ADVICE TO JUNIOR LAWYERS ON ADVOCACY IN SUMMARY TRIALS

Paper presented to the North West Law Association, Mt Isa Courthouse, 26 July 2023 by Justice J D Henry

My task this evening is to provide advice about trial advocacy to junior lawyers running summary trials, whether for the prosecution or defence.

Having settled upon that task at the outset of this week's circuit with Lani Olafsson, the President of your Association, I was concerned not to overwhelm you by trying to cover the full field of trial advocacy.

I also favoured sparing you proscriptive advice which you can readily glean from consulting my past papers on the Court's website or the many other available publications about trial advocacy. In preparing for tonight I reflected afresh upon my early trial advocacy experiences and my observations of many others learning their craft over the years. I pondered whether there were any constants underlying the variable common causes of success or strife for junior trial advocates. I identified six such constants. They relate in varying ways to the mindset which junior trial lawyers need to bring to trial advocacy to enhance their chances of success.

All six constants can be re-cast in the form of advice to you tonight. That advice is:

1. conquer the detail of the case;
2. be sure of your case's foundations;
3. exercise control over your case;
4. do not engage in unnecessary communications about your case with your opponent;
5. do not be cowed by your opponent or the bench; and
6. remember your audience.

Let us consider each in turn.

1. Conquer the detail of the case

The mantra of all advocacy trainers is "preparation, preparation, preparation". It does not only relate to performance preparation, in the sense of preparing to perform as an advocate in court, for instance, in planning your cross-examination or closing address or in formulating the case theory underpinning your conduct of the trial. The preparation mantra demands that you know all the detail of the case. This includes the detail of your own case and such of your opponent's case as can be known.

It is not enough to merely peruse the statements and other evidentiary materials. It is imperative that you immerse yourself in their detail, to ensure you do not miss information which may be of critical importance. Compare detail as between evidentiary sources. What are the consistencies and inconsistencies? What are the facts beyond doubt? Coalesce the facts from different statements into a chronology, from which a clearer picture of what occurred will emerge. Examine all of the hard evidence closely.

For example, if you receive six sets of CCTV footage of an assault event taken from six different cameras it is non-negotiable, if doing your job as a professional, that you watch all the footage from each of the six cameras. I do not pretend that adopting this approach will reap windfalls on every occasion, but in my experience, I would often discover something significant in such footage which was not otherwise apparent. Sometimes it was significant because it was helpful in identifying a line of inquiry or as fuel for cross-examination. Sometimes it was significant because it was adverse if highlighted or because knowledge of it rendered a contemplated line of pre-trial inquiry pointless.

In a similar vein, it may be that one of your witnesses has provided a statement or other form of information to somebody other than you. It does not follow that somebody did a perfect job in taking that statement or otherwise documenting the information. Peruse it closely. If it is apparent from the recorded information that it seems incomplete, unclear or otherwise suggests the likely existence of unstated relevant detail then pursue that detail. Sometimes such detail may take your case nowhere. Other times it may provide tangible support for the case you seek to advance or helpfully forewarn you of a looming problem with your case.

On a related point, in the case of a witness who is a co-operative prospective witness for your side but whose statement has been taken by someone other than you, you should confer with the witness. Such a conference will allow you to assess the reliability of the witness and check whether the witness has additional relevant evidence to offer which was not included in the statement.

Knowing the detail of the facts of the case is critical to developing what advocacy teachers call case theory. Your case theory is your "sell"; your credible theory about what occurred which you will urge upon the court in your closing address. It is a theory which viably explains or accommodates the facts beyond doubt and the motives of the players. It informs your decision-making in the conduct of the trial, including what evidence you should adduce and what evidence you should undermine.

Plainly you cannot identify a viable case theory unless you know all the evidentiary detail available to you. Without conquering that detail, you cannot predict what approach will work at trial. You run the risk of shaping your case towards a theory which will be brought undone at trial by facts you have misapprehended or were unaware of because you did not adequately familiarise yourself with the factual detail of the case.

This heralds my second piece of advice.

2. Be sure of your case's foundations

One of the greatest threats to the persuasive proof of the plaintiff's or prosecution's case is that it has been built on weak legal or factual foundations or if those foundations do not align.

