

# PUPILLAGE DOCUMENT 2011

## Introduction

1. In this document we set out our policies in relation to:
  - a. the choice of pupils;
  - b. the finance available;
  - c. the role and duties of pupils;
  - d. the pattern of pupillage;
  - f. the recruitment of tenants; and
  - g. the position of a pupil not offered a tenancy at the conclusion of pupillage
2. References to the masculine always include the feminine.
3. We are a busy set of chambers with premises in Liverpool, Leeds and Manchester. We practice predominately in the North West but also much further afield, Chambers having a national reputation.
4. We are a thriving organisation, having been managed progressively for the last 17 years. We have been at the forefront of many developments at the Bar. For example, we were the first chambers to hold a seminar for over 100 guests; that was in November 1991 when Lord Steyn was the key speaker. We organise ourselves as if a corporation, our management emphasising the business aspects of professional life whilst maintaining a concentration of the important, traditional values of the profession. Having been a leading set of Liverpool chambers for much of the 20<sup>th</sup> Century, in 2000 we expanded into Manchester. The office is now a major part of our operation and success. It continues to expand. We have very much in mind the opportunities that will be brought about by legislation likely to follow the Clementi report on legal services. We have a large body of accredited mediators amongst our number. We look forward to continuing our success.
5. At the present time we have 14 Queen's Counsel and 114 juniors in chambers who specialise in one or more of:

- a. crime;
- b. personal injury;
- c. family law;
- d. chancery law;
- e. commercial law;
- f. construction law;
- g. employment law;
- h. professional negligence; and
- i. general common law.

In addition, we have experts in housing, taxation, pensions and insurance. A substantial part of our work is for local authorities and government bodies.

### **Pupillage Committee**

6. The Pupillage Committee consists of Bill Braithwaite Q.C. (Joint Head of Chambers), William Waldron Q.C, Simon Berkson, Cath Howells, David Mohyuddin and Kerron Rohrer.
7. This is not an ad hoc committee. It has been its members over 50 years' experience of considering pupillage applications.

### **Selection Procedure**

8. For application for pupillage commencing in Autumn 2012, Chambers is not a member of OLPAS.
9. The deadline for applications is 11.00 on 28<sup>th</sup> April 2011.
10. Applications must be made on Chambers' own application form which can be downloaded here. Whilst we prefer applications to be made electronically, a hard copy of the form, which may be completed by hand and returned to us, will be made available upon request. We will make all reasonable efforts to accommodate any applicant who may have specific requirements which need to be met in order for him to be able to complete the application form.
11. Any applications by way of covering letter with c.v. will not be considered.
12. We will communicate with candidates by email, unless that is impossible or unless particular circumstances indicate that it would be inappropriate for us to attempt to do so.

13. The Pupillage Committee intends to consider all applications by Monday 6<sup>th</sup> June 2011 in accordance with the procedure described in more detail below.
14. The initial consideration of applications is carried out in accordance with strict criteria laid down by the Pupillage Committee. The source will draw a list of the top 50 or so applicants.
15. Thereafter, the Pupillage Committee will meet in order to select, from that list of 50, no more than 12 who will be invited to first round interviews. In view of the very considerable number of applicants that we receive each year it is simply not feasible to interview everyone. Travel expenses will be paid.
16. At that meeting the Pupillage Committee carries out two further tasks:
  - a. It reviews the selection process undertaken on its behalf by the external source in order to ensure that its selection criteria have been adhered to and that Chambers' equal opportunities policy have been implemented. It does this by taking, before the meeting, a sample (about 10) of the applications received and itself applying the selection criteria in accordance with the equal opportunities policy. This is done in an effort to ensure that no injustice is done to any candidate. At least each junior (i.e non-QC) member of the Committee will consider each of the 10 applications carefully and independently. The Committee as a whole will then scrutinise the results lest the assessment by any one member of the committee has led to an unfair result.
  - b. It also reconsiders the applications as a whole with a view to ensuring that no candidates have suffered inadvertent discrimination.
17. First round interviews will take place on the proposed date Saturday, 2<sup>nd</sup> July 2011 in Liverpool. No interview on that day will last longer than 20 minutes. Some days prior to the interview, candidates will be provided with a question to answer; it will form the basis of discussion which will occupy part of those 20 minutes. Candidates must be prepared to defend the opinion they express.
18. Interviewees are all assessed by reference to the same criteria and the questions asked are designed both to give candidates the opportunity to perform in each criterion and to allow for objective marking by the

interview panel (which will consist of some of the Pupillage Committee but not necessarily them all, together with other members of Chambers and possibly Chambers' Director Tom Handley). Each member of that panel will, independently of his colleagues, record the marks he has awarded immediately after the conclusion of each interview.

