



South Pacific
LAWYERS ASSOCIATION

new SPLASH

Issue 3 • October–December 2011

Legal Education Issue



Also in this issue

- **A word from...** SPLA Legal Education Committee Chair, Raymond Schuster
- **In brief...**
 - South Pacific legal Needs Survey released
 - Timor Leste Bar Association's first ever "Law Week"
- **In-depth...**
 - Introducing: SPLA's Legal Education Committee
 - Thrown in at the deep end
- **In profile...** The Victorian Bar and the South Pacific Region
- **In profile...** Victorian Bar workshop a success in the Solomon Islands
- **In the spotlight...** Dubai

Coming up

The CLA Regional Law Conference

The changing role of the legal profession: emerging democracies and globalisation

Where: Sydney Convention and Exhibition Centre, Darling Drive, Darling Harbour

When: 19–22 April 2012

A word from...

Raymond Schuster, President, Samoa Law Society and Chair, SPLA Executive Legal Education Committee

It has been a momentous year for the South Pacific Lawyers' Association (SPLA) and I was lucky enough to be a part of its successful launch in July earlier this year. Serving on the first SPLA Executive and also as Chair of the Executive's newly appointed Legal Education Committee, I feel honoured to be playing such a pivotal role in the development of this important organisation.

One of the central goals of the SPLA is the development of continuing legal education (CLE) in the South Pacific. The work of this Committee, therefore, is integral to supporting the legal profession by working with member organisations and CLE providers in Australia and New Zealand to offer opportunities for lawyers in the region to participate in CLE.

While we can indeed work together to realise this goal, it is my belief that we must first think locally. Therefore, each law society, including jurisdictions with small numbers, must take responsibility to help itself first by building a solid foundation for the law society and a viable CLE structure.

The Legal Education Committee has now asked each of the SPLA member organisations to appoint a CLE contact. These contacts will be called upon to work with the Committee

to develop schedules for CLE utilising DVD resources, local practitioners, the judiciary and, where appropriate, suitably qualified international advisors. The Committee is involved in a range of other activities, which are further outlined on page 5.

The Recommendations made in the recently released *SPLA Needs*

Evaluation Survey Report (see page 3) will also contribute greatly to the work of the Legal Education Committee and will provide a foundation for legal professional associations to engage with governments and international aid agencies to improve legal education resources for lawyers.

Having established a solid foundation at home, we can then consider regional approaches that tap into existing and new resources within the South Pacific and beyond.

One major relationship the Committee and I look forward to developing is with the University of the South Pacific (USP), with which we are exploring opportunities for delivering CLE regionally through video conferencing facilities and drawing on not just the USP School of Law's quality academics, but also the pool of expertise which exists in each of our countries. Manager of the USP Community Legal Centre Robert Cartledge's article (page 6) highlights the USP's initiatives and projects that aim to help newly graduated law students keep their heads above water.

The face and the content of law is always in flux. We may joke that some laws are stagnant, settled and never change, yet change they do. I believe that the future for law and justice in our region is bright. It is up to us, as lawyers, to recognise our own strengths and weaknesses, to admit with honesty that we do not know everything—even, or especially, those of us who are "experts." It is up to us as respected members of our communities to say with conviction and pride that we are capable of learning and that we are willing to learn and to encourage our colleagues to learn.

To all of my colleagues, I quote the American lawyer and professor Dr. Daniel J Boorstin: "knowledge is not simply another commodity. On the contrary, knowledge is never used up. It increases by diffusion and grows by dispersion." 🍌



In brief... South Pacific legal Needs Survey released

The South Pacific Lawyers' Association has released its findings on the first comprehensive study into the needs of developing law societies and bar associations in the South Pacific region.

The objective of the Survey was to gather information on the needs of legal professional associations in the South Pacific region as a step towards improving the quality of services they provide to their members and the general community.

The SPLA Chair Ross Ray QC said the Survey revealed a number of significant findings which the SPLA will use to assist the South Pacific law societies and bar associations to improve the quality of services they provide.

"Specifically the research gives an insight into the legal profession in the South Pacific region and highlights the current status of legal services and resources available.

"For example Papua New Guinea, with a population of over six million people, has only 591 lawyers—the research suggests this low lawyer-to-population ratio is common within the South Pacific indicating an obvious access to justice issue for the region.

