

Entry two

My next diary entry starts once again on a train journey. This time I was off to Preston Crown Court. I had the opportunity to shadow Mark Kellet, an experienced member of chambers, particularly in the prosecution of rape and serious sexual offences (RASSO) cases.

The prosecution of RASSO cases is a notoriously difficult task: evidence may be restricted to just the complainant's word against the defendant's word, witnesses are often vulnerable, needing careful handling to cover intimate, distressing details of the offences and the workload is vast. There are several members of chambers who specialise in this type of work, so it was a good opportunity to observe it, and from a prosecutor's perspective.

This case was a good example of the evidence being confined largely in the way outlined above, so my attention was drawn to witness handling techniques. When addressing the complainant in chief, it is counsel's responsibility to guide that witness in telling their version of events. Crucially, counsel does this by guiding and not *leading* the witness. The types of questions are fundamentally different, and this was explained to the complainant before she started her evidence. She could therefore prepare for how the defence would address her.

It takes the skill of counsel to 'have the tap running' at the right speed. The witness needs to be giving enough detail to be engaging the jury and telling their story with natural flow. However, not so fast and freely that crucial details are missed by those taking a note in court, which includes me as a pupil!

More importantly however, it includes opposition counsel and the Judge. The Judge requires an accurate note of the evidence for later in the case when they provide their 'summing up' to the jury. I could appreciate how watching the pen, or listening to typing on the Judge's keyboard, needs careful attention.

As for cross examination, the case needs to 'be put', so the witness has a chance to give an answer to any issues. For this trial, I got to observe the challenge that defence counsel face when their instructions are either incomplete, change during a trial, or unexpected facts are revealed in evidence. 'Thinking on your feet' very much in action!

Outside of thinking about witness handling and soaking up the atmosphere in a different robing room, I had my first attempt at some written work: a defence statement.

Drafting a defence statement was a great opportunity to refresh some written skills and procedural knowledge from Bar School. I was given a copy of the defendant's proof and access to the case through the Digital Case System (DCS) for an upcoming trial. The junior preparing this trial was drafting a defence statement at the same time, so I prepared my own copy and then she sent hers over to cross-reference.

There were lots of great learning points here, but here's one that I'll share and I'm sure you've heard it before: brevity is key.

I finished Week Three on a different train, this time up to the Teesside Crown Court in the North-East with my supervisor, Chloe. This case gave a snapshot view into cases concerning Organised Crime and I was introduced to the importance of cell site evidence. This type of evidence can be unpicked and used to great effect to corroborate other evidence in a trial.

Moving into Week Four I observed a 'kaleidoscope' of court activity (my description, not an official term). Plea and trial preparation hearings (PTPHs), sentences, pre-trial reviews (PTRs), a bail application, Proceeds of Crime Act (POCA) hearing and a challenging Newton Hearing.

Aside from an expansive knowledge of court acronyms, one of the things a busy court day underlines is the importance of an effective attendance note. These are what you might expect: a note of what happened on your attendance. Each hearing covered by Counsel requires an accurate, concise note of what happened at the hearing, what directions were given by the Judge and what actions are outstanding for counsel to address. Care needs to be taken to include all important material in a concise form and not just note down every detail you can remember.

After a busy court day at Minshull Street in Manchester, my supervisor asked me to draft a few attendance notes from the day. Taking good, accurate notes is a vital skill to hone and is easy to practice at any point in training and before pupillage.

Finally, I've also begun to robe regularly for court, which quickly feels normal once you've done it a few times.

That brings me nicely onto my insight for this entry: clothes! If you're preparing for pupillage or a mini, or just spending time observing in court, wear clothes that are smart but feel 'you' and aren't uncomfortable. You don't need to break the bank or overly 'dress to impress'. There is also no fun in spending a whole day in clothes or shoes that don't fit properly or give you blisters as this will be a big distraction. For pupillage, brush up on your ironing skills, have a go with spray starch for bands and perhaps invest in a dark coloured umbrella, especially if you're in the North!