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ADVOCACY TRAINING

What is the Hampel Method?

Part 3: Q & A Session – Anthony Leonard QC, Professor The Hon. George Hampel and Mrs Justice Hampel

(transcript of [video](#))

A **Professor George Hampel:** Well now Anthony you have a number of things that-

Anthony Leonard QC: -Yes, well I thought I'd-

B **Professor George Hampel:** -that you'd like us to mention again or?

Anthony Leonard QC: Well I rather thought that we might use a little time really for you to ask any questions you've got of George and Felicity having now
C experienced some of the advanced training - and if you want to say "I have a friend who does something", then please use that technique.

But George before anybody else gets a go, going back to your review that you
D did-

Professor George Hampel: -Yes

E **Anthony Leonard QC:** You made your advocate do a replay on the spot - do you not agree that it didn't work?

F **Professor George Hampel:** No, not quite, I think it's different from the sort of replay that we talked about earlier, like, do a bit of the performance after you've had time to prepare everything and think about it.

G What I wanted to do in this is merely to get her to go back to the fact that you have to start off with a number of simple propositions - and she actually repeated a couple of them, and when she didn't I encouraged her to do a bit more, so-

H **Anthony Leonard QC:** -Well it seemed to me that you'd covered that in your review-

Professor George Hampel: -Yes

- A** **Anthony Leonard QC:** You actually demonstrated why we don't do automatic reviews-
- B** **Professor George Hampel:** -automatic reviews... if you're happy with that-
- Anthony Leonard QC:** -directly afterwards?
- Professor George Hampel:** No problem with that.
- C** **Anthony Leonard QC:** Because it just doesn't work?
- Professor George Hampel:** Yep, certainly if I got her to stand up and say "now that you've heard what I've had to say, you perform"...
- D** **Anthony Leonard QC:** That'd be a disaster.
- Professor George Hampel:** That would be a disaster yes, but getting her to work with me interactively I thought would help.
- E** **Anthony Leonard QC:** Jo?
- F** **Joanna Korner CMG QC:** When you did the video - like you I call it a video review - when you did the video review you watched through most of the performance-
- G** **Professor George Hampel:** -Yes
- Joanna Korner CMG QC:** ...before you began to discuss things with her.
- Professor George Hampel:** -Yes
- H** **Joanna Korner CMG QC:** Do you think that's preferable to when you've just got past a point, you want to discuss it, stopping the video and then discussing your point?

- A** **Professor George Hampel:** It depends on the point Jo, it... you're right; there are times when you've got in the first three or four minutes you've got enough to make the point.
- B** There are two problems with that; one is that they're a bit tense in the first minute - if you stopped after a minute they'd think it's a bit unfair and you know, you haven't heard the rest that I had to say and so on so you've got to allow a
- C** certain amount of time even though you may not need it to make your first point just a little bit more.
- The second is the recurrency of the problem; sometimes they make... they do
- D** things in the early performances which are a one-off and might be just there and then they get it right for the rest of the time. So it's a good idea to see if the problem is recurring and I wanted to make sure that Carolina lost the first issue,
- E** second issue, third issue and it all became a general discussion and I wanted to see that play out before I stopped you and said "well look; we've lost of all this lovely focus that you announced you had, and yet had gone". So I wanted to let it
- F** run for a bit longer before for that reason.
- Joanna Korner CMG QC:** Well the reason I asked that is because we... nearly every time we train trainers we always get this question when do you sort of stop
- G** it...
- Professor George Hampel:** Yes
- H** **Joanna Korner CMG QC:** The last thing; it goes back to George's thing about practicing your demos in advance to make them better, is that not... isn't there a temptation then to pick the headline to suit the demo that you've actually prepared?

A **Professor George Hampel:** Yes, there may be that tendency but we know when we use a particular case study we can predict nine out of ten things that the Pupil is going to do wrong. One of nine things... ten things... out of the ten things that

B happen, nine are predictable. And so, in the case studies that we know well, we have cross-examined many times on every particular point, on every witness, demonstrated arguments, demonstrated all sorts of things so the experienced

C teachers know the case studies so well that they know what the Pupils are going to do - it's not going to be a surprise.

D **Mrs Justice Hampel:** I think when we say prepare too Jo part of what we're talking about is making sure people have got names, places, dates, right - that they've actually thought through the way they're going to close the gates or ring the fence if that's the demonstration point they're going to make. If they know that there's a diagram and Pupils are unlikely to use it or unlikely to use it

E appropriately, to be ready to demonstrate an effective use of the diagram, but then - so in effect preparing the bones - but still being flexible enough to be able to adapt it so that we are still trying to demonstrate it at the student's level and

F in relation to what the student did rather than succumbing to the opportunity to do our own virtuoso performance - particularly for those of us who are no longer advocates and are missing it still.

G **Professor George Hampel:** But you know the predictability level is amazing; Felicity and I when we teach together, we can not only predict exactly what the we're going to find in each pupil in each case, in each witness but we can predict

H exactly which point each of us is going to make.

Mrs Justice Hampel: So sometimes just for variety I'll say "I'll pinch his point."