"This issue, combined with a lack of infrastructure, resources and training means the long term sustainability of the profession will be compromised unless immediate action is taken," Mr Ray said.

The survey also revealed no substantive review or reform of legal profession legislation and regulation had taken place in most countries in the South Pacific in over 20 years.

"In particular, there are currently no statutory provisions to empower any peak legal professional body in the region to conduct regular audits of legal practitioners.

"In all jurisdictions surveyed, lawyers indicated they have never received formal notification of their obligations under financial services legislation nor training in how to meet their obligations under such regimes," Mr Ray said.

All of the needs identified from the Survey have informed the development of nine recommendations which are intended as a starting point to the development of practical measures to assist in strengthening the peak legal professional associations in the South Pacific.

The Survey Report will also be used as a basis for the development of strategic plans and proposals seeking sustainable assistance from international legal professional bodies and international aid organisations.

"The Executive of the SPLA encourages governments, legal professional bodies and international organisations to engage with each other to further develop strategies and practical measures to enable peak legal professional bodies to provide effective support to the legal profession in the South Pacific region," Mr Ray said.

A copy of the Needs Evaluation Survey for South Pacific Lawyer Associations is available online via the [SPLA website](#). 📄



In brief...

Timor Leste Bar Association's first ever "Law Week"



The Timor Leste Bar Association (AATL), with the support of the country's Ministry of Justice, recently held its first Law Week Conference. This was a huge milestone in the history of Timor Leste, which virtually had no functioning legal institutions following its separation from Indonesia in August 1999. Timor Leste's Constitution was passed in 2002, based on the Portuguese model, with a unicameral system of parliament, a Prime Minister with Executive power and a President as Head of State.



Significant progress has been made since 2002 by the Timor Leste Government, the legal profession and the international legal community which is reflected in Law No. 11/2008 which envisages the creation of a national bar association.



The AATL's membership consists of approximately 85 private lawyers. Of this number, 40–50 are actively engaged in private practice or work with national NGOs in the justice sector. The remaining lawyers are employed within Government, the Ministry of Justice, National Parliament and INGOs.

Linguistic difficulties have to be overcome in the justice system, which uses Portuguese, Tetum and Timorese indigenous languages.



The President of the Portuguese Bar Association, Antonio Marinho Pinto, was invited to address the Conference, along with other international guests, Phillip Tahmindjis, Co-Director, HRI, Margery Nicoll, Vice Chair, BIC and Ravin Singh, Malaysia.



The Conference, which was held 28–30 September, was a great success. 🍷

1. Dr Phillip Tahmindjis, Co-Director, IBAHRI; Margery Nicoll, Vice Chair, BIC; José Pedro Camões, President of the Timor Leste Bar Association; Antonio Marinho e Pinto, President, Portuguese Bar Association; Ravin Singh, Malaysian Bar Council.

2. L–R: Chief Justice of Timor Leste, Presidente Sr Claudio Ximenes; Minister for Justice, Excellencia Sra Lucia Lobato; Ms Nicoll; Mr Camões.

3. Dr Phillip Tahmindjis and Ravin Singh participating in a break-out session.

4. Break-out session, Timor Leste "Law Week"

5. L–R: Young law students from Timor Leste with Margery Nicoll, Dr Phillip Tahmindjis and José Pedro Camões

In depth... Introducing: SPLA's Legal Education Committee

Improving Continuing Legal Education (CLE) or continuing professional development is vital to raising the bar for the legal profession in the South Pacific region. It is also one of the major goals of the South Pacific Lawyers' Association (SPLA).

It was no surprise, then, that it came up as a key topic at the SPLA Roundtable, held in Sydney on 11 July this year. At the event, SPLA member representatives discussed prevalent issues in the region such as complaints and discipline-handling, women in law, young lawyers and, of course, CLE. The following day at the Executive meeting, sub-committees were appointed to progress a number of initiatives in these four major outcomes of the Roundtable.

