ADVOCACY
STUDY UNIT 1
STUDENT INSTRUCTIONS
STUDENT INSTRUCTIONS

1 Introduction

This Study Unit:

- is the first of 2 Study Units in the skill of Advocacy
- is concerned with presentation skills
- consists of a face to face workshop

2 Teaching Aims

In this Study Unit we will:

- Introduce the skill of Advocacy on the Legal Practice Course
- Consider presentation skills

3 Learning Outcomes

When you have completed this Study Unit you will be able to:

- Explain the elements of effective communication through verbal and non-verbal means
- Organise a set of facts logically, accurately and concisely
- Establish a suitable rapport with a tribunal
- Present a set of facts clearly, audibly and at an appropriate pace, using language appropriate to the setting

4 Scenario

In a criminal case, you will represent the Crown Prosecution Service as explained in the Document Bundle

5 Preparation for the workshop

By way of preparation:

5.1 Read the Advocacy Document Bundle:
- Document 1 “The Core Skill of Advocacy”
- Document 2 “The skill of advocacy – a short introduction”
5.2 Read Chapter 8 “Advocacy and the solicitor” in your Lawyers’ Skills manual, paying particular attention to sections 8.5, 8.6, 8.7 and 8.10.

5.3 Read the 10 mandatory principles and Chapter 5 in your copy of the SRA’s Code of Conduct 2011.

5.4 Undertake Preparatory Tasks 1 and 2 as set out in these instructions (p4 and p5).

5.5 Bring these instructions, the Document Bundle and your Lawyers’ Skills manual to the workshop.

6 Preparatory tasks

Once you have completed the reading, you will need to view an online advocacy demonstration (Preparatory Task 1 on page 4). You will then have to prepare to do some advocacy (Preparatory Task 2 on page 5).

7 Workshop activity 1

7.1 Review of preparatory work.

8 Workshop activity 2

8.1 Represent the Crown Prosecution Service and present a set of facts to assist the District Judge prior to the Defence plea in mitigation and to sentencing.

8.2 Note feedback from peers/tutor.

9 Workshop activity 3

Your tutor will lead a discussion of the Advocacy Assessment Criteria.

10 Workshop activity 4

You will complete your feedback form (Document 9 of your Document Bundle) in relation to your advocacy performance in the workshop.

11 Review and consolidation

After the workshop, complete the following tasks:

11.1 Watch the DVD recording of your performance as soon as possible after the Workshop.

11.2 Review your completed feedback sheet (Document 9 of the Document Bundle) in relation to your performance during the workshop.
Preparatory Task 1

You are now to view 2 sample pieces of advocacy. Please access the film via the link on Blackboard in the Advocacy Unit folder.

The scenario is as follows:

4 defendants are appearing in the Magistrates’ Court jointly charged with an offence of burglary and an offence of taking a conveyance without consent. They have just pleaded guilty which means that the Magistrate (a District Judge in this case) needs to consider the question of sentence. He asks the Prosecutor to outline the facts of the case.

View scenario 1. Then write down your review of what you have seen on the feedback sheet we are supplying you with. What was done well? What was done badly? How could the advocate have improved his performance?

Now view scenario 2. Then, once again, write down your review. What makes this better?

Finally, reflect on what you have learnt about advocacy from this exercise.
Preparatory Task 2

You are to assume the role of a prosecutor in the magistrates’ court. Assume the magistrates will know nothing of the facts and evidence other than the charge itself.

In the case of offences that are triable 'either-way' (theft, handling, fraud, possession with intent to supply and dangerous driving) the 'plea before venue' procedure will have taken place. This means that the defendant, following the charge being read out, will have been asked whether s/he intends to plead guilty or not guilty. On indicating that s/he intends to plead guilty, this will then be deemed to have been a guilty plea and there will be no trial.

In practice, following the outline of the facts by the prosecutor, the defence lawyer (if the defendant is represented) would make a plea in mitigation. The magistrates would then proceed to sentence although in the case of either-way offences, they would (subject to certain criteria being satisfied) have the power to commit to the Crown Court for sentence.

Please read the six case studies in the Advocacy Document Bundle (Documents 3a-8 inclusive) including the lists of previous convictions (where applicable). Unless the facts suggest the contrary, you may assume that the defendant has just entered a guilty plea. Your task at the workshop is to outline the facts of one of the cases fairly and dispassionately before the defence advocate makes a plea in mitigation and before the magistrates pass sentence.

