



The Inns of
Court College
of Advocacy

The Council of the Inns of Court

ADVOCACY TRAINING

What is the Hampel Method?

**Part 1: Introductory Talks – Anthony Leonard QC,
Professor The Honourable George Hampel and The
Honourable Mrs Justice Hampel**

(transcript of [video](#))

A **Anthony Leonard QC:** Right, I think we'll get going because as ever we're short of time, and can I just start with a few thank yous? Firstly to Frank Feehan's chambers at 42 Bedford Row for giving us this very useful room to hold this in

B tonight, and of course to the ATC who funded the recording of this session, which is not just so that Felicity and George can enjoy watching themselves later - it will be of more general use to the bar here.

C Well as you'll probably know if you've ever spoken to George he has several passions in life but I'm just going to deal with his top three. And in reverse order I would take it to be France and French food, advocacy training (about which he can talk from about six o'clock in the morning until at least past midnight), and

D of course his favourite passion; which is Felicity.

So we welcome both Felicity and George on yet another trip over to the UK and

E we're enormously grateful for their input. I've asked them really to deal with three things tonight:

F

- The use of the advanced Hampel method for reviews of new practitioners and above
- DVD reviews - which people still seem to find difficult - and they shouldn't
- And then dealing with the advanced training of the trainers themselves,

G which I know they both have some very good ideas

- And finally we'll open it up for discussion

Thank you very much George and Felicity.

H **Professor George Hampel:** Thank you.

Anthony I think you noticed that whoever gave me this folder put Leonard Cohen on top...

A

Anthony Leonard QC: Yes

B

Professor George Hampel: Now, I don't know who did this but they either saw me wearing my winter hat - which is very much a Leonard Cohen hat, or they heard me sing, I'm not sure which it is... but I promise I won't sing tonight so...

C

We're going to talk about advanced advocacy training. Now we think of advanced advocacy training in two separate areas, if you like.

D

One is the one that's been adopted here recently in this training. It's being called number two, or advanced two method - and that's the first one we're going to be talking about and spending most of the evening on. But later on I'll be talking about another aspect of advanced training which is a bit different to what's been happening so far.

E

So let's begin with the advanced, number one training if you like, and the essential characteristics of it are:

F

First of all, that we practice what we preach - namely that when you teach preparation and case analysis we teach that as much as is possible one should prepare one's final address first, so that it gives the direction to everything that happens during the case, the conceptual thinking about the case is done then.

G

The case theory is developed, and then the... it goes as far as thinking about what we going to be saying about each witness in the end.

H

Our experience is - both in courts as judges and as teachers - that the more refined and the more thorough, and the more carefully prepared that part of the work is - that is the preparation of a final address in advance of the trial - the better the performance at trial; the more focused, the more precise, shorter and all the other good characteristics of a good trial advocate.

A So, whilst we've taught the idea that we prepare that first when we're doing our preparation, we've never actually practised it until recent years when we thought we should give people a go at actually writing out first - we started by getting
B them to write it out - but then deliver their actual piece, their final address, before they deal with each witness.

C Now we've been doing it so far mostly in cross-examination so what we started doing about - what ten years ago now? Is teaching advanced cross-examination, and in those workshops what we would do is to have people get up and actually address the judge on this occasion - although in theory it could be a jury - address why it is that the particular witness should or shouldn't be accepted and to what
D extent.

E Now it's not done as an explanation of what the case theory is, it's done as part of an actual address. So you get up and you say "Your Honour..." or "My Lord... this witness's evidence should not be accepted because..." and then you argue why this is not so... this shouldn't be done. And that takes about five minutes, just
F about that witness - not the case as a whole, nothing about reasonable doubt and all those other things - just purely an address on that one point. Why should this expert's witness evidence should be preferred over that expert or why should this identification witness's not be accepted and whatever your point is.
G

H And then, the person listening to that - who is also the teacher, the instructor – is... asks perhaps one or two questions just to clarify some of the points, and give the advocate the opportunity to develop the point if there's some sort of an issue. So we don't encourage much judicial intervention at that stage but just maybe one or two to see how they're actually thinking about what they're going to do with this witness.

