

ADVANCED WORKSHOP: CROSS-EXAMINATION

CONTENT

Principles of Evidence

- How does one weigh up evidence?
- What does “balance of probabilities” mean?
- Is there a higher standard where the charges are of a criminal nature?
- What is the “evidential burden”?
- What is “relevant” evidence?
- When is evidence not admissible?
- May one rely on illegally obtained evidence?
- Admissions
- Different forms of evidence: oral, real and documentary
- How does one deal with machine generated and similar evidence?
- When can the arbitrator take “judicial notice” of a fact?
- Presumptions of law

Witnesses

- When is a witness competent to testify?
- Can one compel someone to testify?
- Calling witnesses
- Refreshing the memory of witnesses
- Impeaching the credibility of witnesses

Cross-examination

- What does one want to achieve with cross-examination?
- Ethical considerations
- General principles relating to preparation of cross-examination
- How do I prepare for cross examination?
- Does it make a difference whether material is available or not?
- What are the risks and pitfalls of cross-examination?
- What do I do if the witness is honest?
- When and how should I use “expert” evidence?
- The importance of timing
- Restrictions on cross-examination
- The basic techniques in cross-examination
- Why should I always put our witness’s version to the witness?

TARGET GROUP

HR/IR managers, line managers appearing at the CCMA or bargaining councils and union representatives.

DURATION

1 ½ day