

## ADVOCACY IN A VIRTUAL WORLD

### Age-Old Tips for a New Frontier

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Virtual hearings have overtaken in-person hearings as the mainstay of a litigation lawyer's practice. This article reflects on how traditional court craft, age-old adages and traditions of the Bar equally apply in a virtual setting to guide young practitioners.

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#### **I. Introduction**

1 The Covid-19 pandemic accelerated the adoption of new technologies which prized “safe distancing” over in-person human interaction. The benefits of time efficiency, remote-working and digital references were important byproducts which have endured to this day. Virtual hearings have now become the norm for most case conferences, interlocutory applications and some originating summons hearings. They have also made arrangements to hear applications for urgent relief easier.

2 However, a virtual setting diminishes the formality and majesty of presenting in a physical court room or a judge's chamber. Too often, lawyers (in particular junior lawyers) treat virtual hearings as simply video calls without the formality and decorum the occasion requires. While virtual hearings may dispel the nervousness of any presentation, it is important to still remember that it is a formal court setting.

3 This article proffers some practical tips for young lawyers with reference to age-old adages most of us in the pre-virtual phase of practice remember. It is not meant to be formulaic but instead is an account of the author’s personal experience in navigating the virtual world while he was sequestered at home due to Covid-19. The article will mainly focus on hearings other than virtual trials and on the presentation aspect of advocacy as compared to the written aspects of affidavits and submissions.

## II. First impressions matter

4 It cannot be overstated that appearances matter. This is especially true in virtual hearings where the court would have a close-up head shot of the advocate. It is therefore important to always be neat and be in proper and appropriate court attire, nothing flashy.<sup>1</sup> It is important to be aware and to abide by the various video conferencing guidelines issued by the courts.<sup>2</sup>

5 Some in-house video conference facilities have video capture settings which encompass the entire room or table. The author’s personal view is that such a setup is rarely ideal. It makes it harder for the court to see the advocate up close and is prone to technical glitches if the camera zooms in or out unintentionally.

6 The author’s preference is also *not* to utilise virtual backgrounds. Virtual backgrounds often adjust to movements of the speaker and can be distracting to the court if the advocate’s head moves closer to or further from the camera (and as a result is blurred around the edges). Instead choose a plain setting behind you and simply deactivate any virtual background.

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1 Supreme Court Practice Directions 2021 para 93; State Court Practice Directions 2021 para 17. See also Stanley Lai SC, Jason Chan SC & Anand Nalachandran, *A Civil Practice – Good Counsel for Learned Friends* (Academy Publishing, 2nd Ed, 2024) at paras 3.23–3.24.

2 Do take note of the various video conferencing guidelines issued by the courts found at SG Courts, “Guide to Virtual Court Sessions” <<https://www.judiciary.gov.sg/attending-court/virtual-court-sessions>> (accessed 10 December 2025); see also Stanley Lai SC, Jason Chan SC & Anand Nalachandran, *A Civil Practice – Good Counsel for Learned Friends* (Academy Publishing, 2nd Ed, 2024) at paras 3.95–3.105.

7 Finally, take advantage of the fact that the gallery window includes a feed from your webcam. An advocate would be able to see, in real time, every expression, grimace or out-of-place hair or tie that the court would be able to see. When making submissions, check if your facial expressions are also conveying the forcefulness of those submissions in the way you intend.

8 Mute the notifications on your laptop or computer. These are audible during the virtual hearing.

### **III. “May it please the court ...”**

9 Just because your name appears below the video feed does not mean you can abandon introductions. The formalities of the court process must continue to be followed. Following salutations, the applicant typically introduces the parties, beginning with the legal team on their side (including permission for any interns or trainees to attend), followed by the opposing counsel. However, Senior Counsel should always be introduced in priority and in precedence, in the order in which they were made Senior Counsel.<sup>3</sup> It has become the norm in some hearings to leave the introductions of the opposing team to the lead opposing counsel. The author suggests introducing everyone if you are the applicant. This illustrates to the court that you are prepared to “lead” the application and that the court can take the cue from you as counsel. Non-speaking members of any legal team should nod slightly when they are introduced. The head shot will clearly be seen by the court.

10 Begin by introducing the matter and summons number, the application, and the purpose and order of the presentation. In this regard, it is usually a good idea to agree the order of presentation with opposing counsel if possible, including any time allocations.<sup>4</sup> Take note that in hearings where there is real-time

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3 See s 31(1) of the Legal Profession Act 1966 (2020 Rev Ed).

4 Advocates are reminded of their professional obligation to assess time realistically: see Stanley Lai SC, Jason Chan SC & Anand Nalachandran, *A Civil Practice – Good Counsel for Learned Friends* (Academy Publishing, 2nd Ed, 2024) at para 3.19.

transcription, breaks should be catered for the transcribers every 90 minutes.

