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## Advocacy 20 years on from Hampel: Is it time we revisited the postgraduate teaching of advocacy?

### **Abstract**

**This paper seeks to discuss the teaching of advocacy as a discipline with specific reference to the way in which advocacy is taught on the Bar Professional Training Course in England Wales. The Advocacy Training Council favour the Hampel Method of teaching advocacy first developed more than twenty years ago in Australia. The paper seeks to review the use of the Hampel Method by offering a critique of behaviourist learning theory from a constructivist standpoint and putting forward alternative teaching techniques which are in harmony with the principles of constructivism, experiential learning and productive failure. We conclude that the teaching of advocacy can be improved and that greater scholarship is needed in this important area to ensure students are taught using the best techniques.**

Key Words: advocacy, Hampel, experiential learning, constructivism, skills teaching

### **The History of Advocacy Teaching**

Advocacy as a discrete subject in law only really emerged from the mid-seventies starting with the work of Irving Younger.<sup>1</sup> The leading countries in this field have been the US and Australia. In the US the National Institute for Trial Advocacy<sup>2</sup> (NITA) is an organisation dedicated to enhancing the skills of practicing lawyers. Virtually every American law school has adopted the NITA method although it was originally developed as part of a continuing professional development programme.<sup>3</sup> The NITA method is outlined in 'Teachers Manual for Problems and Cases in Trial Advocacy'.<sup>4</sup> The NITA method was said to be 'learning- by- doing' and took its influence from the philosophy of Dewey and Kolb's ground-breaking

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<sup>1</sup> Irving Younger, *The Art of Cross Examination* (American Bar Association, Section of Litigation 1976)

<sup>2</sup> <http://www.nita.org/> <accessed 23rd June 2015>

<sup>3</sup> Steven Lubet, 'Advocacy Education: The Case for Structural Knowledge' (1990) 66 Notre Dame L. Rev. 721

<sup>4</sup> Kenneth Broun, *Teachers' Manual for Problems and Cases in Trial Advocacy* (1<sup>st</sup> edn, National Institute for Trial Advocacy 1977)

work on experiential learning.<sup>5</sup> The NITA programme is an intensive programme of performance, critique, demonstration and lecture with the vast majority of the time devoted to performance.

Prior to the early 1980s there had been no coherent methodology for teaching trial advocacy and it is certainly true that the introduction of the NITA method improved the teaching of trial advocacy.<sup>6</sup> The NITA method seemed to go unchallenged for a number of years until Lubet, in the early 1990's began to criticise the method. Inter alia Lubet criticised the NITA technique as having a tendency to over emphasis presentation skills over substance and not allowing students the opportunity to reflect on the moral implications of their conduct.<sup>7</sup> Further to this Allen claimed that the NITA technique was outer-directed.<sup>8</sup> He advanced that the NITA programme enhances only the skills of the participants rather than examining the assumptions of the adversarial system and as a result there was little scope for academic inquiry. Lubet argued that *"there are far more layers of thought to advocacy education than can reasonably be explored in even the best post-graduate courses"*.<sup>9</sup> He was the first academic to recognise that law schools must adapt the simulation/critique method used for professional development schemes. Unfortunately this early 1990s debate on the teaching of advocacy was not continued and in the last twenty years there has been very little academic literature on the teaching of advocacy, particularly in the UK.

### **Training of advocacy in England and Wales**

To a certain extent those teaching advocacy on the Bar Professional Training Course<sup>10</sup> (BPTC) in England and Wales are constrained by the rules of the regulating body<sup>11</sup> which state that:

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<sup>5</sup> David A. Kolb, *Experiential Learning: Experience as the Source of Learning and Development* (Prentice-Hall 1984)

<sup>6</sup>Edward D. Ohlbaum, 'Basic Instinct: Case Theory and Courtroom Performance' (1993) 66 Temple L. Rev. 1

<sup>7</sup> op. cit. n. 3

<sup>8</sup> Ronald J. Allen, 'NITA and the University' (1991) 66 Notre Dame L. Review. 705, 714

<sup>9</sup> op. cit. n. 3

<sup>10</sup> The BPTC is the postgraduate course in England and Wales required to be called to the bar of England and Wales as a barrister.

