

# Effective Supreme Court Advocacy: Advice from a Former Chief Justice

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# Supreme Court Advocacy

Point One:

The merits of a case *always* matter;  
advocacy influences on the margins.

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Advocacy is *asymmetrical*:

Excellent advocacy can rarely overcome a bad case on the merits.

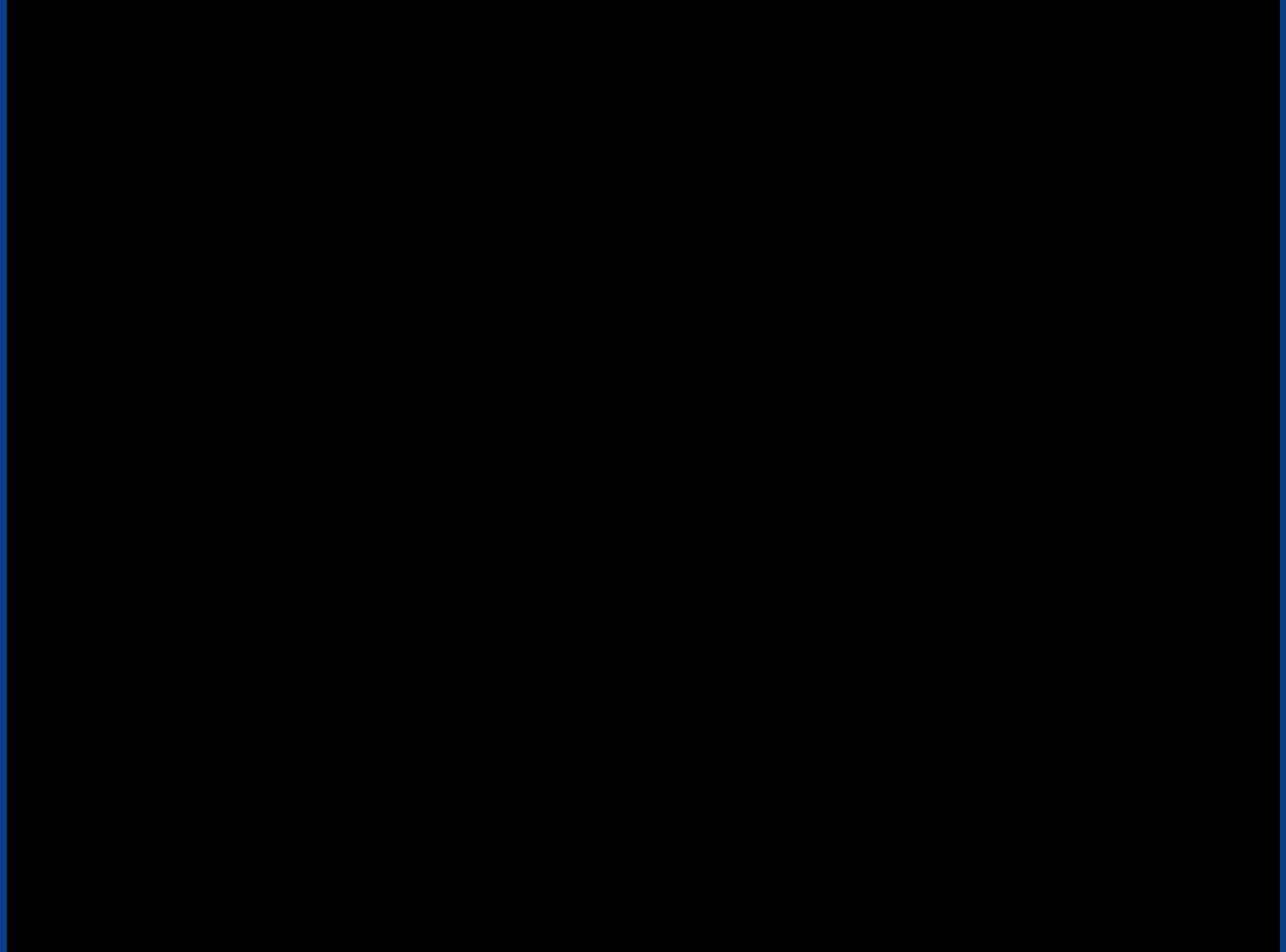
Poor advocacy is frequently fatal.

