

# Book Reviews

**The Civil Advocacy Skills Book**  
 Ronald E Conway & Bridget McCann  
 £20.00, Concann Publishing, 2015

As the title, "The Civil Advocacy Skills Book" indicates, Ronald E Conway and Bridget McCann's new book attempts to provide lawyers with a comprehensive guide to performing competently and effectively in court. As someone who has just finished his Diploma, is just embarking on his legal career, and hopes to specialise in court work, I was particularly interested to read this book. It should be noted from the outset that this book is effectively split into two halves, the first half principally written by Conway, and the second half written by McCann. This book goes beyond the concept of a list of "dos and don'ts" by providing exercises through which the reader can actually try out the skills being described.

The first half, principally written by Conway, is a guide to performing a number of core court skills, ranging from the simple and basic rules to follow when appearing in court, to cross-examination, objections and appellate advocacy. However, this is not a mere recital of the court rules or a condensed regurgitation of MacPhail. Conway not only manages to explain certain rules associated with civil procedure in a simple, digestible way, but expands on them by providing numerous examples in each chapter which serve to illustrate and reinforce the skills he is attempting to show. He manages to break down concepts into relatively straightforward ideas. There is nothing particularly revolutionary about the first half of the book, but it nevertheless provides a comprehensive summary of the skills necessary to be an effective court lawyer. It manages to be informative throughout without ever becoming too bogged down in the rules of civil procedure. The language used in the book is comparatively "jargon-free", but it never descends into being condescending towards the reader. If I have a criticism of the first half of the book it would be that Conway could, perhaps, (like his co-author) have included Quick Response (QR) barcodes linking to YouTube videos demonstrating the skills he is discussing, such as a mock examination-in-chief or a cross-examination. Inevitably, the book only really scratches the surface and won't cover all the nuances associated with appearing before sheriffs – skills which, I imagine, can only be acquired by court lawyers through experience and time.

However, the second half of the book is a revelation. I'm sure everybody is aware of some of their own shortcomings when feeling under pressure, whether that be a shortness of breath, sweaty palms, or just a feeling of extreme tension. This half of the book, written by McCann, provides tips on identifying the signs of your nerves and provides detailed exercises to tackle those signs of nerves. There are chapters on, amongst others, breathing, voice control, posture and relaxation. These chapters will be useful not only for lawyers, but for any job or situation that involves public speaking. It would probably even be useful for anyone that suffers from nerves in any stressful environment. This part of the book might be less relevant for experienced lawyers, who have entrenched court performance issues, but it may be able to improve performance regardless. Of course, a cursory read through this book will not instantly improve performance and, under pressure, you are likely to forget the exercises being suggested, but with some commitment to these exercises it may be possible to dramatically improve these signs of nerves.

One of the most interesting and innovative ideas in this book comes through the number of QR codes which are provided throughout the second half of the book, which can be scanned using smart phones and tablets. These codes instantly link you to YouTube videos produced by McCann where she provides videos of the exercises she suggests doing. It is a novel direction in which to take a skills book, and not something that law textbooks in general have adopted before, at least not those books which I have read as part of my studies over the last five years. This book would be equally useful for all court practitioners, regardless of whether you are in civil or criminal practices, particularly for those who do not appear regularly in court.

Let's be honest, this book, by itself, will not transform you into one of Scotland's leading court practitioners, but that's not the aim. As Conway notes, the aim is to make the reader competent in his or her advocacy. The title of the book is a slight misnomer, because it appears to me that the skills and exercises propounded in this book, for the most part, go beyond civil law and apply equally to criminal law practitioners. The exercises on breathing, voice control and posture apply to all court lawyers, regardless of discipline and, particularly given the reasonable price, I would recommend this book to all court lawyers seeking to improve their court performance.

McCann suggests an exercise for practitioners to carry out before a court appearance, whereby she suggests that the practitioner shakes out the tension in his or her arms and legs, stretches out his or her face and then squashes it up. Furthermore, the practitioner should blow out his or her lips like a horse and hum few bars of a well-known song. If the tips and exercises from this book are taken on board, be prepared to see altogether more bizarre scenes outside court rooms than you've been accustomed to seeing over the past few years.

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**Criminal Fair Trial Rights; Article 6 of the European Convention on Human Rights**  
 Ryan Goss  
 £60.00, Hart Publishing, 2014

One of the most common criticisms levelled at the decisions of the European Court of Human Rights, particularly in the field of criminal law, is that its decisions are not always consistent and that it is not always easy to identify the principles that underpin the decisions. In this book, Dr Goss, a Lecturer in Law at the Australian National University in Canberra argues that, when the case law of the court is studied in detail, its jurisprudence in respect of what constitutes a "fair trial" is marked by uncertainty, inconsistency and incoherence.

It must of course be noted that the ECtHR has never regarded itself as bound by precedent in the way familiar to the common law, but as the author observes, it is impossible to offer a definition, based upon published case law, of what does and does not constitute a fair trial. The author, whose book expands upon his doctoral thesis from 2012, argues that the court often deploys a variety of inconsistent approaches without acknowledging or attempting to reconcile the inconsistencies; this, he suggests, means that the court's guidance as to what are the necessary requirements of a fair trial is of no benefit to anyone seeking a predictable, consistent and transparent definition.