to change that if

01:05:23

we we keep it fairly

01:05:25

straightforward to the relief requested

01:05:28

by his peers at the

01:05:33

very end. There's my bullet

01:05:34

list of my asked. Thank

01:05:35

you do reading, you know.

01:05:40

Great, and of course the

01:05:42

significance is that at the

01:05:43

end of the day, that's

01:05:44

what you do now will

01:05:45

take away and uses checklist.

01:05:47

Am I am I writing

01:05:49

this to a neutral zone

01:05:50

the panel? Is that what

01:05:51

did you know if we

01:05:53

do like they want to

01:05:54

make sure whatever you put

01:05:56

some respect people. That's good.

01:06:01

If you don't adopt creative

01:06:02

writing make it easy and

01:06:05

offer the relief request that

01:06:07

you just want to be

01:06:08

very precise and clear what

01:06:10

exactly you would like to

01:06:11

do know what to do.

01:06:13

Great. So let's not spend

01:06:18

think if you want us

01:06:18

to just put a title

01:06:20

together, right? We have all

01:06:22

these different sections and in

01:06:23

the in the in the

01:06:26  
in the in a major

01:06:27  
case, we also typically have

01:06:29  
a cheap and I think

01:06:31  
Ashley already started guiding us

01:06:33  
through the process of how

01:06:34  
to make it all work

01:06:35  
as we would you like

01:06:37  
to explain to us the

01:06:38  
magic of so typically you'll

01:06:44  
have a mean depends on

01:06:46  
the size of the case,

01:06:47  
but you could have 10

01:06:49  
or more attorney paralegals working

01:06:51  
on something our teams are

01:06:52  
typically much leaner, but you

01:06:54  
always want to have at

01:06:56  
least one person who has

01:06:58  
eyes on that everything goes

01:06:59  
from writing style to arguments

01:07:01  
all the way through even

01:07:04  
in this day and time

01:07:05  
of post covid where everybody

01:07:07  
worked remotely enough can't be

01:07:10  
sad about getting everybody in

01:07:11  
a room together for at

01:07:13  
least End of time I

01:07:15

think having people start writing

01:07:16

their sections and then getting

01:07:18

them in a room together.

01:07:19

So that people have started

01:07:21

to do their research started

01:07:22

to think about their fax

01:07:24

started to think about where

01:07:25

the pressure points in the

01:07:26

weak points are and then

01:07:28

the whole team just working

01:07:30

in a conference room and

01:07:31

conversations organically will start issues

01:07:34

will be uncovered strategy points

01:07:36

will be refined if not

01:07:39

completely redone and I know

01:07:42

a couple years ago, I

01:07:43

think I might have been

01:07:44

tearing covid Kelsey talked about

01:07:46

setting up his influential conference

01:07:48

rooms, which we've had a

01:07:49

little less success with but

01:07:51

either way if your team

01:07:53

is really far from do

01:07:54

a virtual conference room, but

01:07:55

if you can get everybody

01:07:56

in an actual conference room

01:07:58

for at least a week

01:07:59  
to go to work or

01:08:00  
at least a few days

01:08:01  
to work through some of

01:08:03  
these issues together. So often

01:08:05  
will do weekly check-in if

01:08:07  
there's a lot going on

01:08:08  
we might do daily check-in.

01:08:09  
I like to do a

01:08:12  
summary email each just as

01:08:14  
we get into the final

01:08:15  
phases of the case to

01:08:17  
talk about here's what's been

01:08:18  
done. Here's what's left your

01:08:19

what tomorrow's priorities are but

01:08:22

I really like chocolate. Thank

01:08:26

you. When your is that

01:08:27

generally approach as well? Absolutely.

01:08:33

Everything Ashley has said, you

01:08:37

know before being a boutique

01:08:39

bow Rico Council with very

01:08:41

big Law Firm. So we're

01:08:42

off in a lot on

01:08:43

the on the team and

01:08:45

you have several persons drip

01:08:47

drafting several sections. I think

01:08:50

it's will swing board and

01:08:51

with another co-counsel. It's on

01:08:53

all the law firms another

01:08:54

style and I could be

01:08:56

a little tricky, you know

01:08:57

who brought the case was

01:08:59

on these counts or not,

01:09:00

but is still very important

01:09:02

that Ashley said that you

01:09:04

have one person that has

01:09:05

the eyes on everything and

01:09:08

also I think even if

01:09:10

we're tight on deadlines, right

01:09:11

we do things at 11

01:09:13

p.m. And we'll have to

01:09:15  
file in the day. It's

01:09:17  
important to have one person

01:09:19  
reads everything and edit everything

01:09:21  
before it Center. And I

01:09:26  
think he's also ties into

01:09:28  
one reason why we all

01:09:29  
have a long memory is

01:09:32  
because many teams were in

01:09:33  
different parts and one works

01:09:35  
on their section as if

01:09:36  
it is a 40-50 pages

01:09:49  
on their section and then

01:09:51  
it comes together and you

01:09:51

have his monster over the

01:09:53

memorial and depending on where

01:09:56

you are in the process

01:09:56

that may not be enough

01:09:58

time. But yeah, it's it's

01:10:01

a Absolutely, and I think

01:10:10

now might be the time

01:10:11

to speak a little bit

01:10:12

about everything because it is

01:10:15

so important and so I

01:10:18

just wanted to ask you

01:10:19

and I I would be

01:10:20

grateful to all Goods perhaps

01:10:22

just provides a little bit

01:10:23  
of influence on this process

01:10:25  
and a subset of that

01:10:29  
question, or maybe they follow

01:10:31  
up on the prayer is

01:10:33  
when you do work in

01:10:35  
large teams that does help

01:10:37  
you to create a standardized

01:10:40  
things from the beginning to

01:10:42  
scotopia templates and perhaps list

01:10:46  
of terms and let's do

01:10:47  
that. All of that doesn't

01:10:48  
have to be done in

01:10:49  
a 400 a page document.

01:10:55

If you have clear bowls

01:11:02

at the very beginning and

01:11:03

standardized way of working on

01:11:07

your Void having those discussions

01:11:09

and management issues along the

01:11:11

way and then you know,

01:11:13

what time is running so

01:11:14

you have to make it

01:11:15

work. So I I think

01:11:17

that's good practice to tackle

01:11:18

it right at the beginning

01:11:20

of every Define roles and

01:11:22

a standardized and can I

01:11:24

have a lot of templates

01:11:26

for everything? So I think

01:11:29

that's a good way also

01:11:30

to write. Anyone else would

01:11:35

like to comment on this.

01:11:36

Or should we ask finally

01:11:39

go to edit? Everybody needs

01:11:48

to edit themselves while they're

01:11:49

well they're working. But then

01:11:51

at the end whoever this

01:11:53

magical attorney is with eyes

01:11:55

on the whole project really

01:11:57

is there I think their

01:11:59

biggest responsibility is making it

01:12:01

all come together making sure

01:12:02

you don't have too much

01:12:03

to do plication and one

01:12:06

thing I think that Time

01:12:08

allowing is sometimes you'll have

01:12:11

a whole section of facts

01:12:12

and you'll realize you know,

01:12:14

what a chart a really

01:12:16

good charge a thought out

01:12:18

chart not just a chart

01:12:20

for being a chart of

01:12:21

really thoughtful chart could exercise

01:12:24

15 pages of detailed painstaking

01:12:27

writing in the tribunal will

01:12:29

spank you and you can

01:12:31

but no dates and have

01:12:32

all the underlying documents. But

01:12:34

I really love once you've

01:12:36

got the whole story right

01:12:37

now coming in and simplifying

01:12:40

things having a short little

01:12:42

bullet points chart. Anyway that

01:12:45

you can take a lot

01:12:47

of material and make it

01:12:48

easier for a tired reader

01:12:52

to understand. I always think

01:12:53

about like a really tired

01:12:54

reader and what are they

01:12:56

going to take on? I

01:12:58

think this is such an

01:12:59

important point. I I am

01:13:01

I am a very big

01:13:02

fan of charts and diagrams

01:13:04

and everything cuz I am

01:13:05

a very at my perception

01:13:06

is visual, but I understand

01:13:08

that. Ninety percent of humans

01:13:12

actually have the same approach.

01:13:14

So it's not just a

01:13:16

question of number Pages for

01:13:18

volume, right? It's really making

01:13:20

bestyett Weider absorb information in

01:13:23

a much more efficient way.

01:13:25

It's something that you'll probably

01:13:26

remember to stay in front

01:13:29

of their eyes as they

01:13:30

move on to the next

01:13:32

test. So thank you so

01:13:33

much. Thank you very much,

01:13:34

but I just cannot retain

01:13:43

information. 11 to 18 minutes

01:13:49

You need to change the

01:13:51

charts. Just breaking. The monotony

01:13:53

is super helpful. Same things

01:13:57

research kind of the point

01:14:00

that she suggested don't do

01:14:02

it for the sake of

01:14:03

doing it you sometimes look

01:14:04

at the chart and you

01:14:05

like, wow. Knology things like

01:14:14

you do, you know you

01:14:25

can cut copy paste you

01:14:27

have an arbitrator nodding to

01:14:28

kill little town residence using

01:14:38

the tool you're providing, of

01:14:42

course not true. But if

01:14:46

you have a timeline sequence

01:14:50

of all kinds of bats

01:14:51

very lovely time line lights

01:14:54

go on again in lines

01:15:07

help you if you don't

01:15:09

it will be very good

01:15:10

if I can. Also seen

01:15:13

the table where you compare

01:15:15

either to text or this

01:15:17

was said, however this and

01:15:21

I find that very effective.

01:15:22

I like that. So sometimes

01:15:25

you have the opposing counsel

01:15:26

who does the throw the

01:15:29  
spaghetti against the wall and

01:15:30  
see what sticks and I

01:15:31  
don't want to have to

01:15:33  
respond to every argument that

01:15:34  
they made because I want

01:15:36  
to tell my case and

01:15:37  
my story and so which

01:15:39  
art is a great way

01:15:40  
to take on board all

01:15:42  
the crazy things they said

01:15:43  
and were but them but

01:15:45  
I still get to tell

01:15:46  
Maya from I get to

01:15:47

make my case the way

01:15:48

I want to make it.

01:15:48

Well not reading all those

01:15:51

misstatement slide and just for

01:15:53

the benefit of everybody spaghetti

01:15:55

on the wall is a

01:15:57

polite way of saying shit

01:15:58

on the fan. Well, it

01:16:06

certainly is it does require

01:16:10

a particular skill to respond

01:16:12

to brief like that, but

01:16:15

I think we will need

01:16:16

a separate sections to I

01:16:21

think we are now its

01:16:22

4:16, and I wanted to

01:16:25

give an opportunity to our

01:16:27

audience to see if they

01:16:28

have any questions about panelist.

01:16:31

Perhaps with your Indulgence if

01:16:33

they have any tips to

01:16:34

that has worked effectively, you

01:16:36

know, maybe that may be

01:16:37

good to hear do. So

01:16:49

a writing tip actually my

01:16:53

my first boss gave me

01:16:54

one of us. We're going

01:16:55

to dance and karate in

01:16:56

Paris and she said well,

01:16:59

you'll be fine. If you

01:17:00

Emily the partner style and

01:17:02

he's going to be happy

01:17:03

to see was how I'm

01:17:04

going to take a stab

01:17:05

at it and this is

01:17:07

tips for for juniors. Right

01:17:08

and I started to drop

01:17:09

more and more and more

01:17:10

because I was really emulating

01:17:12

his style and you get

01:17:13

to also the intellectual thinking

01:17:15  
of the person but when

01:17:17  
your Junior I think understanding

01:17:20  
the seniors style that that

01:17:22  
you're drafting for is is

01:17:25  
very interesting way to you

01:17:27  
know, get better a drafting

01:17:29  
and then of course once

01:17:31  
you're older, I think you

01:17:32  
get your own style of

01:17:33  
my sight is a mix

01:17:34  
of all my former partner

01:17:35  
as a mentor the butt

01:17:37  
but that's went if I

01:17:38  
could give And that's precisely

01:17:40  
the value of these programs,

01:17:42  
right? Because you all learn

01:17:44  
from each other. Toshiba Eminem

01:18:00  
graduated my name is it

01:18:01  
just your money and you

01:18:04  
already covered what I was

01:18:06  
about to ask. I'm going

01:18:07  
to ask how do you

01:18:09  
make sure that you're keeping

01:18:11  
up with the change of

01:18:13  
the writing style or you

01:18:15  
know ensuring that your writing

01:18:18

style is changing with the

01:18:19

demands of the field and

01:18:21

everything that you just discussed

01:18:23

also that your style is

01:18:27

not old is up-to-date. And

01:18:29

what would you give to

01:18:32

ask the juniors in terms

01:18:36

of for example, I was

01:18:38

when I was trained in

01:18:40

a coach with the writing

01:18:41

styles. I was with a

01:18:44

new techniques like you have

01:18:45

to keep it shorter simply

01:18:47

here. But then when I

01:18:48

explained Forest Moore Senior Partners

01:18:51

or Internet, I would often

01:18:54

noticed that my drafting salad.

01:18:57

To match this old-fashioned style.

01:19:00

So what advice you could

01:19:03

give that kind of situation

01:19:04

when you try to keep

01:19:06

up with what's the best

01:19:07

practices and sedate but then

01:19:10

you see that some people

01:19:11

just used to something else

01:19:13

and they would drop the

01:19:14

different way. Thank you. Take

01:19:21  
the pride in knowing that

01:19:22  
you were right right to

01:19:24  
keep your job with your

01:19:26  
face and very grateful. Also

01:19:32  
before you know it. So

01:19:38  
as I was saying you

01:19:40  
might find yourself still slightly

01:19:42  
influenced by some of them

01:19:44  
because they're just because somebody

01:19:45  
has something this more passion

01:19:47  
doesn't mean there's not value

01:19:48  
to the way that they're

01:19:49  
doing things. And so, you

01:19:52

know, you take on board

01:19:52

the lessons you can learn

01:19:53

and before you know, it

01:19:55

you'll be your leading the

01:19:56

team and you'll be the

01:19:57

one imposing your writing style

01:19:59

on people but you can

01:20:01

always learn and I mean

01:20:03

even if somebody who's typically

01:20:04

leading the team sometimes I

01:20:06

get a junior associate who

01:20:07

write in a way that

01:20:08

I really like and I

01:20:10

pay attention to that. I

01:20:12

want to learn and improve

01:20:13

and you know, Brian Garner

01:20:15

teaches courses here. So I

01:20:17

think all of us even

01:20:18

the most senior were still

01:20:19

growing as Riders were still

01:20:21

learning new techniques, In every

01:20:24

case give you a new

01:20:25

opportunity to try out different

01:20:26

things and see what works.

