



Australian Advocacy Institute

**WORKSHOP INFORMATION,
TIMETABLE
AND
TASK ALLOCATIONS**

Advocacy Skills Workshop

Wednesday 4 March 2026 - 5.00pm* to 6.30pm - ONLINE

Thursday 5 March 2026 - 5.00pm* to 6.00pm - ONLINE

Saturday 7 March 2026 - 8.45am to 3.45pm – IN-PERSON

Venue: Family Court of Australia, 99 Goulburn Street, Sydney

All times are Sydney time.

* Wed/Thurs Zoom will open 30 minutes early each day for online connection.

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Advocacy Skills Workshop – online/in-person.

4, 5, 7 March 2026



Please read the information below immediately and thoroughly as it is important to your preparation and contribution to learning at the workshop.

Dear Workshop Advocates,

The AAI is pleased to be able to provide this advocacy workshop for you and we are sure that you will find this course helpful in improving your advocacy skills.

The purpose of this workshop is to help you with how to structure a case, how to prepare, how to ask purposive relevant questions, how to argue, how to be persuasive in court.

Workshop Program

Part 1: Introductory Session 1. **ONLINE** – Wednesday 4 March 2026

Time: 5.00pm* to 6.30pm

Part 2: Introductory Session 2. **ONLINE** – Thursday 5 March 2026

Time: 5.00pm* to 6.00pm

Part 3: Advocacy Performance Skills Workshop **IN-PERSON**

Saturday 7 March 2026, VENUE: Family Court of Australia, 99 Goulburn Street, Sydney

Time: 8.45am to 3.45pm.

All times are Sydney time.

*Wed/Thurs Workshop Zoom will open 30 minutes early each day for online connection.

Workshop Format

Introductory sessions **ONLINE** Wednesday and Thursday:

The Wednesday and Thursday sessions will be held **ONLINE**, with all advocates joining using the AAI **ZOOM** platform through their own computer connection. These sessions will be moderated by an AAI Trainer, with all workshop advocates together on screen.

If you are not familiar with using or connecting to **ZOOM**, further details on using and connecting are in the “Connecting to Zoom” section at the end of this document.

Click on this link for automatic **ZOOM** log-on:

<https://us02web.zoom.us/j/2716263497?pwd=cjZmOXRROUp0dUVpaTdaWEM2TEwyQT09>

(ID = 2716263497 Password = Advocacy)

If you wish to test your connection, the AAI Coordinator will be available to do a quick test in the week before the workshop. Email: aai@advocacy.com.au.

Workshop **IN-PERSON** Saturday:

The following “**Timetable and Task Allocation**” details the format for Saturday. In the Timetable below you will find a table that allocates a **GROUP** and **ADVOCATE TASK NUMBER** for each advocate.

Group Performance Sessions and General Sessions have been scheduled through Saturday.

In the Group Sessions, you will break into smaller groups to individually **present your allocated advocacy tasks** before a Judge/Trainer in the same manner that you would present in court. You will find your allocated advocacy tasks set out within each session of the timetable below. The case studies and materials are available for download on the workshop webpage [www.advocacy.com.au ... link top left, password in workshop email.]

Once you have finished each performance you will be given a review by the AAI Trainer. This review is designed to be positive, not critical. You will be given advice on ways that your individual performance can be improved using various advocacy skills, including an explanation and demonstration of the particular skills relevant to your performance.

Your performance in some sessions will be videoed. Each advocate will then have the opportunity of a private trainer review of that performance.

The Workshop Case Studies

We acknowledge that for some of you, the case studies we will use may not be of the type you generally deal with. We use these case studies deliberately as we believe them to be very good for the teaching of advocacy, demonstrating skills that can be applied in any jurisdiction. You may also find that you have been allocated a Prosecution (or Defence) task when your daily role is for the Defence (or Prosecution). The advocacy skills you will learn will be of universal application – the same skills apply regardless of the type of case, the jurisdiction you appear in or the side you appear on. This has been proven over three decades of advocacy instruction by the AAI.

Preparation before the workshop

Your preparation of your allocated tasks is essential to this performance-based workshop. You are required to prepare each of your set tasks between now and the commencement of the workshop. Please **allow yourself time to prepare properly** – it is anticipated that you should allocate 6 hours + for this preparation. Please prepare in advance – do not wait until after the Wed/Thurs. introductory sessions.

If you are not totally familiar with the requirements of any particular advocacy task, you may find it helpful to refer to the “Specific Advocacy Tasks” summary at the end of this document.

Please don’t get bogged down in your preparation with any legal technicalities within the case studies. **Don’t research or bring statutes or precedents.** Do not be distracted with the law or with jurisdictional procedure. Evidence is restricted to **only** that contained within each case study so you do not need to look outside the immediate information provided.

You will be asked to act as a witness for other advocates.

When a task requires a witness in Evidence-in-Chief or Cross-Examination, the AAI Trainer will nominate an advocate from your group to act the witness role. **THIS MAY BE YOU**, so a thorough knowledge and understanding of the facts of each case study will help both you and your colleagues get the most out of the workshop. Know the witness statements to the same degree you would expect of the witness when it is your turn to present.