You will not know in advance of the workshop which case you are going to present in the workshop so you must prepare all six in advance of the workshop. You will then be in an ideal position to be able to give feedback to your peers on their presentations.

Prosecutors should present their cases in a dispassionate manner, bringing to the attention of the court the facts that are relevant to the decision the magistrates have to make. The prosecutor should not seek to exaggerate the seriousness of the matter; equally s/he should not seek to understate its significance.

You should present your outline of the facts to the Bench clearly, audibly and at an appropriate pace, maintaining good eye-contact with the Bench throughout, and without reading or reciting from a script.

You should decide how to open and close your presentation. Your entire presentation should take no longer than 2-3 minutes.

Plan the presentation you will give at the workshop that is logical, comprehensive, accurate and succinct and which observes the formal conventions and courtesies of advocacy.

1 Preparation for advocacy

- Familiarise yourself with the facts, the law and the procedural rules
- Consider how you will introduce and end your application and how you will address your audience
- Identify your purpose, your main message, and any other points you need to convey
• Decide on the most logical and effective order for what you want to say
• Make bullet point notes that will serve as a prompt
• Do not write a script!

2 SRA’s Code of Conduct [2011]

Please keep the following principles, outcomes and behaviours in mind when preparing and appearing as an advocate in this Study Unit:

You must:

- uphold the rule of law and the proper administration of justice (Principle 1);
- act with integrity (Principle 2);
- not allow your independence to be compromised (Principle 3);
- act in the best interests of each client (Principle 4);
- behave in a way that maintains the trust the public places in you and in the provision of legal services (Principle 6).
- not attempt to deceive or knowingly or recklessly mislead the court (Outcome 5.1);
- not be complicit in another person deceiving or misleading the court (Outcome 5.2);
- draw the court’s attention to relevant cases and statutory provisions, and any material procedural irregularity (Indicative Behaviour 5.2);
- not construct facts supporting your client’s case…. which you do not consider to be properly arguable…. (Indicative Behaviour 5.7);
- not suggest that any person is guilty of a crime, fraud or misconduct…. (Indicative Behaviour 5.8);
- not call a witness whose evidence you know is untrue (Indicative Behaviour 5.9);
- when acting as an advocate, not name in open court any third party whose character would thereby be called into question… (Indicative Behaviour 5.12);

3 Prosecutor’s Obligations

• The Prosecutor should also:
  o deal with the defendant’s previous record (if any);
  o reveal any mitigating circumstances of which he/she is aware; and
  o outline any claims for compensation and specify any claim for costs
This bundle contains:

DOCUMENT 1 ............................................................................................................. 3
The Core Skill of Advocacy

DOCUMENT 2 ............................................................................................................. 8
Introduction to Advocacy

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The Core Skill of Advocacy

1. Introduction to LPC Advocacy

The ability to orally present your client’s case clearly, succinctly, accurately, effectively and in accordance with your client’s instructions is central to your role as an advocate. There is much to be gained from reading about this skill. However, advocacy is a skill that requires practise and you will have numerous opportunities to practise advocacy on the LPC.

What are the Learning Outcomes for the core skill of Advocacy on the LPC?

We hope that by the time you have finished your studies on the LPC you will

- understand the importance of preparation and the best way to undertake it;
- understand the basic skills on the presentation of cases before courts and tribunals;
- be able to formulate and present a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner;
- identify and analyse the relevant facts, the legal context in which the factual issues arise, and how they relate to each other;
- summarise the strengths and weaknesses of the case from each party’s perspective;
- prepare the legal framework of the case and a simple narrative outline of the facts;
- prepare the submission as a series of propositions based on the evidence
- identify, analyse and assess the purpose and tactics of examination, cross-examination and re-examination to adduce, rebut and clarify evidence.
- identify, analyse and assess the specific communication skills and techniques employed by a presenting advocate;
- demonstrate an understanding of the ethics, etiquette and conventions of advocacy.
2 How will the skill of Advocacy be taught?

In preparation for this study unit, we have asked you to look at two short examples of advocacy, and to compare and contrast them. What was good and what was bad about each of them? This will not only lead you to think about what makes a good piece of advocacy but also introduce you to the idea of critically appraising another’s performance.

