

Witness Skills – Subpoena Training

How to deliver evidence confidently when subpoenaed

Background

Giving evidence and cross examination can be a highly technical and specialist process which is alien to the vast majority of people and can cause them to feel nervous, stressed and extremely uncomfortable.

Anybody, either on their own or while representing their organisation, can be subpoenaed to provide evidence to courts, tribunals, inquiries (including coronial inquests), investigations and commissions. They are compelled to attend court and they often find themselves unprepared for the process. It can be particularly difficult for the witness as they do not have the support of a party's legal team to help prepare them to give evidence in the Court. They are also often representing their organisation, department or company in doing this, which involves an additional level of pressure.

At these hearings, it is common that the witnesses' decision making, procedures, experiences, notes and considerations will be forensically analysed and debated. Witnesses will be required to justify their actions (or in-actions) and can be criticised for these actions. This often causes considerable personal discomfort, as well as potentially reflecting poorly on their department, company or organisation.

Wouldn't it be helpful if there was a solution to prepare witnesses as to what to expect, how to deliver their evidence and to deal with the 'tactics' used by barristers and cross examiners in a court or tribunal? Well, the good news is that Loquitur has a solution. We have developed our Witness Skills Subpoena Training course out of the ongoing difficulties faced by people (and their organisations) when subpoenaed to give evidence to these bodies and when under cross examination. This course seeks to redress the imbalance which subpoenaed witnesses face when giving testimony.

This training serves as a foundation on which individuals in their personal capacity, or as representatives of their employer, can understand more about the delivery of evidence (including where relevant, expert evidence) under cross examination when subpoenaed to attend court. It also provides those people and staff likely to be giving evidence a detailed understanding of the fundamentals of the subpoena process, the witness process, as well as rigorous practical experience in being effective in this role.

In this way people subpoenaed to be witnesses (and their employer, organisation and other stakeholders) can be assured and confident that the witness will be well placed to effectively deliver evidence effectively and be able to handle the evidential process.



Witness Skills – Subpoena Training

Aim

The aim of this course is to provide detailed information and practical experience to individuals or representatives of organisations required to deliver testimony in cross examination under subpoena to courts, tribunals, inquiries, investigations and commissions.

Learning Outcomes

- Understand what a subpoena is
- Learn the obligations and responsibilities arising from subpoena
- Know the rules and obligations for witnesses in giving evidence
- Understand the purpose of cross examination
- Know what parties and stakeholders are looking for in witness testimony to judicial and quasi-judicial bodies.
- Understand issues faced by subpoenaed witnesses when giving evidence
- How to give considered, confident, clear and impartial testimony
- Be aware of advocate cross examination techniques and methods
- Develop personal strategies to effectively deliver evidence under cross examination
- Practical implementation of such strategies

Witness training courses
“prevent witnesses from being disadvantaged by ignorance... As such, witness familiarisation arrangements are not only permissible; they are to be welcomed.”

Bar Council of England and Wales: Guidance on Witness Preparation

Witnesses

Courses are suitable for ALL individuals persons, or employee or representative of companies or organisations or departments who are, or are likely to be subpoenaed to give evidence. It is particularly useful for:

- Health and medical professionals, acting either as individual practitioners/consultants or representatives of health organisations
- Public servants and other government staff
- Emergency responders, such as police, fire and ambulance officers
- Regulatory and quasi-government bodies and their staff
- Corporates and companies who are themselves likely to be subpoenaed or whose staff individually are likely to be subpoenaed to give evidence

Instructors

All of our courses are taught by experienced practising barristers with broad-based practices who regularly cross examine witnesses in all legal and quasi-legal forums. Trainers are often advocacy instructors who teach advocacy and cross examination to organisations across the spectrum, including trainee barristers, both in Australia and internationally.

Our barristers and trainers have been specially selected to deliver this training because of their approachability, and ability to effectively explain practical legal concepts to witnesses from across the spectrum that are required to give evidence. They are accessible and personable while still maintaining their incisive technical skills.

