

## **Lincoln's Inn Advocacy Training**

### **Opening Remarks**

**By Hon. Durai Karunakaran, Acting Chief Justice**

Honourable Justice Fernando, Dear colleagues, the judges of the Supreme Court, Your Worships the Magistrates, President of the Bar, members of the Honourable Society of Lincoln's Inn - Dr Michael Powers, Ms Jane McNeill, Mr Matthew Nicklin, and Ms Joanna Robinson, Learned members of the Seychelles Bar, my dear budding lawyers, Invited Guests, Ladies and Gentlemen, Good Morning to everyone!

It gives me a great pleasure to welcome all of you to Palais De Justice for the "Lincoln's Inn Advocacy Training Session" organized by the Bar Association of Seychelles. I extend a special welcome to our distinguished guests from the Lincoln's Inn. They have flown all the way from London to provide us the much needed training on advocacy to our young legal professionals.

The classroom teachings in law schools can never be a substitute for practical training on advocacy before making a young lawyer eligible to appear in a Court of law. Can we produce doctors without giving them first-hand experience of attending on patients in hospitals? The study of law within the confines of a law school keeps the young minds restricted to cold facts in the cases that happened in the past. They have to be brought to real life issues, situations and litigation so as to have "hands on" approach and understand as to how the law is practically applied inside the Court rooms.

Having a training programme of this kind in Seychelles is an extraordinary event; the first of its kind taking place on our shores in the field of legal practice and advocacy. On behalf of the Seychelles Judiciary and on my own behalf, I sincerely thank Lincoln's Inn for their kind acceptance of our invitation. I would also like to take this opportunity to convey our heartfelt

gratitude and congratulations to the Bar Association of Seychelles and special thanks to Mr. Kieran Shah's Chambers and Ms Angelique Pouponneau for this remarkable initiative.

I am pleased to be optimistic that this initiative is not going to be a one-time event of training given to our beginners on advocacy. It is only a beginning of a long journey - a journey of learning on advocacy -for the benefit of all. This journey, I hope will continue in future for the betterment of the legal profession in our country. The judiciary, as one of the chief organs of the State, cannot discharge its duties in the administration of justice without the total commitment, support and participation of its main component, namely, the Bar. To transform the Seychelles Judiciary as a **Centre of Judicial Excellence**, the most important prerequisite is to have an excellent, efficient and a well-trained Bar in place with high standard of professionalism, discipline, integrity and above all with the highest standards of ethical conduct. It would not be wrong to say that the efficiency of judicial administration largely depends on the competence and integrity of the Bar. The public confidence in the legal profession depends upon the degree of professionalism and ethical conduct of its members. So long as the practitioners maintain the highest standards of ethical conduct, the law will continue to be a noble profession. This is its greatness and its strength. There can be no compromise. The legal fraternity, as guardians of the law, justice, fundamental human rights and freedoms, plays a vital role in the preservation of society and its stability. In fulfilling professional responsibilities, a lawyer necessarily assumes various roles that require the performance of many difficult tasks. Not every situation which the lawyer may encounter can be foreseen and taught in law schools, but the fundamental ethical principles are always present as guidance of conscience in every lawyer. Only through training on the ethics of advocacy, those principles can be activated for practical application.

Undoubtedly, in the daily practice of the law, the most important subject is "Advocacy". In the early 1980s, when I first tried to earn a living

at the bar, many of my contemporaries and I too, believed that advocacy skills could be learnt only by examples, observations through daily practice of the law in our Courtrooms, rather than being taught as a formal subject through training sessions in class rooms or workshops.

Formal advocacy training is relatively of recent development. It is a new discipline. When I was a beginner, I was not fortunate enough to have a formal training on advocacy. Forgive me here, if I give of my own experience, the reminiscence. I was a beginner. I did not know the ropes of advocacy. There was no formal training to show me one. I had to learn it the hard way in Courtrooms. I was defending an accused person who had been charged for causing death by reckless driving. As a defence Attorney, I was cross examining the pathologist who produced the autopsy-report and death certificate. I was anxious to win and so tense. I attempted to shatter his evidence as to the victim's death and my questions and the witness's answers were as follows:

**Attorney:** Doctor, before you performed autopsy, did you check for the pulse?

**Witness:** No

**Attorney:** Did you check for the blood pressure?

**Witness:** No

**Attorney:** Did you check for breathing?

**Witness:** No

**Attorney:** So, then it is possible that the patient was alive Doctor when you began the autopsy. (I suggested)

**Witness:** No

**Attorney:** How can you be so sure Doctor?

**Witness:** Because his brain was sitting on my desk in a jar.

**Attorney:** I see, but could the patient have still been alive, nevertheless? (I was baffled)

**Witness:** Yes, It is possible that he could be alive and practicing law.

I was shocked by that insinuation. I immediately ended my cross-examination and looked at the Judge, hoping that he would intervene to save my face. But he simply adjusted his spectacles on the nose and retorted saying “That is why I gave up practice and became a Judge”. Be that as it may.

Obviously, the aim of this session is to provide advocacy training generally for all legal professionals, especially targeted to students and the junior members of the Bar. I am informed that this training will include a workshop on witness handling, the examination in chief and cross-examination. There will be talks on the art of advocacy, Hampel Teaching Method, case analysis, written advocacy, Narrative Advocacy, defamation and protection of Fundamental Freedoms.

When I was approached to inaugurate this session, I thought it was my bounden duty to be present on this important occasion, not only to renew and strengthen my bonds with the Bar, where I hail from, but also because the topic of Advocacy chosen for this training has been a matter of my constant concern over many years of my observation from the Bench.

We, the Judiciary and the legal fraternity are partners in the justice delivery system of this country and, therefore, jointly accountable to the people of Seychelles. A Lawyer is a professional especially ordained to perform at the crisis time of the life of other people and almost daily, to make moral judgments of great sensitivity.

Lawyers are described as officers of Court. Their larger duty, however, is towards Society as a whole. The high status and respect that the lawyers generally command in our society burdens them with a corresponding

duty that all of their actions or conduct would have the character of nobility imbued with the object of espousing the cause of common good. The society expects the Bar to render professional services in the nature of legal aid, advice, and advocacy in a free and fearless manner so as to bring about peace, prosperity and justice for one and all.

The lawyers constitute a noble profession. This naturally gives rise to an expectation that they shall discharge their duties in a manner that is professional. Bar is the nursery for the judiciary. The society expects that the legal fraternity will continue shaping up knowledgeable lawyers of eminence, erudition, vision and integrity, persons who can adorn the Bench in the future.

I also hope that the knowledge you obtain and the advocacy skills and techniques you develop here in this training will enhance your abilities to excel in your noble profession and make a difference.

Before concluding my remarks, this is an opportune time for me to declare the “First Lincoln’s Inn Advocacy Training Session” is officially open! I wish all participants a successful training over two days filled with interesting and beneficial programs. I also wish our guests from the Honourable Society of Lincoln’s Inn a pleasant stay in Seychelles. Wish you all the best. I thank you for your kind indulgence.