



AUSTRALIAN ADVOCACY INSTITUTE

**INSTRUCTOR TRAINING
WORKSHOP**

Instructions for “Student Advocates”

**Friday 15 February and
Saturday 16 February, 2019**

VENUE:

**Friday and Saturday: Family Court of Australia
99 Goulburn Street, Sydney**

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Australian Advocacy Institute - Advocacy Instructor Training

Thank you for volunteering to play the role of “Student Advocate” at this workshop.

The purpose of this workshop is to train experienced advocates, chosen by the AAI and the NSW Bar Association, in the AAI method of advocacy instruction. Your role is to act as Student Advocates, performing a variety of advocacy tasks which will then be reviewed by the Trainee Instructors.

INSTRUCTIONS to "Student Advocates"

The following Timetable details the format for this workshop. Tasks have been set in each performance session of the timetable for you to individually **present that set task** before a Judge/Instructor in the same manner that you would present in court. The tasks include both performance and acting as a witness. Where you been asked to play the role of witnesses, please be completely familiar with the witness statements and have a thorough knowledge and understanding of the facts of the case study.

If you are not totally familiar with the requirements of any particular task, you may find it helpful to refer to the “Specific Advocacy Tasks” summary at the end of the Course Materials document. Please prepare to present the whole of the task, even though you will be given a time limit of 5 minutes to present during the workshop. You will be reviewed on the part you present.

We acknowledge that the case studies used here may not be the type of cases you generally deal with or not from your regular jurisdiction. We use them because they are very good case studies for advocacy teaching, demonstrating skills that can be applied in any jurisdiction.

Note that NO preparation time is included during the actual workshop. Please prepare each of your set tasks between now and when the workshop commences. Please **allow yourself time to prepare properly**. Don't get bogged down in your preparation with any legal technicalities within the case studies. Do not be distracted with “the law”. Don't bring statutes or precedents. Evidence is restricted to only that contained within the case studies.

Once you have given your performance, you will then be given feedback by a Trainee Instructor as part of their training. This review is designed to give you advice and skills in improving your advocacy and is not intended to be 'destructive' ... it is a helpful and positive direction for you to learn.

Please contact me if you have any queries regarding this workshop.

Scott Wallace

General Manager, AAI

Email: aai@advocacy.com.au Mobile: 0418 473 303

DAY 2 - SATURDAY 16 FEBRUARY 2019

SESSION 4 9.00 – 10.30am (90 mins)

Break into
Group
Sessions

APPLICATION - Case Study: Porcine v Royal Bridgewater Golf Club

TASK: Present application for Porcine (5 mins)

	Red Group	Blue Group	Green Group	Yellow Group
Student Advocate:	Winnie Jobanputra	Janai Tabbernor	Sam Blackman	Dina Lioumis

Review by Trainee Instructor: **1** (5 mins)

Review by Trainee Instructor: **2** (4 mins)

Review of Instructors by Moderator (8 mins)

TASK: Present application for Porcine (5 mins)

	Red Group	Blue Group	Green Group	Yellow Group
Student Advocate:	Aidan Gandar	Daniel Meyerowitz-Katz	Emma Scott	Hannah Daley

Review by Trainee Instructor: **3** (5 mins)

Review by Trainee Instructor: **4** (4 mins)

Review of Instructors by Moderator (8 mins)

Group
Session

Part 2 – TRIAL - Case Study: DPP v Evelyn Cannon

Part 2A - EVIDENCE IN CHIEF

TASK: Lead Evidence of Constable O'Rourke for Prosecution (5 mins)

	Red Group	Blue Group	Green Group	Yellow Group
Student Advocate:	Douglas McDonald Norman	TBA#2	Olla Otrebski	TBA#4
Witness:	Winnie Jobanputra	Janai Tabbernor	Sam Blackman	Dina Lioumis

Review by Trainee Instructor: **5** (5 mins)

Review by Trainee Instructor: **6** (4 mins)

Review of Instructors by Moderator (8 mins)

TASK: Lead Evidence of Evelyn Cannon for Defendant (5 mins)

	Red Group	Blue Group	Green Group	Yellow Group
Student Advocate:	TBA#3	Sarah Woodland	TBA#5	TBA#1
Witness:	Aidan Gandar	Daniel Meyerowitz-Katz	Emma Scott	Hannah Daley

Review by Trainee Instructor: **7** (5 mins)

