



Evaluation Report: Legal Advocacy Skills development in the Public Sector, Vanuatu

This report examines a series of development activities undertaken in the Justice sector in Vanuatu intended to strengthen legal advocacy skills in criminal and civil jurisdictions. The report outlines three specific development programs undertaken in partnership with Victorian Bar, and delivered in Port Vila in December 2014, June 2015 and June 2016.



Policing and Justice Support Program Vanuatu

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Front cover: At the closing of the 2014 Intermediate course: PSO lawyer Pauline Kalwatman, Barrister Carolyn Gwynn, VWC lawyer Tatavola Mataskelekele, Barrister Hilary Bonney, PSO lawyer in Santo Jane Tari and Director in the Office of the Ombudsman, Velma Karabani.

Report prepared by Dr Vicki Vaartjes, Capacity Development & Leadership Adviser July 2016

1. Background

"I may repeat that as an integral component of an independent Judiciary, the Bar including the Public Sector Lawyers plays a very crucial role in the administration of justice. It is the instrument of the defence, protection and preservation of rights and the correction of wrongs. The Bar is also the lighthouse that guides the captains and the pilots of government to the shore of good democratic government and maintenance of law and order in the society.

The continuing professional development of public sector lawyers and state prosecutors of this kind will guide them in their work towards the justice in the cases they are involved in." His Honour Chief Justice Vincent Lunabek, Opening Address, 1 June 2016

1.1 Purpose of this report

The development of legal capacity across the Justice and Community Services sector is a key capacity development priority in the Policing and Justice Support Program (Vanuatu). Effort has included considerable Agency based support by Advisers, sponsorship of individuals to undertake training, attend conferences and regional placement, as well as sector wide professional development.

The investment is significant, and this report is intended to contribute by offering a perspective on one high investment initiative: **strengthening of legal advocacy skills in partnership with the Victorian Bar, Australia**. For this reason the scope of the report is limited to this initiative, whilst acknowledging that there are many factors beyond the scope of the report that have also targeted this area of professional capacity, and have very likely contributed to outcomes.

So the purpose of this report is to:

1. Articulate lessons and insights relating to the range of activities undertaken in partnership with the Victorian Bar;
2. Offer a perspective on early evidence of outcomes;
3. Make recommendations about further initiatives that can potentially complement, build-on or help consolidate the benefits gained; and
4. Provide data for programming purposes as part of the responsibility and accountability for program outcomes.

1.2 Scope

This report takes a longitudinal view of legal advocacy development by examining three specific and integrated development initiatives all delivered in partnership with the Victorian Bar:

1. Legal Advocacy: 5-day intermediate and 5-day advanced courses in December 2014;
2. Legal Advocacy in the Civil and Criminal Jurisdictions: 3-day course, and
3. Building professional legal skills in criminal and civil advocacy: 3-day course followed by 2-days of 1:1 legal coaching of lawyers.

It is noted that the initiatives undertaken across the program in its entirety including Adviser support in some key Agencies, and the self-directed efforts of Agency leaders and legal officers has contributed to outcomes and the benefits discussed in this report. This report hones in on these three high-investment initiatives, and highlights the evidence available that links them with the development outcomes as defined in the PJSPV M&E Framework.

1.3 Contribution to Program Outcomes

The PJSPV M&E Framework identifies Intermediate Outcomes (IO) and End of Program Outcomes (EPO) to which this initiative contributes. In particular, direct contribution is

expected in the achievement of EOP in Component 2: *The VPF and justice and community services agencies demonstrate improved service delivery to women, children and youth*, and specifically two IO. They are listed below with the associated indicators.

IO 2.1 (a): PSO, OPP, VLC, SLO develop and implement effective workforce planning and human resources development strategy

IO 2.1 (b): VPF develop and implement appropriate, contextual capacity development initiatives

- i. S2.1.1: Number of law and justice officials trained disaggregated by agency and gender
- ii. S2.1.3: Staff trained consider that training has improved their ability to perform their roles effectively
- iii. S2.1.4: Trainee's managers' consider that training has improved their staff's ability to effectively perform their roles
- iv. S2.1.5: The extent to which capacity development initiatives have led to increased capacity in justice and community services

The initiative also opens opportunity to contribute indirectly to IO:2.6: Work systems and practices in targeted agencies are strengthened and contribute to demonstrable improvements in service delivery

- i. SV2.6.1: Targeted agencies demonstrate improved service delivery performance
- ii. SV2.6.3: Leaders direct agency level improvement
- iii. SV2.6.4: Leaders successfully engage stakeholders across the sector to enable improvements

Notes are made throughout the text linking the analysis and data, with the IO's and indicators.

1.4 SRBJ's approach to strengthening professional legal skills

Since inception in 2012, Stretem Rod Blong Jastis has purposefully designed and employed a range of strategies designed to strengthen and support capacity in the legal profession. This has included the provision of dedicated Technical Advisers in PSO and SPD, increased access to targeted technical and professional development as well as support for strengthening of legal institutions.

Early in Stage 1 of SRBJ, it was clear that although legal strengthening was a priority and necessary to build on gains made by the previous program (Vanuatu Legal Sector Strengthening Program), the actual focus of effort and priority of development from a sector wide perspective was not clear. What was needed, was evidence to inform an approach to capacity development that would:

- i. Target the specific development needs of legal officers, as they and their Heads of Agency defined them;
- ii. Draw on the perspectives and past experience of legal officers and Advisers about what approach to development will be most effective in the context; and
- iii. Ensure that the options progressed represent cost effective investments by:
 - a. Offering broad access to legal officers from across the sector;
 - b. Ensuring the delivery approach is contextually suitable and consistent with SRBJ's approach to professional development¹; and
 - c. Delivers benefits that become evident in practice, and ultimately contribute to strengthening service delivery.

¹ SRBJ's approach takes an iterative view of professional development, preferring a number of development interventions (rather than a single event) that build on and are mutually reinforcing; balancing the need to strengthening knowledge and skill, with the need for interaction, social learning, practice and feedback; ensuring that the approach strengthens networks across the sector and encourages "communities of practice", and ultimately being concerned with the application of learning on the job, so that the development contributes to service delivery outcomes.

As part of a systemic, integrated and context-driven approach to capacity development, an action research methodology has been applied to the gradual and iterative implementation of this initiative through a series of stages. Each includes collaborative planning and action, followed by review and evaluation.

This approach reflects the idea that in order to design and implement initiatives that target change in complex and dynamic circumstances, action is best planned and implemented in small steps. Data that emerges as a result of the action taken (gathered through qualitative and quantitative means) becomes the focus of *research*. This means that we essentially ‘research the action’ by critically reviewing the action taken, and identifying lessons and recommendations. Importantly, this then becomes evidence to help plan the next stage of work.

This has been an essential part of the design and management of this initiative, and has helped ensure that the approach to the training has been evidence-based, and adapted and improved over time.