The Legal Education Committee, comprising Mr Raymond Schuster (Chair), President, Samoa Law Society, Mr Bill Bani, President, Vanuatu Law Society and Mr Laki Niu, President, Tonga Law Society, was established with the initial tasks to:

- identify the technical requirements and geographical constraints involved in delivering CLE electronically to member countries;
- undertake an audit to determine the availability and level of usage of CLE resources in member countries (including material distributed in March 2011);
- ensure that each constituent body has administrative structures in place to develop a schedule of CLE events;
- engage with the Law Council of Australia and the New Zealand Law Society to identify Australian and New Zealand CLE resources which would be most useful to SPLA constituent bodies; and
- explore opportunities to cooperate with the University of the South Pacific in the delivery of web-based CLE.

CLE contacts in the Pacific

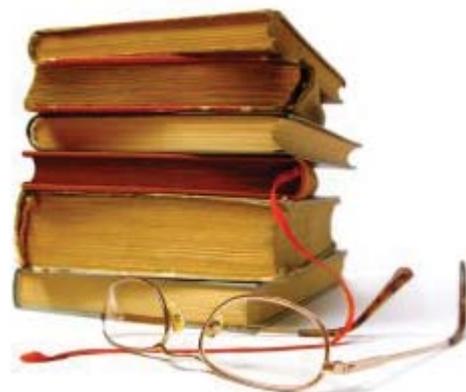
The Legal Education Committee has asked each SPLA member organisation to appoint a CLE contact person in their jurisdiction to liaise with on CLE matters. The following four jurisdictions have already appointed a contact:

Cook Islands	Mr David McNair
Nauru	Ms Barina Waqa
Solomon Islands	Donald Marahare
Tonga	Mr Laki Niu
Tuvalu	Ms Filiga Niko

Currently, the Committee is in the process of establishing a network of CLE contacts in each jurisdiction. These contacts will help progress some of the objectives outlined above to identify the priorities, gaps and opportunities to establish and fortify CLE in each member state.

The liaison with CLE contacts will largely inform the development of a forward plan based on the needs of each member organisation. Once this solid foundation has been built, the Legal Education Committee will then explore possible collaboration with the University of the South Pacific to provide resources such as live streaming and video conferencing facilities.

If you would like to assist the Legal Education Committee, please email the Committee's Chair [Mr Raymond Schuster](mailto:Mr.Raymond.Schuster@spla.org.fj). 📧



In depth...

Thrown in at the deep end

By R B Cartledge, Manager, USP Community Legal Centre

The University of South Pacific currently turns out the majority of legal professionals in the region. Manager of the USP Community Legal Centre Robert Cartledge identifies the challenges and opportunities in ensuring new law graduates in the Pacific stay afloat...

Over the past 15 or so years, hundreds of students have graduated from the University of the South Pacific (USP) with a Bachelor of Laws Degree (LLB). Many of those graduates have gone on to complete the Professional Diploma in Legal Practice (PDLP) and thereafter gone on to practise law in various areas within the governments of the 12 nations which collectively own USP, or with private firms. It is estimated that more than 80 per cent of the legal profession in the South Pacific are graduates of USP.

An AusAID report published in September 2011¹ stated that *"The poor quality of recent law graduates from USP has been identified by many as a critical issue."* As the sources of these criticisms are not known, and the nature of the criticism has not been particularised, the comments are, to say the least, unhelpful and difficult to respond to. Few beyond the South Pacific appreciate the effort, personal sacrifice and determination it takes for most Pacific Island students to pursue an English common law-based law degree which is taught exclusively in English. For many of these students, English is a second, third or even fourth language.

It is the case, however, that standards of pre-tertiary education vary dramatically across the region and there is an expectation by some that students will undergo some form of remedial training whilst studying at tertiary level. Whilst there are opportunities for students to improve their language and

comprehension skills, even computing skills, the university cannot be expected to address the shortcomings of pre-tertiary education in the course of a teaching a law degree.

Critics may also fail to appreciate the complexities and unique challenges a regional university faces in teaching law. Apart from the difficulties posed by language, many of the subjects must be taught in a generic form, as it is neither practical nor appropriate to impose on students an obligation to acquire a comprehensive appreciation of the laws of all or any particular nations. Whilst the 'Priestly Eleven' subjects are based on time-honoured principles and precedents, even their practical application can vary from jurisdiction to jurisdiction. How nations deal with matters such as family law (marriage and de facto relationships, divorce, children, spouse and child maintenance or in the case of Fiji 'parental maintenance', and property division), can vary dramatically from, for example, outdated legislation in the form of 'fault-based' *Matrimonial Causes Acts* where adultery is the most frequently cited ground for divorce and often accompanied by claims for damages against co-respondents, to 'no-fault' based legislation, the sole criterion to be satisfied being that of an irretrievable breakdown of the marriage.