01:20:33

kill anyone else do you

01:20:42

want I would invite you

01:20:44

to make any reference that

01:20:46

you may want to with

01:20:48

respect to Illegal Drafting and

01:20:51

that were arbitration Eagles Drafting

01:20:53

and and any piece of

01:20:56

literature that you really long,

01:20:58

I think that the notion

01:21:00

of of combining the two

01:21:05

I'm not saying it for

01:21:06

this panel is is an

01:21:07

idea that comes to mind

01:21:08

and perhaps this is something

01:21:09

that that I had talked

01:21:10

to Ashley before of of

01:21:13

doing not for this panel

01:21:16

because this pan is over

01:21:17

anyway. I'm going to make

01:21:25

an unpopular statement here on

01:21:29

the whole. Practice Group Really

01:21:36

needs to rethink how we

01:21:38

bleed. Very long Ali repetitive

01:21:43

prefix ad hominem attacks, even

01:21:45

from very big firms. It's

01:21:48

just a pervasive culture rehab

01:21:51

I do think we need

01:21:53

to rethink how we are

01:21:54

presenting these cases. Where can

01:21:57

you find good writing and

01:21:59

pick up the New York

01:22:00

Times pick up the Washington

01:22:01

Post? I give you good

01:22:04

examples for good draft day.

01:22:06

This is going to be

01:22:07

Socratic now. 111 thought that

01:22:16

comes to mind is When

01:22:19

there's a lot of emphasis

01:22:20

on on being sexy and

01:22:22

clear direct cetera and yet

01:22:26

whole process duel process of

01:22:28

teamwork seems to be one

01:22:31

that that is contrary to

01:22:34

that. I mean. You end

01:22:35

up perhaps three days before

01:22:38

you have to submit the

01:22:39

brief and there are parts

01:22:41

of the bereaved are still

01:22:42

being drafted and then when

01:22:44

you are mother made the

01:22:45

whole thing looks like a

01:22:46

tracking Frankenstein. So how have

01:22:50

you been have you found

01:22:52

a method to avoid that

01:22:54

because because the extent that

01:22:56

each one has a piece

01:22:59

of it or various pieces

01:23:00

of it and you bring

01:23:01

them together. I mean, I

01:23:03

I know what the process

01:23:05

is that at some stage

01:23:05

you will have an editor

01:23:08

of the whole thing which

01:23:10

which ultimately cleans and makes

01:23:13

it look beautiful. But other

01:23:16

than having that process being

01:23:18

If during the during the

01:23:21

course of not only at

01:23:22

the end, I see no

01:23:23

other Avenue. I do think

01:23:26

if we enforce speed limits.

01:23:28

If it can be done

01:23:30

in federal court, if it

01:23:31

can be done in arbitration,

01:23:33

the cases are just as

01:23:34

important that I mean, I

01:23:36

know we like to believe

01:23:37

you're dealing with brain surgery

01:23:38

you could have been in

01:23:40

surgery before The Supreme Court

01:23:41

in a few can have

01:23:42

time limits there. You can

01:23:44

have time and Page them.

01:23:45

I think the minute you

01:23:47

see arbitrators insisting. It's 50

01:23:49

pages. Nothing more. You will

01:23:51

see how the argument get

01:23:54

all these long footnotes telling

01:23:57

us. What a Pity mean.

01:24:00

I want to see short

01:24:03

and succinct will say something

01:24:05

because they're never short doesn't

01:24:08

mean boring. And so I

01:24:09

think the conversation that was

01:24:10

in Tony and I were

01:24:11

having is that so I

01:24:13

and my personal life love

01:24:15

to read fiction and I

01:24:17

love the storytelling aspect of

01:24:19

some of these fictional stories

01:24:21

and obviously a brief is

01:24:24

not a piece of fiction

01:24:25

or it shouldn't be but

01:24:27

you can tell you don't

01:24:29

tell a story craft a

01:24:31

narrative your readers are human.

01:24:33

So answer the human question,

01:24:36

why did this happen? You

01:24:38

know, how did this happen?

01:24:40

You know who was doing

01:24:41

it? Your kind isn't perfect,

01:24:44

but you can still make

01:24:47

your reader feel compelled to

01:24:48

see the world from their

01:24:49

Viewpoint. And so I think

01:24:52

some of this comes through

01:24:54

in the editing process, but

01:24:57

I also like to give

01:24:58

team members Target page limit,

01:25:00

so it's not go right

01:25:02

this section is I want

01:25:04

eight pages on this, please.

01:25:06

Let me see what you

01:25:08

have and I'm going to

01:25:09

edit it in red line

01:25:10

so you can see how

01:25:11

I edited it so you

01:25:12

can do it even closer

01:25:14

to Target next time and

01:25:16

this is we're having a

01:25:17

team that works together a

01:25:18

lot is really helpful because

01:25:19

it becomes a well-oiled machine

01:25:21

and do I have a

01:25:23

colleague in London who I've

01:25:25

worked with for 15 years.

01:25:27

I mean, I can write

01:25:32

seamlessly back and forth of

01:25:33

each other and that's just

01:25:35

something that is time and

01:25:36

practice but but I do

01:25:38

think you know, I keep

01:25:40

talking about the humans, but

01:25:42

you're writing. For people and

01:25:44

right for a person. I

01:25:48

think this is such an

01:25:50

important point about these Common

01:25:51

Sense questions. And I think

01:25:53

they really bring some often.

01:25:56

They sort of Bring It

01:25:57

All home because when you

01:25:58

build your car still here,

01:25:59

but then you don't bring

01:26:01

it down to why did

01:26:03

that happen and even Presenting

01:26:06

at in this very simple

01:26:08

term makes it much more

01:26:09

humid. I found that I

01:26:11

have started now emulating this

01:26:12

approach, but I've learned it

01:26:13

from someone else and I

01:26:15

found it's always very very

01:26:16

persuasive. So it's better not

01:26:20

to be a whole cleaning

01:26:23

list and then you can

01:26:32

see the coin drop feel

01:26:33

like going out exactly what

01:26:34

I'm saying. So is common

01:26:37

sense? Thank you. I think

01:26:43

you have probably Quest time

01:26:45

for one more any other

01:26:48

questions, please. Hello. Hello, I'm

01:27:02

wondering to what degree you

01:27:04

use legal technology to help

01:27:06

with your crafting now because

01:27:08

it's a really big thing

01:27:09

and although you're making excellent

01:27:11

points. How can they help

01:27:14

you mean? Like chat GPT,

01:27:17

right. So I don't use

01:27:21

trap beats GPT to write

01:27:22

my cases are firm is

01:27:25

still developing standards of procedure.

01:27:28

But right now I don't

01:27:29

do that that would be

01:27:30

servicing my clients in the

01:27:32

best way possible. Also some

01:27:34

of those tools require you

01:27:36

putting your client's personal information

01:27:37

into them, which is not

01:27:39

permitted. So we use technology

01:27:41

to streamline some of the

01:27:43

background things. You do footnotes

01:27:45

sources citations, but the extent

01:27:49

that I'm forcing my drafting

01:27:51

I don't do that and

01:27:53

you know, maybe in a

01:27:54

few years from now, we'll

01:27:55

have a panel about how

01:27:56

GPT has revolutionized Memorial writing

01:28:00

and they're all 10 pages

01:28:01

long and Easy to understand

01:28:03

I agree with Ashley and

01:28:15

I think at least in

01:28:16

the US if your license

01:28:17

here, there's a huge one

01:28:19

practice a risk and you

01:28:21

have depends if you're in

01:28:22

litigation right there by your

01:28:24

judge might forbid it was

01:28:27

here. You also have issues

01:28:28

with a AI that creates,

01:28:31

you know, those crazy case

01:28:33

law. So I personally don't

01:28:35

use it whatsoever for for

01:28:38

my my advocacy work. I've

01:28:41

used it for one presentation

01:28:43

ones to you know, I

01:28:44

already knew what I was

01:28:45

saying, but it was kind

01:28:46

of like an extra help

01:28:48

but that's business about that

01:28:51

says it's not in my

01:28:52

in my Council had both

01:28:56

these amazing lawyer says that

01:28:57

I'll just share this with

01:28:58

you. This is an unrelated

01:29:01

presentation that I'm actually doing

01:29:03

somebody else but I just

01:29:04

shared it. Who is Kabir

01:29:06

to God for his expertise.

01:29:13

Totally. Correct? Best lawyer ever

01:29:16

on Earth that correct asking

01:29:19

questions after that just makes

01:29:22

complete forgive my French shut

01:29:25

up. Okay weather to be

01:29:27

studied. He did his law

01:29:29

at Harvard Law School where

01:29:30

he earned his JD degree.

01:29:32

I did not get a

01:29:33

JD from Harvard. I am

01:29:35

going to get an STD

01:29:36

which is a totally different

01:29:37

degree and I don't have

01:29:39

it. Okay, so that it's

01:29:41

not correct. Where else did

01:29:42

he study night in chat.

01:29:48

Is Indian has he has

01:29:51

studied in the UK and

01:29:52

the US Senate just randomly

01:29:54

fix the sport button make

01:29:56

stuff up. He studied in

01:29:57

Tennessee. No, I did not.

01:30:00

Oh, sorry. He studied at

01:30:02

the national law school of

01:30:03

India. No, he did not

01:30:05

send this. It just kept

01:30:07

going on and on and

01:30:08

just on these photos of

01:30:10

information that I had just

01:30:12

kept waiting at the University.

01:30:14

You could find me in

01:30:21

the future something. That's a

01:30:22

lot more safe, but I

01:30:24

present dr. Kabir de Galt.

01:30:32

From a different perspective a

01:30:35

question that you might also

01:30:37

over should be asked me

01:30:38

to what extent are arbitrators

01:30:40

using an argument summarizing the

01:30:57

main problem. If you feed

01:31:02

text into cheetah cheetah statues

01:31:05

in the World Bank, we're

01:31:10

working with Mei tools that

01:31:13

are fenced off from the

01:31:15

outside world. And so of

01:31:16

course is also looking into

01:31:19

that but it says the

01:31:20

world is small and say

01:31:22

2:00 to have a viable

01:31:23

and stuff a i m

01:31:25

o r well on this

01:31:35

positive note, please join me

01:31:39

in thanking our panel for

01:31:42

all the wonderful. Important and

01:31:46

I thank you Julianne and

01:31:50

someone said while you're doing

01:31:54

it again a panel on

01:31:56

drafting memorials. And we said

01:31:59

yes, we're doing a paddle

01:32:00

and round draft in memorials.

01:32:02

And this is why I

01:32:03

think that that literature and

01:32:06

and drafting I'm not saying

01:32:07

drafting memorials in the same

01:32:08

as literature, but the know

01:32:10

he's is really an endless

01:32:12

source of of learning and

01:32:15

and creativity and information and

01:32:17

and the Rick Ross CD

01:32:19

in and so on. So

01:32:21

thank you each one of

01:32:23

you for being here. Thank

01:32:25

you for those who got

01:32:26

I should be back there.

01:32:28

Thank you for for for

01:32:30

those that that that are

01:32:31

still connected. This is our

01:32:34

second day in our first

01:32:37

day this week or third

01:32:39

day of or the application

01:32:41

update and I would expect

01:32:43

that in. Washington arbitration week

01:32:46

we would do some other

01:32:48

topic related to to drafting

01:32:50

memorials perhaps it's a connectedness

01:32:52

or not with that with

01:32:54

specific literature windows. But thank

01:32:57

you and the tomorrow we

01:32:59

have other panels be tuned

01:33:03

and we'll see you. Bye.

01:33:05

Bye. Thank you. Hi, everyone.

00:00:15

Can you hear me? Okay,



00:00:17

great. Welcome to So welcome

00:00:55

to World arbitration update and

00:00:58

my name is Jose Antonio

00:00:58

Rivas, one of the co-founders

00:01:00

of world arbitration update. And

00:01:02

today we're going to have

00:01:04

a panel which is a

00:01:07

really practical panel for a

00:01:10

about a year or year-and-a-half

00:01:12

for 2 years. We have

00:01:14

moved both the world arbitration

00:01:16

update on Washington arbitration week

00:01:19

at which is it sister

00:01:20

at event into practical panels

00:01:23  
are not only have a

00:01:26  
an essay format about how

00:01:28  
to better arbitration. But actually

00:01:31  
at getting the skills to

00:01:34  
improve as counsel as a

00:01:37  
Associates as paralegals as arbitrators

00:01:40  
and this panel is a

00:01:42  
particularly interesting because it's a

00:01:44  
very practical one on how

00:01:47  
to draft a briefs of

00:01:49  
All Sorts. This was a

00:01:52  
conversation that or or is

00:01:54  
Frank. From a conversation that

00:01:55

I had with the Louisiana

00:01:57

or Dean who is counsel

00:01:59

at eversheds and and luckily

00:02:02

she took me up on

00:02:03

it. And it has now

00:02:04

I gather counseling and various

00:02:07

separate issues to hopefully help

00:02:10

us all out on how

00:02:11

to draw briefs. So we

00:02:13

are now represents clients across

00:02:14

Industries in complex cross-border disputes,

00:02:17

including International commercial arbitration investor-state

00:02:21

dispute and business litigation matters.

00:02:24

She is Ukrainian national and

00:02:28

access counseling arbitration case is

00:02:31

governed by the rules of

00:02:32

all major arbitral institutions such

00:02:35

as in the ICC AAA

00:02:38

as an older centers that

00:02:40

you have heard of and

00:02:41

in which she have or

00:02:44

upon whose rules you have

00:02:46

practice and I'll stop there

00:02:48

and welcome Liana and welcome

00:02:50

everyone for this panel. Thank

00:02:57

you very much. That's funny.

00:02:59

Oh, well, everyone you still

00:03:02

can hear me. That's good.

00:03:04

Sue as you know, our

00:03:07

panel is dedicated and Antonio

00:03:10

just mentioned to the topic

00:03:11

of legal writing very practical

00:03:14

and legal writing is really

00:03:17

one of the most essential

00:03:19

and perhaps the most frequently

00:03:21

used hell of a lawyer.

00:03:24

The goal of legal writing

00:03:27

is somewhat different from the

00:03:30

goal of creative writing. The

00:03:33

goal of legal writing is

00:03:34

to fold centrally to inform

00:03:38

and to persuade. Whether it

00:03:42

is a brief or mammal

00:03:43

or a ladder with just

00:03:44

a simple email each of

00:03:46

them typically satisfied one or

00:03:49

sometimes both of these goals.

