



## ROLE PREPARATION FOR CROWN AND DEFENCE LAWYERS

As a **defence lawyer** you represent the accused.

As a **crown attorney** you represent the government and the public.

During the trial, lawyers for both sides give:

- Opening and closing statements;
- Direct examination of your own witnesses; and
- Cross-examinations of the other side's witnesses.

The crown will make its opening statement and call its witnesses first. The defence goes next with its opening statement and witnesses.

The defence gives its closing arguments first. The crown goes second.

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### HOW TO PREPARE AN OPENING STATEMENT:

- Become familiar with your witnesses' fact sheets.
- Select which facts should be included in the opening statement. Include the central facts to your case that are not likely to be challenged by the other side.
- Stick to facts. The facts are what will paint the picture for the judge.
- Check with the lawyer writing the closing arguments for your side, to make sure that both the opening and closing arguments are very similar, and cover the same facts.
- When giving the opening arguments, try to speak in short, clear sentences. Be brief and to the point.
- Have notes handy to refresh your memory.
- Remember that the opening statement is very brief but gives an overview of your case.



**HOW TO PREPARE FOR DIRECT EXAMINATION:**

- Write down all the things that your side is trying to prove.
- Read the witness’ testimony carefully, several times over.
- Make a list of all the facts in the witness’ testimony that help your case.
- Put a star beside the most important facts that you must make sure that your witness talks about. For example an important fact for the Crown might be if your witness saw the actual crime take place.
- Create questions to ask the witness that will help the witness tell a story:
- Start with questions that will let the witness tell the court who s/he is (“What is your name? What do you do? How long have you worked in that job?”)
- Move to the events in question (“What were you doing on the night in question? Where were you? When did you first hear there was a problem?”)
- Move to more specific questions (“What did you see? What did you do after that happened?”)
- Remember not to ask leading questions.
- When your witness is on the stand, do not be afraid to ask a question twice, using different words, if you do not get the answer you were expecting.

**HOW TO PREPARE FOR CROSS-EXAMINATION:**

- Make a list of all the facts in the witness’ testimony that hurt your case.
- If there are a lot of facts that don’t help your case, can you find a way to challenge the witness’ credibility? For example can you show that the witness made a mistake or has a reason for not telling the truth?
- Put a star beside the facts you must make the witness talk about.
- Write short leading questions that move towards the key points you want to make.
- Depending on what the witnesses’ say you might need to come up with different questions on the spot during the trial.

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**HOW TO PREPARE CLOSING STATEMENTS:**

- Write down your key arguments and summarize the important facts you want to stick in the judge and jury’s mind.
- When delivering the closing arguments, try to speak in short, clear sentences. Be brief and to the point.
- Only summarize evidence that actually was given at trial. This may mean you have to re-write your closing arguments on the spot during the trial.
- Where a witness for the other side admitted something important to your case, point that out. For example: “The witness says she identified Mr. Smith as the man who broke into the car. However, she admitted that she was standing three blocks away from the car when she made the identification. She admitted that it was dark out. There is a real doubt that the witness actually could have identified anyone, let alone someone she had never met before, in the circumstances.”
- Check with the lawyer writing the opening statements for your side, to make sure that both the opening and closing statements are very similar, and cover the same facts.

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