

Continuing professional development

EDUCATION

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By Sandhya Menon



Trainer and senior lawyer Bahari Yeow demonstrates an effective method of cross-examing a witness during a personal injury case. Listening intently is junior lawyer Mohammad Syazwan Abd Halim and his peers.

Many lawyers in the country have been able to hone their advocacy skills, thanks to an initiative by the Malaysian Bar Council.

ANYONE who stops learning is old, said Henry Ford, the famous American magnate and founder of Ford Motor company. Fadzil Abdullah will agree to that.

Like Ford, he lives by the motto that it is never too late to learn. The 69-year-old who pursued law only in his fifties, knows that life is a learning curve.

A training session for lawyers that he recently attended, is proof that there is still much knowledge to be gained.

Although a latecomer to the profession, Fadzil thought that his qualifications and 16 years as a practising lawyer had equipped him with the necessary skills to present his cases in court.

“I thought I had a good grasp of court procedures, but there was so much more that I did not know,” he adds.

The courtroom session was part of the Bar Council’s ongoing training known as the Advocacy Training Course (ATC) for its members.

Conducted over two days, the course is not only held in the nation’s capital, but in other major cities in the country, for the benefit of other lawyers.



Biswas says the training is to make junior lawyers more competent which then leads to a better Bar and society.

At the recent session which *StarEducate* was allowed to sit in, Advocacy Training Committee chairperson and trainer, Ira Biswas pointed out to participants the importance of keeping questions short and precise, during cross examination.

The courtroom went silent as the senior lawyer went through every point of argument that a participant had submitted for a personal injury case.

The participants observed and absorbed all that she said.

It was obvious to them that she had an effective way of arguing and presenting the case.

The pointers from Biswas and other trainers would come to serve the participants well as they move on in their legal careers.

The ATC began in 2011 as an initiative by the Bar Council to enhance the standard of advocacy among its members.

While the quality of young lawyers in the country has been open to debate, ATC member and Malaysian Bar treasurer, Ravi Nekoo, points out that the course was created not because the Bar felt the quality of graduates were not up to mark.

“In fact, the main objective is to enhance their advocacy skills in court,” he reiterates.

“The focus of this course is on court performance, and to educate young participants on how a lawyer effectively presents a case to the court.

“An effective presentation will include examination-in-chief, cross examination and making a summary of one’s case to the court,” says Nekoo.

The first ATC was held in 2011. For this year, there were 13 such sessions in the country. While it is primarily for those who have just entered the profession, the training is open to all members of the Bar.

Useful tips

Biswas says the primary purpose of the course is to educate young lawyers on how to advocate in a safe environment, in the presence of senior practitioners who provide them useful tips.

“This way, they are more receptive without having to face the real world where they may get thrashed in court.

“Here, they have a chance to learn how it is done, and the aim is to equip them with some basic tools before they step foot into the real world,” she adds.

In 2010, six barristers from the Advocacy Training Council of England and Wales conducted the first Advocacy Teacher Training Course in Malaysia.

Some 50 participants from the Judiciary, the Bar, Attorney General’s Chambers and Securities Commission, among others, attended the course.

The organising committee was subsequently chaired by retired Federal Court Judge Tan Sri James Foong.

The Bar has since conducted more training courses to train its senior and experienced members, as well as those in the Judiciary, to become advocacy trainers.



Although the ATC is mainly for young lawyers, Nekoo says it is

Its faculty of advocacy trainers now has up to 150 trainers.

“The course is designed to teach advocacy to lawyers, typically within the first three years of practice, in order to identify and correct basic mistakes in advocacy.

“It is also to offer guidance to new practitioners on the correct way to present themselves and their arguments in a courtroom.

“It utilises a specific method of advocacy teaching that is used in many Commonwealth jurisdictions.

“The method requires participants to perform as advocates in a simulated courtroom environment under the guidance of experienced

open to all members of the Bar.

and trained practitioners, who will observe their performance and offer personal guidance,” she adds.

Biswas was trained in 2011 as a trainer by trainers from the Honourable Society of Lincoln’s Inn, subsequently becoming the committee’s chairperson in 2016, which has 13 members.

“We want competent practitioners. The young lawyers who attend this course are interested in improving their careers.

“They are willing to sit in and give up their weekend. This is very encouraging because a better Bar leads to a better society,

“At the end of the day, we are representing the public and we need to represent them with competence and professionalism,” she says.

For her, it is of utmost importance to be a good lawyer as their actions, affect public rights.

Training for all

Biswas says as trainers, they want to impart what they have learnt over the years to the young lawyers.

Although the course is primarily catered for young lawyers, Nekoo says that whether a participant is new to practice, or has been around for decades, the training is open to all members of the Bar who find the need to improve their advocacy skills.

