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practical advocacy skills for junior practitioners

Queensland

8 February 2007
Brisbane
Stamford Plaza Hotel

Develop competence, confidence
and skills to effectively prepare
and present cases and appear
before the courts

Using a combination of theory and practical
exercises, this conference is designed to assist you to
understand the concepts of good legal advocacy and
improve your performance of the essential skills
required of an advocate in the adversarial system

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practical advocacy skills for junior practitioners

8.15

Registration

8.40

Opening Remarks from the Chair

MEET YOUR CHAIRPERSON

Anne Connell, *Solicitor, VOLK LAWYERS* Since her admission in 2002, Anne has practised across a range of criminal defence related areas including prisoner advocacy, criminal compensation and judicial review. Regular appearances in the Magistrates Court, District Court and Supreme Court are part and parcel of Anne's work and she has extensive experience with preparing for and instructing counsel with respect to appeals to the District Court, the Queensland Court of Appeal and the High Court of Australia. Anne considers excellent advocacy skills and sound preparation as integral to being a competent criminal defence solicitor. Anne has been a Committee Member of the Queensland Young Lawyers association (QYL) since 2004 and appears on the program as a representative of QYL.

8.45

Communication Skills, Etiquette and Ethics for Advocates

- Understanding the duties of an advocate and the ethical rules applicable to an advocate's work
- Reviewing key aspects of court etiquette and protocol and rules of etiquette between advocates
- Tips and techniques for effective communication with the court and witnesses
- Tips for dealing with self-represented litigants
- The importance of written submissions to the advocacy process – practical pointers for writing letters and drafting affidavits

Gareth Beacham, *Barrister, Queensland Bar*

9.25

A Primer on Common Appearances Involving Solicitor Advocates

- Understanding how mentions and callovers work – what to expect and how to avoid common traps
- Explaining what is expected in a chambers application and at a directions hearing
- Presenting practical tips and checklists for some other types of appearances regularly performed by junior solicitors

Jessica McClymont, *Barrister, Queensland Bar*

10.05

Essential Tools and Techniques for Case Preparation and Development of Case Theory

- The importance of obtaining relevant and thorough instructions from your client
- Identifying the relevant factual and legal issues
- Case analysis – does your client have a case? Advising your client on the available options, costs and prospects of success
- Developing a case theory and a clear and practical strategy – what is the message you want to convey and what is the best way of conveying it?
- Identifying the evidentiary issues and interviewing and preparing witnesses and exhibits: obtaining counsel's advice on the evidence
- Working with and briefing counsel generally

Craig Wilkins, *Barrister, Queensland Bar*

11.00

Refreshment Break

11.20

How To Make an Effective Opening and Closing Address

- Understanding the purpose of opening and closing addresses
- Ensuring your opening and closing addresses make a strong impression and have the desired effect

Craig Chowdhury, *Barrister, Queensland Bar*

11.50

WORKSHOPS

Delegates will divide into groups and workshop a typical appearance which may be required of a solicitor advocate based on a hypothetical case scenario. Each group will be led by an experienced facilitator who will demonstrate techniques, act as a judge and provide feedback on delegates' performance. Workshop materials will be provided to delegates prior to the conference.

- **Stream A:** Application for security for costs and application for summary judgment
- **Stream B:** Application regarding a claim which is out of time and an application to strike out for want of prosecution
- **Stream C:** Application for a sole use and occupation order at an interim level in a family law matter

Facilitator (Stream A): Patrick Hay, *Barrister, Queensland Bar*

Facilitator (Stream B): Anand Shah, *Barrister, Queensland Bar*

Facilitator (Stream C): Jacoba Brasch, *Barrister, Queensland Bar*

1.00

Lunch

2.00

Presenting the Evidence

- Understanding the key rules of evidence and their relevance to admissibility of evidence
- Organising evidence-in-chief consistently with the case theory
- Dealing with privileged evidence
- Presenting evidence in chief fully and persuasively without leading
- Making the most of documentary evidence
- Knowing the legal limits on examination
- Standard grounds of objection to evidence and tactical considerations
- Understanding the purpose of re-examination