Essentially four primary stages of activity have been central to the initiative:

Stage 1: A participatory inquiry with public sector lawyers in 2013;

Stage 2: Delivery of *Legal Advocacy*: 5-day intermediate and 5-day advanced courses in December 2014;

Stage 3: Delivery of *Legal Advocacy in the Civil and Criminal Jurisdictions* 3-day course in June 2015; and

Stage 4: Delivery of *Building professional legal skills in criminal and civil advocacy* 3-day course followed by 2-days of 1:1 legal coaching in June 2016.

This report is structured according to these 4 stages to illustrate the way that the initiative modified and improved over time. This is followed by an examination of some of the longitudinal trends and data available that considers the outcomes and impact of the initiative on legal services. Finally the report lays out a way forward as a guide for future effort.

1.5 Acknowledging a valued partnership with Victorian Bar

It is with deep appreciation that we acknowledge the key role that the Victorian Bar has played in strengthening legal advocacy skills as discussed in this report. The delivery of the development initiatives described would not have been possible had it not been for the considerable contributions made by many.

We would like to acknowledge the valued assistance of Wendy Pollock, Coordinator of the Bar Readers Course, and the Barristers who gave of their valuable time to provide expert assistance to participants. In particular, we would like to express our heart felt thanks to:

- Jim Doherty, December 2014 and June 2016
- David Sexton, December 2014 and June 2015
- Hillary Bonney, December 2014
- Carolyn Gwynn, December 2014
- Michael Cahill, December 2014 and June 2016
- Jim Shaw, December 2014, June 2015 and June 2016
- Campbell Thomson, December 2014
- Guy Gilbert, December 2014
- Christine Melis, June 2015
- Sarah Porritt, June 2015
- Sally Flynn, June 2016
- Gary Hevey, June 2015 and June 2016

2. Participatory Inquiry with Public Sector Lawyers

2.1 Action

On 26 April 2013, 24 lawyers from Public Solicitors Office, Office of the Public Prosecutor, Vanuatu Law Commission, State Law Office and Vanuatu Women's Centre gathered together for a 1-day *Professional Development Planning Workshop for Public Sector Lawyers* with the intention of establishing an approach that:

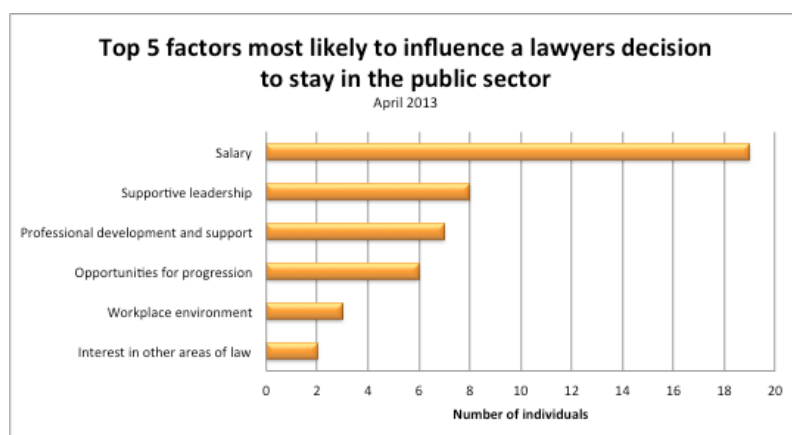
1. Targeted the professional skills most needed by public sector lawyers; and
2. Drew on their past experience to establish known and effective development options.

The workshop was a key part of the sector wide capacity assessment being undertaken at that time, and was essential in ensuring an informed approach was taken to professional development planning. Notably this was the first time that lawyers from across the sector had come together to discuss their professional interests. At the time of this workshop, the Vanuatu Law Society² was in operation and was offering occasional CLE events. However, in general professional development was ad hoc and opportunities tended to be quite limited.

2.2 Outcomes

The workshop resulted in two key findings that subsequently formed the foundation of the legal advocacy initiative that is the subject of this report.

The first finding concerned the question of **retention of public sector lawyers**, given that retention was and remains a key concern of the sector. The workshop participants identified the factors that they would take into consideration in their decision to stay or leave the public sector. Notably, *professional development and support* was listed as the 3rd most important factor.



The second finding concerned the identification of broad professional development priorities. This was challenging given the diverse nature of legal work undertaken across the sector. It became clear that no single effort would be sufficient to meet all development needs. Rather some specific and targeted development would be needed.

However, with the assistance of the Adviser to the Public Solicitor's Office, who developed categories of professional capability needed by lawyers, and followed by detailed skills analysis, the workshop participants identified a set of priorities. These are outlined in Table 1. Notably, two were concerned with **preparation and conduct of litigation including court advocacy**.

² VLS ceased operations during 2014.

Table 1: Broad professional development groupings and priorities

Professional Capabilities needed by Lawyers	Priority for Development
1. Interviewing, advising and taking instructions with clients; Managing the client relationship	Low
2. Using a Case Management System; Managing files and client information	Low
3. Undertaking legal research and assessing the merits of a case through analysis	Medium
4. Drafting claims and pleadings, legal submissions, written advices and other formal documents; Taking sworn statements from witnesses; Correspondence and negotiation with other lawyers	High
5. Conducting litigation including court advocacy	Medium
6. Drafting legislation (Legislative drafters only)	-

2.3 Recommendations

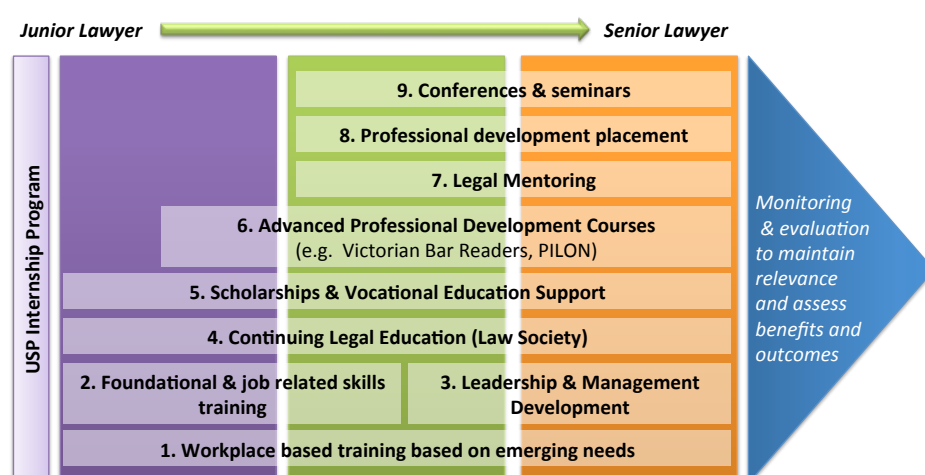
It was clear from the workshop that key principles must be applied to the approach to legal professional development.

- There is *no one size fits all* because individual lawyers have different needs for professional development depending on their experience, education, background and nature of employment;
- Different benefits can be achieved through a combination of many different development approaches;
- Different options may be available at different times (e.g. due to availability or funding constraints) so a flexible and responsive approach to development is needed; and
- It is likely that many different development initiatives are needed to contribute to an overall improved professional capacity in the sector.