- A** And when that's over, they then cross-examine the witness, and of course their cross-examination is measured by what it is that they're trying to do, which they've already articulated, so we know exactly what they're trying to achieve
- B** and then we can measure their performance by reference to both how they execute their case theory, and how they actually perform the actual function of cross-examination, the technical aspects of it.
- C** Now that has proved tremendously successful in all sorts of ways, because it enables us when the time comes to discuss their cross-examination to refer to their case theory and to measure their performance by reference to their case theory. We don't necessarily at that stage tell them what we think the case
- D** theory should be, or what they might think would be a better case theory, but we know what their case theory is in great detail by the time they've spoken for five minutes. And so we say "well if that's the case then why are you going there...
- E** why are you doing this additional stuff... why are you going beyond what you need for your argument in the end?" and "how can we do it differently?"
- F** So that's a tremendous... on top of all the other aspects of the review we've got this tremendous advantage and that moves people along into a much higher level than you would with a beginner Pupil first time up; struggling with asking
- G** forms of questions and so on. So that's a very important aspect of this advanced teaching.
- H** Now the other one that Anthony mentioned and we're going to focus on tonight is the extended video review. So the video review is no longer just about a piece of style that you hope will come up somehow. Some of it we found was minor and perhaps unnecessary. Reviewed... people were struggling with just style reviews, and of course because you've got the extended review there's lots more that we can do with it. And Felicity's going to talk about it in a minute, and how it

A is that we do it, and how it differs from the old video, the DVD reviews that we used to do, and what it's aims are.

B But the other thing about the advanced training that I mentioned is that we have the teachers, the instructors, play the role of the witness. And that's critical: it does a number of very important thing; the first is that it forces instructors to know their case. And there's no question that if you're teaching at a more

C advanced level it's even more important that the instructor knows every word of the case, has thought through the case theory, understands it, and is able to do all the steps of the performance at an advanced level. Because you're teaching people at a more advanced level, your credibility as an instructor is critical; they

D won't take much notice if they see that you're not advanced, and so that's a very important thing.

E But playing the role of the witness also helps because you can actually teach from the witness box, in the sense that if someone asks you a wide, open-ended sort of Dorothy Dix question in cross-examination you hit them for six, and they

F begin to realise what's happened. Whereas when students play the role of the witnesses they won't do it quite as effectively as the teachers should be able to do it. Or if they ask questions that you don't understand you can say "no I didn't get that... what do you mean?", or if they ask a double-headed question you can

G say "well which one would you like me to answer first?", that sort of thing. And you can actually use the opposition as a witness as a bit of a teaching tool, and at the slightly more advanced level - beyond the sort of terrified Pupils - people

H take that very well and realise you're already doing some teaching from the witness box, it's very powerful once you're a bit experienced at it. So there are tremendous benefits in doing that-

Mrs Justice Hampel: -Can I add just a little bit to that?

A

Professor George Hampel: Yes

B

Mrs Justice Hampel: The other thing that you can do is give just part of the answer to the question, and see whether the pupil is listening to the answer that's coming out or whether they're assuming that they will get all the information they're anticipating. So it's a very good teaching tool for evidence-in-chief as well as cross-examination, to just test that following and listening process.

C

D

Professor George Hampel: Yes, that's very important. Now, the problem with this sort of teaching is that it takes more time and much more effort on the part of the teacher.

E

The third and most important thing in this is the demonstration. We can never say enough about the importance of a demonstration at every level, in whatever level of Pupils that we teach, but in advanced... what we call the **advanced** advocacy, the demonstrations are critical. And so teachers are really expected to know their cases so well that they have actually prepared to perform a number of roles, a number of performances, and anticipate the sort of issues the Pupils are likely to have, which are totally predictable to about 95 % I think, we can predict what they're... what the issues are going to be - and be prepared to demonstrate.

