



LEGAL INFORMATION

Advocacy: The tools of the trade – The UK Bar Manual on Advocacy



BY **GARRY WILLIAMS**

ONE OF THE FIRST THINGS I DID WHEN I arrived in London in late 1997 was to search out the antiquarian legal bookshop Wildy & Sons.

Given the rich pickings of things to see and do in London this might seem an odd thing for someone in their mid-20s to do, but I wanted (or rather needed) to for two reasons.

First, I desperately wanted to see Lincoln's Inn and Wildy & Son was (and remains) located in Lincoln's Inn Archway just off Carey Street. But more importantly, I wanted to lay my hands on a second-hand copy of *Bullen & Leake's Precedents of Pleadings*. I had found this volume so useful in my formative years at Russell McVeagh that I wanted my own copy to hand as I started out in London.

Going to Wildy & Sons would mean that I could achieve both these things in a single afternoon, so I set off.

Inside, I went upstairs where an extensive range of second-hand books lined the walls. It was an impressive sight. In the middle of the room was an old-fashioned card catalogue system which listed, so I was told, every title that had passed through the store since 1930. I now understand that this self-same card catalogue system has been extremely useful to the Bodleian Law Library in Oxford in assisting it to catalogue early works on English law.

"I'll pay around £60"

I approached a member of the staff, John, and enquired whether they had a copy of *Bullen & Leake*, adding that I only wanted to pay around £60 for it.

I still remember his exact response: "Sir will not be able to acquire that title at that price".

He then checked the card catalogue

system and informed me that, in any event, they currently did not have a copy. Before I left, he helpfully asked if I would like to put my name down "in case they were able to find one". I gave him my details and went downstairs to leave.

Downstairs was where the new legal titles were on display. Amongst the new titles in the window of the shop was a book simply entitled *Advocacy*. However, it was clearly part of a set, as it was surrounded by similarly formatted volumes with titles like *Evidence*, *Remedies*, *Case Preparation* and *Drafting*. In all, there were 14 volumes in the set.

What were these?

On closer inspection, it became apparent that these were the *Inns of Court School of Law Bar Manuals* – in essence, these were the course materials used by those undertaking the Bar Vocational course; the year-long course those training to be a barrister had to pass before being able to undertake a pupillage.

Pure gold

I flicked through the volume entitled *Advocacy*. It contained pure gold. Its price was staggeringly low – £19.99. I bought it. In fact, I purchased most of the volumes in the set there and then. I have never regretted doing so and have referred to them frequently during the last 20 years.

So why are they so good?

The answer is simple: they provide an extremely useful resource to assist acquiring the skills and knowledge that practising barristers need.

Given how useful I have found these manuals over the years, I was pleased to recently see the ADLS Inc Bookshop in Auckland advertise for sale the 18th edition of the *Advocacy* volume I bought so long ago.

Its price is still staggeringly low given the value of its content, \$95.23 + GST for non-ADLS Inc members and \$85.71 + GST

for ADLS members.

When I saw it on the bookshop's shelves I thought to myself that I should probably write a brief review of it to draw attention to the "pure gold" that resides between its covers. So I have.

This is how the *Advocacy* volume is described by Oxford University Press: "Written by experienced advocates and advocacy trainers, *Advocacy* provides an excellent introduction to the skills and techniques required to be an advocate. Coverage includes guidance on making opening and closing speeches, planning and delivering examination-in-chief and cross-examination, questioning witnesses; as well as examples of specific questioning techniques which may be employed in practice. Additionally, the authors highlight the ethical boundaries and rules within which an advocate must work."

This pithy description belies the breadth and usefulness of the content of the 18th edition of *Advocacy*.

Six parts

A quick perusal of the contents page reveals that the volume is broken down into six parts.

Part I is introductory in nature and focuses on the qualities of the advocate; and ethics, etiquette, and cross-cultural communication in the courtroom.

Part II outlines the basic components required for successful applications and submissions. It addresses topics such as preparing for court and the actual content necessary to produce persuasive applications and submissions. The importance of structure is emphasised. Tips for an engaging delivery are detailed. The chapter in this part entitled "Persuasion" is particularly enlightening.

Part III is entitled "Preparing for advocacy" and includes very helpful material relating to voice and speech, memory and

recall, note-taking and modes of address. This part ends with chapters on “storytelling” and which explain the sequencing of criminal and civil trials.

Part IV contains two chapters, entitled “Opening speeches” and “Closing speeches”. These chapters outline in detail the basic purpose of such speeches, the elements they should contain and tips on how to structure them. The suggested “Do’s and Don’ts” are a must read and the checklists provided are also very useful.

Part V relates to witness handling. Basic questioning skills are outlined, together with techniques designed to ensure witness control. This part ends with chapters dedicated to examination in chief, cross examination and re-examination.

Part VI is particularly useful as it consists of “how-to-do-it guides”. Among these are ones relating to:

- Skeleton arguments;
- Default judgments;
- Summary judgments;
- Applying for an injunction;
- Applying for costs in a civil case;
- Remands/adjournments;
- Bail applications;
- Conducting a *voir dire* or ‘trial within a trial’;
- Making a submission of no case to answer in a criminal case; and
- Prosecuting a plea in mitigation.