In recent years, there has been greater numbers of students from across the region opting to study law by distance education. Whilst exploiting technology expands the reach of teaching and reduces costs, the jury is still out on the question of whether or not law be taught exclusively in this form.

Whilst USP is of the view that the quality of law graduates has improved in recent years and courses and content are often reviewed, it acknowledges that trends in national and international laws, particularly across the

¹ Vanuatu Law and Justice Partnership Design Document, September 2011



12 nations the university services, warrant a review of the LLB program and post graduate pre-admission training (i.e. Professional Diploma in Legal Practice). This is now scheduled to occur in March 2012.

Students from across the region tend to be more reticent than (say) their Australian counterparts. In keeping with efforts to constantly improve courses, which includes encouraging students to be more confident and gain practical legal skills, various lecturers have included practical skills training within the courses they teach. In 1997, in line with universities in Australia and elsewhere which afford law students an opportunity to gain practical legal skills, an optional course within the LLB program, 'Law Clinic', was established.

The objectives of the course were to provide students with an opportunity to learn practical legal skills and ethics in a real practice environment; develop professional legal skills in research, investigation and analysis, communication, interviewing, advising, negotiating, advocacy, letter writing and the drafting of documents; and develop a wide

appreciation of the role and responsibilities of legal professionals in society.

First offered as a 'placement' course, students spent time in various private and public law offices in Port Vila. Following amendments in 2001 to the *Legal Practitioners Act*, provision existed for some staff within the USP School of Law to be admitted as "academic lawyers." In 2002, with the support of funding from AusAID, the School of Law established the USP Community Legal Centre—being a facility which helped strengthen the resources of the Office of the Public Solicitor with students being assessed for academic credit while learning practical skills².

The Centre has evolved over the years to a point where it has, since 2009 had a full time manager, and is now located in modern premises on Emalus Campus, Port Vila—but positioned sufficiently distant from the main campus to ensure accessibility for its clients. With two intakes a year of approximately

2 Edward R Hill *Journal of South Pacific Law* Volume 8 2004—Issue 1

20 students in each, it affords 40 students a year to learn professional legal skills and ethics at a high level in a real practice environment. The Centre operates 50 weeks but between and during mid-semester breaks, engages students to help the manager service existing clients—but does not take on new clients during this period.

To provide similar opportunities for students based in Fiji, USP opened a second Community Legal Centre in Suva in February this year. The Community Law Centre, Suva is co-located with, but operates independently of, Legal Aid Fiji from modern offices in Central Suva. Although the focus of the practice is different, it essentially provides the same skills and experience offered through Port Vila. This Centre has a similar intake number but under the terms of the MOU with the Fiji Government, will operate approximately 50 weeks a year—comprising two semester-long intakes each of about 20 students, and a summer school with reduced numbers of say 10–15 students.

Through these two Centres, approximately 90+ students a year can access the unit Law Clinic.

The possibility of the USP establishing Community Legal Centres elsewhere has been considered, but the small number of final year law students in most nations and infrastructure costs, negates the prospect of offering 'in-country' clinical legal education through a USP-based Community Legal Centre.

In terms of a course designed to give LLB students in those countries or locations where there is no USP Community Legal Centre, an opportunity to gain practical legal experience, it has been proposed that Law Clinic also be offered as a 'placement' course. Such a format is well-suited to the circumstances at USP—which serves 12 Pacific Island nations that are geographically dispersed, but linked by a reasonably sophisticated distance education/video conferencing system and the availability, in a number of countries, of free-to-air services such as Skype.

A placement course would bring USP into line with a number of Australian³ and many other international universities and should have considerable appeal to students, governments and sponsors. 'Placements' within government departments/agencies, courts, tribunals, commissions, NGOs, law societies and private law firms strengthen their resources; some students stand to gain academic credit for work they undertake as employees; all students gain valuable 'country specific' rather than 'generic' experience; and governments/sponsors save costs. From the USP perspective, such a course would not require expensive infrastructure costs; USP IT technology and services such as Skype can be effectively utilised to maintain links on a weekly basis, with students; and a single course coordinator could manage/coordinate the course across various nations without the need to be admitted to practice law.