A model was subsequently designed to reflect the principles above: *Professional Development Pathways for Public Sector Lawyers & Prosecutors*. The model identifies 9 pathways designed to offer a range of options for technical and professional development of legal officers. The 9 pathways have to varying degrees been applied, sometimes in opportunistic ways, and at other times using a more planned approach.

One priority that became evident concerned pathway 6, and recognized (i) the need to offer in-country high quality professional development to as many officers as possible and (ii) the Victorian Bar as a possible, highly regarded partner in this work. It was decided as a part of the SRBJ programming support to the sector, that this option would be progressed.

Figure 1: The Professional Development Pathways for Public Sector Lawyers & Prosecutors



3. Intermediate and Advanced Legal Advocacy Training, December 2014 (Stage 2)

Figure 2: Graduates, guests and Barristers at the closing of the Intermediate Course



3.1 Action

3.1.1 Overview

- Two courses were offered: 5-day intermediate and 5-day advanced
- Victorian Bar provided 8 Barristers (4 per course)
- Victorian Bar provided the cases that were drawn from those used in the Bar Readers course
- Very little customization was possible prior to the event
- A limited evaluation process was applied

3.1.2 Course Description

The two courses associated with the *Legal Advocacy for Lawyers and Prosecutors*, were conducted over a period of 2 weeks at the Moot Court facility, Emalus Campus University of South Pacific, Port Vila from Monday 1 to Friday 12 December 2014.

The Barristers who delivered the courses are as follows:

- Intermediate: Jim Doherty, David Sexton, Hillary Bonney and team leader, Carolyn Gwynn
- Advanced: Michael Cahill, Jim Shaw, Campbell Thomson and team leader, Guy Gilbert

The courses included stage prosecutors and legal officers from State Prosecutions Department, Public Solicitor's Office, Office of the Public Prosecutor, Vanuatu Law Commission, Ombudsman's Office, State Law Office and Vanuatu Women's Centre. The principal focus of the courses was to develop the advocacy skills of lawyers and prosecutors relevant to criminal cases. The course was delivered using a structure similar to the Bar Readers course, with:

- Day 1 being primarily taken by delivery of seminars on key topics (e.g. Preparation and delivery of evidence in chief, cross-examination etc); and
- Days 2 to 5 including:
 - Practice opportunities through conduct of mock trials. The cases were provided by the Victorian Bar, and some difficulties were encountered because of unfamiliar circumstances and language;
 - Demonstrations of good practice by the Barristers; and

- Practical sessions to develop skills in written advocacy including the content and organisation of written submissions and pleadings.

Figure 3: Barrister David Sexton demonstrating a technique



3.2 Outcomes

3.2.1 Participant demographics

	Intermediate 2014		Advanced 2014	
Course graduates	25		17	
Total Port Vila Offices	17	68%	13	76%
Total Provincial Offices	8	32%	4	24%
Males	21	84%	14	82%
Females	4	16%	3	18%
By Agency				
State Law Office	0	0%	1	6%
Public Solicitors Office	7	28%	6	35%
Public Prosecutions Office	1	4%	1	6%
State Prosecutors Department	14	56%	6	35%
Vanuatu Women's Centre	1	4%	1	6%
Ombudsman's Office	1	4%	1	6%
Vanuatu Law Commission	1	4%	1	6%

- Very low participation of officers from SLO
- Very low participation of officers from Public Prosecutions due in part to continuing court commitments
- High engagement with PSO and SPD due to high relevance, commitment to learning, and Adviser support
- The course attracted officers from Ombudsman and VLC noting it as an opportunity to refresh legal skills, although not core to their work

Contributing to: S2.1.1: Number of law and justice officials trained disaggregated by agency and gender

3.2.2 Participant reaction

	% Participants rating as “very satisfied” or “extremely satisfied”
Overall experience of this course	94%
Time spent in activities in this course	78%
Overall content and focus of the learning	94%
Relevance of the course to your development needs	100%
Ability of the coaches to create an effective learning environment	100%
Coach's knowledge of legal advocacy practice and skills	100%

- Participant reaction evaluation and comments supported the assessment of the course being an overall positive learning experience
- More opportunities for interaction were desirable in future courses
- High levels of satisfaction with Barristers as coaches

Contributing to: S2.1.3: Staff trained consider that training has improved their ability to perform their roles effectively

3.2.3 Participant learning

The learning evaluation yielded limited data and is discussed as part of a longitudinal analysis – see Section 6.

Figure 4: Graduates, guests and Barristers at the closing of the Advanced course



3.3 Lessons and Recommendations

The experience highlighted both the strengths of the approach, and the areas where change was needed. The following recommendations were made to inform the next cycle.

Conduct the training again, but with modifications

The overall experience of officers who attended the training was overwhelmingly positive. For many (e.g. SPD) this was a first, as they had never before had access to professional development of this kind.

Run future courses during court recess

The courses were run in early December to help minimize court responsibilities, however it was clear that court duties did prevent or impede attendance of some participants. Future courses

need to be run during court recess to relieve officers of court duties so they are available to attend.

Strengthen the approach to evaluation

The evaluation data gathered was of limited value because it was not well aligned with the advocacy competencies that were the focus of development. It was clear that strengthening the evaluation process would be essential for future courses to provide evidence for learning and adaptation.

Strengthen engagement with Judiciary

It was recognized that there would be great value if the engagement with Judiciary as key stakeholders in the development could be increased for future courses.

Customise the cases used in the training

There was a clear need to customise the approach and materials to ensure cases are recognisable and 'typical', and to minimize barriers due to unfamiliar language, law or situations. This also recognized the need to draw more strongly on the expertise and local knowledge of Technical Advisers, particularly those working closely with legal officers in PSO and SPD.

Orient the Barristers

It was clear that inclusion of an orientation day for the Barrister teams would be a valuable investment, and enable the Barristers to gain a better understanding of the context, in order to better customize their approach.

Gender balanced Barrister teams

The inclusion of men and women in the Barrister teams was noted as essential for future teams, and important for engagement of officers of any genders, but was particularly important in encouraging and supporting female legal officers.

Make the course more attractive to State Law Office litigators

The low level of engagement of SLO officers in the course was somewhat expected, but also noted as a lost opportunity. The need to find a way of shaping the training to be more relevant to SLO litigators was recognized as necessary for future training.

4. Legal Advocacy in the Civil and Criminal Jurisdictions, June 2015 (Stage 3)

Figure 5: Graduates, guests and Barristers at the closing event



4.1 Action

4.1.1 Overview

- 3-day course
- Delivered during court recess
- Team of 5 Victorian Bar Barristers (3 men, 2 women)
- 1-day orientation for Barristers, including meeting with members of Judiciary
- Two streams were offered, Civil and Criminal so participants could select most relevant
- Locally customized cases and activities designed by PSO and SPD Advisers
- Considerable hands-on support provided by Advisers during course delivery
- Comprehensive evaluation processes applied.

4.1.2 Course description

The 3-day *Legal Advocacy in the Criminal and Civil Jurisdictions* was conducted at the Moot Court facility, Emalus Campus University of South Pacific, Port Vila from Wednesday 24 to Friday 26 June 2015. The course was scheduled in a Court recess period.

