

**PRIMA**

**FACIE**

**SUZIE  
MILLER**



**READING GROUP NOTES**



# BLURB

Tessa is a thoroughbred. A young, brilliant barrister from a working-class background now at the top of her game: defending, cross-examining and lighting up the shadows of doubt in any case. The law is a game and she is its most talented player.

One sickening night, though, Tessa finds herself in a position countless women – one in three – have before her. And she's faced with a gut-wrenching, life-changing decision. Will she take the stand to testify about her rape, with the full awareness that the system has not been built to protect her?

Based on the internationally acclaimed play, *Prima Facie* is a propulsive, raw look at the price victims pay for speaking out and the system that sets them up to fail. With breakneck prose and a devastating emotional intensity, this is a novel for our times, by one of Australia's most impressive writers.

*'Not many books can immediately draw you in, keep you up all night, and break your heart over and over again. But still you can't put it down. Can't look away. There are not enough superlatives for Suzie Miller's incendiary novel. Just read it.'*

HEATHER ROSE

*'Miller's novel is searing, vindicating and absolutely necessary both in the injustices it names and the emotions it evokes. I am grateful to her for writing it.'*

SARAH KRASNOSTEIN

*'Miller's star shines as brightly as a novelist as it does as a playwright. Prima Facie the novel gives us what novels do: the intimacy of interior life. A great read.'*

ANNA FUNDER

*'A fantastic read, page-turning and thought-provoking. The kind of story you can't stop thinking about, I loved it.'*

JANE HARPER

*'Enthralling and sharp-witted – Prima Facie takes an unflinching look inside a legal system that is more punishing to the victims of sexual assault than it is to the assailants. A scathing and true look at how the legal system can retraumatise victims. Highly recommended.'*

KARIN SLAUGHTER

*'Brilliant concept. Convincing, worthy, a must read.'*

CLAUDIA KARVAN

*'As defamation laws are weaponised against sexual assault victims in an already hostile legal environment, this timely and deeply moving novel could not be more important. A defence barrister learns in the absolute worst way what it is like to be raped not once, but twice, the second time by her own profession.'*

JANE CARO

*'Bold, fearless, heartbreakingly timeless. Written with skill, humour, despair and hope, Prima Facie is a deeply rewarding, absolute must read.'*

CHRIS WHITAKER

## **ABOUT SUZIE MILLER**

Suzie Miller is a contemporary international playwright, screenwriter and novelist. Based in both London, UK, and Sydney, Australia, Miller's work has been produced around the world and has won multiple prestigious awards, including for her smash-hit one-woman play *Prima Facie*, which ran a sold-out, critically successful season on London's West End, winning the Laurence Olivier Awards for Best New Play 2023 and Best Actress 2023; followed by a critically successful season on Broadway, receiving four Tony Award nominations and a win for Best Actress 2023. Miller is educated in science and law, with a doctorate in drama and mathematics. She practised human rights law before writing full time and is currently developing major theatre, film and television projects across the UK, US and Australia, including feature film and television adaptations of her plays. *Prima Facie* is her first novel.

# READER'S INTRODUCTION TO PRIMA FACIE

**\*\* PLEASE NOTE, THIS INTRODUCTION CONTAINS SPOILERS \*\***

Tessa Enslar is a criminal barrister. Having grown up in a housing estate, Tessa comes from a totally different world to the legal professionals she practises alongside. She's conscious of walking the walk, talking the talk, and maintaining the correct façade to fit into this world of privilege and power. And she's doing it. Years after graduating from Cambridge, where she was granted a merit-based scholarship to study law, Tessa has her own room in a legal practice. She has a solid case record and the respect of her peers.

Tessa is composed, savvy, and quick on her feet. She knows how to read a witness, and how to conduct a devastating cross-examination. She knows the value of a judicial pause, a carefully timed silence, of letting a word or a statement hang. She knows how to play to a jury. But she doesn't believe she's playing the game, or manipulating the system. On the contrary: Tessa truly believes in the criminal justice system. She truly believes that the law will get it right.