This advocacy workshop will focus on the presentational aspects of advocacy; it will involve each student preparing, and delivering, a short outline of facts in a criminal case. This will be done in front of your tutor as well as your fellow students. After your presentation, you will be invited to hear feedback from others and reflect on what you have done by completing a feedback sheet.

When you study civil litigation, one workshop session will involve a mock appearance before a District Judge (your tutor) sitting in chambers. You will appear for the applicant or the respondent. This will be a chance to undertake proper advocacy in an adversarial context.

Thereafter, in the context of criminal litigation, you will undertake an exercise in the context of bail. You will either be a prosecutor, seeking a remand in custody, or a defender, seeking a grant of bail. This will be a Practice Assessment since your assessment will be in a similar context.

During both these sessions, which will be recorded, you will be given detailed feedback which you will be asked to note down in the advocacy feedback sheet you will be given for each exercise.

3 Feedback/ Review

As with the other core skills, Advocacy is a skill to be practised and in order to improve, it is very important to reflect and evaluate your performance. This may be through self-assessment, peer review or tutor feedback. We will be helping you to do this regularly and we have designed a feedback sheet which we will ask you to complete at various stages for this purpose. You will see that during each exercise and practice, we shall focus on particular learning outcomes.

4 How will the skill of Advocacy be assessed on the LPC?

In the assessment itself, you will appear before an assessor and make an application for custody or bail, according to the role you are allocated. You will be provided with materials for the assessment in advance rather than on the day, so you should have plenty of time to prepare. As with all LPC skills, advocacy is assessed on a competent / non competent basis.
So, how do we assess whether you are competent or not yet competent?

By reference to the Advocacy Assessment criteria which fall into 3 categories:

1. **Establish personal contact and a suitable rapport with the tribunal**, including:
   - being neat and tidy in appearance
   - using appropriate body language but avoiding distracting behaviour
   - making regular eye-contact with the tribunal
   - speaking clearly, audibly and at an appropriate pace
   - using language appropriate to the setting
   - not reading or reciting from a prepared text
   - responding appropriately to any reasonable intervention

The above ought to be self-explanatory. Establishing personal contact and a suitable rapport with the court/tribunal is absolutely essential. The bullet-points give examples of what we expect of students.

The only negative criterion relates to reading from, or reciting, a prepared script. Whilst you are permitted and indeed actively encouraged to make notes and to bring them into the assessment room to assist you, please be warned that:

Anyone who simply reads from a prepared script or recites from memory or gives the impression of doing either of these things is likely to fail to meet the criterion of establishing personal contact and a suitable rapport with the bench and is likely to fail the assessment overall. This could deny you a Distinction or (with another slip-up on the LPC) a Commendation, even if all the other conditions for a Commendation or Distinction have been met.

The assessment tutors will be asked to take in your notes at the end of their assessment.
2. **Present a coherent and persuasive case consistent with the client’s goals and instructions:**

- demonstrating suitable knowledge of the client’s case and the issues affecting the application
- making concise and well structured submissions, avoiding unnecessary repetition and irrelevant matter
- addressing all relevant facts
- making appropriate use of documentary evidence (if any)
- addressing the relevant law and citing legal authority only where appropriate
- correctly applying the law to the facts and putting suitable submissions to the court
- observing any relevant rules of procedure and/or evidence

Again, the above ought to be self-explanatory.

You are required to present a case thoroughly and well. You need to be familiar with your case and that of your opponent. You need to identify and address the relevant facts. You need to refer to documentary evidence if you have any. You need to identify and refer to law/ legal authority where this will clarify your submissions. You need to apply the law to the facts and put forward suitable submissions that will persuade the court to find in your favour.

If you appear for the applicant/ prosecution, you will normally speak first and will have to introduce yourself, your opponent, your application and what order you would like the court to make at the outset. You will then outline the facts and make your submissions. You will not have a right of reply after your opponent has spoken.

If you appear for the defendant, you will normally speak second. It will therefore not be necessary for you to introduce yourself or your opponent.
3. Comply with the ethics, etiquette and conventions of advocacy including the rules of professional conduct.