He says that it is a tailor-made course where participants are taught in a systematic format on how they can put their case forward with clarity.

Each session is limited to six participants per class and training begins with senior lawyers instructing them to individually conduct the examination-in-chief and cross examination.

Upon completion, participants will be evaluated individually.

“It is a one-to-one session between the trainer and participant.

“We will look at the areas they touched on during their examination-in-chief and cross-examination.

“Then we will offer our suggestions on how they can improve.

“They will subsequently be asked to repeat the process with what has been taught so we as trainers, know they have grasped the correct methods.

“It is not a ‘one size fits all’ system and thus, we believe it is an effective learning method.”

The course is conducted in three sessions per day and video reviews are also conducted during the sessions.

Calling it a practical way of learning, Nekoo says the course introduces young Bar members to what happens after their undertaking of the Certificate in Legal Practice (CLP).

“It happens in a courtroom setting and participants get to see how things unfold as it does in real situations.”

Nekoo commended the support extended by the judiciary in their commitment towards the programme.

“Their support has been exemplary.

“There are High Court and Court of Appeal judges who train with us regularly.”

Being new practitioners, Nekoo says that participants are both thrilled and honoured to have an experienced judge advising them on how they can improve.

Biswas agrees, stating that having judges as trainers is an invaluable benefit.

She adds that the young lawyers are able to learn from the perspective of not only the senior lawyers but also the judges.

“The use of courtrooms for the training is a plus point as participants get the feel of advocacy in a real-life setting.

“In the last few years, we launched a new course in Criminal Trial Advocacy and advanced courses in Appellate Advocacy and the Handling of Financial Experts, mainly to enhance our lawyers skills,” Biswas adds.

She says the committee trains and teaches lawyers in eight countries on invitation, and likewise, trainers from other Bar associations and law societies are also invited to do so in Malaysia, thus creating an international collegiate where they learn and share with each other.

Former Advocates and Solicitors Disciplinary Board chairman and senior lawyer Tan Sri Khalid Ahmad Sulaiman says, the course is good training for young lawyers.

He says as many senior lawyers today have hectic schedules, many junior lawyers are left “underused and undertutored”.

“It is not just about knowing the law, but how to present your case and convince the judge,” he adds.

Importance of language

Advocacy is the art of persuasion and if you speak grammatically incorrect English, you cannot advocate effectively, says Biswas.

She says proficiency in the English language is vital in the field of Law and stresses that in order to be a skilled lawyer, one must have good language skills.

Otherwise, you will not be effective and you may even mislead those involved in the case, she adds.

“Young lawyers need to work towards it because they will not reach the top, unless their language skills are polished,” she says.

While the purpose of the advocacy course is not to improve participants’ proficiency in English, Nekoo says many participants realise that a good grasp of the English language is essential.

Case in Point...



“I have been practising for six years and there are certain bad practices that may have crept into my work. Thus, I felt it was time to repolish my advocacy skills.

The course is useful because the trainers who teach us are very experienced lawyers.

They were able to identify some of my negative habits and tell me where I went wrong.

We were also taught things such as the importance of posture.

I have a tendency to lean over my notes which certain judges may not look at favourably. It may project me as a slovenly person.

The video review and notes taken during the sessions will come in handy in the future.

I highly recommend junior lawyers to sign up for this course because it will help them establish good habits that will set them back on the right track.”

Alvin Oh



“I joined the course because I want to become a good litigator. This means I need to attend courses regularly to improve myself.

It is a platform where you can put what you have learnt into practice. Over the two-day period, I was taught how to speak with poise and confidence. We need to focus and have a structure in order to extract relevant evidence.

Preparation is important when attending trials, you must master your facts, know your witnesses, and evidence to support your case.

These are some of the ‘key takeaways’ I picked up from the course.”

Illya Syaheedah Mohd Razif



“There is so much effort put in by the Bar Council and the lawyers who are training us.

They guide the younger participants on the nitty-gritty of litigation, particularly in examining witnesses.

Learning how to address important questions, to bring out the facts, how to impeach your witnesses and getting them to testify, has been an eye-opener for newbies like me.”

Sharveena Theyy



“I learnt how to ask witnesses leading questions, subsequently prompting them to give the right facts. This is a skill that comes with experience and by attending this course, I learnt it from senior trainers. It is also a good platform to meet and interact with fellow practising lawyers and more importantly, senior lawyers. We have so much to learn from them.”

Emily Chong



“Even with many years of experience, I feel I have gained some pointers and skills.

A unique aspect of the training is we as participants, get to play as witnesses.

This is an excellent way of learning. By becoming a witness, you will appreciate and understand what is expected and required of a lawyer during cross examination.”

Fadzil Abdullah

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