

EXCHANGE

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Having properly settled in to my first six at Exchange, I have continued to enjoy the getting stuck in with the many learning opportunities I have been presented with. Here are a few highlights from the last couple of weeks.

With Andrew Ward, I observed a week-long inquest in Nottingham into a death in custody. In these cases, the Coroner is required to sit with a jury. I was therefore able to observe the formalities of jury selection and so on. But I was also able to learn how the presence of the jury affects the inquisitorial process of the inquest itself. As in the criminal courts, the Coroner sums up the facts and directs the jury on the law, but it is ultimately for the jury to reach a conclusion as to how the deceased came by their death. In this particular case, with Article 2 ECHR engaged, that question also includes “in what circumstances” the death occurred, which requires a broader examination of the systems that were in place in the prison to safeguard prisoners.

With my supervisor, Sara Sutherland, I observed a conference in which an early Part 36 offer had been received. This is another one of those topics which is taught in theory at Bar school, but which you can only learn about properly by seeing in practice. Early offers, in particular, put claimants in a difficult position tactically; before expert evidence is available, it is difficult to know how much a claim is worth, but if an offer isn't accepted within the prescribed 21 day period that leaves the claimant exposed to costs risks if they decide to accept it later. It was very instructive to see Sara work through the complexities with the client and to give clear advice on risks in a situation where there are lots of unknowns.

I also went on my first client visit with Sara this week. Commonly, barristers will visit a new client in a personal injury case at their home to discuss their case with them. This gives counsel an invaluable opportunity to understand how the accident has affected the client, how they are adapting to life post-accident and what their needs for the future are likely to be. A learning point I took away is that, in these kinds of situation, there is a huge amount of value to be gained from sitting down with the client in their home and discussing matters face to face.

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Finally, I spent a day with Kerron Rohrer at Birkenhead County Court to observe a busy list of applications under the Pre Action Protocol for Law Value Personal Injury Claims in Road Traffic Accidents. These are the kinds of applications I would expect to be doing once I am on my feet. I learned that there is a real premium on speed and efficiency when working through multiple cases in a day before a busy District Judge. I also learned that it is crucial to understand the relevant provisions on costs, in order to make appropriate submissions at the end of each application.

Overall, it has been another busy and fascinating two weeks. I am now looking forward to observing a three-day trial in Preston next week which promises to throw up some interesting and unusual legal issues, on which I hope to say more in my next diary entry.