00:03:52

So the purpose of today's

00:03:54

program is to shed some

00:03:57

light on the key aspect

00:03:59

of the process of legal

00:04:01

writing. How does one go

00:04:03

about creating an effective communication?

00:04:07

What does one adult how

00:04:10

does one organize the document

00:04:12

and how does he or

00:04:14

she organized the process of

00:04:16

writing itself? You have a

00:04:19

distinguished panel Google guide us

00:04:21

through these and many other

00:04:24

questions that you might have.

00:04:26

And before we delve into

00:04:28

the topic, I just wanted

00:04:29

to say one other thing

00:04:31

that legal writing just like

00:04:34

any other type of writing

00:04:35

is Art. It's not science.

00:04:38

So there isn't one and

00:04:40

only one objective objectively correct

00:04:43

way of approaching it desk

00:04:44

instead. There's the multitude of

00:04:47

views approaches perspective and practices

00:04:52

and some was better than

00:04:54

others. And even then you

00:04:55

might have different Minds to

00:04:57

green and disagreeing but the

00:05:00

goal for all of us.

00:05:02

His lawyers is really to

00:05:04

expose ourselves to some of

00:05:06

the money more different ways

00:05:08

and use and perspectives and

00:05:10

practices so we can all

00:05:12

learn from each other. So

00:05:14

we have your other mind

00:05:16

now it's pending panel and

00:05:19

I am really honored to

00:05:21

share the planet with them

00:05:23

and to introduce them. So

00:05:25

starting with ash leaf was

00:05:26

sitting on the right end

00:05:29

of the table to the

00:05:31

council's here. I will morning

00:05:33

in DC and she has

00:05:35

over 15 years of arbitration

00:05:37

experience to represent clients at

00:05:39

all stages of the commercial

00:05:41

investment treaty arbitration process including

00:05:44

Petersfield rescue Testament and enforcement

00:05:47

and annulment proceedings. Next to

00:05:51

Ashley is covered couples who

00:05:54

is Jewel Sable and common-law

00:05:56

qualified lawyer with over 15

00:05:59

years of experience is taught

00:06:00

in public international law and

00:06:03

in particular in investor-state dispute

00:06:04

having worked in Academia and

00:06:07

in private practice in Belgium

00:06:09  
and London government is now

00:06:11  
legal counsel at exit. Next

00:06:14  
to him is a doctor

00:06:15  
could be to go to

00:06:25  
the computer isn't a tornado

00:06:28  
at Arnold important in the

00:06:30  
New York office focusing on

00:06:31  
International arbitration and public international

00:06:33  
law matters, but he serves

00:06:36  
but mostly as an arbitrator

00:06:37  
and mediator if you're also

00:06:39  
teaches at Columbia and what

00:06:43  
I'm lost coast and he

00:06:44

is a chartist arbitrator the

00:06:48

highest ranking of arbitrators under

00:06:50

the chartered Institute of arbitrators

00:06:52

and the Asian Institute of

00:06:54

alternative dispute resolution and last

00:06:56

but not least is munir

00:06:58

El haddadi Alonso has a

00:07:00

New York and Belgium Bart

00:07:02

attorney and she works as

00:07:05

Council of conception Global. It

00:07:07

is beautiful cake in Miami

00:07:09

with strategic offices in Madrid

00:07:10

when y'all came all the

00:07:12

way from Madrid. To be

00:07:14

here with us and we

00:07:15

are very very helpful. Happy

00:07:16

to hear to have her

00:07:17

share with us. So welcome

00:07:21

to all of you. It's

00:07:22

so great to have you

00:07:23

here and I truly apologize.

00:07:24

I don't with you. Let's

00:07:27

get started on in the

00:07:29

interest of time and I

00:07:31

just wanted to begin perhaps

00:07:34

the spending a few minutes

00:07:35

on discussing that you wouldn't

00:07:38

of writing as a scale

00:07:40

in Loris daily work instead

00:07:44

of writing is the painting

00:07:46

of The Voice. But this

00:07:49

is there a different painting

00:07:51

painting techniques are also different

00:07:53

writing styles and I wanted

00:07:56

to pose this first question

00:07:58

to a doctor. Would you

00:08:02

agree that writing is not

00:08:03

a one-size-fits-all proposition and what

00:08:07

are the different fighting styles

00:08:08

you use in your own

00:08:10  
practice? Thank you. You're delighted

00:08:13  
to be here. It's all

00:08:15  
friends on the panel. And

00:08:17  
that's always awesome. I'm trying

00:08:20  
to share my slide deck.

00:08:22  
Okay that we go. I

00:08:24  
think if you do it,

00:08:25  
I don't see it here,

00:08:26  
but it makes sense. So

00:08:27  
we would proceed. Answer your

00:08:32  
question. Yes, there is no

00:08:34  
one-size-fits-all you do you want

00:08:37  
to write in a manner

00:08:39

that I think Echoes something

00:08:41

you said at the beginning?

00:08:44

I think how you get

00:08:47

to pursue education. It's something

00:08:49

you need to decide having

00:08:51

sex. Best practices and I'll

00:08:54

just take two seconds to

00:08:56

thumb through today first. You

00:08:59

see this in front of

00:09:00

you. I'm not going to

00:09:01

read it out, but they

00:09:03

are both telling you the

00:09:05

same thing one tells it

00:09:08

to you in 12 lines

00:09:10  
and 79 words. The other

00:09:12  
tells it to you in

00:09:13  
24 words. This is a

00:09:16  
very standard different specie in

00:09:20  
how we used to perceive

00:09:21  
legal writing versus how we

00:09:24  
think of legal writing today.

00:09:26  
This is from Brian Gardner.

00:09:28  
I think arguably the most

00:09:30  
authoritative offered on legal writing

00:09:32  
sound like a lawyer. And

00:09:39  
that is the worst thing

00:09:41  
you can do everything today

00:09:44  
and get to all this

00:09:45  
time. And again good legal

00:09:48  
writing is something truly honest

00:09:50  
5, you can understand not

00:09:53  
doesn't matter question by the

00:09:55  
five-year-old kid is reading a

00:09:56  
legal document but the idea

00:09:58  
is to make things simple.

00:10:02  
Just flowing from that. This

00:10:05  
is what I'll talk to

00:10:06  
now the goal is persuasion.

00:10:10  
I think in Persuasion to

00:10:14  
good tips. We may wish

00:10:16

to keep in mind. The

00:10:18

first is to romantic tip

00:10:20

of the tip doesn't involve

00:10:22

demands and stick its true.

00:10:24

Keep it simple stupid. B

00:10:28

w drafting anything you do

00:10:31

very open when your account

00:10:32

it is very clear in

00:10:33

your mind. You have read

00:10:35

everything surrounding the you look

00:10:38

at all the documents munir

00:10:41

who has not had the

00:10:43

benefit and it's likely going

00:10:44

to read this document once

00:10:46

maybe twice that she got

00:10:48

the point of the she

00:10:48

pulling her hair out and

00:10:51

you just see the same

00:10:52

point. The goal is Clarity

00:10:54

when you see things like

00:10:57

this in your briefs the

00:10:59

underside counsel for the reason

00:11:01

to explain respectfully to spell

00:11:03

blah blah blah blah blah

00:11:04

blah blah blah. What are

00:11:05

you asking you're asking for

00:11:07

somebody judgment say that To

00:11:11

keep it simple and stupid

00:11:12

strive for clarity. You've done

00:11:15

your job as a lawyer

00:11:15

and the time I stop.

00:11:20

Thank you so much computer

00:11:21

for getting us started are

00:11:24

there aren't you points that

00:11:25

I would like to come

00:11:26

back you a little later,

00:11:27

but now the chief of

00:11:29

the conversation going with a

00:11:31

slightly different angle but still

00:11:34

funny channels question that I

00:11:36

will address to Ashley Ashley

00:11:38

what characteristics of legal writing

00:11:41

do you try to cultivate

00:11:43

in in your own writing.

00:11:45

Is there any you know

00:11:46

any particular elements that you

00:11:48

are really enjoying and you're

00:11:49

trying to practice more than

00:11:50

others certainly so simple to

00:11:53

follow on with what could

00:11:54

be or said absolutely want

00:11:56

to make it clear for

00:11:57

your tribunal what you're trying

00:11:58

to say. These people are

00:12:00

busy it got multitude of

00:12:02

cases. You want them to

00:12:04

understand your point and to

00:12:05

take it on board and

00:12:06

to find a persuasive for

00:12:08

me. What is persuasive is

00:12:10

to be direct and trustworthy.

00:12:13

I want them to believe

00:12:14

me and I find the

00:12:16

writing and a more neutral

00:12:18

even-handed Manor. Especially with your

00:12:21

fat is more persuasive. I

00:12:23

don't need to underline and

00:12:25

bold and italicized every word.

00:12:27

I don't need to use

00:12:28

a lot of hyperbole. I

00:12:30

don't need to call opposing

00:12:31

counsel bad names or their

00:12:33

plans bad names. I'm just

00:12:36

going to tell you my

00:12:36

story. I'm going to do

00:12:38

it in a straightforward clear

00:12:40

manner. I have a big

00:12:41

Point you'll get Samantha says

00:12:43

I might use a fun

00:12:43

as but for the most

00:12:45

part. I'm going to be

00:12:46

just calm and straightforward and

00:12:48

I want you to believe

00:12:49

me. I want when you

00:12:50

see my name on a

00:12:51

brief for you to know.

00:12:52

I am going to tell

00:12:53

you the truth no matter

00:12:55

what like I'm going to

00:12:56

advocate for my clients. I'm

00:12:57

going to put their best

00:12:58

case for word, but I'm

00:13:00

not going to misrepresent fact.

00:13:02

I'm not going to be

00:13:03

waving my writings this about

00:13:06

while I do it. I

00:13:09

love it. And it sounds

00:13:10

Ashley that you are saying

00:13:12

it's the written part of

00:13:13

it is as important as

00:13:15

building Rapport between you and

00:13:17

the decision-making process business decision

00:13:20

maker you want them to

00:13:22

trust you. You want them

00:13:25

to like you have to

00:13:27

believe you and that's I

00:13:28

think that's a very powerful

00:13:29  
approached. I think I would

00:13:32  
leave it in the Atlanta

00:13:34  
Braves ranked much more benefits

00:13:37  
to our to your case

00:13:38  
in terms of the actual

00:13:41  
process of drafting. Do you

00:13:44  
prepare an outline or do

00:13:47  
you just start Drafting and

00:13:49  
you formulate your own thoughts

00:13:51  
as you do the lawn?

00:13:52  
What's your project? So I

00:13:55  
always start with an outline.

00:13:56  
It's usually an outline that

00:13:57

our team has sat down

00:13:58

and talked about and then

00:14:00

my husband is a lawyer

00:14:01

for the Army and he

00:14:02

loves to say no plan

00:14:04

survives first contact with the

00:14:05

Enemy and I think that

00:14:07

happens a lot. Sit down

00:14:09

and I start writing I

00:14:10

realized await these two topics

00:14:13

should actually be moved up

00:14:14

or down or this is

00:14:16

more persuasive or some of

00:14:18

my legal claims. So as

00:14:20

you start writing it involves

00:14:21

is iterative and I know

00:14:23

we'll talk about this later.

00:14:23

But if you have a

00:14:24

big team writing you need

00:14:26

at least one person helming

00:14:28

the ship to make sure

00:14:30

that those decisions are being

00:14:31

made and a clear and

00:14:32

sensible manner that's very important

00:14:35

and he will come back

00:14:36

to that. So thank you

00:14:37

so much for a flagging

00:14:39  
that let me ask call

00:14:42  
vert when you approach a

00:14:47  
drafting process at the at

00:14:49  
the outset. Do you take

00:14:51  
into account your audience and

00:14:53  
you go or do you

00:14:55  
serve just sat out, you

00:14:56  
know the legal arguments in

00:14:58  
the most powerful way or

00:15:00  
at each point in time

00:15:01  
to actually start, you know,

00:15:02  
adapting your draft the audience.

00:15:06  
I think it's Most people

00:15:09

that communication 101 that you

00:15:11

try to keep your audience

00:15:13

in mind what your objective

00:15:15

is, especially since majority is

00:15:18

not everything W, right internal

00:15:19

is to persuade someone that

00:15:21

has been mentioned. And so

00:15:25

I think if you don't

00:15:27

set out what your uncle

00:15:28

if you don't keep if

00:15:29

you don't set up Compass,

00:15:30

it's very easy to get

00:15:32

sidetracked a shih tzu our

00:15:34

cases are complex. There's many

00:15:35

many issues and you also

00:15:39

I think it's very useful

00:15:39

to try to Oiled down

00:15:42

what you need to convince

00:15:44

your tribunal of in as

00:15:47

few points as possible cuz

00:15:48

even the most complex of

00:15:50

cases. Generally come down to

00:15:53

a few. It's going to

00:15:57

be legal. This can be

00:15:57

faxed whatever. It may be

00:15:59

but very very necessary to

00:16:01

keep those in mind. And

00:16:04  
then when you go to

00:16:05  
the Grocery iQ mentioned you

00:16:07  
you might speak to my

00:16:08  
change and I think that

00:16:10  
the screws look like you're

00:16:11  
effective is missing and who

00:16:13  
your audience is your tribunal

00:16:14  
and also if possible know

00:16:18  
your tribunal know who's on

00:16:19  
your tribunal noted people know

00:16:21  
what kind of style they

00:16:23  
have. No their background know

00:16:26  
their decisions. They've been a

00:16:28

part of and definitely that

00:16:30

seems essential to me when

00:16:32

you do any writing keep

00:16:34

in mind if you don't

00:16:35

write a brief, but if

00:16:36

you write letters different, let's

00:16:39

focus on embrace you Thank

00:16:43

you very much. I'll go

00:16:44

over it. And this actually

00:16:46

would what you just said

00:16:47

made me think of a

00:16:50

point. I recalled hearing once

00:16:51

at a conference when a

00:16:54

very well-known arbitration practitioner said

00:16:57

that everyone complains about the

00:16:59

length of arbitration process and

00:17:02

how long it takes and

00:17:03

how long their words are

00:17:05

but then it's ultimately is

00:17:08

US counsel who contribute significantly

00:17:12

to that severely if you

00:17:15

wanted to streamline and become

00:17:17

an end in sight. I

00:17:18

think the plan is very

00:17:19

true that at the end

00:17:20

of the day no matter

00:17:21

how complex the case each

00:17:23

case is really quite quickly

00:17:26

try on a few points.