<sup>11</sup> The regulating body is the Bar Standards Board (BSB)

“... the application of the Hampel Method is expected (i.e. required by the BSB) before the end of the course. That is, by the end of the course BPTC students must have been trained in accordance with the Hampel Method so that they are properly prepared when they come to the compulsory advocacy course in the first six months of their pupillage”.<sup>12</sup>

The BPTC Handbook goes on to say that “*the Hampel Method must be used, but this may be modified in accordance with best practice identified by the Advocacy Training Council*”.<sup>13</sup> The Hampel Method was developed by George Hampel more than twenty years ago and is set out in his book ‘*The Australian Advocacy Manual: The complete guide to persuasive advocacy*’.<sup>14</sup> The book outlines a very structured method whereby the advocacy teacher having observed the trainee’s performance will follow the six-step Hampel Method:

- Headline:** Identifying one particular aspect of the performance to be addressed.
- Playback:** Reproducing verbatim that identified aspect of the performance.
- Reason:** Explaining why this issue needs to be addressed.
- Remedy:** Explaining how to improve this aspect of the performance.
- Demonstration:** Demonstrating how to apply the remedy to the specific problem.
- Replay:** The pupil performs again, applying the remedy.

Deviations from the Method as outlined above that are ‘approved’ by the Advocacy Training Council (ATC) are listed in the BPTC Handbook. The Handbook allows feedback to be modified so that a particular ‘headline’ fits with a particular skill that is being emphasised that week, more praise and encouragement can be given than is normally allowed in the Method and more than one area for improvement may be identified in a review and this includes outlining areas where improvement has been achieved.

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<sup>12</sup> BPTC Handbook, Academic Year 2014/15, section G, page 21

<sup>13</sup> BPTC Handbook, Academic Year 2014/15, pg 20 para D. The ATC is the Advocacy Training Council. <http://www.advocacytrainingcouncil.org> <accessed 25/06/2015>

<sup>14</sup>George Hampel, Elizabeth Brimer, Randall Kune, *Advocacy Manual: The Complete Guide to Persuasive Advocacy* (Australian Advocacy Institute 2008)

It is recognised that all providers of the BPTC will have modified their teaching so that the pure Hampel Method is only used in the latter stages of the course and this article draws on the many instances of good practice found across the providers of the BPTC. It is also clear that a regulated training environment in and of itself is not the problem. This can be seen in the 2010 report commissioned by the Law Society titled 'Solicitor advocates: Raising the Bar'<sup>15</sup>. This report highlighted that whilst there were many excellent solicitor advocates in practice there was a strong argument for significantly strengthening the training and methods of qualification for solicitors wishing to exercise higher rights. The report concluded that the current training arrangements were 'not fit for purpose' and that the 'quality and quantity of training was inadequate to set and maintain standards'. Smedley recommended that Higher Court Advocates training be brought more in to line with the BPTC although that recommendation was never implemented. The high standard of advocacy skills demonstrated by members of the bar of England and Wales are well recognised across the world and the current system of training of barristers which includes not only the BPTC but the mentoring received through pupillage and CPD provision collectively contribute to this. This article does not suggest that the system of training barristers is broken or that the standard of advocacy attained by those graduating from the BPTC is not high. It is also recognised that not all of the advocacy training students receive is through formal advocacy classes. Students receive feedback in many ways outside of the classroom by for example, working collaboratively with peers, participating in extra curricula activities such as moots or informally seeking the counsel of a tutor. However, whilst students may learn in different ways throughout the BPTC the predominant method of direct instruction is through the Hampel Method. We seek to review the use of the pure Hampel Method and in doing so we hope to set out the clear pedagogic benefits that an alternative teaching methodology can provide and highlight the significant flaws inherent in the pure use of Hampel. The authors put forward alternative teaching methodologies which it is suggested should be incorporated in to all teaching of advocacy both on the BPTC and beyond.