The course offered two streams: a criminal stream and a civil stream. This was designed by program Advisers (Stephen Barlow and David Bade) and ensured that participants had opportunity to focus on learning case preparation, management and litigation skills that were most relevant to their work. The cases used in the course were 'typical' of the kinds of cases experienced in Vanuatu so that the learning experience was as realistic as possible. The course also spread out the teaching seminars to be throughout the course rather than concentrated on Day 1. Once again, participants were given the opportunity to practise their skills in mock trials, receive feedback on their performances, and hone their skills across the full range of tasks to prepare and conduct effective court advocacy.

The course was facilitated by five Barristers from the Victorian Bar: Gary Hevey, Christine Melis, Sarah Porritt, Jim Shaw and David Sexton. David and Jim had been facilitators of legal advocacy courses conducted in December 2014, so they were familiar with the context and participants, and were able to offer a longitudinal perspective on participant performance.

4.2 Outcomes

A detailed evaluation report was produced for this event, with some details highlighted in the following.

4.2.1 Participant demographics

	2015	
Course graduates	32	
Total Port Vila Offices	23	72%
Total Provincial Offices	9	28%
Males	25	78%
Females	7	22%
By Agency		
State Law Office	6	19%
Public Solicitors Office	9	28%
Public Prosecutions Office	3	9%
State Prosecutors Department	13	41%
Vanuatu Women's Centre	1	3%

- The course successfully attracted more participants from SLO
- Representation of women in this course increased due to the increased participation of legal officers from SLO
- Representation of officers from the Office of the Public Prosecutor remained low, despite the course being offered during court recess

Contributing to: S2.1.1: Number of law and justice officials trained disaggregated by agency and gender

4.2.2 Participant reaction

	% Participants who scored "Very satisfied" or "Extremely satisfied"
Overall experience of this course	94%
Time spent in activities in this course	81%
The overall content and focus of the learning	91%
Relevance of the course to development needs	94%
Ability of the coaches to create an effective learning environment	100%
Coach's knowledge of legal advocacy practice and skills	100%

- Continuing high levels of satisfaction in the relevance and experience of the course

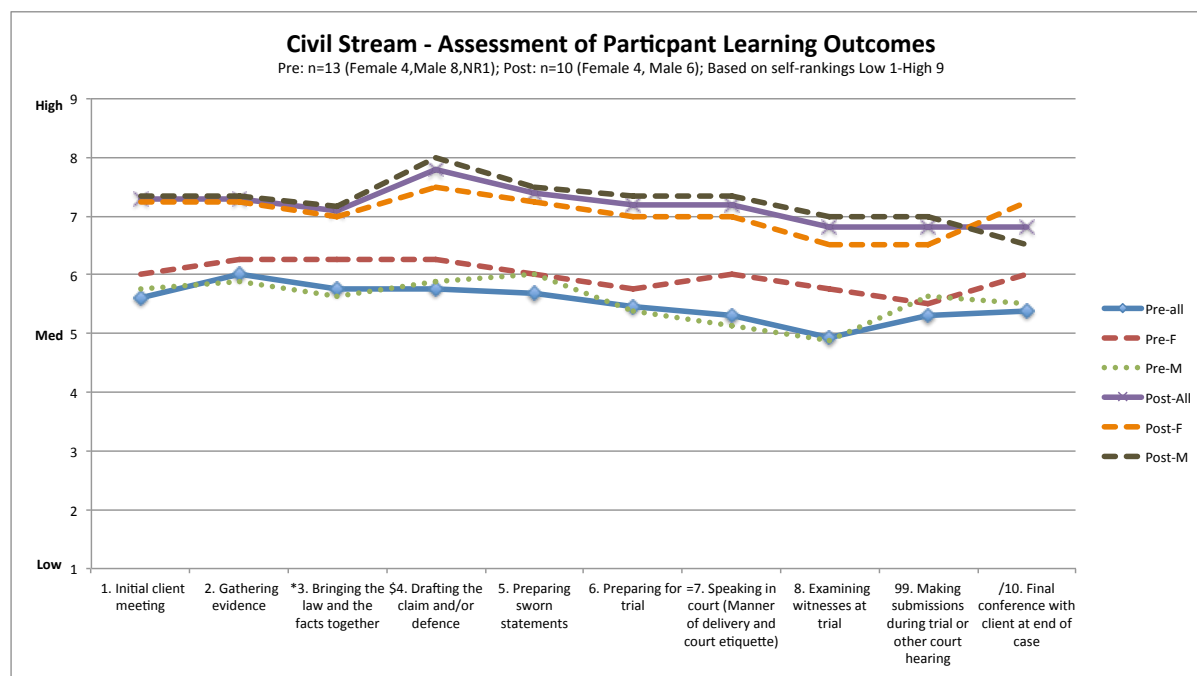
Contributing to: S2.1.3: Staff trained consider that training has improved their ability to perform their roles effectively

4.2.3 Participant learning

Note also that selected Learning Evaluation data from the report is discussed as part of a longitudinal analysis – see Section 6.

The use of self-assessment in relation to learning does not offer a complete picture of the extent of learning. However, together with the qualitative evidence provided by the coaches and Advisers, the following quantitative analysis offers a picture that suggests a successful and effective learning experience. The graphs illustrate the group averages based on a self-assessment of skills from 1 (Low) to 5 (Med) to 9 (High).

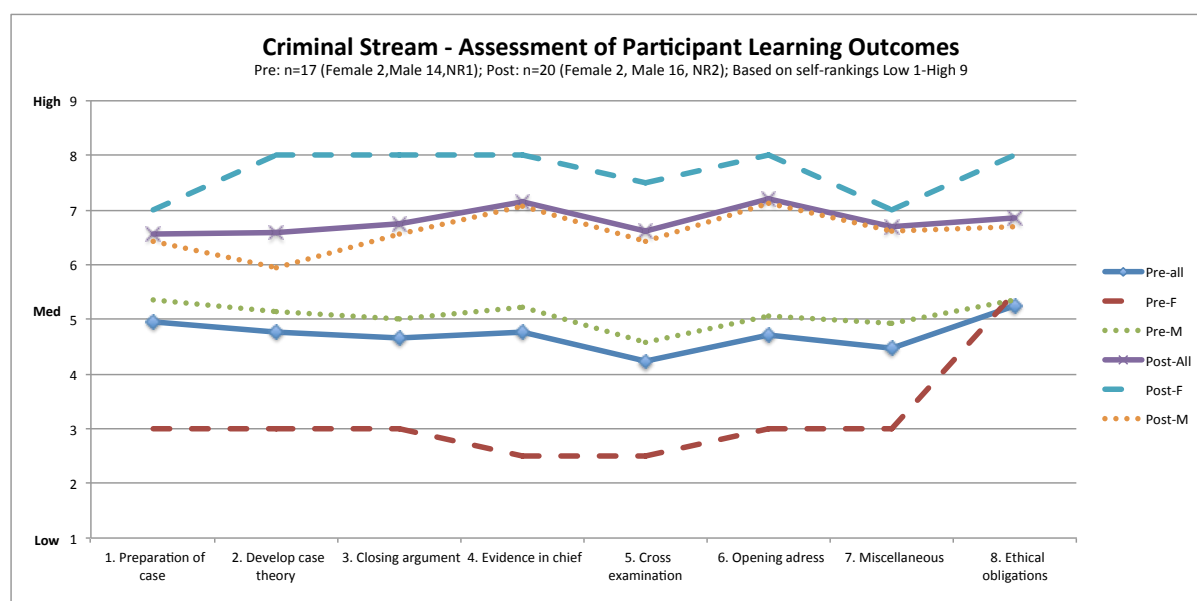
Civil Stream



Analysis of the two data sets – pre and post training – indicate a shift in perception of learning that is clear and significant.

