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# A new direction for witness evidence?

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# Topics

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- The documents referred to or relied upon
- The quality of the witness's recollection
- The process of taking a witness statement
- Legal representative certification
- Sanctions

# The Documents

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- Those referred to for the purposes of providing the witness statement evidence
- Privilege
- Previously unseen documents?



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# Recollection

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- How to measure the quality of recollection?
- How and when was the witness's memory refreshed?



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# The process of taking a witness statement

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- Keep record or notes of interview
- No leading questions
- No pressure to be applied
- Do not suggest answers



# Certification

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- Witness's confirmation of compliance
- Legal representative's certificate of compliance



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# Sanctions

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- Strike out
- Re-draft
- Costs
- Weight of evidence?



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**Thank you!  
Questions?**

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