Again, the above ought to be self-explanatory. This criterion reminds you of the need to address the court formally and respectfully, to be courteous to the bench and to your opponent and to draw the court’s attention to any matters of law that apply. It also requires you to have regard to the SRA’s Code of Conduct 2011.
The skill of advocacy – a short introduction

1 Introduction

Many students come to the LPC full of worries about having to learn, and be assessed in, the skill of advocacy. Further, many find it hard initially to understand why all students should be required to undertake this skill. ‘After all’, they say, ‘I’ve no plans to be a litigator, still less a criminal practitioner. What’s the point of learning advocacy?’ Whilst it is true that only a minority of solicitors undertake court work, the ability to speak in front of others and to do so persuasively and fluently is something all solicitors should develop because it is something that all solicitors will be required to do from time to time. So whatever you end up specialising in, the skill of advocacy is one you need to be competent in.

There are many myths surrounding the skill, the most persistent of which is that advocates are ‘born’ – you can either do it or you can’t. This is simply not true. Whilst only a few will have that special flair that means they can be truly outstanding advocates, everyone can become an adequate and competent advocate. It just requires application, knowledge and practice. We hope that this short document will help you on the path.

2 What are the elements of good advocacy?

First, it involves the use of presentational skills. It is these that we will concentrate on at the introduction to advocacy workshop. Secondly, it involves the ability to construct a persuasive and comprehensive argument. Thirdly, as a solicitor, it must be done in a way that complies with the rules of professional conduct and the ethics, etiquette and conventions of advocacy. These latter two elements are developed in the context of civil and criminal litigation.

3 The basics – what makes for a good presentation?

Preparation: the basic building block of any presentation or piece of advocacy is thorough preparation. So this means that you need to be thoroughly conversant with the subject-matter and the issues. It means thinking clearly about the message you want to get across and thinking through what structure can best achieve this. No advocate, however skilled, can do a good job without being properly prepared.

Structure: when you write an essay or seek to answer a problem question, you need to set out a structure. It is the same with advocacy. You need an introduction (this is what I’m going to say/ask for), a logical set of arguments (and this is why) and a conclusion (so that is why I’ve taken up your time).

Appropriate use of notes: nothing is more tedious than hearing a recitation or written address. It sounds wooden and is of little use when the unexpected occurs, be that a question or an unanticipated argument. So you need to avoid writing out or learning a script. Instead, you need to make bullet point notes that remind you of what you need to say but which leave it to you to find the words and phrases that meet the needs of the moment. This is something students are typically afraid of. They seek the security blanket of a script. But it’s a bit like swimming. In order to learn how to do it, you have
to plunge into the water. Then you will invariably surprise yourself. You don’t need all that detail. It’s really no different from having a conversation with someone – you find the words when you need them.

Coping with the dreaded nerves; every student battles with this one. Of course, you’re going to feel nervous when speaking in public. To that extent, don’t worry about it – nerves can often give a presentation an edge. Not to feel nervous would be abnormal. But the fear is that the nerves may take over. The best strategy is to prepare well, be confident about your knowledge of the facts and the points you wish to convey, and then, strange though it might sound, relax! If you feel a little panicky, try to slow your breathing down. It can be surprisingly helpful.

Using your voice: advocacy depends on an appropriate use of your voice. You need to ensure that you project your voice so that you can be clearly heard. Imagining you are speaking to the wall behind your audience is a useful way of assisting with this. Also, think about your pace. Initially, students typically speak too fast. This helps neither the student nor the audience. You need time to think and the audience needs time to take in what you are saying. So slow down and be ready to pause. This gives you the space to think about what you want to say next and for the audience to dwell on what you’ve just said. This will also help you develop your own style and intonation. Be yourself! Vary your tone just as you do in everyday conversation.

Using appropriate language: think carefully about the words and phrases you use. Clear simple language should be used rather than elaborate words or pretentious jargon. Latin phrases should be used only when absolutely necessary. The words should be contained in short sentences and the sentences organised into a logical structure.

Posture and body language: an awareness of the impact of body language is useful since how you come across will affect the way what you are saying is perceived. Exaggerated gestures and unconscious movements are likely to distract the listener. A calm, upright posture inspires confidence and authority.

Formalities: It is important to observe the necessary formalities. If you are appearing in a public court, you must stand whenever you speak or you are spoken to. If you are appearing before a District Judge (Civil) in Chambers you can remain seated. How do you address a District Judge (Civil or Criminal)? ‘Sir’ or ‘Madam’ Equally, if you are addressing a bench of 3 lay Magistrates – direct you comments primarily towards the Chair (who sits in the middle) and address him/her as ‘Sir’ or ‘Madam’. It is now very old-fashioned to address Magistrates as ‘Your Worships’.
DOCUMENT 3a

Case 1 Scenario

R v David Ash (dob 06.03.87)

Criminal Damage under Section 1 of the Criminal Damage Act 1971

Background details

(Unfortunately the facts and details, although correct, have become muddled and will need to be sorted out.)

