

Book review:

Advocacy in Practice

6th Edition by J L Glissan

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I volunteered to do this book review for the Northern Territory Law Society, because I thought I might benefit from reading *Advocacy in Practice* by J L Glissan. The preface puts the book at being 'aimed for the beginning barrister' but any good advocate, being one who is perpetually open-minded to acquiring techniques not-yet-tried, and one humble enough to wish to improve, would benefit from the theory, practice and tips set out in this piece.

As a barrister, what initially captivated me were musings in, 'The Five Ages of the Bar'—a hilarious, but probably true, description of the phases of life at the bar. A must read for all barristers.

From basic techniques of advocacy, preparation and case analysis, openings, examinations, cross-examinations, re-examinations, rebuttal and replies, objections, closing address, appeals, etiquette and ethics, to extra-curial advocacy, this book, true to its title, focusses on the practice of advocacy. Advocacy, however, is never only about the theatre of the courtroom. Subsumed within good advocacy is, of course, the preparation of cases. This involves a good understanding of evidence and procedure, which the book usefully sets out, often with reference to case law examples.

I found the chapter on cross-examination to be extremely useful, in the outlay of techniques, areas of 'destruction', and a summary of the 'deadly sins of cross-examination', with the last chapter on 'sample cross-examinations'.

Ever been objected to in re-examination because a matter is not evidence in the case? Here's a good come-back: "You have made it so by your cross-examination ..."

The book is full of such examples. Ethical, evidential and procedural rules and considerations are interwoven into each of the topics covered. Checklists at the end of each chapter give a practical overview of the key issues at each phase of proceedings.

A random summary of some fundamental golden rules scattered throughout the book, which are oft forgotten or neglected in the business of getting through the next case:

- The appropriate jurisprudence begins with a proper understanding what is evidence and what is argument
- The management of evidence (the presentation of elemental facts) and the piecing of them together to reach a conclusion (argument) is the essence of the skill of advocacy
- In litigation, less is more, in terms of witnesses, cross-examination, argument of law and length of address
- Manner and manners go in tandem—absolute dignified self-command is the greatest virtue
- The only good advocate is an interesting one
- Do without notes wherever possible
- Begin your preparation by not preparing your case, but that of your opponent's
- Start by reading all of your materials, in a structured way, and with an open mind
- A chronology and understanding of the sequence of events is key to analysis
- True confidence comes from preparation, self-belief and experience.

'The older I get the better I was' and 'The harder I work the luckier I get' speak to the need to engage and re-engage what makes good advocacy, for practitioners at all levels.

Although aimed at junior barristers, this is a book I would recommend for all solicitor advocates, as well as any practitioner, wishing to re-examine their own practices, improve their performances, or more senior practitioners who consider a refresher would not hurt.