19. At the end of the day, the interview panel will collate their marks and discuss the result. They will then decide which candidates will be invited to take part in the second round. No more than four applicants will reach second interview stage.
20. The second round will take place during the week (date to be confirmed). It will likely last one full day and will include a mixture of formal interviews and assessed practical exercises as well as dinner in the evening. Accommodation will be provided at Chambers' expense for second round interviewees; travel expenses will also be met. At the end of the second round of interviews, candidates' marks will be collated and the Pupillage Committee will consider what recommendation to make to Management Committee, which makes the final decision whether an offer of pupillage is to be made. We will make any offer of pupillage in accordance with the OLPAS timetable.
21. In the event that a candidate is interviewed and not offered a pupillage, we will let him know as soon as possible so that he may concentrate his attention upon other applications.
22. If invited to interview, whether first or second round, candidates should be aware that they will be assessed carefully at all stages. That said, our fundamental approach to interviews is that they should be conducted in as informal an atmosphere as possible. We prefer conversation to confrontation. We are conscious that, for many candidates, attending interviews is in itself a stressful experience. We think it wrong therefore deliberately to seek to put the candidate under further pressure simply to see how he reacts. Our belief, based upon many years' collective experience, is that candidates are more likely to give of their if they are put at their ease than if they are subjected to stress. Our objective is to make that we see the best of each candidate. Nonetheless, each candidate's first task as an advocate will be to persuade us that we would be making a serious mistake if we do not accede to their application.
23. As well as affording Chambers the opportunity to assess each candidate invited for interview, the candidates will have the

opportunity of deciding whether they should want to join us if invited to do so.

24. It is important to understand that when we make decisions as to pupillage we have the long term very much in mind. Our hope is that we will be able to grant a tenancy to the successful pupillage applicant at the conclusion of his pupillage. The decisions that we make directly affect the very future of Chambers. It is for this reason that we take as much care as we do over applications for pupillage.
25. The Committee is acutely conscious that the overwhelming majority of the decisions that it makes are likely to cause mild disappointment at best to profound despair at worst. We are sometimes asked to give reasons for our decisions. We prefer not to do so and ask candidates who have been unsuccessful to bear in mind the intensity of the competition and the extremely high standard of very many of the applications. We take no pleasure at all in refusing, as we are obliged to do so each year, applications from candidates who we are fairly confident will do well at the Bar.
26. We assess applications quite regardless of age, sex, race, ethnic origin, disability, social background, political persuasion, religion, marital status and sexual orientation. Although we are in search of excellence no candidate should feel inhibited from applying to us for either a mini-pupillage, a pupillage proper or a tenancy. Indeed, we welcome and encourage all applications and will make every reasonable allowance to ensure that they can be made. Unlawful discrimination is an unmitigated evil; it is a denial of natural justice and ought therefore not to exist within a profession whose whole *raison d'être* is the pursuit of justice. To that extent it is a sad reflection upon the profession, or at least upon some parts of it, that there is a real need for the Equality Code. Chambers enthusiastically supports the spirit that pervades the Code and seeks to implement its fundamental principles.
27. A successful candidate is likely to have the following qualities:
  - a. integrity;
  - b. a fine intellect;
  - c. a capacity for sustained hard work under pressure;
  - d. sound judgment;

- e. an ability to relate appropriately to the very widest cross section of the population;
- f. clarity of thought and expression;
- g. confidence;
- h. enthusiasm;
- i. broadness of mind; and
- j. an ability to achieve.

If no candidate is truly outstanding then we may not offer a pupillage at all.

- 28. Whilst we take into account a candidate "A" – Levels we do not require any minimum grades as a pre-requisite for interview. We believe that more recent evidence of academic achievement is of greater relevance to pupillage selection.
- 29. Equally, we accept that class of degree alone should not be regarded as infallible indicator of likely success in practice. However, we receive hundreds of applications each year. As a general rule, we do not interview candidates with less than an upper second class degree unless circumstances are exceptional. If a candidate with less than an upper second feels his circumstances are exceptional, he should explain why in his application.
- 30. We have no requirement that a candidate should have studied at a particular educational institute or type of institution. We are always prepared to consider a range of intellectual ability when we assess the potential of candidates.
- 31. We are looking for candidates who can demonstrate application and achievement in whatever field they have chosen to endeavour. We consider non-academic achievement just as much as academic achievement and would expect successful candidates to show both. We are particularly impressed by candidates who have achieved in the face of adversity.

32. In addition, we expect would-be pupils to demonstrate their commitment not only to Chambers but also to other members of the team they hope to join.

