
Book Review

LEARNING TO LITIGATE: A GUIDE FOR YOUNG LAWYERS

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Learning to Litigate: A Guide for Young Lawyers, by Neil Williams SC and Alison Hammond, Federation Press, 2022, 317pp: ISBN 9781760024079. Softcover \$89.95.

*Learning to Litigate: A Guide for Young Lawyers*¹ contains a collection of sage and targeted advice for junior litigators and those considering a career in litigation in Australia, and attempts to distil the combined experience of the authors into an easy-to-use guide – a guide Chief Justice Susan Kiefel wished she had at the commencement of her career.² At its core, the book argues that great advocates are not born, but are made.³

Neil Williams is a seasoned silk, having been at the New South Wales (NSW) Bar since 1989 and Senior Counsel for 20 years. Alison Hammond previously worked in the Dispute Resolution Group at King & Wood Mallesons, before being called to the NSW Bar in 2019.⁴ The varying levels of experiences and differing perspectives between the co-authors add depth and richness to the book, making it a more rewarding read.

OUTLINE

The book is divided into three parts. Part One – “Becoming a Litigator” – covers the practicalities of choosing a career in advocacy and the litigation specialty. Part Two – “The Life of a Dispute” – attempts to draw our attention to different tasks that will arise throughout the stages of a dispute, from pre-litigation to final hearings and appeals. Finally, Part Three – “The Bigger Picture” – hopes to enlighten incoming and newly-minted barristers (although applicable to junior practitioners more generally) of guidelines to ensure their steady progression in the field.

PART ONE: BECOMING A LITIGATOR

Williams and Hammond are frank in their description of advocacy work – how it features dealing with other people’s conflicts, the need for public speaking skills and the close “connection” the specialisation has with the world of academia.⁵ Although their experience in practice is heavily skewed in favour of the NSW Bar, the authors ensure to highlight the differences between jurisdictions. They write about the realities in starting at the Bar, giving tips in finding Chambers/lists and reaching out to prospective tutors, listing steps which could serve potential barristers well to receive work in the future, and importantly, shining a light on the financial realities of making such a decision.⁶ It is surprising, at least to me, that this information would not otherwise be readily available to a budding barrister, at least not without intensive research and networking.

PART TWO: THE LIFE OF A DISPUTE

In the course of outlining the work involved in preparing evidence, the authors provide a checklist for advocates in preparing and conducting witness conferences. The level of detail included in this checklist

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¹ Neil Williams and Alison Hammond, *Learning to Litigate: A Guide for Young Lawyers* (Federation Press, 2022).

² Williams and Hammond, n 1, “Foreword”.

³ Williams and Hammond, n 1, “Preface”.

⁴ Williams and Hammond, n 1, “About this Book”.

⁵ Williams and Hammond, n 1, 15–18.

⁶ Williams and Hammond, n 1, 31–41.

is noteworthy, extending from steps to build rapport with a witness, to the importance of signposting a witness when working through a conference out of chronological order.⁷ Similar actionable advice is ample throughout the book, and these tools enable a reader to ensure that, in a role where responsibilities are abundant, important tasks are not overlooked.

The authors are candid about the challenging nature of criminal practice and, with assistance from renowned criminal barrister Tim Game SC, highlight the skills necessary in the development of a competent defence lawyer. The explanation of the finesse involved in sentencing hearings are valued to the reader, from the unvarnished acknowledgment of the “lack of science” behind the process, to the “worked example” encouraging advocates to understand (perhaps even target) a judge’s values to induce their sympathy.⁸ Readers are provided with similar concrete and practical examples throughout the text to demonstrate how what is written can be applied in real-world cases.

PART THREE: THE BIGGER PICTURE

Williams and Hammond shed light on how relationships with silks should be treated, stressing the importance of punctuality and communication as a junior lawyer. They recommend strategies to give yourself the best chance at making a good impression, including: giving yourself a “safety margin” by choosing completion deadlines well in advance of the required date; rejecting a brief where it is clear from the outset that it will be difficult to produce drafts for the senior in the time allotted; and to be proactive in telling your senior about “timing and other difficulties you anticipate well in advance, rather than irrationally hoping that no-one will notice your lateness”.⁹ It is apparent to me that without this book, this level of targeted advice would only be promptly accessible through discussions with experienced practitioners. The alternative, to cold message a senior practitioner about the basics of legal practice, is a daunting and intimidating task for students (especially from non-legal backgrounds).

The authors argue that the law is unlike many vocations, in that it rewards the pessimist, the practitioner that “dwells on all the unlikely but possible ways in which something may go wrong for their client”, over the optimist.¹⁰ This brings with it a “personal liability”, where stress and depression are major health hazards.¹¹ To help manage the risks of these hazards, they suggest that litigators lead a balanced life by, among other things, maintaining relationships, ensuring health and physical fitness, and establishing boundaries with clients and their work.¹² The authors should be praised for their effort in drawing attention to the mental health realities of being a litigator.

CONCLUDING THOUGHTS

This book is an invaluable and insightful resource for educating future litigators in challenges they will likely face in their career. Williams and Hammond overcome the common drawbacks of legal books, writing clearly and concisely, and using tools (eg, glossary, footnotes) to ensure the understanding of those unfamiliar with the subject matter. The chapters can be read in isolation, depending on the interest of the reader, but this is only advised to those well-acquainted with the profession.

The authors effectively fill the gap in the literature, providing a hands-on guide to junior practitioners “seeking to acquire the necessary skills for a successful practice in litigation”,¹³ littered with tips and

⁷ Williams and Hammond, n 1, 150–152.

⁸ Williams and Hammond, n 1, 168–171.

⁹ Williams and Hammond, n 1, 264–265.

¹⁰ Williams and Hammond, n 1, 284.

¹¹ Williams and Hammond, n 1, 298–289.

¹² Williams and Hammond, n 1, 293–301.

¹³ Williams and Hammond, n 1, “About this Book”.

tricks for navigating their journey, and real-world examples to help illustrate concepts. Although the text is tailor-made to those that aspire to practise as a barrister, particularly as Part Two can be used as an informal textbook for Bar courses,¹⁴ it is recommended for any person interested in learning about litigation as a practice area.

¹⁴ Williams and Hammond, n 1, 41.