Mr. Ash was seen to throw a brick through the shop window of Nailsea Electrical Store. Information about the defendant is known. The Prosecution are seeking full compensation for the damage caused. They are also seeking costs of £50.00. Such incidents had happened before in the Town and for security reasons many shops (including Nailsea Electrical) remained lit. The street-lights were on and the general area of the High Street is well illuminated. The incident happened at 11.00pm on 1st April this year in Nailsea High Street and involved damage to a shop window. The accused is Mr. D Ash of 15 Hayes Crescent, Nailsea. Date of Birth. 06.03.87. The incident was seen by PC Smith and PC Jones who were passing in a patrol car. Both officers saw that the window was intact before Mr. Ash threw the brick. Mr. Ash was not arrested at the time as the officers were called to attend another incident. PC Smith recognised Mr. Ash from previous dealings and later that night went to his house, arrested Mr. Ash and took him to Nailsea Police Station. Mr. Ash had sobered up by this time, admitted the incident and said that he was sorry. No attempt was made to steal anything and Mr. Ash, together with three other men, was seen to stagger off, shouting loudly, along the High Street in the direction of the Royal Oak pub. The window was 6 feet high and 12 feet wide and the cost of damage was £750.00.
**DOCUMENT 3b**

**Case 1 List of Previous Convictions**

Barsetshire Constabulary

Record of: David Ash

Date of birth: 6 March 1987

<table>
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<th>No.</th>
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<th>Offence</th>
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</thead>
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<td>Barchester MC</td>
<td>Criminal Damage</td>
<td>£100 fine</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>2) Theft</td>
<td>£50 fine</td>
</tr>
<tr>
<td>3</td>
<td>2 and a half years ago</td>
<td>Barchester MC</td>
<td>Criminal Damage</td>
<td>Conditional discharge – 1 year</td>
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</table>
DOCUMENT 4a

Case 2 Scenario

R v Barbara Harris (dob 01.01.86) and Angela Ross (dob 07.08.90)

Theft and Assault under Section 1 of the Theft Act 1968 and Section 47 of the Offences Against the Person Act 1861

Background details

(Unfortunately the facts and details, although correct, have become muddled and will need to be sorted out).

You have a medical report which you can make available to the court and which provides evidence as to the injury caused. The Police were called and the girls taken to the Police Station, where they were interviewed. Miss Harris has admitted theft and assault. Miss Ross has admitted theft. The Prosecution are seeking compensation for the assault. They are also seeking costs of £50.00. The two female defendants were in The Fashion Warehouse, Broadmead, Bristol and were seen by the store detective to be acting suspiciously. The incident happened at approximately 2.30pm on 6th May this year. The detective followed the girls and watched them whilst they spent time at the jewellery counter. One girl (Miss Ross) was talking to the Assistant, whilst the other was seen to remove 2 necklaces from a display and put them in her pocket. The girls then walked out of the store. The detective followed them out, apprehended them and asked that they accompany her to the store manager’s office. Miss Ross has no previous convictions. Another member of staff from the store came to assist and after some persuasion, Miss Ross agreed to see the manager, followed reluctantly, by Miss Harris. Miss Harris became abusive, telling the detective to ‘bloody well get lost’ and then kicked the detective in the shins (causing bad bruising). The goods, valued at £30.00, were recovered undamaged.
**DOCUMENT 4b**

**Case 2 List of Previous Convictions**

Barsetshire Constabulary

Record of: Barbara Harris

Date of birth: 1st January 1986

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<td>Community sentence with supervision requirement – 2 years</td>
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<tr>
<td>2</td>
<td>2 years ago</td>
<td>Barchester MC</td>
<td>Theft</td>
<td>£300 fine</td>
</tr>
<tr>
<td>3</td>
<td>3 years ago</td>
<td>Barchester MC</td>
<td>Theft</td>
<td>Conditional discharge – 1 year</td>
</tr>
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</table>
DOCUMENT 5a

Case 3 Scenario

R v Graham Law (dob 12.07.79)

Handling under Section 22 Theft Act 1968 and Fraud by False Representation under Section 2 Fraud Act 2006

Background details

(Unfortunately the facts and details, although correct, have become muddled and will need to be sorted out).