The lawyers who share Tessa's chambers each have their own strengths, their own career profile. Julian is the son of a prominent King's Counsel. He's known at the bar, as a bit of a hero – slightly out of Tessa's orbit, she thinks. She looks up to him. Jules is confident, cocky – he's grown up assured of his place in the world, and has never had reason to doubt it.

Adam was at law school with Tessa; they're both nominated for the chambers award this year. They share a warmth; a mutual respect. Adam is the best barrister Tessa knows – she's in awe of his cross-examination skills, and is learning to adopt his style in the courtroom.

Adam has taught Tessa how to cross-examine sexual assault victims. Gently point out the mistakes in their testimony, the inconsistencies. Test their story. Lull them with sympathy; you're just uncovering the truth. You're not taking sides, you're just testing the law. After all, the law is there to protect everyone.

Tessa believes that her work as a criminal barrister is helping ensure that everyone gets a fair go. She believes in 'innocence until proven guilty' as the bedrock of a civilised society. She will fight on this basis. Tessa's brother, Johnny, didn't have that luxury. He was arrested as a juvenile, and took the rap for someone else, and that decision changed the course of his life. He became known to police, and was always regarded with suspicion. His job prospects suffered, along with his self-worth. Now, in his late thirties, he's still tainted by that reputation. This is why Tessa went into law. She wants to make sure each case is tested thoroughly, not manipulated by the police. She believes in the law, that the system will deliver justice, and that the truth will prevail.

When Jules starts showing an interest in Tessa, she's flattered; excited. Late one night in chambers, he asks for her help on a case. They work late, alone in Julian's room, and end up having sex. The following week, they go on a date to a Japanese restaurant. After a meal and plenty of sake, they buy wine and ice-cream and go back to Tessa's place, where they have sex. Tessa falls asleep, then wakes around 2 am, violently ill from the alcohol. She runs to the bathroom, naked, and vomits repeatedly before passing out on the floor.

Some time later, she finds herself being carried back to bed. Julian lays her on the mattress, then starts trying to kiss her. She says no, that she feels gross. She's been vomiting and still feels unwell. Ignoring her protests, he climbs on top of her, holds her down, and rapes her, one hand over her mouth, the other pinning her hands behind her head.

When Tessa wakes, Julian is still asleep in her bed. She showers, and scrubs her body red raw, still trying to process what has happened. Determined not to be silent, to put her faith in the system, she goes to the police and reports the rape.

Seven hundred and eighty-two days later, Tessa takes the stand. By this time, she has had to move chambers. She has endured the doubt, judgement and gossip of friends and colleagues while the ever-popular and influential Julian has assembled a formidable defence team, courtesy of his and his father's connections. She has endured the indignity and harsh scrutiny that comes with building a case. She has been stripped bare again and again, and still, she has chosen to proceed. Her King's Council is kind, good at his job. She is certain her defence is solid. After all, she knows what happened. She knows she was raped.

But Tessa loses. Caught in the cross-hairs of Julian's KC's cross-examination, she finds herself cut down. He does exactly what she has done so many times in court. He seeds doubt, points out the inconsistencies in her story, and the jury rules against her. The system she so fervently believed in has failed her.

Before she steps down from the stand, before the jury returns with its verdict, Tessa makes a speech imploring the women in the courtroom to believe each other, to support each other. She points out the unavoidable fact: one in three women will be raped, assaulted or harassed. She points out that the system is flawed; that the law's requirement for neat, consistent testimony is impossible, unachievable, and is letting women down. Speaking with passion and ferocity, she calls for change. She leaves the courtroom knowing that she has been heard.