I recommend you consult the “AAI Advocacy Manual” provided as part of your materials, which has detailed chapters on all the aspects of advocacy you will be using at this workshop. Use this Manual in your preparation and for future reference. There is no need to bring this with you to the workshop.

Task Performances

You will see in the timetable task allocations that a time limit has been set for each task performance. Please prepare as if you were to present the whole of the task. The time allocation means you may not be able to present all the task and you are not expected to be able to finish your performance. Do not rush and try and fit it all into the allocated time. Your review will be on that part of the task you present, not the parts you may not have reached.

I look forward to seeing you both online and at the workshop on Saturday.

Regards



Scott Wallace

General Manager, Australian Advocacy Institute.

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

Workshop Timetable

Wednesday 4 March 2026 - ONLINE

4.30 to 5.00pm	
Advocates log-on to Zoom Workshop. Click on this link for automatic log-on: https://us02web.zoom.us/j/2716263497?pwd=cjZmOXRROUp0dUVpaTdaWEM2TEwyQT09 (ID = 2716263497 Password = Advocacy)	
SESSION 1	5.00 to 6.30pm (90mins)
General Session	Introduction to Advocacy. Case Theory and Argument.

Thursday 5 March 2026 - ONLINE

4.30 to 5.00pm	
Advocates log-on to Zoom Workshop. Click on this link for automatic log-on: https://us02web.zoom.us/j/2716263497?pwd=cjZmOXRROUp0dUVpaTdaWEM2TEwyQT09 (ID = 2716263497 Password = Advocacy)	
SESSION 1	5.00 to 6.00pm (60mins)
General Session	Techniques in Cross Examination. Communication in court.

Advocate Task Number allocations for Saturday performance sessions:

No	RED GROUP	BLUE GROUP	YELLOW GROUP	GREEN GROUP
1	Kartia Zappavigna	Antonia Marran	Kayla Nielsen	Amelia Cook
2	Alison James	Keegan Behrens	Amanda Kanaan	Andre Soh
3	Oliver Hanrahan	Michael Cass	Eleni Lymberis	Jonah Farry
4	Alison Eid	Tavin Elliott	Bronwyn Lorenc	Jack Dennis
5	Tanneil Tinker	Leah Sewell	Kristina Batkovska	Isaac Choice
6	Alice Zhou	Jayden Payne	Jessica Aird	Lachlan McGregor

SATURDAY 7 March 2026

8.45 to 9.00am (15 mins)	
General Session	Introduction to the AAI trainers. Introduction to the workshop.
SESSION 1 9.00 to 10.00am (60 mins)	
Group Session	<u>APPLICATIONS</u>
Advocate Performances in Group: 5 minutes per task	<p><u>Case Study 1: Porcine v Royal Bridgewater Golf Club</u></p> <p>TASK: Apply for an ex-parte injunction ADVOCATE: 1 TASK: Apply for an ex-parte injunction ADVOCATE: 2</p>
AAI Trainer Review in Group: 4 minutes per task	<p><u>Case Study 2: Middleton v Blanchard and Handy Bros</u></p> <p>TASK: Apply for an urgent injunction ADVOCATE: 3 TASK: Oppose the application ADVOCATE: 4 TASK: Apply for an urgent injunction ADVOCATE: 5 TASK: Oppose the application ADVOCATE: 6</p>

MORNING TEA BREAK 10.00 to 10.15am (15 mins) – provided.

SESSION 2 10.15 to 11.20am (65 mins)	
Group Session	<u>EVIDENCE-IN-CHIEF AND CROSS EXAMINATION</u>
Advocate Performance in Group: 5 minutes per task	<p><u>Case Study 3: DPP v Evelyn Cannon</u> ADVOCATE</p> <p>TASK: Lead Evidence from Const. O’Rourke for Prosecution 3 TASK: Cross Examine Const. O’Rourke for Defence 4 TASK: Lead Evidence from Peter Porter for Prosecution 1 TASK: Cross Examine Peter Porter for Defence 2 TASK: Lead Evidence from Evelyn Cannon for Defence 6 TASK: Cross Examine Evelyn Cannon for Prosecution 5</p>
AAI Trainer Review in Group: 5 minutes per task	<p><i>Please be completely familiar with all witness statements. The AAI Trainer will nominate another advocate to act as the witness.</i></p> <p><i>ALL advocate performances during this session will be videoed.</i></p> <p>PRIVATE VIDEO REVIEW WITH AAI TRAINER: Following their performance, Advocates 3, 4 and 1 will each have a private session with an AAI Trainer to review and discuss their performance. (Advocates 2, 5 and 6 in Session 5)</p>

SESSION 3 11.20 to 11.50am (30 mins)	
General Session	<u>CASE THEORY</u>

SESSION 4 11.50am to 12.15pm (25 mins)	
Group Session	<u>REVISION</u> Advocates privately review and prepare their allocated task performance for Sessions 5 and 6, based on earlier trainer reviews.

