

Keble Advanced Advocacy Course

“What have you just done?” I asked myself, not for the first time in the past few weeks. I had arrived late in the evening and was waiting for the porter to open the large sturdy wooden gate that would lead the way to Keble College. The following day I was to start the 25th South Eastern Circuit Bar Mess Foundation Advanced International Advocacy Course at Keble College, Oxford, also known as the Keble Course.

One may wonder why (a) I was so apprehensive and (b) if I felt so strongly why was I going ahead with it? Again, what have you just done?

My fear stemmed from ignorance. I first heard of the Keble Course during the New Practitioners’ Advocacy and Ethics Course years before. Described as the most demanding and intensive advocacy course in the UK I decided there was no way I would voluntarily engage in such an ordeal. The thought of exposing myself to an even more rigorous process of advocacy training and risk embarrassing myself in front of eminent silks and esteemed judges was unthinkable. The Keble Course was firmly on my ‘Not to do’ list.

But of course, I did attend. The recent change of the CPD rules played a role as I now had to consider what area I wanted to develop before engaging in activities in which I could earn CPD points. My chosen area was advocacy and I wanted to be proactive in my development. In my experience there are few accurate measures upon which you can rely on in order to gauge how well you are doing as an advocate. Your tribunal will not tell you about missteps you have made such as asking that one question too many. Your instructing solicitor will probably be too polite to mention your ‘interesting’ gesticulations. Your opponent cannot and will not advise you on how you could tweak your submissions to make them more persuasive. As a pupil I was encouraged to adopt what I liked when I observed more experienced and skilled advocates in action. However, my own ability to reflect on my performances was limited for a variety of reasons, including not actually being able to identify what it is that I was not doing so well and then understanding why it did not work. Moreover, that exploration in itself exposed a level of vulnerability that

I did not really want others to comment on. Those I did trust to provide honest yet tactful feedback were rarely in court to see my performances. However, feedback was not forthcoming.

When I became aware of the dates for the 2017 Keble Course I began to consider it. The course is taught by senior juniors, silks and judges who have been invited to train the advocates. This time instead of being scared of being vulnerable in front of those people I began to see the invaluable opportunity of being taught by the best and have them take the time to look at my advocacy and offer advice and guidance especially tailored to my skill set.

Another factor that caused a shift in my thinking about the Keble course was speaking with a colleague who had completed the course a few years before. She is an impressive and effective advocate and I wanted to be described in the same way. So while the thought of doing the course frightened me, my wish to improve my advocacy began to outweigh it and I started to reflect on my premature and hasty dismissal of the course.

The Course

At the same time as applying for the course I applied for a scholarship. The Inns of Court offer funding for up to five of their members practising as Barristers in publicly funded work, towards the cost of attending the Advanced Advocacy Course. I was incredibly fortunate and was offered the funding to cover the full fee for the course as well as the cost of my South Eastern Circuit membership this year.

This incredibly well organised course is divided into two streams; criminal and civil. I chose to do the civil course but as a family law practitioner specialising in care proceedings there is a clear benefit in participating in either, as the skills developed are applicable and beneficial. I would encourage practitioners of all fields of law to participate.

In addition to the main case, we were also provided materials for appellate advocacy exercises, interpreter case files and an expert case study in either finance or medicine.

We were given a very clear timetable and instructions on what we needed to prepare in advance of the course and for each session. Prior to starting the Advanced Advocacy Course we were advised to use approximately four days preparing. The bundles are not particularly large and the content is not difficult but there is a significant amount of detail to assimilate and analyse. How preparation is done is a matter for each individual but it is worth completely familiarising yourself with the materials in order to get the most out of the course.

The participants were divided into groups of approximately six or seven and then further divided into Claimant/Prosecution and Defendants for the duration of the course. Each group was allocated a Group Tutor and for each exercise they were joined by another two faculty members who rotated throughout the week and reviewed us using the Hampel method. Over the week there were approximately seven exercises that we participated in and received feedback from. The final exercise at the end of the course is a trial and you work with a partner and divide the advocacy tasks between you.

Before each advocacy exercise there was a presentation followed by a demonstration. After undertaking our assignments we were immediately reviewed by two faculty members in the room. The assignments were recorded and following the room review we then went to watch part of the performance with the third faculty member and received a further review from them.

For those not unfamiliar with the Hampel Method, it is the most effective method of teaching advocacy skills. Following the performance, each participant is reviewed in the room and is given feedback on what could be done to improve that performance. Specific quotes are given so we could understand exactly what needed to be improved and an explanation of why that particular approach did not work so well. We were then given very helpful and practical advice on how to resolve this issue before the trainer demonstrated how to apply this guidance.

