

## Advocacy Basics for Solicitors

by K. Tronc and I. Dearden; Law Book Company Limited; 415 pp; \$75.00.

There are few things more likely to instil fear in a solicitor of tender experience than the prospect of humiliation in court. Being a young solicitor who still approaches court work with perhaps more trepidation than it deserves, I was therefore immediately interested in a book on the basics of criminal and civil advocacy.

The authors of *Advocacy Basics for Solicitors* share the view of the Australian Advocacy Institute that advocacy is a skill that can be acquired and enhanced by training. Advocacy, like other legal skills, can be learnt not only the hard way by experience, but also by effective preparation and with the benefit of teaching. Good advocates are no longer only born, but can be taught.

As you would hope from a work on communication, this book is well written. The authors follow their own maxim for advocacy, that is, the 'KISS' principle ('Keep It Simple, Stupid!'). Their message is concisely illustrated through point form argument, boxes, tables, effective cross-referencing, examples and clichés ('a picture tells a thousand words'). This is generally not a text that must be waded through. However, on occasions, such as the 50-point summary of the basics of evidence or the 24-point guide to cross-examination, the material gets a little heavy. Sporadic reference is made to case law, much of it from Queensland. Yet the tone is pleasantly informative rather than dense and foreboding. It is a book that is

easy to read (even if one were stressed by an imminent court appearance).

The strength of this book is that it starts from the basics. It gives an aspiring advocate the information she or he needs to avoid being a fool and harming the interests of her or his client. A 'lifeline' is provided with details such as what to wear (though it only gives specific details for males), how to announce your appearance and when to bow. The fundamentals of preparing affidavits are helpful, as is the checklist for assembling a brief to a barrister. Yet, though a glossary of the jargon used by advocates is provided, with only six entries it is far too brief.

The short 15-point guide to ethics in the courtroom is also too brief to be really valuable. Given that such treatment could never be comprehensive, plus the sensitivity of the topic, the authors could have provided further references. This comment also applies to other areas. In the difficult area of expert evidence, for example, the book clearly could not provide any more than a starting point. A list of general reading on advocacy would have allowed readers to move on to other works as their skills or interests expanded.

Throughout, the book provides examples of effective advocacy, such as cross-examination and pleas of guilty. These passages are generally long enough to give a grasp of styles and techniques. This is particularly effective in reinforcing the points contained in the text.

Handy hints abound throughout the book. For example, it is suggested that as a duty lawyer in a Queensland Magistrates' Court, due to the incidence of Hepatitis B, you should carry a second pen for use by your clients so that your own pen is not sucked. Also included is a

section on quoting 'bad language' in the courtroom.

The difficulty with this work is that it has been tailored for use in Queensland. For example, it contains bail affidavits for use in Queensland and discussion about whether courts 1 or 5 of the Brisbane Magistrates' Courts should be used. Similarly, some of the terminology, and many of the precedents, are not applicable in other States. If you practise in Queensland, the book will be a boon. If you practise elsewhere, the Queensland emphasis will frustrate except where the book refers to general principles.

To be fair, the authors argue that the generality of discussion in the book and its emphasis on methodology should allow 'fairly easy' transfer to other jurisdictions. I am less confident. The strength of the work is as a stand-alone how-to guide. The chapters on bail, chamber applications and miscellaneous applications, for example, while containing much information of general value, could only be used in a State other than Queensland after making specific and detailed reference to the legislative position in that other State. This significantly undermines the value of the book outside of Queensland.

*Advocacy Basics for Solicitors* has the potential to be an extremely useful tool for inexperienced advocates. It does, however, only represent good value for money when used in practice in Queensland. The strength of this book, its attention to the basic procedures involved in appearing in court, has not been developed for use in other States.

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