Knowing what evidence you need to gather for trial turns upon what case you intend to pursue at trial. However, the case you intend to pursue turns upon what evidence you will be able to adduce or you know your opponent will adduce at trial. This cyclical connection between the legal and the factual foundations of your case requires that symmetry be maintained between the two of them for your case to succeed.

There is little point in having highly persuasive evidence if it proves or raises a reasonable doubt about a case which is not the charged or particularised case. If you are prosecuting and the facts are not apt to support the charged case, then you need to gather more facts or face reality and alter or discontinue the charge.

In settling the charge to be prosecuted or in developing your defence to it you should obviously have regard to the available evidence, such as it is. In so doing, try to identify what facts in that evidence appear to be beyond doubt. Where there are facts beyond doubt which are favourable to your cause, then ideally it is those facts around which you should build your case. They are the facts which will provide a solid foundation for your case.

The importance of being conscious of your case's foundations continues into the presentation of your case. Once the trial is underway it can be difficult to amend your charge or alter the direction of your defence of the case without undermining the persuasive momentum of your case in the eyes of your audience.

It has been said that no battle plan survives an encounter with the enemy. That saying is not entirely true of litigating disputes in court. Inevitably, unpredictable things occur in a trial. But it is rare as a trial progresses for the key legal and factual foundations of the case to change

significantly. What is more common is the failure of advocates to properly identify what those foundations are and build the prosecution or defence of their case upon them.

To that end a good advocate is always able to identify the foundational legal thinking for the case to be advanced. It is a helpful touchstone to bring legal thinking in a case back to the relevant first principles of that area of law. This ensures that what is being argued is consistent with those principles, those being the principles that will inevitably guide the foundational thinking of the court hearing the case as well.

This process of deep thinking about the factual detail of your case and about its foundations brings us to my third piece of advice.

3. Exercise control over your case

The advocate's role cannot be fulfilled just by turning up to trial and "rolling the arm over", mindlessly presenting or challenging whatever evidence presents itself. Such an approach assumes, wrongly, that the advocate has no contribution to make in improving the state of the case to be presented.

If you are the advocate in the case the premise of your engagement is that you will value add. Your obligation is to apply your expertise and learning so that you will have done your professional best to improve your case's prospects of success. That obligation derives from your role as a professional. Remember your oath or affirmation on the occasion of your admission as a legal practitioner of our Court. That promise was to conduct yourself as a lawyer of the Court to the "best" of your knowledge and ability.

That promise was not subject to you having lots of time and a low case load. Of course, workload pressures may limit the time you can give to a case, but your promise was not perfection, it was to do your best. An onerous case load might preclude perfection but it does not preclude doing your best.

You are the lawyer who will be presenting the case in court. It is your professional reputation at stake. It is you who will and should feel professional opprobrium if you do not see to it that your case is given its best prospect of succeeding. The fact that you will advocate your case dictates you must exercise control over the presentation of your case. To do so it is unavoidable that you must also exercise control of your case's preparation.

In the preparation phase this obliges you to ascertain whether the witnesses whose statements appear in the police brief are the only potential witnesses and whether the exhibits which appear in the police brief are the only potential exhibits. If you are prosecuting, you cannot assume the investigating police have gathered all the evidence they should have. If you are defending, you should never make such an assumption.

If it seems I am emphasising the obvious I assure you it with good reason. I shall speak plainly in this context of three common errors of approach, one of prosecutors, one of defence advocates and one of both. As to the first, a common error of prosecutors is mindlessly choosing to prosecute the charge laid by investigating police and mindlessly presenting the evidence gathered by investigating police. Prosecutors are supposed to be professional litigators. Investigating police are not. Investigating police do not have a litigator's understanding of what charge is apt and what evidence should be gathered in support of it. Nor do they have sufficient distance from the case to exercise the objective judgment which a prosecutor should about those topics. Police prosecutors have a professional obligation to exercise control over what charge is to be pursued and what evidence is to be gathered and adduced. If more evidence is needed then their professional obligation is to requisition it. If there has been erroneous charging or over-charging it is their obligation to amend, substitute or discontinue the charge.

As to the second common error, that of some defence lawyers, it is believing the myth that you should not seek your client's version of events to any extent until after your client has had an opportunity to peruse the full prosecution brief of evidence. The unspoken propositions behind that approach, which is a cover for laziness, are:

1. you should assume your client is probably a guilty liar who will want to weave a false exculpatory account around the facts eventually disclosed by the prosecution;

2. if you extract an account of events from your client at an early stage, he or she might change it later, meaning you might have to withdraw and lose work; and

3. there is nothing to be lost by not engaging with your client on the facts early.