Ralph Devlin SC, *Barrister, Queensland Bar*

2.45

Fundamentals of Cross-Examination

- Outlining the purpose and fundamental rules of cross-examination
- Describing techniques for effective cross-examination of witnesses and effective cross-examination on documents
- Considerations to bear in mind when cross-examining experts
- Tips for handling inconsistent or surprising answers
- Knowing the legal limits on cross-examination

Craig Smith, *Barrister, Queensland Bar*

3.25

Refreshment Break

3.45

WORKSHOPS

The afternoon workshops are structured similarly to the morning workshops, however they will focus on development of case theory, delivery of opening and closing addresses, presentation of evidence and cross-examination. Workshop materials will be provided to delegates prior to the conference.

- **Civil stream:** Trial in the proceeding for the recovery of a minor debt
- **Criminal stream:** Application for bail and application to enter a plea of guilty
- **Family stream:** Defending an application for a protection order after the granting of a temporary protection order

Facilitator (Civil stream): Carla Klease, *Barrister, Queensland Bar*

Facilitator (Criminal stream): Adrian Braithwaite, *Senior Associate, Gilshenan & Luton*

Facilitator (Family stream): Bernadette Carter Nicoll, *Barrister, Queensland Bar*

5.15

Closing Remarks from the Chair

5.20

Networking Reception held in association with the Queensland Young Lawyers association

Delegates will receive **complimentary entry** to the Queensland Young Lawyers Association's opening function for 2007. The reception will feature a special presentation by **Judge Marshall Irwin, Chief Magistrate, Magistrates Court, Queensland**, who will speak on:

- The hallmarks of an effective advocate
- Judicial expectations of solicitor advocates, particularly junior advocates
- Examples of best and worst practice as viewed from the Bench - identifying what to emulate and what to avoid

Refreshments will be provided. Reception finishes at approximately 7.00pm.



Queensland
Young Lawyers

This program is endorsed by the Queensland Young Lawyers association. Queensland Young Lawyers is dedicated to encouraging and supporting the personal and professional development of young lawyers.

Further information, including listings of upcoming professional development events, is available at www.qldyounglawyers.com.au.



Also – brand new offering for 2007!

Litigation practitioners of all levels of experience may also be interested in a new LexisNexis Professional Development initiative for 2007:

practice & procedure seminar series:

select perspectives on practice and procedure in Queensland's courts and tribunals

Structured as a series of six separately-bookable 3 hour seminars, this timely series is designed to provide practitioners with an overview and update on current topical issues in practice and procedure in the various courts and tribunals in Queensland.

Practitioners will have the opportunity to hear from the decision makers who preside over the relevant courts and tribunals and senior staff working within the registries which administer the courts and tribunals as to what is working well and where there is room for improvement. Each seminar will also feature a practitioner's perspective of practice and procedure in the relevant court/tribunal.

The seminars are aimed at practitioners of all levels of experience who wish to receive an insider's account of the workings of the courts and tribunals and advice about how to optimise their handling of a matter through a particular court or tribunal.

Note the following dates & topics:

- Seminar 1: Magistrates Court Friday, 9 February 2007
- Seminar 2: District & Supreme Courts Thursday, 22 March 2007
- Seminar 3: Federal Court Thursday, 19 April 2007
- Seminar 4: Federal Magistrates Court Thursday, 10 May 2007
- Seminar 5: Family Court Thursday, 21 June 2007
- Seminar 6: Tribunals Thursday, 19 July 2007

Stay tuned for further information – check
www.lexisnexis.com.au/aus/conferences for updates

Official publication:

Lawyers Weekly

LexisNexis publications relevant to advocacy include the following titles:

***Advocacy in Practice* by Glissan QC, J. (4th ed.) (hardcover)**

Now in its 20th year of publication, the 4th edition of this book has once again been written by the authoritative and well-respected author James L Glissan QC. It provides practical checklists for examination, cross-examination and opening and closing addresses. It also details when and what objections may be taken, and provides constructive tips and techniques for dealing with opponents, judges and difficult witnesses.

