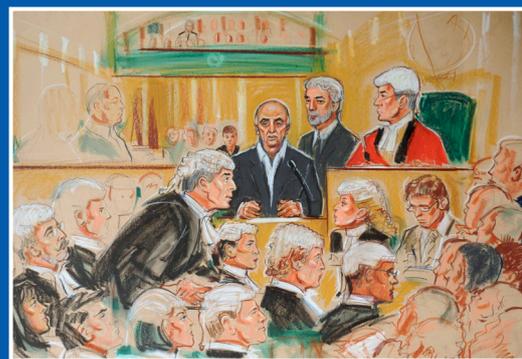
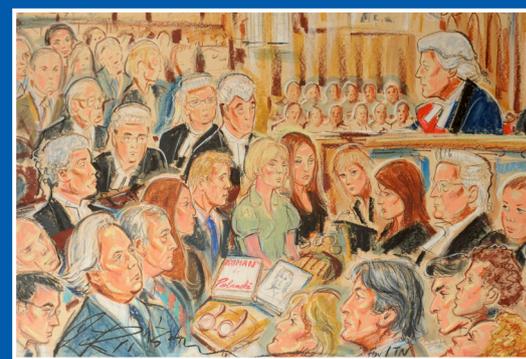


Witness Familiarisation

The essential pre-hearing service for both Witnesses of Fact and Expert Witnesses who are about to give evidence.





Witness Familiarisation is vital to ensure witnesses know what to expect at a hearing so they can give their evidence effectively.

Ali Malek QC
Three Verulam Buildings

Bond Solon in just one session transformed an over confident and impatient CEO into a calm and thoughtful witness who impressed the tribunal.

Audley Sheppard QC
Partner
Clifford Chance

It is seen as important to provide support to all our staff who are facing giving evidence in forthcoming litigation. We have utilised Bond Solon's Witness Familiarisation service to provide this support and the feedback from those who have benefited from the training has been extremely positive.

Marks & Spencer Legal
Department

Why should witness familiarisation be considered?

Giving evidence can be a daunting, unfamiliar and uncomfortable experience for witnesses. A poor performance at a hearing can undermine a witness's confidence, the credibility of their evidence and be detrimental to your client's case.

Most Witnesses of Fact and Expert Witnesses have never seen the inside of a courtroom, tribunal or other legal fora, and yet can be required to attend a hearing and be cross-examined without always understanding fully what is required of them, how to prepare fully and how to give evidence clearly.

It is important that witnesses who will be facing unfamiliar procedures are put at ease as much as possible and not disadvantaged by the ignorance of the process or taken by surprise at the way in which it works.

Witness familiarisation sessions are now regarded as an essential element of the pre-hearing process.

What is witness familiarisation?

Witness familiarisation is a process which provides witnesses with a comprehensive understanding of the theory, practice and procedure of giving evidence and what is expected of them when they are required to give evidence. This includes familiarising the witness with the layout of the legal forum, the likely sequence of events when the witness will be giving evidence and a balanced appraisal of the different responsibilities of the various people at the hearing.

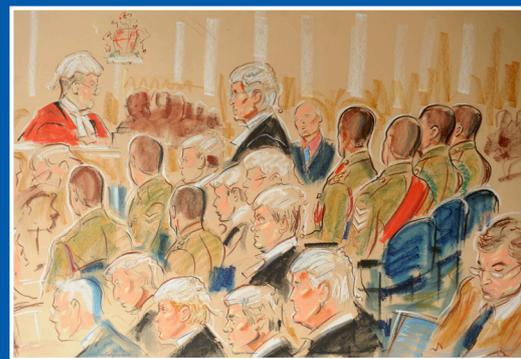
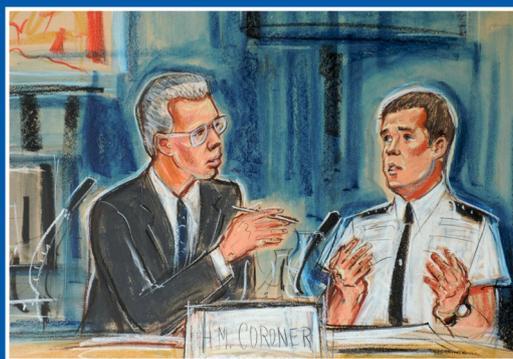
What is the difference between witness familiarisation and coaching?