	Pre-course self-assessment			Post course self-assessment			Paired T
	Mean	n	SD	Mean	n	SD	
Civil Stream	4.7	17	1.42	6.8	20	1.39	<0.00001

Criminal Stream



The number of women in this analysis is very small (n=2), however it is interesting that the shift from the start to the completion of the course indicates such a significant change in perception in each area of advocacy, particularly in relation to court practices.

Analysis of the two data sets – pre and post training – indicate a shift in perception of learning that is clear and significant.

	Pre-course self-assessment			Post course self-assessment			Paired T
	Mean	n	SD	Mean	n	SD	
Criminal Stream	5.5	13	2.0	6.7	10	1.54	<0.00001

Contributing to: S2.1.3: Staff trained consider that training has improved their ability to perform their roles effectively

4.3 Lessons and Recommendations

Conduct the training again

Once again the overall experience of legal officers was overwhelmingly positive. This event built on and helped individuals consolidate their skills. The two stream structure offered each stream more intensive engagement in the learning, and opportunities for practice. Each stream was able to deal with issues relevant to the stream in more detail.

Continue to strengthen engagement with Judiciary

The increased engagement with Judiciary during the preparation and delivery of this course was very much valued. The Barristers benefited because it helped them to understand the context and refine their approach, for the benefit of participants. The engagement also increased the profile of the course.

Retain inclusion of Criminal and Civil streams

Criminal and Civil streams worked very well and should be retained and strengthened.

Retain the role of Advisers in design and delivery

Role of Advisers in design and delivery was essential for effective customization and to ensure the course responded effectively to the needs of individuals.

Further strengthen evaluation by including 'behavior' and 'results' evaluation

The evaluation process produced data from participants, Barristers and the in-country Adviser team, and offered a more rounded picture of the learning and outcomes of the training itself. The data included a longitudinal perspective drawing on Barristers who had also been part of the 2014 events. This was encouraging, and highlighted the need to strengthen the evaluation to consider the long-term benefits, and the contribution of the initiative to program outcomes.

5. Building professional legal skills in criminal and civil advocacy, June 2016 (Stage 4)

5.1 Action

5.1.1 Overview

- 3-day course aligned with court recess
- Followed by 1:1 coaching of lawyers in the following week
- 5 Barristers (4 men, 1 woman)
- 1-day Orientation of Barristers including engagement with Chief Justice and members of Judiciary
- Opening address by Hon Chief Justice
- Locally customized cases and activities designed by PSO Adviser
- Considerable hands-on support provided by Advisers during course delivery
- Comprehensive evaluation processes applied

5.1.2 Course description

The 3-day Building professional legal skills in criminal and civil advocacy was conducted at the Moot Court facility, Emalus Campus University of South Pacific, Port Vila from Wednesday 1 to Friday 3 June 2016. Similar to the course in 2015, this one included Civil and Criminal streams, and was scheduled during a Court recess period. The course was dedicated to the memory of Chief Inspector Gray Vuke, who passed away in May 2016.

The engagement with Judiciary was strong, and the Honourable Chief Justice, Vincent Lunabek offered the Barristers opportunity for pre-course discussion, gave the opening address and assisted with the awarding of certificates during the closing event. This engagement with the course raised the profile of the event considerably, and was greatly appreciated by Barristers, the PJSPV team and participants alike.

The course was facilitated by five Barristers from the Victorian Bar: Gary Hevey, Jim Shaw, Sally Flynn, Michael Cahill and Jim Doherty. All but Sally had been part of previous deliveries, with Jim Shaw having been involved in both 2014 and 2015 events.

This course was also followed by 2 days of legal coaching where Gary and Michael remained in Port Vila to work with lawyers to provide individual and small group coaching support.

The Barristers provided instruction, coaching, demonstration and facilitation of learning over the 3 days, supported by Stephen Barlow, Adviser in the Public Solicitor's Office, and John Connolly, VAPP Adviser in the State Prosecutions Department. Stephen also designed and prepared all course materials to ensure customization and relevance to local conditions. In response to advice offered by Judiciary, the Barrister team refined their approach to emphasise specific areas of need. For example, emphasis was placed on strengthening the importance of legal principles and analysis of the facts of the case, as well as the importance of complying with judicial directions. A further example, concerned the Barristers focusing on the communication skills of officers, and their ability to be polite, clear and respectful in their requests.

"The continued interaction between Vanuatu public legal officers and the Victorian Bar has developed to the stage where it is clear to us that the advocacy skills of participants have developed significantly. We also note and deeply appreciate the active engagement of the Hon Chief Justice and the Supreme Court Bench and senior legal figures within Vanuatu, as we believe that this has enhanced the reputation of the course." Barrister Team, 2016

5.2 Outcomes

5.2.1 Participant Demographics

The following brings together the participants from all courses.

	Intermediate 2014		Advanced 2014		2015		2016	
<i>Total nominees</i>					43	-	47	-
Course graduates	25		17		32		36	
Total Port Vila Offices	17	68%	13	76%	23	72%	26	72%
Total Provincial Offices	8	32%	4	24%	9	28%	8	22%
Males	21	84%	14	82%	25	78%	27	75%
Females	4	16%	3	18%	7	22%	9	25%
By Agency								
State Law Office	0	0%	1	6%	6	19%	5	14%
Public Solicitors Office	7	28%	6	35%	9	28%	8	22%
Public Prosecutions Office	1	4%	1	6%	3	9%	8	22%
State Prosecutors Department	14	56%	6	35%	13	41%	15	42%
Vanuatu Women's Centre	1	4%	1	6%	1	3%	0	0%
Ombudsman's Office	1	4%	1	6%	0	0%	0	0%
Vanuatu Law Commission	1	4%	1	6%	0	0%	0	0%

- Consistent positive engagement in all events by PSO and SPD
- Increasing engagement of SLO consistent with changes in course structure to include a civil stream
- Increasing engagement of OPP consistent with increasing leadership support for participation
- Variable engagement with Ombudsman's Office and VLC. Both were opportunistic in participation, as the course offered professional development that was not core to their primary functions. Both VLC and Ombudsman's Office are now involved in capacity development activities targeted to their needs
- Increasing participation of women, in part due to participation of female litigators from the Solicitor General's unit of SLO

“...the training was really beneficial especially to us new in the field and a good refresher for our learned friends who have years of experience. Thank you tumas for your heart.” – Participant comment

The coaching providing following the 2016 course was taken up by the OPP prosecutors at the request of the Public Prosecutor, as well as lawyers from PSO, SLO and VWC.

