

Entry Four

An advocate's diary may take many forms from one week to the next. It may even change abruptly over the course of the day and by a Friday afternoon result in the advocate finishing quite a different week of work to what they were expecting on Monday morning. It appears no easy task to manage this effectively, and requires skill to juggle different work commitments. As mentioned in previous entries however, good personal organisation and prompt communication are skills you can hone at an early stage, even before coming to the Bar.

Because of all these different commitments, this means that no week is the same. Personally, I prefer having lots of variety at work and this was one of the things that attracted me to the Bar. Variety also means going off to different places and different courts. That means new judges, more robing room passcodes to remember and more court staff to notify of your whereabouts. This week's new location was Bolton Crown Court — a short train journey from Manchester city centre.

Once in Bolton, I joined Anna Bond, a member of chambers defending an individual charged with several allegations including controlling and coercive behaviour (s.76(1) and (11) Serious Crime Act 2015). This offence was a new one for me, but one which appears frequently in the courts. The short amount of time it takes to research the elements of the offence is always time well spent to then understand counsels' approach during a trial.

Whilst with Anna, I observed witness handling of both the complainant and the defendant by both counsel. I observed how the prosecution worked to "build a wall" of evidence to prove the elements of the offences and then how the defence responded by "testing the wall". Were there inconsistencies to be highlighted? Was the evidence inherently weak? Was the witness credible? Trustworthy?

Taking regular notes of evidence during court proceedings are the 'bread and butter' of a first six pupil, however I am grateful to Anna for allowing me to assist further with drafting Agreed Facts — a small step from being given these to read and hear them being read in court to drafting them. This was an exercise in precision, attention to detail and selective use of vocabulary. Crafting written sentences in the ideal way may have exactly the intended effect with a jury, whilst also being agreeable and fair to the opposition.

My week ended back in Manchester in the Magistrates Court building at the Youth Court with another members of chambers, Huw Edwards. Youth courts have notably different aims and objectives to the adult courts, including the increased emphasis on rehabilitation for those committing criminal offences whilst a child. It also looks quite different: no wigs, no gowns, no jury. The elements of a trial are mostly the same however, as those for adults. I observed the examination in chief and cross examination of the defendant and speeches from both

counsel. From this I noted several points and the one I would highlight here is the manner of speech in the Youth court. First name terms with any child, dialogue with the Judge free from legalese or any complicated language at all and a manner of questioning that is adapted to the child's age and presentation in court.

By the end of the week my supervisor, Chloe, had accepted a return trial for conspiracy to kidnap the following week which included multiple defendants. An exciting week ahead...

Monday quickly arrived and I was back at Minshull Street Crown Court with Chloe. In preparation for the trial, due to begin at 14:15, Chloe took me through her approach over the weekend to assess the evidence. Key points from witness statements, understanding exhibits and their contents, grasping the defendant's case and its relationship with the evidence were just some of the things that needed to be covered.

A point to highlight here was Chloe's approach to disclosure from the prosecution. For those who might not be aware, the prosecution are under an ongoing obligation to disclose any material which '*might reasonably be considered capable of undermining the case for the prosecution against the accused, or of assisting the case for the accused*' (s.3(1)(a) CPIA 1996). Although disclosure is best served sooner rather than later, there are often pieces of evidence that might not have reached the defence at a late stage. In this case, there were several exhibits referred to in witness statements which then were not available to view on the case, requiring a request for disclosure.

Despite disclosure requests and analysis of evidence, the trial took an unexpected turn. It did not go ahead at all. Not so much an 'abrupt change' as I mentioned at the start of this entry but a 'gradual shift', over the course of the week, after careful consultation with defendants, prosecution and the judge, resulted in guilty pleas from all defendants to charges acceptable to the prosecution. Core Duty 2 requires an advocate to act in the best interests of the client (subject to an advocate's duty to the court) and after a pragmatic review of the case and the strength of the evidence against the defendants, guilty pleas were obtained and the trial 'cracked'.

I have two take away points for this diary entry. Firstly, be ready and willing to adapt. Becoming good at this as a first six pupil will only help when taking on cases in the future (I hope!). Secondly, taking any opportunity for further learning during first six makes for a more effective and enjoyable experience. Reading around a new offence, looking up procedure seen for the first time, or checking your understanding of something that has happened in court will only add to a growing catalogue of knowledge based on real experiences.