This brief description of the content of *Advocacy* does not do it justice, but you get the idea. *Advocacy* contains within its 392 pages an extensive range of tools and features that those intending to practice at the Bar need.

Quite simply, if you want to be a competent advocate or to improve on the skills in this area that you may already have, buy and read *Advocacy* edited by Robert McPeake, Oxford University Press, 2017. Then re-read it. You won’t regret it.

Oh, by the way, a few days after I first went to Wildy & Sons, I received a call from John. He had found me a copy of *Bullen & Leake*. He was right, however – I wasn’t going to get it for less than £60; he charged me twice that.

The Wildy & Sons website may be found at www.wildy.com. ■

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Will notices

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Davis, Henry William
Gilchrist, Mathew James
Hannah, Avis Grace
Hughes, Margorie Marie (formerly Beck)
Johnson, Yetta Beryl
Jones, Lionel Louis
Li, Weizhou
McGregor, Peter Kenneth
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O’Brien, Michael John
Patel, Ashokbhai Nanubhai
Richards, Rex Vincent
Shipley, Ida Gwendoline
Simonsen, Olive Joyce
Smith, Wayne Erin
Subrayan, Ravindran
Tuari, Dean Marcellus – aka
Tuari, Dean Marcellous – aka
Tuari, Dean Marcellis
Vaseos, Sharon Marie

Davis, Henry William

Would any lawyer holding a will for the above-named, late of 85 Tripoli Road, Panmure, Auckland, Truck Driver, born on 13 April 1953, who died on 13 December 2017, please contact **Bruce Dell, Bruce Dell Law**:

✉ bruce@brucedell.co.nz
 ☎ 09 570 5036
 📍 PO Box 14224, Panmure, Auckland 1741

Gilchrist, Mathew James

Would any lawyer holding a will for the above-named, late of Oamaru, beneficiary, born on 7 September 1986, who died on 26 December 2017, please contact **Nikki Canham, Dean & Associates, Solicitors**:

✉ nikkic@deanlaw.co.nz
 ☎ 03 434 5128
 📍 PO Box 242, Oamaru 9444 - DX WA32523,

Hannah, Avis Grace

Would any lawyer particularly in the Feilding and Palmerston North area holding a will for the above-named, of Westella Homestead, 84 Waugh’s Road, Feilding, born on 26 February 1925, please contact **Natalia Nicholls, Public Trust**:

✉ Natalia.Nicholls@PublicTrust.co.nz
 ☎ 06 952 6388
 📍 PO Box 1041, Palmerston North 4440

Hughes, Marjorie Marie (formerly Beck)

Would any lawyer holding a will for the above-named, late of Morrinsville, Landscaper, who died on 28 March 2003, please contact **Paul Adams, Ward Adams Bryan-Lamb**:

✉ paul.adams@wardadams.nz
 ☎ 03 218 2833
 📍 PO Box 32, Invercargill 9840

Johnson, Yetta Beryl

Would any lawyer holding a will for the above-named, late of Auckland but more recently of Tauranga, who died on 6 September 2017, please contact **Dean Blair, Barrister**:

✉ dblair.barrister@gmail.com
 ☎ 07 578 3385
 📍 PO Box 8194, Cherrywood 3145, Tauranga

Jones, Lionel Louis

Would any lawyer holding a will for the above-named, late of 24 Marama Avenue, Surfdale, Waiheke, Auckland, ex Seaman, born on 20 February 1941, who died on 8 December 2017, please contact **Lisa Heaven, Dyer Whitechurch, Lawyers**:

✉ Lisa@dwlawyers.co.nz
 ☎ 09 379 4640
 📍 PO Box 5547, Wellesley, Auckland 1141
 DX CP24016

Li, Weizhou

Would any lawyer holding a will for the above-named, late of Radius Arran Court Hospital, 85 McLeod Road, Te Atatu South, Auckland, Retired, born on 11 September 1930, who died on or about 17 October 2017, please contact **Phillip Wong, Wong & Bong Law Office**:

✉ phil@wongbong.co.nz
 ☎ 09 535 5886
 📍 PO Box 51454, Pakuranga, Auckland 2140

McGregor, Peter Kenneth

Would any lawyer holding a will for the above-named, late of Point Chevalier, Auckland, Photo Lithographer, who died on 11 December 2017, please contact **Boon Toh, Boon B Toh, Solicitors**:

✉ boontoh@boontoh.co.nz
 ☎ 09 620 6133
 📍 PO Box 27562, Mt Roskill, Auckland

McLeod, Kevin Ngamoni

Would any lawyer holding a will for the above-named, late of 43 Feasegate Street, Manurewa, Auckland, who died on 19 June 2017, please contact **Kanti Balu, Inder Lynch**:

✉ k.balu@inderlynch.co.nz
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 📍 PO Box 76-745, Manukau City, Auckland 2241
 DX EP75527