

# The Art of Advocacy:

“May it Please the Court, I Appear. . .”<sup>1</sup>

Catherine Dwyer, Abbott Stillman & Wilson, Co-Chair Professional Development Committee

**The Hanover Mooting Competition Grand Final was an opportunity to witness young legal practitioners “doing battle in the courtroom” in what proved to be a fantastic display of advocacy skills by city lawyers opposed to their country lawyer counterparts.**

On 22 August 2002, the Grand Final of the Hanover Mooting Competition was held in the Red Court of the Court of Appeal before the Honourable Justices Winneke, Chernov and Buchanan. It was a brilliant showdown to the competition series.

The participants were involved in an appeal, pursuant to section 567 of the *Crimes Act 1958* (Vic) against a murder conviction. The appellant sought to have the conviction quashed upon the basis that the trial judge had erred in ruling that it would not be unfair to the accused to admit evidence of certain admissions which had been made by the appellant in an Internet chat room.



**CATH DEVINE OF FARAM RITCHIE DAVIES, RECIPIENT OF THE COMPETITION'S BEST ADVOCATE PRIZE, OUTLINES HER CASE AS CO-COUNSEL ASHLEY RICHARDSON LOOKS ON.**

The appellant team, represented by Chris Bacon and Anna Thwaites from Allens Arthur Robinson, made a very eloquent presentation to the Honourable Justices in seeking that the murder conviction be quashed. Their client's position was put before the Court in arguments which were concise and right on point.

The respondent team, represented by Ashley Richardson and Catherine Devine,<sup>2</sup> had an opportunity to respond to their learned friends' arguments as well as making their own submissions which had the audience as well as the judges in fits of laughter.



**COURT OF APPEAL PRESIDENT JUSTICE JOHN WINNEKE (CENTRE) WITH THE WINNING TEAM FROM THE GOULBURN VALLEY LAW ASSOCIATION: MELISSA RAFTIS, CATH DEVINE, ASHLEY RICHARDSON AND ALICIA CARROLL.**

Each participant had just 15 minutes to make their submissions to the Court, which involved dealing with legislation, case law, legal argument and humour. However, it was the members of the respondent team who managed to persuade the Honourable Justices in their arguments that their advocacy skills were deserving enough to win the annual competition series.

After the Grand Final, a cocktail party was held at Legals Café where the winning team was presented with a Winners Trophy and for the first time in the competition series, an award was made to the Most Outstanding Advocate throughout the series with a gift donated by Central Equity. This presentation was made by the Honourable Justice Winneke to Catherine Devine of Faram Richie Davies for her outstanding display as an advocate.

The Mooting Competition is a joint initiative of Hanover Welfare Services, the Professional Development Committee of the Law Institute of Victoria and the Australian Advocacy Institute. The Competition raised the sum of \$34,500, through entry fees of each team. The money was donated to Hanover to assist with its work with homeless people.

Whilst the Competition series this year involved a number of top tier firms, the Young Lawyers' Section was pleased to see the introduction of teams from a number of smaller law firms and associations including B2B Lawyers and Francis Abourizk Lightowlers together with the Goulburn Valley Law Association.

One of the great benefits of the competition is that it challenges young practitioners to expand their approach to the law. The moot problems may come from a wide variety of areas, and competitors are often faced with preparing submissions on an area of law of which they have little or no experience. For the smaller firms, this is even more likely. The team from Francis Abourizk Lightowlers (“FAL”), a boutique intellectual property firm, were presented with a wills and probate matter, which was a stark change from the team's usual practice areas of technology and intellectual property. The benefits of the competition are well appreciated by the participants. Junior counsel from the FAL team, Sarah Daniell, commented that “it was a great privilege to appear before His Honour Justice Hansen, and a challenge to apply our legal skills to mastering an entirely new area of law.”

The Mooting Competition has again proven to be a great success in achieving its objectives of raising money for Hanover Welfare Services, together with providing junior lawyers with an opportunity to develop their advocacy skills. Well done to both teams for reaching the Grand Final – and congratulations to the team from the Goulburn Valley Law Association whose advocacy skills impressed the Honourable Justices enough to be declared the winners. ●

<sup>1</sup> The writer would like to acknowledge the contribution of Sarah Daniell from Francis Abourizk Lightowlers to this article.

<sup>2</sup> With instructing solicitors representing Faram Richie Davies, Dawes Vary, Riordan & Partners and Victoria Legal Aid collectively known as the Goulburn Valley Law Association Team.