

Book Review

Evans, Keith. The Golden Rules of Advocacy, London, Blackstone Press Limited (OUP), 1999, ISBN 1-85431-259-6, £11.99

This book does precisely what it says on its cover – it is extremely practical, entertaining and packed with examples, advice and top tips of how advocacy should be approached (and in some cases), how it shouldn't.

In my view, this book is suitable for all those who are frequent advocates or alternatively, those who wish to become advocates in the future and desire to acquire the requisite skills. While this book will not and cannot make a good advocate as the former comes from experience and regular practise; it will provide an excellent grounding in what may be called the 'nuts and bolts' of what advocacy is about.

The author, in his introduction, maintains that if two minutes a day is spent reading something in the book then another eight minutes thinking about what has been read, then in two months it is articulated that the reader will be better than 75 per cent of the competition who wish to become advocates.

The book is set out extremely clearly in a series of Golden Rules and due to the writers unequivocal clarity throughout, I hold the view that this book is suitable for all students ranging from AS students preparing for the Bar Mock Trial Competition to all undergraduates preparing for moots, both internally and externally; students on the Bar Vocational Course; Legal Practice Course; Post-graduate Diploma in Law; students who undertake Pro Bono work (now called, "law for free") for the Free Representation Unit and, I can truly believe, is indispensable for the new practitioner.

The book has the chapters of The Dimensions; The Mandatory Rules; Advocacy as Theatre; The Psychology of Advocacy; The Examination of Witnesses; Examination in Chief; Cross-Examination; Re-Examination and Final Speech. Subsumed within the book are professional conduct points, interesting and informative statistics, numerous examples, quotations and because the author also practises in San Diego and is a member of the Bar of California, there are comparisons with advocacy in America.

The section on "people do not like lawyers" (page 14) makes interesting reading, especially the bill sent by an English solicitor which read:

“ To crossing the Strand to discuss your case with you: six and eightpence.
To recrossing the Strand when I discovered it wasn't you: six and eightpence”.

Further, the "Don't ask the final question" contained in the Cross-Examination chapter (page 110) is personally my favourite section, not only because of the tips and advice provided, but also due to two very good illustrations, one of which will be reproduced here:

Counsel: 'You've testified my client bit off the end of the victim's nose?'

Witness: 'Yeah, I have.'

Counsel: 'And this was in the bar of the Ball and Chain. Right?'

Witness: 'Yeah.'

Counsel: 'It's a long bar, isn't it?'

Witness: 'I suppose so.'

Counsel: 'Forty feet, or more?'

Witness: 'If you say so.'

Counsel: 'And it's got very dim lighting, hasn't it?'

Witness: 'You could say that, yeah.'

Counsel: 'You were at the entrance end of the bar, weren't you?'

Witness: 'Yeah.'

Counsel: 'And the fight took place at the other end, didn't it?'

Witness: 'Yeah.'

Counsel: 'Over 30 feet away from you, right?'

Witness: 'Yeah.'

Counsel: 'And the bar was crowded, wasn't it?'

Witness: 'Twenty or 30 people between you and the fight?'

Witness: 'Yeah, about that number, I suppose.'

Counsel: 'So how is it you say my client bit that man's nose off?'

Witness: 'As he was leaving he walked right past me and I saw him spit it out!'

A former practising barrister, now solicitor-advocate recommended this book to me, and since purchasing it, it has been used constantly both when mooting at university and now, even more so, studying on the BVC. It would be fair to say that I warmed to this book after reading its first chapter and now, having read the book many times, would express the following view: any person who is seriously thinking of a career as an advocate, or any other person who holds an advocacy-based practice and does not possess "The Golden Rules of Advocacy" would do well to purchase this book as expeditiously as possible.

While this relatively short book review by no means does any justice to the amount of knowledge and skills one can extract from it; in summary, its tone, clarity, the frequent use of headings, sub-headings and bullet points together with the author's experience of practising law in more than one jurisdiction gives this book, on my account, an unparalleled advantage over other advocacy books on the market.

Additionally, on the sole basis that the practical advice contained in this book is clearly not commensurable with its price – I'm sure demand will easily exceed supply at all Hammicks Legal Bookshops!

Darren Sylvester is a student on the Bar Vocational Course, Inns of Court School of Law, City University, London.

