
Advocacy Manual

The Complete Guide to Persuasive Advocacy

By Professor George Hampel, Elizabeth Brimer and Randall Kune

A review by Justice Trevor Riley

Advocacy is the art of persuasion and effective communication is essential to persuasion. It is possible to identify the skills and techniques necessary for effective communication, and also to identify obstacles to effective communication. Those skills can be developed leading to more effective communication, and therefore more effective advocacy. This comprehensive manual, published by the Australian Advocacy Institute, is a welcome addition to the literature providing guidance and assistance to those seeking to become more effective advocates.

The Australian Advocacy Institute was launched in 1991, in response to the ever-increasing demand for advocacy training in Australia. The AAI drew, and continues to draw, upon the knowledge and experience of many leading advocates both in Australia and overseas. The AAI has developed to the point where it is a leading source of advocacy training within Australia and also overseas. It is a financially self-sufficient and independent body. I have been a supporter of its methods from the very early days.

The AAI has been visiting the Northern Territory for some years, and many local advocates will be familiar with the quality of its workshops. It has conducted two major and very successful workshops in Darwin in 2008.

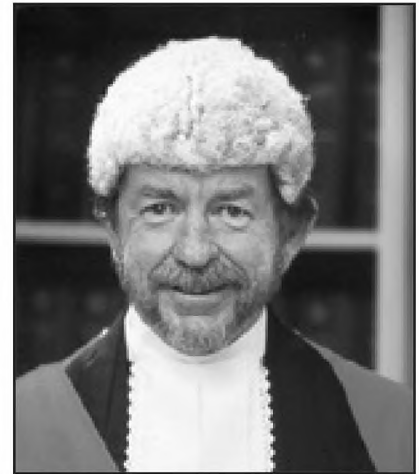
The first chairman of the AAI was Justice George Hampel of the Victorian Supreme Court. Now, in 2008, the AAI has published the Advocacy Manual written by (now) Professor George Hampel along with Elizabeth Brimer and Randall Kune. The purpose of

the manual is expressed to be to provide a practical guide to the philosophy, practice and teaching of advocacy as developed by the AAI over the years. In so doing it provides a very helpful and thought-provoking text for the practitioner.

Whilst the manual is designed to enhance the workshop experience promoted by the Institute, it is a very effective stand-alone instruction manual providing a wonderful insight into what does and what does not assist in the process of persuasion. It proceeds by providing two case studies and then using those studies to illustrate points being made.

By way of example, the benefits of developing a case theory are discussed early in the manual. Reference is made to one of the case studies to discuss the thought processes involved in such an exercise, and the authors then helpfully proceed to develop and explain an actual case theory for each of the opposing parties to the proceedings. This provides a graphic illustration of the benefits of what would otherwise be a dry theoretical proposition. The same approach is then adopted for other aspects of the advocacy exercise.

The manual addresses all of the areas of advocacy to be expected in such a work. General topics such as effective communication, ethics, etiquette, preparation and analysis are discussed. The very practical aspects of the presentation of a case are addressed by reference to the case studies. The development of a case theory, opening and closing addresses, examination in chief, cross-examination and re-examination are all discussed in detail.



Justice Trevor Riley

The manual also goes beyond topics normally found in books on advocacy to address the emerging fields of written advocacy and advocacy in mediations. Having observed the rise and rise of Alternative Dispute Resolution in the period since I left the independent Bar I found the chapter on advocacy in mediation of great interest.

The point is made that the function of the lawyer in a mediation is more akin to an advisory role than as an advocate. The role of the lawyer in a mediation is still to persuade, but it is to persuade the decision makers, being the parties, to adopt a solution that will best meet their needs and concerns. It is to help the client achieve the desired outcome.

This is a work dedicated to the pursuit of excellence in advocacy. The writing is clear and easy to follow. Whether the reader is new to the field or an old hand the manual has much to offer.

It is a very valuable tool and I am happy to recommend it to all legal advocates. The relevant address is www.advocacy.com.au.