00:17:28

And by the time we

00:17:30

got to the end of

00:17:31

the case, everyone is very

00:17:32

well educated about most of

00:17:34

the case and everyone is

00:17:35

really on the same page

00:17:37

and there's some disagreement the

00:17:38

really gets home. So can

00:17:40

focus their attention. On those

00:17:42

points, they probably will do

00:17:44

the tribunal stop a little

00:17:46

easier and help streamline the

00:17:48

process alone. That is the

00:17:54

main principles. I would say

00:17:57

they're very experienced. Very smart

00:18:00

people. Is it also people

00:18:02

that was with human they

00:18:05

will not know which page

00:18:07

is paragraph of these hundred

00:18:09

pages of ribs as well

00:18:10

as the other so it

00:18:12

is for you to help

00:18:13

them to make their decision.

00:18:14

And of course preferably to

00:18:17

come to the same conclusion

00:18:18  
you did it to help

00:18:20  
them as much as possible

00:18:21  
in the presence. And you

00:18:23  
covered I know so you

00:18:26  
all so you'll come to

00:18:28  
this with the council experience.

00:18:31  
Right? So you are actually

00:18:32  
right breathe and you do

00:18:34  
work all of us in

00:18:36  
each other's levitation, but you

00:18:37  
work so much across different

00:18:39  
jurisdictions. I know you just

00:18:40  
flew from Milan to ask

00:18:42

to how do you approach

00:18:44

is cultural differences? Do you

00:18:46

see if it's just you

00:18:48

actually take into account cultural

00:18:49

differences of a Tribunal. Who

00:18:54

talks about our audience? Thank

00:18:57

you, Dear. Tried to go.

00:19:00

So you mentioned the audience

00:19:04

for me as Council my

00:19:05

audiences, of course my tribunal

00:19:07

and also my opposing counsel

00:19:09

to a certain degree the

00:19:11

client and there's different legal

00:19:15  
cultures that we encounter International

00:19:18  
arbitration. Certainly the case is

00:19:20  
that I've dealt with and

00:19:21  
I deal with everyday have

00:19:22  
some portions of common law

00:19:24  
on some portions of civil

00:19:25  
law. For example, you have

00:19:27  
claimed into Spanish company defendant

00:19:29  
has a US company Council

00:19:31  
for claiming Spanish counsel for

00:19:33  
defendant has from the US

00:19:34  
applicable laws Spanish law and

00:19:37  
then my seat is in

00:19:38

Miami at that point very

00:19:40  
early on I do not

00:19:42  
know who my arbitrator is

00:19:43  
either the parties can agree

00:19:45  
on it or the institution

00:19:47  
will appoint it but my

00:19:49  
RV trailer could be us

00:19:51  
Latin American European. Right, so

00:19:54  
I'd be terrified stage. You

00:19:56  
do not know who your

00:19:56  
arbitrator is and there's differences

00:19:58  
that AC between the common

00:20:00  
law and civil Approach at

00:20:02  
the very beginning of the

00:20:03

case when disputes emerge with

00:20:06

for example, the formulation of

00:20:07

your request for arbitration in

00:20:09

the US. There is a

00:20:11

notice of pleading practice that

00:20:14

comes from Tularosa procedure 8

00:20:16

a.m. That the case has

00:20:19

commenced with a short and

00:20:20

plain statement of claim in

00:20:23

Europe or in civil and

00:20:25

Latin America in contract attorneys,

00:20:29

but their case forward fully

00:20:31

developed and you have our

00:20:33

faces are way more sorrow

00:20:34

and sensors last Discovery. You

00:20:38

will also add an important

00:20:40

number of exhibits that is

00:20:41

not just your contract. Right?

00:20:43

So you're going to put

00:20:43

your case forward what I

00:20:46

see in practice and international

00:20:48

arbitration is the conversion practice

00:20:50

that is emerging emerging that

00:20:52

is somewhat in the bed.

00:20:53

The parties would be wise

00:20:55

to follow want if they

00:20:56

don't know who they're arbitrator

00:20:58

is yet in particular and

00:21:00

that practice involves telling as

00:21:02

much of the story as

00:21:03

possible in the request for

00:21:05

arbitration not inserted in the

00:21:08

detail of civil law filing

00:21:10

but more than in a

00:21:12

notice bleeding. Once you know

00:21:14

who we are betrayed her

00:21:15

is right, I think would

00:21:17

go over said is very

00:21:18

important to think about your

00:21:20

arbitrator in citing two cases.

00:21:23

I have seen opposing counsel

00:21:26

site two cases for getting

00:21:28

that panel somebody in the

00:21:30

panel or the arbitrator had

00:21:32

authored that decision. So when

00:21:35

I read case law and

00:21:36

international route rhaetian, I tend

00:21:38

to read the cases but

00:21:40

also analyze food the arbitrator's

00:21:43

were and that gives me

00:21:45

somewhat of a spectrum in

00:21:46

decision-making and I can I

00:21:49

can plead in a certain

00:21:51

way of knowing who the

00:21:52

Arbiter where is but I

00:21:53

do find it surprising that

00:21:55

you come across often citations

00:21:57

to case law and forgetting

00:21:59

that the arbitrator offered those

00:22:01

and then I will keep

00:22:03

my eye on those constant.

00:22:06

There's no binding case law

00:22:08

and arbitration but this is

00:22:10

why it's so important to

00:22:11

side to the pertinent to

00:22:13

the person case law. Thank

00:22:17

you Moana quick question about

00:22:20

this one. That's that's that

00:22:22

is very interesting. No biting

00:22:25

president saying full of arbitrators

00:22:28

same as she has similar

00:22:30

issues are quite often be

00:22:31

find ourselves in the situation

00:22:34

that why don't you do

00:22:36

know that I'm actually ruled

00:22:37

on on my similar issue

00:22:39

to me. I always have

00:22:42

the Dilemma because I almost

00:22:44

feel fighting to that case

00:22:46

with the arbitrator on the

00:22:48

spot. What is your profit

00:22:51

to that? And how do

00:22:52

you navigate that course? You

00:22:54

don't want to not cite

00:22:55

the case but is there

00:22:57

a way to downplay without

00:23:00

you know taking their attention

00:23:02

away from the right? I

00:23:05

mean, I guess it depends

00:23:06

if the case goes in

00:23:07

my favor as counsel for

00:23:09

claiming to counsel for defendant

00:23:11

is certainly more difficult if

00:23:14  
the case is not going

00:23:15  
in my favor then I

00:23:17  
would have to navigate that

00:23:18  
by sink not mentioning it

00:23:20  
because it's going to hurt

00:23:21  
me is definitely you know,

00:23:23  
he might create your descent

00:23:25  
yourself in that way. So

00:23:27  
it's it's best to do

00:23:29  
absolutely I might even does

00:23:31  
go in your favor, but

00:23:32  
that's that's why I've been

00:23:37  
struggling with that but you're

00:23:40

right. I asked, you know

00:23:41  
that place a lot of

00:23:43  
questions and as we said

00:23:45  
at the beginning that really

00:23:45  
know one way approach to

00:23:48  
things and we can even

00:23:49  
discuss this in our Q&A

00:23:51  
session, but now let's move

00:23:54  
on to the real business

00:23:57  
of our discussion and that

00:23:59  
is a ghetto focusing on

00:24:01  
writing legally if that's really

00:24:03  
what we are discussing here.

00:24:05  
So as you'll know in

00:24:08  
the world of International Education

00:24:09  
legal basic of the memorials

00:24:12  
and dressing and move them

00:24:14  
or else is really a

00:24:15  
queer Go out for dinner

00:24:18  
as well. You know, I've

00:24:26  
betrayed us and they stay

00:24:28  
open YouTube quickly, idolizing meeting

00:24:32  
and understanding these documents. So

00:24:34  
let's talk for a second

00:24:36  
about the architecture of the

00:24:37  
memorials. What are they composed

00:24:38  
of what section do they

00:24:41  
comprise and does this architecture

00:24:45  
differ from a leading to

00:24:46  
a pleading for Memorial, Memorial

00:24:48  
Boulevard? I know you look

00:24:51  
at these things from the

00:24:52  
neutral perspective. So would you

00:24:54  
like to pick us up

00:24:56  
on this? As you as

00:25:01  
you well know fish in

00:25:03  
Lee Memorial for speeding follow

00:25:06  
an inspection and eviction merits

00:25:10  
and then damages and parties

00:25:12  
tend to stick to the

00:25:13

Border. In fact switched around

00:25:16

the traditional arguments are made

00:25:19

with overall liquid and and

00:25:27

of course within your arguments,

00:25:28

it's also very very important.

00:25:29

I think it goes together

00:25:30

with disgust structure is incredibly

00:25:36

important and from A New

00:25:38

Perspective. What is Kia that

00:25:40

you can navigate the memorial

00:25:42

for any submission for that

00:25:44

matter? You can navigate it

00:25:45

quickly and is tribunal's wife

00:25:48

might maybe do it once

00:25:50

but generally they will not

00:25:51

read your submission cover-to-cover going

00:25:54

to leave you will be

00:25:55

engaged in arguments and we'll

00:25:56

go back and we'll compare

00:25:58

the arguments and different. Runs

00:26:01

of submissions of a different

00:26:02

parties. And so please please

00:26:04

make sure that the arguments

00:26:07

on a particular matter are

00:26:09

all found in a certain

00:26:10

section within your moral. It

00:26:13

happens quite often that you

00:26:15  
have to go at least

00:26:17  
cover to cover to find

00:26:18  
bits and pieces of an

00:26:20  
argument of by one legal

00:26:23  
issue among several sections and

00:26:27  
see how you trying to

00:26:34  
pull things together. So structure

00:26:36  
is incredibly important. It might

00:26:39  
take some tweaking likely while

00:26:41  
you're drafting you might change

00:26:42  
things around but he's treacherous

00:26:44  
reflect on your table of

00:26:46  
contents is incredibly important and

00:26:49

should be persuasive. Can I

00:26:53

just fill up quickly on

00:26:54

this? Is there any difference

00:26:56

in how difficulty there's two

00:27:00

rounds of briefs in arbitration

00:27:02

unless there is some unique

00:27:03

situation and in your experience.

00:27:07

Do you see differences in

00:27:10

the structure in the first

00:27:12

round of breath and sat

00:27:13

2nd and Reed for example

00:27:15

with the fact that said

00:27:16

let's say be repeated again

00:27:19

with big introduction be there

00:27:22

a rounds. It's batula just

00:27:30

a little bit great structural

00:27:32

elements can be found in

00:27:36

the second round of submissions.

00:27:38

But if it turns out

00:27:38

that the suspect this case

00:27:41

turns on the respect that

00:27:45

you didn't discuss discussing very

00:27:52

extensively. I think she has

00:27:54

to dress in a dissection

00:28:02

Heights of you have all

00:28:03

of these and envy discuss

00:28:04

a little bit. So you

00:28:05

would a little bit that's

00:28:06

typically they have large teams

00:28:08

drafting various sections, but let's

00:28:13

say it's smaller case and

00:28:15

you are an individual person

00:28:17

working on it. Do you

00:28:18

just drop this leading from

00:28:20

the beginning to the end

00:28:21

or do you actually drop

00:28:24

them in an order? That

00:28:26

might not do it yet

00:28:27

despite the federal order so

00:28:30

it varies by case, but

00:28:33

I typically I think it's

00:28:35

human nature to include the

00:28:37

nearly so Typically start beginning

00:28:39

of my fax section and

00:28:40

start drafting through and then

00:28:42

I might hit a key

00:28:44

set of facts that really

00:28:45

related to one of my

00:28:46

issues. And so I get

00:28:47

distracted and go work up

00:28:49

that issue and then I'll

00:28:50

come back and pick back

00:28:51

up on my socks and

00:28:52

go through and it is

00:28:53

really a durative. I often

00:28:55

find that if I lay

00:28:56

out the framework of just

00:28:58

a key major events, you

00:29:00

know, just dry on this

00:29:02

date on this date on

00:29:02

this date on this date

00:29:04

and that's my scaffolding and

00:29:05

then I can build in

00:29:07

narrative and more persuasive interesting

00:29:10

text around those that scaffolding

00:29:13

that tends to be one

00:29:16

of the more successful if

00:29:17

they shouldn't ways but I

00:29:18

draft so it's iterative but

00:29:20

it's all moving toward the

00:29:22

final product. But yes, I

00:29:24

usually start at the beginning

00:29:25

of my facts and then

00:29:26

there's always some moving around

00:29:28

and then talking about the

00:29:31

table of content that actually

00:29:32

ends up being the very

00:29:33

last thing that I finalized

00:29:35

the once everything is done.

00:29:36

I've got working. Matters, but

00:29:39

the very end I go

00:29:40

through and make sure that

00:29:41

they sing until one story

00:29:44

and that it all makes

00:29:47

sense amongst each other and

00:29:48

sometimes you'll even find out

00:29:50

if I change this Hatter

00:29:51

a little bit. I need

00:29:52

to go back into that

00:29:53

section and tweak it lightly

00:29:54

some more iterations that so

00:29:59

you actually need a pay

00:30:01

table of contents as a

00:30:03

separate section. That's that I

00:30:05

did that's my story and

00:30:06

I'm short because I have

00:30:08

my headers are usually sort

00:30:10

of declaratory statements or sentences

00:30:12

not so long that the

00:30:15

tribunal has stopped reading but

00:30:17

you two or three lines

00:30:19

of affirmative assertive facts or

00:30:22

statement a introduction section as

00:30:27

a begin at the beginning

00:30:28

or a really messy notes

00:30:33

documents as I can while

00:30:35

I'm writing and at the

00:30:36

very end. Will Wrangle that

00:30:39

into some form of introduction

00:30:42

I will confess an introduction

00:30:43

to my least favorite thing

00:30:45

to write and if so

00:30:46

important so I will often

00:30:49

I work a lot with

00:30:50

the end where it and

00:30:50

I'm often calling him and

00:30:52

saying what do you think?