11 Do a courtesy check with the court to ensure all the bundles are accounted for – whether physical or digital copies. If there are last minute additions by way of letter or supplemental material, this would be the time to draw them to the court’s attention.

12 Preliminary objections should be made prior to the submissions proper. If the applicant is aware of a preliminary objection to be made by opposing counsel, this should be highlighted to the court so that the court can then determine whether to deal with the preliminary objection upfront or at the stage of the respondent’s presentation. On the respondent counsel’s part, it is usually common courtesy to inform the applicant counsel of any preliminary objection that they intend to make prior to the hearing. This allows proper hearing planning and also allows the applicant a chance to prepare for the preliminary objection. It does not serve the court for a preliminary objection to be sprung by way of ambush.<sup>5</sup> It is better for all parties to be able to properly deal with the preliminary objection in a timely and comprehensive manner.

#### **IV. The structure**

13 With introductions over, the hearing begins proper. The purpose of this article is not to be prescriptive. However, there are certain key points to note as a matter of structure and of presentation.

14 In contested applications, parties often agree on issues to optimise the court’s time.<sup>6</sup> This will be evident from the

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5 See “Guide to Ethical Best Practices for Legal Practitioners and Arbitrators in Dispute Resolution in Singapore” (Ng Jern-Fei KC, Paul Tan & Una Khng eds) (Singapore Academy of Law & The Law Society of Singapore, 15 October 2025) at paras 29(b) and 32.

6 See also the professional obligation to try to agree and narrow issues as set out in Stanley Lai SC, Jason Chan SC & Anand Nalachandran, *A Civil Practice – Good Counsel for Learned Friends* (Academy Publishing, 2nd Ed, 2024) at para 3.11.

submissions. In such an instance, it is perfectly appropriate to dispense with agreed issues by informing the court of the scope of the parties' agreement. This narrows the issues in dispute although the court is always at liberty to, and may still, question parties on those issues.

15 Roadmap the order of your presentation. Do this simply, without fanfare.

16 The court sometimes informs the parties to focus on key points of the submissions only. This is usually an indication by the court that the facts have been read, the issues known and the court is ready to go into the key submissions proper. This does not mean an advocate may not proceed with highlighting key facts and documents. An advocate could lean into this by thanking the court and then asking the court to turn to a few key documents so that several points can be made for emphasis before the key submissions the court is interested in are advanced. This allows an advocate to ground his or her submissions in key documents or precedent before beginning the submissions proper.

17 The author recommends starting by addressing issues relating to jurisdiction and power. As the old adage goes: If there is no power, there is no point. This is especially so in matters relating to interim relief<sup>7</sup> or specific applications provided for by statute. The court must be convinced it may exercise jurisdiction, it has the power to grant the specific relief sought and ultimately it finds the elements for relief are met or that the discretion should be exercised – in that order.

18 Not all arguments would follow the above format. An originating summons seeking an interpretation of a contract may need to be structured differently – say by first showing the court that there is a dispute as to the interpretation, that the interpretation can be done without the need for a trial, and finally the arguments why the interpretation proposed by the applicant should be preferred. That said, it is important to think through

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7 Do pay attention to specific practice directions and forms relating to interim reliefs and the drafting of such applications and affidavits.

the structure of the presentation first with a focus on whether the court first (a) can; and then (b) should grant the relief.

19 It is important to distinguish between submissions designed to satisfy elements and conditions *versus* submissions invoking the exercise of the court’s discretion. In the former, the key is to show the court that (a) the elements or conditions are satisfied; and (b) there are no contrary factors why the application should be disallowed. In the latter, the focus is really a balancing of the various factual matters to show why it would be in the interest of justice for the court to exercise its discretion to grant relief. The most common exercise of discretion comes in applications for extensions of time where the court must weigh whether the prejudice suffered cannot be compensated by costs because the court is keen not to curb access to justice on technical grounds. One should be aware of the difference between satisfying conditions and balancing the factors and how they might work in tandem.

20 Do not forget to end your presentation by informing the court that your submissions have concluded.<sup>8</sup>

## V. “May I trouble this court to turn to ...”

21 Throughout your submissions, it is likely that references would need to be made to electronic documents before the court. Bear in mind the following when presenting digital evidence:

(a) All references should be made to the.pdf version of the bundles. Identify the bundles using the name in the filing and pinpoint cite the specific page based on the pdf page.<sup>9</sup>

(b) Offer to pull up the document for the court and to flash the reference on the screen. In this regard, it is

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8 See Stanley Lai SC, Jason Chan SC & Anand Nalachandran, *A Civil Practice – Good Counsel for Learned Friends* (Academy Publishing, 2nd Ed, 2024) at para 3.86.