(laughter)

Anthony Leonard QC: Anymore? Yes, Sarah?

- A** **Sarah Clarke QC:** You spoke about needing quite sophisticated case studies with twists and turns and all of that...
- B** **Professor George Hampel:** Yes
- Sarah Clarke QC:** Is there a method to creating those sorts of documents? And if so what is it?
- C** **Professor George Hampel:** Yes, and I'm writing a paper about it at the moment
- Yes there is and it's... in one sense you can explain it fairly simply - but it's more complex than that - the simple explanation is that you first ask yourself "what is it that I want to teach by this case study?"
- D** **Sarah Clarke QC:** Yes
- E** **Professor George Hampel:** Do I want to teach what you call "ring-fencing" in cross-examination? Or do I want to create situations where Pupils are tempted to go into a case theory that doesn't really work? And so you design and refine and what we've done over the years I think I've amended our case study almost
- F** every year or two, to just put in another twist and turn into it, to see where there might be another way of posing a problem for a Pupil to solve, about which... what they'll do, and how they'll do it.
- G** So we're constantly evolving these studies and making them more and more sophisticated, but the real question is "what do I want to teach by putting this situation in this case study?" and "how many of these situations do we want, and
- H** at what level?"
- Some case studies which we've designed can be taught at the Pupil level - depending on which points you take - or at the most advanced level, but-

- A** **Mrs Justice Hampel:** -We used one of those last year when we did the demonstration of the teaching at basic and advanced level, with the same case study. The advanced performers performed it at a different level and got
- B** reviewed at the different level.
- C** **Sarah Clarke QC:** Yes, I mean what I notice about your case studies is there is a lot in them but the papers are not that voluminous, and I'm increasingly of the view that what we shouldn't be doing is deluging our trainees in paperwork-
- D** **Professor George Hampel:** -Yes...
- E** **Sarah Clarke QC:** ...And then expecting them to get on top of it.
- F** **Mrs Justice Hampel:** There's a real temptation to make people think it's clever and sophisticated by having too much paper, some of our case studies are very short-
- G** **Professor George Hampel:** -like three pages...
- H** **Mrs Justice Hampel:** They're deceptively simple, or their simplicity hides their complexity, but for Pupils and teachers alike what you want them to do is to master relatively uncomplicated facts, with relatively uncomplicated law, not oversimplifying it - but because we want them to concentrate on the advocacy skills, not on showing what clever legal researchers they are, or how well they can read five pages of a complicated balance sheet. That's a different type of skill to be taught differently.
- Professor George Hampel:** For example we've thought that this case study that Felicity reviewed - the accounting case study that you did - is really not a good advocacy teaching example-
- Anthony Leonard QC:** -Here, here.

- A** **Professor George Hampel:** It's really... it's an accountant's puzzle and even then the come up and say it's a nonsense.
- B** **Mrs Justice Hampel:** I think it's very good for teaching leading evidence-in-chief because they have to understand it and to be able to lead on it, but that's...
- Professor George Hampel:** That's about it, yes.
- C** **Mrs Justice Hampel:** And quite good for cross-examination for the same reason; they've got to understand it and understand the opposing views, but in terms of case theory it's not complex.
- D** **Professor George Hampel:** Sarah were you at the cross-examination workshop we did? Remember the advanced cross-examination workshop with that case study with that-
- E** **Sarah Clarke QC:** The office with the-
- Professor George Hampel:** -the drug drops?
- F** **Sarah Clarke QC:** The theft from the office, I thought it was wasn't it?
- Professor George Hampel:** Drug drop in the phone box?
- G** **Sarah Clarke QC:** Oh no the drug drop, yes, yeah.
- Professor George Hampel:** Now that case study has about a dozen of those complex little twists-
- H** **Sarah Clarke QC:** -Yes
- Professor George Hampel:** The whole case study's only about six pages, and very concise but boy it's got some tricky things in it.
- Anthony Leonard QC:** C-O-K was the acronym, I seem to remember it.

A

Mrs Justice Hampel: That's right.

Anthony Leonard QC: That's very, very good...

B

Professor George Hampel: That's very tricky that one.

C

Mrs Justice Hampel: Especially because George keeps on changing it, he says - but he doesn't always tell the teachers that it's changed and so we get stuck, so we now have to read the copyright note on the front page to see what the latest iteration is, and then to look for the changes.

D

Anthony Leonard QC: But you spend rather more time as a group of trainers sitting round - perhaps over supper or something - and actually discussing the analysis of the case-

E

Professor George Hampel: -Constantly

Anthony Leonard QC: And the twists and turns of it?

F

Professor George Hampel: Constantly, Felicity and I do it in Provence on holiday-

Mrs Justice Hampel: -Yeah we should get out more I know

(laughter)

G

Anthony Leonard QC: I'm, talking more as a group of trainers rather than just the two of you.

H

Professor George Hampel: Oh I see, yes

Mrs Justice Hampel: We're all equally groomed, acculturated, traumatised...

Professor George Hampel: But Anthony I think the... what we mentioned earlier in that is team-teaching, and a lot of that is the learning process.