00:30:53

What do you think about

00:30:53

the answer to this? so

00:31:00

let's think about the introduction

00:31:02

a little more because it

00:31:03

is important to Since again,

00:31:09

you're sitting on the universe

00:31:11

evening. And what is your

00:31:14

view about the role of

00:31:15

the introduction section at the

00:31:21

last because you do we

00:31:26

need to know all the

00:31:27

pieces of your case before

00:31:29

you can pretend. It's like

00:31:32

the first the first few

00:31:36

minutes of your opening meeting

00:31:38

at the so you really

00:31:39

have to grab the attention

00:31:40

and said of the big

00:31:42

often to the meeting so,

00:31:45

you know, is this story

00:31:48

of egregious government overreach or

00:31:50

is it the story of

00:31:51

a poor investor or is

00:31:54

it a corrupt Enterprise that

00:31:57

was not going to go

00:31:58

nowhere from the beginning, you

00:31:59

know, so when would you

00:32:07

agree with that? Is that

00:32:07

also your approach to sketch

00:32:09

out the big picture steam

00:32:11

or do you generally just

00:32:12

try to review what degrees

00:32:14

is going to be about

00:32:15

how do you replace cancel

00:32:17

approached by also have cannabis

00:32:21

macroview where where I sketch

00:32:23

it out and then get

00:32:24

into detail rather than in

00:32:26

the other way around. I

00:32:28

would also say sometimes I

00:32:29

see you see both Styles,

00:32:32

you know the sort of

00:32:33

short straight forward in this

00:32:35

brief. We're going to prevent

00:32:36

these five issues and read

00:32:38

on and then sometimes you'll

00:32:40

see 150-page brief. There's a

00:32:42

40-page introduction that is because

00:32:49

you're wasting people's time like

00:32:51

they're reading through it's basically

00:32:52

the back section without footnotes

00:32:54

and then they are going

00:32:55

to reread it all again.

00:32:56

So I think there's a

00:32:57

happy in between but I

00:33:00

I have seen more often

00:33:02

than I would have thought

00:33:03

reasonable like really long and

00:33:05

trying and I think that

00:33:06

just gets overly repetitive personally.

00:33:08

I think this one that

00:33:11

you are just making Ashley,

00:33:13

it's something raise write resumes

00:33:14

for me from the Facebook

00:33:16

that you mentioned a doctor

00:33:19

of the Gardners book about

00:33:22

legal writing. So what they

00:33:26

were explaining is that And

00:33:28

I wanted to see whether

00:33:29

you do it you agree

00:33:31

with that is as decision-makers

00:33:34

and frankly as anyone once

00:33:36

you read information twice, this

00:33:38

sounds familiar. So you turn

00:33:40

off our attention and second

00:33:42

time. You don't eat it

00:33:43

as I'm asking so doing

00:33:47

this in between introduction might

00:33:50

actually be a very unexpected

00:33:52

way because you can preview

00:33:54

what you think I keep

00:33:55

going for the to do

00:33:56

now so when they actually

00:33:58

get to the 5 Section,

00:33:59

they will turn off their

00:34:00

attention span, but that's really

00:34:01

wanted to speak to me

00:34:03

right is No, I think

00:34:06

there's something to that I

00:34:07

eat for me. What's with

00:34:09

frustrating when I'm reading these

00:34:10

long sections as they usually

00:34:12

don't have some notes. So

00:34:13

I'm thinking where's the document

00:34:14

that proves that and I'm

00:34:15

going to have to read

00:34:16

all over again to see

00:34:18

what you're hanging your Source

00:34:20

on and so that's that's

00:34:22

why I was saying I

00:34:23

find it to be Not

00:34:26

the most efficient way and

00:34:27

I think is weird. Especially

00:34:28

those of us who are

00:34:29

billing attorneys efficiency is always

00:34:32

the goal for our clients

00:34:34

time are time resources. We

00:34:36

have limited resources. So I

00:34:38

like to just get right

00:34:40

into it. I just make

00:34:42

a very brief point, you

00:34:44

know, this is very famous

00:34:46

quotation by Mark Twain. If

00:34:49

I had extra time, I

00:34:51

would have written a shorter

00:34:52

ladder and I think that

00:34:54

is generally very good advice

00:34:57

but jeans because I think

00:34:58

reset becoming longer repetitive, you

00:35:02

know, this is where I

00:35:02

think it's in the federal

00:35:04

courts. You can do it

00:35:05

in 25 Pages. Why are

00:35:08

we in 51 400 pages

00:35:10  
and 7 experts. In fact

00:35:13  
witness is something we need

00:35:15  
to think about but I

00:35:16  
just need to throw that

00:35:17  
boy can stop you. 2

00:35:21  
in as I was thinking

00:35:25  
about how we are going

00:35:26  
to go over our discussion.

00:35:30  
I wanted to have a

00:35:32  
look at the next it

00:35:34  
is the facts section which

00:35:38  
people do but what could

00:35:40  
be a just man should

00:35:41

be like a big old

00:35:46

is is what is

00:35:51

extremely important part of drafting

00:35:54

and that attitude, right? And

00:35:57

so maybe we will stay

00:35:58

there till a little later

00:35:59

but I would want us

00:36:00

to alter it back on

00:36:01

that because I'm sure everyone

00:36:03

can benefit from hearing how

00:36:05

you go about this process

00:36:07

of everything and what you're

00:36:08

trying to do that but

00:36:10

now let's go back to

00:36:12

our Memorial and the next

00:36:14

section that we have on

00:36:15

the table is defect section.

00:36:17

I know Robert you started

00:36:20

already. Explaining a little bit

00:36:23

about you know, the importance

00:36:24

of would you like to

00:36:26

elaborate a little more about

00:36:27

why this section is important

00:36:30

and you as again you

00:36:32

are a neutral. What are

00:36:34

you really bleeding from that

00:36:36

section? I think the great

00:36:40

majority of cases the fact

00:36:41

section is the most important

00:36:43

section of the majority of

00:36:45

cases are won or lost

00:36:47

on the back and maybe

00:36:52

even worse than invest in

00:36:54

arbitration at the law is

00:36:56

also more or less second

00:36:58

Stone. There's more interpretation as

00:37:01

a loss of even more

00:37:03

important that we could stay

00:37:04

and I am I can't

00:37:09

believe this is where you

00:37:15

going to be spending most

00:37:17

of your time drafting if

00:37:18

you please it's very important

00:37:20

to integrate all the documents.

00:37:22

You have the richest Nations

00:37:24

you have and you really

00:37:27

make sure you bring some

00:37:28

emphasis in all these documents

00:37:31

been what's terminal really should

00:37:33

be looking at This more

00:37:36

to the council to discuss

00:37:47

is very important. Right but

00:37:50

also as computer already mentioned

00:37:52

these cases that you don't

00:37:54

invest into the case is

00:37:55

really large and they hold

00:37:59

so many different aspects and

00:38:02

I'll get experts and fax

00:38:04

witnesses that you wouldn't see

00:38:07

in court because what is

00:38:12

your approach to taking the

00:38:14

volume of information organizing it

00:38:16

in a way that would

00:38:18

you know be capable of

00:38:19

keeping the attention even though

00:38:22

you're presenting, you know something

00:38:24

that's what I feel is

00:38:24

very dry and locked. Absolutely.

00:38:27

I'm so you mentioned at

00:38:29

the beginning that creative writing

00:38:31

is different to Legal writing.

00:38:33

But however, I think us

00:38:35

lawyers could sometimes be a

00:38:37

little creative and there's been

00:38:41

thought leadership bios Reservoir that

00:38:43

is a Peruvian professor and

00:38:46

international arbitrator on this topic

00:38:48

and he writes about storytelling

00:38:50

in an international adjudication and

00:38:53

speaks about it. So I

00:38:55

just wanted to share with

00:38:56

you Professor ballards advice has

00:39:01

a port for us, and

00:39:03

he gave two examples and

00:39:05

Three Points two examples the

00:39:07

story that never ended and

00:39:10

this was repeated by Council

00:39:12

in a repeated breaches of

00:39:14

contract case. And actually it

00:39:17

was a story that story

00:39:18

that never ended about contract

00:39:20

violations write another case where

00:39:23

specific performance was asked from

00:39:25

the arbitral tribunal which It

00:39:27

happens where the parties were

00:39:30

one party was asking to

00:39:32

Wine Down the operations of

00:39:34

a bankruptcy rank bankruptcy company

00:39:37

and Council said a sad

00:39:39

story that ends is better

00:39:42

than a never-ending or one

00:39:44

right? So lawyers assume incorrectly.

00:39:49

Sometimes that everything they were

00:39:50

right in their briefs will

00:39:52

be red and that everything

00:39:53

they say at a hearing

00:39:54

will be heard. But if

00:39:55

you have good Storyteller and

00:39:57

telling us that that is

00:39:58

different and first you start

00:40:01

with a question question in

00:40:02

a legal sense that generates

00:40:04

curiosity and its efficient storytelling

00:40:08

and the Arbiter will pay

00:40:09

more attention in the first

00:40:11

thing that is said catch

00:40:12

his attention the second point

00:40:15

that Professor Bernard tells us

00:40:17

about and that one is

00:40:18

a difficult one for us

00:40:20

attorneys is a good stories

00:40:22

don't have perfect protagonist and

00:40:25

so lawyers present. 13th are

00:40:27

kind sometimes as blameless and

00:40:30

also this got me thinking

00:40:32

when when he put this

00:40:32

point forward that in the

00:40:34

US at least I'm in

00:40:36

u.s. Bar and grill 3.3

00:40:38

the American Bar Association. You

00:40:40

have a Kendra to tribunal

00:40:42

application, right? So I saw

00:40:45

this rhetoric of not having

00:40:47

perfect protagonist, but rather, you

00:40:50

know their strategy Grant considerations

00:40:52

risk liability, but we we

00:40:55

are sometimes better off with

00:40:57

portraying as client has not

00:40:59

perfect and third a story

00:41:01

is not a list of

00:41:02

data ReStore in which the

00:41:04

facts are connected in the

00:41:05

rated getting intrigued and in

00:41:07

the same time leading. The

00:41:08

arbitrator says boullard to discover

00:41:11

the truth. So I just

00:41:14

wanted to share this asteroid

00:41:15

telling points with you guys.

00:41:17

And I think I think

00:41:20

it would be more enjoyable

00:41:21

for for the tribunal to

00:41:23

read as well. And such

00:41:29

an important point in so

00:41:30

it's not just throwing out

00:41:32

back right but even your

00:41:34

fax section though, it's cold.

00:41:36

It's still an advocate, right?

00:41:38

So you still connecting the

00:41:40

dots even though you're doing

00:41:42

it through a heavy emphasis

00:41:43  
of the fact, right? How

00:41:48  
do you make sure that

00:41:51  
or rather when you go

00:41:54  
about selecting which facts to

00:41:56  
include and which to exclude?

00:41:58  
Is there any specific rule

00:42:00  
of thumb that you're using?

00:42:03  
Well, I think first of

00:42:09  
all it's important to know

00:42:11  
all the facts and those

00:42:12  
you might need to do

00:42:13  
a little digging because sometimes

00:42:16  
in the house counsel will

00:42:17  
not tell you so I

00:42:19  
think that's supposed to very

00:42:21  
important that before you select

00:42:23  
the fact you have all

00:42:25  
the facts from your client.

00:42:27  
And and then again, I

00:42:30  
I really do believe in

00:42:31  
this kind or to the

00:42:31  
tribunal of education. So sometimes

00:42:34  
putting out there before my

00:42:37  
poison party does, you know

00:42:41  
a point that is going

00:42:42  
to be difficult and tackle

00:42:43

it might be might be

00:42:45

a better strategy and and

00:42:47

also known as the way

00:42:48

to Advocate. I actually intended

00:42:53

to ask a question that

00:42:54

was slightly different in that.

00:42:56

When is too much too

00:42:58

much. Which box do you

00:43:00

know it was so let's

00:43:02

say Baxter. Not directly directly

00:43:06

necessary to your legal analysis.

00:43:09

How do you then decide

00:43:11

what to include if it's

00:43:12

not directly engaged? I mean

00:43:17  
the issue is that is

00:43:18  
that your opposing party my

00:43:20  
my Razor, right? So as

00:43:22  
I said, I am more

00:43:24  
favorable to putting all my

00:43:26  
cards on the table immediately

00:43:28  
without throwing the sink, of

00:43:31  
course. Think I just Echo

00:43:34  
Woodman year was staying because

00:43:35  
I feel sometimes anything. This

00:43:37  
is at the council's approach.

00:43:39  
You don't tell something in

00:43:41  
opposing counsel screams murdered. Didn't

00:43:46

tell you this I didn't

00:43:48

make a big deal out

00:43:49

of it. Very good point

00:43:50

maybe non consequential but it's

00:43:52

a question of trust in

00:43:53

the email of the impression.

00:43:54

There's that you were hiding

00:43:55

something is better put it

00:43:58

out there and you can

00:43:59

dance payment to be using

00:44:01

kobylka it inside. So I

00:44:12

think there's a lot of

00:44:13

it has experienced, right? This

00:44:14

is why you have different

00:44:15

levels of experience on a

00:44:17

team because it's right. You

00:44:18

have to know everything right

00:44:20

before you start writing I

00:44:22

is my client's attorney. I

00:44:24

want to know everything but

00:44:26

the tribunal doesn't need to

00:44:28

know everything. So you need

00:44:30

to streamline again, you're not

00:44:33

hiding you're not pretending your

00:44:36

client is perfect. But there's

00:44:38

sometimes we get as we

00:44:41

could until actually curious about

00:44:42

a series of technical details

00:44:44

are technical facts. I'm really

00:44:46

not relevant to the issues

00:44:48

that the tribunal needs to

00:44:49

decide in. This is we're

00:44:50

going back to what governor

00:44:51

was saying. If you know

00:44:53

what your point is. What

00:44:54

is your goal and you

00:44:56

can anchor your fax and

00:44:58

driving that go forward and

00:45:00

supporting your legal claims than

00:45:02

that is a useful tool

00:45:03

to exercise the too much

00:45:05

and so often I think

00:45:07

the final editing stages. Are

00:45:09

you write everything and then

00:45:11

you come through with a

00:45:12

scalpel and you cut out

00:45:13

the extra and it does

00:45:16

take longer to write shorter

00:45:18

briefs, but I also think

00:45:20

your tribunal will thank you

00:45:22

and just as a point

00:45:25

to spell I have the

00:45:26

microphone your audience is not

00:45:28

always the tribunal. So if

00:45:30

your client is a government

00:45:31

your audience might actually be

00:45:33

their constituents if your client

00:45:36

really wants to settle your

00:45:37

audience might actually be not

00:45:40

the tribunal or opposing counsel,

00:45:41

but the other client and

00:45:44

so of course, whatever you

00:45:45

Writing and submitting needs to

00:45:47

move the case forward and

00:45:48

be to the benefit of

00:45:49

the tribunal but there's often

00:45:50

secondary and tertiary audiences that

00:45:53

you're keeping in mind. And

00:45:55

sometimes when you see a

00:45:56

brief from opposing counsel and

00:45:58

you're thinking why are they

00:45:59

saying this take a step

00:46:01

back and think how they

00:46:02

weren't writing this for me?