LUNCH BREAK 12.15pm to 12.45pm (30 min) – Light lunch provided.

SESSION 5 12.45 to 1.50pm (65 mins)	
Group Session	<u>LEADING EVIDENCE AND CROSS EXAMINATION</u> <u>Case Study 3: DPP v Evelyn Cannon</u> ADVOCATE
Advocate Performance in Group: 5 minutes per task	TASK: Lead Evidence from Const. O'Rourke for Prosecution 5 TASK: Cross Examine Const. O'Rourke for Defence 6 TASK: Lead Evidence from Luigi Fiorelli for Defence 4 TASK: Cross Examine Luigi Fiorelli for Prosecution 3
AAI Trainer Review in Group: 5 minutes per task	TASK: Lead Evidence from Evelyn Cannon for Defence 2 TASK: Cross Examine Evelyn Cannon for Prosecution 1
	PRIVATE VIDEO REVIEW WITH AAI TRAINER: Advocate 2, 5 and 6.

SHORT BREAK 1.50 to 1.55pm (5 min)

SESSION 6 1.55 to 2.55pm (60 mins)	
Group Session	<u>CLOSING ARGUMENT</u> <u>Case Study 3: DPP v Evelyn Cannon</u>
Advocate Performance in Group: 5 minutes per task	TASK: Present closing argument for Prosecution ADVOCATE: 3 TASK: Present closing argument for Defence ADVOCATE: 4 TASK: Present closing argument for Prosecution ADVOCATE: 5 TASK: Present closing argument for Defence ADVOCATE: 6
AAI Trainer Review in Group: 5 minutes per task	TASK: Present closing argument for Prosecution ADVOCATE: 1 TASK: Present closing argument for Defence ADVOCATE: 2

SESSION 7 2.55pm to 3.30pm (35 mins)	
Group Session	<u>REPEAT PERFORMANCES</u>
Advocate Performance in Group: 3 minutes per task	Advocates repeat an earlier allocated task performance, taking into account earlier performance and video review feedback.
AAI Trainer Review in Group: 2 minutes per task	

SESSION 8 3.30 to 3.45pm (15 mins)	
General Session	<u>DISCUSSION AND CLOSING SESSION</u>



AAI Trainers for this workshop.

Moderator:

The Hon. Acting Justice Ann Ainslie-Wallace AM

Chair - Australian Advocacy Institute

Senior Moderator and trainer with the Australian Advocacy Institute, since 1995, teaching throughout Australia and in the UK, Singapore, Hong Kong, Malaysia, South Africa, Papua New Guinea, The Hague and at Monash University, Prato, Italy

1978: Admitted to the Bar, Frederick Jordan Chambers, Sydney

1995 to 1997: Acting Judge of the District Court of New South Wales

1997 to 2010: Judge of the District Court of New South Wales

2010 to 2022: Judge of the Appeal Division, Family Court of Australia

2015: Appointed as Master Benchers, Inner Temple (UK)

2018: Awarded Honorary Doctor of Laws, UTS University, Sydney

2022: Acting Judge of the District Court of New South Wales

2022: Principal Member, NCAT

2022: Deputy President, NSW Mental Health Review Tribunal

2023: Acting Justice of the ACT Supreme Court

2025: Awarded Member of Order of Australia (AM) for services to advocacy training

Fellow of the Australian Academy of Law

Adjunct Professor of Law, University of Technology, Sydney

Advocacy Training:

Trainer and Moderator: Investigators, Expert Witness and Advocacy Skills Workshops for Hong Kong Securities and Futures Commission, Hong Kong Stock Exchange and Hong Kong Monetary Commission, 2004 to 2018

Trainer: New Practitioners Advocacy Workshops, Inner Temple, London 2013 to 2025

Trainer: AAI Advanced Teacher Training Program for UK Advocacy Training Council, London 2013

Trainer: ICCA International Advanced Advocacy Workshops, Keble College Oxford, UK 2016 to 2025

Trainer: South African Bar, Teacher Training and Junior Practitioners Workshops 2014, 2018, 2023

Trainer: AAI Advocacy for Victims of War Crimes, International Criminal Court, The Hague 2013

Trainer: Australian Bar Association International Advocacy Team, Bangladesh 1996 to 2000

Trainer: Hong Kong Bar Association Junior Practitioners Workshop 2026

Visiting Faculty: National Institute for Trial Advocacy (USA), Ellis George Trial Academy (USA).

Other:

As part of a Law Council/Legal Aid Commission of NSW initiative, founded the Separate Representative Training Course for children's advocates

Former member of the NSW Bar Council

Former member of the NSW Bar Association Professional Conduct Committee

Former member of the NSW Bar Association Family Law Committee

Former member of the Family Law Executive, Law Council of Australia

Former Chair, College of Law Master of Applied Law [Family Law] Advisory Committee

Former Council Member, National Judicial College of Australia.

