

Entry 3

The next chapter of my first-six in pupillage saw the continuation of the 10 defendant youth murder trial. In this entry I am going to focus on the tasks and exercises I have undertaken through pupillage. Alongside the research tasks that I mentioned in my last entry, I have completed a number of advocacy and drafting exercises that are focused on preparing me for second-six.

A few weeks back, I attended a conference with a police officer charged with the rape and sexual assault of his ex-girlfriend (girlfriend at the time of the alleged incident) and had access to the case file. My task was to then plan (and then conduct) a (mock) conference; to provide suggested edits of an ABE interview (explained below) and prepare a defence statement. The conference was a really good opportunity to practice taking instructions and giving advice. It was a particularly good opportunity to practice speaking to a client (albeit, my supervisor acting as a client) about personal topics; topics that clients might find it difficult to open up about.

For those that aren't aware, ABE stands for Achieving Best Evidence. ABE interviews can be used as Examination-in-Chief in certain circumstances, subject to any inadmissible evidence. For example, the interview may include hearsay or irrelevant matters that need to be edited out before being played to the jury. I was tasked with reading the transcript of the interview and noting anything that was arguably inadmissible. To produce a defence statement, I was required to absorb the case information; consider disclosure and weigh-up the level of detail that should be included. Receiving feedback on this majorly contributed to preparing me for the realities of second-six.

I have also found it useful to be set work that may seem easy and obvious. My supervisor tasked me with filling out a Pre-Trial Preparation Hearing (PTPH) form after conducting a pre-PTPH conference with a client. This is the kind of exercise that seems straightforward but actively completing the form myself, under the supervision of my supervisor, reassured me that I could then go onto to complete it when I am fending for myself.

I have also had the chance to practise my advocacy. Given we are currently in a 10 defendant trial, we are also in a very large court room. My supervisor took the opportunity to conduct an advocacy exercise when we had a break in proceedings. I posed as the prosecution and opened the case, imagining a jury present. The imposing nature of a court room is good to get used to and I was very grateful that my tasks were made as real as possible in this way.

Talking of the imposing nature of the court room, it is not uncommon for witnesses or complainants to ask for screens during their evidence. In what is already an intimidating environment, it might be that they will experience fear or distress being in view of the defendant. However, there is no specific statutory power to grant screens to the accused. I researched the law on this and put together an application. The case of *(D) v Camberwell Green Youth Court 2005 UKHL 4* outlines that "If there are steps which the court can take in the exercise of its inherent powers to assist the defendant to give his best quality evidence, the 1999 Act does not exclude this."

I also conducted an Examination-in-Chief (EIC) exercise, using a witness statement to guide my questions. While on the bar course, I wrote out the questions in advance, meticulously planning the order and style. Conducting an EIC straight from the witness statement enabled me to practice a different style of advocacy and one that ensured my answers stayed live to what the witness was saying. It also adduced answers that weren't necessarily in the witness statement, but could be pulled out based on the live evidence the witness was giving.

From here, I will be working on two closing speeches and I will discuss these in my next entry!