Coaching has always been prohibited. Lawyers are not allowed to prepare witnesses on what they should say or attempt to persuade the witness into changing their evidence.

In contrast witness familiarisation is encouraged by both the Bar Council and the Court of Appeal. Witnesses should not be disadvantaged by the ignorance of the process or taken by surprise at the way in which the hearing works. There is a duty to put witnesses at ease as much as possible before their hearing.

Why shouldn't solicitors or counsel run the witness familiarisation sessions themselves?

The Court of Appeal in *R v Momodou* [2005] EWCA Crim 177 (par 64) clearly states that in criminal proceedings, none of those conducting the witness familiarisation session should have any personal knowledge of the matters in issue in the case. This has been adopted by the Bar Council in their Guidance, which also states for civil proceedings that until there is further authority, it is prudent to follow the same principles as set out in *Momodou*.



Why use Bond Solon?

Bond Solon is the leading provider of witness familiarisation in the UK. We regularly provide this service to the majority of the top 50 leading law firms across the UK as well as directly to a large number of companies. Bond Solon has unparalleled experience and understanding of the different needs of witnesses. Over 250,000 witnesses have attended our sessions.

Independence

There can be no allegations of coaching because Bond Solon are wholly independent and our trainers have no personal knowledge of the facts and issues of the case.

Bond Solon trainers

Our trainers are experienced barristers and solicitors. As professional trainers they have extensive experience in delivering witness familiarisation sessions for Witnesses of Fact and Expert Witnesses in a variety of legal fora.

Can witness familiarisation include mock cross-examination?

Yes, as long as the material used does not bear similarity to the issues and content in the forthcoming proceedings and that those conducting the session have no personal knowledge of the case.

During Bond Solon sessions, witnesses will be cross-examined in a mock hearing. We are able to provide this as our trainers have no knowledge of the case and the case studies we provide will bear no similarity to either the issues or content of the forthcoming hearing.

Which legal hearings do we prepare witnesses for?

Bond Solon regularly delivers witness familiarisation sessions to both Witnesses of Fact and Expert Witnesses who are required to give evidence at a variety of legal fora including:

- Arbitrations
- Civil Courts
- Criminal Courts
- Depositions
- Employment Tribunals
- Inquiries
- Select Committees
- Coroner's Courts
- Tribunals
- Professional Conduct Hearings

“The case appears to have come down to who was most believable in the witness box. Lawyers are not allowed to “coach” their witnesses but Mr Abramovich attended a “witness familiarisation course” run by a company called Bond Solon.”

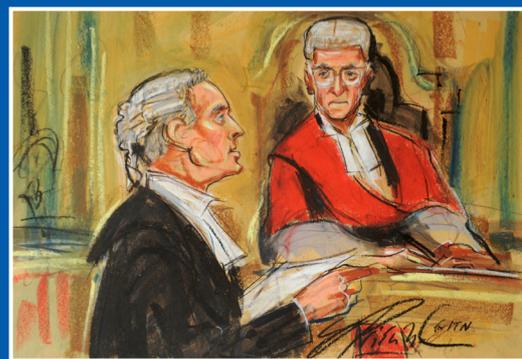
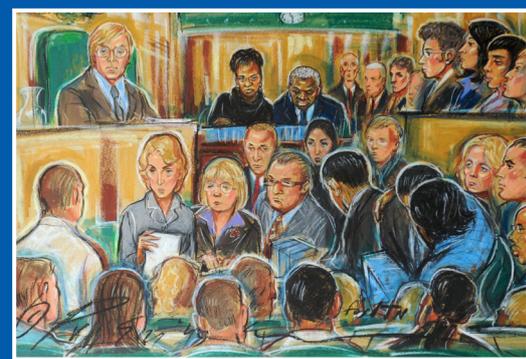
The Telegraph
August 2012

“Thank you so much, this training session was the best money we have spent on this case, we are so grateful.”