F

G

Actually practice the cross-examination that you might have to show; we know where the issues are going to arise most of the time. And so they're very important aspects of it, and of course that demonstration has to be at an advanced level - it's got to be a lot better than the Pupil can do, otherwise they say "well why are you teaching me advanced advocacy?" - that sort of thing.

H

So, we don't allow teachers to rely on their standing, or their position, or their title, or anything like that, we look at just how good they are on their feet, in learning to these advanced stages. Now that's a bit of a challenge because you

- A** know it's hard enough to take notes while a pupil's performing some but while you're a witness at the same time it makes it a bit harder. Once you've done it two or three times it gets easier, it can be worked on.
- B** So, essentially the first move towards beyond the Pupil teaching in the traditional, basic review way, these are the three main differences and characteristics, and I understand that that's been tried now once, or once only?
- C** **Anthony Leonard QC:** Twice
- Professor George Hampel:** Twice now, and it's been thought to be successful by the teachers and I think the Pupils as well - and it does-
- D** **Mrs Justice Hampel:** -Can I again add something to that?
- Professor George Hampel:** Please
- E**
- F** **Mrs Justice Hampel:** With the teacher playing the role of the witness, it's also a good opportunity to have two people in the teaching team. So one teacher takes the witness role, and the other teacher then does the major review. That can have a number of advantages; it's a good way of teaching and upskilling some of the good but not yet terribly experienced or advanced teachers, but it also means the teacher witness can concentrate on being the witness. And if they've worked things in advance with the other teacher the review then will be directed towards some of the problems that have been thrown up by the manner in which the teacher witness has answered questions.
- G**
- H** So whilst it is a bit teacher-rich in that sense it is a very good training process for teachers - and you can swap roles of teacher / reviewer and... so that again you can model different teaching styles and allow experienced teachers to be exposed to less experienced teachers and less experienced teachers to teach in

A front of the more experienced ones so there's a good cross-fertilisation there as well.

B **Professor George Hampel:** And when the senior teachers are... what we call the mentor teachers, they're really good, senior, experienced, advocacy trainers, we actually do give feedback to the younger teachers about their technique. So it's a terrific sort of process of reinforcing the methodology, but the important thing is

C that not only is the methodology that, but the fact that the sort of choice of points and issues that you take, are much more sophisticated that you'd take otherwise - you know? Don't hold your pencil and all that stuff, we don't believe

D in anymore, at this level of teaching - it's just a waste of time. We look at something a bit more important.

E Now, the learning about the sort of points that can be taken comes from the fact that the teachers have got to be competent and experienced advocates and teachers, and because we work in teams we learn from each other and build a sort of an armoury of interesting and more sophisticated points that one would

F take with someone who's just beginning to learn how to ask a non-leading question or something as simple as that.

G So that's a sort of a very quick overview of this particular aspect of the more advanced teaching and reinforcing our concepts about the analysis of the case and measuring the performance by reference to the analysis - because the two must go together.

H **Anthony Leonard QC:** I just want you to mention delayed replay.

Professor George Hampel: Oh thank you, thank you yes.

Delayed replay - we call it repeat-performances, but same thing; when we started we used to get people to do things pretty much straight away. So, you've

A performed your bit, we'd give you some feedback and we'd say "now try it in the
way I suggested it might be done differently", and that was alright, that worked
to some extent, but we realised that it's probably more effective to give people
B just a little time to think it through and try to get their mind around doing it
differently... doing it the way the teacher suggested.

C So, given... in different circumstances, we give them either over lunch to do it, or
give them some specific allocated time over coffee - even if it's 15 minutes - but
we make them sit down and say "right, prepare for the performance of your
next... having another go at the replay, and make sure that you focus your mind
D on it" - and that's improved things tremendously. The feedback we get from
Pupils is that it's by far a better way than doing... than making them do it
immediately when they're still a little bit tense and a bit anxious about the way
they've performed and a bit disappointed in themselves and perhaps haven't
E absorbed exactly what the instructor was saying to them. So I think that delay,
delay replay... **delay** is the operative word, I think it does help. And it makes
sense; people are much more comfortable with it; they don't feel that they're
F being ambushed in a sense.