### **Applying learning theory to the teaching of advocacy**

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<sup>15</sup> Smedley, N. (2010) Solicitor Advocates: Raising the Bar (London, Law Society)

The simulation/critique method of teaching takes its birth from the early writings of Kolb on experiential learning.<sup>16</sup> Kolb drew on the work of Dewey<sup>17</sup>, Lewin and Piaget<sup>18</sup> as proposers of constructivism<sup>19</sup> and he emphasised the central role that experience plays in the learning process. In brief Kolb puts forward that experiential learning theory is a holistic integrative perspective on learning that combines experience, perception, cognition and behaviour. Kolb states that all experiential theory emphasises the process of learning as opposed to the behavioural outcomes.<sup>20</sup>

Kolb also puts forward that knowledge is continuously derived from and tested in the experiences of the learner.<sup>21</sup> The fact that learning is a continuous process which draws on past experience has important implications for the teaching of advocacy. The student does not arrive at a class with a blank mind but comes with their own ideas as to how an advocate should conduct themselves. Our job as an educator is not only to impart new ideas but to attempt to redefine old ideas. Despite the fact that the simulation/critique method is a form of experiential learning it will be argued that the Hampel Method of teaching does not concentrate significantly enough on the process of learning but merely on the behaviour which a tutor wants a student to demonstrate. If used in its pure form the focus is not on why a student has demonstrated a particular behaviour (such as ask an inappropriate leading question), but only on the fact that the question was inappropriate and in this regard as a method of teaching it is more closely aligned to behaviourist theory. In particular the 'success' of the advocacy teacher is measured by the change in the behaviour of the student rather than the process through which the student has arrived at that knowledge.

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<sup>16</sup> David A Kolb, *Experiential Learning: Experience as the source of learning and development* (Pearson Education 2014)

<sup>17</sup> John Dewey, *Experience and Education* (Simon and Schuster 2007)

<sup>18</sup> Jean Piaget, Eleanor Duckworth, 'Genetic epistemology' (1970) 13:3 *American Behavioral Scientist* 459

<sup>19</sup> It is important to note that constructivism is not a particular pedagogy. In fact, constructivism is a theory describing how learning happens. The theory of constructivism suggests that learners construct knowledge out of their experiences.

<sup>20</sup> op. cit. n. 15

<sup>21</sup> op. cit. n. 15

Piaget states that:

*“ideas that evolve through integration tend to become highly stable parts of the person’s conception of the world. On the other hand, when the content of the concept changes by substitution there is always the possibility of a reversion to the earlier level of understanding.”<sup>22</sup>*

The Hampel Method does not allow students’ ideas to evolve through integration but rather seeks to substitute their previous behaviour and in doing so there is a risk that there will not be sustained improvement of the advocate. It is recognised that when training in short intensive periods the use of the Hampel Method might have its place but it is very difficult for a tutor to truly assess the efficacy of their teaching as within one or two days the teaching is over and the tutor and student may never meet again. Within a post graduate setting this is not the case and teaching should take much greater account of the way in which students’ understanding is evolved.

To take an example of this the Method assumes that if a student has failed to do something (for example, ask non-leading questions) there is only one reason that they have behaved in such a way and one way to correct it (for example, that they don’t know how to ask a non-leading question and need to be taught what one is). Equally if a student is doing something incorrectly (such as asking an impermissible question) the Method allows for no dialogue between the teacher and the student to ascertain why they are doing what they are doing. Neither the Hampel Method nor the approved deviations set out by the ATC allow for dialogue between the tutor and student. We simply move straight to the review and tell them not to ask that question and tell them why it is wrong based on our assumptions as to their motive. This is asking them to change by substitution rather than integration. This article seeks to put forward teaching techniques which prevent this from occurring.

