

Dear Diary,

Weeks 5 and 6 of pupillage have been incredibly enjoyable but hectic. You often don't notice that you are operating purely on adrenaline until you pause. I can safely say that by the end of week 6 my adrenaline was still pumping. I am on an electrifying high from juggling and accomplishing many tasks. Let's take you on a whistle-stop tour of the past couple of weeks.

Week 5

On Monday I reviewed the list of issues in a remitted preliminary hearing. I benefitted from reading how a list of issues is prepared. It is evident that when the Court makes a direction to try to agree the list of issues, Counsel should read the document carefully to ensure that the list advances their client's interests as much as possible and make necessary revisions. Moreover, I also observed that my supervisor kept costs considerations and the benefits of settlement as a key focus. Given that this is a remitted hearing, Ashley reminded the client that while he is confident of success, there is no guarantee as to the outcome. Therefore, both parties may consider a relatively modest settlement given how long and expensive the case has become.

Afterwards I had a pupillage catch up chat with Chantal Core. It is a wonderful feeling to be supported and know that pupils can discuss the progress of pupillage and address any challenges. The rest of my day was spent learning about unfair dismissal, wrongful dismissal and discrimination-based claims in employment matters. I also read a skeleton argument and the bundle in a pre-trial review (PTR) in a commercial matter in which Steven Fennell was representing one of the parties. I learnt that a PTR's skeleton argument focuses on fixing a trial timetable (providing a time estimate) as well as identifying the key issues that should ideally be resolved by the commencement of the trial. Outstanding issues about disclosures and breaches to the Claimant's witness statements were highlighted.

On Tuesday, I finished reading the bundle and shadowed Steven Fennell at the PTR. Prior to the hearing beginning one of the parties, without making a request to the Court, joined by Fireflies AI Notetaker- a recording device that converts everything said into a transcript. I was aware that there are recording restrictions in court. Steven opposed its use submitting that it was inappropriate for a side to have their own transcript without prior notification to the court of the proceedings. The Judge agreed and Fireflies AI Notetaker was removed. I learnt that innovative technology should not be used to circumvent implemented rules. Counsel must be live to any potential breaches and the impact that it can have on the court process and its client.

The Judge focused on the issues in the PTR: the trial timetable and length of trial with the parties; the list of witnesses and their speaking order; trial bundles and the contentious disclosure of one of the Claimant's key documents. The Judge indicated that there should be a formal application made. He noted that it is easy to be tempted to deal with such matters in the PTR, but he emphasised that an application should be made. Ultimately, the Claimant conceded that the document should be disclosed. I learnt that at PTRs a judge has discretion about whether to hear submissions about disclosure at the PTR or whether to require that a formal application is made and heard at another date prior to the final

hearing or at the beginning of the final hearing. Steven's post-hearing discussion with the solicitor involved a discussion about the merits of the case as well as tactical planning for the final hearing.

On Tuesday afternoon, my pupil supervisor and I attended a Directions Hearing in a Director Disqualification and Compensation Claim. We had a pre-hearing discussion in which Ashley approved my chronology and draft order. I also was reminded that one should always check the notice of hearing and ensure compliance. If there is non-compliance, it should be flagged with the instructing solicitors immediately with the aim of rectification. I learnt from the hearing that even in a simple short application hearing, Counsel should thoroughly know their case because one never knows the types of question that the Judge may ask.

The rest of the day was spent discussing the Professional Statement with my supervisor and commencing case analysis for an employment sex discrimination claim with the aim of producing an opinion. On Tuesday night, I attended Leeds Business and Property Courts Forum Joint Experts Events with Lisa Linklater KC from 5:30pm. Through a demonstration of an example of a bad and good expert joint meeting I learnt how joint expert meetings should be conducted. Afterwards, we networked with other attendees and left around 7:40pm.

On Wednesday, I continued conducting case analysis on the sex discrimination claim. Lisa Linklater KC requested legal research for an insolvency seminar in which she was the guest speaker. I produced a research paper and PowerPoint slides on the difference between fixed and floating charges in light of the case *Re Avanti Communications Ltd (in administration) [2023] EWHC 940 (Ch)* and other key cases. That task merited researching from Wednesday- Friday.