That's a little bit different to what we see when directors train actors, so say "well
G now, walk on to the stage there and look confident", and if you don't do it they
say "right, do it again... and do it again... and do it again", there's not much
thought to be given to that, but you know absorbing advocacy points and then
thinking how you're going to perform differently - having regard to the feedback
H you got - does take a bit of thinking, and I think that time has to be given. Now
we can't afford to give them hours to do it at any workshop or course, but we can
give them sufficient time to actually focus their mind.

Was that what you meant? Yes?

A

Anthony Leonard QC: Yes

B

Professor George Hampel: And to us all these aspects in this form of teaching really put it into a different level, from everyone's point of the view, the Pupils' and certainly the instructors', and it does enthuse the instructors a bit too because they feel more challenged than just going through the very few basics that we do with you know beginners and Pupils and so on.

C

Alright, I've covered those topics so Felicity will talk about the extended video or DVD review.

D

Mrs Justice Hampel: Forgive us for talking about it as *video review* from time to time, we started teaching it in the early 1980s when DVDs didn't exist. They had those big video cameras with the VHS recording... and now we don't even use DVDs we use digital recording on an iPad or an iPhone or something like that, but we still... we're a little uncomfortable with the modern language so I'm sorry if I lapse into calling it *video reviewing*.

E

F

But whether you call it video review, DVD review, or digital recording review, it's been a fundamental part of our teaching for as long as we've been teaching advocacy, and it is I think just such an important part of any teaching program.

G

There's no doubt it that the recorded image doesn't lie: it allows participants the opportunity to see themselves as others see them, and their self-image is often very different from what the recorded image shows.

H

I mean I said it doesn't lie - it does; it adds weight, it either thins your hair or turns it grey, and it turns your really nice outfit into something shabby and ill-fitting. But apart from that it doesn't lie about the way you actually perform those advocacy tasks.

A And so, if we're talking about trying to make advocates more insightful about themselves, more insightful about the way they actually perform and the impact that has on the witnesses they're questioning, or the judges or juries they're

B addressing, and we're not using this now technologically very easy teaching tool to assist us, I think we're really selling the Pupils short.

C So it's... you're just... always been for us a fundamental part of the teaching, and it's... part of that fundamental part of the teaching is not just giving participants the opportunity to look at themselves later at their leisure. We know that there's a level of narcissism in most advocates - and so they're most likely to be just

D looking at themselves, or thinking about why think they were good or why they think the reviewer was wrong or bad, reinforcing their own ideas at times, rather than being taught a more structured or analytical way of reviewing their

E performance and thinking about it. So, it's just embedded as part of the teaching in all of the workshops we do.

F Our original way of teaching using the recorded image was to try and do a sort of rapid, high-turnover review; so if the student's performance was five minutes, we'd add five minutes for the review time, and we would try and review every participant in every session. And that became... it created a sausage machine

G feel; because as the video reviewer you could never start at the same time as the session started you had to wait for the first performance to be finished and come... and the student come through to you after the review. So even on five minute performance five minute review time you started ten minutes behind. You

H always got further behind because there were always technical glitches, and there were always times when somebody would need or want a bit more time than the ten minutes allowed. So it created a terrible sense of time pressure, and the evaluations we were getting showed consistently that the video review was not rating as highly as the other performance sessions.

