

TACTICAL RESPONSE

Darwin Practitioner is convinced a dog is mans best friend when involved in a tactical response.

CLINCHING THE CASE WITH YOUR CLOSING ARGUMENT!!

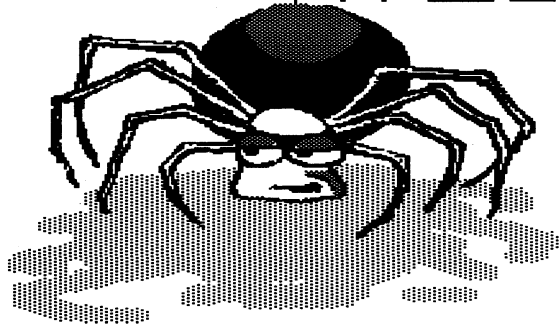
It is prevailing wisdom in California courts that murder cases without bodies are won or lost in closing arguments. One story, perhaps apocryphal, has a defence lawyer winning his case with the following ruse. As he finished his closing remarks, he dramatically withdrew his pocket watch and announced to the jury, "Ladies and Gentlemen, I have some outstanding news. We have found the supposed victim of this murder alive and well, and in exactly one minute, he will walk through that door into this courtroom."

A hushed silence falls over the courtroom, as everyone waits for the momentous entry. At the end of the minute the lawyer turned towards the courtroom door and shouted the victim's name. Nothing happened.

The lawyer then said, "The mere fact that you were watching the door, expecting the victim to walk into this courtroom, suggests that you have a reasonable doubt whether a murder was committed!" Pleased with the impact of the stunt, he then sits down to await the acquittal.

Not bad, eh! But do be wary of the other version clearly demonstrating the danger in such a ruse. It is included as a cautionary note.

THE SPIDER'S WEB



CLINCHING THE CASE FOR YOUR OPPONENT WITH YOUR CLOSING ARGUMENT!!

Again, pleased with the impact of the stunt, the lawyer sits down to await an acquittal.

The jury is instructed, files out and returns ten minutes later with a guilty verdict. Following the proceedings, the astounded lawyer chases after the jury foreman to find out what went wrong. "How could you convict?" he asks. "You were all watching the door!" The foreman explains, "Most of us were watching the door. But one of us was watching the defendant, and he wasn't watching the door."

(Victorian Bar News, Spring 1993)

NEW PRESIDENT OF LAW SOCIETY OF S.A.

Congratulations to Stephen Walsh Q.C. who was recently elected President of the Law Society of South Australia. Name sound familiar? His son Stephen Walsh is doing articles with Elston and Gilchrist.

VICTORIAN BAR NEWS

Magistrates' Court at Frankston

Magistrate reading aloud, passages of a personality profile from a psychologist's report handed up on a plea relating to multiple thefts of motor vehicles: "...Self-confident and resilient.... expedient.... insensitive

to people's approval or disapproval, doesn't care, no fears, given to simple action.... a personality type found in only one percent of population.... He lives in an introspective reality focusing on possibilities and using thinking rather than feeling to make decisions.... No idea is too far fetched to be entertained....

Why Mr. -! This a perfect description of a barrister."

FROM PORT MORESBY - "POST COURIER"

A Magistrate in Kerema is refusing to lock up offenders - that is, inside his own Court house. Overcrowding in Kerema gaol is such that prisoners were being locked up in the Court house while others are asking for permission to stay home.

Magistrate said, "I personally feel very frustrated. Imagine sending someone to gaol and meeting him in the market or standing on the same queue as you at the shops next day."

BELATED

Happy 40th Birthday to E.T.