The objectives of the course would be the same as in the case of Community Legal Centre base course, 'Law Clinic' described above.

A vital part of a placement course would be to identify placements which align with the course objectives; enable students to undertake tasks of practical utility to the placement agency; and that there are competent supervisors within those agencies.

At this point in time, no decision has been taken concerning the establishment of such a course.

Post graduation

As mentioned above, upon completion of their law degree, many graduates go on to complete the Professional Diploma in Legal Practice (PDLP) and thereafter move on to practise law in the public or private sector in nations across the Pacific.

3 Australian National University, Canberra; Flinders University, Adelaide SA; Griffith University, Brisbane; La Trobe, University, Melbourne; Queensland University of Technology, Brisbane; University of Adelaide; University of Newcastle; University of Notre Dame, Fremantle; University of Sydney; University of Technology (Sydney); University of Western Sydney; University of Wollongong.

When addressing a group of more than 30 newly-admitted practitioners in the Supreme Court of Fiji in July this year, Chief Justice Anthony Gates commented along the lines that... *"You now all think you have finally made it... in fact you have just made it to the start line."* Few graduates have any real appreciation of just how apt that remark was.

Whilst students graduating from Australian and many other overseas universities can be expected to have a better appreciation of the laws of 'their' nation, they are not necessarily any better prepared than graduates from USP to immediately begin practising law. In Australia (for example), upon completion of a Graduate Diploma in Legal Practice (GDLP) the newly-admitted solicitor works under the supervision of an experienced practitioner and is required to participate in a Continuing Legal Education program. USP graduates are, however, often thrust into positions of authority and responsibility beyond the level of their 'training' and without the support of an experienced mentor. They are literally thrown in at the deep end.

There is a compelling need for all practitioners to be able to access continuing legal education.

The present situation regarding Continuing Legal Education in the South Pacific

Many small nations either have no law society or a law society which is not capable of delivering a continuing legal education program.

The Vanuatu Law Society, for example, was formed in 2009 but in the subsequent 18 months, only managed to field a football team. It recently conducted a joint training activity hosted by its counterpart, the New Zealand Law Society; and the Chief Justice has in recent years been responsible for arranging an Annual Law Conference. In Fiji, the Attorney General has done likewise although more recently the Independent Legal Services Commission has conducted training which attracts CPD points; and the Fiji Law Society very recently had a series of CLE events approved by the Board of Legal Education.

The AusAID-funded Pacific Leadership Program previously indicated its preparedness to assist in the funding of some training in Vanuatu. PILON has also been active in the training of government legal officers—although most of these are not admitted legal practitioners even though many are permitted to appear in the courts of the jurisdiction in which they are employed. Further, the PILON advocacy training is not available to private legal practitioners.

Thus, whilst there are various initiatives to offer CLE, they are largely ad hoc; fragmented; not part of any scheduled program; likely to vary substantially in content, quality and relevance; and some are probably not sustainable in the longer term.

In November 2009, then Head of the School of Law, Professor Peter MacFarlane met with the Chief Justice for Fiji, Justice Anthony Gates, the Fiji Attorney-General Mr Aiyaz Sayed-Khaiyum and Director for Public Prosecutions Mr John Rabuku and outlined USP's desire to be involved in the offering of continuing legal education courses for the legal profession in Fiji. As the largest nation in the region, the support of Fiji was seen to be crucial to the success of any CLE program.

Competing priorities in 2010, including the departure of Professor MacFarlane from USP, a pending review of the School of Law and already stretched resources, meant further consideration of the CLE program was put on hold.

The future of CLE

Apart from video conferencing facilities, the USP School of Law also has a number of law lecturers who are expert in their fields and ready, willing and able to present CLE events on a range of issues including, for example, ethics and professional responsibility, advocacy skills, and contemporary legal issues which have a particular relevance to the Region including conflict between State and Custom justice systems; custom ownership of land;



environmental law; law of the sea; international trade law etc.

A regional CLE program utilising the technological resources of the USP should be an attractive proposition to the legal profession generally; and be cost effective and sustainable. Additionally, USP is a regional facility, jointly owned by 12 Pacific nations; the majority of legal practitioners in the South Pacific are USP law graduates; and it is an institution appreciative of the need to deliver training which is relevant to the region, and politically and culturally sensitive.