00:46:03

They were writing this, you

00:46:05

know, this is a government

00:46:05

writing, you know to its

00:46:08

its political stakeholders. This wasn't

00:46:10

about our case. So I

00:46:12

think these all these point

00:46:13

on come together and the

00:46:14

editing process. Absolutely. That's why

00:46:17

it is so important and

00:46:21

agree with you more Ashley

00:46:23

and I always Find the

00:46:29

fact that are not directly

00:46:32

necessary only tends to confuse

00:46:36

to unless they really present

00:46:38

your theme of the case

00:46:40

and really which way your

00:46:41

client as you do in

00:46:43

the life. You want to

00:46:44

it's sometimes might be able

00:46:46

to place them in that

00:46:48

editing process and maybe all

00:46:51

tend to do that to

00:46:54

over-explain an overdue. But at

00:46:57

the end of the day,

00:46:58

you are just causing your

00:47:00

decision maker to have to

00:47:04

pay attention and energy on

00:47:07

things that are relevant to

00:47:10

be very mindful about potential

00:47:12

and inclusion and that is

00:47:16

as important, but thank you

00:47:18

so much for this client.

00:47:21

So now I think organized

00:47:28

an early and let's move

00:47:29

on to the real meat

00:47:31

of the case, which is

00:47:32

legal argument the heart of

00:47:33

the case. So computer how

00:47:36

do you build your legal

00:47:38

argument? Sure. I started for

00:47:43

the general observation that tends

00:47:45

to happen in cases. can

00:47:48

you see this ruling in

00:47:50

buying this versus Pakistan with

00:47:52

the tribunal tells us it

00:47:54

is not bound by previous

00:47:56

decision to fix the tribunal

00:47:58

if drops a footnote and

00:47:59

gives us a anybody get

00:48:02

the joke it going to

00:48:04

prove no precedents by citing

00:48:06

president. Why am I staying

00:48:09

this? I think the two

00:48:11

reasons that I'd like to

00:48:12

make the first point in

00:48:14

this gets back to the

00:48:15

discussion you and Mona had

00:48:18

at the beginning we have

00:48:20

to just make peace with

00:48:21

this reality that the civil

00:48:24

law notion of you. Know

00:48:26

which carrier has limited applications.

00:48:29

Now we can leave the

00:48:30

merits of that. We have

00:48:33

to plead the law. So

00:48:35

that's one point. I'd like

00:48:36

to make this is part

00:48:38

of your kids like the

00:48:39

facts law has to be

00:48:41

approved if it is domestic

00:48:43

low. They're going to treat

00:48:43

it like a complications get

00:48:47

into play and the second

00:48:49  
point I'd like to make

00:48:49  
is this is something Google

00:48:53  
suggested. We don't have a

00:48:58  
formal legal structure to be

00:49:01  
common-law residents would work with

00:49:05  
trade unions find comfort as

00:49:07  
human beings by anchoring the

00:49:10  
decisions on something. Somebody has

00:49:12  
said or on patch kids

00:49:13  
and that's what you're going

00:49:15  
to be talking about. How

00:49:17  
do you expect to be

00:49:18  
anchored? Would you want to

00:49:20  
say and this is very

00:49:22  
strong Juris Prudential Securities. I'll

00:49:24  
just get in and out

00:49:25  
of this similar cases should

00:49:27  
be decided similarly. Right? One

00:49:30  
of the big I think

00:49:32  
I can only criticisms of

00:49:34  
isds Wars people looking at

00:49:37  
is DSN telling a similar

00:49:39  
cases that getting dissimilar treatment.

00:49:41  
Looks like Madeline Justice and

00:49:47  
justices and desirable random order

00:49:52  
are some tips on how

00:49:55

you make effective leader. Presidential

00:49:58

legal argument in this is

00:49:59

something I think everybody has

00:50:01

said this is not a

00:50:03

legal argument, but just know

00:50:05

you work a know your

00:50:07

opponent's case and don't overstay

00:50:09

your case you do when

00:50:11

you start dealing with the

00:50:12

facts in great detail, you

00:50:15

really start believe it either

00:50:17

the state is wrong or

00:50:19

the investigators, right? B a

00:50:21

b a b y just

00:50:23

drinking nice kisses. You said

00:50:25

that when you're a bad

00:50:28

that's nice just recognized that

00:50:30

okay looking at a soda

00:50:34

tea trying to find the

00:50:36

best analogous case that support

00:50:39

you but don't overstate it.

00:50:42

I have a fun go

00:50:43

to this. A lot of

00:50:44

these points are related. Just

00:50:48

coming back to this kisses

00:50:50

are big and boring. Putting

00:50:56

a pin sight of putting

00:50:57

the reference to a case

00:50:59

without telling the tribunal what

00:51:00

they need to do with

00:51:01

the kids is useless. You

00:51:04

know when you give the

00:51:05

conical decision which is 700

00:51:07

pages and you tell the

00:51:09

tribunal speed generally that's not

00:51:11

helpful. Just getting back to

00:51:15

what Ashley said make it

00:51:17

easy for the decision-maker and

00:51:20

finally again, this is for

00:51:21

counseling this is generally for

00:51:24

the most junior members of

00:51:26

our team the most of

00:51:27

us have been sadly. We

00:51:29

cannot classify yourself. Read it

00:51:34

I love the example. Everybody

00:51:36

gives an investor state law

00:51:45

died in Monday and paragraph

00:51:47

115 Five Points Amphitheater. You

00:51:49

noticed we have jurisdiction to

00:51:52

deal with it about \$200.

00:51:54

Later. About to be on

00:52:00

your point. We were making

00:52:01

if you want to make

00:52:03

the point you restriction make

00:52:05  
the point of jurisdiction would

00:52:07  
recognize ultimately it was not

00:52:08  
allowed opposing counsel would make

00:52:12  
a much bigger deal out

00:52:13  
of it. That's just how

00:52:15  
you present. Your case cases

00:52:18  
are like the Bible just

00:52:19  
like the interpretation and by

00:52:22  
God, I mean if you

00:52:23  
read them, you will find

00:52:24  
little bit of everything in

00:52:25  
it is good to know

00:52:34  
exactly what you are looking

00:52:36  
for used for in a

00:52:37  
case and be Strategic investment

00:52:40  
arbitration in particular that are

00:52:42  
10 or 15 cases. You

00:52:44  
can be pretty certain investor

00:52:45  
is going to fight back

00:52:47  
man comes to mind and

00:52:49  
if you are, do you

00:52:50  
know that? Delete the kisses,

00:52:59  
you know, this is a

00:53:00  
good example statement refers to

00:53:02  
park rings to stay a

00:53:03  
PT has been interpreted broadly.

00:53:05

This is what the common

00:53:06

low voltage you actually pretty

00:53:07

early distinguish cases has noted

00:53:11

and then make your point

00:53:12

and if you read most

00:53:14

cases the language is actually

00:53:16

take measures probably an exception

00:53:18

but most cases give you

00:53:20

a little bit of everything

00:53:21

so you can find something

00:53:22

good for yourself. I'm just

00:53:24

standing here in the interest

00:53:26

of time. This is a

00:53:28

lost art of people really

00:53:30

believe that they have to

00:53:32

put our strongest arguments and

00:53:34

the strongest argument, but I

00:53:36

think one thing you learn

00:53:38

from domestic practices making alternative

00:53:40

arguments. This what is this

00:53:44

doesn't then this is not

00:53:46

this than this and that

00:53:48

is again, if you thinking

00:53:49

about your tribunal that is

00:53:52

and helpful because you giving

00:53:55

the tribunal all the ammunition

00:53:57

and you framing it the

00:53:59

way that you think is

00:54:00

best. Make life easy for

00:54:03

your decision makers don't be

00:54:06

people with two ships in

00:54:07

the ocean that never crossed.

00:54:09

I'm going to stop here

00:54:11

and you can continue the

00:54:12

discussion. This is great. And

00:54:17

we will all come back

00:54:18

to some of this point.

00:54:19

Let me ask one of

00:54:23

the points that could be

00:54:24

made and I would have

00:54:26

to ask covered his ears

00:54:28

again as a sort of

00:54:29

a neutral without the recipient

00:54:31

of writing said we have

00:54:36

to give the wall a

00:54:37

lot of and ask if

00:54:39

they're also said there's some

00:54:40

cases that without a file

00:54:43

a claim and will side

00:54:44

with out about the responsible

00:54:46

side and typically has probably

00:54:48

know what you do with

00:54:49

these cases would support still

00:54:52

from your perspective. When you

00:54:53

see these kind of lengthy

00:54:55

legal standards section. Do you

00:54:58

find them effective? Do you

00:55:00

think there is a way

00:55:01

to make my screen brightness

00:55:02

a little bit or is

00:55:04

it really necessary for Council

00:55:06

to draft at all because

00:55:08

there is no such thing

00:55:10

as you know, we have

00:55:12

to do our job. Quick

00:55:14

we have to do our

00:55:15

job. Legal Section 8 if

00:55:33

you had a very experienced

00:55:34

tribunal don't explain them. What

00:55:37

do you mean like you're

00:55:39

due to a bed with

00:55:40

student to ask him for

00:55:41

the first time the entirety

00:55:45

of the standard at one

00:55:47

of the cases avoids the

00:55:48

issue on for example stations

00:55:53

by a regulation or something

00:55:55

like that that you need

00:56:00

to focus and do you

00:56:03

explain it? Like you're explaining

00:56:04

very clear from what they've

00:56:06

been deciding on for decades

00:56:08

as a quick note with

00:56:17

with, you know, dozens of

00:56:19

references. Do you really expect

00:56:23

your Tribunal? I believe it's

00:56:26

a a a Rudder generic

00:56:28

statement to go to every

00:56:29

case and to check yes

00:56:31

indeed. So definitely be a

00:56:38

selective there and then work

00:56:40

with and also there to

00:56:43

pick up from a point

00:56:43

to get up earlier. If

00:56:45

a arbitrator has had my

00:56:47

case no defects were orders

00:57:02

this week in this game

00:57:03

to this conclusion, but it

00:57:04

was only because we didn't

00:57:06

expect for a reference and

00:57:13

if something happens when people

00:57:16

Maybe Morrison invest in commercial

00:57:20

dispute the fact that while

00:57:26

actually if you will really

00:57:28

have been involved in a

00:57:30

game, you know, how important

00:57:32

aspect or travel can be

00:57:34

certain he doesn't even if

00:57:36

not every time there is

00:57:39

a reference made to do.

00:57:40

When did it become legal

00:57:42

center of you on the

00:57:46

case and book weigh. I

00:57:51

absolutely love this point that

00:57:53

you both are lagging and

00:57:55

I wanted to ask our

00:57:56

Council on the panel about

00:57:57

this working with you with

00:57:59

cases. And because s b

00:58:02

Wright Elementary School together. There

00:58:04

are there is legal standards

00:58:06

and you know it more

00:58:08

simple approach legal writing would

00:58:10

be able to copy that

00:58:12

legal standards and just coffee

00:58:14

and tea. It's a much

00:58:16

more sophisticated approach when we

00:58:19

actually analyze and you see

00:58:22

how that legal standard is

00:58:24

applied in that case and

00:58:25

then you argue that it

00:58:27

should be applied in your

00:58:29

case is different or that

00:58:32

it should be able to

00:58:32

have the practice when opposing

00:58:42

counsel is fighting a case.

00:58:43

That's really you don't know

00:58:44

that's not helpful for you

00:58:46

to dive into that case

00:58:48

and try to see today.

00:58:50

Absolutely, that's that says system

00:58:55

so that I would have

00:58:57

to to Dabangg the the

00:59:00

case in front of me

00:59:01

while they're all other crates

00:59:03

with very easy to to

00:59:04

say those facts on apply

00:59:06

to this case. So that's

00:59:09

a very good way to

00:59:10

counter argue a case that

00:59:13

seems unfavorable at first glance.

00:59:15

Anything else. Actually, they know

00:59:18

I would say it's just

00:59:19

like when if you see

00:59:20

a Building Council misrepresenting facts,

00:59:22

you have to respond to

00:59:23

that I think likewise with

00:59:25

legal restrictions and ideally you

00:59:28

can create doubt in the

00:59:30

minds of the tribunal about

00:59:32

how candid opposing counsel is

00:59:33

being. When are you going

00:59:37

to lemons make lemonade in

00:59:41

the legal contract? All right

00:59:42

now so let's what let's

00:59:49

quickly talk about last substantive

00:59:52

section reaches damages go over

00:59:56

it. Would you like to

00:59:58

explain to us? The significance

01:00:00

of that section underestimated experts

01:00:05

are absolutely C Council just

01:00:14

before two extra food court

01:00:16

and there's often an affection

01:00:19

for your Appliance huge difference

01:00:22

book sample on it is

01:00:26

it is not particularly sexy

01:00:27

every time your you specially

01:00:29

when you're thinking about this

01:00:32

legal. Standard something like interest

01:00:39

to make not every time

01:00:48

it is actually considered or

01:00:50

not. Every time it is

01:00:51

it is argued or often.

01:00:55

Maybe you do you have

01:00:58

your facts you have your

01:00:59

legal damages and then you

01:01:01

have to ask. Yes, let's

01:01:04

would have presented expert report.

01:01:05

Thank you so much more

01:01:16

if I asked you for

01:01:17

similar question from the council

01:01:19

perspective and also with a

01:01:20

little bit of a what's

01:01:22

the difference of not really.