Review by Trainee Instructor: **1** (4 mins)

Review of Instructors by Moderator (8 mins)

Student Advocates move to next group after Morning Tea

10.30 – 10.45am **MORNING TEA**

SESSION 5 10.45am – 12.15pm (90 mins)Group
Session**Part 2B - CROSS EXAMINATION****TASK: Cross Examine Evelyn Cannon for Prosecution (5 mins)**

	Red	Blue	Green	Yellow
Student Advocate:	Janai Tabbernor	Sam Blackman	Dina Lioumis	Winnie Jobanputra
Witness:	Sarah Woodland	TBA#5	TBA#1	TBA#3

Review by Trainee Instructor: **2** (5 mins)Review by Trainee Instructor: **3** (4 mins)

Review of Instructors by Moderator (8 mins)

TASK: Cross Examine Constable O'Rourke for Defence (5 mins)

	Red	Blue	Green	Yellow
Student Advocate:	Daniel Meyerowitz-Katz	Emma Scott	Hannah Daley	Aidan Gandar
Witness:	TBA#2	Olla Otrebski	TBA#4	Douglas McDonald Norman

Review by Trainee Instructor: **4** (5 mins)Review by Trainee Instructor: **5** (4 mins)

Review of Instructors by Moderator (8 mins)

TASK: Cross Examine Evelyn Cannon for Prosecution (5 mins)

	Red	Blue	Green	Yellow
Student Advocate:	TBA#2	Olla Otrebski	TBA#4	Douglas McDonald Norman
Witness:	Sarah Woodland	TBA#5	TBA#1	TBA#3

Review by Trainee Instructor: **6** (5 mins)Review by Trainee Instructor: **7** (4 mins)

Review of Instructors by Moderator (8 mins)

TASK: Cross Examine Constable O'Rourke for Defence (5 mins)

	Red	Blue	Green	Yellow
Student Advocate:	Sarah Woodland	TBA#5	TBA#1	TBA#3
Witness:	Janai Tabbernor	Sam Blackman	Dina Lioumis	Winnie Jobanputra

Review by Trainee Instructor: **1** (5 mins)Review by Trainee Instructor: **2** (4 mins)

Review of Instructors by Moderator (8 mins)

Student Advocates move to next group after lunch**SESSION 6 12.15 – 1.30pm (75 mins)**General
Session**GENERAL SESSION – Led by Moderators**

Case Theory, Examination & Cross Examination

1.30pm – 2.00pm (30 mins) **LUNCH**

SESSION 7 2.00 – 3.30pm (90 mins)

Group
Session

Part 2C - CLOSING ARGUMENT

TASK: Closing Argument for Prosecution (5 mins)

	Red	Blue	Green	Yellow
Student Advocate:	Sam Blackman	Dina Lioumis	Winnie Jobanputra	Janai Tabbernor

Review by Trainee Instructor: **3** (5 mins)

Review by Trainee Instructor: **7** (4 mins)

Review of Instructors by Moderator (8 mins)

TASK: Closing Argument for Defence (5 mins)

	Red	Blue	Green	Yellow
Student Advocate:	TBA#5	TBA#1	TBA#3	Sarah Woodland

Review by Trainee Instructor: **4** (5 mins)

Review by Trainee Instructor: **1** (4 mins)

Review of Instructors by Moderator (8 mins)

TASK: Closing Argument for Prosecution (5 mins)

	Red	Blue	Green	Yellow
Student Advocate:	Olla Otrebski	TBA#4	Douglas McDonald Norman	TBA#2

Review by Trainee Instructor: **5** (5 mins)

Review by Trainee Instructor: **6** (4 mins)

Review of Instructors by Moderator (8 mins)

TASK: Closing Argument for Defence (5 mins)

	Red	Blue	Green	Yellow
Student Advocate:	Emma Scott	Hannah Daley	Aidan Gandar	Daniel Meyerowitz-Katz

Review by Trainee Instructor: **2** (5 mins)

Review by Trainee Instructor: **3** (4 mins)

Review of Instructors by Moderator (8 mins)

SESSION 8 3.30 – 4.00pm (30 mins)

General
Session

GENERAL SESSION – Led by Moderators

Communication

SESSION 9 4.00 – 4.30pm (30 mins)	
General Session	<p><u>Part 3 - VIDEO REVIEW</u> – Led by Moderators</p> <ul style="list-style-type: none"> • Introduction and discussion • Replays of student performances • Reviews by Trainee Instructors • Reviews by Moderators
SESSION 10 4.30 – 4.45pm (15 mins)	
General Session	<u>OVERVIEW & CLOSING DISCUSSION</u>



