## Contents

## Foreword



The nature of advocacy 1 The essence of advocacy The qualities of advocacy The qualities of an advocate Cases won on admissible evidence How and what to learn Good habits Duties of the advocate Perfection is not possible

2 Preparation General

> The court Case concept Never mark a document Document assembly Indexing the case Charts, diagrams and drawings Photo albums Additional materials Three examples Requirements for litigation Elements and evidence Preparing cross-examination Child witnesses Admissions During the trial Luck

3

Witnesses and questions Witnesses Witness statements Choosing which witnesses to call Civilian witnesses Practised witnesses

## Contents VI

Witnesses who make a mistake Witnesses who lie Hostile witnesses Questions Use simple English Never "the accused" One issue to each question Avoid negative questions No padding Never argue with a witness Timing Leading questions Leading questions to avoid Do not comment on an answer When a witness needs an interpreter Watching the witness and listening Demeanour: even temper and politeness

Examination-in-chief

Proof of the case Defence witnesses Level of detail No leading questions The Bolster rule Watching the witness and listening Setting the witness at ease Forms of questions Stopping and starting a witness The right order Refreshing memory Toning down weak points Good character Summary

5 Cross-examination: its qualities The nature of cross-examination Is it necessary? Main aims Relevance The rule in Browne v Dunn Watch the witness Leading questions Forms of question "Closing the gates" and "tightening the net" Knowing when to stop and how One question too many

59

60

60

60

62

6 Cross-examination: method and style No one correct technique Confrontation Drawing out every damaging detail

Undermining a witness Undermining one witness through another Earlier failure to identify Circumstantial evidence Previous convictions Bad reputation Child witnesses The witness who always agrees Invention and recent invention Summary

7 Cross-examination of experts

Vİİ

Contents

1	Orobo chammation of cherto	10
	Opinion evidence	76
	Is the witness an expert?	77
	Cross-examining	78
	Proving mistakes	79
	Using the simple example	80
	Asking one expert about the opinion of another	80
	Turning the witness your way	82
	Not testing important items	83
	Not looking at contemporary notes	85
	The expert with bias	85
8	Cross-examination on documents	87
	Best and worst aspects	87
	Some rules	88
	Calling for a document	89
	Cross-examining on inadmissible documents	90
	Using a document to discredit a witness	91
	Prior inconsistent statement	92
	Prior inconsistent statement turned to prior consistent	
	statement	93
	Cutting off any escape	94
	Summary	97
9	Re-examination	100
	The nature of re-examination	100
	Is it necessary?	100
	Arising from cross-examination	102
	No leading questions	103
	Explaining the reason	104
	Rebutting recent invention	105
	Reviving credit	106
	Re-examining on documents	106
	Summary	106

10 Admissibility, objections and submissions Admissibility Facts in issue Proof Circumstantial cases

## Objections 113 Objections to evidence Objections to forms of questions 113 115 116 Submissions 116 Unfair hearing or abuse of process 116 No case to answer Submissions at the end of the case 117Legal submissions generally Recommendations on a no case submission 117 118

11 The addresses

Contents

viii

\*

119

	Addresses generally	119
	Opening address	120
	Civil cases	120
	Criminal cases	120
	Closing address	122
	The essence of advocacy	122
	Prosection closing	123
	The striking start	123
	Disparaging the defence case	124
	Defence closing	124
	Planning	124
	Knowledge of human affairs	124
	Expert evidence	125
	The homely example	126 127
	Summary	127
12	Plea in mitigation	129
	Introduction	129
	Preparation	130
	The decision on how to plead	131
	Negotiating the lowest charge	131
	Settling the facts	132
	Other convictions and antecedents	132 133
	Psychiatric difficulties or impaired intelligence Effect on the victim	133
	Parity and totality	133
	Age	134
	The last run-through before the plea	134
	The plea	135
	Appeal	136
13	Appeals	137
	General	137
	Croatura of statuta	130

Creature of statute Preparation Case stated Analysis Drafting Facts already found Fresh evidence

Contents . 143 Practice 144In court 145 Watch and listen r 145 Precedent 146 Summary 14 Legal writing 147 147 Introduction 148Preparation Use the positive and the active voice 148149 Short sentences 110 Cimentoriado

Simple words	147
Dependent clauses and participial phrases	150
Digraphs	151
The subjunctive	151
Personal pronouns and prepositions	152
Gender neutrality	153
The gerund	154
Use words correctly	154
Plurals	156
Verbs	156
Numbers	157
Comparatives	158
Politeness	159
Pleonasm	159
Other languages	160
Padding	160
Overworked metaphors	161
<b>•</b> •	1/1

	Sayings Authorised reports The start Quotations Summary
15	Etiquette and ethics Introduction Parties and witnesses Before court In court before your case is heard During your case After the case

.

İX

Index

.