A

Anthony Leonard QC: Yes

B

Professor George Hampel: That is critical, and I had this very good experience of teaching with your... the young man whose chambers we're using, Scott?

C

Anthony Leonard QC: Scott Mathewson.

Professor George Hampel: Now, it was terrific because I saw what he was doing, he saw what I was doing, we changed - first review, second review - and we both said at the end we really enjoyed this teaching together, you know we both learned. The way he was approaching it, the way I was approaching it... that's very important.

D

Sanjay: May I speak in defence of the accountancy problem?

E

Professor George Hampel: Yes

Sanjay: Very briefly-

F

Anthony Leonard QC: -Oh please don't...

(laughter)

G

Sanjay: As someone that had to prep. the papers, the... I think that a few things go through your mind as you're prepping them.

H

Firstly; how do I get an accountancy point which is going to really fox this person? And then you realise that's a really stupid idea, and you try and get the hold of the story, and I thought that was quite a helpful process to go through when you're prepping a set of papers - which is to... instead of trying to be really ingenious, to try and get the material for closing, and I don't know if that was the point of the exercise, or if I don't... I mean I've just been on a course so I don't know but... I don't know the point of these things but-

A

Mrs Justice Hampel: -Well I hope you do if you've been on the course-

B

Sanjay: -Well, I mean I took that as the point, which was instead looking for super-complicated points which are going to sort of out-brain everyone, that actually the point was to try and get the materials...

C

Professor George Hampel: Yes, you know you're right there is something in that, and doing that does help but one accounting case studies which we use quite a bit has a number of issues in it like for example; the comparative credibility of the two witnesses in terms of their background and experience - that's a whole area.

D

There's another area of the correctness of the assumptions that they've made on the facts that they knew or didn't know - and had they've made different assumptions if they'd known other facts?

E

And there are a number of such issues instead of just one question which is reading an accounting exercise.

F

Anthony Leonard QC: Anymore for anymore?

G

Peter Clark: Felicity you mentioned in terms some performances techniques, in your review you talked about how actors stand and vocalise and breath. On one of our junior level courses - the Pupil course - we enlist help from professionals at the London drama school, do you have any input like that in Australia?

H

Mrs Justice Hampel: Not much; it's something we've been very slow to come to, I think it's a real deficiency in what we've been doing, because we've... there is knowledge that actors have that we as advocates generally don't have, but I think our profession in Australia has been very slow to learn from other disciplines, and particularly from acting.

A So our attempts to put the toe in the water early on weren't very successful, and we've been slow to do it but we're really seeing the benefits when it is introduced - because it does help with everything from stance, voice, to people understanding your... what tone of voice and what accent is going to work better.

B And we're now working quite a bit on relaxation techniques for people, again just getting them to understand the importance of that in the way it deals with presentation.

C

Professor George Hampel: Just to gloss on that; our Pupils' course - which we call the Readers' course - is six weeks, full time, every day, all day and some evenings and some weekends of advocacy training.

D Now that's a very intensive thing, so we have the people there for six weeks every day, all day. Part of that involves sessions on communication skills, on performance skills, on relaxation skills and so on. So it's done in the... in that sort of a... a long, complex course - which is a prerequisite for the Bar. But we don't do it in the advocacy... in the workshops that we do in say over the weekend; they're just isn't the time.

E

F

Peter Clark: Very difficult to relax in ten minutes...

G **Professor George Hampel:** And on a Sunday and when you're trying to pack it with God-knows-what including appellate advocacy in one workshop.

H **Mrs Justice Hampel:** We're just exploring a prototype at the moment; we've come across someone who we think would be a very good trainer for advocates in terms of voice and relaxation and control. And we're having a session with her soon to talk through how we could incorporate it into a workshop, but we're thinking of doing a workshop that focuses essentially on communication skills, and making that the focus rather than trying to put in a one hour slot of that as well as you know two hours of evidence-in-chief and cross-examination and an

A hour of addresses and a bit of time on case theory, and trying to cram that into a weekend.

B So, watch this space but I'll report back if we have a good outcome from that.

B **Anthony Leonard QC:** Now talking about relaxation - unless anybody else has anything pressing - I think we've got the stage where we should be going on to relax somewhere but I remember when we first brought you over to do any training with new practitioner level. You were absolutely convinced that we put in
C - as one of the new practitioners - a complete set-up, because this chap, who I think was about eight or ten years' call, should have been doing the Pupil's
D course because he was so bad.

That's a way of saying how lucky we've been this evening, to have the services of
E Carolina and Sanjay, who are anything but starters, and I said when I recruited you a couple of weeks ago; we simply couldn't do this evening without you. So thank you very much.

F **Mrs Justice Hampel:** Yes thank you.

Anthony Leonard QC: And of course the other two people...

G (applause)

Anthony Leonard QC: And the other two people we couldn't do this evening without is of course you two; thank you George, thank you Felicity yet again for coming and letting us drain you of your skills - many thanks indeed.

H **Mrs Justice Hampel:** Thank you [unintelligible]

(applause)

END

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