The Hon. Justice Ann Ainslie-Wallace

Appeals Division, Family Court of Australia, Chair, Australian Advocacy Institute

Professional:

- ◆ 1978: Admitted to the Bar in New South Wales
- ◆ 1995: Acting Judge, District Court of NSW
- ◆ 1997-2010: Judge, District Court of NSW
- ◆ 2006-: Adjunct Professor of Law, UTS University, Sydney
- ◆ 2010-: Appointed as Judge of the Appeals Division, Family Court of Australia.

Current Professional Appointments:

- ◆ Chair, Australian Advocacy Institute (AAI)
- ◆ Chair, College of Law Master of Applied Law [Family Law] Advisory Committee
- ◆ Fellow of the Australian Academy of Law
- ◆ Council Member, National Judicial College of Australia
- ◆ Member, Australian Institute of Judicial Administration
- ◆ 2015: Appointed Master Benchers, Inner Temple, London UK
- ◆ 2018: Awarded Doctor of Laws (*honoris causa*), UTS University, Sydney.

Past:

- ◆ Member, NSW Bar Council
- ◆ Member, NSW Bar Professional Conduct Committee, Advocacy Committee, Family Law Committee
- ◆ 1992-1997: Law Council of Australia, Family Law Executive
- ◆ Law Council Committee to develop and conduct the Australian Separate Representative Training Program
- ◆ Chair and Board Member, Law Society of NSW, Specialist Accreditation Board
- ◆ 2006-2010: Deputy Chair, NSW Medical Tribunal
- ◆ 2007: Judicial Commission of NSW Advisory Committee, Equal Treatment Bench Book
- ◆ 2008-2015: Board Member and Deputy Chair, AAI
- ◆ 2008-2010: NSW Representative, Australian Association of Women Judges
- ◆ 2009: Australian Institute of Judicial Administration Advisory Committee, Children's Evidence Bench Book
- ◆ 2010-: Member, National Judicial College of Australia.

Teaching Commitments:

- ◆ Moderator and Senior Instructor at AAI workshops throughout Australia and in the United Kingdom, Italy, The Hague, Malaysia, Singapore and Hong Kong
- ◆ Moderator of the Investigators, Expert Witness and Advocacy Skills Workshops: Securities and Futures Commission and Hong Kong Monetary Authority, Hong Kong: 2004 to date
- ◆ Instructor, New Practitioners Advocacy Workshop, Inner Temple, London 2013, 2015-2017
- ◆ Instructor, UK Advanced International Advocacy Course, Keble College Oxford 2016-2018
- ◆ Instructor, AAI Advanced Teacher Training Program, UK Advocacy Training Council, London 2013
- ◆ Instructor, Hong Kong Bar Readers' Advocacy Program, 2018
- ◆ Instructor, South African Bar Advanced Advocacy Workshop, Stellenbosch 2019
- ◆ Instructor, AAI workshop on Advocacy for Victims of War Crime, International Criminal Court, The Hague 2013
- ◆ Faculty Member, National Institute for Trial Advocacy (USA)
- ◆ 'Train the trainers' workshops and advocacy skills workshops in association with the Bangladesh Bar Association
- ◆ Instructor, NSW Bar Association Readers Course and Law Society of NSW Specialist Accreditation in Advocacy
- ◆ Moderator, Advocacy, College of Law, Sydney
- ◆ Teaching for International Institute of Forensic Studies – Monash University, Melbourne
- ◆ Workshops for professionals and experts including members of the Medical Tribunal of NSW and the Professional Services Review Tribunal
- ◆ Occasional instruction for University of Technology Sydney, University of Sydney, Monash University Italy, Monash University Malaysia and Hong Kong University undergraduate courses in Advocacy Skills.

Her Honour Judge Felicity Hampel SC - County Court of Victoria

Professional:

- ◆ Barrister since 1981
- ◆ Admitted in all Australian jurisdictions
- ◆ Appointed Queen's Counsel 1996, converted to Senior Counsel 2001
- ◆ Appointed Judge, County Court of Victoria 2005
- ◆ Vice President, Victorian Civil and Administrative Tribunal since 2010
- ◆ Fellow, Australian Academy of Law since 2010.

