

# Advocacy Skills Workshop

## CDDP – Melbourne – 17 & 18 August 2018

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**Please read the information below immediately and thoroughly as it is important to your preparation and contribution to learning at this workshop.**

Dear Workshop Participant,

The AAI is pleased to be able to provide this advocacy workshop for you and we are sure that you will find this course helpful in improving your advocacy skills.

### Workshop Program:

Part 1: Introductory Session – Friday 17 August, 2018

Time: 5.00pm to 7.00pm

Location: **Commonwealth Law Courts, 305 William Street, Melbourne**

This session will finish by 7.00pm.

Part 2: Advocacy Performance Skills Workshop – Saturday 4 August, 2018

Time: 9.00am to 5.15pm.

Location: **Commonwealth Law Courts, 305 William Street, Melbourne**

### Workshop Format:

The following “**Timetable and Task Allocation**” details the format for this workshop. On page 3 you will find a table that allocates a GROUP and PARTICIPANT NUMBER for each participant.

On Saturday, Group Performance Sessions and Technique Sessions have been scheduled through the day. In the Group Sessions, you will break into smaller groups to individually **present your allocated advocacy tasks** before a Judge/Instructor in the same manner that you would present in court. You will find your allocated advocacy tasks set out within each session of the timetable.

Once you have finished each performance you will be given a review by the instructor. This review is designed to be positive, not critical. You will be given advice on ways that your individual performance can be improved using various advocacy skills, including a demonstration and explanation of the particular skills relevant to your performance.

### The Workshop Case Studies:

#### Why are we using an application, pleas and a case study?

We acknowledge that for some of you, the case studies we will use may not be of the type you generally deal with. We use these case studies deliberately as we believe them to be very good for the teaching of advocacy, demonstrating skills that can be applied in any jurisdiction. The advocacy skills you will learn will be of universal application – the same skills apply regardless of the type of case, the jurisdiction you appear in or the side you appear on. This has been proven in over two decades of advocacy instruction by the AAI.

We also acknowledge that some of you will have been allocated performance roles that ask you to act for the Defence rather than the Prosecution. This allows the workshop to reflect and present argument from both sides and demonstrates the universal nature of the advocacy skills being taught.

Please don't get bogged down in your preparation with any legal technicalities within the case studies. Don't research or bring statutes or precedents. Do not be distracted with "the law". Evidence is restricted to **only** that contained within each case study so you do not need to look outside the immediate information provided. The purpose of this workshop is to help you with how to structure a case, how to prepare, how to ask purposive relevant questions, how to argue, how to be persuasive in court. We will not be concerned with jurisdictional procedure.

## **Preparation before the workshop:**

This is a performance-based workshop. **NO** preparation time is included during the actual workshop.

You are required to prepare each of your set tasks between now and the commencement of the workshop. Please **allow yourself time to prepare properly** – it is anticipated that you should allocate about 5 hours to this preparation.

Please also note that in the workshop group sessions, participants will be called upon to act as the witness when other participants are presenting their Cross Examination. A thorough knowledge and understanding of the facts of each case study will help both you and your colleagues get the most out of the workshop.

If you are not totally familiar with the requirements of any particular advocacy task, you may find it helpful to refer to the "Specific Advocacy Tasks" summary at the end of the Course Materials document.

You have also been provided with a pdf copy of the "AAI Advocacy Manual", which contains detailed chapters on each of the advocacy tasks you will be presenting. Unfortunately, copyright restrictions require this version to be 'read only' and cannot be printed. You are **not** required to bring a copy to the workshop, rather use this Manual in your preparation and for future reference.

## **Presenting your set tasks:**

You will see in the timetable task allocations that a time limit has been set to present each task. Please prepare the whole of the task, even though the time allocation means you may not finish your presentation. Your review will be on that part of the task you present, not the parts you may not have reached.

**At the close of the workshop the evaluation sheet provided with these materials will be collected. Please fill out this form before leaving as your (anonymous) comments help us structure future courses.**

**Dress is casual. Refreshments and lunch will be provided on Saturday.**

Regards



Scott Wallace  
General Manager, Australian Advocacy Institute.  
Email: aai@advocacy.com.au



**TIMETABLE**  
**AND**  
**TASK ALLOCATIONS**

**PARTICIPANT NUMBER**

This is your participant number and is used to determine which **TASKS** you will be performing in the timetable that follows.

