

Courtroom skills

Legal terminology

- Judge
- Jury
- Barrister (+ burden of proof)
- Witness
- Expert witness
- Crown court
- GBH
- Arson
- Plaintiff
- Defendant

Judge

- To ensure court process is run fairly
- Interpret the law
- Assess the evidence presented
- Give instructions to jury
- Independent and impartial assessment of the facts
- sentencing

Jury

- Picked at random from electoral register
- Jury trials only held when defendant has pleaded not guilty to most serious crimes
- Listen to evidence presented
- Retire to consider verdict
- Select a foreperson

Barrister

- Opening statement: Explain to Jury what the case is about
- Explain burden of proof: Crown must prove beyond reasonable doubt, the defendant does not need to prove anything.
- Examination and cross examination
 - No leading questions
 - Point out problems and inconsistencies: closed questions
- Closing speech:
 - Brief outline of the law
 - Summary of evidence heard in court
 - Burden of proof

Expert witness Criminal Procedure Rules 2015

Expert's duty to the court

19.2.—(1) An expert must help the court to achieve the overriding objective—

- (a) by giving opinion which is—
 - (i) objective and unbiased, and
 - (ii) within the expert's area or areas of expertise; and
- (b) by actively assisting the court in fulfilling its duty of case management under rule 3.2, in particular by—
 - (i) complying with directions made by the court, and
 - (ii) at once informing the court of any significant failure (by the expert or another) to take any step required by such a direction.

(2) This duty overrides any obligation to the person from whom the expert receives instructions or by whom the expert is paid.

(3) This duty includes obligations—

- (a) to define the expert's area or areas of expertise—
 - (i) in the expert's report, and
 - (ii) when giving evidence in person;
- (b) when giving evidence in person, to draw the court's attention to any question to which the answer would be outside the expert's area or areas of expertise; and
- (c) to inform all parties and the court if the expert's opinion changes from that contained in a report served as evidence or given in a statement.

Duty of an expert witness

- ‘It is the duty of an expert witness to provide material on which a court can form its own conclusions on relevant issues. On occasions that may involve the witness expressing an opinion about whether, for instance, an individual suffered from a particular condition or vulnerability.
- The expert witness should be careful to recognise, however, the need to avoid supplanting the court's role as the ultimate decision-maker on matters that are central to the outcome of the case [...] It is for the court to decide if the confessions are reliable and to reach conclusions on any reasons for their possible falsity.’

- Be familiar with correct legal tests:
 - Fitness to plead
 - Pritchard criteria
 - M’Naghten Rules
 - Diminished responsibility criteria



HOW TO BE A GOOD EXPERT WITNESS

Understand the question

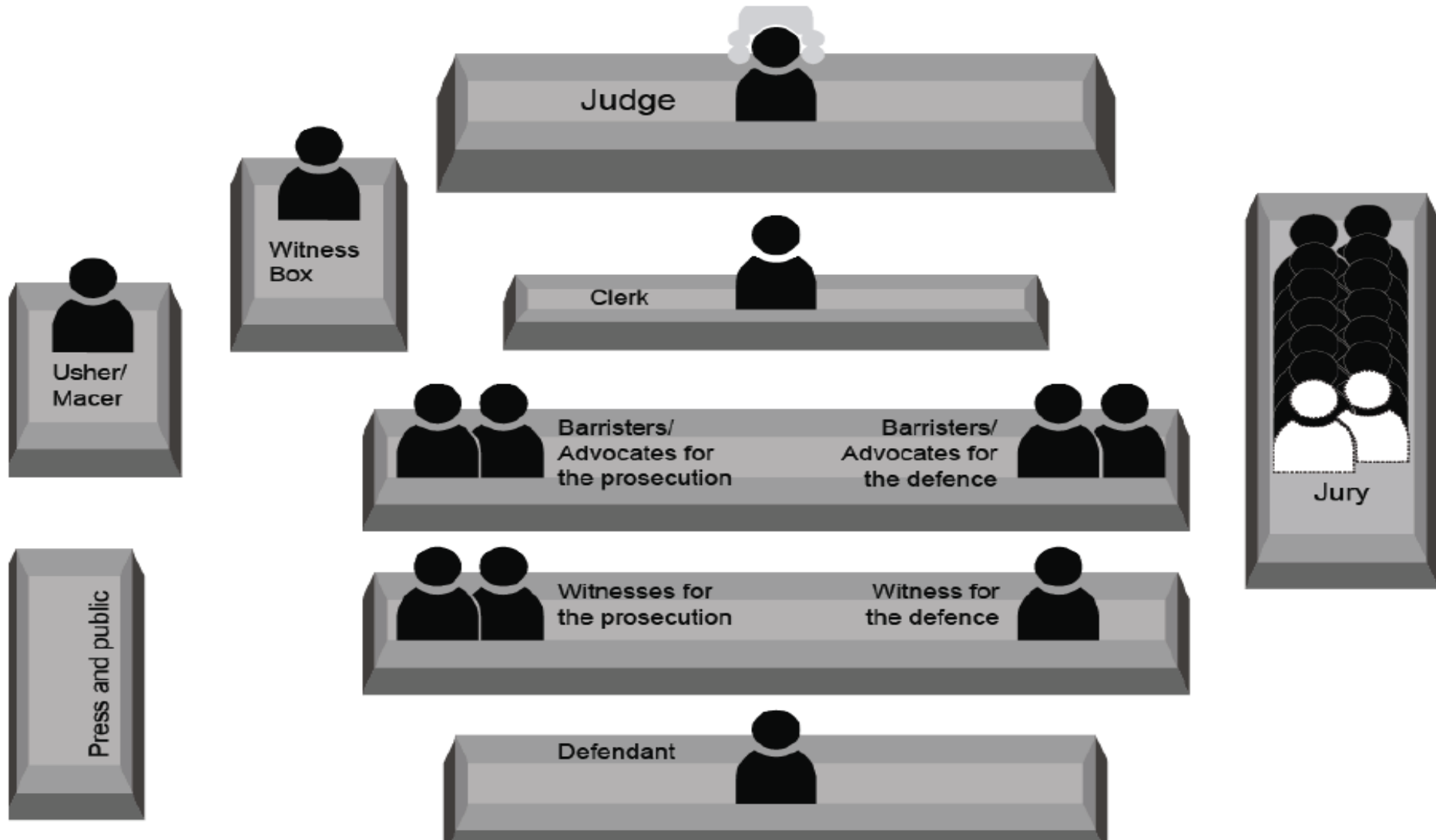
Think before answering

Do not argue

Focus on the question

Tell the truth

Court Layout



Further reading

- Hallett, N., Smit, N., & Rix, K. (2019). Miscarriages of justice and expert psychiatric evidence: lessons from criminal appeals in England and Wales. *BJPsych Advances*, 25(4), 251-264.