

Think Like Counsel

Ready for the Bar - Episode 1 | Eight-Question Worksheet

PURPOSE: Use this sheet to turn an academic problem into a professional analysis. The questions are a framework, not a rigid sequence.

The eight questions

1. What is my client's objective?

What does the client actually need or want to achieve? Distinguish the objective from the action they initially propose.

2. What is the real issue?

Reduce the wider story to the question or questions that genuinely need to be resolved.

3. Which facts actually matter?

Identify the facts that bear on those issues. Separate legally material detail from background or emotion.

4. What evidence supports them?

What document, witness, conduct or other material could establish each important fact?

5. What law governs the issue?

What rules, authorities or procedural provisions need to be checked before advice is given?

6. What will the other side say?

State the strongest realistic argument against your client rather than a weak version that is easy to dismiss.

7. Where is the weakness?

Identify the point that concerns you most: law, evidence, credibility, causation, remedy, procedure or something else.

8. What should happen next?

Translate the analysis into action: obtain information, research, negotiate, draft, mediate, litigate - or advise against action.

Counsel's Two-Chair Exercise

Chair One - Your client: make the strongest responsible argument available.

Chair Two - The opponent: attack that argument as strongly and fairly as you can.

Return to Chair One: what survived, what needs evidence, and what should be abandoned or qualified?

Fact / assertion / evidence / inference

Fact	Assertion	Evidence	Inference
Something that happened or existed	A proposition someone says is true	Material tending to prove or disprove a fact	A conclusion drawn from facts or evidence
Keep it distinct from proof	Test it rather than simply adopt it	Ask about reliability, admissibility and weight	Ask whether another inference is reasonably possible

The Monday-Morning Test

If this were a real file on your desk, what would you actually do next?

LIGHTBULB LAW MOMENT: The best argument against your case may be one of your most useful pieces of work. Stress-test the conclusion before you ask someone else to rely on it.