Other:

- ◆ Board Member and Deputy Chair, Australian Advocacy Institute (AAI)
- ◆ Adjunct Professor, Faculty of Law, Monash University, Melbourne, Victoria
- ◆ Board Member, Castan Centre for Human Rights
- ◆ Member, Advisory Board, Institute for Legal Studies, Australian Catholic University.

Past:

- ◆ Former Chair, AAI Management Committee
- ◆ Part time Commissioner, Victorian Law Reform Commission 2001-2012
- ◆ Member of the Steering Committee, International Institute of Forensic Studies
- ◆ Member, Board of Management, Trinity College
- ◆ Past President, Victorian Council for Civil Liberties
- ◆ Vice Chair, Victorian Bar Readers' Course
- ◆ Board Member, Steering Committee, Victorian Bar Legal Education and Training Committee
- ◆ Board Member, Royal Women's Hospital, Melb.
- ◆ Member, Research Ethics Committee, Royal Melbourne Institute of Technology
- ◆ Founding Member, Women Barristers' Association
- ◆ Foundation Board Member, Aust. Women Lawyers
- ◆ Member, Vic Bar Equality before the Law Committee
- ◆ Deputy Co-convenor, Victorian State Council, Australian Republican Movement and ARM candidate for election to the Constitutional Convention.

Advocacy training and experience:

- ◆ Twenty three years of advocacy experience in criminal trial work for the defence and prosecution, administrative and human rights law, general civil and commercial law and work in all appellate jurisdictions
- ◆ Instructor, New Practitioners Workshop, Inner Temple, London 2013-2018
- ◆ Instructor, AAI Advanced Teacher Training Program, UK Advocacy Training Council, London 2013
- ◆ Visiting Faculty, National Institute for Trial Advocacy (USA)
- ◆ Extensive advocacy teaching experience in Australia, USA, the United Kingdom, The Hague, Singapore, Malaysia, Hong Kong, China and New Zealand since 1984
- ◆ Devising and delivering undergraduate and post graduate courses in advocacy, fact finding and conduct of hearings.
- ◆ Training of litigation solicitors in case management
- ◆ Training of members of Tribunals (Professional Services Review Tribunal, Refugee Tribunal and Medical Board)
- ◆ Training of teachers of advocacy in Australia and internationally
- ◆ Training of Prosecutors in The Hague at the War Crimes Tribunals for The Former Yugoslavia and Rwanda
- ◆ Instructor, AAI workshop on Advocacy for Victims of War Crime, International Criminal Court, The Hague, 2013.

Awards:

- ◆ Women Lawyers' Achievement Award, (Vic.) 2005
- ◆ Centenary of Federation "Women Shaping the Nation" Honour Roll
- ◆ Honorary Life Member, Australian Republican Movement.

Grant Brady SC - Barrister, NSW Bar

Professional:

- ◆ Admitted as Legal Practitioner to NSW 1990. Admitted to ACT, Western Australia, Queensland
- ◆ General litigation ACT 1990-1995
- ◆ Partner Pappas, J. Attorney, criminal litigation 1995-1999
- ◆ Admitted to NSW Bar 2000
- ◆ Appointed SC 2015
- ◆ Member Garfield Barwick Chambers 2000–2004, East Sydney Chambers 2005-2009
- ◆ Member Forbes Chambers 2010–present.

Advocacy Training:

- ◆ Board Member and Deputy Chair, Australian Advocacy Institute
- ◆ Moderator and Senior Instructor, Australian Advocacy Institute
- ◆ Advocacy Coach, NSW Bar Association Readers Course
- ◆ Accredited Teacher, Australian Bar Association
- ◆ Member, Education Committee NSW Bar Association
- ◆ 2015, 2017: Instructor, Expert Witness and Advocacy Workshops: Securities and Futures Commission, Hong Kong
- ◆ 2018: Instructor, UK Advanced International Advocacy Course, Keble College Oxford
- ◆ Instructor, South African Bar Advanced Advocacy Workshop, Stellenbosch 2019.

Past:

- ◆ Chair, ACT Law Society Criminal Law Committee
- ◆ Member, National Criminal Law Liaison Committee
- ◆ Member, Magistrates Court Reform Committee, ACT
- ◆ AFP Counter Terrorism Course Guest Lecturer
- ◆ University of Sydney Law School Guest Lecturer, Advocacy.