9 Do consult with the various practice directions applicable found at SG Courts, “Practice Directions” <<https://www.judiciary.gov.sg/news-and-resources/practice-directions>> (accessed 10 December 2025).

helpful to have a run sheet of the arguments so that the counsel team is prepared to share their screens.

(c) Once the document is pulled up, draw the court's attention to the key words, paragraph or graphic using the highlight feature – whether words or text boxes.

(d) Check that the court can see the points before moving on. Sometimes the script on a monitor is small and needs adjusting or zooming in. Once the point is made, ask for permission to cease sharing screen or to move to a different document.

22 In a virtual setting where many authorities may be used, referenced and shared on screen, it is important to link the importance of the reference material back to your submissions. End the reference by repeating to the court the point you wish to make, *eg*, “therefore, the authorities show that ...” or “we can see from the documents that ...”.

23 If reference is made to a new case, website or other document which is not in the previous bundles filed in court, do offer to compile the same at the end of the hearing and to tender a supplementary bundle. It is very important that all documents referred to during submissions are tendered to the court.

## **VI. “Counsel, I have a question.”**

24 You should expect questions from the court. Half of advocacy is anticipating what the likely questions would be and to thereafter answer these convincingly. The following reminders would be useful.

### **A. *Answer directly*<sup>10</sup>**

25 Gone are the days where rhetoric, imagery and verbose or hyperbolic phrases impress. This is more so in a virtual setting. Simple, to-the-point answers are not just punchier but also

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10 Guide to Ethical Best Practices for Legal Practitioners and Arbitrators in Dispute Resolution in Singapore” (Ng Jern-Fei KC, Paul Tan & Una Khng  
*(cont'd on the next page)*)

less prone to misunderstanding. A simple “no, it should not because ...” is preferable to a woolly answer with several prefaces and caveats. When addressing long, complicated questions, break it down by sign-posting the approach to the court and concluding with the key point you wish to make, *eg*, “There are two parts to the question. The answer to the first is ... The way to look at the second is ... And therefore, the result is ...”.

## **B. Be honest**

26 Often, there will be a question which is hard to answer in your client’s favour or which you do not know the answer to. Acknowledge the weakness in the argument and try to proffer a different perspective or a counter-argument. If the point is not arguable, it should not be argued.<sup>11</sup> The court will appreciate the candour and your recognition of the weaknesses. The advocate’s primary duty is to the court and deception in any form must be avoided studiously.<sup>12</sup> The author has observed that candid admissions of failings are more easily received than excuses. Often a simple, “I did not think of that but ...” or “I did not prepare that but I will get it to the court” goes a long way.

## **C. Watch the judge’s pen or typing<sup>13</sup>**

27 It is important to ensure the court follows your arguments and answers. Watch the judge’s hands and reaction to gauge if you might be too fast or if the judge may not be following. This is easier in a virtual setting, which allows you to see the judge up close. I have found that taking slightly longer pauses between

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eds) (Singapore Academy of Law & The Law Society of Singapore, 15 October 2025) at paras 30 and 48(c).

11 Guide to Ethical Best Practices for Legal Practitioners and Arbitrators in Dispute Resolution in Singapore” (Ng Jern-Fei KC, Paul Tan & Una Khng eds) (Singapore Academy of Law & The Law Society of Singapore, 15 October 2025) at paras 30 and 48(b).

12 Guide to Ethical Best Practices for Legal Practitioners and Arbitrators in Dispute Resolution in Singapore” (Ng Jern-Fei KC, Paul Tan & Una Khng eds) (Singapore Academy of Law & The Law Society of Singapore, 15 October 2025) at paras 30, 46(a)–46(c) and 46(e)–46(f).

13 See Stanley Lai SC, Jason Chan SC & Anand Nalachandran, *A Civil Practice – Good Counsel for Learned Friends* (Academy Publishing, 2nd Ed, 2024) at para 3.85.

sentences helps. It also aids in preparation for the next new point while giving the impression the pause was for the benefit of the court.

**D. *Limit hand gestures***

28 In an expansive court room, advocates sometimes utilise hand gestures to drive home a point. In a virtual hearing where the advocate’s face is projected up close on the screen, hand movements, gestures or even indicating numbers for emphasis tend to distract and/or jar the observer. It may take up to 25% of the screen space. It also has less of an impact. In this regard, the old public speaking advice to “place your hands on the lectern” is probably better.

**E. *Measured and understated***

29 My own experience is that a measured and understated tone is better received than a self-righteous one. While there are instances where it is important to show heightened emotion, irritation or appal, such displays tend to be amplified exponentially in a virtual setting. Accordingly, tone down the outrage and the cutting language as much as possible.