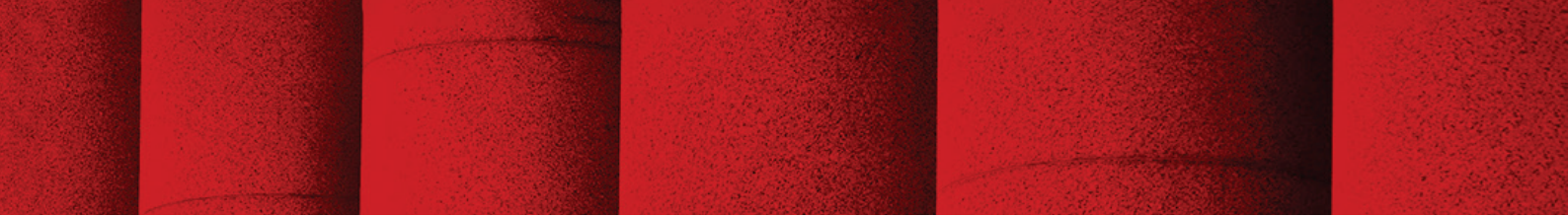
# DISCUSSION QUESTIONS

1. Tessa makes several references to the notion that, in her practice as a barrister, she's maintaining a disguise. Do you think this stems from her upbringing, or the fact that she's a woman – or both?
2. Do you think this tendency to adopt a cloak, a persona, is a strength, or does it make Tessa more vulnerable?
3. *'Never assume you are telling yourself the truth. Don't trust what you "think" you know. This is not life, this is law.'* (page 37) Tessa has this quote pinned above her desk. How do you see her applying this belief in her practice?
4. *'Fight for the underdog and all that. But sometimes I'm just acting for underdogs because I was one.'* (page 62) How has Tessa's upbringing influenced her career choices? Do you think her career has been shaped by her childhood, or do you think she has shaped her career as a way of distancing herself from her childhood?
5. *'Our family can't say "I love you" but it's there, and in this moment I feel it so strongly it hurts.'* (page 24) Throughout the novel, the love in Tessa's family reveals itself in unexpected ways. Discuss the moments where you felt this the most strongly.
6. *'I know she is being kind, but I feel a shuddering rejection of her and everything that is about the class of women that I come from ... This is what my mum and Cheryl have implied. Everyone just wants me back as I was, wants to skate over it.'* (page 184) Do you think the attitude being described here, that sense of vulnerability and defeatism, is reflective of a person's class, or of their gender? Or both? Or is it just her family afraid for her, and feeling that because she is one of them that she will never be believed?
7. *'My family has always felt to me to be unbearably exposed to the whims of the world.'* (page 202) Discuss the factors that have contributed to Tessa feeling this way, and consider how this feeling has shaped her own choices, both in her career and in her personal life.
8. How do you see the themes of privilege being explored and expressed in the novel? Do you think Tessa's upbringing is a strength or a weakness in the context of her career – or both? Discuss the ways you see Tessa's background influencing her choices, and the ways you think it has shaped her personality.
9. *'All women at the bar conduct certain acts of subterfuge. An uncollared shirt with one's suit, coloured tights, or fabulous earrings ... it is a welcome relief that there is some secret act of women's expression.'* (page 125) Is this a triumph, or an indictment, that these small acts feel, to Tessa, like they're cause for celebration?