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Do not follow the “dead mouse” theory of advocacy!

# “Dead Mouse” Advocacy in Action



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Point Two:

Always observe basic advocacy hygiene.



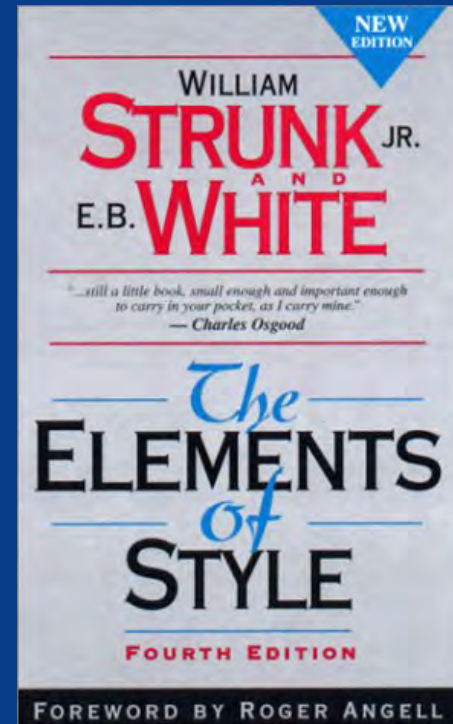
Don't distract the Court: always honor the core values of advocacy – candor, credibility, honesty.

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Use your *Strunk & White*!

Poofread your text!

Proofread your text!



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Use a road map to guide the Court through your argument!



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*Less is more.*



- Ludwig Mies van der Rohe

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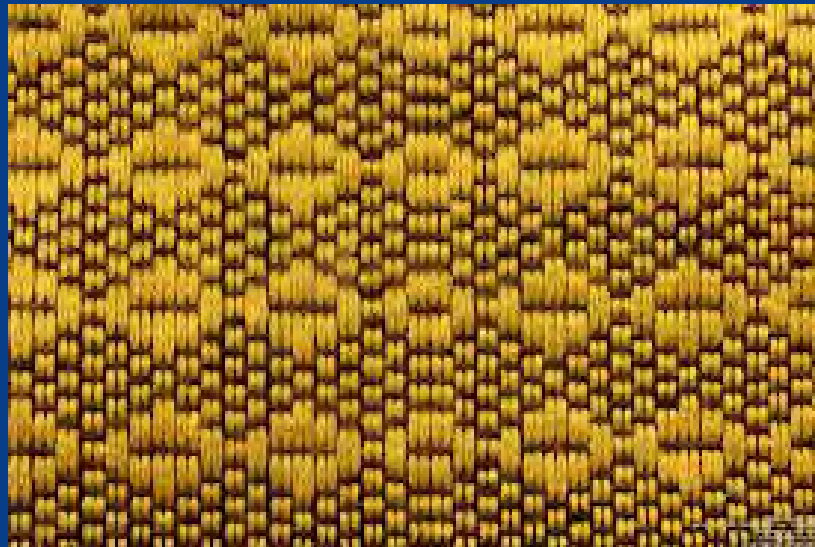


Advocacy is not a therapy session! Your therapeutic “rants” should end up in the wastebasket.

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## Point Three:

The Supreme Court is not an error correcting court – it manages the *fabric* of the law.



*Jurisprudential significance is what matters in the Michigan Supreme Court!*

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Know the obstacles that you must overcome to succeed:  
focus on why your case has jurisprudential significance.

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Understand the broader area of law that your case represents.

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Know available relief other than a grant:  
sometimes half a loaf is better than none.



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## Point Four:

When you get to the Supreme Court, rethink everything!



Know the Court!

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*Be over-prepared!*



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An oral argument is a *conversation*, not a recital.

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Stay on point!

# Conclusion



I now welcome your questions.