His Hon. Judge Carl Heaton KC – District Court of Queensland

Board Member - Australian Advocacy Institute

Carl Heaton was admitted to the bar in 1990 after graduating in Law in 1989 from QUT, and he took silk in 2010.

He has practiced almost exclusively in the area of criminal law, first as a prosecutor and then, commencing in 2007, as the Deputy Public Defender at Legal Aid Queensland and has conducted many hundreds of criminal trials across the full range of criminal offences and legal issues.

He returned to the Crown as the Deputy Director of Public Prosecutions in 2016 and then was appointed Director of Public Prosecutions (Qld) in 2020. For much of the latter years as a prosecutor, and in his role as Deputy Public Defender, Carl has appeared regularly in the Court of Appeal, and in applications and appeals in the High Court.

Carl is a trainer and Board Member with the Australian Advocacy Institute and has taught at Advocacy workshops across Australia for many years, as well as twice in PNG. In addition, Carl has been a trainer for the ABA Advanced Advocacy Intensive in 2020, and then 2024, 2025 and 2026.

Carl's commitment to improving the quality of advocacy in our courts is reflected in his long association of training with the Queensland Bar Association including teaching each year for the Bar Practice Course since 2018, Leading Evidence and Cross Examining Experts (Psychiatrists) Workshops as part of the Bar Readers Course, and he has designed and twice taught a Sentencing Workshop for the Bar Association.

Carl was appointed a Judge of The District Court of Queensland in September 2023.

Nick Marney – Deputy Director, NSW ODPP

Trainer, Australian Advocacy Institute

2002: Completed Inns of Court School of Law bar course and called to the bar of England and Wales.

2002-2012: Practiced at the bar of England and Wales, in crime, court-martials, civil confiscation and prison law. Primarily a defence practice with some prosecution work on behalf of the Crown. Prosecution Service (UK), the Department of Work and Pensions and the RSPCA.

2013-2016: Investigator and then senior solicitor with the NSW Independent Commission Against Corruption.

2016-present: Office of the Director of Public Prosecutions, holding appointments as Crown Prosecutor, Deputy Senior Crown prosecutor and acting Deputy Director.

Andrew Fox SC – Barrister, NSW Bar.

Trainer, Australian Advocacy Institute

Andrew principally practises in intellectual property and commercial litigation, including trade practices.

Andrew's intellectual property experience spans the full spectrum in that field, including patents, trade-marks, copyright, designs, confidential information and consumer protection. He has appeared in a number of leading cases (including in the High Court) and appears regularly in the Federal Court of Australia and in patent and trade-mark oppositions held at IP Australia.

Andrew's patent experience traverses a wide range of technology fields, including mining, mechanical, chemical, pharmaceutical and telecommunications. He also has considerable experience in general commercial litigation, having appeared in proceedings before the Supreme Court of NSW, the District Court of NSW and in interstate courts.

Her Hon. Judge Rashelle Seiden SC - NCAT

Trainer, Australian Advocacy Institute

Rashelle Seiden was admitted to the Bar in 1996, taking silk in 2013. She was a barrister for over 25 years representing government, private and corporate clients in a broad range of matters including constitutional and administrative law, trusts, corporate and commercial law, insolvency and revenue, including tax crime. Rashelle regularly appeared before the High Court, the New South Wales Court of Appeal, and the Full Federal Court. Rashelle's commitment to advocacy is reflected in her many years mentoring other barristers and supporting juniors to take speaking roles, in a wide range of matters.

Her Honour was appointed as a Judge of the NSW District Court in April 2024 and Deputy President of the NSW Civil and Administrative Tribunal where she is head of the Administrative and Equal Opportunity Division, and the Occupational Division.

Quintin Rares – Barrister, NSW Bar

Trainer, Australian Advocacy Institute

- Admitted in 2012.
- Called to the Bar in 2014. Practices as a generalist. Appears unled regularly in the NSW Supreme Court, Federal Court, NSW Court of Appeal and the Full Court of the Federal Court.
- Adjunct senior lecturer, the University of Sydney. Teaching experience in the law school and business school.
- Previously awarded the highest award for teaching in the University of Sydney Business School.
- Co-author of the Law of Estoppel in Australia - Principles, Case Notes and Precedents (2026).
- Author of Negotiation: Science and Practice (2012).
- Prior to the Bar: tipstaff to Justice Ward (NSW Court of Appeal), law clerk at Gowlings (Ottawa, Canada), law clerk at Ince & Co (Shanghai, China) and law graduate at Piper Alderman (Sydney).
- Australian Taekwondo NSW Appeal Panel and Competition Supervisory Board member.

Brian Costello – Acting Deputy Senior Crown Prosecutor, NSW ODPP

Trainer, Australian Advocacy Institute

2001: Bachelor of Laws (LLB), University of New South Wales

NSW Bar Association Evidence & Advocacy Prize 2000.

1996: Bachelor of Science (BSc), University of New South Wales.

2004-2006: Solicitor (Level 1 and Level 2), NSW ODPP .

2007-2011: Private Barrister, England & Wales (4KBW Chambers) .