10. When Phoebe asks the other barristers to mock cross-examine her in preparation for her forthcoming sex case, they are all uncomfortable. Alice says, *'I won't do that to you.'* (page 51) How do you think they reconcile this knowledge with their insistence that justice will prevail, that all they are doing is seeking the truth?
11. *'When you come from where I do, when you live in an area where survival is everything, where there are few people looking out for you, and even those who are cannot do much, when you don't have access to power, the only safety you can rely upon is the safety you create for yourself. And often, that safety doesn't work.'* (page 220) Before she was raped, do you think Tessa believed she had created safety for herself, or was she always aware of the dominance of the boys' club she was surrounded by, and the threat that posed?
12. In making the decision to go to the police and then to follow through by being a witness in court against Julian, what things did Tessa have to consider? What outcomes did she have to weigh up? How does this compare with the concerns that might have weighed on Julian's mind?
13. *'... my new life comes with a loneliness that I can't even talk about to anyone other than Mia, and sometimes not even to her.'* (page 85) What has Tessa sacrificed in order to assimilate into this new world in which she finds herself? Do you think she has lost parts of her identity, or simply evolved, hardened by the ordeal?
14. There are several references to the idea that Tessa is faking it, maintaining a façade in order to fit in and gain acceptance as a barrister. *'How many tests will I put myself through before I believe I truly can relax here?'* (page 100) Consider the steps she takes to fit into this world. Do you think this is something that the system requires of her, or a demand she has put upon herself?
15. *'Julian is in my bed. Still there. And me? I see the life I have built, my career. Think carefully, Tessa, think carefully.'* (page 167) What does this moment tell you about the implications for rape victims and perpetrators? Discuss the cost, for both Tessa and for Julian, of Tessa proceeding with the case. How do the two experiences compare? Can they be compared?
16. *'The law has been shaped by generations and generations of white, heterosexual men.'* (page 332) *'I have to know the law will reflect women's experiences one day.'* (page 336) What do you think it will take to effect change within the legal system, to reduce the burden on sexual assault victims and to prove their case without being retraumatized?

17. As she prepares to take the stand, Tessa considers the possibility of women being on the jury, and recalls from the numerous cross-examinations she has conducted over the years, how easy it has been to plant seeds of doubt. *'I have an awful thought, that I have not considered before. That perhaps the reality is that sexual assault is a thing we have all had at least a brush with, that mostly they don't want to acknowledge that their experience was as bad as the matter before them. Because what then?'* (page 243) Consider this notion. Do you think there's truth to what Tessa is saying?
18. *'There is a reason lawyers hang out together. We all understand this strange straitjacket we are legally starched into.'* (page 154) In what way do you think Tessa's loyalty to the law changes across the course of the novel?
19. *'That the boys wanted what they wanted was something we had to deal with, and managing their expectations was our responsibility.'* (page 220) Here, Tessa is describing an experience she had when she was sixteen years old, but this belief pervades her life as an adult, too. Do you agree with this statement? Discuss the behaviours described in the novel that you think support, or disprove, this notion.
20. One of the most powerful ideas to come out of this novel is the question, *Why can't women believe one another?* Discuss your thoughts around this question.
21. *'We don't take responsibility. We are just careful mouthpieces, who also advise clients if their story does not work. Storytellers. No more, no less. It's the jury that decides, and the judge that sentences the clients. Not us.'* (page 68) Tessa makes this statement early in the novel, when describing her role as a criminal barrister. Do you agree with this statement? Do you think Tessa would still agree with it by the end of the novel?
22. Discuss the cab rank rule, as described in the novel. On page 78, Alice suggests that sexual assault defendants are choosing women to defend them to increase their chances of acquittal. Do you agree with Alice that, despite the ethical implications, they should not always abide by the cab rank rule, in order to avoid being manipulated in this way? Or do you believe what Tessa says about how the cab rank rule means everyone gets a fair representation – that unpleasant cases still have the chance to have good representation in court? Do you think that, by the end of the novel, Tessa would see things differently?
23. *'Because the truth is that one in three women are sexually assaulted.'* (page 333) *'One in three is a lot of women who have something to say. Too many to ignore.'* (page 341) Discuss this harrowing statistic. How do we, as a society, change this around?
24. Given that a conviction of sexual assault and rape carry prison sentences, do you think the law is justified on being so hard on the witness (alleged victim) if the stakes are so high?



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25. Do you think the legal system as it stands is fit for sexual assault cases? Given the low number of people prosecuted and the very low conviction rates, what could change to make sure the alleged victim gets heard appropriately?
26. How would setting up a specialist sexual assault court work better for alleged victims? If they might prefer a system that would allow for an apology and a course of action that does not include incarceration, might they be able to choose that instead of the court criminal justice adversarial system? Does this then mean the law would consider that sexual assault and rape cases are not as serious as we currently consider them to be? Or does this just allow women to be heard, vindicated and able to move on with their lives?