

# Advanced International Advocacy Training course

Keble College

Graham Girdwood of the Johannesburg Bar gives his impressions.



Pursuant to an invitation and courtesy of the GCB and the Johannesburg Bar Council to juniors of between five and ten years call, I was privileged to attend the Advanced International Advocacy Training course as a resident at Keble College, Oxford, for a week in August 2008.

Receiving the considerable material but a day before departing for the United Kingdom left one with no choice but to attempt to consider its contents some 40 000 feet above sea-level, appropriately fortified with a glass or two of SAA's finest. Any prevailing sense of wellbeing soon diminished rapidly, once one was able to fathom the enormity of the task awaiting. The opening line of the accompanying instructions made it plain: 'All participants should allow at least three full days to prepare for this course.' Fair enough. The only problem, it suddenly dawned, was that the course was scheduled to begin but two days hence! Compounding matters next was the realisation that the deadline for the submission of assignments by e-mail had already come and gone. I hoped, quietly, that

the aircraft would be ordered back to OR Tambo. The next instalment was the realisation that one would be undertaking the assignments and exercises throughout the week before colleagues and faculty (ie trainers) and I did not quite buy the suggestion that we would be immortalised on tape. Ridiculed and diminished, certainly. And that did everything to restore sobriety for the industry required and what was to be a very, very long flight to Heathrow.

The course is taught using methods which are derived from NITA (National Institute for Trial Advocacy) teaching methods, adapted and developed at Oxford over the years. The governing philosophy is that *you learn by*

*doing*. One would therefore be on one's feet as counsel each day and would be personally critiqued and then video reviewed by members of faculty, assembled specially for the course. Members of faculty included High Court and County Court judges, barristers from the Bars of England and Wales, the overwhelming majority being eminent QCs, a silk from Australia, including our own local talent Schalk F Burger SC, Nick Maritz SC and Christopher Whitcutt. The lesser mortals (myself included, with Si Shaba from the Pretoria Bar), as course participants, were juniors from the UK (mostly), Ireland, France, Namibia and even one candidate from Anguilla!

The course, as attested by Sir Henry Brooke during one of the early plenary sessions, was described as being the most extensive and intensive advocacy training course in the Commonwealth (by this stage, much like cycling the Cape Epic or running the Comrades, I had resigned my fate to the challenge of merely surviving the next hour, and then the next...and so on). The curriculum included opening and closing 'speeches,' witness handling (examination and cross-examination), 'skeleton arguments,' an application for urgent injunctive relief, cross-examination on previous inconsistent statements and previous convictions, certain ethical dilemmas, case analysis, handling vulnerable witnesses, cross-examination of expert witnesses and a full trial (a criminal trial (with jury members recruited from the local populace), a medico-legal trial and a civil (financial type matter trial) under strict time constraints (imagine having only 60 minutes within which to conduct an opening and closing address, examination and cross-examination of all witnesses. (A real lesson in efficiency and cutting to the chase!). Surgeons and chartered accountants, who selflessly gave of their time, were recruited from London as expert witnesses for the expert witness workshop.

The Keble dining hall is remarkable - remember those scenes in Harry Potter? And the gala dinner was something special. In true Oxfordian tradition we were treated to a host of guest speakers, music pieces and fine fare. It did not help that the next day was D-day - the subconscious reminder of the next day's big test, the trial. But this did not dampen spirits - some participants were clearly worse for wear the next day!

Surviving the week left one with a sense of achievement. There is a pressing need to adopt and implement a Keble-type course locally. The commitment required is demanding. But we have the skills and resources to do so as well as the support of the Bar of England and Wales. Such a course would, unquestionably, lend itself to the pressing need for skills transfer and redound to the benefit of all juniors, in particular newly admitted members. It is time to respond to the challenge. 



Keble College, Oxford.



The Keble dining hall.