reader's forum - book reviews

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future change and growth as it is tested, understood and accepted. Conflict and differences of opinion between experts is discussed and foreshadows the recent High Court decision of *Velevsky.*

There are some serious problems to be faced, however. Recently a survey of judges recognised a need for both experts and advocates to perform better in court to lessen the burden upon lay jurors.

Two reports published by the *Australian Institute of Judicial Administration* found a lack of objectivity by experts, a lack of awareness of the tensions between the legal and medical professions, poor preparation by both experts and lawyers and communication problems between experts, judges and juries.

There are also different ways of viewing causation between science and law, and there has been a seachange in the preferred ethical position to be taken by the experts with regard to the duty owed to the court and the parties they represent.

Both authors are involved in the new International Institute of Forensic Studies based at Monash University with Professor (ex-Justice) George Hampel QC, which has set out to remedy the perceived lack of cohesive training given to both lawyers and experts.

rather whimsical

Specific chapters are worth noting here, with the rather whimsical *Tracker Dog Evidence* (chapter 17) pointing out the difficulties of assessing such evidence, (dogs being notoriously hard to interview), and citing a NZ case, *TeWhiu,* where it was held inadmissible for the dog handler to give evidence as to what the dog was thinking at the time.

The depth of research is demonstrably evident with the 1374 French *Case of Aubry's Dog* (dog as expert, judge and executioner) being dusted off, let out and learning new tricks.

There is a chapter to help "expert witnesses" (their punctuation) understand and follow the process and the law, and there are three tremendous chapters on the examination, cross examination and re-examination of experts with handy hints and dirty tricks for barristers of both sides.

All-in-all this is the definitive carryable work on the subject and is well indexed, easy to read, and a vital part of the criminal and civil lawyers library...can I have mine now please?

– Martin Fisher BA LLB(Hons) Articled Clerk to the Director of Public Prosecutions

reader's forum - the lighter side

The common law phrasebook - by Prof Wiesel Werds of Munchen Polytecnik

By the Court ruling on objections to evidence

Common law speak	English
"I reject the question in that form, but you put it again"	"Sorry, I wasn't listening
"I will allow the evidence. It is a question of weight and I will ask counsel to address me on it during submissions."	"This evidence is inadmissable, but crucial. If I do not let it in the plaintiff will lose for sure."

By Counsel to the Court during submissions

Common law speak	English
"Your Honour, this case raises a difficult legal issue."	The counsel who says this is actually stating in open court that his or her client is willing to settle on any terms available.
"Your Honour, my client's case is very simple."	a)if said by a plaintiff's counsel it means that there is no evidence to support the plaintiff's case b) if said by the defendent's counsel it is a concession of defeat
"These proceedings fall into a narrow compass."	Although it is often said, no-one knows what this statement means.
"The damages claimed are calcuable on a Malec v Hutton basis."	"The plaintiff accepts that he/she is unable to prove his/her case on damages."
"Your Honour should allow a buffer."	This is a concession by counsel that there is no intelligible basis to support an award of damages.

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