Each proposition is flawed. Firstly, your opinion about your client's guilt or honesty is irrelevant.

Secondly, experience shows it is rarely necessary to withdraw in consequence of a client's change to a factual account earlier given to the client's lawyer. Most such changes only involve

correction of minor drafting or memory errors or the provision of minor additional facts, rather than major altered facts. My own experience as an ethics counsellor was that the more frequent ethical concern in this area was lawyers, who were finding the case hard work, were too readily tempted to seize upon an inconsequential change of account as justifying their withdrawal. In any event the occasional loss of a client is a small price to pay for those much more valuable commodities, professional integrity and reputation.

Finally, the notion there is nothing to be lost by not engaging with your client on the facts early is plainly wrong. There is much to be lost. Of course, your client is entitled to make an informed choice about what course to take and is entitled to delay that choice until advised of the strengths and weaknesses of the disclosed prosecution case, including in respect of potential defences. But obtaining your client's version of events at an early stage is not inconsistent with that right. Moreover, such early engagement about the facts is critical to the client's interests in receiving reliable, timely advice about prospects of success and the future conduct of the litigation. In a case which will likely go to trial, obtaining your client's account of the facts early will be critical to identifying the existence of other evidence and information which may exculpate or mitigate, so that it might be gathered before the evidentiary trail runs cold and memories fade.

The third error, common both to some prosecutors and some defence lawyers, is not conducting a pre-trial conference with a witness you will or might call. Not doing so is, or at least verges upon, professional negligence. I know there exist advocates who profess that they should not or do not need to participate in pre-trial conferences with witnesses. I know they lay claim to all sorts of reasons for not doing so. Let me call those reasons for what they are: lame excuses for laziness.

Let's review some of the more common excuses. "I won't have time" – rubbish, consult your diary well in advance and make the time. "The witness is too far away to travel to a conference in advance of trial" – so what, have you not heard of telephones, Zoom or facetime? "I better not talk to the witness in case there is an issue about what was said in conference" – so ensure you have another staff member present or record the conference. "Pre-trial conferences breach the ethical rule against coaching" – nonsense, that rule precludes attempts to influence or alter the substance of the witness's testimony. It prevents advising witnesses what answers they should give. It does not preclude asking questions about what the witness recalls.

The notion that such a public and pivotal interaction as occurs between advocate and witness in evidence-in-chief might occur without the two players having conferred meaningfully beforehand is anathema to the persuasive proof of the case. To draw upon the analogy of the production of a play, how can you, the director and one of the lead actors on the court stage, possibly hope to exercise control over the production you will present without meeting properly with your fellow cast members beforehand?

Moving to how exercising control should reflect itself in your presentation of the case, it is elementary that the advocate's presentation of the case in court is informed by a well-considered case theory. That case theory will not only inform what evidence you should lead or challenge. It will also inform what evidence you elect not to lead or not to challenge.

Subject to the qualification deriving from *R v Apostilides* (1984) 154 CLR 563 – that prosecutors have an obligation to call all relevant witnesses in the case - neither prosecutors nor defence lawyers should mindlessly lead all available evidence or all evidence which happens to appear in a witness's statement. Nor should they cross-examine about evidence which has no bearing upon their case. Evidence should only be led or challenged if there is a purpose to it. Leading or challenging any evidence carries the ever-present risk that facts which harm your case may emerge unexpectedly. That risk is worth taking if outweighed by the existence of a beneficial purpose in leading or challenging the evidence. But if there is no purpose behind leading or challenging the evidence, then exercise some control and refrain from doing so.

Having conquered the factual detail of the case and reassured yourself of your case's foundations, prepare and plan to present your case informed by that knowledge and your formulation of a credible case theory to sell to the presiding Magistrate at court. This will allow you to exercise control over every aspect of your case presentation because you will have planned it. You will open the case in the manner which best aides your case. You will lead evidence-in-chief and cross-examine with a guiding purpose, choosing to lead or challenge evidence not just because it is there to be led or challenged but because – and only because – there is a purpose in doing so. You will call your witnesses in a sequence which best aids your case. You will deploy exhibits at a time and in a manner which best aids your case. You will not overlook technical aides like averments or evidentiary certificates because you will have identified the need for them and tended to them in advance. You will close with an address

you have been planning all along, ever since you decided to take control of the case as yours to run.