Mr. Law was taken to the Police Station and on questioning admitted the offence and to acquiring the card in a pub for £50.00, from a person he did not know and could not recollect.

He was seen in the Galleries Shopping Centre thirty minutes later, identified by the shop-assistant and arrested whilst still in possession of both card and goods. Prosecution costs are estimated at £50.00. He presented an American Express card in the name of David Young and signed the credit sales voucher in the name that was on the card. He claimed to have lost his pin number. An American Express Credit Card in the name of 'David Young' had been stolen in a burglary in Stockport three months before the date of the offence detailed below. Mr. Law (dob 12.07.79) went into Olympus Sports, Broadmead, Bristol at 11.30am on 4th April this year and purchased goods - a pair of trainers and a sweatshirt- to the value of £95.00. The shop-assistant, although suspicious of the signature on the sales voucher, handed over the goods and Mr. Law left the shop. Subsequent inquiries satisfied the Police that Mr. Law was not involved in the theft of the card, as an individual in Manchester had been charged with the Stockport burglary. The assistant telephoned American Express immediately and discovered that the card had been stolen. Wasting no time, he then contacted the Police. A full description of Mr. Law was given.
**DOCUMENT 5b**

**Case 3 List of Previous Convictions**

Barsetshire Constabulary

Record of: Graham Law

Date of birth: 12th July 1979

<table>
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<td>Assault</td>
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<td></td>
<td></td>
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<td>Criminal damage</td>
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</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td>£50 fine</td>
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</table>
DOCUMENT 6a

Case 4 Scenario

R v Bertram Smith (dob 30.01.81)

Assault occasioning actual bodily harm, Section 47, Offences Against The Person Act 1861.

Background details

(Unfortunately the facts and details, although correct, have become muddled and will need to be sorted out).

Mr. Glover suffered severe bruising for 10 days after the incident and lost time from his carpentry business, totalling 5 working days. The public bar was packed to capacity with regular drinkers and an influx of guests attending a darts tournament. Whilst moving away from the bar Mr. Smith (dob. 30.01.81) accidentally nudged a fellow drinker, Mr. Glover, and in doing so spilt Mr. Glover's beer over him. The incident happened at approximately 10.30pm, 2nd June this year at the Rose and Crown public house, Redfield, Bristol. At the first sign of trouble the publican called the Police who, after interviewing witnesses, escorted Mr. Smith out of the pub, despite his protestations of innocence. Mr. Glover asked Mr. Smith for an apology and for a pint to replace the one that he was now soaked in. Mr. Glover was taken by a friend to the casualty unit at the BRI. His nose was given an X-ray and diagnosed badly bruised, rather than broken as was first suspected. Mr. Smith refused and when Mr. Glover remonstrated with him punched Mr. Glover in the face causing him to fall heavily to the ground. Mr. Smith was interviewed at the Police Station, admitted the offence and was charged. Photographic evidence is available to the court if they require it. The prosecution will be claiming compensation. They are also seeking costs of £50.00.
**DOCUMENT 6b**

**Case 4 List of Previous Convictions**

Barsetshire Constabulary

Record of: Bertram Smith

Date of birth: 30 January 1981

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<th>Offence</th>
<th>Result</th>
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| 1   | 1 year ago | Barchester MC | Grievous bodily harm  | £500 compensation
                               |                  |                                       | 6 months imp. Suspended 2 years                |
| 2   | 2 years ago| Barchester MC | Assault               | £250 compensation
                               |                  |                                       | Community sentence with supervision requirement – 2 years |
| 3   | 3 years ago| Barchester MC | Assault               | £100 compensation
                               |                  |                                       | £50 fine                                       |
DOCUMENT 7a

Case 5 Scenario

R v Elaine Britton (dob 01.11.89)

Possession of a controlled drug with intent to supply contrary to Section 5 Misuse of Drugs Act 1971.

Background details

(Unfortunately the facts and details, although correct, have become muddled and will need to be sorted out.)