It is not suggested that USP could or should present such a program without external support and expertise. Input should be sought from international presenters within and beyond the Pacific so that legal practitioners are aware and keep abreast of developments in law and legal practice beyond the 'region' referred to above but at the same time not overwhelm the CLE program with content from any particular source or nation.

Law conferences

While practitioners in some Pacific nations have an opportunity to attend 'in-country' conferences, very few have an opportunity to attend and participate in international law conferences because of the relatively high costs associated with attendance (eg registration, travel, accommodation) and low income of most practitioners.

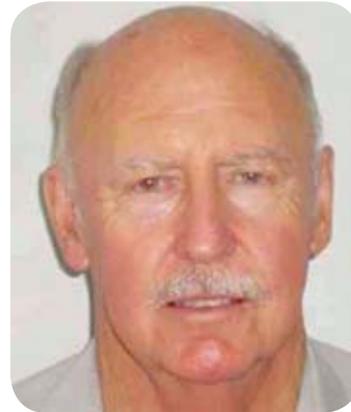
An annual South Pacific Law Conference, or even two per year, would be attractive to many practitioners. These could take place in a number of jurisdictions, would build on relationships between Pacific nations (at the legal practitioner level), and if appropriately structured in terms of content, would almost certainly attract practitioners from beyond the South Pacific region, including Australia and New Zealand.

Law conferences would also provide an invaluable opportunity for legal practitioners to discuss and identify professional development needs, and frame and schedule an annual CLE program.

South Pacific conferences could also attract sponsorship and/or substantial discounts in relation to travel and accommodation and thereby reduce costs of attendance.

The above is a summary of what might be offered to legal practitioners on a regional basis. It is a relatively unique concept, a program in which USP could play a pivotal role offer. The Law Council of Australia, and the South Pacific Lawyers' Association, has expressed interest in 'partnering' with USP and others in such a venture—but ultimately, whether such a program proceeds will depend upon the support of legal practitioners, law societies where they exist and governments across the Pacific.

Such a program might be likened to throwing a life buoy to the legal practitioner, particularly the newly admitted practitioner, who is just beginning to appreciate how deep the water is... and the sharks are circling. 🦈



R B (Bob) Cartledge is a member of the USP School of Law and the Manager of the USP Community Legal Centre, Emalus Campus, Port Vila, Vanuatu. He has practiced law in Australia, where he had his own firm; Vanuatu since 2009; and Fiji where he was also responsible for establishing the USP Community Law Centre in February 2011. The views expressed herein are those of the author and not necessarily those of the University of the South Pacific.

The Victorian Bar and The South Pacific Region

By Ian D Hill QC

Since 1987 the Victorian Bar has been assisting developing countries of the South Pacific by providing places in each Readers' Course to lawyers of the region free of charge.

The Readers' Course is an intensive 10-week course conducted twice yearly in Melbourne and which covers a wide-range of advocacy skills and ethics. It is the compulsory training course for lawyers who wish to practise as members of the Victorian Bar.

Since 1987 a total of 122 lawyers from Papua New Guinea, Vanuatu, the Solomon Islands and Fiji have attended and completed the Victorian Bar Readers' Course.

In addition since 1990 the Victorian Bar has conducted advanced civil and criminal (including appellate) advocacy skills training workshops in Papua New Guinea, the Solomon Islands, Vanuatu and Fiji.

Each year the Victorian Bar conducts a one week advocacy skills training workshop for the trainees of the Legal Training Institute of Papua New Guinea as an integral part of its year long pre-admission course. Such a course was held this year in July in Port Moresby.

Also in September 2011 (as reported in this edition of *newSPLash*) an advanced civil and criminal advocacy training skills workshop was conducted in Honiara, Solomon Islands, for lawyers from both the private profession and from government agencies.

On 28 November 2011 two members of the Victorian Bar are, at the request of the Chief Justice of Nauru, travelling to Nauru for 10 days to assist the lawyers and pleaders of Nauru with the development of their advocacy skills.

