

# **EXTRACTS**

## The One Day Legal Course Practical And Hands On

(You Can Print This Extract Out)

[www.saslawcourses.org](http://www.saslawcourses.org)

# The One Day Legal Course

This one day course was designed to help a person break into law and has, over the years, helped thousands to do just that.

Unlike our other courses this one is not distance learning. You will be trained on location within the environs of both the Civil courts and the Criminal courts (London).

As a consequence, even though you will be given some reading material prior to your 'day in court' it will be the work sheets given you on the day that will form the back bone of the days programme.

Below are a couple of the day's work sheets. Your instructor on the day will hand you your work sheets and also give on site instructions. Working in small groups you will be asked to carry out various tasks as though you were there representing a firm of lawyers.

The tasks will take you all over the Royal Courts and the Criminal Courts. And will range from locating where to lodge documents to how to take notes whilst sitting in on a civil or criminal trial.

The **first work sheet** example below deals with assignments you will be asked to carry out at the Royal Courts of Justice.

The **second work sheet** will be used in conjunction with material you would already have read prior to the day and the instructor's additional input to help you develop court trial note taking skills.

Finally, we have included in this course extract some of the **reading material** you will be provided with prior to your court training day.

first work sheet

## OUT DOOR CLERK DAY SHEET

Date: 4.May.94

Solicitors: Blake Edwards & Co

Time: am & pm

Solicitor: Jo Mitcham

Counsel: Locate

Court: Royal Courts of Justice

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### General Instructions Re: Various Clients

- 1/ Assisting Counsel [ ]
- 2/ Statement Taking [ ]
- 3/ Filing Documents [ ]
- 4/ Conference in Chambers [ ]
- 5/ Other [ ]

Main Objectives	Things to do or remember
<b>File and lodge docs</b>	<b>1/ Re: Smith v Smith; pay fee for Notice of Motion at fees room. Cheque enc. Then lodge Notice at Crown Office.</b>
	<b>2/ Re: Jones v Cote; collect order issued in court 38</b>
	<b>3/ Re: ... not included in this extract</b>
	<b>4/ Re: ... not included in this extract</b>
	<b>5/ Re: ... not included in this extract</b>
	<b>6/ Re: ... not included in this extract</b>
	<b>7/ Re: Ade v Salter lodge Contact Application at Children's section – Principal Registry</b>

**second work sheet**

**NOTE TAKING SHEET**

**Situation**

**You have sat down behind Counsel.  
The trial is about to start. Your client  
is behind you.**

**With the file beside you and your trial  
note pad before you, you're ready to begin.**

**Try and convert the following questions and answers into one.**

**1/**

**Q. Did you go to the club with the intention of stealing?**

**A. No I did not.**

**2/**

**Q. How did you gain entry?**

**A. I just walked in.**

**3/**

**Q. So you went straight into the toilet?**

**A. Yes**

**4/**

**Q. Mr Mansel said he saw you and you tried to run away is that right?**

**A. No**

**5/**

**Q. I put it to you that you did not receive any injuries?**

**A. I did.**

**Cont...**

## reading material

### INITIAL EXPLANATIONS

3 To get us started we are going to assume that you have already collected the case file from the lawyers and are on your way to court.

4 Unlike civil cases where you may be given a number of different things to do, e.g. file documents, swear affidavit/statement of truths, issue applications etc., in criminal hearings more often than not your only task will be to assist Counsel and take notes. You will not be given a set of instructions to follow.

### ON THE WAY TO COURT

5 As in all hearings, to be of maximum use to Counsel you will need to read up on the case. In addition to the brief to Counsel, affidavit/statement of truths and statements, look for and read through any antecedents.

#### MEANINGS

**Antecedents:** Details on the background of a convicted person given to a court before sentence is passed.

6 The client's antecedents will usually be printed on a single sheet of paper. It may be headed 'Previous Convictions'. It will not be attached to any bundle but will be loose.

7 Criminal trials are often long and full of twists and turns. To keep on track Counsel often has to make numerous notations. To be of further assistance, make sure you take the following items with you:-

- a. different coloured pens (include red),
- b. pencil, rubber, ruler, calculator,
- c. calendar, (include previous two years),
- d. safety pins and tissues,

- e. coins for the phone,
- f. Counsel's note book,

8 The purpose and value of some of the above items may seem obvious to you however here are some additional uses:

9 Whilst note taking you will inevitably find that you will need to make corrections, asterisk points and add insertions. Having different coloured pens will prove useful.

