

2015 Advocacy Workshop: An invaluable weekend of learning and laughter

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With brand new hosts Professor Les McCrimmon and the Honourable Justice Graham Hiley at the helm, things were done a little bit differently at the 2015 Practical Advocacy Workshop. Taking into account feedback from previous years, our learned hosts wisely split participants into small groups based on practising experience. From the perspective of a baby practitioner, this meant participants felt more comfortable getting on their feet in front of their peers and trying their hand at advocacy.

The 2015 workshop was held 7–9 August at the Supreme Court in Darwin. With 39 participants and 12 instructors, the weekend has become somewhat of a highlight in the CPD calendar of many practitioners.

Participants were provided with a workbook in preparation for the development of case theory. Some participants had clearly spent hours poring over the intricate details of the scenarios and arrived well equipped with notes, highlights, sticky tabs and Justice Hiley's favourite, chronologies. Others were unfortunately still suffering the effects of Friday's annual Ian Morris Memorial Golf Day, but still gave it all a good go on 'instinct'.

Again, a little differently to previous years, all participants had the opportunity to have a go at both criminal and civil advocacy. The weekend began with group discussion of developing a case theory on the criminal scenario, *DPP v Martin Jackson*. A story full of mystery and intrigue, Mr Jackson was accused of torching his little red sports car to claim insurance money. Participants had to work their way through witness statements with varying levels of reliability, numerous inconsistencies and some good old red herrings.

We then faced the daunting task of giving an opening address, our first chance to impress our peers and instructors with our cleverness. To make matters worse, we were being videotaped. Not only did we have to agonisingly stumble our way through a presentation, we were then sat down and forced to watch ourselves whilst being (constructively) criticised for our every move and facial twitch.

What better way to spend a precious Saturday morning! Fortunately, it was all over before we knew it, and we were presented with cakes and croissants to make everything ok again. Oh and fruit platters and other healthy stuff I suppose. Great spread this year, shout out to the caterer. Those little chicken puff things with the cheese in the middle were on point. Although one poor participant was highly embarrassed when she spilled all the cheesy oil on her pants.

But anyway, I digress. Morning tea was soon over (devastating) and we were rushed off again to work on our examination in chief and cross examination skills. We took turns as witnesses, having a lot of fun playing the roles of the dodgy defendant, the nosy neighbour, the supportive wife and the kid down the street who thinks he saw someone, kind of maybe like the defendant I dunno ... Needless to say the examinations were titillating and the courtroom atmosphere tense.

After another delicious break for lunch, we continued on with further examinations and then regrouped to take a much needed break from the intense life that is criminal advocacy. We were fortunate enough to be presented





with a presentation on the presentation of injunctions from Alistair Wyvill SC. He even gave us a lovely little handout to take home and share with our friends. Struggling to follow on from that enlightening session but nevertheless impressing us with their wisdom and wit, were the Honourable Chief Justice Trevor Riley and Honourable Justices Peter Barr and Graham Hiley, sharing their views from the bench on presenting a plea.

To finish off the day on a happy note we were treated to a YouTube video!!! Finally, I thought, the lights are off, a moment where I could have a surreptitious little nap. But no, the video was bloody hilarious! If you haven't seen it before, I guarantee it won't be a waste of your time. Just google 'Irving Younger's 10 Commandments of Cross Examination'. The guy is a genius.

Then off we all trotted for a wild Saturday night of cramming, only to return at 9 am the next morning for more wonderful learning. To start off the day we were treated to Elisabeth Armitage SM and her advice on advocacy in the Local Court. It turns out that magistrates do actually listen to us in court and she had some great tips to ensure our presentation style and submissions were appropriate in the fast-paced environment of the Local Court. We then heard from Professor Les McCrimmon, who spoke about communication skills and his tips on keeping a captive audience. I think I fell asleep in that bit though so I don't remember much. Just joking of course. He talked about projecting your voice, using eye contact effectively, engaging with the jury and the judge/magistrate, and using your hands and the tone and volume of your voice to emphasise important points.

We then split off into our cosy little groups and trudged through our final advocacy tasks, the presentation of a plea or an injunction. For those presenting a plea, poor Mr Jackson had decided that the prosecution case was just too strong and entered a plea of guilty. Advocates had to put forward their best mitigating circumstances; no criminal history Your Honour, brand new baby Your Honour, previously a man of impeccable character Your Honour, just look at these wonderful character references! Section 10 please.

For those presenting an application for an injunction, we had Mr Burnett, who had been residing in hostel type accommodation and had been asked to leave the accommodation as it was being knocked down. He was seeking an urgent interim injunction to prevent the owners of the accommodation from kicking him out, and parties made submissions for and against. Some submissions were particularly strong, including one participant who pleaded that "a man's home is his castle".

Despite my sarcasm, it was an incredibly valuable weekend. The workshop provided us with an opportunity to practice advocacy in a comfortable environment, with experts available for the sole purpose of helping us refine our skills and without the worry and distraction of a real live client.

So after a fulfilling weekend of learning and insight, off we went with our new skills and our *Little Red Books of Advocacy* tucked under our arms, ready to unleash on a court near you.

Huge thank you's to Professor Les McCrimmon and the Hon Justice Graham Hiley for organising an action packed workshop. Thanks also to the Hon Chief Justice Trevor Riley, Hon Justice Peter Barr, Elisabeth Armitage SM, Alistair Wyvill SC, Felicity Gerry QC, Sonia Brownhill SC, Matt Nathan SC, Paul Usher, Ian H Fraser and Brian Cassells, for dedicating an entire weekend of their precious time to us.

We would also like to acknowledge the wonderful presenters who conducted the following pre-training CPDs for this year's workshop:

- Courtroom Etiquette: Get off to a good start!
Presented by The Hon Chief Justice Trevor Riley
- Cross Examination of Witnesses, presented by John B Lawrence SC
- Effective Evidence in Chief, presented by Rex Wild QC
- Opening and Closing Address, presented by Hon Justice Tony Young