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Independence

Loquitur, our staff, and all of our barristers are wholly independent of the facts and matters of any case(s) in which the witnesses may be involved, and will remain so, so you can rest assured that they will be acting in your best interests to ensure that you can give your evidence to maximum effect

Attendee Preparation

Review of pre-prepared materials – approx. 2-3 hours.

Location & Delivery Method

- In person courses can be delivered in most Australian capital cities, and regionally -.
- Remote courses via video-link are immediately available for delivery throughout Australia and internationally.

Forum and Jurisdictions

These courses are available for all legal forums – courts, tribunals, arbitrations, investigations, depositions, inquiries and commissions – anywhere evidence will be compelled under subpoena and provided under cross examination.

Sessions can be provided for all Australian jurisdictions.

Course Structure and Pricing

Session	Content
Part 1 – Fundamentals of Cross Examination under Subpoena	<ul style="list-style-type: none">• Nature of judicial and quasi-judicial proceedings• Types of witnesses and their duties• Specific considerations for subpoenaed witnesses giving evidence• The giving of testimony under cross examination• Counsel preparation to cross examine witnesses under subpoena• How witnesses should prepare for cross examination• Counsel cross examination techniques• Witness counter-measures and strategies to deliver clear and considered evidence effectively under cross examination
Part 2 – Cross Examination Practical	<ul style="list-style-type: none">• Mock cross examination sessions.• Mock cross examination of one attendee.• Reviewed and analysed by trainer with group.• Repeat with any other attendees and with original witness as required.

This course can be provided to an individual or for a group. Half and full-day sessions available

Tailored/bespoke courses can also be arranged where appropriate.

Please [contact us](#) to discuss pricing options.

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Attendee Prior Experience

It is anticipated that attendees' prior experience will be varied – some have never given evidence before, while others have some experience. This course is designed to benefit ALL attendees regardless of prior experience of having given evidence or cross examination.

Benefits

Witness training courses by an independent third-party provider such as Loquitur offer various unique benefits, some which are often unavailable in other witness training methods. These benefits include:

- Witness confidence, assurance and support
- Detailed understanding of the roles and obligations of witnesses
- Detailed understanding of the forums in which evidence will be given
- Improved delivery of evidence
- Training from experienced, practising barristers
- Comprehensive course with immediate results
- Boutique and specially tailored courses available where appropriate
- Third party instructors ensure no excessive familiarity
- Time saving
- Effective and practical techniques and evaluation
- Presentation of materials in plain English
- Reassurance that witness will present in the best way possible
- Completely independent and ethical
- Promotes openness of justice
- Improved witness performance reflecting better on organisation or department.

Feedback & Testimonials

"very professional and showcased great expertise in the expert witness space and we all gained great insight into the expert/ cross-examination process."

Forensic Accountant, Sydney

"Overall it was extremely informative and the presenter was very knowledgeable and conveyed the information in a very easy to comprehend manner."

Public Servant, Sydney

"It was very helpful to have this presented by a solicitor to understand the requirements of a witness (clinical or expert) and for reports, as well as their role in the process."

Health Professional, Melbourne

"The knowledge of the presenter was apparent in his delivery of the content. He was clear in his explanations and engaging throughout."

Management Executive, NSW

Witness training courses will **"assist witnesses to give their best at the trial or hearing in question without any risk that their evidence may become anything other than the witnesses' own uncontaminated evidence."**

Bar Council of England and Wales: Guidance on Witness Preparation

Witness Skills – Subpoena Training

"No particular single highlight - overall it was extremely informative and the presenter was very knowledgeable and conveyed the information in a very easy to comprehend manner."

Professional witness, Queensland

"The mock trial example illustrated well what the speaker was saying and it was interesting."

Executive, Melbourne

About Loquitur

Loquitur is Australia's leading witness training and support organisation.

Loquitur offers specialist witness familiarisation courses (often referred to as witness training courses), expert witness training, subpoena training and institutional witness skills training to witnesses of fact (lay witnesses), and other professional and expert witnesses, as well as and other evidence support and training services.

We ensure witnesses have the confidence, skill and knowledge to effectively deliver their own evidence.

Please [contact us NOW](#) to find out more.

Be prepared and make sure you don't leave to too late!

