

Practice Makes Perfect

2013 Advocacy Workshop



Ppractice makes perfect, so jump in feet first. You will only learn by doing." This popular saying seemed to be the underlying motto of this year's Practical Advocacy Workshop held from 14 to 16 June at the Supreme Court of the Northern Territory.

At the welcome and introductory session, Chief Justice Riley reminded practitioners that Advocacy as an art of persuasion requires more than taking instructions and persuading the tribunal to one's own point of view. Excellent evidence must be presented in both written and oral advocacy to secure the best outcome for the client. With this in mind, participants were asked, 'what makes a good advocate?'

The following skills were identified:

- Thorough preparatory skills: planning, understanding of the law and rules of evidence
- Good analysis of the case: theory, concept, obstacles and strategy
- Clarity of expression: oral and written
- Confidence, professionalism: effective body language, rules of court conduct and etiquette
- Enthusiasm and commitment to the case
- Ability to listen, focus, observe and think on one's feet
- Empathy and good judgement

- Knowledge of the audience
- Rationality and good presentation of argument
- Exceptional persuasive ability
- Identification of real issues: address evidence and structure arguments accordingly
- Good organisational skills.

As in previous year, the workshop was conducted in simulated courtroom sessions. Professor Les McCrimmon and the Australian Advocacy Institute provided the material for Group B. This year, an additional stream was added to make provisions for more advanced practitioners to attend the workshop.

Participants were divided into three groups and streamed into: A: Criminal, B: Civil and C: Advanced Civil and Criminal registrants. Group A presented exercises in evidence in chief, cross examination and a sentencing plea. Group B conducted an application for injunctive relief, including opening, cross examination of a deponent on his affidavit and presentation of relevant legal argument. Group C presented exercises in written submission and oral argument on given factual scenarios.

Performances were videoed and immediate feedback given including practical tips, presentation skills pointers, development of Opening and Closing argument, court etiquette, case analysis, gathering

of evidence, cross examination of witnesses, appropriate briefing, presentation of argument, application for injunction, evidentiary submission, preparation of witness statements and affidavits, rules of ethics and etiquette for advocates. Benefits were also gained in observing others and hearing the reviews given by teachers to other participants.

Participants provided 360° feedback and course convenors are endeavouring to accommodate any suggestions. For instance, in 2014 more than one factual scenario may be provided in each stream to maintain interest in the workshop. It may be assumed that a stream for more senior practitioners will again be offered.

The Society is grateful for the continued support and dedication to advocacy training by senior and experienced members of the profession led by The Hon Chief Justice Trevor Riley, The Hon Justice Peter Barr, Rex Wild QC, Professor Les McCrimmon, Ian Read SC and Jodi Truman.

It is hoped that continued training in advocacy will ultimately lead to exciting work and practitioners will gain valuable insights to be better prepared to arm themselves with all possible tools and techniques essential for good trial work in the future. ●