Summary of contents

Foreword		V
Summary of o	contents	xi
Contents		xiii
Note	,	<viii< td=""></viii<>
Authors		xix
Introduction		XXV
Chapter 1	Theory of the case	1
•	Les Taylor, with revisions by Paul Radich	
Chapter 2	Conduct of an advocate	11
	Christine Grice, Philip Morgan, with revisions by Simon Mount	
Chapter 3	Pre-trial issues – criminal	53
Chamtau 1	Christine Gordon and Natalie Walker	70
Chapter 4	Pre-trial issues – civil Lyn Stevens and Andrew Beck	79
Chapter 5	The jury	113
chapter 3	John Billington	113
Chapter 6	Preparation for trial	129
·	Paul Radich	
Chapter 7	Opening the case	155
	John Fogarty and Barbara Morris	
Chapter 8	Examination-in-chief	199
	Tim Brewer and Terry Stapleton, with revisions by Simon Mour	
Chapter 9	Cross-examination Nigel Hampton and John Wild, with revisions by Graham Lang	241
Chapter 10	Re-examination	275
Chapter 10	Craig Ruane	273
Chapter 11	Objections	285
•	Colin Carruthers	
Chapter 12	Expert witnesses	293
	Gerard Curry	
Chapter 13	Exhibits	319
Cl . 14	Stephen O'Driscoll	254
Chapter 14	Closing address Paymer Asher and Kieran Paftery	351
Chapter 15	Raynor Asher and Kieran Raftery Post-trial issues – criminal	387
Chapter 13	June Jelas	307
Chapter 16	Post-trial issues – civil	393
	Les Taylor, with revisions by Andrew Beck	
Chapter 17	Appeals	399
	John Pike, Robert Chambers and Colin Pike, with revisions	
	by Simon Mount (criminal), Andrew Beck (civil) and Colin Fife	
	tes, professional rules, other rules and regulations,	425
-	tes, and cases	435
Index		447

Contents

Foreword		v
Summary of	contents	xi
Contents		xiii
Note		xviii
Authors		xix
Introduction		XXV
Chapter 1. 1	The theory of the case	1
	What is the "theory of the case"? 1	
	Developing the theory of the case 2	
	Using the theory of the case 8	
Chapter 2. C	Conduct of an advocate	11
	Professional obligations 11	
	Conduct guidelines 12	
	Juniors' duties 19	
	In the courtroom 20	
	Instructing solicitors 34	
	Running your case 35	
	The special duties of a prosecutor 38	
	Procedures and practice notes 39	
	Criminal advocacy 40	
Chapter 3. F	Pre-trial issues – criminal	53
	Taking instructions 54	
	Consideration of bail 55	
	Consideration of name suppression 56	
	Assessment of defence 56	
	Election 59	
	Case management and case review 60	
	Procedures and protocols in relation to expert witness evidence 63	
	Oral evidence orders 65	
	Section 103-107 applications – alternative ways of giving evidence 66	
	Pre-trial orders relating to admissibility of evidence 6	7

Section 147 applications: discharge of a defendant	71
Presentation of pre-trial argument 73	
Other pre-trial issues or applications 77	
Chapter 4. Pre-trial issues – civil	79
Pre-trial considerations 80	
Alternative dispute resolution 90	
Preparation of pleadings 92	
Particular types of civil proceedings 99	
Proceedings from the defendant/respondent perspective 106	
Reviewing pleadings 109	
Chapter 5. The jury	113
Why trial by jury? 113	
Jury selection 115	
Procedures concerning jury during trial 119	
What makes a jury listen? 122	
Running your case 123	
The difference between a judge-alone and a jury trial 127	
Chapter 6. Preparation for trial	129
Fundamentals 129	
The five folders and a trial book 133	
Folder 1 – Correspondence and background 134	
Folder 2 – Pleadings 135	
Folder 3 – The trial folder 135	
Folder 4 – Common bundles of documents 149	
Folder 5 – Authorities 151	
Trial book 152	
Chapter 7. Opening the case	155
Criminal trials 156	
Purpose 156	
Structure 157	
Tools to enhance persuasiveness 167	
Specific considerations for defence 170	

	Content 171	
	Rules 172	
	Presenting an oral address 174	
	The defence opening statement 176	
	Judge-alone trial 177	
	Civil trials 180	
	Written synopsis 182	
	Oral address 190	
Chapter 8. Ex	kamination-in-chief	199
	Purpose 199	
	Rules 200	
	Organisation and structure 204	
	Questioning techniques 214	
	Witnesses who do not say what they are supposed to say 231	
Chapter 9. Cı	ross-examination	241
	Purpose 241	
	Rules 244	
	Control 248	
	Preparation and structure 249	
	Conducting your cross-examination 252	
	Impeachment – prior inconsistent statements 267	
Chapter 10. F	Re-examination	275
	Purpose 277	
	Rules 281	
	Briefing your witness 282	
	Good re-examination 283	
	Judges' questions 283	
Chapter 11. (Objections	285
	Why object? Why not? 286	
	How to object 288	
	What can you object to? 289	
	Objections other than to evidence 290	

Chapter 12.	Expert witnesses		293
	Purpose and nature of expert evide	ence 293	
	Selecting and testing the expert	299	
	Rules of practice 301		
	Pre-trial procedures 302		
	Obligations of the expert 303		
	Counsel's obligations 305		
	Knowing and using expert evidenc	e 306	
	Briefing the expert 307		
	Examination-in-chief of the expert	312	
	Cross-examination 313		
	Re-examination 316		
Chapter 13.	Exhibits		319
	What is an exhibit? 319		
	Who produces the exhibit? 322		
	Preparation of exhibits for the trial	325	
	Evidential considerations 325		
	Laying the foundation 331		
Chapter 14.	Closing address		351
	Criminal trials 352		
	Jury trials 352		
	Structure 354		
	Content 359		
	Presentation 366		
	Prosecution 368		
	Defence 370		
	A word about IT 373		
	Judge-alone trials 374		
	Civil trials 375		
	Purpose 375		
	Preparation 376		
	Content and structure	377	
	The oral presentation	382	

Chapter 15. Post-trial issues – criminal	387
The decision 387	
Appeals – general 389	
Appeal 390	
Debriefing your client 391	
16. Post-trial issues – civil	393
Reading the judgment 393	
Briefing the client 393	
Errors or omissions 394	
Sealing the judgment 395	
Appeals 396	
Security for costs of appeal 397	
Chapter 17. Appeals	399
Criminal appeals 399	
The right to an appeal 399	
Should I appeal? 401	
Commencing an appeal 402	
Points on appeal 403	
The written case 406	
A word about discretionary judgments 408	
Oral argument 409	
Specialised appeals 412	
Appeals to the Supreme Court 415	
Civil appeals 418	
Should I appeal? 419	
Can I appeal? 420	
Getting the appeal under way 422	
Written submissions 427	
Bundle of authorities 429	
Courtroom etiquette 430	
The hearing itself 430	
Costs 433	
Table of statutes, professional rules, other rules and regulations,	425
practice notes, and cases	435
Index	447