	<b>RED GROUP</b>
<b>1</b>	<b>Andrew Sprague</b>
<b>2</b>	<b>Catherine Newman</b>
<b>3</b>	<b>Josh Robins</b>
<b>4</b>	<b>Jessica Mackay</b>
<b>5</b>	<b>Isaac Buckley</b>
<b>6</b>	<b>Edward Chen</b>
<b>7</b>	<b>Patrick Darby</b>
<b>8</b>	<b>Jamey Ellis</b>

**FRIDAY 17 August 2018**  
At the Commonwealth Law Courts

<b>SESSION 1</b> <b>5.00 to 7.00pm (120 mins)</b>	
<b>General Session</b>	<b><u>INTRODUCTION AND OVERVIEW</u></b>

**SATURDAY 18 August 2018**  
At the Commonwealth Law Courts

<b>SESSION 2</b> <b>9.00 to 10.00am (60 mins)</b>	
<p><b>Group Session</b></p> <p>Performances in Group: <b>4 minutes per task</b></p> <p>Review in Group: <b>3 mins per task</b></p>	<p><b><u>APPLICATIONS</u></b></p> <p><b><u>Case Study 1: Porcine v Royal Bridgewater Golf Club - Application</u></b></p> <p><b>TASK:</b> Apply for an ex-parte injunction      PARTICIPANT: 1</p> <p><b>TASK:</b> Apply for an ex-parte injunction      PARTICIPANT: 2</p> <p><b>TASK:</b> Apply for an ex-parte injunction      PARTICIPANT: 3</p> <p><b>TASK:</b> Apply for an ex-parte injunction      PARTICIPANT: 4</p> <p><b><u>Case Study 2: Philip Ball - Plea</u></b></p> <p><b>TASK:</b> Make submission on sentence for Ball      PARTICIPANT: 5</p> <p><b>TASK:</b> Make submission on sentence for the Crown      PARTICIPANT: 6</p> <p><b><u>Case Study 3: Peter partridge – Bail Application</u></b></p> <p><b>TASK:</b> Make application for bail for Partridge      PARTICIPANT: 7</p> <p><b>TASK:</b> Oppose the application for the Crown      PARTICIPANT: 8</p>

<i>MORNING TEA      10.00 to 10.15am (15 mins)</i>	
<b>SESSION 3</b> <b>10.15 to 11.30am (75 mins)</b>	
<p><b>Group Session</b></p> <p>Performances in Group – per task: <b>(i) Address: 3 min.</b> <b>(ii) Cross Exam.: 7 min.</b></p> <p><b>Review: 8 min.</b></p> <p><b>Video Reviews: 12 mins per participant</b></p>	<p><b><u>CROSS EXAMINATION</u></b></p> <p><b><u>Case Study: DPP v Elmo Telfani</u></b></p> <p><b>TASK:</b> (i) Perform part of your prepared closing argument on the point or points on which you will cross examine      <b>3 minutes</b></p> <p style="padding-left: 40px;">(ii) Cross Examine the Witness to achieve the point/s on which that argument is based      <b>7 minutes</b></p> <p><b>Task Allocation:</b> Participant 2. For Defence, Cross Examine Witness: Von Naustraum Participant 4. For Defence, Cross Examine Witness: Carol Keane Participant 1. For Prosecution, Cross Examine Witness: Elmo Telfani Participant 3. For Prosecution, Cross Examine Witness: Joy Jacob-Brown</p>
<b>SESSION 4</b> <b>11.30am to 12.30pm (60 mins)</b>	
<b>General Session</b>	<b><u>TECHNIQUES IN QUESTIONING WITNESSES</u></b> <b><u>CASE THEORY</u></b>

LUNCH 12.30 to 1.00pm (30 mins)

**SESSION 5**

**1.00 to 2.15pm (75 mins)**

**Group Session**

Performances in Group – per task:

(i) Address: 3 min.

(ii) Cross Exam.: 7 min.

Review: 8 min.