	Females	Males	Totals
Coaching (total)	8	7	15
From Port Vila offices	7	6	13
From Provincial offices	1	1	2

Contributing to: S2.1.1: Number of law and justice officials trained disaggregated by agency and gender

5.2.2 Reaction Evaluation

	% Participants who scored “Very satisfied” or “Extremely satisfied”
Overall experience of this course	96%
Time spent in activities in this course	60%
The overall content and focus of the learning	96%
Relevance of the course to development needs	100%
Ability of the coaches to create an effective learning environment	96%
Coach's knowledge of legal advocacy practice and skills	100%

- Continued high levels of satisfaction overall
- Of note is a decrease compared to past courses in the level of satisfaction related to *time spent on activities* (2014, 78%; 2015, 81%). Given the highly interactive nature of the training, this was surprising. On closer interrogation of comments offered by a small number of participants, this appears to reflect number of things:
 - Time was needed in the sessions to familiarize with the case materials and this cut into the time available to actually work on the cases.
 - For some this lower rating reflects simply a desire for a longer course – 5 days instead of 3.
 - Some participants brought expectations that were not met about individual opportunities to contribute, the depth of the analysis, and the time spent in discussions that were not relevant to them. However in all such cases, overall satisfaction was rated as *very satisfied* or greater.

Recommendations concerning these issues are offered in section 7.2.

Contributing to: S2.1.3: Staff trained consider that training has improved their ability to perform their roles effectively

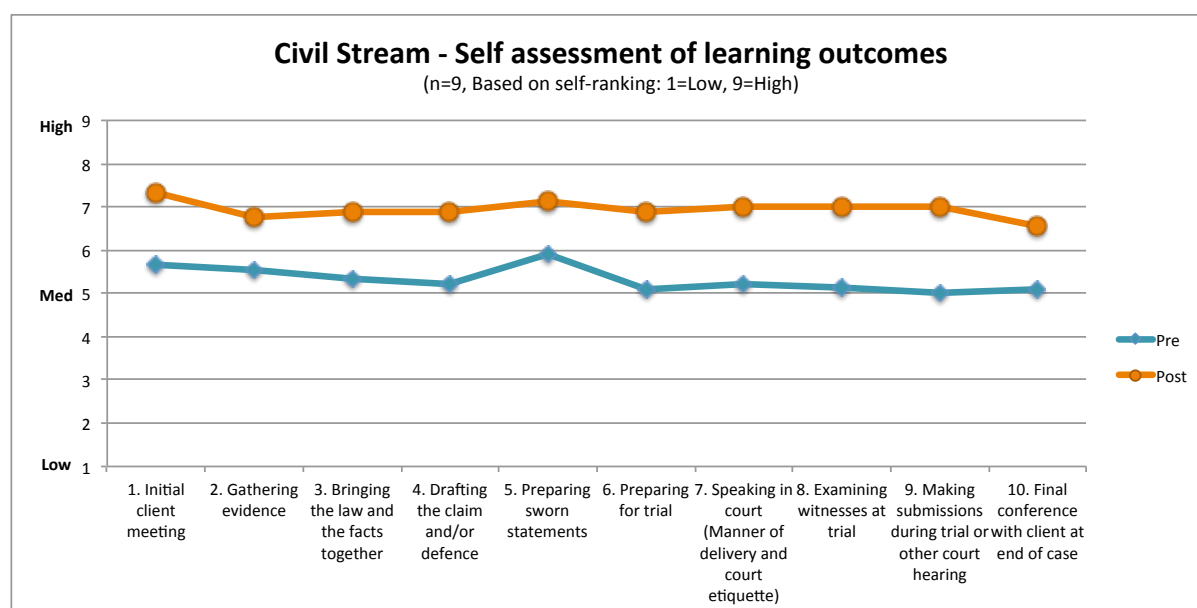
5.2.3 Learning Evaluation

“The moot trials have definitely added skills, experience...[and] the manner of participating asking questions & discussions was a plus” Participant comment

Note also that selected Learning Evaluation data from the report is discussed as part of a longitudinal analysis – see Section 6.

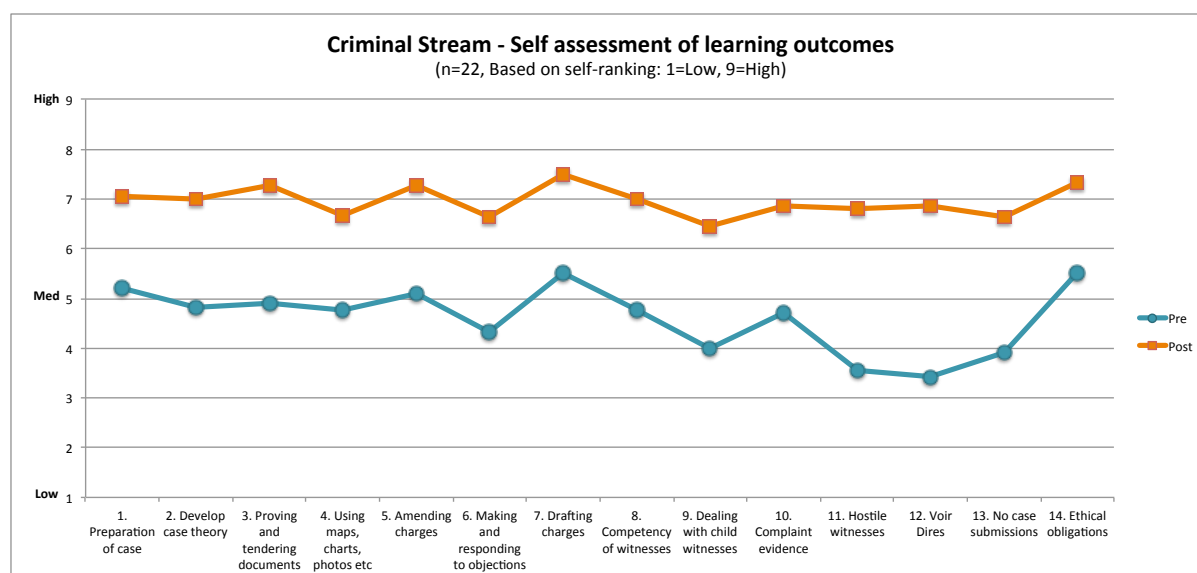
The graphs illustrate the group averages for Civil and Criminal streams, based on a self-assessment of skills from 1 (Low) to 5 (Med) to 9 (High).

Civil Stream



Pre-course self assessment			Post course self-assessment			Paired T
Mean	n	SD	Mean	n	SD	
5.3	9	1.8	6.9	9	1.2	<0.00000

Criminal Stream



Pre-course self assessment			Post course self-assessment			Paired T
Mean	n	SD	Mean	n	SD	
4.6	22	1.8	7	22	1.4	<0.00000

Analysis of the two data sets – pre and post training – indicate a shift in perception of learning that is clear and significant.

Contributing to: S2.1.3: Staff trained consider that training has improved their ability to perform their roles effectively

6. Longitudinal Trends

6.1 Growing sense of professional agency

Many of the Barristers were part of coaching teams for more than one event. One, Jim Shaw, had been part of the team for all 3 events. This offered opportunity for reflection on the nature of the changes that they observed over time.