- A** So we decided to extend the time for the review of the recorded performance, to do fewer but higher quality reviews over a workshop period. So we might only do one review of a recorded performance over a weekend workshop, instead of two
- B** or three. We'll still record all the student performances and give it to them on a chip or something so that they can take it home and watch it at their leisure, but after we've taken them through that process of critical thinking and evaluation.
- C** But we found that the extended time for review was giving much better feedback results in our evaluations; Pupils were getting much more out of it, and teachers were finding it much more satisfying. They were saying they felt they were able to give something much better to the Pupils.
- D** When we started we also had a pretty strict line of demarcation; substance reviews in group, style reviews in video, no substance in the video review, no style in the group review... We've realised over time that there's often a significant
- E** overlap between substance and style, and things that may manifest themselves as a style problem will be the superficial showing of what's a much more
- F** fundamental problem, that's a substance issue. And so, that style / substance distinction just didn't work very well.
- G** We also thought that when we were doing the extended reviews - which were particularly good for people beyond the raw beginner - that it was a real waste of a review opportunity to deal just with the style thing. And so we were giving more to the Pupils by allowing a much more interactive session with them where they could talk about what they were trying to do, or why they were performing as
- H** they did, or what they were trying to work on, or what they felt about the review that they had received, in the group we could actually have a more detailed talk with them about that to drill down to what they were concerned about, instead of feeling constantly the pressure of the clock ticking and saying "the more time you're talking to me about what you're worried about, or about what was said in

- A** group, the less time I've got to play your recording and to give you some review about your style".
- B** So we got rid of that and we found that the opportunity to have that more interactive one-on-one discussion worked really well in getting the Pupils to be more reflective about what they were trying to do or wanting to do, or where they were perceiving a problem.
- C** It also gave us - and this is the second sort of really significant advantage of the extended review after that interactive one - it gave us the opportunity to get a better evaluation of the level of the student, how they perceived where they
- D** were, and what they're able to recount to us of what had been told to them in group - in their substance review in group - and would give us some sense of how well they had understood the point, how amenable they were to the review point
- E** that had been made, and at times too if they said something remarkable to give us some sense of had they totally misunderstood? Or has this teacher gone way off... way off script and do we need to do something to remedy it?
- F** So it gives you... it gave us more of a sense of working out what their actual review was, how open they were to being reviewed, whether they'd taken a point or they needed some reinforcement of it, whether they didn't seem to have
- G** understood the point so we could see if we could put it a little differently, or if they weren't sure about it we could choose to talk to them about it before we started to play the recording back, or we could play some of the recording back and watch it and say "let's look at it together and see" and get them engaged in
- H** it so we could overcome some of that resistant denial, and deal with "OK, well let's leave aside for the moment what you say, let's have a look at it, see what it shows and then we can talk about it again".

A So that gave an opportunity for if you like a reality check, or a credibility check on
their perception and on their capacity to recount the reviewer's point. Of course
the recording didn't show us the reviewer's point usually or we didn't go to the
B end if it was recorded to see what it was, but we could get a sense of when we
saw the thing that had been talked about, whether the student did have a
problem that we perceived, and therefore the review point made sense, or
C whether it seemed to be pretty OK to us and so the review point may not have
been a fair one or a significant one.

So, we can then use that as a starting point for deciding what it is we're going to
D deal with in the review. If we think that the student needed to take that point on
board that had been made in group, but they either haven't understood or are
resistant to it, and it's an important point, then that may dictate that the review -
E or the first part of it at least - should deal with reinforcing the point that had
been made in group by making another review of it and allowing the student to
watch that part of the performance again.

F If we think the student has taken that on, and they seem to understand it, then
we're more at large to choose something different, and give something extra to
the pupil on top of what they've already got in group. Again it gives a greater
G flexibility, but a greater means of targeting a particular student's needs, because
if they haven't understood the first point then there's no point giving them a
second point because they probably won't understand that either. So some
people just need a little bit more time to have those points made and reinforced.

H The other thing it does is allow us to use more that style / substance crossover
thing. So if we have somebody who appears to be incredibly note-bound and
talking very quickly as a result, now that's always been to me a crossover
substance / style point. The style issue is: *you're so note-bound you're not
engaging with your tribunal, you're talking so fast, or reading a prepared script so*

A *it's not actually having an impact on your tribunal, the sort of superficial view*
point would be: *don't read, speak... slow down, don't speak so fast* - not particularly helpful, but in the extended review you've got more of an

B opportunity to work out why they're reading, why it's a script, and why they're reading so fast, and therefore to help get more tailored and targeted solutions.

