

NORTHERN REGIONAL PUPILLAGE COURSE HELD AT MABULA

Wait until day three

by Neil Mackenzie KC, Keeper of the Advocates Library



“Wait until day three,” one of the organisers told me the evening before the Northern Regional Pupillage Course held at Mabula from 20th to 24th June 2023. “That’s when the Method starts to show, as if by magic”.

Mabula is a game reserve, replete with curious, well wrapped creatures (including me) with cameras bouncing around on Land Cruisers at dawn and dusk (visually) hunting for prey, and predators. Impala graze on the well-manicured shrubs outside the villas. Vain hornbills tap at their reflections in the windows. And there is Wifi and power and excellent food and drink.

The magic referred to by the organiser is, of course, an illusion behind which is a training programme with a first-rate pedigree, months of hard work and a training team so committed that its members are more like family than colleagues.

Uniting the training family is a commitment to offering the pupils on the course the skills to allow them to grow as advocates and serve well their clients and the administration of justice.

The pupils arrive, chilled from their dawn drive across the bush, to breakfast and welcoming remarks. Unsurprisingly, they are nervous and somewhat reticent when faced with the team of trainers that includes judges, senior counsel, and experienced advocates; the team included two Scots (Jonathan Brodie KC and me), an English barrister (Sibby Salter), a senior counsel from Hong Kong (Nigel Kat SC) and counsel from Singapore (Darrell Low). A recent addition to the team is Sarah Potter, a performance coach. The vast majority of the pupils would also be conducting advocacy workshops in a language that was not their mother tongue.

The groups of pupils go to rooms where their tutor would look after them over the next four days. The trainers worked their way around the rooms on a rota; we thus got to know most of the pupils over the four days when we would see them making motions, questioning witnesses, making submissions after trial and on appeal. Each pupil had obviously worked hard to understand their materials. Each performance is reviewed by a trainer giving feedback in the room. Most performances are videoed and the feedback on the videoed performance is given by a trainer in a break-out room. Sarah gave performance coaching to the pupils.

The feedback in the room uses the Method: Headline, Playback, Reason, Remedy, Demonstration, Replay. The Headline and Remedy for each pupil is written on the flipchart. At the end of the first day the pupils are exhausted and quiet after a day of striving mightily through a densely packed timetable, and having their efforts dissected and analysed. They were no doubt feeling a bit crushed by the headlines and remedies that had piled up on all of them during the day. They didn’t know about the magic on day three – yet.

As I went to bed on day one, well fed and watered, the words of Wendell Berry floated across my thoughts:

“It may be that when we no longer know what to do we have come to our real work, and that when we no longer know which way to go we have come to our real journey. The mind that is not baffled is not employed.

The impeded stream is the one that sings.”

Day two appeared to be equally, perhaps more, hard for the pupils. You could sense the feeling of impedance but there was no singing; just more workshops, more performances, more feedback, more headlines and remedies on the flipcharts. The trainers and tutors redoubled their efforts, offering constructive advice (including at tea breaks and lunchtime), skilled demonstrations, and injecting energy into the workshops. The pupils made it, gratefully, to the end of the day.

Day three did not start with a rabbit pulled from a hat. But there was a change in most of the pupils. The true characters of the pupils started to emerge. Flashes of future advocates showed. There was real skill and confidence. The feedback changed, at least for some, from correcting errors to how to make good performances great. The metaphorical singing had started.

The trend continued into day four, with the “showstopper” trial in *Fused v Flower*. And then there was the gala dinner. Judge Owen Rogers gave a talk that I continue to think about. Judge Norman Davis wore a kilt as did I (much to the amazement/amusement of the pupils, many of whom were also in ceremonial dress). But the evening belonged to the pupils. Not only did they receive their richly-deserved, named certificates but even the quietest had a newly found air of confidence and achievement. The pupils who spoke on behalf of their local bars were eloquent and engaging, with genuine flair; they rightly gave thanks to the organisers who made the magic happen.

Everyone (even the most senior practitioners) left Mabula grateful for the experience, happy to have taken part in in-person training after the Covid years, and with greater knowledge and know-how to take into their practice.