In addition to these workshops, and further workshops to be held in 2012 in the South Pacific region, the Victorian Bar is currently exploring two initiatives arising from a forum



of young lawyers from the Pacific Region held in Sydney on 10th July 2011 as part of the Commonwealth Law Ministers' Meeting.

The first of these initiatives is that the Victorian Bar is in the process of producing a CD and booklet containing a selection of the Victorian Bar's Compulsory Professional Development (CPD) seminars that are of relevance to lawyers of the South Pacific region. This selection will include CPD sessions on ethics, evidence, criminal law and advocacy.

The intention is to forward the CD and booklet to all subscribing and interested lawyers of the South Pacific region for their ongoing education and training and to do so on an annual basis.

The second initiative being explored by the Victorian Bar is the establishment of a mentoring scheme for young lawyers of the South Pacific region. This mentoring would aim to be complementary to existing "in-country mentoring" and also to be available where mentors may not be readily accessible.

We are currently exploring the establishment of a on-on-one email and telephone mentoring relationship between members of the Victorian Bar and young lawyers from the region. The role of the mentors would be to respond in a timely fashion to any requests for professional guidance.

The Victorian Bar has a continuing commitment to provide advocacy skills training and professional development assistance for national lawyers in countries from the South Pacific Region in 2011 and beyond. 🍷

In profile...

Victorian Bar workshop a success in the Solomon Islands

The Solomon Islands Bar Association (SIBA) welcomed leading counsellors from the Victorian Bar, Mr. Ian Hill QC, Mr Guy Gilbert and Ms Nadia Kaddeche, to conduct the Advanced Trial Advocacy Workshop in Honiara on 12–15 September 2011.

Twenty-five SIBA members, from both the private bar and Government legal agencies, attended the four-day intensive training, which provided an opportunity for advocates to strengthen their existing skills through an interactive and feedback-driven program. The Workshop focused on practical exercises designed to improve participants' leading of evidence, cross-examination, re-examination and making of oral submissions.

The workshop presented two "real" cases, one civil and one criminal, as the basis for practical exercises by the participants and by the trainers. These materials had been provided to the participants prior to the workshop so that they could become readily conversant and familiar with complex factual settings.

The essential basis of the workshop was to have the participants perform the roles, in both cases, of witnesses and/or advocates and thus demonstrate their abilities to conduct examination-in-chief, cross-examination and/or closing submissions and pleas in mitigation.

The trainers' roles were to critically and constructively comment on each performance and to suggest how participants might have improved their performance or been more effective and persuasive.

In addition the trainers performed "model" demonstrations of each role performed by the participants and conducted seminars on topics such as prior inconsistent statements and ethics.

The workshop was intensive and participants needed to work at night to prepare for the next day.

Mr Hill wrote in a follow-up report, "There was no shortage of enthusiasm and each participant is to be complimented for his or her performance. The skills of advocacy can be taught and they can be learnt. It takes much time and experience to become a successful and competent advocate. It is something that has to be continually worked on."

The workshop focused on practical advocacy rather than teaching legal principles in applicable substantive or procedural law. The trainers commented that there was a demonstrated need to further consolidate and remind the participants of their past legal training as well as to further develop their advocacy skills.

"The basics of advocacy need continual reinforcement," wrote Mr Hill. "Any advocate must have a plan, a case concept, to guide him or her from start to finish. Also an advocate in preparation must be questioning at all times as to what they are doing and what is the point that they seek to make or achieve."

From the trainers' perspective, Mr Hill considered the workshop a "success" and was "pleased to note how many of the participants were able to improve their advocacy skills and to demonstrate a real improvement over the four days."

Mr Rodney Kingmele, President, SIBA, concurred, "The turn out was very encouraging and the training very useful, however, there is still a need to attract more senior practitioners in order to strengthen trial advocacy across the board in the Solomon's."

SIBA hopes that this training will continue to be conducted by the Victorian Bar in the Solomon Islands in the coming years. SIBA wishes to thank the RAMSI Law and Justice Support Program, the Victorian Bar and the South Pacific Lawyers Association for their assistance in making this program a success. 🍷

In the spotlight...

2011 IBA Conference, Dubai

Dubai may be one of the shopping meccas of the world, but recently the emirate's transient consumers would have been rivalled by the 5,000 participants of the largest ever International Bar Association (IBA) Annual Conference, held from 30 October–4 November.

