

November 2013

HIGHER RIGHTS OF AUDIENCE ASSESSMENT

IN RESPECT OF CIVIL PROCEEDINGS

THE PRACTICAL ASSESSMENT

TRIAL STRATEGY PLAN ('The TSP')

Candidate name and number (if applicable):

Date of practical assessment:

Party for whom you are acting [plaintiff/defendant]:

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1. Identify and list the main issues in the case and indicate which ones are likely to be in dispute. In respect of each disputed issue very briefly indicate which party bears the legal or persuasive burden of proof and the requisite standard which must be discharged before such burden is satisfied.

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2. In respect of each disputed issue (or the issue if there is only one issue in the case) briefly state what the Plaintiff's and Defendant's respective positions are.

Issue	Plaintiff's position/version/case theory	Defendant's position/version/case theory

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3. In respect of each of your witnesses state:

- which of the disputed issues you have listed the witness will give evidence as to;
- very briefly, what that evidence is; and,
- how your opponent is likely to seek to undermine/challenge your witness/evidence with regard to such issue.

Witness name	Issue(s) witness can testify to	(Very briefly) what is their evidence on the issue?	How is my opponent likely to seek to undermine/challenge the witness/evidence?

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4. In respect of each of your opponent's witnesses state:

- which of the disputed issues you have listed each witness will give evidence as to;
- very briefly, what that evidence is; and,
- how you will seek to undermine/challenge the witness/evidence with regard to such issue.

Witness name	Issue(s) witness can testify to	(Very briefly) what is their evidence on the issue?	How will you seek to undermine/challenge the witness/evidence?

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