Video Reviews:

12 mins per participant

**CROSS EXAMINATION**

**Case Study: DPP v Elmo Telfani**

- TASK:** (i) Perform part of your prepared closing argument on the point or points on which you will cross examine **3 minutes**
- (ii) Cross Examine the Witness to achieve the point/s on which that argument is based **7 minutes**

**Task Allocation:**

Participant 6. For Defence, Cross Examine Witness: Von Naustraum

Participant 8. For Defence, Cross Examine Witness: Carol Keane

Participant 5. For Prosecution, Cross Examine Witness: Elmo Telfani

Participant 7. For Prosecution, Cross Examine Witness: Joy Jacob-Brown

**SESSION 6**

**2.15 to 3.15pm (60 mins)**

**General Session**

**THE OPENING ADDRESS and CLOSING ARGUMENT**

**COMMUNICATION IN THE COURTROOM**

**SESSION 7**

**3.15 to 5.00pm (105 mins)**

**Group Session**

Performances in Group – per task:

Performance: 6 min.

Review: 7 min.

**OPENING ADDRESS AND CLOSING ARGUMENT**

**Case Study: DPP v Elmo Telfani**

- TASK:** Present an opening address or final argument as per the task allocations **7 minutes**

**Task Allocation:**

Participant 3. Present opening address for Prosecution

Participant 4. Present opening address for Defence

Participant 2. Present closing argument for Prosecution

Participant 1. Present closing argument for Defence

Participant 7. Present opening address for Prosecution

Participant 8. Present opening address for Defence

Participant 5. Present closing argument for Prosecution

Participant 6. Present closing argument for Defence

**SESSION 8**

**5.00 to 5.15pm (15 mins)**

**General Session**

**DISCUSSION AND CLOSING SESSION**

Evaluation Sheet: Participants are requested to complete and return to instructors.



# TEACHING FACULTY – August 2018

## **MODERATOR:**

### ***Ian Robertson SC – Barrister, S.A. Bar***

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#### **Professional:**

- Bachelor of Laws, University of Adelaide, 1979
- Master of Laws, University of Adelaide, 1996
- Admitted as Barrister and Solicitor, 1986
- 1986-94 Solicitor, then Associate, then Partner, Piper Alderman, Adelaide.
- Admitted to Bar, 1994
- Appointed Senior Counsel, 2008.
- Board Member, Australian Advocacy Institute

#### **Memberships and Teaching:**

- 1990-91 Law Council of Law Society of S.A.
- 1990-95 Civil Litigation Committee of the Law Society of South Australia, November
- 1991 District Court Rules Committee as the representative of the Law Society of South Australia
- 1995-2001 Member, then Chair of Mock Trial Committee of the Law Society
- 1996-present Executive of SABA
- 1998-2004 Acting, then Honourary Secretary SABA
- 1998-2000 SABA nominee to Supreme Court Re-development Steering Committee,
- Member of the Professional Development Advisory Committee of the Law Society of S.A.
- 1999-2000 Ad hoc Rules Advisory Committee
- 2000-present Executive Member of the SABA Reader's Course Co-ordination Committee
- 2008-present Member of Advocacy Training Council of the Australian Bar Association
- 2016 Chair of Advocacy Training Council of the Australian Bar Association
- Senior Instructor, Australian Advocacy Institute

### ***Lincoln Crowley – Barrister, Queensland Bar***

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#### **Professional:**

- 1998-2001 – Solicitor Advocate, ATSILS, Townsville, Brisbane and Sunshine Coast
- 2001-2003 – Senior Solicitor, NSW Crown Solicitor's Office, Sydney
- 2003-2005 – Barrister – NSW Bar, Sydney
- 2005-2007 – Crown Prosecutor, Commonwealth Director of Public Prosecutions
- 2007-2008 – Principal Crown Prosecutor, Queensland Office of the Director of Public Prosecutions
- 2008 to date – Barrister – NSW Bar, Qld Bar
- Senior Instructor with Australian Advocacy Institute throughout Australia.

