

Chapter 6

Receiving and Presenting Information Orally

Although this text focuses on legal writing, listening and speaking are often integrally related to that writing. This brief chapter provides tips to help you effectively complete those aural and oral tasks.

Listening

This skill, usually taken for granted, is more important than most beginning law students appreciate. Often your teacher or your employer will give instructions orally. Because lawyers are insistent on you following their instructions to the letter, you must learn to listen to these instructions with special care. Note deadlines, suggested sources for information, budget limitations, format requirements, and other such details. Ask questions as needed about jurisdiction, best sources to use to find relevant law, and approaches the speaker has in mind. For example, you might ask the following questions.

Examples, Useful Questions for Employer

- Do you want that memo to include a summation of the facts? An issue statement?
- Would you recommend starting with any particular key research terms?
- Are there any special limits on use of computer research for this project?
- If I find other possible legal theories to pursue, do you want me to explore those or check with you first?

Although you want to ask substantive questions, avoid general questions or comments that sound like whining or complaining. These questions might resemble the following.

Examples, Ineffective Questions for Employer

- Are you sure I can do this?
- I'm not sure I can get it done by that time.
- I've never done anything like this before.
- How long do you think this will take?
- This is a little overwhelming.

These general questions do not require information in the answer, but rather reassurance. You will generally have very little time with your supervising attorney or teacher, so you want to use that time to get information you need, rather than soothe your emotional uncertainty.

Special listening skills are required when getting oral feedback about your work. Although all of us want to hear praise for our hard work, often legal supervisors or teachers do not take the time to save our egos. Instead, feedback will often detail only criticisms of your work. When hearing criticism, remember that your supervisor is really trying to help. It is in the supervisor's interest that you do well, and he or she is eager to help you do the best you can. If you focus on taking the criticism in this way, you can sidestep the disappointed, wounded feeling that is a common response to criticism.

Taking notes can also help you avoid reacting to the criticism right away. When our work is criticized, most of us want to explain to the speaker why we did what we did. But resist the urge. Instead, focus on understanding what the speaker is saying. Ask for clarification when you need it, but avoid making excuses or talking about why you did what you did. Interrupting the criticism to defend your actions will only sound defensive.

After listening, thank the person for the feedback, whether you agree with it or not. Wait until later, when you have time to reread your notes and reflect, to determine whether you think the criticism is valid. If you manage to do this, to listen and simply accept the criticism, you will do a lot to impress your teacher or supervising attorney. Although everyone expects it, few people do know how to accept criticism gracefully. If you are one of those few, you will impress the criticizer as mature and fair, and that impression will likely be stronger than any impression made by your previous errors. You can, by listening and accepting criticism, turn the situation to your advantage.

In summary, expect your efforts to be criticized. Be pleasantly surprised by any compliments. Remember always that your supervising attorney or teacher is eager for you to learn and improve quickly, and that desire, rather than any mean-spiritedness, is the source of the criticism.

Speaking

When preparing for your presentation, write out a one-sentence statement of your main point, with two or three sentences that summarize the overall support of your point. It is a good idea to write this out, at least the first sentence. Speakers usually take a little time to get to their main point, even in professional speeches. Your supervising attorney's time is valuable, however, and you need to be ready to get to your point quickly. Just as you begin paragraphs with the main point and then support it, begin your presentation with the main point. It is then easier for the listener to follow your presentation of the supporting detail, stopping you when he or she has all the supporting information he or she desires.

If there are any important caveats to your answer or information, state those specifically. Avoid general statements of doubt, however, such as the following.

Examples, Ineffective Phrases for Caveats

- I'm not 100% sure about this answer, though.
- Of course, policy considerations might make this incorrect.

The previous sentences communicate uncertainty but do not explain the reason behind that uncertainty. Instead, state the limitations to your answer more factually and specifically, as do the following sentences.

Examples, Effective Phrases for Caveats

- One precedent case, however, uses a different standard.
- But the opposition may argue that this approach violates the spirit of due process, if not the letter.

In these sentences, the listener understands that it is the law that is unsettled, not the researcher answering the question.

Also avoid lapsing into a diary of your research process.

Example, Ineffective Information

First I checked the references under the statutes annotated, but none of those pertained to our issue. Then I . . .

Instead focus on the answer you found.

Example, Effective Information

This restrictive covenant is invalid under Wisconsin law because it covers an area broader than that actually served. Under Wisconsin Statute. . .

Use legal authority to back up your points, rather than as thesis of your presentation.

Figure 6-1

Checklist for Receiving and Presenting Information Orally

When getting an assignment

1. Listen. You really do not want to ask your supervisor, "What was that again?"
2. Listen for between the lines hints about what is important—timeliness, accuracy—by hearing what the supervisor's reminders are.
3. Take notes. Do not trust your memory.
4. Even when you feel overwhelmed or scared, do not complain or whine.
5. Ask questions as needed:
 - jurisdiction?
 - approaches the boss has in mind?
 - sample of preferred format for document? (different bosses and firms have their own preferences)
 - time or budget limitations?

When presenting your work

1. Be on time.
2. Do not whine or complain. If you need to state some caveat, do so factually
3. Organize your presentation around your answer, rather than around a chronology of your search.

When getting feedback

1. Expect the writing to be criticized. Be pleasantly surprised if it is not.
2. Listen and take notes. Focus on getting information.
3. Avoid making excuses. You are not expected to avoid making errors, but you are expected to learn from them. Just ask questions as needed for clarification.
4. Pay attention to any advice carefully; do not question it. You can think about it later and decide whether you agree. Your job now is to listen.
5. Thank the person for the feedback. A good attitude toward criticism can greatly impress a boss.