2012-2015: State Prosecutor, WA ODPP.

2015-present: Crown Prosecutor, NSW ODPP.

2024-present: Acting Deputy Senior Crown Prosecutor, NSW ODPP (ad hoc basis).

Door Tenant, Chambers of Gavin Holme, 4 King's Bench Walk, London.

Member of the Honourable Society of the Middle Temple, UK.

Christopher Parkin – Barrister, NSW Bar

Trainer, Australian Advocacy Institute

2010-11: Casual Academic (University of Sydney Law School)

2011: Admitted to practice as a lawyer, Supreme Court of NSW

2011: Tipstaff to Justice Pembroke, Supreme Court of New South Wales

2012: Associate to Justice Flick, Federal Court of Australia

2014: Lecturer (Evidence), University of Sydney Law School

2015: Associate to Chief Justice Allsop, Federal Court of Australia

2015: Called to the NSW Bar

2017: Called to the Bar of England and Wales (Inner Temple)

Christopher is a barrister with broad practice across particularly criminal and quasi-criminal work (with a particular emphasis on white collar crime). He also maintains a complementary civil practice which spans defamation and media law, employment law, and public law. He appears in appeals, trials and sentences/applications in all courts and provides representation in inquests and inquiries.

Christopher has completed the Australian Advocacy Institute's Advanced Trial Advocacy Course and numerous advocacy courses offered by BPP London and the Inner Temple.

Sara Gul – Crown Prosecutor, NSW ODPP

Trainer, Australian Advocacy Institute

Sara Gul is a Crown Prosecutor with the NSW Office of the Director of Public Prosecutions, who runs complex trials in NSW. She has 21 years post admission experience.

She is the National Secretary of the Australian Association of Crown Prosecutors. In 2025 Sara was an honorary fellow at the University of Sydney faculty of law.

Sara is also a legal officer in the RAAF. She is a subject matter expert in military discipline law and has a specialty practice in sexual assault matters arising in a military context.

Catherine Hamilton-Jewell – Barrister, NSW Bar

Trainer, Australian Advocacy Institute

Called to the Bar in 2017, Catherine appears in a range of complex commercial matters with a focus on insolvency, regulatory, financial, commercial, and fraud disputes. Prior to coming to the Bar Catherine worked for over 10 years as a solicitor, at the Commonwealth Director of Public Prosecutions, Mallesons Stephen Jacques, and Minter Ellison Lawyers. She has been listed in Legal 500 since 2023 as a leading junior counsel.

Catherine undertook the ABA Advanced Trial Advocacy Intensive Course in January 2026 and the Australian Advocacy Institute's Trainer Training Workshop in February 2026.

SUMMARIES OF ADVOCACY FUNDAMENTALS

The following are summaries only. For an in-depth analysis of the skills involved in each, please refer to the AAI publication “The AAI Advocacy Manual”.

The following material has been designed primarily to assist those who regularly practice in Australian courts or tribunals. The basic principles apply to any advocate who appears on behalf of a client before a decision maker, be they an Assessor, Magistrate, Judge or Jury.

Good advocacy, in any jurisdiction, is a skill that can be learnt and these principles are as relevant to junior advocates as they are to counsel in the highest courts.

The Australian Advocacy Institute's materials and workshops are designed to enable advocates to achieve a basic level of competence and to develop their skills in the pursuit of professional excellence.

Competent advocacy consists of a number of developed skills and techniques.

Underlying these skills and techniques are three fundamentals:

1. The approach to preparation.
2. The approach to the trial process.
3. The ability to communicate effectively.

The specific skills that the advocate performs in court:

1. Opening.
2. Examination in Chief.
3. Cross Examination.
4. Re-Examination.
5. Argument.

Approach to Preparation

Preparation is in 3 parts ...

1. Knowledge of

- all factual materials (on both sides) in detail
- current relevant law
- relevant evidence law and procedure.

2. Analysis of

- the factual material (on both sides);
- the legal result to be achieved.

... to develop a consistent **Case Theory** which is:

- the central construct, “A theory from various conceptual elements” (Oxford);
- the central pathway through the facts and law leading to the desired result.

... and is:

- realistic and credible;
- consistent with as much evidence as possible.

Case Theory for the prosecution/plaintiff is:

- a positive factual construct;
- supporting the factual and legal basis for the case;
- anticipating the defence case.

Case Theory for the Defence is:

- a **Rival Alternative Theory** (RAT)
- rational and credible
- sufficiently undermining of the opposing theory.

3. Performance preparation

Knowledge and Analysis (above) – tell us **what** to do.

Preparation for performance – tells us **how** to do it.

It involves:

- organising all materials
- structuring all tasks
- preparing summaries of submissions
- preparing speaking notes
- preparing to perform each task.

Approach to the Trial Process

A trial is not an inquiry or an investigation. It is a purposive exercise by each side to achieve its desired result, based on its case theory.