10 When a crime is committed it may take many months to catch the suspected perpetrator, several more months before the first hearing and still more months before the actual trial. During the trial, witnesses may refer to events and dates in previous years. To enable the Counsel and the client to accurately place events they will need a diary calendar; your calendar.

10 Sometimes witnesses are late for the trial and Counsel may ask you to telephone them. Getting change at court is not always easy so make sure that you have a good supply of coins.

12 The first time you are sent to court you may decide to purchase a note book. Don't bother. Before leaving the lawyer's office ask for a Counsel's Note Book. Most lawyers will gladly give you one. They are light blue in colour and are widely used by barristers and lawyers at court.

## **ON ARRIVAL AT COURT**

13 Again as in civil trials check the case listing board. Note down the court allocated, the time listed and the Judge appointed.

14 Then, instead of looking for Counsel and your client approach the reception desk and have Counsel paged over the tannoy system. Speakers are located throughout most of the court area, i.e. waiting areas, canteen, etc. If he can hear his name over the speakers he will then come and meet you at reception. If your client is on bail he will likely already be with Counsel.

48 Hopefully, the exercise you have just completed will have taught you one of the skills needed to successfully take notes when witnesses are examined in the witness box.

49 Another exercise that we will spend some time on is leaving out unnecessary words when note taking. When writing English we normally pay attention to grammar and syntax. However, when note taking, syntax and to a lesser degree grammar are of far less importance than keeping up with and noting down the main points being made.

50 To illustrate the point, consider the statement, "I have never been involved in pimping, or in prostitution, it is not my scene." As far as grammar and syntax are concerned the above is fine, but for note taking purposes it is like carrying excess baggage.

51 For note taking purposes, re-writing it as "never been involved in pimping/prostitution - not my scene" would reduce the number of words by 6, yet still accurately convey what was asked and what was said in response.

52 In addition to eliminating unnecessary words you will need to develop the habit of abbreviating words commonly used at hearings. This is something you should consciously and consistently practise when note taking.

53 On the point of being fast and accurate; probably the biggest obstacle to your developing this particular skill will be yourself. Panicking and trying too hard to get everything down, especially during the early days of note taking, is something you must learn to resist.

54 At this point it may well reassure you to know that your notes will hardly ever be read by your lawyer. Generally, your notes will only be read by the lawyer if there is going to be an appeal. However, Counsel may need to refer to parts of your notes to help him recap on points made. This could be during the lunch break or, if the trial is going over to the next day, overnight.

87 If they are willing and able to stand surety, ask them to attend the court immediately or as soon as possible. Remind them that the client will not be released until they do so.

88 Another duty commonly given to clerks is attending conferences in barristers' chambers. Conferences are where the client and Counsel discuss the case in detail.

89 The need for a conference can occur for a variety of reasons, for example: before the hearing Counsel may want to gain a better understanding of the client's case by talking through statements (the client's - any witnesses' etc.); or sometimes after a first hearing Counsel may want to discuss with the client alternative strategies for the next stage in the proceedings. Again, sometimes the client feels the need to have certain points gone over in detail. Their lawyer may feel that a conference with the barrister will be beneficial.

90 Your role when attending conference, is first and foremost to represent the firm of lawyers. However, taking notes on points covered is of equal importance. Since for the most part Counsel will be asking questions of the client, conferences will afford you excellent opportunities for practising the combining of questions and answers into one.

91 In addition to taking notes you should also be alert to your client's ability to understand all that is being said. Appreciate that for your client, attending a meeting in a barrister's chambers can be a little bit daunting. To the general public, a barrister is much like a professor; their chambers are filled with volumes of law books and journals and is like being in a professor's study. Due to this, your client may find it hard to totally relax and concentrate on what is being said or asked. At times Counsel may find getting a point across difficult. At other times the client may give the impression that they understand the points being made, however, being alert, you may suspect that this is not the case. At such times, feel free to interrupt and either ask Counsel to re-explain, or you yourself re-state things more simply to the client. Remember that you are representing the lawyer. If they were there in person and felt they could help they would contribute to the discussion. You should do the same. Counsel will not mind; in fact at times he or she will thank you afterwards for being so helpful.