We considered that it might be valuable to review, with permission, an actual example of where a senior advocacy trainer conducted a pure Hampel advocacy review which exposed

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<sup>22</sup> David Elkind, *Children and adolescents: Interpretive Essays on Jean Piaget* (Oxford U. Press 1974)

just the sort of weakness in methodology that this paper is designed to explore. On the occasion of the Hampel review that we wish to critique, the advocate was acting for the Crown, and he had to cross-examine a Defendant whose account was implausible and relied upon multiple coincidences. The advocate being reviewed did a 'light' cross-examination of the witness, intending merely to do enough to set up a closing speech which would tear into the manifest coincidences on which the Defendant was seemingly relying.

In the Hampel review of the advocate the 'headline' was that the cross-examination should have been used to point out the coincidences on which the Defendant was relying in a more overt way. The 'reason' given for the critique was that the cross-examination had lost a vital opportunity to point out the absurdity of the Defence. Being a behavioural critique, the tenor was very much 'you don't know how to make the most of the points you have in your favour and your cross examination should have sounded like this'.

The advocate was very keen to discuss why the trainer thought that this was more effective than leaving it to the closing speech – or indeed whether the trainer was asking entirely proper questions which seemed to the advocate to be straying into pure comment. The practitioner had specifically considered what the trainer was suggesting, and had specifically rejected that approach in favour of an alternative. That conversation about the alternatives was not permitted and never happened. The critique ultimately failed as the advocate was not convinced that the rationale offered was correct and there was therefore no shaping of the advocates understanding.

Within the pure Hampel Method there is no room for the students to receive praise or feedback on how they were doing on previous areas of weakness. Although the BPTC Handbook specifically allows the Method to be altered so that students can be given praise this is considered justified only because they are emerging advocates. We put forward that at any stage of teaching the use of praise can be effective. In a 2012 paper it was put forward that advocacy teachers can learn lessons from coaching techniques which apply



positive psychology.<sup>23</sup> Coaches help their students to see what they are good at and try to make it easier for the student to fix what is not working:

“People who see desired outcomes as attainable continue to strive for those outcomes, even when progress is slow or difficult. When outcomes seem sufficiently unattainable, people withdraw their effort and disengage themselves from their goals.”<sup>24</sup>

The paper goes on to apply this theory to the teaching of advocacy showing that the vast majority of the literature suggests that the simple act of starting with the positive will reap immense rewards:

“It will make students feel better, it will encourage them to believe that their goals are within reach, and it will make it easier for them to process the comments about what needs fixing.”<sup>25</sup>

Schultz’s paper goes to support the theory that acknowledging the positive aspects of a performance and a student’s overall improvement throughout the course can, rather than detract from the efficiency of the review, enable it to be more effective.

In addition to this we contend that although the Hampel Method ensures students know how to remedy a specific issue this doesn’t necessarily build skills that helps them spot and remedy future mistakes or failures. In a 2009 paper by Hung, Chen and Lim<sup>26</sup> the authors describe a framework in which learning is recognized as a progressive staged process from one goal to another using Kapur’s 2008 framework of productive failure.<sup>27</sup> The framework of productive failure, in short, encourages students to experiment and learn through failure. The Hampel Method again does not allow, let alone encourage, experimentation. The ‘replay’ ensures that the student performs the skill to be gained in exactly the same way the tutor has told them to. Such an intensive, negative method of feedback discourages the students from trying new techniques and the tutor’s failure to engage with the student

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<sup>23</sup>Nancy L. Schultz, ‘Lessons from Positive Psychology for Developing Advocacy Skills’ (2012) 6 J. Marshall LJ 103

<sup>24</sup> Michael F. Scheier, Charles S. Carver, ‘On the power of positive thinking: The benefits of being optimistic’ (1993) 2:1 *Current Directions in Psychological Science* 26

<sup>25</sup>op. cit. n. 22, 116

<sup>26</sup> David Hung, Victor Chen, Seo Hong Lim, ‘Unpacking the hidden efficacies of learning in productive failure’ (2009) 3:1 *Learning inquiry* 1

<sup>27</sup> Manu Kapur, ‘Productive Failure’ (2008) 26:3 *Cognition and instruction* 379

means that we cannot know if a student is trying a new technique, has failed to understand a basic principle or has simply incorrectly applied a known principle.

