

EFL TRIBUNAL ADVOCATE GUIDELINES

Objective

To provide advocacy support to any player required to attend the League Independent Tribunal for charged player or players called as witnesses to a charge.

Responsibilities

- Ensure that you are familiar with procedures at tribunal hearings (see attached sheet).
- Ensure that you are familiar with all league Rules pertinent to umpires charges arising from on field incidents. Available from EFL by laws and Laws of Australian Football.
- Ensure that you are familiar with all league Playing Rules. Available from EFL by laws and Laws of Australian Football (both online).
- Where an alleged charge is laid against a player or an opposition player is charged with an alleged offence against a Club player, obtain all documents relevant to that charge from the Secretary.
- Meet with player and develop case and brief player regarding the tribunal appearance.
- Attend the tribunal with player at the time and date set down by the League. Ensure you or someone from the club contacts the league to find out what time the hearing will be.

Important things to consider

As an advocate, avoid a scatter-gun approach. Have in mind an end result, a theory or concept of what version or explanation of events you want the Tribunal to accept. The Tribunal is more likely to accept a version or argument if it is presented in a coherent, consistent, credible and probable manner.

Be confident with your approach and manner. Telling the tribunal it's your "first time" or "new to this" will not help the player you are defending.

You will be responsible for **any questioning you require**, as the tribunal members may or may not ask questions of the umpires, player or witness. As a result you will need to have a plan as to where you would like the questions to lead.

Have a line of questioning for all umpires and witnesses prepared prior to the hearing. The object of cross examination is to:

1. Illicit/extract new evidence favourable to your player.
2. Throw doubt on the umpires evidence on the grounds that the evidence is incorrect or the witness is unsure of the circumstances.
3. Aim to establish inconsistencies and improbabilities in the evidence given.

Questioning should try to create doubt in any of the evidence given by the umpire or other parties. Cross examination which merely repeats evidence and therefore reinforces it should be avoided.

Be prepared and take notes throughout the hearing. These can be used as important references for later questioning. Use these answers to clarify and create doubt round the guilt of your player.

Some important considerations for to cross examination are:

1. Be brief
2. Use short questions and plain words
3. Try and use leading questions which elicit only yes/no answers
4. Never ask a question to which you already know the answer
5. Don't argue with the umpire/witness
6. Try not to let the witness explain
7. Avoid one question too many

Prepare thoroughly with your player the questions you are to ask and the answers he will give so there are no surprises throughout the meeting.

Advise your player to always:

1. Tell the truth as he knows it to be: don't guess, don't speculate, if you cant remember- say so, don't be evasive and don't tell half truths.
2. Maintain eye contact with the Tribunal members and questioner.
3. Speak clearly and speak at a rate and volume to allow you to be heard and understood.
4. Dress appropriately.
5. CONCESSIONS made by the player during questioning by the tribunal or prosecutor may give the player credibility.

During your summation, clearly summarise the events around the incident and why there is doubt around the guilt on your player's behalf.

Look for: evidence called in the case against the player that contradicts the umpire, evidence supporting the players version, and independent evidence contrary to umpires version.

EFL TRIBUNAL PROCEDURE

1. If applicable, **advocate** is to notify chairman of witnesses to be called.
2. Tribunal Secretary to read charge (if 2 players reported, charges may be together)
3. Determine factual data, identity, number, club, date ground etc
4. Plea, guilty or not guilty (if approved prior to hearing, video evidence is viewed by all parties)
5. Witnesses asked to leave room
*Umpire, umpires advocate, reported player, his **advocate** and witness **advocate** remain in room.*
6. Hear umpire's investigation officer's evidence
7. All **advocates** question umpire investigation officer
8. Questions to umpire investigation officer by Tribunal – if deemed necessary
9. Player to give evidence (not mandatory)
10. Player questioned by Tribunal
Umpire umpire advocate investigation officer allowed to ask questions of player at discretion of chairman.
11. Reported player's **advocate** may re-examine the reported player (*if applicable*)
12. Call witness to give evidence
*At this time no further evidence from umpire investigation officer, player or their **advocates** will be accepted.*
13. Question witness (Tribunal)
14. Question witness (Reported players advocate)
15. Witness and umpires **advocates** are entitled to ask witness questions (*if applicable*)
16. Defence witness and other witnesses called individually
17. Question witness (Tribunal)
18. Question witness (Reported players advocate)
19. Question witness (Witness players **advocate**, umpires **advocate**)
20. Excuse umpire/witness investigation officer (unless involved in other matters)
21. Player **advocate** sums up evidence speaks on behalf of player
22. All parties asked to leave room while evidence is considered and decision is made
23. Tribunal to refer to blue book for penalty guidelines
24. Parties recalled to tribunal room and decision announced - penalty notification form handed out