#### **Other:**

- 2010 – Member of the Australian Law Reform Commission's Indigenous Advisory Committee
- 2003 – 2008 - Member of the NSW Bar Association's Indigenous Barristers' Working Party
- 2005 – 2007 – Member NSW Bar Assoc. Equal Opportunity Committee
- 2007 – Guest Speaker, 2nd National Indigenous Legal Conference, Brisbane
- 2006 – Chairperson, Inaugural National Indigenous Legal Conference, Brisbane
- 2003 – 2005 – NSW Department of Corrective Services' Serious Offender's Review Council

### ***Craig Everson – Crown Prosecutor, NSW***

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- Barrister since 1996
- Crown Prosecutor, NSW since 2005
- Deputy Senior Crown Prosecutor (Sydney West) since 2014
- Judiciary Counsel, National Rugby League
- Past Member, NSW Bar Association Health and Wellbeing Committee
- Instructor/Facilitator, NSW ODPP Solicitor Advocacy Program
- Instructor, Australian Advocacy Institute

## ***Diana Price – Barrister, Victorian Bar***

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An experienced advocate practicing in criminal law, inquests and inquiries and administrative law, Diana is admitted in New York, Victoria and the ACT. She has conducted trials on behalf of persons accused of fraud, burglary, robbery, assault, dangerous driving causing death/serious injury and various sexual offences. Often appears as counsel assisting before the Building Practitioners Board and the Victims of Crime Assistance Tribunal. Also appears in occupational health and safety matters, and represents parties to investigations by the Independent Broad-Based Anti-Corruption Commission and the Australian Securities and Investments Commission. She is the editor of the Lawyers Practice Manual chapter 'Social Security Prosecutions'. She appears in the Administrative Appeals Tribunal, the Victorian Civil and Administrative Tribunal and the Firearm Appeals Committee. She also regularly provides advice and appears in working with children check matters, guardianship, administration and freedom of information matters.

Diana is a trained Advocacy Instructor with the Australian Advocacy Institute and is an instructor with the Australian National University Graduate Diploma of Legal Practice. She regularly teaches, coaches and assesses students in the Victorian Bar Readers Course and at various law schools. Diana recently taught at the Legal Training Institute in Papua New Guinea with other members of the Victorian Bar.

Diana is a current Director of Australian Women Lawyers. She was the Convenor of the Women Barristers Association between November 2012 - February 2015 and remains on its committee.

## ***Sharyn Hall – Barrister, NSW Bar***

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### **Professional:**

- 1999 – Admitted to practice as solicitor, NSW
- Solicitor, Western Aboriginal Legal Service
- Solicitor, Legal Aid NSW
- 2007 – Admitted as barrister, NSW
- 2008 – Registered practitioner, High Court of Australia
- Area of practice – criminal law. Regularly appears in the Supreme Court to defend applications for continuing detention and extended supervision orders. Appeared at the Royal Commission into Institutional Responses to Child Sexual Abuse. Appearances in ICAC
- Advocacy Instructor, AAI and NSW Bar Practice Course

## ***Slade Howell – Barrister, NSW Bar***

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### **Professional:**

- Admitted as a solicitor in 2008
- Solicitor, Aboriginal Legal Service 2009 - 2011
- Solicitor, Legal Aid, Sydney 2011 - 2014
- Came to the Bar in 2014, Member of Forbes Chambers, Sydney
- Advocacy Instructor, Australian Advocacy Institute.

### **Publications:**

- 2014 – Legal Aid Conference Paper (with David Covington) *“Trial Directions for the Local Court Advocate”*
- 2012 – Children’s Legal Service Conference *“The Imposition and Revocation of Suspended Sentences in the Children’s Court of NSW”*
- 2011 – NSW Young Lawyers Practitioner’s Guide to Criminal Law, Chapter 12: *“Children’s Court – Criminal Jurisdiction”*.

## ***Peter McGrath SC – Deputy Director Public Prosecutions – NSW ODP***

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- Solicitor 1984 to 1990
- Admitted to NSW Bar 1990
- District Court and Supreme Court criminal jury trials, commissions of inquiry and coronial inquests
- Junior counsel for NSW Department of Corrective Services in ICAC inquiry into use of prison informers
- Junior counsel for NSW Police Force in Royal Commission into Police Corruption
- Appointed Crown Prosecutor 2012
- Appointed Senior Counsel 2014
- Appointed Senior Deputy Public Defender 2016
- Appointed Deputy Director, NSW DPP 2018
- Advocacy Instructor, Australian Advocacy Institute
- Member NSW Bar Association Health and Wellbeing Committee.