

## Answers to practical exercises

### Chapter 17: Presentation skills

#### *Page 395: Worked Example of a Presentation Plan*

1. Write down the title at the top of a fresh sheet of paper or at the start of a new document.

Compellability of Witnesses: Why is the Defendant's Spouse Given Special Status?

Comment: It is important to keep your mind focused on the precise issue raised by your presentation title. Weak focus is a major weakness in student presentations as the presenter talks around the topic or meanders off at a tangent. Keeping the title in sight during these planning stages can really help to remind you of the precise focus that is needed.

2. Make a bullet point list of all the points that you could include.

- Compellability of the defendant's spouse
- Compellability of the defendant
- General position on compellability of witnesses
- Case law that outlines reasons for the existence of the rule
- Section 80 PACE 1984
- Extension of spousal compellability to civil partnerships – CPA 2005
- Reasons for special rule for spouses
- Rules about competence to testify
- Exceptions to spousal compellability – section 80(3) PACE
- Reasons for exceptions to the rule
- Extension of rule to other family relationships
- Position in other jurisdictions, especially Australia
- *R v. Pearce* – justification for limitation to spouses only
- Marrying in order to avoid giving evidence – judicial review case
- Defendant and spouse viewed as one legal person
- Other explanations for the spousal exception

Comment: A brainstormed list such as this is a good starting point for preparing a presentation (or writing an essay: see Chapter 12 of *Legal Skills*) as it gets all your thoughts out on paper. It is a good idea to do this in stages as suggested here as it can be a major interruption to your thought process if you try to decide on a structure for your presentation and the organization of material at the same time that you are generating your initial ideas. Once you have your ideas recorded on paper, you can move on to the next stage in the planning process and categorize them or restructure the points.

3. Review the list, grouping similar points together and eliminating any repetition or overlap.

- Section 80 PACE – legal basis for compellability of defendant's spouse

- Case law that outlines reason for the rule
- Defendant and spouse viewed as one legal person
- Other explanations for spousal exception: preservation of conjugal relations
- Exceptions to spousal compellability – section 80(3) PACE
- Reasons for exceptions to the general rule on spousal compellability
  
- General rules on compellability of witnesses
- Position concerning compellability of the defendant
- Position concerning the compellability of the defendant's spouse
- Extension of spousal compellability to civil partnerships – CPA 2005
- Position concerning the compellability of unmarried cohabitants
  
- Extension of the rule to other family relationships
- *R v. Pearce* – justification for limitation to spouses only
- Position in other jurisdictions, especially Australia
  
- Marrying in order to avoid giving evidence – judicial review case
  
- Rules about competence to testify

Comment: At this stage of the planning process, the points have been grouped into three sub-topics with two seemingly unrelated points. The three sub-topics offer a potential basis for organizing the presentation and may give rise to a structure that can be used for the presentation: (1) scope of the law (2) categories of witnesses (3) possible extension of spousal position. Of course, this is likely to change as the further stages of planning are undertaken and as research into the topic broadens your knowledge but it is a good basis upon which to build a preliminary structure.

Another benefit of organizing the points into groups is that it enables you to see at a glance how the points relate to each other. For example, you may realize that there is a general rule and an exception to it as there is in relation to spousal compellability (section 80 and section 80(3) of PACE) or that some of the points that you initially listed are actually particular examples of a more general point. In this example, one point noted that there were reasons given for treating the defendant's spouse differently in case law. There were other points listed that were particular examples of this general rule such as that the defendant and their spouse were considered to be a single legal person and that the rule existed in order to preserve conjugal relations. These relationships were not evident from the original list but by grouping them together the relationships become more obvious and can assist in organizing the content of the presentation.

4. Draw three columns headed: essential, peripheral and irrelevant and allocate each of your points to one of the columns, remembering that the question of relevance is determined by reference to the specific details of your presentation title and not to the general topic of the presentation.

| Essential                                 | Peripheral                                         | Irrelevant                                      |
|-------------------------------------------|----------------------------------------------------|-------------------------------------------------|
| Section 80 PACE 1984<br>– legal basis for | Case law that outlines<br>the reason for the rule: | Marrying in order to<br>avoid giving evidence – |

|                                                                    |                                                                                        |                                    |
|--------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------|
| compellability of defendant's spouse.                              | defendant and spouse<br>single legal person,<br>preservation of conjugal<br>relations. | judicial review case.              |
| Exception to spousal compellability – section 80(3) PACE.          | Reasons for exceptions to the general rule on spousal compellability.                  | Rules about competence to testify. |
| General rules on compellability of witnesses.                      | Position concerning the compellability of the defendant.                               |                                    |
| Position concerning the compellability of the defendant's spouse.  | Extension of spousal compellability to civil partnerships – CPA 2005.                  |                                    |
| Position concerning the compellability of unmarried cohabitants.   | Extension of the rule to other family relationships.                                   |                                    |
| <i>R v. Pearce</i> – justification for limitation to spouses only. | Position in other jurisdictions, especially Australia                                  |                                    |

Comment: Remember that this is only a preliminary categorization of material to help you focus in researching and planning your presentation. During the course of your research, it is entirely possible that you will find points that need to be added to the essential or peripheral column that you did not think of at first or that you will move points from the essential column to the peripheral or even the irrelevant column. It is important to be flexible and to revise your plans as your research progresses. You might even find it useful to repeat this process during the course of the research to ensure that you have an up-to-date plan that will help you to appreciate which points are central to your presentation.

Once you have decided upon your final content, you will be able to group material together to form a structure.