

International Advocacy Training Committee
Report to Bar Council
Intensive Advocacy Skills Workshop
Solomon Islands Justice Program and the Victorian Bar
Honiara, Solomon Islands 25 – 29 June 2018

Between 25 and 29 June 2018, a team from The Victorian Bar, led by Trevor Wallwork and Maya Rozner traveled to Honiara, the capital of the Solomon Islands, and delivered an Intensive Advocacy Skills Workshop to the Solomon Islands Law & Justice Sector.

The attendees comprised 12 solicitors working in the Office of the Director of Public Prosecutions, 21 solicitors from the Public Solicitors' Office, 2 solicitors from the Attorney General's Office, 2 solicitors from the Ministry of Justice and Legal Affairs and 21 Police Prosecutors (who came from all corners of the Solomon Islands). The team members were His Honour Judge O'Neill of the County Court of Victoria, Trevor Wallwork, Maya Rozner, Stephen Russell and Nick Goodenough. The Victorian Bar Office provided extensive support and Wendy Pollock attended to provide much needed administrative assistance.

The 2018 workshop followed a very successful workshop delivered to the DPP and Public Solicitor's office in 2017.

In February 2018 a request was received by the IATC Committee from Howard Lawry, an advisor in the Public Solicitor's Office, Ronald Talasasa (the DPP) and Rachel Olutimayin (DPP advisor) for the Victorian Bar to provide another intensive training workshop for local lawyers, including sessions on pleadings, written advocacy, and appeals (both civil and criminal).

The program for the workshop as delivered is attached for Bar Council's information. There were three additions to the workshop not included in the printed program. They were two presentations by Trevor Wallwork one on sentencing on Thursday afternoon, and a second talk on health and well-being on Friday. Thanks to Trevor for preparing these talks at short notice in response to gaps in the program identified during the week and for doing such a great job. The third inclusion was a parallel session on Tuesday morning led by Trevor Wallwork, Nick Goodenough and Steven Russell for Police Prosecutors only.

There were two civil problems conducted during the week to cater for the request for civil training. The first was an injunction exercise that was conducted with all participants on the afternoon of the first day. Despite the Police Prosecutors and Public Prosecutors having no experience or need for experience in civil injunctions, the exercise was extremely well received and very effective in getting participants on their feet early. The team recommends running the injunction exercise on the first day of any civil workshop conducted by IATC in future.

The injunction problem was extended and used as an exercise in drafting civil pleadings on the second day. Again, this was not within the expertise or required expertise of the Police Prosecutors. Instead they were invited to participate in an impromptu session on conducting a bail application conceived and led by Trevor Wallwork assisted by Nick Goodenough and Steve Russell. Thanks to Trevor, Nick and Steve for their last minute programming and flexibility in providing this option for the Police Prosecutors.

The civil pleading exercise was well received by the remaining participants including those from the DPP's Office and gave rise to valuable group discussion about ethical issues associated with acting for parties in civil proceedings that had not been anticipated by Maya Rozner or His Honour Judge O'Neill who led the session. The civil pleading exercise was of great utility to the DPP lawyers in their confiscation of proceeds of crime jurisdiction.

The second civil exercise was an unfair dismissal problem set in the Trade Disputes Panel of the Solomon Islands. All participants took part in opening, closing, examination in chief or cross examination for applicant or respondent before the Panel. The problem was extended and used as an exercise in identifying questions of law for the purposes of appeal, drafting a Notice of Appeal and making oral submissions at the hearing of the appeal. Police Prosecutors did not attend the civil appeal session as they were attending the funeral of a colleague. The exercise was extremely well received by all other participants who attended, including the DPP Prosecutors, and proved to be a valuable introduction to the Criminal Appeal exercise which followed.

The workshop concluded with group discussion on some hypothetical ethical issues arising in both civil and criminal practice. There was excellent response to this session with participants from all sectors asking questions and raising real life issues from their own experience for discussion with the team.

The team noted that the standard of advocacy from the Police Prosecutors in the Solomon Islands is much lower than solicitors in the other sectors. This gave rise to some difficulties in running exercises and programming during the workshop. Police Prosecutors in the Solomon Islands have not completed a law degree and although they are responsible for presenting cases in Local and Magistrates' Courts have only limited legal training. Unfortunately, the Police Prosecutors were a last minute addition to the proposed participants. If possible, in future, it is recommended that a separate 2 or 3 day program be developed for the Police Prosecutors to run side by side with the program for qualified solicitors from all other sectors with all participants joining together for the last 2 days of the program. Additional teaching team could also be recruited to assist in delivery and planning.

Despite the emphasis on civil training and appeals in this workshop, feedback from all participants was that the exercises were valuable and had provided a great opportunity for learning. The criminal appeal exercise was universally well received and a there was special mention of the session by Steve Russell on note taking which many students found very useful.

Both Howard Lawry and Ronald Talasasa attended each day of the workshop and expressed gratitude and congratulations to the team for a job well done.

Maya Rozner
Trevor Wallwork