***Advocacy: An Introduction* by Curthoys, J. & Kendall, C.N. (softcover)**

This brand new title provides a modern guide to advocacy, concentrating on the practical 'how to' as opposed to the 'why' aspects of advocacy. It covers both criminal and civil advocacy styles and details specific aspects of advocacy including opening addresses, examination, cross-examination, expert evidence, closing addresses and appeals.

Call 1800 772 772 to enquire about purchasing your copy today.

Here's what a past delegate had to say about our Practical Advocacy Skills 2006 program:

"The seminar was an excellent opportunity to hone my advocacy skills in a non-threatening environment while being guided by experienced barristers."

Rowena Kennedy, Solicitor,
Mallesons Stephen Jaques

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ABOUT THE PRESENTERS

A selection of speaker profiles appears below. Full details of all presenters are available online at www.lexisnexis.com.au/aus/conferences/

His Honour Judge Marshall Irwin, Chief Magistrate – Queensland, was appointed as a District Court Judge and Chief Magistrate in September 2003. He was admitted as a barrister in 1976. After commencing his career as a Crown Prosecutor he was appointed Deputy Director of Prosecutions from 1985 – 1987. He was subsequently a legal advisor to the National Crime Authority (NCA), General Counsel to the Queensland Criminal Justice Commission, a member of the NCA, and was in private practice as a barrister until his judicial appointment. He has also been a co-author of Carter's Criminal Law of Queensland, published by LexisNexis.

Bernadette Carter Nicoll, Barrister, QUEENSLAND BAR has been in private practice at the Bar since 2002, where she specialises in criminal, family and administrative law. She was admitted as a barrister in 1999, and was at that time working as in-house counsel for the Australian Sugar Milling Council (ASMC). She worked at the ASMC for 14 years advising on legislation with respect to sugar millers. Bernadette holds a Bachelor of Laws and Bachelor of Commerce from the University of Queensland.

Craig Wilkins, Barrister, QUEENSLAND BAR was first called to the Bar in 2000. He has a wide commercial practice in the areas of banking, bankruptcy/insolvency, property and general contract law. Prior to joining the Queensland Bar, he practised as a Senior Associate in one of the top tier national law firms.

Craig Chowdhury, Barrister, QUEENSLAND BAR was admitted as a barrister in Queensland in 1988. After commencing his career as a Legal Officer with the Commonwealth Director of Public Prosecutions in 1988, he was promoted to Crown Prosecutor with the Office of the Director of Public Prosecutions in 1990 and served in that role until 2000. From 2000-2002, Craig served as the Deputy Public Defender with Legal Aid Queensland. He has been in private practice at the Queensland Bar since 2002, where he specialises in criminal law, civil and human rights/discrimination law, administrative law and appellate work.

Gareth Beacham, Barrister, QUEENSLAND BAR was first called to the Bar in 1998 and has a wide ranging commercial practice focussing on general commercial litigation, bankruptcy & insolvency, professional negligence, property and competition law. During his time at law school, Gareth won awards for mooted and witness examination. In recent years, Gareth has acted as Counsel assisting the Queensland Thoroughbred Racing Inquiry (2004-05). Prior to being called to the Bar, Gareth worked as an Associate to the Honourable Justice Fryberg.

Jacoba Brasch, Barrister, QUEENSLAND BAR was first called to the Bar in 2000. She practises in the areas of family law, civil and human rights law, discrimination law, customs law and international law. In addition to her undergraduate degrees in arts and law, Jacoba holds a Master of Public Administration (QUT) and a Master of Laws (NYU).