4. Do not engage in unnecessary communications about your case with your opponent

Junior lawyers hopefully appreciate the elementary requirement of solicitor/client confidentiality. An equally important, though more nuanced requirement is that in litigating a trial practitioners should not disclose to their opponent more than is in the interests of their client to disclose.

It may not be a breach of solicitor/client confidentiality to disclose to your opponent information which is not of itself confidential. However, whenever you are contemplating disclosing information about the case to be tried, even if it is only your personal thoughts about the strengths or weaknesses of your case or that of your opponent's, it is imperative that you ask yourself whether disclosure of such information is in the interests of your case. If it is not, then do not disclose it.

Lawyers opposed to each other in a trial are often well acquainted and are sometimes friends. Even those opposing lawyers who are not well known to each other will want to be, indeed should be, courteous and respectful towards each other. But there is an obvious difference in engaging in friendly banter with your opposition about innocuous topics such as the weather or the weekend's sporting results as compared to talking about the substance and merits of the case in which you are opposed at trial.

When your communication turns to the latter topic, you should only disclose such information about the case as is ethically necessary, according to the rules of disclosure, or as is additionally necessary in order to promote your client's interests. Similarly, you should not disclose your personal thinking about the forensic strengths or weaknesses of the case unless it is in the interests of your client's case to do so.

This need for discretion and being on your guard against engaging unnecessarily about your case with your opponent flows from the fact that you are only in a position to engage about the case with your opponent in your capacity as an agent, that is to say the legal representative of, the prosecution or the defendant. It is elementary that those whom you represent have every right to expect you will not disclose anything about the case, including your thoughts on it, unless it is in their interests that you do so. That you may settle your nerves or gratify your ego by speaking about the substance of your case to your opponent is no justification for doing so.

I emphasise this need for discretion because time and again in practice I witnessed junior lawyers, and even some senior but nervous or egotistical lawyers, seeking out or being sucked into unnecessarily communicating with their opponent about the case. They would often unwittingly give away information or thoughts which better informed their opponent's approach to the case. Sometimes that was by heightening an opponent's otherwise low confidence in the position they intended to take in the case generally or in respect of a particular feature of the case. Sometimes it was by causing the opponent to understand and thus better deal with a feature of the case they had not hitherto appreciated.

Remember, you do not know how well prepared your opponent is. You do not know whether your opponent has noticed a particular weakness in their case or yours. Nor do you know how apprehensive or troubled your opponent is about the case. Why provide information which may unwittingly reassure or prompt your opponent about the course they are taking or should be taking in the litigation?

None of this is to suggest that you should not engage with your opponent if it is in your client's interests to do so. The point is that taking the disclosure of information or your thinking about your case beyond that point risks aiding your opponent's cause and thus hurting the very cause you have been engaged to represent.

5. Do not be cowed by your opponent or the bench

Flowing from the fact you have been engaged to represent a party to a court case is your obligation to that party to be courageous in pursuing their interests in the face of adversity. If you are to fulfil your professional duty you must not allow yourself to be cowed by your opponent or the presiding Magistrate.

Intimidation by your opponent may take various forms. Some opponents will try and browbeat you outside court into accepting whatever they want to urge upon you about your conduct of the case. It may be they make a legitimate point which you know you cannot succeed in resisting. If so, there is nothing wrong in conceding the point. My concern is that you should only do so because they raise a legitimate point. That they may raise their voice, use emphatic or harsh language or resort to personal criticism is no reason to give into them. Ignore such boorish behaviour. Do not meet it with like behaviour or your opponent will see it as a win because you have been distracted from thinking about your case rationally, into emotive thinking. Do not allow yourself to be intimidated into agreement or you will not be true to

your professional obligation to fearlessly represent your side of the case. The best response to such bombast or aggression is to calmly indicate you disagree and that if your opponent wants to argue about it your opponent should raise it in court with the Magistrate. In my experience at that point many such aggressors will give up, conscious that it is futile to pursue the point.