Representing the South Pacific Lawyers' Association, Raymond Schuster, President, Samoa Law Society, attended the event as a Roundtable panellist and special guest speaker at the Bar Executives' Lunch.

The one-day Roundtable on Wednesday 2 November 2011 presented by the IBA's Bar Issues Commission looked at the role of bar associations, why independence is important and how bar associations can be developed and set up. During the final session on "How is a bar association established?" Mr Schuster discussed the experiences of a young, small, isolated and developing bar association in the middle of the Pacific Ocean. He spoke on the customs and traditions that shape and influence the association in Samoa, the obligation to the people of Samoa, and the many challenges and obstacles to the development of law.

Other panellists for that session included Philippe Georgiades from Ordre Des Avocats De Paris, Harumichi Uchida, Chairman of International Councils from the Japan Federation of Bar Associations, John Hoyles, CEO of the Canadian Bar Association and Elijah Banda, PALU Vice-President from South Africa.

Mr Schuster was also the special guest speaker at a lunch meeting on Friday 4 November for CEOs, bar association executives and international liaison officers involved with the running of their association and international project work. This time, his warm, personable and informed speech highlighted the beginnings of the South Pacific Lawyers' Association and the benefits to be derived from small law



Dubai

societies joining together to share both intellectual and financial resources. Mr Schuster was very well-received and raised much interest among the gathered bar executives. He did the SPLA and the Samoa Law Society proud by adeptly fielding the many questions that arose from his address. 🙏

In the spotlight...
2011 IBA Conference, Dubai



Clockwise, top to bottom

Raymond Schuster with Richard Naidu, Munro Leys and SPLA Executive nominee, and Graham Leung, Senior Vice-President, LAWASIA.

Raymond Schuster, in national dress, giving his very well-received speech at the Bar Executives' Lunch.

(L–R) Fred Chilton and Raymond Schuster.

(L–R) Fred Chilton, Emilford and Co Lawyers, Dmitry Stepanov, Egorov Puginsky Afanasiev and Partners, Joe Catanzariti, Law Council Treasurer and Raymond Schuster.



*Anti-clockwise from top
Beautiful Dubai.*

(L-R) Funke Adekoya, BIC Officer at Large, Raymond Schuster, Elaine Owen, IBA Executive Assistant/BIC Project Manager, and Ruth M L Bowe-Darville, Bahamas Bar Association.

Raymond Schuster with Law Council of Australia President Alexander Ward.

Raymond Schuster with BIC Chair James Klotz.

Stuart Westgarth, President, Law Society of NSW and Raymond Schuster.

Upcoming...

Regional meet highlights a brave new world in law



The CLA Regional Law Conference

The Changing Role of the Legal Profession: Emerging Democracies and Globalisation

The theme of the second CLA regional meeting reflects our rapidly changing world and the ongoing challenges for lawyers in the 21st Century. Current trends in human rights law, corporate and commercial law, the legal profession and judiciary, and other contemporary legal topics will be included in the program, although particular emphasis will be placed upon issues of importance within Australia

and the wider Pacific region. The sessions will offer practical training and expertise, which aim to further develop the legal skills of attendees.

A unique program of social and networking events has also been designed to ensure that all those who participate in the conference will have an opportunity to meet colleagues from different jurisdictions, exchange experiences and build friendships that will continue long after the closing ceremony. In addition, a range of exhibitors will provide further information and services of interest to today's legal professionals.

Where: Sydney Convention and Exhibition Centre, Darling Drive, Darling Harbour

When: 19–22 April 2012

Website: www.commonwealthlaw2012.org



Law Council
OF AUSTRALIA



NEW ZEALAND
LAW SOCIETY

The South Pacific Lawyers' Association was established in 2007 by the International Bar Association in partnership with the Law Council of Australia and the New Zealand Law Society. The South Pacific Lawyers' Association exists to assist developing law societies and bar associations in the South Pacific and to promote the interests of the legal profession in the South Pacific. Please visit www.southpacificlawyers.org for more information. *newSPLash* is produced on behalf of the South Pacific Lawyers' Association by the Law Council of Australia. For all enquiries, or to submit articles to *newSPLash*, please contact Karuna Gurung, phone +61 2 6246 3751 or email karuna.gurung@lawcouncil.asn.au