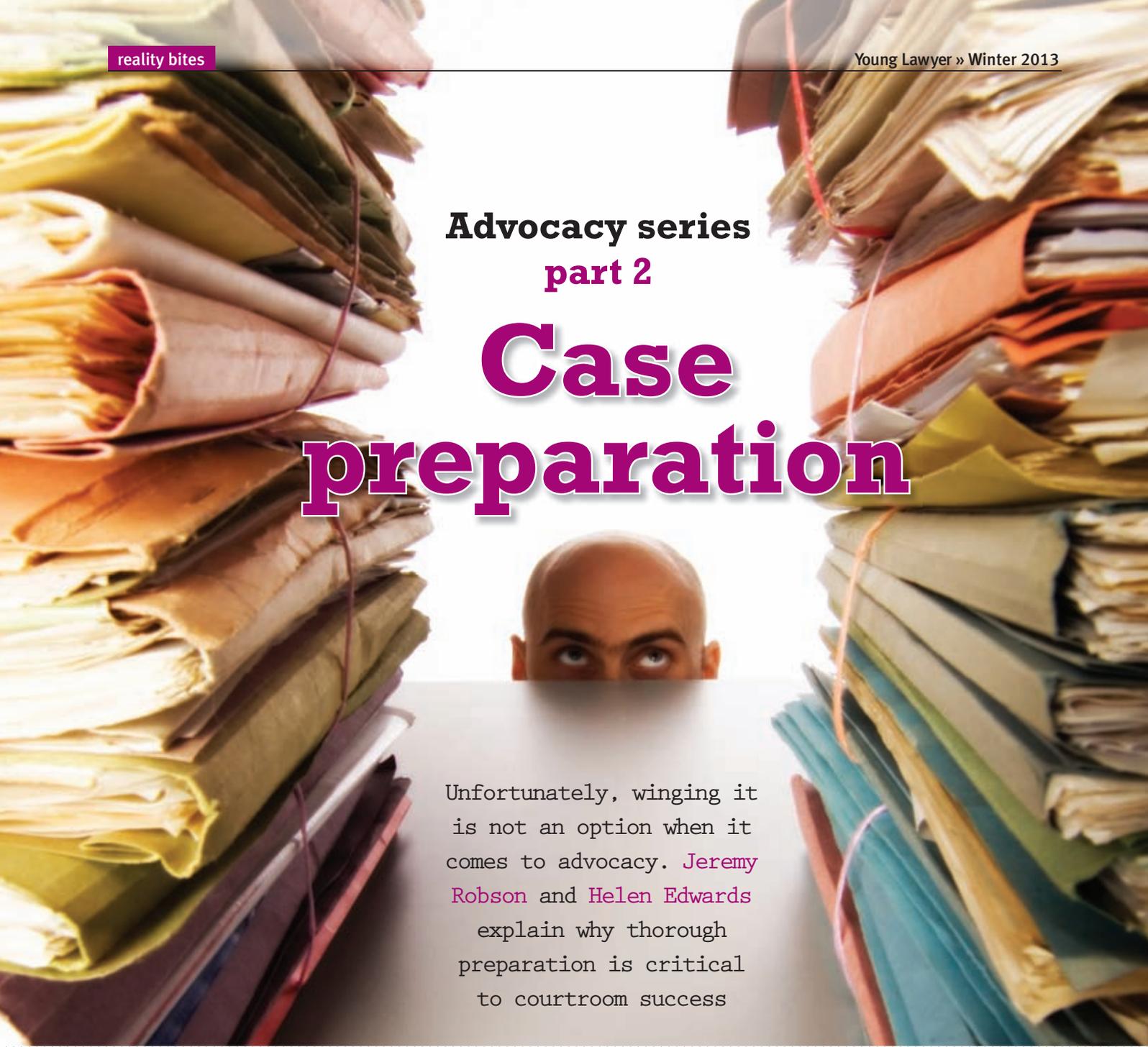


Advocacy series part 2

Case preparation



Unfortunately, winging it is not an option when it comes to advocacy. **Jeremy Robson** and **Helen Edwards** explain why thorough preparation is critical to courtroom success

» A few years ago a case was listed before a High Court judge to determine whether or not a defendant in a murder case should be granted bail. Two advocates attended. The first advocate stood up to address the judge. His submissions were clear and cogent. He persuasively outlined the many factors which favoured keeping the accused behind bars until the completion of the case and indeed for many years thereafter. In many respects it was a model argument, marred by one problem. The advocate hadn't realised he was representing the defendant, not the prosecution.

Sadly this is a true, if rather extreme, story. The fact that advocates need to be

well prepared before they go into court is a matter of common knowledge. The writers of legal dramas know that every dramatic court scene has to be preceded by a scene showing the barrister hunched over their desk in chambers, poring through case papers and legal journals, until the early hours of the morning. For many advocates this will be a realistic representation of some part of their working life. Much of the work which they carry out takes place not in the trial but in the days, weeks and months leading up to it. Those whose advocacy appears the most effortless in court are those who have made the most effort beforehand.

But preparation isn't simply a case of making sure that all the papers have

been read, important though this is; it is something far more important than that. In this article we aim to look at the secrets of successful case preparation, how to prepare a case effectively and efficiently and in a way which maximises your chances of success.

It is important to realise that there are no short cuts to successful case preparation. As you become more experienced you will become adept at reading a set of papers quickly but you will still need to carry out the same processes.

The first thing to do on receiving a brief is to read it. At this stage you aren't trying to find the detail in it but simply trying to get a flavour of what the case is about. »