Of course, this does not mean that we can leave a group of advocacy students in a room for two hours and when we come back they will have learned from their bad performances and have transformed into outstanding advocates. The Hung paper does go on to put forward the theory that 'unscaffolded' experimentations may not always lead to constructive learning as 'bad habits' may be formed and it is in providing this 'scaffolding' that the tutor can really add value, particularly in the early stages of training. Scaffolding instruction as a teaching strategy originates from Lev Vygotsky's work<sup>28</sup> and he defined scaffolding instruction as the "role of teachers and others in supporting the learner's development and providing support structures to get to that next stage or level".<sup>29</sup> The rest of this paper puts forward ways in which teachers of advocacy can 'scaffold' the learning of students in a way which allows for productive failure.

### **The proposed alternative**

When teaching a group of students over a period lasting several semesters it is essential to commence a review of the student's performance with a point that picks up from an earlier review, charts the student's progress and acknowledges positives in the performance.<sup>30</sup> Students on the BPTC are typically taught over a 9 month period for between 1 and a half and 4 hours per week. It is critical that students feel that tutors are charting their ongoing progress. Students need to know whether they are improving and want to receive positive feedback if they have achieved demonstrable results. Teaching in advocacy needs to build a

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<sup>28</sup> James A. Jaramillo, 'Vygotsky's Sociocultural Theory and Contributions to the Development of Constructivist Curricula' (1996) 117:1 Education 133

<sup>29</sup> Rachel R. Van Der Stuyf, 'Scaffolding as a Teaching Strategy' (2002) 52:3 Adolescent Learning and Development 5. For more detail on the work of Vygotsky see Lev Vygotsky Archive. <http://www.marxists.org/archive/vygotsky/> <accessed 23<sup>rd</sup> June 2015>

<sup>30</sup> Sue Robson, et al, 'Feedback or feed forward? Supporting Master's Students Through Effective Assessment to Enhance Future Learning'. In Janette Ryan (ed) *Cross Cultural Teaching and Learning for Home and International Students: Internationalisation of Pedagogy and Curriculum in Higher Education* (Routledge 2012).

reflective cycle which takes account of both peer and tutor feedback as well as the individual's reflections.

The headline as outlined by Hampel Method should be a short and 'pithy' one line summary which is memorable to the student and captures the essence of the review that is about to begin. This is followed by a verbatim recitation of the part of the student's performance which contained the error about to be corrected. The difficulty with this Method is that we have yet to first understand why the student did what they did and so it is a better teaching technique to flag the general topic to be reviewed which may be helped by a short rehearsal of the area of the performance where the problem identified by the topic had a particularly striking impact. This technique is constructed in the belief that advising a student should rarely be attempted without a process of analysis of why the student has made the error. The analysis should involve the student in the review process so that the tutor understands why the student has done what they have done and the tutor is sure that their critique of the student is appropriate and helpful. In order to be able to do this the tutor and the student need to have a short conversation where the tutor asks what the student was trying to achieve, and the student answers.

The exchange must come before a tutor can commit to a critique because despite the fact that a tutor is facing a familiar problem in a performance they might not know the reason for the problem being there for this particular student. There are often multiple reasons for the same error occurring. Take a student who is constantly interrupting a witness. There are several potential reasons why a student is doing what they are doing. It could be that they are:

- 1) Unaware that they are interrupting the witness; or
- 2) Aware that they are doing it, but they are experimenting and not wedded to the technique and will be easily persuaded away from it; or
- 3) Aware of what they doing, and mistakenly think that they are doing the right thing – often as a result of misapplying a technique which would have been appropriate but in completely different circumstances. If this is the case, the

review is not to explode the technique completely, but to explain why this was the wrong situation to employ it. For example it may be that in a previous session the student was told that they must control their witness and they are inappropriately trying to do so or are trying to control the witness in circumstances where it is not necessary to do so.