**F. *Courtesy always*<sup>14</sup>**

30 This cannot be overstated and is not just limited to salutations and addressing the opposing counsel as “my learned friend”. As the camera is on the advocates’ faces throughout the hearing, the court would have a close-up look at every single emotion which may cross the advocates’ faces. Irritation at the opposing counsel’s points, shaking of the head or simple disinterest will be caught by the court. It is important always to

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14 Stanley Lai SC, Jason Chan SC & Anand Nalachandran, *A Civil Practice – Good Counsel for Learned Friends* (Academy Publishing, 2nd Ed, 2024) at paras 3.3 and 3.81; Guide to Ethical Best Practices for Legal Practitioners and Arbitrators in Dispute Resolution in Singapore” (Ng Jern-Fei KC, Paul Tan & Una Khng eds) (Singapore Academy of Law & The Law Society of Singapore, 15 October 2025) at paras 30 and 48(e).

present a courteous and professional expression, especially when it is the opposing counsel's turn to present.

## VII. Your learned friend

31 If you are responding, there is an inclination to interrupt to correct a misstated fact or a wrong authority, or just to assist in the finding of a document.

32 While interrupting and offering assistance can be more seamlessly done in-person, it is trickier virtually where parties are not in the same location and there may even be a slight lag between communications. What is clear is that simply interrupting the opposing counsel or the court is not acceptable.<sup>15</sup> It is important that counsel do not cross-talk over each other. The issue then is how to attract the court's attention to ask for leave in the most efficient and unintrusive manner possible. Although there have been instances, the author has not seen the "hand raise" function used often for this exercise.

33 From the author's own experience, a simple unmuting of the microphone followed by a short and measured "If I may Your Honour ..." at the right time has had more successes than failures. It not only gives the court the ability to reject the interruption but also allows the court to transition speakers on the screen without being jarred by a sudden interruption.

34 Interruptions, however, should be limited. It is only proper to allow opposing counsel to finish their presentation before diving into your own. Unless absolutely necessary, the urge to interrupt should be suppressed. If you are dealing with a particularly disruptive opposing counsel, the best strategy would normally be to ask the court for permission to continue uninterrupted.

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15 See Guide to Ethical Best Practices for Legal Practitioners and Arbitrators in Dispute Resolution in Singapore" (Ng Jern-Fei KC, Paul Tan & Una Khng eds) (Singapore Academy of Law & The Law Society of Singapore, 15 October 2025) at para 32.

35 Responses or final replies to opposing counsel's arguments are not a licence to simply repeat your earlier presentation. Instead, they should only address new arguments made or new authorities and documents shown. Focus should be on the following:

- (a) whether the authority was correctly cited or has been overturned;
- (b) whether there is another document that contradicts or gives context to the document referred to by opposing counsel; and
- (c) whether the argument, while superficially attractive, is flawed and why.

36 Finally, there is the manner in which one should describe opposing counsel's arguments. It is not advisable to call the opposing counsel disingenuous or misguided or to use sarcastic comebacks. Instead, it is much preferred to use descriptives which highlight the disagreement, the explanation why and thus the flaw in the submission, *eg*, "I don't agree with my learned friend's point on [X]. The reason is because of [Y]. Thus, the submission which relies on [X] is erroneous".

### **VIII. Sweep ups**

37 At the end of the hearing, the court may or may not render its decision. If a decision is rendered, the issue of costs may arise. Be prepared to argue costs with reference to the various costs guidelines<sup>16</sup> as well as the actual disbursements incurred. Be aware also of the practice of when one should usually ask for costs in the cause, for costs to be reserved or for no order as to costs.

38 At the end of the hearing, do not forget to formally thank the court, make proper acknowledgments to your learned friend and then end the hearing. At this stage, it is usually customary

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16 For Supreme Court and State Courts cases, Appendix G of the Supreme Court Practice Directions 2021 and Appendix H of the State Courts Practice Directions 2021 should be referenced respectively.

for the court to check if there are further matters which counsels wish for the court to address. Unless there is a pressing matter or something relating to the application which needs addressing, it is usually not appropriate to bring up new matters to the court unless these have been foreshadowed either by way of letter or during the course of the hearing itself.

## **IX. Tips**

39 It is customary to summarise best practices at the end, which is done so here:

- (a) Dress neatly.
- (b) Be prepared.
- (c) Minimise distraction.
- (d) Speak simply.
- (e) Answer directly.
- (f) Refer to documents clearly.
- (g) Be courteous and understated.

## **X. Conclusion**

40 The article concludes with an emphasis on the need for fellowship. It was often customary in the “old days” for opposing counsel to meet at the Bar room for a cup of coffee once a hearing was over. In this way, the best traditions of the Bar were handed down from senior lawyers to junior practitioners. This no longer happens frequently. But the tradition of mentorship (and willingness to be mentored) is something more pressing in these modern times. The author tries to make a habit of connecting or dropping an e-mail to the opposing counsel – often when they are more junior – to congratulate them on their argument or simply to offer a coffee catch-up. This is one of the traditions of the Bar which he personally feels is worth keeping and promoting even in a virtual world.