Between 2014, and 2015 events, it was noted that the group overall were observed to have “*found a voice*”, with many participants more willing to express their opinions, participate actively during activities, and speak up during activities and mock trials.

During this period, the Barristers also observed improvement in the demonstration of practical skills (e.g. delivery of evidence-in-chief, cross-examination). For example, it was evident in the 2015 course that participants had progressed in their confidence in stopping and withdrawing their questions, and reframing in order to ask a more effective question.

The longitudinal perspective offered by the Barrister team suggests noticeable change in capacity across the period between 2014 and 2016. In particular a shift in both *capability* and *belief*, and that:

1. They can be good advocates (self efficacy);
2. Improvement is needed and change can and is occurring;
3. They now have greater confidence and knowledge about what standard is needed; and
4. They play an important role in actively promoting improvement.

Between 2014 and 2016, the benefits gained by the incremental nature of the learning and improvement was evident. The process of iterative development is a good one and yields other peripheral benefits, including the strengthening of professional networks between legal officers, and between legal officers and members of the Barrister teams.

An additional note recognizes the invaluable role played by the use of cases designed and developed by Advisers for the 2015 and 2016 courses³. The Barristers noted that most advocacy training is *more about style than substance*. In contrast, the cases designed for the training reflected typical and recognizable situations, and offered opportunity for participants to engage with issues of style, and to tackle complex legal matters that are relevant to their practice. So the teaching also included opportunity to focus on important legal principles. The Barrister team noted this as being a deviation from the usual training approach, but one that delivered considerable professional development benefit in Vanuatu.

Contributing to: S2.1.3: Staff trained consider that training has improved their ability to perform their roles effectively, and S2.1.5: The extent to which capacity development initiatives have led to increased capacity in justice and community services

6.2 Observations of improved performance in court

The valued engagement with the Honorable Chief Justice, Vincent Lunabek and members of the Supreme Court Bench before, during and after the 2016 event, offered opportunity for the Barristers to:

1. Hear the perspectives of the Judiciary about priorities for development and how the Barristers could refine and focus their teaching; and
2. Hear from the Hon Chief Justice about his observations of change.

³ 2015 course: Stephen Barlow, Adviser to PSO and David Bade, Adviser to SPD; 2016 course: Stephen Barlow, Adviser to PSO with assistance from John Connolly, VAPP.

It is acknowledged and understood that the process of change and improvement in advocacy occurs over time, and that the way skill manifests is a very individual quality. Regardless, conversations that illustrate the nature of the change and benefits realized from professional development are important, and offer a source of perspective about the overall effectiveness of the approach taken.

As observers of the court advocacy skills of many of the participants in the Victorian Bar courses, the Judiciary offers a valued perspective. This perspective describes a broad positive and noticeable improvement that sets public lawyers apart from their peers. The enhanced advocacy skill of public lawyers is evident in practice and recognized as indicative of an overall higher level of professional capability.

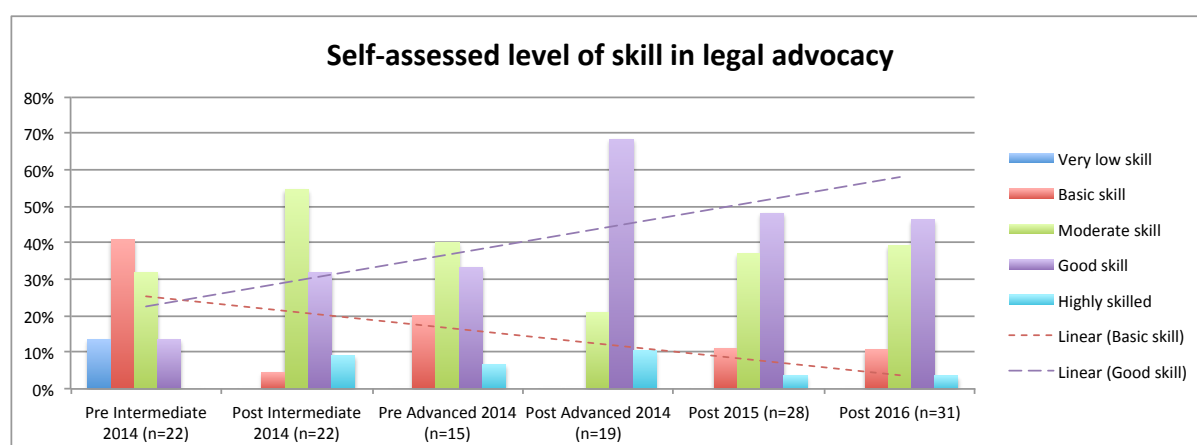
This is encouraging, and lends considerable credibility to the initiative.

Contributing to: S2.1.5: The extent to which capacity development initiatives have led to increased capacity in justice and community services

6.3 Growing sense of professional capacity

Between 2014 and 2016, there have been changes in the legal workforce through resignations and recruitment, and variations in Agency participation in the courses (e.g. increased SLO participation) that in turn influenced the composition of participants. However despite this, 68% of legal officers in the sector have attended 2 or more of the courses offered to date.

This suggest that there is some value in looking at the self-assessment data of the participant groups over time given that the majority of individuals were common across at least 2 of the 3 events. This however also means that the trends should be taken as indicative – self-assessment is not an exact science and there are many reasons why individuals' self-assessments change over time.