It is true in all skills teaching, but particularly true in advocacy, that common problems have more than one potential cause, and if you misdiagnose the cause of the problem, the review might be completely ineffectual. It can also be very harmful not to discover that the student might be 1) acting on advice already given by another tutor, but misapplied in this case or 2) experimenting. It is vital to the relationship between student and tutor that the student feels that they are not misunderstood. If reviews too frequently misdiagnose the cause of the problem this can lead to a break down in trust between the tutor and student. This follows the theory that as educators we need not only to impart new ideas but to modify other ideas. Doing this through dialogue can help to integrate the new learning rather than use substitution which risks the student reverting to their earlier level of understanding.

Experimentation in advocacy is vital for students to find their own style and rhythm and know where the boundaries to their performance lie rather than merely attempting to copy the style of their tutor. A student may hear something that they liked from another student, tutor or practising advocate and want to see if they are capable of effectively recreating that particular style of expression. If the student has experimented, and is aware that the experiment has gone badly, then the critique can be much gentler in pointing out the lack of success than if the student thought that it had gone well. The exchange allows us to understand where the student is coming from and then 'pitch' the review with the correct level and tone.

It is put forward that the teaching methods outlined in this article will help the student to focus on the process of learning rather than merely behaviour in line with Dewey and Kolb's interpretation of experiential learning. It is also acknowledging that learning is a continuous

process and all learners are coming from different starting points. Not all errors need the same remedy as there will be different reasons as to why they are making the errors that they have. Finally the technique allows for productive failure which is being carefully scaffolded by the tutor.

The remedy, demonstration and replay of the Hampel Method can ensure the trainer is clear and effectively leads the student to understand not only what the problem is but how they can resolve it ensuring that in line with good feedback practice the learner understands the feedback and is willing and able to act on it.<sup>31</sup> However trainers must be aware that replay by itself only demonstrates that a student is capable of copying the teacher. A successful replay does not guarantee understanding or a student's ability to act independently on the feedback given. It is argued that improperly used the demonstration and replay stages of the Hampel Method could produce 'unproductive' failure as the technique can be essentially summative in its message to students i.e. "you got that wrong, do it like me to get it right". Using the demonstration and replay for every student, on every occasion, means that we are allowing students to miss 'active experimentation' which is the final step in Kolb's experiential learning cycle. The students have not had to find the answer themselves and this, according to Kapur, is where the real learning takes place. Too frequent use of the replay will only convert what is designed to be a student-centred class into a teacher-centred one.

We believe that a better technique would be to ensure that having given advice to a student on how to improve their performance, there must be some practical exercise in order to ensure the student makes demonstrable improvement. This may very well be achieved in the way that is set out in the Hampel Method, i.e. by a 'demonstration' and a 'replay'. However 'demonstration' and 'replay' is not the way to improve every problem. There are other creative ways of helping with certain problems. An example could be sitting next to the student and getting them to engage in a natural conversation about their client's case as a way of showing them how to move away from an overly robotic or scripted submission.

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<sup>31</sup> ibid

Using a variety of practical exercises designed to improve performance rather than repeated reliance on the tutor demonstrating and the student then copying further encourages the student to actively experiment which closes Kolb's experiential learning cycle. The technique also supports Kapur's theory of productive failure. The students can both have the opportunity to make mistakes and to learn from them. As long as the materials provided and the review of the tutor are well structured so as to ensure experimentation is not unscaffolded then the students are free to develop their own style and techniques in a safe and positive environment. Scaffolded experimentation can lead students to a process of reflection and reconsideration which they can hopefully take with them as a skill, thus enabling them to critique their own performances in the future and improve outside of the classroom as their reliance on scaffolding is gradually decreased.<sup>32</sup>

