

INNS OF COURT COLLEGE OF ADVOCACY (ICCA): ADVANCED ADVOCACY
TRAINING FOR THE MAURITIAN BAR

Facilitators:

Tracy Ayling QC, *Barrister, 2 Bedford Row Chambers*

Desmond Browne QC, *Barrister, 5RB Chambers*

Martin Griffiths QC, *Barrister Essex Court Chambers*

Her Honour Judge Joanna Korner CMG QC, *Judge, Southwark Crown Court*

The Hon Mr Justice Michael Soole, *Judge, High Court*

The IJLS together with the Inns of Court College of Advocacy, a UK College comprising of Judges and Barristers, held an intense full three-day training workshop for the Mauritian Bar on Advocacy. The workshop which took place at the seat of the IJLS, from the 26th to the 28th of April was a part of the effort to build the capacity of the Mauritian Bar to efficiently gain knowledge of Advocacy, be great advocates and in turn give advocacy training to young prospective advocates. It is in the interests of the public, the court and the profession that barristers present their cases to the highest possible standards. The workshop was attended by Judges, Senior Counsels and State Counsels.

The workshop was led by a team of external Barristers and Judges from the Inns of Court College of Advocacy which comprised of Barrister Tracy Ayling, Barrister Desmond Browne, Barrister Martin Griffiths, Her Honour Judge Joanna Korner and The Hon. Mr Justice Micheal Soole who made the workshop sessions very interesting, informative and engaging.

The methodology employed by the facilitators cut across issues on advocacy to better understand the topic. The workshop was enriched with group presentations, discussions, role play and group work. It was a highly interactive session. During

the session, participants could analyse fictional case studies which were provided by the ICCA facilitators.

Advocacy: “why we do it and how we can do better”

The session was kicked off by Barrister Desmond Browne, who gave an overview of advocacy and gave an insight on what he alongside his colleagues aimed to achieve and hope for the participants to achieve with the training workshop.

He then proceeded to define advocacy as “how an advocate presents his case to the court”. The unique feature of advocacy is that it is a specialist skill which distinguishes between the Bar and other legal officers. Key advocacy skills include case analysis, use of skeleton arguments, oral submissions, examinations-in-chief and cross-examination, pleas in mitigation and legal submissions. This was further demonstrated using a video demonstration on advocacy training involving a trainee and trainer played by the facilitator for the participants’ information.

Having observed the trainee’s performance, the advocacy trainer will follow the six-step Hampel method.

To better explain the processes involved in an advocacy training using the Hampel method, a video was played for the participants titled “The Hampel method of witness handling (cross examination)” – by Sarah Whitehouse.

The Hampel Method of training [plenary session]

The session on Hampel method was led by Barrister Tracy Ayling.

The Hampel method is a systematic six stage method devised by professor George Hampel QC of the Australian Bar namely;

Headline: this is an identification of the aspect of the advocate’s performance that needs to be addressed

Playback: using the trainee’s exact words to identify aspects to be addressed

Reason: explanation of why the aspect needs to be addressed

Remedy: providing tips for improvement. According to the facilitators, this step tends to be forgotten easily

Demonstration: demonstrating how to apply the remedy to the problem

Replay: the trainee performs the advocacy again applying the remedy

The method requires pupil Barristers and New practitioners to perform as advocates in a simulated courtroom environment, within a strict frame and supported by a student/trainer ration of at least 6:2. Advocacy trainers - who will be highly experienced practitioners trained in advocacy teaching – observe the performance, and then use a 6-step procedure to identify and remedy a problem with the performance. This approach helps to address the difficulties faced by a trainee seeking to absorb constructive criticism when under stress.

In preparation for the group performance, the participants were divided into two groups namely; Civil and Criminal. Both groups had separate case studies to analyse. These cases were used as subject matter of discussion while using the Hampel method review to practice proper closing speeches, Examination-in-Chief and legal submissions. The participants, along with the facilitators took turns in the group performances, with the participants acting as the pupil trainers and trainees (peer review) while the facilitators acted as witness and Advocates.

Drafting and use of skeleton arguments

On the third day of the training (final day), Barrister Desmond Browne with the aid of materials, provided some guidance on the drafting and use of skeleton arguments.

In his discussion, he gave the participants tips on how to draft a proper skeleton argument. He further mentioned that the skeleton argument serves as a prompt for the judge to make judgement and according to him “nothing is more gratifying for an advocate than to hear that his skeleton argument is referred to in making judgement”. He also advised the participants to put forward their best points first

to get the court's attention as there is "real merit in taking your best points first to maximise your advantage against the opponent".

The workshop was indeed intense, interactive, indulging and very educative as the participants harmoniously agreed. Overall it was a successful three-day workshop.