Nicola Consela-Verma
Factual Witness

“Everything went fantastically, and we were very pleased with how prepared all of our witnesses were and how well each of them did on the stand.”

Anna Holloway
Senior Associate
WilmerHale LLP



“Many of the witnesses had never given evidence in an English Court and commented that the sessions meant that they came to Court with a good appreciation of what they actually faced when giving evidence.”

Stuart Shepherd
Partner
Ince & Co

“The Bond Solon team were excellent and played an integral role in our preparation for trial, enabling the witnesses to give their evidence in the most effective way. The trainer was worth his weight in gold.”

Richard Twomey
Partner
Pinsent Masons LLP

“Having an experienced independent third party familiarise them with the process is invaluable and their training is always gratefully received.”

Tim Hardy
Head of Commercial Litigation
CMS Cameron McKenna LLP

Can we assist with overseas witnesses?

Yes. Bond Solon regularly provides witness familiarisation sessions for overseas witnesses. Many of these witnesses come from countries with an inquisitorial legal system and have little or no knowledge of the adversarial UK legal system. These sessions can be delivered with the interpreters who will be attending the hearing (if applicable).

How long before the hearing should a witness familiarisation session be scheduled?

You should start to think about scheduling a session three months before the hearing. The ideal time for the session to take place is three weeks before the hearing. This will provide witnesses time to reflect on what they have learnt and prepare for their forthcoming hearing. We are also able to arrange sessions at very short notice if necessary.

How long does a Bond Solon witness familiarisation session last?

The length of the training depends on the number of witnesses. Usually allow three hours for one witness and up to a full day for between 4-6 witnesses. After the initial session, some witnesses may require a follow up cross-examination session.

How many witness familiarisation sessions do witnesses need to attend?

If your witnesses will be giving evidence for less than a day, Session 1 - Witness Familiarisation is usually sufficient. If your witnesses are likely to be required to give evidence for a day or more, we recommend they also attend Session 2 - Follow up Cross-Examination.

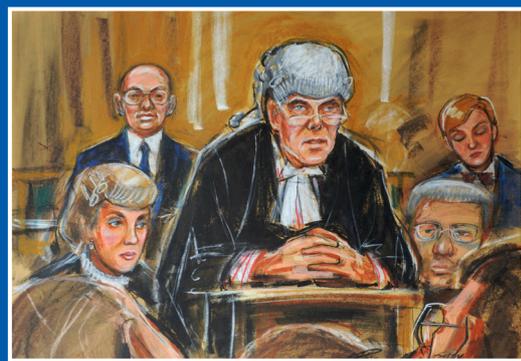
We would also recommend your witnesses should attend Session 2 if you have any specific concern, for example if they are very nervous or come from a country with an inquisitorial legal system.

Where does the training take place?

We usually conduct the training at your offices, but can meet your witnesses and deliver the programme anywhere in the world.

After the session what feedback do we give?

Oral feedback is given to each witness following the mock cross-examination to help them understand what the hearing requires. We also complete a written assessment form which we are able to discuss with you after the session or return to you as soon as possible after the session.



Session 1 – Witness Familiarisation

This session is designed to ensure that witnesses undergo a process of familiarisation to gain knowledge of the procedures involved and to enable them to give a coherent account at the hearing. The session will provide witnesses with the knowledge, skills and confidence to present evidence effectively.

The procedure for giving evidence, the order of events and the roles of different people at the hearing will be explained. The techniques lawyers use in cross-examination to disconcert and discredit witnesses will be examined. The first part of the session is designed to demystify the process of giving evidence. In the second part witnesses will be cross-examined on a hypothetical case study.

- The practice, procedures and etiquette of giving factual evidence
- How the adversarial system works
- The layout and roles of various people at the hearing
- Whom to speak to and how to address them
- Personal preparation
- Taking the oath or affirmation with confidence
- Techniques lawyers use in cross-examination
- Problems that can arise in cross-examination and how to handle them
- Giving coherent, sequential testimony under difficult cross-examination

These courses are tailored to address the needs of either Witnesses of Fact or Expert Witnesses.