### **Pupillage Itself**

33. We invest a lot of time and money in pupillage because we believe it to be of immense importance to the long-term well-being of Chambers.
34. We encourage pupils to have as broad-based a legal education as possible and, for that reason, we discourage specialisation within pupillage save for those pupils who wish to practise commercial or chancery law. Our experience is that those pupils cannot hope to develop such a practice unless their pupillage has been devoted to that type of work.
35. Each pupil will have one pupil supervisor whose room, if space permits the pupil will share and with whom he will spend the majority of his time both in and out of court. The pupil supervisor will be responsible for introducing the pupil to Chambers' life and for ensuring that all necessary arrangements are made for the pupil to experience such aspects of Chambers' work as are outside his own practice.
36. We make use of all the Bar Council approved checklists and encourage pupil supervisors and pupils to strive to complete as many aspects of the lists as possible.
37. We encourage all pupils to attend the seminars, lectures and courses given on circuit and further afield and by Chambers that are relevant to the work they are likely to undertake in practice. Similarly pupils are encouraged to belong to any appropriate specialist bar associations.
38. It is our intention that a close professional relationship should develop between pupil and pupil supervisor. It is of his pupil supervisor that a pupil should at all times feel entirely at liberty to turn for assistance whether the problem be legal, ethical or personal. Indeed, we will consider ourselves to have failed if for some reason the pupil does not feel able to raise any such problems with his pupil supervisor.
39. At the conclusion of the first 6 month's pupillage, a pupil can expect to undertake paperwork and court work in his own right, subject always to the approval of his pupil supervisor.

40. Whether the pupil is offered a tenancy at the conclusion of pupillage will depend on the views expressed by Chambers as a whole. Clearly, the pupil supervisor's report will be influential, but not necessarily conclusive. Obviously, we hope that every Chambers' pupil will eventually be offered a tenancy. But we think it right to make it clear that there is nothing automatic about the offer of a tenancy. A tenancy is the prize that awaits the pupil who has worked consistently hard during pupillage and demonstrated a high degree of competence and commitment, thereby gaining the respect of Chambers as a whole.
41. The pupil's progress is continuously monitored by his pupil supervisor. A rather more formal review occurs at three monthly intervals, the purpose of which is to identify and resolve any problems or difficulties that the pupil might be experiencing.
42. No pupil will be taken by surprise if Chambers ultimately decides against offering a tenancy. The warning signs will almost certainly have been evident from quite an early stage and will have been raised during both formal and informal reviews; steps will have been suggested that are designed to correct the perceived failings or shortcomings.
43. If Chambers decides that a pupil should not be offered tenancy, we will do what we can to try and help the pupil find a place in other chambers. We have little experience of the concept of squatting. Whilst we will not be overly hasty in requiring the pupil to leave Chambers, we think it probably desirable for both sides if the pupil who has not been offered a tenancy does not linger.

#### **Grievance Procedures**

44. We have devised grievance procedures that may be invoked by barristers, pupils, professional and lay clients and staff.

#### **Pupillage Awards**

45. The Bar Council's Pupillage Funding Requirements apply to all pupillages commencing on or after 1 January 2003. Chambers' pupillage award exceeds the Bar Council's requirements.
46. In practice this means that we shall make the following payments to each pupil:
  - a. during the first 6 (non-practising) months of pupillage he will receive £1,666.66 per month plus such expenses as have

reasonably been incurred during that month on travel to court and attendance at courses that he is required to attend as part of his pupillage

- b. during the second 6 (practising) months of pupillage he will receive £2,500 per month plus such expenses as have reasonably been incurred during that month on travel to court and attendance at courses that he is required to attend as part of his pupillage less
1. such amount, if any, as he may receive during that month from his practice as a barrister; and
  2. such amounts, if any, as he may have received during the preceding months of his practising pupillage from his practice as a barrister save to the extent that the amount paid to him in respect of such month was less than £2,500 plus the expenses referred to above.

47. A hypothetical second six months pupillage is set out in the table below by way of illustration.

<b>Month</b>	<b>Bar Council Requirement</b>	<b>Chambers award</b>	<b>Pupil's receipts from practice</b>	<b>Chambers will pay the pupil</b>	<b>Explanation</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	
7	833.33	2,500.00	0.00	2,500.00	No receipts
8	833.33	2,500.00	750.00	1,750.00	Receipts of £750 have been deducted
9	833.33	2,500.00	3,500.00	0.00	Receipts exceed Chambers award by £1,000
10	833.33	2,500.00	200.00	1,300.00	Receipts of £200 have been deducted as have the

					£1000 that was received in excess of Chambers award in month 9
11.	833.33	2,500.00	0.00	2,500.00	No receipts
12	833.33	2,500.00	6,000.00	0.00	Receipts exceed chambers award

48. It will be seen that even though in months 11 and 12 the pupil's aggregated receipts exceed the award from Chambers by £1000, the £2,500 that he received from Chambers in month 11 is unaffected.
49. We are also conscious that pupils are likely to carry with them a burden of debt. Should an offer of pupillage be made, we will discuss with the pupil his borrowing and may, dependent on individual circumstances, make an offer to assist with the management of that debt.
50. The Bar Council's funding requirements make no provision for the period after the conclusion of pupillage. Chambers will however guarantee each pupil who is granted tenancy total receipts of £100,000 net of VAT by way of interest free loan during the first two years of practice as a tenant.
51. We hope that the receipts of most new tenants will exceed that sum. But for those tenants who may not have been doing work which is as well or as quickly paid, the guarantee will be there in the background to ensure that their monthly income does not on average fall below about £4,500 per month.
52. The precise terms of the interest free loan scheme will be agreed between the barrister and the Head of Chambers upon the grant of a tenancy.

**February 2010**