

Advanced Trial Advocacy Intensive, 2017

By Todd Alexis SC*

In the last week of January 2017, the Advocacy Training Council of the Australian Bar Association conducted its annual Advanced Trial Advocacy Intensive in the Federal Court of Australia, Sydney. The course is always well attended and the Intensive in 2017 was no exception, with barristers across Australia, the UK and Singapore participating in the civil and the criminal stream. While the course is recommended for barristers with at least three years trial experience, the seniority of barristers attending the Intensive ranged from two years to 34 years.

The quality and the enormous experience of the coaching faculty is what makes the Intensive so successful. This year, Chief Justice Chris Kourakis, Justice Nye Perram and the Hon Trevor Riley QC (former chief justice of the Supreme Court of the Northern Territory) were complemented by a stellar cast of domestic and international silks who are all leaders in their particular jurisdictions. Together with specialist performance coaches (who worked on voice, movement and impact), each barrister's performance of each stage of the trial process was closely scrutinised (with video replay) and constructively critiqued, with the objective of achieving excellence in trial advocacy.

The civil stream concerned a case of misleading and deceptive conduct and the criminal stream involved co-accused charged with conspiracy to murder. The elements of the trial were broken down with a 'masterclass' on each, followed by demonstrations based on the course materials by the advocacy coaches. This year, there were masterclass presentations on outlines of submissions and opening address, examination in chief, cross examination, expert evidence, objections and re-examination and closing address. A particular highlight was our own (Dr) Phil Greenwood SC explaining the delicacy of an effective cross-examination through the surgeon's eye and a variety of surgical tools (complete with surgical scrubs and rubber).

The barristers then performed (and repeated) each of these elements. The lay witnesses were drawn from the readers of 2016. The expert witnesses (accountants in the civil stream and psychologists in the criminal stream) were all real experts who attended voluntarily to obtain experience in giving oral evidence.

The course culminated in the conduct of a trial on the last day to harness the skills from the week, with feedback from the presiding judge. In the criminal stream, juries were empaneled from volunteer law students. This provided the criminal stream barristers with the truly unique experience of listening to jury deliberations before the verdict was pronounced and then receiving direct comment from individual jurors on their respective performances.

The Intensive is intended to simulate the ordinary pressures placed upon the trial advocate, with emphasis on proper case analysis and



Phil Greenwood SC presented a masterclass on cross-examination

preparation. The week was therefore an intensive one. However, as a residential course, all barristers and advocacy coaches stayed at the Sofitel on Phillip Street near the court and shared lunch and evening meals together and the whole experience provided a wonderful network of friendship and camaraderie. In the result, the barristers' skills improved dramatically and excellence in advocacy was achieved.

At the conclusion of the Intensive, Chief Justice Bathurst gave an address on the importance of advocacy in Australia and presented each barrister with a participation certificate. The celebratory dinner that followed at Bistrotte CBD capped off a memorable and rewarding week for all.

The Advanced Trial Advocacy Intensive in 2018 is being held in the Federal Court, Sydney once again during the last week of January. Barristers interested in undertaking the course should consult the ABA's website for more information.

* Todd was the course director of the Advanced Trial Advocacy Intensive in January 2017. He will be the course director of the Intensive in January 2018. He was also the course director for the ABA's Appellate Advocacy Course in the Federal Court, Sydney in 2013 and 2014.