Session 2 – Follow up Cross - Examination

If your witnesses are likely to be required to give evidence for longer than a day or if you have any specific concerns we would recommend they also attend the Follow up Cross-Examination session.

This session has been designed as a follow on to the Witness Familiarisation session. Witnesses will have in-depth cross-examination and gain mastery of delivery of evidence. Each witness will have more practice and experience in dealing with the techniques lawyers use in cross-examination and how to handle them effectively. Witnesses can be videoed and their performance will be analysed.

- Dealing with in depth cross-examination
- Gain mastery of delivering oral evidence
- Assessing the witness's performance and using the video to enhance the witness's skills
- Getting to the essence of a complex case
- Communicating clearly with the decision maker
- Handling difficult cross-examination techniques confidently

"I confirm that we were successful at trial and that the judge referred in his written judgment to the "very clear and helpful evidence of our client."

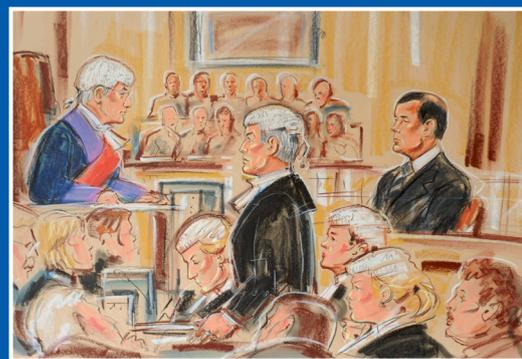
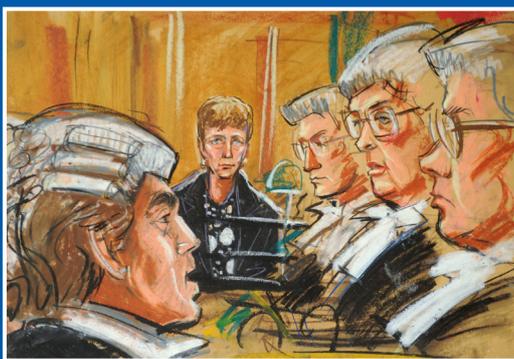
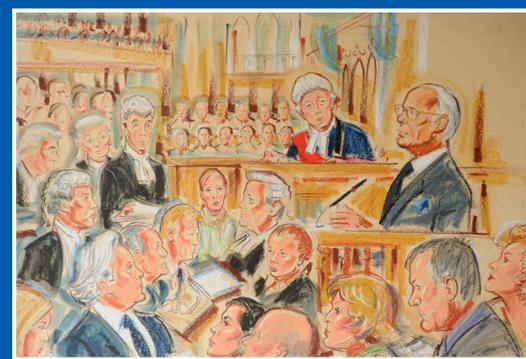
Paul Walsh
Partner
Hill Dickinson

"It was not until about 10 minutes into the cross examination that I fully realised quite how much benefit the training had been."

Philip Keane
Factual Witness
Referred by Berwin Leighton
Paisner LLP

"It was priceless in providing me with a thorough level of understanding of the workings of the court, etiquette and generally raising my confidence in preparation for the day's events."

Susan Richards
Factual Witness
Barclaycard



Don't take our word for it...

"Roman Abramovich, the owner of Chelsea, chose to go through a witness familiarisation course...run by Bond Solon...For someone who admitted that he gets so nervous that he does not give public statements, he remained calm under pressure during nine days in the witness box. Berezovsky's counsel described it as a "highly controlled performance" by Abramovich who was "meticulously" prepared."

The Times, January 2012

"I have yet to meet a witness who happily steps up into the box, most fearing some tricky lawyer will twist their words and make them look foolish. Unfortunately, they look to the lawyer calling them to protect them and in over 30 years of litigating I have found that one of the most effective tools is witness training provided by Bond Solon. Having an experienced independent third party familiarise them with the process is invaluable and their training is always gratefully received."