01:01:23

Not really engaging with that

01:01:26

extra bored with the same

01:01:27

old is there so, you

01:01:28

know why? Absolutely offers. You

01:01:34

can have surprisingly Arbiters are

01:01:36

very engaged in Damages and

01:01:39

they do themselves or damage

01:01:40

is routinely known you get

01:01:42

Mark counter will have my

01:01:43

stuff. So that's risk. If

01:01:46

you're not Top Notch as

01:01:47

legal counsel with the with

01:01:49

your damages and and you

01:01:50

live it up to to

01:01:52

The Experts they might get

01:01:54

into it themselves or the

01:01:57

bed and go approach, you

01:01:58

know, which is the point

01:02:00

of our own expert which

01:02:02

you know, there's talks about

01:02:03

it, but I haven't seen

01:02:04

it that much so you

01:02:06

might might have that issue

01:02:08

of whether they're not comfortable

01:02:11

with damages and therefore, you

01:02:13

know, you have a split

01:02:14

of the baby or their

01:02:15

own expert or they will

01:02:17

get into it themselves. And

01:02:19

then I've seen certain cases

01:02:21

that I found very interesting

01:02:23

they stem from alternative claims

01:02:26

in the Spanish. ECT cases

01:02:27

are 63 of them with

01:02:30

Argentina. Out there with the

01:02:33

most cases historically and a

01:02:36

recent trend has been the

01:02:38

reasonable rate of return of

01:02:40

the investment. That was an

01:02:41

alternative claim and it's there's

01:02:44

been 45 cases where the

01:02:46

tribunal and now that makes

01:02:48

an analysis of both liability

01:02:50

and Quantum together. And if

01:02:53

Council does not understand is

01:02:55

if it could very well

01:02:56

lose our case. I'm just

01:02:57

going to site to the

01:02:58

PV case resurrecting the Army

01:03:01

no case for for you

01:03:03

to to see this upcoming

01:03:04

Trends. So in this case

01:03:06

the quantification of the heart

01:03:07

if any in forms of

01:03:09

finding on liability unlike other

01:03:12

cases in which liability for

01:03:14

example, the allegedly wrongful withdrawal

01:03:16

of a permit is clearly

01:03:18

separated from Quantum here the

01:03:20

two elements of the analysis

01:03:22  
are intimately intertwined. So, you

01:03:26  
know, I think you you

01:03:27  
go into the case and

01:03:28  
and you think I'll leave

01:03:29  
it to the at the

01:03:30  
quantum face you kind of

01:03:31  
creep. Artificial trifurcation, right? So

01:03:35  
yeah. I just wanted to

01:03:37  
to point out to this

01:03:38  
emerging Trend and if anybody

01:03:41  
wants to read about those

01:03:43  
cases, let me know and

01:03:45  
there's an article that's fascinating

01:03:46  
from point from Donnie medicine

01:03:49  
going to Injustice rethinking the

01:03:51  
calculation of Damages and I

01:03:53  
recommend it to everyone Thank

01:03:57  
you. Sue after hours, Just

01:04:01  
section that now, you know

01:04:02  
Council needs to be on

01:04:04  
top of difficulty. There might

01:04:06  
be some many sections that

01:04:08  
already I think over to

01:04:10  
alluded to that is the

01:04:12  
interest section and the cross

01:04:16  
section. Sometimes they may be

01:04:18

a heartbreaker by then the

01:04:21

damage of section or they

01:04:22

can be stand alone sections.

01:04:23

You won't spend much time

01:04:24

with them because they are

01:04:25

for the most part pretty

01:04:26

straightforward and really has bass

01:04:29

Reeves that I wanted the

01:04:34

very basis Peak about the

01:04:36

pedals think about so that's

01:04:40

the conclusion section what you

01:04:43

want to tell us the

01:04:44

significance of that and why

01:04:47

would we do with it?

01:04:49

I might be in the

01:04:50

minority, but we typically do

01:04:52

a very perfunctory conclusion like

01:04:54

we've given you our intro

01:04:56

Story with hopefully sold you,

01:05:00

you know, you've got your

01:05:01

hearts and your minds in

01:05:02

your you're with us through

01:05:04

facts and legal claims. And

01:05:06

so we might hit a

01:05:07

couple more of those Hi-Point.

01:05:09

We might be hit the

01:05:10

systematic almost like elevator speech

01:05:12

points. But otherwise if we

01:05:16

haven't won the tribunal over

01:05:17

by the time they've gotten

01:05:19

through damages. I don't think

01:05:20

the conclusion is going to

01:05:21

change that if we we

01:05:23

keep it fairly straightforward to

01:05:26

the relief requested by his

01:05:28

peers at the very end.

01:05:33

There's my bullet list of

01:05:34

my asked. Thank you do

01:05:36

reading, you know. Great, and

01:05:41

of course the significance is

01:05:42

that at the end of

01:05:43

the day, that's what you

01:05:45

do now will take away

01:05:46

and uses checklist. Am I

01:05:48

am I writing this to

01:05:49

a neutral zone the panel?

01:05:51

Is that what did you

01:05:51

know if we do like

01:05:54

they want to make sure

01:05:55

whatever you put some respect

01:05:56

people. That's good. If you

01:06:01

don't adopt creative writing make

01:06:03

it easy and offer the

01:06:06

relief request that you just

01:06:07

want to be very precise

01:06:09

and clear what exactly you

01:06:11

would like to do know

01:06:12

what to do. Great. So

01:06:15

let's not spend think if

01:06:18

you want us to just

01:06:19

put a title together, right?

01:06:21

We have all these different

01:06:22

sections and in the in

01:06:26

the in the in the

01:06:26

in a major case, we

01:06:28

also typically have a cheap

01:06:30

and I think Ashley already

01:06:31  
started guiding us through the

01:06:33  
process of how to make

01:06:34  
it all work as we

01:06:36  
would you like to explain

01:06:37  
to us the magic of

01:06:39  
so typically you'll have a

01:06:45  
mean depends on the size

01:06:46  
of the case, but you

01:06:47  
could have 10 or more

01:06:49  
attorney paralegals working on something

01:06:51  
our teams are typically much

01:06:53  
leaner, but you always want

01:06:55  
to have at least one

01:06:56

person who has eyes on

01:06:58

that everything goes from writing

01:07:00

style to arguments all the

01:07:02

way through even in this

01:07:05

day and time of post

01:07:06

covid where everybody worked remotely

01:07:08

enough can't be sad about

01:07:10

getting everybody in a room

01:07:12

together for at least End

01:07:14

of time I think having

01:07:16

people start writing their sections

01:07:17

and then getting them in

01:07:19

a room together. So that

01:07:20

people have started to do

01:07:21  
their research started to think

01:07:23  
about their fax started to

01:07:24  
think about where the pressure

01:07:26  
points in the weak points

01:07:27  
are and then the whole

01:07:28  
team just working in a

01:07:30  
conference room and conversations organically

01:07:33  
will start issues will be

01:07:35  
uncovered strategy points will be

01:07:37  
refined if not completely redone

01:07:40  
and I know a couple

01:07:42  
years ago, I think I

01:07:43  
might have been tearing covid

01:07:45

Kelsey talked about setting up

01:07:47

his influential conference rooms, which

01:07:49

we've had a little less

01:07:49

success with but either way

01:07:52

if your team is really

01:07:53

far from do a virtual

01:07:54

conference room, but if you

01:07:55

can get everybody in an

01:07:56

actual conference room for at

01:07:58

least a week to go

01:08:00

to work or at least

01:08:00

a few days to work

01:08:02

through some of these issues

01:08:04

together. So often will do

01:08:06

weekly check-in if there's a

01:08:07

lot going on we might

01:08:09

do daily check-in. I like

01:08:11

to do a summary email

01:08:12

each just as we get

01:08:14

into the final phases of

01:08:15

the case to talk about

01:08:17

here's what's been done. Here's

01:08:18

what's left your what tomorrow's

01:08:20

priorities are but I really

01:08:22

like chocolate. Thank you. When

01:08:27

your is that generally approach

01:08:29

as well? Absolutely. Everything Ashley

01:08:35

has said, you know before

01:08:38

being a boutique bow Rico

01:08:40

Council with very big Law

01:08:41

Firm. So we're off in

01:08:42

a lot on the on

01:08:44

the team and you have

01:08:45

several persons drip drafting several

01:08:48

sections. I think it's will

01:08:51

swing board and with another

01:08:52

co-counsel. It's on all the

01:08:53

law firms another style and

01:08:56

I could be a little

01:08:56

tricky, you know who brought

01:08:58

the case was on these

01:08:59

counts or not, but is

01:09:01

still very important that Ashley

01:09:03

said that you have one

01:09:04

person that has the eyes

01:09:05

on everything and also I

01:09:09

think even if we're tight

01:09:10

on deadlines, right we do

01:09:12

things at 11 p.m. And

01:09:14

we'll have to file in

01:09:15

the day. It's important to

01:09:18

have one person reads everything

01:09:20

and edit everything before it

01:09:23

Center. And I think he's

01:09:26

also ties into one reason

01:09:29

why we all have a

01:09:30

long memory is because many

01:09:32

teams were in different parts

01:09:33

and one works on their

01:09:35

section as if it is

01:09:36

a 40-50 pages on their

01:09:49

section and then it comes

01:09:51

together and you have his

01:09:52

monster over the memorial and

01:09:55

depending on where you are

01:09:56

in the process that may

01:09:57

not be enough time. But

01:10:01

yeah, it's it's a Absolutely,

01:10:09

and I think now might

01:10:10

be the time to speak

01:10:12

a little bit about everything

01:10:13

because it is so important

01:10:15

and so I just wanted

01:10:18

to ask you and I

01:10:19

I would be grateful to

01:10:20

all Goods perhaps just provides

01:10:23

a little bit of influence

01:10:23

on this process and a

01:10:28

subset of that question, or

01:10:30

maybe they follow up on

01:10:32

the prayer is when you

01:10:34

do work in large teams

01:10:36

that does help you to

01:10:38

create a standardized things from

01:10:41

the beginning to scotopia templates

01:10:44

and perhaps list of terms

01:10:47

and let's do that. All

01:10:48

of that doesn't have to

01:10:49

be done in a 400

01:10:50

a page document. If you

01:11:00

have clear bowls at the

01:11:02

very beginning and standardized way

01:11:05

of working on your Void

01:11:07

having those discussions and management

01:11:10

issues along the way and

01:11:12

then you know, what time

01:11:13

is running so you have

01:11:15

to make it work. So

01:11:16

I I think that's good

01:11:17

practice to tackle it right

01:11:19

at the beginning of every

01:11:21

Define roles and a standardized

01:11:24

and can I have a

01:11:25

lot of templates for everything?

01:11:27

So I think that's a

01:11:29

good way also to write.

01:11:34

Anyone else would like to

01:11:35

comment on this. Or should

01:11:37

we ask finally go to

01:11:39

edit? Everybody needs to edit

01:11:48

themselves while they're well they're

01:11:51

working. But then at the

01:11:52

end whoever this magical attorney

01:11:54

is with eyes on the

01:11:55

whole project really is there

01:11:58

I think their biggest responsibility

01:11:59

is making it all come

01:12:01

together making sure you don't

01:12:02

have too much to do

01:12:04

plication and one thing I

01:12:06

think that Time allowing is

01:12:09

sometimes you'll have a whole

01:12:11

section of facts and you'll

01:12:13

realize you know, what a

01:12:14

chart a really good charge

01:12:17

a thought out chart not

01:12:19

just a chart for being

01:12:20

a chart of really thoughtful

01:12:22

chart could exercise 15 pages

01:12:24

of detailed painstaking writing in

01:12:28

the tribunal will spank you

01:12:30

and you can but no

01:12:32

dates and have all the

01:12:33

underlying documents. But I really

01:12:35

love once you've got the

01:12:37

whole story right now coming

01:12:38

in and simplifying things having

01:12:41

a short little bullet points

01:12:44

chart. Anyway that you can

01:12:46

take a lot of material

01:12:47

and make it easier for

01:12:49

a tired reader to understand.

01:12:53

I always think about like

01:12:53

a really tired reader and

01:12:55

what are they going to

01:12:56

take on? I think this

01:12:58

is such an important point.

01:13:00

I I am I am

01:13:01

a very big fan of

01:13:03

charts and diagrams and everything

01:13:05

cuz I am a very

01:13:05

at my perception is visual,

01:13:07

but I understand that. Ninety

01:13:10

percent of humans actually have

01:13:13

the same approach. So it's

01:13:15

not just a question of

01:13:16

number Pages for volume, right?

01:13:19

It's really making bestyett Weider

01:13:21

absorb information in a much

01:13:24

more efficient way. It's something

01:13:25  
that you'll probably remember to

01:13:27  
stay in front of their

01:13:29  
eyes as they move on

01:13:31  
to the next test. So

01:13:32  
thank you so much. Thank

01:13:33  
you very much, but I

01:13:34  
just cannot retain information. 11

01:13:47  
to 18 minutes You need

01:13:49  
to change the charts. Just

01:13:52  
breaking. The monotony is super

01:13:55  
helpful. Same things research kind

01:13:58  
of the point that she

01:14:01  
suggested don't do it for

01:14:02

the sake of doing it

01:14:03

you sometimes look at the

01:14:05

chart and you like, wow.

01:14:12

Knology things like you do,

01:14:15

you know you can cut

01:14:25

copy paste you have an

01:14:27

arbitrator nodding to kill little

01:14:28

town residence using the tool

01:14:38

you're providing, of course not

01:14:44

true. But if you have

01:14:46

a timeline sequence of all

01:14:50

kinds of bats very lovely

01:14:52

time line lights go on

01:14:55

again in lines help you

01:15:08  
if you don't it will

01:15:09  
be very good if I

01:15:12  
can. Also seen the table

01:15:14  
where you compare either to

01:15:16  
text or this was said,

01:15:18  
however this and I find

01:15:22  
that very effective. I like

01:15:24  
that. So sometimes you have

01:15:25  
the opposing counsel who does

01:15:27  
the throw the spaghetti against

01:15:29  
the wall and see what

01:15:30  
sticks and I don't want

01:15:32  
to have to respond to

01:15:34

every argument that they made

01:15:35

because I want to tell

01:15:36

my case and my story

01:15:38

and so which art is

01:15:39

a great way to take

01:15:40

on board all the crazy

01:15:42

things they said and were

01:15:44

but them but I still

01:15:45

get to tell Maya from

01:15:46

I get to make my

01:15:47

case the way I want

01:15:48

to make it. Well not

01:15:49

reading all those misstatement slide

01:15:52

and just for the benefit

01:15:54

of everybody spaghetti on the

01:15:56

wall is a polite way

01:15:57

of saying shit on the

01:15:58

fan. Well, it certainly is

01:16:07

it does require a particular

01:16:11

skill to respond to brief

01:16:13

like that, but I think

01:16:15

we will need a separate

01:16:16

sections to I think we

01:16:21

are now its 4:16, and

01:16:24

I wanted to give an

01:16:25

opportunity to our audience to

01:16:28

see if they have any

01:16:29  
questions about panelist. Perhaps with

01:16:32  
your Indulgence if they have

01:16:34  
any tips to that has

01:16:35  
worked effectively, you know, maybe

01:16:37  
that may be good to

01:16:38  
hear do. So a writing

01:16:50  
tip actually my my first

01:16:53  
boss gave me one of

01:16:55  
us. We're going to dance

01:16:56  
and karate in Paris and

01:16:58  
she said well, you'll be

01:16:59  
fine. If you Emily the

01:17:01  
partner style and he's going

01:17:02  
to be happy to see

01:17:03  
was how I'm going to

01:17:04  
take a stab at it

01:17:05  
and this is tips for

01:17:07  
for juniors. Right and I

01:17:08  
started to drop more and

01:17:10  
more and more because I

01:17:10  
was really emulating his style

01:17:12  
and you get to also

01:17:14  
the intellectual thinking of the

01:17:15  
person but when your Junior

01:17:17  
I think understanding the seniors

01:17:21  
style that that you're drafting

01:17:23

for is is very interesting

01:17:26

way to you know, get

01:17:28

better a drafting and then

01:17:30

of course once you're older,

01:17:31

I think you get your

01:17:32

own style of my sight

01:17:33

is a mix of all

01:17:34

my former partner as a

01:17:35

mentor the butt but that's

01:17:38

went if I could give

01:17:40

And that's precisely the value

01:17:41

of these programs, right? Because

01:17:43

you all learn from each

01:17:44

other. Toshiba Eminem graduated my

01:18:01  
name is it just your

01:18:01  
money and you already covered

01:18:05  
what I was about to

01:18:06  
ask. I'm going to ask

01:18:07  
how do you make sure

01:18:09  
that you're keeping up with

01:18:12  
the change of the writing

01:18:13  
style or you know ensuring

01:18:16  
that your writing style is

01:18:18  
changing with the demands of

01:18:20  
the field and everything that

01:18:22  
you just discussed also that

01:18:26  
your style is not old

01:18:27

is up-to-date. And what would

01:18:31

you give to ask the

01:18:34

juniors in terms of for

01:18:37

example, I was when I

01:18:38

was trained in a coach

01:18:40

with the writing styles. I

01:18:42

was with a new techniques

01:18:44

like you have to keep

01:18:45

it shorter simply here. But

01:18:47

then when I explained Forest

01:18:49

Moore Senior Partners or Internet,

01:18:52

I would often noticed that

01:18:54

my drafting salad. To match

01:18:59

this old-fashioned style. So what

01:19:02

advice you could give that

01:19:04

kind of situation when you

01:19:05

try to keep up with

01:19:06

what's the best practices and

01:19:09

sedate but then you see

01:19:10

that some people just used

01:19:12

to something else and they

01:19:13

would drop the different way.