Occasionally an aggressive opposing advocate may get under your skin in court. Whatever the reason for that it is imperative that you not show it. The risk of doing so is that it is you who will appear to the Magistrate to be emotional, flustered or aggressive. The court may be unaware of the provocation you perceive your opponent has given you and thus perceive you as behaving unprofessionally. On the other hand if the court is aware of any misbehaviour on the part of your opponent which gives you cause for anger it will be much more impressed if you do not react and instead remain calm and polite. As time progresses the court will have increasing admiration for your ability to press on, ignoring such rude behaviour and a commensurate decrease in respect for your opponent and in turn the arguments advanced by your opponent.

Some opponents will be more smarmy than aggressive, camouflaging an attempt to lead you into error with superficial bolstering of your perception of your case or minimising of their own case's merits. For example, such an opponent may tell you that you can lead much or even all of a witness's evidence-in-chief or will admit many facts of your case and then prevail upon you to lead your witness or not to lead evidence which includes some admitted facts. They may ramp up the pressure, while court is in session and you are leading evidence-in-chief, by getting to their feet and announcing, "your Honour, I've told my learned friend I have no objection to my learned friend simply leading this witness" or "your Honour, we have admitted the facts my learned friend is leading evidence of, is this really necessary?"

The mere fact that your opponent consents to your asking leading questions does not mean you should ask leading questions, any more than the fact your opponent admits a number of facts to which a witness testifies means you should not ask the witness questions about those facts. That is not to suggest you should unnecessarily consume court time in the face of such consent or admission. However, you may rightly perceive a need, or at least a legitimate forensic advantage, in leading evidence-in-chief conventionally with non-leading questions or in adducing evidence from a witness who gives evidence of some facts which are admitted.

If you have a witness who you know from your pre-trial conference is not a particularly good narrator of what transpired, then you may welcome the opportunity to use leading questions to

solicit the evidence-in-chief. But if you know from your pre-trial conference that your witness is sound at answering non-leading questions, then you may be surrendering a forensic advantage by taking up your opponent's offer to elicit evidence-in-chief through leading questions. An account adduced through leading questions is much harder to follow relative to a narrative account given by the witness. The latter type of account will almost invariably be better understood by your judicial audience. It will also allow your witness to settle into the witness box and build confidence before cross-examination commences.

In a similar vein, it may be that some of the facts to which your witness can testify are admitted, but the non-leading of evidence of those facts from the witness's account may result in the balance of the account being difficult to follow and rob the account of the kind of minutiae which Magistrates look for in assessing the reliability of a witness. For all of these reasons, it is important that you are not cowed into failing to advance evidence from your witnesses in the manner that best enhances your case's prospects of success merely because your opponent is complaining that you do not need to approach your task in that way.

Your opponent may not be the only player in the courtroom who places stress upon you. Judicial officers may wittingly or unwittingly place stress upon you. It is as important that you are not cowed by them, as it is that you are not cowed by your opponent.

The temperament and patience of judicial officers varies widely as between them, and as between the same judicial officer in different matters. You may encounter a Magistrate who is often hard on and interventionist towards advocates. You may be presented with a normally reasonable Magistrate who is having a difficult day, grappling with temporal or other pressures you are unaware of.

Whatever the reason may be, there will inevitably be occasions when a judicial officer is seemingly pressing you to abandon an argument or urging you to take a different course, not because their opinion is right but because they are not properly apprehending the merits of your argument or the course you are seeking to take. When that occurs, you ought not be cowed by the resistance or intervention of the judicial officer. It is fundamental that you stand your ground and patiently explain to the judicial officer why it is that there is merit to your position.

In my experience at the bar, I often found when I did that the relevant judicial officer would ease back and allow me fair opportunity to pursue the point. Sometimes, not always, their attitude would turn and they would start to see the merit in the point. But even when that did not occur it was important that I articulated the point to protect the position of the side I was

representing in the event of an appeal. It will be no help to you in an appeal to say, "I wanted to run an argument but I didn't run it because I was scared to, because I was cowed by the judicial officer".

Before leaving this topic, it is as important to your understanding of it as it is fair to most judicial officers, to explain that we will often question trial advocates and sometimes press them on a topic. That is not because we are against the advocate but because we want to better comprehend the strengths and weaknesses of the advocate's position. To judge a point, we need to understand the point. It helps us to poke and prod at the point, to assure ourselves whether or not it is a meritorious point. So do not mistake judicial enquiry, even seemingly persistent enquiry, as an attempt to make you back down or abandon the point you are pursuing. More often than not it will merely be an attempt to test and thus better understand the point you are pursuing.