### **The future of advocacy training**

The authors strongly believe that there is no need for the Advocacy Training Council or Bar Standards Board to outline which method of teaching should be approved for the Bar Professional Training Course. Providers of the BPTC should be given the freedom to develop their advocacy courses and teaching techniques in accordance with sound pedagogical understanding and with sensitivity to the needs of individual students. Regulation of the efficacy of their methods would still exist through the usual monitoring of standards accomplished through annual visits and reflective reviews. If the use of the pure Hampel Method as a style of teaching is to remain then there is no reason why this Method of teaching can not be introduced during pupillage. This will allow BPTC tutors the freedom to choose which method of teaching is appropriate for their students and alter the Hampel Method to the degree that is appropriate throughout the course.

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<sup>32</sup> Kuo-En Chang, Yao-Ting Sung, Ine-Dai Chen, 'The Effect of Concept Mapping to Enhance Text Comprehension and Summarization' (2002) 71:1 The Journal of Experimental Education 5

We have attempted to outline the significant flaws inherent in the use of the pure Hampel Method and have put forward alternatives to the Method which we believe would be of value at all stages of advocacy training. However, if the use of the Hampel Method is to remain it is suggested that further modifications to the Method should be approved by the ATC and outlined in the BPTC Handbook. Firstly it is suggested that a constructive exchange between the tutor and student should be allowed to ensure that the feedback given not only matches the error demonstrated in the performance but takes account of the causes of the error. Secondly, the use of a demonstration and replay should be identified as one of only a number of teaching techniques which can be employed to help a student understand how they may improve their performance. Thirdly, BPTC courses need to embed in their design a reflective cycle which will ensure pupils can take account not only of tutor feedback but peer feedback and self reflection in a way which allows and encourages the students to experiment and find their own voice.

The teaching of advocacy is a vital skill for all lawyers. In England and Wales every year around 1,500 students are called to the bar with many more qualifying as solicitors with rights to practise in the lower courts. With the teaching of advocacy so central to professional training it is surprising and disheartening to note that in the last twenty years so very little has been published, particularly in the UK, on the teaching of advocacy. Papers which have been published provide some great insights into how to improve the teaching of advocacy such as the 2012 paper from Nancy L. Schultz referenced above.<sup>33</sup> Other examples include a 2014 paper which looked at the use of alternative narrative techniques to help students understand the varied ways in which a story can be portrayed in court,<sup>34</sup> a 2015 paper exploring how interdisciplinary collaborations between law and social work can ensure clients are better represented<sup>35</sup> and a 2009 paper which looked at how we can incorporate the study of theatrical form and acting techniques to help advocacy students prepare for an advocacy 'performance'.<sup>36</sup> However there is a clear need for further pedagogic research exploring the benefits of implementing a constructivist analysis into

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<sup>33</sup> op. cit. n. 22

<sup>34</sup> Kimberley Holst, 'Non-traditional Narrative Techniques and Effective Client Advocacy' (2014) 48:2 The Law Teacher 166

<sup>35</sup> Stephanie K. Boys, Stephanie Q. Quiring, Carrie A. Hagan, 'Social Work Skills Can Fill the Gaps in Legal Education: Law Student Opinions of their Preparation for Practice with Clients' (2015) 3 UK L. Student Rev. 87

<sup>36</sup> Les McCrimmon, Ian Maxwell 'Teaching Trial Advocacy: Inviting the Thespian into Blackstone's Tower' (1999) 33:1 The Law Teacher 31

advocacy training. The use of theory can be highly constructive and help us to evaluate what we do as teachers just as much in the teaching of skills as it can in any other area of teaching. Innovation in the teaching of advocacy is most likely to be achieved through reflective practice, pedagogical research and rigorous debate. There may be some who feel that there is no need for innovation in the teaching of advocacy but learning and innovation go hand in hand and whilst a particular method of teaching may have merit it can always be improved upon.