Tim Hardy

Head of Commercial Litigation, CMS Cameron McKenna LLP

"I have made use of Bond Solon's Witness Familiarisation service on a number of occasions. Having foresight as to the procedures followed in tribunals and courts, plus some practice of giving evidence in a mock hearing has ensured my witnesses are much more confident when presenting their testimony in the real thing. I will continue to use Bond Solon in supporting my witnesses."

Gareth Brahams

Managing Partner, Brahams Dutt Badrick French LLP

"Bond Solon worked extremely hard to meet our clients' needs which included overseas training and training using video conference facilities, sometimes at short notice. The training helped focus the witnesses' minds and gave them confidence in relation to the prospect of giving evidence at trial. Follow up training was easily arranged and the feedback from the witnesses' was positive and enthusiastic. An invaluable service."

Georgina Bayley

Solicitor, Withers LLP

"The trainer, a practising and very experienced barrister, showed us what to expect and how to cope with it. Later, as she put us all through our paces, we learned huge amounts from each other about how to conduct ourselves, how to cope with difficult questions, whom to address and how to communicate in court. I became aware of little things which might make me seem less professional, such as peering over my specs and saying "er." With the confidence gained in the training I was able to cope with cross examination and give my evidence clearly at a hearing a couple of days later."

Sue Corbin

Expert Witness, Costs Lawyer

"The particular case which you helped us on last year involved lay and expert witnesses, none of whom had given evidence before. They were all extremely positive about the familiarisation process. One of them said that it was by far the most useful and practical training he had had in his entire career. They also felt much less daunted by the prospect of giving evidence than they had been before the training."

Roland Foord

Partner, Stephenson Harwood LLP

"Bond Solon has consistently provided Rosenblatt's clients with a sound understanding of the court process and put them in a position to feel comfortable at trial and able to give evidence confidently. The sessions are easy to arrange and they can take place anywhere at whatever time suits the client. An excellent service."

Diana Rounce

Solicitor, Rosenblatt Solicitors

"Bond Solon preparation removed the fear of the unknown and gave me the confidence to be myself in the witness box. The calm, concise and logical manner of their preparation enabled me to focus on how I could best present my evidence. No matter how good you think you are at dealing with potentially difficult situations you need these people to enable you to be on top of your game when your day in court arrives."

Factual Witness

Referred by Pinsent Masons LLP

"Thank you for your most excellent witness familiarisation session. I was heard on Wednesday afternoon. The barrister and solicitors for our side and the claimant complimented my performance. The opposing witness was not well prepared and came across less credible. Thank you very much for getting me ready."

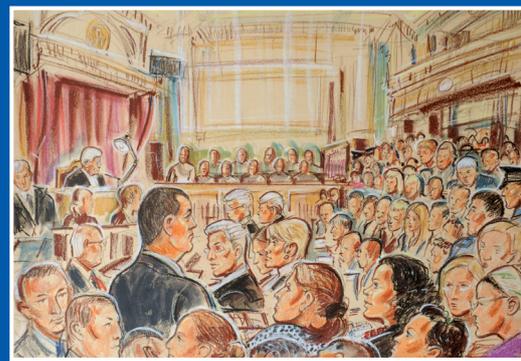
Charles T. Cleaver

Senior Vice President, Cabot Aviation

"Astute litigators have come to realise that witness performance is something over which they do have some control. They understand the value of properly preparing witnesses for the experience of giving evidence. In almost every endeavour, performance is improved by familiarity and practice."

PLC Know How Article, March 2013

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Southern Water
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Tesco
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Virgin
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Waitrose
Welcome Break
Welsh Water
Whitbread

Free one hour CPD training session

To enable you to find out more about the latest judgments and guidance in this area we have designed a witness familiarisation CPD training session for fee earners.

At no expense to you, we will come to your offices and explain what can and cannot be done. We will review the judgments and guidance, provide details of how we run a session and finish with a short cross-examination exercise.

The session is interactive and we encourage questions and discussion.

If you would like to organise a free one hour session, please call 020 7549 2549 or email info@bondsolon.com.



020 7549 2549
www.bondsolon.com

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