Finally, I assure you that while judicial officers can readily discern when advocates are being obstinate in pursuing a futile point, they are equally likely to respect the advocate who stands their ground when there is substance to their argument. Such advocates thereby ensure the court properly understands that substance and does not commit error.

This focus upon the need to persuade the judicial officer before whom you are appearing brings me to my final piece of advice.

6. Remember your audience

Remember, your audience is not the public gallery. It is the decision-maker, the Magistrate. How you present your case, how you open your case, how you lead evidence-in-chief, how you cross-examine, how you close your case, can all have a bearing upon how your audience, the Magistrate, perceives your case. Your object throughout is to maximise the prospect of the Magistrate properly understanding your case and accepting its merits.

So, when you open your case, do not have your head buried in your script. Reduce your opening to notes which you can occasionally look down at to ensure that, most of the time, you are looking up at the Magistrate when opening the case, as if engaging in a conversation with your audience, albeit a largely a one-way conversation. If you have plans or other photographs that may better explain your opening, then deploy it during your opening, placing a copy before the Magistrate so that the Magistrate may better understand your case from the outset.

When you are leading evidence-in-chief, try to let the narrative flow so that the Magistrate can better understand what the witness is saying. Sequence the evidence you are leading from the witness and, for that matter, the order in which you are calling witnesses, so that the evidence falls in a way that is more likely to be understood by the Magistrate. Plan the way in which you intend to have a witness discuss a physical exhibit and do it in such a way that the Magistrate can follow what the witness is talking about - something the Magistrate cannot do if unable to see the photo, plan or other exhibit which is being spoken of.

When questioning witnesses, keep your volume up and your speed down, both so that the Magistrate can understand what you are asking and to heighten the prospect that your witness will tend to mimic you with a higher volume level and a slower pattern of speech. If the witness is speaking in a manner that cannot be understood, then intervene. Encourage the witness in real time to appreciate the need for the Magistrate to follow what is occurring. For instance, preface some questions by gesturing at the Magistrate, saying, "Well, his Honour needs to understand what you are saying. Would you please tell his Honour …".

When you are delivering your closing address or, for that matter, advancing argument during any stage of the trial, be conscious of the Magistrate's need to understand and follow what you are saying. Use pauses. Watch the Magistrate. If the Magistrate's head is down, apparently looking at a document you have passed up, be quiet. Give the Magistrate the time to read and absorb it. Wait for the Magistrate to look up and then continue with your submissions.

These are but some illustrations of the need for you throughout your trial presentation to be conscious of how the Magistrate will be perceiving your case; the need to remember your audience.

Bear in mind that your audience may be watching your side even when you are not on your feet. Everything you do at court should be calculated at pleasing your audience. How you look, how you speak, how you conduct yourself towards witnesses, how you behave while your opponent has the floor, all have the capacity to influence your audience's opinion of you. For as long as decision makers are human beings rather than robots their opinion of you will have the potential to influence their opinion of your case, even if only subconsciously. In a close contest that influence might be the difference between winning and losing.

The need to remember the Magistrate is watching does not apply only to you. It also applies to your cast. Who is your cast? It is you the advocate, it may be any lawyers or clerks attending court with you, it is your client, it is your complainant, it may be your arresting officer, it may

be the witnesses you call and it may on occasion even include the protagonists' friends, family or other supporters. In short it is anyone who your audience may identify as connected with the advancing of your case.

If any of your cast are seen by your audience to dress or behave in a disrespectful manner then, because they may be perceived by your audience as part of your team, it may make the audience less receptive to the merit of your case. Your witnesses and their attending supporters should be made to understand this. Assist them with advice about how to dress and how to behave appropriately when at court and monitor how they are behaving. If there is a risk they may distract the Magistrate then tend to that risk before it manifests.

I have occasionally adopted theatrical analogies in this evening's session because running a trial is many respects akin to producing and presenting a theatrical performance. Both share the same aim – pleasing their intended audience.

Conclusion

The six pieces of advice I have given you this evening are calculated in various ways at promoting a professional mindset in your approach to litigating trials. It is advice calculated at ensuring that even in your early years as a lawyer your trial preparation and performance is carried out with the commitment, thoroughness and active application of thought which lay people and Magistrates rightly expect of lawyers engaged to appear as trial advocates. Perform your mission in that way and, even though you may not always achieve the result you seek, you will have successfully discharged your professional role and will derive great personal satisfaction from so doing.