

**Speech by SJ at the 12th Inauguration Ceremony of the
Advocacy and Mooting Society, Faculty of Law of HKU on
Monday, March 25 2013**

The Hon. Mr. Justice Tang; Ms. Winnie Tam, Mr. Tony Ko, Ms. Edith Leung and Mr. Victor Wong, Distinguished Guests, Ladies and Gentlemen:

Thank you for inviting me to this inauguration ceremony, which marks the official commencement of the 12th Cabinet of the Advocacy and Mooting Society (“AMS”).

Good advocacy is plainly one of the necessary criteria in the context of providing quality service to one’s clients. However, the importance of advocacy goes beyond that. In the book called “Advocates”, Lord Pannick QC observed as follows (at p. 242-243):

“ No modern society which values human rights could survive without professional advocates.

It is a fundamental rule of natural justice that a man shall be heard before he is condemned in any respect. But the right to be heard would often be of little use if it did not include the right to counsel. For those who are less than articulate, the importance of the hired voice is obvious. The role of the independent advocate, speaking for those who cannot (because of inability) or should not (because of unpopularity) address the court on their own behalf, is an indispensable aspect of the rule of law. Freedom of expression in court, especially for those whose liberty or property is endangered, cannot depend on an ability personally to present your case, or to find someone prepared to assist without reward.”

In the context of Hong Kong, we can ill afford not to have top quality advocates. As reiterated in the latest Policy Address, it is the Government’s policy to develop Hong Kong as a leading centre for legal and dispute resolution services in the Asia Pacific region. Top quality advocacy service is an indispensable part of such services. The provision of good training to our young and aspiring law students is certainly one of the means to pass on advocacy skills from generation to generation.

The continuous and considerable efforts made by the Advocacy and Mooting

Society to assist law students in polishing their advocacy skills is encouraging and worth supporting. Participation in mooting help law students to polish their oratory skill as well as enhance their confidence in public speaking. Whilst this is not an occasion to discuss how advocacy training should be provided, may I take this opportunity to share my thought on two aspects, which the incoming Cabinet may perhaps wish to consider when planning their future activities.

First, the concept of advocacy should no longer be confined to oral advocacy. Skills in respect of written advocacy cannot and should not be ignored, as skeleton submissions are now of essential importance in modern civil procedure. In his January 2004 lecture to the Chancery Bar Association Conference entitled “Advocacy – A Dying Art?”, Mr. Justice Lightman described skeletons as the first (and often enduring) opportunity to present a party’s case without interruption in a clear and considered way, and that cases can be won or lost on skeleton arguments¹. Accordingly, in mapping out future advocacy and mooting programme, consideration may well be given to the training of written advocacy skills (such as training on preparation of written skeletons for mooting).

Second, apart from oratory skills, ethics and integrity play a no less important role in the making of a good advocate. As once observed, “Integrity without knowledge is weak and useless, and knowledge without integrity is dangerous and dreadful.”² I trust the new Cabinet will consider organising activities to enhance law students’ understanding and awareness of this aspect.

Last but certainly not least, it remains for me to wish the Advocacy and Mooting Society and the incoming Cabinet of the Executive Committee every success in the year to come.

Thank you very much.

¹ See: Andrew Goodman, *Influencing The Judicial Mind – Effective Written Advocacy in Practice* (xpl law) (2006), p. 1

² By Samuel Johnson, author of *The History of Rasselas, Prince of Abissinia*.