



The Inns of
Court College
of Advocacy

The Council of the Inns of Court

ADVOCACY TRAINING

“Training the Trainers” Manual and DVD

**The Method: DVD Reviews – Edwin Glasgow CBE, QC
(narrator), Sarah Clarke QC (trainer), Peter Harrison QC
(trainer), Yasmeen UI Haq (trainee), Anesta Weekes QC
(narrator)**

(transcript of [video](#))

A **Edwin Glasgow CBE, QC:** If only you could hear what that sounds like, I'm sure you wouldn't put it like that. How often is that the message - or at least an important part of the message - that the advocacy trainer, the judge, or even the

B well-meaning opponent would like to convey, without being derogatory, to the advocate whose carefully prepared submission lacked the punch that it would have had but for the manner in which it was delivered?

C If only you could see what that looks like, you wouldn't do it. How often have we wanted - without being personal or crushing - to find a way of saying that to the young barrister, whose cross-examination would have been even more effective than it was if only he could stop the distracting, incessant puncturing of all the

D questions with a click of the biro?

Those are the kind of messages that the well-constructed DVD review can convey far more effectively, and far less intrusively, than a purely oral review that is

E conducted in the group. The DVD review adds a completely new dimension to advocacy training; the young advocate can actually see and hear what he or she has just done and said. The group review - which will have just been completed -

F can quite literally be brought to life.

So how do we do it? Construction first: the starting point is to know how the DVD

G machine works. The excuse "I never know how these confounded machines work, I leave that kind of thing to my butler or my wife or my grandchildren" - that kind of excuse wears very thin very quickly. We owe it those who we're about to work with and help to take the trouble to turn up ten minutes before the session in

H order to be able at least to find out how to use the equipment, and to ensure that there is cooperation with those running the group review so as to ensure that the timing of the CD has at least accurately been noted and you know where to start.

A The second element of sound construction is the laying of a foundation for the
DVD review, which enables you to build on the group review that has just been
conducted. The headline - which should still be ringing in the ears of the advocate
B - should at least be the foundation of the DVD review, even if the construction
which is developed on that foundation takes it further, or sometimes even a
slightly different direction, as long as that development does not detract from -
C let alone contradict - the immediately preceding review.

The temptation to disagree with the group review that has just been conducted -
as reported by the indignant advocate - is one that we've all had to resist at
times. It is however almost always unhelpful to contradict the message that
D someone else has just tried to convey - particularly since you won't have heard it
- and it may not be a bad rule to say to oneself the only circumstance in which it
may be helpful and sensible to take a new line is where the advocate is clearly so
E distressed or demoralised by what he or she has just been through, that a search
for something positive to build on is really needed. Indeed that exercise in itself
may occasionally prove the value of the DVD review.

F So, the starting point in practice will often be "what have you just been talking
about?" - or words to that effect. This leads naturally on to... well, let's have a look
G at it...

It should be possible then to reinforce the group review by looking again at the
particular passage that was headlined - or at something that allows the same
message to be repeated and reinforced.

H If the advocate accepts the headline that he's been given then it may be that
less time can be given to this and the trainer may - when appropriate - confront
another point of substance during the DVD session - and this is where the really
hard work starts.

A The DVD review will not work at all unless both the reviewer and the advocate watch and listen and really concentrate carefully. The potential benefit of the whole exercise will be lost if idle chatter is engaged in while the performance is being replayed, then it's followed by some meaningless benediction like "well, that didn't look too bad to me".

B

C One of the biggest and most important differences between the two reviews is that while watching and listening together, the developed headline for the DVD review can usually be coaxed out of the advocate. And if it can, the analysis which then addresses it will be all the more meaningful, and all the more memorable.

D

E The way in which the coaxing is done will of course be personal to the trainer. Even more importantly it will also be adapted to suit the advocate, who is looking at and listening to their own performance. Prompts such as "do you notice anything about the way you put that?" can if necessary become increasingly focused. A positive headline such as "keep the attention of the audience", which may be better than the negative "don't distract", can readily extend the foundation of the construction of a properly structured DVD review.

F

G The playback may be something like "you spotted yourself what you were doing", the reason follows as readily as it always should; "you can see how distracting that can be and how distracting in fact it was". The remedy is then "one way of dealing with that problem may be to hold your notebook, or even to make a point of putting your pen away as soon as you start your address."

H

The demonstration and the replay can usually be found by running the recording on to a point where you will have already noted, at which you can truthfully observe; "do you see how much more effective you were when you were not clicking"...or doing whatever the distraction was that you've decided to focus on.

A Almost everyone who talks and writes about DVD reviewing refers sooner or later to style; I'm never quite sure what that is save that I'm confident I don't have it, and I personally rather doubt that it's something we should be trying to teach to

B young advocates. What I am certain of however is that when talking to professional colleagues - however young, and however inexperienced - about the way in which they speak, or the way in which they look when they are speaking,

C we need to be acutely conscious of the fact that we're treading a very thin line between constructively improving their performance skills, and destructively causing personal offence.

D When commenting on the performance skills of others, and when helping them to be conscious of the impression that they are creating on those who watch and listen to them, we need to be extremely careful that we practice what we preach. We too need to choose our words and fashion the way in which we say them, so

E that we make the impression we intend to, and we do it in a way that is thoughtfully and appropriately suited to the individual who is watching and listening to us.

