

Durban advocacy training workshop

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IN January 1996 the Inns of Court Advocacy Training Committee (IATC) under the leadership of Michael Hill QC hosted twelve members of the South African Bar in London. This was the first leg of a scheme devised essentially between Hill QC and Malcolm Wallis SC to set up and run advocacy training workshops for the South African Bar. Johan Ploos van Amstel SC, John Pammenter SC and Rashid Vahed were Natal's contribution to the London leg. They were accompanied by members from the other centres including Lynn Ploos van Amstel, a former member of the Natal Bar and now the GCB's national co-ordinator for the South African advocacy training programme.

At Gray's Inn in London the delegates were put through a two and a half day intensive and rigorous training schedule designed to equip them with the skills necessary to train other trainers as well as to train pupils in the skills of advocacy.

The second leg of the scheme has just been completed in Durban. A team of

IATC barristers consisting of Hill QC, Edwin Glasgow QC, James Hunt QC, David Hunt QC, Lincoln Crawford, Stephen Lloyd and Anesta Weeks, accompanied by Sarah Foggit, their administrative officer, arrived in Durban on 3 February 1996.

In the week 5 to 9 February 1996 the English team, assisted by Ploos van

Amstel SC, Pammenter SC and Vahed, together with Lynn Ploos van Amstel worked tirelessly and put together and ran the Bar's first training workshop. A successful evening on Monday 5 February saw the 3 hour introductory lecture/workshop set the scene for 4 days of intensive training workshops. On 6 and 7 February a further 17 members of the Natal Bar were trained as trainers and on 8 and 9 February some 30 trainees (pupils and junior juniors) were trained. Natal's Deputy Judge President, Broome DJP attended some of the sessions to observe the training; other sessions were observed by Magid J and Levinsohn J. All three judges were extremely impressed with the programme. The tremendous success of the week was evidenced when all "trainees" (both trainers and pupils) expressed personal satisfaction with what they had undergone.

It goes without saying that a huge debt of gratitude is owed to the English team who left Durban on 11 February to conduct similar workshops, first in Johannesburg and thereafter in Cape Town.

Advocacy training: workshop programme

Solly Sithole of the Pretoria Bar gives a detailed report on the Anglo-South African Bars Teacher Training Workshop which was held at Gray's Inn in London from 11 to 15 January 1996.

THE workshop programme was preceded by detailed and meticulous planning and is in three broad stages, namely:

Stage One: This stage of the programme, which may be termed "the groundwork stage", involved the chairperson of the GCBSA, Mr Malcolm Wallis SC visiting the London Inns of Court with a view to:

- observing pupil-training workshops at the Inns;
- discussions with the IATC on programme format and dates;
- imparting relevant South African Bar considerations to the IATC;
- preparing a budget for submis-

sion to the Overseas Development administration (ODA) which funds Stage Three of the programme;

- attending and dealing with any administrative detail concerning the workshop programme.

Suffice it to say that the visit mentioned above was successfully undertaken by Mr Wallis SC from 20 to 23 November 1995.

Stage Two: This stage involved actual participation by the South African contingent in a teacher-trainee workshop on advocacy held at Gray's Inn from 11 to 15 January 1996. As said earlier, more than a dozen South African Bar teacher-trainees received train-



Solly Sithole

ing at the workshop. Two trainees were drawn from each bar centre in South Africa and these participated in three groups in the workshop together with their English counterparts.

The aims and objectives of the London advocacy workshop were:

- to introduce a group of South African advocates to their British counterparts who are members of the IATC in London;
- to offer training in advocacy to the visiting South African advocates so that they should act as “seconds” or a “core group” to work with their British counterparts when the latter visit South Africa in February 1996 to conduct teacher-training workshops;
- to discuss with the South African trainees the format and content of detailed workshop programmes to be implemented by their British counterparts in February 1996 in South Africa.

The content of the workshop followed the following format:

- Introduction to the *method* of teaching advocacy.
- *Practice* in the method with regard to both witness handling and argument.
- Introduction to *video-reviewing* of student/pupil performances at their workshops.
- Introduction to teaching the skill and discipline of *preparation*.

An opportunity for asking questions was afforded to participants. Suffice it to mention that in the method of advocacy training, which is dubbed the “vignette” method, much emphasis is placed on performance skills as well as on the discipline and skill of preparation. These are taught from the outset by lecture and demonstration, thereafter the deficiencies in preparation are identified and addressed in the practice sessions. For the sake of completeness it is necessary to explain the whole process as follows:

Performance – the trainee pupil conducts a (part of) an examination-in-chief, cross-examination or legal argument (as the case may be) for about 4-5 minutes.

Assessment and identification – during the performance, the trainer assesses the pupil’s level of skill and confidence and identifies one important aspect of the performance of the

trainee which can and should be improved. This aspect will be within the rubric of the target for that session.

Headline – the trainer terminates the performance and commences the review by stating the subject-matter of the review in one or two words which will stick in the pupils’ minds and upon which the whole review will be based.

Playback – the trainer repeats the precise words which the pupil used relevant to the headline. Without this, the risk is that the pupil will resist the review on the basis that he/she did not perform in a way which justifies the headline.

Rationale – the trainer explains why what the pupil did calls for improvement by describing the problems which it would be liable to create if repeated in a real forensic situation.

Prescription – the trainer talks the pupil through a way in which the subject-matter of the review might be better performed.

Demonstration – the trainer demonstrates what he/she has described in the prescription.

Replay – the pupil performs again, adopting the prescription and the demonstration for a designated part of the exercise.

The review (including the performance) will normally last for 10-12 minutes depending on the stage which has been reached in the workshop.

Stage Three: The third and last stage involved a group of about 8 advocacy teacher-trainers from the English Bar led by Mr Michale Hill QC, accompanied by Ms Sarah Foggit as co-ordinator, who arrived in South Africa on 3 February 1996 to conduct advocacy training programmes in Durban, Johannesburg and Cape Town. This was in furtherance of stage 2 above and the programmes were open to local pupils and junior members of the South African Bar. A draft South African programme was discussed and considered at the de-briefing session on Monday 15 January 1996 in London. The funding to cover the working visit to South Africa the IATC team came from the coffers of Her Majesty’s Government.

Evaluation of London workshop

If one looks in retrospect to the whole London experience, the following observations and remarks, I submit, are apposite:

- Generally the aims and objectives of the workshop were achieved in that as a visiting group we were subjected to intensive exercises in the “vignette” method of advocacy training, especially over the weekend of 13 and 14 January. The workshop was physically and mentally demanding.
- We came to know some of our British counterparts at the Inns of Court and had illuminating explanations of “how things are done” in London and what legal institutions there are and how they function.
- We savoured British hospitality, especially at a forensic level and I hope we all cherish good memories of such hospitality.
- The training on the teaching of advocacy we received should, I believe, have a “multiplier effect” in South Africa and will be helpful in the training of pupils at our respective bars.
- With the help of our British counterparts again during February 1996, the level of advocacy training in South Africa ought to enrich not only the knowledge of pupils and colleagues but the organised legal profession as a whole, with some positive ripple effects on the bench.

Concluding remarks

Although I found London in general to be wintry, soggy, rather expensive, very tidy, over-crowded with visitors (but with an excellent public transport system), the hospitality we received from our British counterparts and the positive attitude displayed by the London Bar towards us can only augur well for the future of the Bar in South Africa. It is hoped that more bridges will be built between us and our British counterparts.

I am deeply indebted to the members of my Bar for having nominated me to attend this workshop.