

AN ADVOCACY PRIMER by Lee Stuesser (Carswell, 1990)

There are now a number of Canadian books partly or wholly on advocacy. But few are really intended or suited to be true primers. Some are probably unsuitable for beginners for other reasons, such as their scope. Some are confined to criminal litigation, or to repetitive personal injury claims.

This book is a good primer, and fulfils its role well. It displays good balance and judgment.

Professor Stuesser's book is free of Ontario peculiarities: it describes Manitoba and Ontario rules and procedures. That is very important in a beginner's work. There are some other books useful for an Ontario beginner, but dangerous outside Ontario because they do not distinguish between Canada-wide (or universal) methods, and quirks of Ontario legislation.

This book is practical. It is not written by one who only mines other advocacy books. This author seems to have done what he speaks of. He is plainly used to teaching the topic too.

Yet the book is not a mere bag of disorganized beads with no string to connect them. Professor Stuesser makes clearly some fundamental points which have significance well beyond the narrow topic at hand at the moment.

The footnotes are designed to give the reader more useful reading, not to show off the writer's erudition, cleverness, or industry. They are well selected and are not just the usual shopworn set of books or quotations.

There are a few things which could be improved in the next edition. There is no mention of discovery of documents, though it may be the single most important step in some lawsuits, and though training in this topic is wanting in Canada. Parts of the chapter on examination for discovery could be a little fuller, as well. The table of concordance is on an unnumbered page and is not listed in the Table of Contents or the index. Nor does the index cover the contents of the Appendices.

Anyone teaching advocacy or related topics in a Canadian law faculty, or a bar admission course, should recommend this book to the students. Any articling student should read it. A lawyer who wants to try his or her hand at litigation for the first time would also find it useful.

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