C So if they're writing out a script because they're afraid that they will forget, or because that's the way they thought you were supposed to do it, you can use all sorts of techniques to say "well look, I think I've heard it but just tell me what it was about, tell me the point you're trying to make", and as they go for their notes

D say "no, just tell me". And because it's a one-on-one and it's more relaxed they'll tell you, and generally going to do it quite well and fluently - and so you can use that to reinforce the need that whilst writing it out word for word may have helped crystallise their thoughts, they don't actually need the speech in front of

E them. And then we can give them the help to make the type of point-form notes that are going to be of assistance to them in an oral delivery.

F If it's because they're incredibly nervous, then we can work - and we discovered that - we can work with them with ways to deal with performance anxiety, allay their concerns about they're not the only one who feels that way, and work with

G them to find more effective notes again to deal with that - you know, me going... my eyes glaze over when they've got all these notes and they can't read them, they speak even faster, or they go off-piece; they leave their notes and just talk drivel because they're so nervous that they just need to fill the air with sound.

H And we can just help slow them down, you know, take a few breaths, still those heartbeats, again ask them what they really wanted to say and get them into a sort of, hopefully more nurturing and more comforting environment where they'll be able to say it. So again, instead of just dealing with the style part you're dealing with the reason for it, and helping them through it.

- A** So we can deal with those crossovers by going well beyond manifestation of problem to trying to sort out the problem below.
- B** And the other thing that the extended review does that we have found to be of enormous advantage is this: because of the time you have you can actually start to talk about case theory.
- C** So instead of that often unsatisfying process where somebody's examining or cross-examining on what you really think is a bad or flawed case theory, you don't have time to deal with that in group in front of everybody else, and so you might have to resort to "well the case theory is this" then "a more effective way of asking questions of this witness to establish it would be that", and hoping that
- D** you're flagging to the Pupil and the rest of the group by saying "if you're case theory is this" that you're suggesting there are other and better ones, you can
- E** actually talk to them about the case theory and talk to them about what might be a better case theory. Again, preferably by asking a series of loaded questions that will prompt them to have to think and answer the questions rather than
- F** simply telling them "that's a bad case theory this is the right one", by saying "well if this is your case theory how do you deal with this bit of evidence?", so they say "Oh...", and "if your case...how could you reconcile this piece of evidence with your
- G** instructions and still have a defence?", and see if they can answer it - but at least show them they're the sort of questions to be asking themselves so they can come up with that next time.
- H** So telling them the process of a methodology for preparation and for development of case theory, asking the hard questions, saying to them "if you're on the other side and you're preparing the case, what would you think are your strongest points? Now come back to your side - how are you going to answer them?" So again giving them the sort of questions that might help deal with that.

A And you can do that in the extended review, in a way that enables them to then
get a more effective way of dealing overall with the problems. So they may not
come out knowing how to ask a series of non-leading questions, hopefully if
B they're advanced they should do that already, but they may come out with a
better sense of a methodology for preparing and developing a better case theory.

C The last thing that we can do in the extended review much more easily than in
the short one is we can do little demonstrations ourselves and then get the Pupil
up to do the little demonstration with us, and so you can show them something
and then say "now you try it". So if it's a person who gets softer and softer as
D they face challenge from the Bench, you can help them by getting them to stand
in one corner and project their voice, so they realise they can project without
sounding strident, without yelling, still having a confident or a conversational
tone.

E If they've got that very straining, upward intonation to show uncertainty,
because they're not quite sure what they really mean, or that they've got a good
F point, then you can teach them the flattened intonation, or even the downward
drop, to be really authoritative. So... and you know... exaggerated, you sort of...
and then get them to try it so they're finding ways of experimenting with their
G own style and their own voice to get it.

Professor George Hampel: OK-

Mrs Justice Hampel: So a bit of a main-

H **Professor George Hampel:** -That's your fifteen minutes there

Mrs Justice Hampel: Well - it's a good topic - they were the points that I wanted
to make about the way you do the extended review and what we think are the
advantages of it.

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