

PUBLIC INQUIRIES AND HEARINGS

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ENLIGHTENED THINKING

D O N ' T P A N I C



Public inquiries/ hearings

Purpose of PLI/ hearing is:

- Lawyers and witnesses showing off to their client/ employer
- To give witnesses a hard time
- Enhancing reporter's understanding
- Debate in public



Public inquiries/ hearings

PLI

- Witness table
- Reporter specifies topics; each party in turn leads evidence
- Witness testimony – chief/ cross/ re-exam
- “Mastermind”

Hearing

- Round table
- Reporter sets agenda and leads structured discussion
- Only Reporter can ask questions
- “Millionaire”

Public inquiries/ hearings

On-line/ virtual is:

- Same as in person
- Better because you can wear your slippers, stroke the cat....
- Harder to communicate with your team (when not giving your evidence!)



Top tips

Plan ahead:

- Block out lots of preparation time
- Get advice from experienced colleagues
- Get colleagues/ lawyer to review your draft
- Watch an inquiry/ hearing – use the DPEA webcast library
- Practice cross-examination
- Focus on key messages



Top tips

Drafting your precognition/ statement:

- What's your evidence?
 - Facts
 - Policies and guidance (and legal points?)
 - Professional judgment – yours
- Address all relevant matters, even points which are against you
- Conclusions – tell the reporter what to do, eg. how much weight to give to each point
- Don't keep points up your sleeve



Top tips

Drafting your precognition/ statement:

NUMBER PARAGRAPHS



Top tips

On the day:

- Arrive early to get a feel for the room
- Sit in on any earlier sessions of the inquiry/ hearing
- If you have any special needs, ask your lawyer to tell the Reporter
- Speak into the microphone
- Key documents – mark pages with post-its



Public inquiries/ hearings

Typical day:

930/ 10	Start
11/1130	coffee break – 10/ 15 minutes
1230/1	lunch – 45-60 minutes
230/3	coffee break
4/430	close



Public inquiries

PLI – practical issues:

- Timetable – rolling programme rather than fixed timeslots, so difficult to predict when each witness will give evidence
- Everyone stays sitting
- Addressing the Reporter
- Witnesses should be present while their opposite gives evidence
- Witness in mid-cross – purdah – lunch/ overnight

Public inquiries

Who is the most important person at the PLI?

- You as the witness
- The lawyer cross-examining you
- Your client/ employer
- The Reporter
- Your Mum who's watching the live webcast



Public inquiries

When you are asked a question, do you?

- Ignore it and answer the question you wanted to be asked (why not, politicians do this all the time)
- Answer it as directly and briefly as possible
- Give as detailed an answer as possible
- Go on and on in the hope that the cross-examiner gives up



Public inquiries

Can you be asked questions about:

- Your precognition?
- Your opposite's precognition?
- Anything within your expertise?

Public inquiries

When giving evidence, are you:

- Speaking on behalf of your client/ employer?
- Giving your own view as an expert?



Top tips

Surviving cross-examination:

- Think before answering the question and do not dive in
- Don't speak faster than the Reporter can take notes
- Stand up for yourself – don't be bullied
- It's ok to ask for a question to be repeated or explained
- Ask to be referred to a document
- Avoid the temptation to be clever

Public inquiries

At the end, do you?

- Remember all the clever answers you could have given
- Say it's the result that counts, not the performance
- Congratulate yourself for being so well prepared
- Vow never to do it again