In **performance preparation** of each task:

- The **final address** (Argument) must be prepared **first** based on the case theory and the arguments to support it.
- **Evidence-in-chief** (leading evidence) must be prepared **next** because it is usually the foundation for the Case Theory.
- **Cross-examination** is prepared **next** to discredit, accredit or emphasise.
- **Re-examination** is **next** to the extent to which it is possible to anticipate cross-examination.
- The **Opening Address** is prepared **last** when all above steps have been prepared and the course of the trial is set.

Communication as an essential part of persuasion

This involves building a relationship with the decision maker by:

1. Involving the decision maker.
2. Speaking with apparent conviction and commitment.
3. Using a conversational style.
4. Using simple, expressive language – avoiding jargon and legalese.
5. Speaking in an audible, varied voice.
6. Keeping a slow/punctuated pace.
7. Maintaining good eye contact.
8. Minimising or avoiding the use of notes.
9. Using appropriate body language.
10. Avoiding distracting mannerisms and verbal habits.
11. Applying the principle of Primacy.
12. Being tactful and empathetic with witnesses and the decision maker.

SUMMARIES OF SPECIFIC ADVOCACY TASKS

The following are summaries only. For an in-depth analysis of the skills involved in each task, please refer to the AAI publication “The AAI Advocacy Manual”.

Opening

An Opening is:

1. a short outline of the case
2. told as a simple persuasive story
3. in narrative not argumentative form
4. painting pictures of places, people and events
5. well structured
6. not over detailed
7. presented with the use of visual aids
8. related to the charges.

A Defence Opening should:

1. identify the issues
2. outline the Defence story in relation to the contested issues
3. be in narrative not argumentative form
4. be positive, not defensive
5. avoid repetition of the prosecution/plaintiff story.

Examination-in-Chief and Re-Examination

Examination-in-Chief:

1. develops in detail of the story as opened
2. is organised and structured
3. sets the scenes before the action
4. is controlled by the advocate
5. is told by the witness in answer to **non-leading questions** on contested issues
6. establishes facts not conclusions
7. is assisted by visual aids (and tendering exhibits)
8. involves the tribunal
9. with **expert witnesses** - qualifies the witness and leads the opinion.

Re-Examination is:

1. limited to that which arises in cross examination
2. elicited by non-leading questions
3. used sparingly and only when necessary.

Cross-Examination

Cross-Examination is:

1. a foundation for the final argument
2. organised, structured and controlled by the advocate
3. designed to discredit or accredit the evidence and/or the witness
4. consistent with the case theory
5. conducted by a **series of leading propositions**
6. not argumentative
7. conducted without repetition of evidence-in-chief
8. not unnecessarily aggressive or confrontational
9. compliant with Prof. Younger’s “*10 Commandments of Cross Examination*”
10. compliant with the rule in *Browne v Dunn*.

Argument

Argument is:

1. logical, credible, empathetic
2. a series of structured arguments
3. presented as a series of conclusions supported by facts or inferences
4. designed to persuade the decision maker
5. directed towards the desired result
6. consistent with the case theory
7. consistent with the onus of proof
8. balanced – deals with weaknesses
9. presented in a conversational style
10. prepared to be ready with answers to anticipated questions from the decision maker
11. as **appellate argument** – is based on the grounds of appeal and in compliance with appellate principles.

GENERAL DO'S AND DON'TS IN ADVOCACY

Hints for advocates to avoid giving the impression that they have learned advocacy from North American TV shows rather than from the Australian Advocacy Institute ...

DO NOT ...

- Greet the judge, opposing counsel or witness.
- Call the opposing counsel “counsellor”.
- Approach the bench or the witness box without permission.
- Move from behind the bar table during the hearing without leave.
- Leave the bar table unattended while the judge is in court.
- Address adult witnesses by their first name.
- Stand when the opponent is objecting or arguing.
- Stay seated when addressed by the judge.

DO SAY

DO NOT SAY

(in) evidence-in-chief	...	(on) direct
At the end of evidence-in-chief <i>“I have no further questions.”</i>	...	<i>“your witness”</i>
(in) cross-examination	...	(on) cross
At the end of cross-examination <i>“I have no further questions.”</i>	...	<i>“your witness”</i>
Evidence	...	Testimony
(in the) witness box	...	(on the) stand
<i>“What is your name and address?”</i>	...	<i>“State your name and address for the record”</i>
<i>“That is the case for the prosecution.”</i> (or defence)	...	<i>“The State (or Defence) rests”</i>
<i>“I tender (a plan or a document)”</i>	...	<i>“I seek to tender”</i>
<i>“I submit”</i>	...	<i>“I believe” or “I think”</i>
<i>“I”</i> (if you are appearing alone)	...	<i>“We”</i> (unless you are one of two counsel)

THE CRUCIAL ROLE OF THE ADVOCATE

In the adversary system, the parties are responsible for the conduct of the litigation, subject to the court's procedural rules and case management.

The independent judge or jury has no investigative role and no position on the merits of the case until the evidence and submissions are presented by the parties.