Elaine Britton was born on 1/11/89. It is understood that she is a single parent with 2 young children. Ms Britton was arrested on 7th July this year at her home. Police went to her house following receipt of certain information. In her kitchen, police found 100 grams of vegetable matter. At the time she told police it was for her own consumption. The vegetable matter has been analysed by the Forensic Science Service and was found to be cannabis resin. In the kitchen, police also found a set of scales and a roll of cling film. Squares of cling film about 3” square were found on the kitchen table. When police went to her home, Ms. Britton did not answer the doorbell. The police gained entry by forcing the front door. Police found both the front door and the back door had been secured by placing a metal bar across the doorway. Also in the kitchen was found a kitchen type knife, and traces of vegetable matter were found on the blade. These were analysed and found to be cannabis resin. At the police station, Ms. Britton was interviewed, but declined to answer questions. She pleaded not guilty to the charge but was found guilty and her case was then adjourned prior to sentencing. The prosecution seeks costs following conviction after trial in the sum of £350.
**DOCUMENT 7b**

**Case 5 List of Previous Convictions**

Barsetshire Constabulary

Record of: Elaine Britton

Date of birth: 1 November 1989

<table>
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<tbody>
<tr>
<td>1</td>
<td>3 months ago</td>
<td>Barchester MC</td>
<td>Cannabis possession</td>
<td>£400 fine</td>
</tr>
<tr>
<td>2</td>
<td>1 year ago</td>
<td>Barchester MC</td>
<td>Cannabis possession</td>
<td>£200 fine</td>
</tr>
<tr>
<td>3</td>
<td>2 years ago</td>
<td>Barchester MC</td>
<td>Cannabis possession</td>
<td>Conditional discharge – 1 year</td>
</tr>
</tbody>
</table>
DOCUMENT 8

Case 6 Scenario

R v Steven Howard (dob 17.03.63)

Dangerous Driving contrary to Section 2 Road Traffic Act 1988 and Failure to Provide a Specimen of Breath contrary to Section 6 Road Traffic Act 1988.

Background details

(Unfortunately the facts and details, although correct, have become muddled and will need to be sorted out.)

Mr. Howard is a company director of Girope Ltd., a Bristol firm of instrument makers. When he was arrested, Mr. Howard said he was related to a person high up in the government. On being asked by police officers to take a roadside breath test, he refused. He also refused to take a breath test, or to provide a sample of blood or urine, at Bristol police station where he was taken following his arrest. At the police station, Mr. Howard told the custody officer that he would complain about his arrest to the Chief Constable. He pleaded not guilty to the charges but was found guilty and his case was then adjourned prior to sentencing.

On 2 August this year, PC Julie Swan and PC Robert Guest were on mobile patrol at 6.30pm, driving along Muller Road, Bristol, in a northerly direction. Mr. Howard has no previous convictions. They saw a black BMW motor vehicle emerge from Romney Avenue into Muller Road at high speed. The lights were at that time at red, against the BMW. The BMW drove up Muller Road in a northerly direction and went through the next set of traffic lights which were also at red. The driver was subsequently found to be Mr. Howard. At both sets of traffic lights the BMW motor vehicle narrowly missed colliding with other motor vehicles. The police officers followed the BMW. At times the BMW reached speeds of 60 mph in built up areas where the speed limit was 30mph. The BMW stopped outside 5 Woodley Gardens, Henleaze, Bristol. On being approached by the officers, Mr. Howard said "Fuck off. I live here." Mr. Howard smelled strongly of alcohol. The prosecution seeks costs following conviction after trial in the sum of £350.
DOCUMENT 9

Advocacy Feedback Form: Introductory Advocacy Workshop

Name:

Date:

The focus of the feedback for this workshop is on the presentational aspects of Advocacy, in particular, eye contact, the use of notes, pace and clarity of expression.

Extract from the Assessment Criteria for Advocacy

The student should

Establish personal contact and a suitable rapport with the tribunal, including:

- being neat and tidy in appearance
- using appropriate body language but avoiding distracting behaviour
- making regular eye-contact with the tribunal
- speaking clearly, audibly and at an appropriate pace
- using language appropriate to the setting
- not reading or reciting from a prepared text
- responding appropriately to any reasonable intervention.

Peer review

Briefly summarise the feedback received from your peers about your presentational skills. Please relate your summary to the criteria listed above, e.g. “I spoke clearly and audibly, but at the start of my submission I spoke a bit too fast”.
Tutor feedback

What did the tutor suggest you did effectively and what might be done differently?
Self Appraisal

Have you watched a recording of your submission?  
Yes  No

Do you agree with the feedback you were given?

With reference to the criteria overleaf, identify 3 things you did that made your submission more effective.

1.

2.

3.
Next time you appear in court, what will you do to improve your performance?