Patrick Hay, Barrister, QUEENSLAND BAR has a wide commercial practice focusing on property, construction and insolvency law. Prior to commencing at the Bar, Patrick was articulated at a top tier national firm and was Associate to the Honourable Mr Justice Chesterman RFD.

Ralph Devlin SC, Barrister, QUEENSLAND BAR has been in private practice at the Bar since 1977 and was appointed Silk in 2005. He specialises in administrative law, criminal law and appearances before commissions of enquiry, statutory tribunals and inquests.

Adrian Braithwaite, Senior Associate, GILSHENAN & LUTON LAWYERS practices in the firm's Crime and Professional Conduct Practice Group. Prior to joining the firm in 2001, Adrian held the position of Barrister in the Office of the Director of Public Prosecutions. His experience in this prosecutorial environment has given Adrian a wide, balanced knowledge of the criminal justice system. He has appeared as an advocate in the Magistrates, District and Supreme Courts, at coronial inquests, and in the Mental Health Court; he also regularly appears in hearings before the Crime and Misconduct Commission and the Australian Crime Commission.

Conference date and venue details

8 February 2007
Stamford Plaza Hotel
Cnr Edward & Margaret Sts
Brisbane QLD 4000
Tel: (07) 3221 1999
Fax: (07) 3221 6895

CPD points

If this conference is relevant to your immediate or long-term professional development and practice of law, then you should claim one unit for each hour of actual attendance, not including refreshment breaks.

Cancellation

Your registration will be confirmed in writing when full payment is received. We will refund your registration in full less a \$165 administration fee if notification is received in writing on or before 11 January 2007. If we receive written notification between 12 January and 25 January 2007 you will receive a 50% refund and conference documents. No cancellation requests will be accepted after 25 January 2007. You may nominate a replacement, however no refund will be issued. LexisNexis reserves the right to amend the program details at any time and to cancel all or part of this event.

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Tick here if you DO NOT wish to receive information about upcoming events

Four easy ways to register

Phone 1800 772 772
Fax (02) 9422 2338
Online www.lexisnexis.com.au

Mail Conference Co-ordinator, LexisNexis
Locked Bag 2222,
Chatswood Delivery Centre, Chatswood NSW 2067

Please complete sections A, B and C

A I would like to register for Practical Advocacy Skills 2007

EARLY BIRD*

One day conference – early bird rate \$650 + GST = \$715.00
(NB: early bird rate expires on 21 December 2006)

STANDARD PRICE

One day conference \$750 + GST = \$825.00

PLEASE CHOOSE WHICH STREAMS YOU WISH TO ATTEND FOR EACH WORKSHOP:

Morning workshop: Stream A Stream B Stream C
Afternoon workshop: Civil stream Criminal stream Family stream

NETWORKING DRINKS

Yes - I would like to attend the Networking Drinks

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C Please print clearly and complete ALL DETAILS

FIRST DELEGATE (for additional delegates please photocopy form)

Mr/Ms/Dr _____
first name surname

Position _____
Organisation _____
Email _____
Postal Address _____
Suburb _____ Postcode _____ State _____
Telephone _____
Fax _____

Conference code: QPD017 CPD reference no: CPDP0532

CONFERENCE RESOURCES

Conference papers only (no workshop materials) \$200 + GST = \$220.00
(NB: documentation is only available to regional practitioners)

TEAM DISCOUNTS*

- Groups of 3 or more booking for the one day conference at the same time, from the same organisation receive a \$300.00 discount from the total registration fee.*
- Register a team of 4 to the conference at the same time, from the same organisation and receive a free pass for the 5th delegate.*

10% DISCOUNT TO MEMBERS OF ENDORSING ORGANISATIONS*

I claim my discount as a member of Queensland Young Lawyers. Membership No. _____
* Early Bird, team discounts and any other discount cannot be taken concurrently.