

Tactical issues and consequences for trial



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Practical and tactical issues

- Clear identification of the issues via the pleadings.
- Costs and costs budgeting.
- How do you deploy narrative documents?
- How to approach Part 8 claims?

Cross examination issues?



Was it all worth it?

- Will this change anything? CPR 32.4(1): “A witness statement is a written statement signed by a person which contains the evidence which that person would be allowed to give orally.”
- Judges have regularly deplored the type of evidence complained of, e.g. *JD Wetherspoon plc v Harris* [2013] 1 WLR 3296 at [39] – [40]:

“[The witness] would not be allowed at trial to give oral evidence which merely recites the relevant events, of which he does not have direct knowledge, by reference to documents he has read. Nor would he be permitted at trial to advance arguments and make submissions which might be expected of an advocate rather than a witness of fact [...].”

Thank you for listening

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