The court's role is to decide the case on what it finds to be the facts established by the evidence and the legal consequences which flow from such facts. Ultimately, after evaluating the evidence and argument, the court makes its decision by asking the question, whether or not the party making the allegation or claim has proved their case to the required standard.

The system depends on each party presenting its best case on the understanding that "truth is best discovered by powerful statements on both sides of the question".

The advocates' role is crucial because they decide how to conduct their case, what evidence to present and what arguments to put. Their role is not to judge but to present and argue consistently with their clients' instructions, their ethical obligations and in their clients' best interests.

In the adversary system, where in contested cases there are often different versions of events, each side contends for its version of the true facts upon which the decision should be based.

The advocates' responsibility is to deal with the facts and submissions skilfully and ethically to persuade the court to accept the version of events and legal consequences which best suit their clients' cases.

ADVOCACY TRAINING

For centuries there was a wide-spread belief that advocacy could not be taught. Lawyers who wanted to practice as advocates relied on observation, trial and error, and experience to learn their art. All this was often done at the expense of the client and without any defined standards or assessment of even minimal competence in advocacy.

This was not a professional approach. Advocacy is a specialised activity for lawyers which requires developed disciplines and skills. A competent advocate must be more than someone performing "to the best of their skill and ability". A minimum standard of competence should be required.

The Australian Advocacy Institute (AAI) was established by the Law Council of Australia in 1991 in response to the ever-growing demand by the Australian legal profession for advocacy training. The AAI is now an independent, not-for-profit body that conducts Advocacy Training Workshops across Australia and in the UK, The Hague, Hong Kong, Papua New Guinea, Singapore and Malaysia.

The AAI training method is based on the combination of concepts and practical skills. Its application is comparable to 'coaching' rather than lecturing and is the accepted training method worldwide.

AAI TRAINING PHILOSOPHY

The aims of the Institute are to:

- improve the standards of advocacy skills
- provide a forum in which ideas and experience in advocacy training can be shared and developed
- design and develop methods and materials for training lawyers in advocacy.

The AAI training philosophy is based on the following principles:

1. Competent advocacy is essential to serve the best interests of clients, the interests of the community, and the interest of justice.
2. Advocacy is characterised as the art of persuasion. All advocates must have the basic understanding of good advocacy and the ability to perform the essential advocacy skills.
3. The practice must be in accordance with professional ethics and etiquette.
4. Advocacy consists of identifiable disciplines, skills and techniques which can be taught, learned and developed.
5. Effective court room communication skills are essential to advocacy.
6. Advocacy skills are best taught and learned by the workshop method of training, demonstration, performance and review.
7. The focus of training is on methods of preparation, analysis and performance, enabling advocates to develop individual style and approach, free of fundamental error. The aim is to help pupils to improve, rather than find faults in their performance.
8. The disciplines, skills and techniques taught are generic and cross jurisdictional.
9. Experience alone does not ensure competence. The AAI approach to preparation, analysis and performance helps advocates to learn from their experience and develop their skills.
10. The emphasis in training is on:
 - complete familiarity with factual and legal materials
 - a method of analysis of those materials to produce a consistent case theory
 - a method of preparation for the performance of specific advocacy tasks
 - development of skills in:
 - i. legal argument
 - ii. opening and closing addresses
 - iii. evidence-in-chief and re-examination
 - iv. cross-examination
 - v. written advocacy
 - vi. communication skills.
11. The AAI trainers are experienced and competent advocates, trained in the skills method of teaching by the AAI in accordance with its philosophy.
12. The AAI is committed to the pursuit of excellence in advocacy by:
 - encouraging advocates at all levels to continue learning and developing their skills
 - equipping advocates to analyse their work and critically assess their performance
 - identifying and training members of the profession as potential trainers.

EDUCATION, TRAINING AND RESEARCH BY THE AAI

The work of the Institute includes:

- Researching and developing advocacy techniques and advocacy training methods.
- Developing workshop materials.
- Providing advocacy skills workshops open to all lawyers who have a right of audience in courts and tribunals.
- Designing and conducting in-house workshops for law firms and Commonwealth and State government departments including Offices of the Director of Public Prosecutions, Government Solicitor, State Bar Associations, Law Societies and Legal Aid Services.
- Conducting advanced and specialised workshops in appellate advocacy, expert evidence, advanced cross-examination techniques, questioning of vulnerable witnesses and jury advocacy.
- Providing trainer training workshops for Australian, English, Scottish, Hong Kong, Malaysian, Singaporean and South African advocacy trainers according to the AAI method.
- Collaboration and instruction in advocacy training with the English Inns of Court College of Advocacy (ICCA) and the Scottish, Singaporean, Hong Kong, Malaysian, Papua New Guinean and South African professions.
- Structuring and providing workshops in conjunction with Monash, Melbourne and Bond Universities, ANU, The College of Law, University of Hong Kong and the Leo Cussen Institute.
- Training of war crimes prosecutors in The Hague and Tanzania.
- Supporting undergraduate and post graduate courses at universities.
- Supporting and training at the bar readers courses in Australia.
- Presenting seminars and demonstration sessions at national and international conferences.
- Conducting international conferences on advocacy and advocacy training.