I found the demonstrations especially impressive as the trainers had limited time to spot what was not quite working and then formulate the submissions or



questions in order to show you how it should be done. That said, we were trained by the very best; it is my understanding that each faculty member was selected and invited to train on the Advanced Advocacy Course. The majority of faculty members were Queen's or Supreme Court Counsel or Judges from around the world and included The Hon Justice Ann Ainslie-Wallace, the Chair of the Australian Advocacy Institute (a position formally held by Professor the Honourable George Hampel QC, the creator of the said Hampel method).

Following the review and demonstration, each participant then had a second review by the third faculty member who had not watched the live performance but instead reviewed the video recording in another room. This is further opportunity to deal with another area which could be improved on but also address any stylistic issues. I admit recoiling and then cringing when watching myself on screen but this soon dissipated, as video reviews are such an efficient method of appraisal. When I watched myself I noticed how I stood, how I sounded, what my eye contact with witnesses or my tribunal was like, and some odd mannerisms that I will not mention here and hope you will never know. Importantly, I could also see what I did do well. By observing myself I saw the changes I needed to make and stopped the distracting habit that undermined my performance immediately. By watching with a reviewer it was again another opportunity to have tailored advice in order to improve.

The final part of the Hampel method is for the participant to have a second attempt at the exercise, incorporating the advice given. Due to the fact you are reviewed by two people in the room and a third reviewing your performance on video you amass a wide range of bespoke guidance which you can use to make the necessarily adjustments in your working life. The improvement of each advocate on every single assignment was evident.

I had been worried about being judged by my peers and very experienced trainers and also embarrassing myself but I needn't have worried. My group was especially supportive and we all benefited from watching and hearing the constructive comments in respect of each of us. We were joined by international participants from as far away as Jamaica and the United States, it was a real pleasure to work with and learn from them. My partner for the trial, Patrick from Jacksonville, Florida, delivered devastating cross examination and showed me how it was supposed to be done. Short questions, one fact per questions and complete control of the witness; it was a real privilege to watch and see how he, and others, had developed over the course of the week.

Our group tutor Ed Pepperall QC was always warm and encouraging. The feedback from faculty members was consistently gracious and delivered in a way that allowed me to absorb, assimilate and apply it.

You are also provided with an opportunity to engage in vocal coaching. This was an eye-opening experience as I had not previously appreciated the impact of not breathing correctly. I was advised on this and how to stand and project my voice properly so that everyone in the court could hear what I was saying clearly. This complemented everything we learned and combined with the excellent general advice; bespoke guidance for each of us; observing the performance and feedback of our group members; and, regularly practising these tips meant that the advocates conducting the trials at the end of the week were very different from the advocates who had started on 29th August 2017. Our advocacy abilities were all significantly transformed.

This is not to say it was easy or comfortable all the time. I found the expert case study the most difficult. We were helpfully given a talk on the differences and had time to have conferences with our experts before witness handling. Despite that when it came to the first exercise I knew the doctors

were speaking in English but in my head I could not understand half of the words they were saying when they answered my questions. They knew more than I did about the subject and were throwing answers back at me in a way that made me feel completely disempowered. It was a complete disaster. That said, I am pleased this experience happened in the much safer environment of the Keble Course and not in court. I also had the excellent coaching and contrastive feedback from Sarah Clarke QC, Darryl Allen QC, Naomi Ellenbogen QC and David Nolan SC and my second attempt was a very noticeable improvement from my first and I regained my confidence.

It wasn't just work work work. There is a very friendly atmosphere and all participants and faculty members alike, attend the nearby The Lamb & Flag to unwind in the evening. You have an opportunity to speak with faculty members and ask them how they approach their cases, what advice they had been given and found to be invaluable. What steps they take to make them so eloquent. I had a great discussion with Grant Brady SC (Senior Counsel), who is a criminal practitioner in Australia. He pointed out that often the first time we said our submissions or cross examination aloud for the first time was in court. The practice run must be earlier. You must practise what you say aloud first so that you can make necessary edits and adjustments. It sounded time consuming to me and I was slightly resistant but I tried it in preparation for the end of week trial. Unwisely I chose to do this publicly instead of in my room. Don't do that. Does it work? Absolutely. I was more confident in my delivery, it sounded much smoother and I was not thrown off in my submissions during judicial intervention because I knew what I wanted to say. So although I wasn't trained specifically by all faculty members I did reap the benefits of being able to talk with them out of hours. Having said that, of course, you don't have to talk about law or advocacy at all. Everyone is very sociable.

When I stood outside the Main Gate and Porter's Lodge at the beginning of the week I did not know what to expect. I knew it was going to be hard and expected it to be brutal and traumatising but it was far from it. It was more than an advocacy course in the sense that it has provided me with a fresh basis upon which I can continue to build my career. I would thoroughly recommend the Keble Advanced Advocacy Course regardless of the quality of the advocate as there is so much to be gained by anyone who participates.

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