

Two trials and plenty of papers

Over the last two weeks, I observed two very interesting civil trials: one in Preston County Court, and the other in the High Court in Manchester.

In Preston, the dispute centred on school ski trips which had to be cancelled because of travel restrictions arising from the Covid pandemic. Were the schools who cancelled entitled to a full refund, or were they required to pay the full balance in line with the supplier's terms and conditions? The trial raised some interesting and novel legal issues, including whether the Package Travel Regulations apply in this scenario. Given the impact which Covid had on international travel over the two years of the pandemic, these kinds of dispute are likely to arise again in future cases.

The trial itself involved counsel for both sides making opening submissions on the legal issues, followed by cross-examination of each side's witnesses. As the trial progressed, I learned about the importance of pre-trial preparation, including the drafting of witness statements and the disclosure of all relevant documents. If there is material which emerges during cross-examination which ought to have been disclosed earlier, or if a witness mentions something in court which they omitted from their witness statement, things can get tricky quite quickly.

In Manchester, I took a note for two days of an eight-day trial of liability and causation arising from an accident at a motorcycle racing track which left the Claimant with life-changing injuries. The two defendants were the racing club and the governing body for motorcycle racing. As such, the claim involved issues both under the Occupiers' Liability Act 1957 (for the club) and in common law negligence (for both defendants).

It was instructive to see the cross-examination of the defendants. On a high value trial such as this, there is time to examine the issues in forensic detail, testing whether the track as it was on that day was reasonably safe for those using it, whether risk assessments which had been conducted were adequate, and so on.

Aside from the two trials, I also had a week working on a huge variety of papers. For civil practitioners, written work is at least as important as oral advocacy, so it's important to develop one's skills in legal research, case analysis and written advocacy. Given the very wide range of civil matters in which barristers at Exchange are instructed, I was able to have a go at tasks including:

- drafting a schedule of loss in an employers' liability case;
- written submissions on whether Article 2 ECHR applies in an inquest investigating the suicide of an acute mental health patient;
- researching the impact on benefits entitlement where a dependant in a Fatal Accidents Act 1976 claim receives an award of damages;
- investigating potential equitable remedies in a case involving a commercial dispute.

Over the next couple of weeks, I will be shadowing a fellow pupil who is currently in her second six. This will be a good opportunity to see the kind of work I expect to be doing when, in a few short months, I am on my feet.