F ***

G *Screen Text:*

DVD Review

Trainer: Sarah Clarke

H **Sarah Clarke QC:** Yasmeen what was the point that you were given in the room?

Yasmeen UI Haq: I was told that I speak too fast.

Sarah Clarke QC: And do you think that was a fair comment?

Yasmeen UI Haq: Yes, definitely

A **Sarah Clarke QC:** Alright, well we're going to have a look at the DVD now, and we'll look out for that but at the same time we'll have a look and see if we can see anything else, OK?

B **Yasmeen UI Haq:** OK

C **Peter Harrison QC (on DVD):** You're going to be doing an opening speech for the prosecution for us?

Yasmeen UI Haq (on DVD): Yes

Peter Harrison QC (on DVD): So when you're ready

D **Yasmeen UI Haq (on DVD):** Members of the jury I appear on behalf of the prosecution and my learned friend Ms. Carpenter appears on behalf of the defendant; Mr. Peter Jones.

E
F The defendant is charged with burglary contrary to the theft act and the particulars of the offense are that on the sixth of February 2008 the defendant entered Mr. Jones Smiths... Mr. John Smith's home as a trespasser - namely 39 Manchester Road Camberwell - with intent to steal therein.

G On the evening of February the sixth Mr. Smith and his brother; Mr. Joseph Smith, arrived at Mr. Smith's home and had found that the front window had been smashed. When entering the property and subsequently entering the kitchen Mr. Smith had seen a man in the back garden...

H ...30 minutes before he was found by PC Dixon and he was in fact hiding from people who were chasing him. The defence will call the defendant and-

Sarah Clarke QC: -OK, so what's your view of your speed having seen yourself on the video?

A **Yasmeen UI Haq:** Well it's really fast to begin with and I'm sort of speaking as though it's one sentence.

B **Sarah Clarke QC:** Mmm

Yasmeen UI Haq: ...And not pausing at all, and then I get a bit slower, but I think it still could do with kind of breaking up... speeches.

C **Sarah Clarke QC:** Did you... had you made quite a full note of what you were intending to say?

Yasmeen UI Haq: Yes, yes I had yes.

D **Sarah Clarke QC:** Because did you notice what was happening with your eye contact while you were speaking?

E **Yasmeen UI Haq:** Yes, I was looking down quite a bit.

Screen Text: Reinforcing the Room Review

F **Sarah Clarke QC:** And it seemed to me that the more you were looking up and down actually the faster you were going.

Yasmeen UI Haq: OK

G **Sarah Clarke QC:** So, you might want - in addition to the point that you were given on how to slow yourself down - you might want to actually think that once you've planned how you're going to start that the rest of your submissions could actually be broken down into bullet points.

H

Yasmeen UI Haq: OK

A **Sarah Clarke QC:** Which would mean you wouldn't be looking down so much, but also you would have to slow it down because you would have to be thinking about what you were going to say.

B **Yasmeen UI Haq:** Yes

Screen Text: Dealing with a new point

C **Sarah Clarke QC:** On a different point, how did you feel that speech impacted on the audience?

Yasmeen UI Haq: Not very well.

D **Sarah Clarke QC:** Right

Yasmeen UI Haq: I don't think there's kind of any variation in like tone or what have you.

E *Screen Text: Rationale*

F **Sarah Clarke QC:** The beginning of the speech obviously is probably the most important isn't it? Because that's the point at which the jury are most likely to be listening to you.

G You might want to think about taking the opportunity at the beginning of the speech to really grab their attention, and tell them what the case is about.

H You can tell them about the law later, and what burglary is and intent to steal and all that stuff - in any event they're going to hear it from the judge. So it's a bit of a shame to waste your first couple of minutes talking about all of that when you could in fact use that opportunity to really tell them what your case is about and get them interested in listening to you.

Screen Text: Remedy / Demonstration

A **Sarah Clarke QC:** So for example instead of saying to them that you appear on behalf of the prosecution blah blah blah defendant charged with burglary
B contrary to the Theft Act and the particulars of offense are as follows... you might want to have just said to them "members of the jury this case is about a burglary,
C the prosecution say that this defendant - in order to repay a drug debt - deliberately broke into the home of Mr. Smith, rounded up his belongings in order to take them away, which is exactly what he would have done had it not been for the fortunate fact that Mr. Smith and his brother arrived home at that very moment."

D Do you see? And then you can go on to develop of course the identification and the running down the back of the garden, and at that point you've got the jury's attention and you've got their interest.

E **Yasmeen UI Haq:** Yes

F **Sarah Clarke QC:** So Yasmeen in addition to thinking about the speed of your delivery - which with a few simple techniques I'm sure that you will... you'll sort out, particularly as you grow in confidence - you might actually want to think about the impact that you've got the opportunity to make in the first minute or two that you've got the jury's attention.

G **Anesta Weekes QC:** Sarah's manner throughout this review was; not intimidating, she wasn't bullying, and not condescending. But I noticed something of importance - by using the open question with the advocate she allowed the advocate to comment upon her own performance first, before Sarah gave her guidance.
H

And finally this: Sarah got a very nice balance between telling the advocate about things that she needed to improve and praising her and encouraging her about aspects of her performance which was good.

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