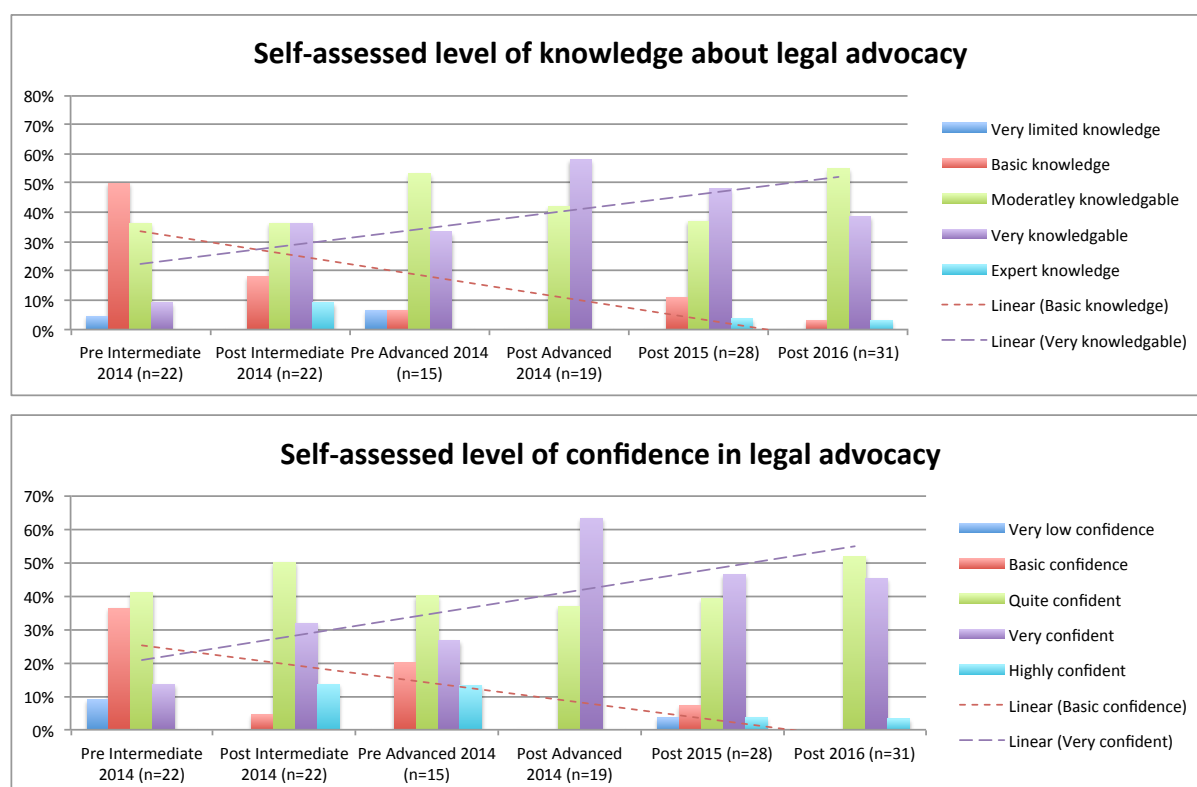
The graph above gathers together the self-assessment of generalized⁴ skill in legal advocacy from across all courses. At the start of some courses, and at the end of all, participants were asked to self assess based on a simple 5 point scale from *very low skill* to *very high skill*. The graph indicates the % of individuals that selected each of the options offered.

Over time, the graph illustrates how self-perceptions of skill in legal advocacy might be changing. The linear trend lines have been added to illustrate the shift. It is acknowledged that there are many factors apart from this training that will contribute to a shift in self-perception,

⁴ The idea of generalized skill reflects the broad nature of the question that is asked in the training evaluation form: *Your overall level of skill in legal advocacy right now*. Options offered are: Very low skill, Basic skill, Moderate skill, Good skill, Highly skilled. A similar self-assessment structure is also asked for *knowledge about legal advocacy* and *confidence in doing legal advocacy*.

including other development that individuals or agency groups may have undertaken. Regardless the overall trend illustrates that:

1. Over the period, the number of those rating themselves as having *good skill* in legal advocacy, has tended to increase; and
2. Over the period, the number of those rating themselves as having *basic skill* has tended to decrease.



A similar trend is evident in relation to knowledge and confidence. Of note is that of the 31 respondents in the 2016 course, all of them self-scored as being *Quite Confident* or greater. It is possible that this reflects a growing sense of professional agency when it comes to conduct of advocacy responsibilities. The trends illustrated by this data are consistent with the observations of both Barristers and Judiciary.

Contributing to: S2.1.3: Staff trained consider that training has improved their ability to perform their roles effectively, and S2.1.5: The extent to which capacity development initiatives have led to increased capacity in justice and community services

6.4 Stronger professional networks

The courses have been purposefully designed and delivered in an inclusive way to offer as broad a benefit as possible to officers across the sector. Participants vary in their daily responsibilities, the reach, powers and responsibilities of their Agency, and their educational background. The courses have offered opportunities to come together, to learn with and from each other, and to share a common professional language and understanding of legal advocacy practice. This in turn has strengthened the professional network.

The Barrister team in 2016 observed evidence of this as an increased tendency for participants across Agency boundaries, to encourage, advise and support each other during the course. This observation speaks to an outcome that is important to the sustainability of the development: a strengthening of the professional network in Vanuatu that lays the foundations for a “community of practice” amongst prosecutors and legal officers across the sector.

7. Future directions

7.1 Explore Legal practice mentoring with Victorian Bar

Ongoing practice development may be progressed by establishing formal mentoring relationships between legal officers and Barristers from Victorian Bar. This option is worthy of further investigation in discussion with relevant Heads of Agency and Victorian Bar.

7.2 Run a follow-up course in 2017 or 2018

The success of the initiative to date, and the benefits observed that are supported by the comments of participants, suggests that further courses will be of value. This is of particular relevance if the courses:

1. Continue to build on past development;
2. Are further adapted to reflect the specific development interests of Agencies such as State Law Office;
3. Are designed to strengthen areas of practice based on the ongoing feedback of the Judiciary; and
4. Offer more learning about the law and legal principles as they are applied in Vanuatu.

In addition, it is common for participants to request a longer training period (5 days instead of 3). This should be considered, but only if it is possible to align the period with court recess as this has been shown to be essential to make the training accessible to all.

A further suggestion made by some participants was that the criminal and civil streams be run in a sequential rather than concurrent manner, on the basis that it would offer opportunity for some to participate in both streams.

A final improvement concerns ensuring participants have access to case materials a week in advance to allow time to read and prepare. This will help ensure that the sessions can be fully focused on working on the cases.

7.3 Continue to build on and monitor outcomes

As a high investment initiative (estimated at approx. AUD120,000 over 18 months) and as an initiative of considerable importance to the achievement of Intermediate and End of Program outcomes, a continuing inquiry into outcomes will be an important ongoing activity. This includes ongoing program conversation with participants, Heads of Agency and Judiciary.

In addition, it will be important going forward to maximize all opportunities to strengthen, build on and reinforce the learning so that essential skills will be maintained or enhanced.

7.4 Strengthen understanding of the Law and Legal Principles

As noted in 7.2 above, further development is needed in understanding the law and applying legal principles to complex and difficult cases.

7.5 Include both Orientation and Debrief for Barristers

The inclusion of an orientation day for the Barrister teams has become an essential part of the course. This is particularly so as the cases used in the course have demanded more knowledge of the law and how legal principles are applied in the context, and as pre-course engagement with Judiciary has increased. Orientation day is a time for the Barrister teams to settle, prepare, contextualize and adapt their approach to the delivery.

After the delivery is an important time for reflection, evaluation and idea generation in relation to follow up initiatives. It is recommended that future courses also offer a day in-country at the completion of the delivery, to give space and time for this to occur.

Attachment 1: Actual costs associated with the 2016 delivery

Type of Expense	VUV	AUD
Travel and Expenses - Barristers		
Airfares (Melbourne - Port Vila)		\$4,570.00
Accommodation - The Melanesian Port Vila	437,100	\$5,470.00
Allowances (AUD100/day)	294,725	\$3,690.00
Travel and Expenses - Provincial Lawyers		
Domestic Airfares	212,400	\$2,660.00
Accommodation - The Melanesian Port Vila	895,000	\$6,170.00
Allowances (VUV5000/day)	310,000	\$3,880.00
Other Expenses		
Catering	240,000	\$3,000.00
Venue Hire – USP Moot Court	TBC	
Extra catering, Closing Event	7,500	\$100.00
Bottled Water	5,125	\$65.00
Kava	5,000	\$60.00
Gifts	15,520	\$200.00
TOTAL AUD		\$29,865.00