The AAI's work would not be possible but for the contributions of the AAI board members and trainers whose ideas and teaching have enabled the philosophy of the Institute and the teaching of advocacy to develop.

ADVOCACY READING GUIDE


- **AAI Advocacy Manual** – 2nd Edition *The Complete Guide to Persuasive Advocacy*
Australian Advocacy Institute - George Hampel AM QC, The Hon Justice Ann Ainslie-Wallace, Elizabeth Brimer, Randall Kune
- **Hampel on Advocacy** *A practical guide to basics.*
Max Perry - Leo Cussen Institute
- **Hampel on Ethics & Etiquette for Advocates**
George Hampel QC, Elizabeth Brimer - Leo Cussen Institute
- **An Introduction to Advocacy**
Lee Stuesser - Law Book Company
- **Fundamentals of Trial Techniques**
Mauet & McCrimmon

The ZOOM Online Platform and a guide to connecting online

There are multiple ways to join a Zoom meeting. You can join a meeting through an email link, through a link in a Word or pdf document, from a web browser, or from the Zoom desktop and mobile application.

1. How to join a meeting on the Zoom desktop or mobile app.

If you are not already a Zoom user and wish to download the free Zoom program beforehand, visit www.zoom.us. You do not have to be a registered member of Zoom to use this platform.

1. Open the Zoom desktop app.
2. Join a meeting using one of these methods:
 - If you want to join a meeting without signing in, click **Join a Meeting**.
 - If you want to join a meeting by signing in first:
 1. Sign in to the desktop app.
 2. Click the **Home** tab.
 3. Click **Join** .
 4. Enter the meeting ID provided by AAI and your display name.
 - Change your name if you don't want your default name to appear.
 - If you're not signed in, enter a display name.
3. Select if you would like to connect audio and/or video.
4. Click **Join**.

2. Join a meeting from a browser and launch the Zoom app.

1. Open your web browser.
2. Go to join.zoom.us.
3. Enter the Meeting ID provided by the AAI.
4. Click **Join**.
 - If this is your first time joining from Google Chrome, you will be asked to open the Zoom desktop app to join the meeting.
 - (Optional) Select the **Always open these types of links in the associated app** check box to skip this step in the future.
 - In the pop-up window, click **Open Zoom Meetings (PC)** or **Open zoom.us (Mac)**.

3. How to join a meeting WITHOUT a Zoom account, downloading or using the Zoom app.

Join a meeting from a web browser without downloading any plugins or software.

1. Locate the meeting invite link provided by AAI.
2. Click '**join link**' to join the meeting.

On your web browser, a pop-up window will prompt you to open or download the application.
3. In the pop-up window, click **Cancel**.
4. At the bottom of the page, click '**join from your browser**'

You will be directed to a new page.
5. Click **Allow** to allow Zoom permission for your microphone and camera.

Continued over ...

6. Sign in with your name to join the meeting.
7. (Optional) Select the **Remember my name for future meetings** check box.
8. Click **Join**.

Test your technology

Test your technology and layout ahead of time (viewing, speaking and hearing). You can also [join a test meeting](#) to familiarise yourself with using Zoom.

To help participants check their technology is working correctly, the workshop will open 30 minutes before the start-time. This will ensure everything runs smoothly during the workshop. You will be in the in the general session room until the workshop starts at the scheduled time.

If you lose connection during the session

An AAI Coordinator will be monitoring the workshop constantly. If for any reason you drop-out of the workshop, re-join with the original meeting ID and password and the AAI Coordinator will readmit you to the session.

If you do not get a response, please text to 0418 473 303.

A short guide to on-line etiquette

- To avoid any issues with latency such as screen freezing and poor audio quality, ensure your device has a suitable internet connection. This cannot be overstated – remember, you cannot advocate if you cannot be heard or seen.
- Be mindful that sensitive microphones will pick up sounds of keyboard tapping, paper shuffling, sneezing and coughing.
- Mute the microphone when not speaking to avoid distracting other participants.
- Reduce environmental (background) noises – close windows and doors and mute your phone.
- For best results, consider investing in a headset with a microphone instead of the inbuilt microphone and speakers in your device (this will help reduce background noise and unnecessary feedback).
- It is not necessary to shout; however, speaking softly and mumbling should also be avoided – speak in your normal voice.
- **DO NOT TALK OVER OR INTERRUPT WHEN ANOTHER PARTICIPANT IS SPEAKING.**
- Instead, use the “raise your hand” feature when you want to speak. This will avoid participants speaking over one another and the need to repeat questions.
- Position your camera so it sits at eye level and in a way that feels natural and allows you to look directly at the camera when speaking.
- If you are using a laptop, simply place a couple of books underneath so it is raised to eye level ... your presence and eye-contact will be improved enormously.
- Adjust the lighting - close your blinds to reduce glare (particularly if they are behind you) and doors to reduce noise.
- Ensure you have a clean, neutral background – consider applying one of the offered virtual backgrounds.