Carolyn Davenport SC - Barrister, NSW Bar

Professional:

- ◆ 1977: Barrister practising in criminal and family law at Wardell Chambers, Sydney
- ◆ 1980-1985: Corporate Affairs Comm. NSW. Prosecution of major corporate fraud and civil litigation
- ◆ 1985-2001: Crown Prosecutor. Criminal trials in the District Court, Supreme Courts and the CCA
- ◆ 1991-1992: General Counsel with the Independent Commission Against Corruption
- ◆ 2001-present: Barrister, criminal law in the District and Supreme Courts and the Court of Criminal Appeal, and Counsel Assisting before the ICAC
- ◆ 2004: Appointed Senior Counsel.

Memberships and Teaching:

- ◆ 1996-2002: Member, Education Committee of the NSW Bar Association
- ◆ 2001-2008: Member, Criminal Law Committee of the NSW Bar Association
- ◆ 2007, 2010: Instructor with AAI/Monash University Trial Practice Course, Prato, Italy
- ◆ 2009: AAI Moderator Training
- ◆ 2011: AAI Leadership Training
- ◆ 1995-present: Advocacy teaching as a Senior Instructor with AAI across Australia and in Hong Kong
- ◆ 2015-present: Member of Board, Australian Advocacy Institute

Magistrate Greg Grogin – Magistrates Court of New South Wales

Professional:

- 1979 – 1988 Member NSW Police Force including NSW Police Academy Law Instructor and Police Prosecutor
- 1990 – Admitted to practice as barrister, NSW
- Areas of Practice: Alternative Dispute Resolution, Criminal, Inquests, Royal Commissions and Statutory Tribunals, Insurance, Land and Environmental Law, Local Courts, Personal Injury
- Previous - Member of NSW Bar Association Personal Injury Committee; visiting instructor UTS Faculty of Law on advocacy and court procedure; lecturer for LegalWise Law Seminars
- 2010 – Appointed to Magistrates Court of New South Wales
- 2018 – Acting Judge, District Court of NSW
- Senior Instructor, Australian Advocacy Institute.

Ian Robertson SC – Barrister, S.A. Bar

Professional:

- Bachelor of Laws, University of Adelaide, 1979
- Admitted as Barrister and Solicitor, 1986
- 1986-94 Solicitor, then Associate, then Partner, Piper Alderman, Adelaide
- Admitted to Bar, 1994
- Master of Laws, University of Adelaide, 1996
- Appointed Senior Counsel, 2008
- Board Member, Australian Advocacy Institute since 2014.

Other:

- 1990-91: Law Council of Law Society of S.A.
- 1990-95: Civil Litigation Committee of the Law Society of South Australia
- 1991: District Court Rules Committee as the representative of the Law Society of South Australia (comprised of judicial and professional appointments)
- 1991: Law Society of S.A. committee to re-structure the court system in S.A.
- 1995-2001: Member, then Chair of Mock Trial Committee of the Law Society
- 1996-present: Executive of the South Australian Bar Association
- 1998-2004: Acting, then Honourary Secretary of the 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.

Carl Heaton QC – Deputy Director of Public Prosecutions, Queensland

Professional:

- Admitted to the Bar, 1990
- Admitted as barrister to the High Court, 1999
- Appointed Queen's Counsel, 2010

Other

- 1989 Office of Director of Public Prosecutions, Queensland
- 1994 – 2005 Crown Prosecutor, Senior Crown Prosecutor, Acting Legal Practice Manager, Principal Crown Prosecutor, Office of Director of Prosecutions, Queensland
- 2005 – 2016 Deputy Public Defender, Legal Aid Queensland
- 2016 Appointed Deputy Director of Public Prosecutions
- Senior Advocacy Instructor, Australian Advocacy Institute.

Lincoln Crowley QC – Barrister, Queensland Bar

Professional:

- 1998-2001: Solicitor Advocate, ATSI, 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.
- 2018: Appointed Queens Council

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

Sharyn Hall – Barrister, NSW Bar

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

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”*.

Philip Hogan – Crown Prosecutor, NSW ODPP

- Admitted as a solicitor in 1989
- Came to the Bar in 1997
- Member of Samuel Griffith Chambers appearing for the accused in criminal trials in the District and Supreme Court and in Appeals to the CCA
- Appointed as a Crown Prosecutor in 2010
- Advocacy Instructor, Australian Advocacy Institute.