01:19:15

Thank you. Take the pride

01:19:22

in knowing that you were

01:19:23

right right to keep your

01:19:25

job with your face and

01:19:26

very grateful. Also before you

01:19:33  
know it. So as I

01:19:39  
was saying you might find

01:19:41  
yourself still slightly influenced by

01:19:43  
some of them because they're

01:19:44  
just because somebody has something

01:19:46  
this more passion doesn't mean

01:19:47  
there's not value to the

01:19:49  
way that they're doing things.

01:19:50  
And so, you know, you

01:19:52  
take on board the lessons

01:19:53  
you can learn and before

01:19:54  
you know, it you'll be

01:19:55  
your leading the team and

01:19:56

you'll be the one imposing

01:19:58

your writing style on people

01:20:00

but you can always learn

01:20:01

and I mean even if

01:20:03

somebody who's typically leading the

01:20:05

team sometimes I get a

01:20:06

junior associate who write in

01:20:08

a way that I really

01:20:09

like and I pay attention

01:20:11

to that. I want to

01:20:12

learn and improve and you

01:20:14

know, Brian Garner teaches courses

01:20:15

here. So I think all

01:20:17

of us even the most

01:20:18

senior were still growing as

01:20:19

Riders were still learning new

01:20:22

techniques, In every case give

01:20:24

you a new opportunity to

01:20:26

try out different things and

01:20:27

see what works. kill anyone

01:20:34

else do you want I

01:20:43

would invite you to make

01:20:44

any reference that you may

01:20:47

want to with respect to

01:20:48

Illegal Drafting and that were

01:20:51

arbitration Eagles Drafting and and

01:20:56

any piece of literature that

01:20:57

you really long, I think

01:20:59

that the notion of of

01:21:02

combining the two I'm not

01:21:05

saying it for this panel

01:21:06

is is an idea that

01:21:07

comes to mind and perhaps

01:21:08

this is something that that

01:21:10

I had talked to Ashley

01:21:12

before of of doing not

01:21:15

for this panel because this

01:21:16

pan is over anyway. I'm

01:21:25

going to make an unpopular

01:21:26

statement here on the whole.

01:21:32

Practice Group Really needs to

01:21:37

rethink how we bleed. Very

01:21:41

long Ali repetitive prefix ad

01:21:44

hominem attacks, even from very

01:21:46

big firms. It's just a

01:21:48

pervasive culture rehab I do

01:21:52

think we need to rethink

01:21:53

how we are presenting these

01:21:55

cases. Where can you find

01:21:58

good writing and pick up

01:21:59

the New York Times pick

01:22:01

up the Washington Post? I

01:22:03

give you good examples for

01:22:04

good draft day. This is

01:22:07

going to be Socratic now.

01:22:14

111 thought that comes to

01:22:16

mind is When there's a

01:22:20

lot of emphasis on on

01:22:21

being sexy and clear direct

01:22:24

cetera and yet whole process

01:22:27

duel process of teamwork seems

01:22:30

to be one that that

01:22:33

is contrary to that. I

01:22:34

mean. You end up perhaps

01:22:37

three days before you have

01:22:39

to submit the brief and

01:22:40

there are parts of the

01:22:41

bereaved are still being drafted

01:22:43

and then when you are

01:22:44

mother made the whole thing

01:22:45

looks like a tracking Frankenstein.

01:22:47

So how have you been

01:22:50

have you found a method

01:22:52

to avoid that because because

01:22:55

the extent that each one

01:22:57

has a piece of it

01:22:59

or various pieces of it

01:23:00

and you bring them together.

01:23:02

I mean, I I know

01:23:04

what the process is that

01:23:05

at some stage you will

01:23:06

have an editor of the

01:23:09

whole thing which which ultimately

01:23:11

cleans and makes it look

01:23:14

beautiful. But other than having

01:23:17

that process being If during

01:23:19

the during the course of

01:23:21

not only at the end,

01:23:22

I see no other Avenue.

01:23:24

I do think if we

01:23:26

enforce speed limits. If it

01:23:30

can be done in federal

01:23:31

court, if it can be

01:23:32

done in arbitration, the cases

01:23:33

are just as important that

01:23:35

I mean, I know we

01:23:36

like to believe you're dealing

01:23:38

with brain surgery you could

01:23:40

have been in surgery before

01:23:41

The Supreme Court in a

01:23:42

few can have time limits

01:23:43

there. You can have time

01:23:44

and Page them. I think

01:23:46

the minute you see arbitrators

01:23:48

insisting. It's 50 pages. Nothing

01:23:50

more. You will see how

01:23:52

the argument get all these

01:23:55

long footnotes telling us. What

01:23:58

a Pity mean. I want

01:24:02

to see short and succinct

01:24:04

will say something because they're

01:24:06

never short doesn't mean boring.

01:24:09

And so I think the

01:24:10

conversation that was in Tony

01:24:11

and I were having is

01:24:12

that so I and my

01:24:13

personal life love to read

01:24:16

fiction and I love the

01:24:18

storytelling aspect of some of

01:24:20

these fictional stories and obviously

01:24:23  
a brief is not a

01:24:25  
piece of fiction or it

01:24:26  
shouldn't be but you can

01:24:27  
tell you don't tell a

01:24:30  
story craft a narrative your

01:24:32  
readers are human. So answer

01:24:34  
the human question, why did

01:24:37  
this happen? You know, how

01:24:39  
did this happen? You know

01:24:41  
who was doing it? Your

01:24:43  
kind isn't perfect, but you

01:24:45  
can still make your reader

01:24:47  
feel compelled to see the

01:24:49

world from their Viewpoint. And

01:24:51  
so I think some of

01:24:53  
this comes through in the

01:24:55  
editing process, but I also

01:24:57  
like to give team members

01:24:59  
Target page limit, so it's

01:25:01  
not go right this section

01:25:03  
is I want eight pages

01:25:05  
on this, please. Let me

01:25:08  
see what you have and

01:25:09  
I'm going to edit it

01:25:09  
in red line so you

01:25:10  
can see how I edited

01:25:11  
it so you can do

01:25:12

it even closer to Target

01:25:14

next time and this is

01:25:16

we're having a team that

01:25:17

works together a lot is

01:25:19

really helpful because it becomes

01:25:20

a well-oiled machine and do

01:25:23

I have a colleague in

01:25:24

London who I've worked with

01:25:25

for 15 years. I mean,

01:25:27

I can write seamlessly back

01:25:32

and forth of each other

01:25:33

and that's just something that

01:25:36

is time and practice but

01:25:38

but I do think you

01:25:39

know, I keep talking about

01:25:41

the humans, but you're writing.

01:25:43

For people and right for

01:25:46

a person. I think this

01:25:49

is such an important point

01:25:50

about these Common Sense questions.

01:25:52

And I think they really

01:25:54

bring some often. They sort

01:25:56

of Bring It All home

01:25:57

because when you build your

01:25:58

car still here, but then

01:26:00

you don't bring it down

01:26:01

to why did that happen

01:26:03

and even Presenting at in

01:26:07

this very simple term makes

01:26:09

it much more humid. I

01:26:10

found that I have started

01:26:11

now emulating this approach, but

01:26:13

I've learned it from someone

01:26:14

else and I found it's

01:26:15

always very very persuasive. So

01:26:17

it's better not to be

01:26:20

a whole cleaning list and

01:26:31

then you can see the

01:26:32

coin drop feel like going

01:26:33

out exactly what I'm saying.

01:26:36

So is common sense? Thank

01:26:42

you. I think you have

01:26:43

probably Quest time for one

01:26:46

more any other questions, please.

01:26:56

Hello. Hello, I'm wondering to

01:27:03

what degree you use legal

01:27:05

technology to help with your

01:27:07

crafting now because it's a

01:27:08

really big thing and although

01:27:11

you're making excellent points. How

01:27:13

can they help you mean?

01:27:16

Like chat GPT, right. So

01:27:18

I don't use trap beats

01:27:21

GPT to write my cases

01:27:23

are firm is still developing

01:27:25

standards of procedure. But right

01:27:28

now I don't do that

01:27:29

that would be servicing my

01:27:31

clients in the best way

01:27:32

possible. Also some of those

01:27:35

tools require you putting your

01:27:36

client's personal information into them,

01:27:38

which is not permitted. So

01:27:41

we use technology to streamline

01:27:42

some of the background things.

01:27:44

You do footnotes sources citations,

01:27:47

but the extent that I'm

01:27:49

forcing my drafting I don't

01:27:52

do that and you know,

01:27:53

maybe in a few years

01:27:54

from now, we'll have a

01:27:55

panel about how GPT has

01:27:57

revolutionized Memorial writing and they're

01:28:00

all 10 pages long and

01:28:01

Easy to understand I agree

01:28:14

with Ashley and I think

01:28:15

at least in the US

01:28:16

if your license here, there's

01:28:17

a huge one practice a

01:28:19

risk and you have depends

01:28:22

if you're in litigation right

01:28:23

there by your judge might

01:28:24

forbid it was here. You

01:28:27

also have issues with a

01:28:29

AI that creates, you know,

01:28:31

those crazy case law. So

01:28:33

I personally don't use it

01:28:35

whatsoever for for my my

01:28:39

advocacy work. I've used it

01:28:41

for one presentation ones to

01:28:44

you know, I already knew

01:28:45

what I was saying, but

01:28:46

it was kind of like

01:28:46

an extra help but that's

01:28:50

business about that says it's

01:28:51

not in my in my

01:28:52

Council had both these amazing

01:28:56

lawyer says that I'll just

01:28:58

share this with you. This

01:29:00

is an unrelated presentation that

01:29:02

I'm actually doing somebody else

01:29:03

but I just shared it.

01:29:04

Who is Kabir to God

01:29:06

for his expertise. Totally. Correct?

01:29:14

Best lawyer ever on Earth

01:29:16

that correct asking questions after

01:29:21

that just makes complete forgive

01:29:23

my French shut up. Okay

01:29:26

weather to be studied. He

01:29:28

did his law at Harvard

01:29:29

Law School where he earned

01:29:31

his JD degree. I did

01:29:32

not get a JD from

01:29:34

Harvard. I am going to

01:29:35

get an STD which is

01:29:36

a totally different degree and

01:29:38

I don't have it. Okay,

01:29:40

so that it's not correct.

01:29:41

Where else did he study

01:29:43

night in chat. Is Indian

01:29:49

has he has studied in

01:29:51

the UK and the US

01:29:52

Senate just randomly fix the

01:29:54

sport button make stuff up.

01:29:56

He studied in Tennessee. No,

01:29:58

I did not. Oh, sorry.

01:30:01

He studied at the national

01:30:03

law school of India. No,

01:30:04

he did not send this.

01:30:06

It just kept going on

01:30:08

and on and just on

01:30:09

these photos of information that

01:30:11

I had just kept waiting

01:30:13

at the University. You could

01:30:14

find me in the future

01:30:21

something. That's a lot more

01:30:23

safe, but I present dr.

01:30:25

Kabir de Galt. From a

01:30:32

different perspective a question that

01:30:36

you might also over should

01:30:37

be asked me to what

01:30:38

extent are arbitrators using an

01:30:45

argument summarizing the main problem.

01:31:00

If you feed text into

01:31:03

cheetah cheetah statues in the

01:31:08

World Bank, we're working with

01:31:11

Mei tools that are fenced

01:31:14

off from the outside world.

01:31:15

And so of course is

01:31:18

also looking into that but

01:31:19

it says the world is

01:31:21

small and say 2:00 to

01:31:22

have a viable and stuff

01:31:24

a i m o r

01:31:31

well on this positive note,

01:31:36

please join me in thanking

01:31:41

our panel for all the

01:31:43

wonderful. Important and I thank

01:31:49

you Julianne and someone said

01:31:53

while you're doing it again

01:31:54

a panel on drafting memorials.

01:31:58

And we said yes, we're

01:31:59

doing a paddle and round

01:32:01

draft in memorials. And this

01:32:02

is why I think that

01:32:04

that literature and and drafting

01:32:06

I'm not saying drafting memorials

01:32:08

in the same as literature,

01:32:08

but the know he's is

01:32:11

really an endless source of

01:32:13

of learning and and creativity

01:32:16

and information and and the

01:32:17

Rick Ross CD in and

01:32:20  
so on. So thank you

01:32:23  
each one of you for

01:32:24  
being here. Thank you for

01:32:25  
those who got I should

01:32:27  
be back there. Thank you

01:32:29  
for for for those that

01:32:31  
that that are still connected.

01:32:32  
This is our second day

01:32:35  
in our first day this

01:32:38  
week or third day of

01:32:39  
or the application update and

01:32:42  
I would expect that in.

01:32:45  
Washington arbitration week we would

01:32:46

do some other topic related

01:32:48

to to drafting memorials perhaps

01:32:51

it's a connectedness or not

01:32:53

with that with specific literature

01:32:55

windows. But thank you and

01:32:57

the tomorrow we have other

01:33:00

panels be tuned and we'll

01:33:04

see you. Bye. Bye. Thank

01:33:07

you.