I took a break from my research task on Thursday evening to attend a clinical negligence event at the Box in Leeds. This networking event was arranged by Switalskis solicitors in conjunction with Chambers. I arrived at the event at 5:30pm and left at 8:45pm. The highlight of our night was discovering our unique skills in playing shuffleboard. It is important to network and get to know potential instructing solicitors. It is never too early to build meaningfully symbiotic professional relationships.

On Friday, I successfully balanced completing and submitting my research paper for Lisa Linklater KC while attending two remote preliminary hearings in the Employment Tribunal. My supervisor was sitting as a Judge. The first hearing was about employee status. I learnt that the court assesses these cases by taking a multi-factorial approach. Although the person may be a shareholder or majority shareholder it doesn't preclude them from being an employee. The court must consider among other things: was it a written contract? Was it a sham? Were they subject to control? How were they remunerated (PAYE, share, dividends)? Did they take holiday? How did they take holiday? The second hearing was about time limits in a claim of alleged unpaid wages. I learnt that most time limits in employment law are three months less a day.

Week 6

On Monday morning, I received positive feedback from Lisa Linklater KC about my research. She commented that I produced excellent work and that she is thoroughly impressed by my research on a difficult topic. Wow! I think I slipped into a daze for a moment upon hearing Lisa's kind praise. It was quite reassuring to know that my diligence resulted in well-received submissions. It gave me a reinvigorating boost to continue embracing the steep learning curves of pupillage.

Week 6 was spent attending a five-day employment trial in an employment matter concerning constructive unfair dismissal, harassment related to disability, failure to make reasonable adjustments and disability discrimination. On day 1 of the trial, the Judge identified the preliminary issues with the parties and the tribunal reserved the morning period to read the bundle and the witness statements. Evidence began in the afternoon in which I took a note.

The rest of Monday evening involved a trip to London to attend UCL Law Society's Introduction to the Bar Event from 7pm-9pm in which I was a guest speaker. During my trip to London, I spent my time on the train completing the day's attendance note, conducting case analysis on the sex discrimination claim and completing my preparation for the panel event. The panel comprised six persons- pupils and barristers. I addressed the audience about my experiences as an international student and applicant applying and securing pupillage. I explained how my experiences led me to create my YouTube Channel Life Law Bim and the reasons that I founded International [Future] Barrister Mentorship (IFBM). It was an enjoyable evening. But before I knew it, I was back on the train to Leeds. I arrived in Leeds around 11pm. It was a long but productive day!

On Tuesday and Wednesday, I observed my supervisor's skilful cross-examination of the Claimant. I learnt that Counsel must develop a good technique to control the witness, direct them to the questions asked and keep them focused on the particular question especially when a witness is being evasive. Moreover, I learnt that generally, with disability discrimination claims with lengthy allegations and long periods of absences, the best way to approach cross-examination is to do it chronologically. The aim is to get the tribunal to understand the story from start to finish. In this case, the cross-examination of the Claimant lasted 2 ½ days because of the level of detail that had to be analysed.

When the Claimant finished giving her evidence, as a litigant in person, she had an opportunity to question the Respondent's witnesses (on Wednesday and Thursday). My supervisor was mindful that she was a litigant in person and sought to intervene sparingly during her cross-examination. Nevertheless, my supervisor intervened when the Respondent's witnesses were asked to speculate or if the Claimant made lengthy speeches or asked long-winded questions. I learnt that interventions during the opposing party's cross-examination should only be undertaken when it is essential. It is a judgment call.

On Thursday the Respondent completed their evidence and closing submissions were heard. I learnt that closing submissions can be made via a combination of written and oral

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submissions. It is the parties' choice. Closing submissions should be focused on the issues of the case.

On Thursday night my supervisor and I attended the North Eastern Circuit's Grand Court. It was a great opportunity to network with pupils and barristers across the North Eastern circuit. The pre-drinks occurred at 7pm and dinner commenced at 7:45pm. It was a night steeped in the traditions of Circuit. I learnt that it is common courtesy to make your bathroom request to the Circuit Junior. It was eventful listening to the call and response among Circuit members. But the highlight of the night was watching barristers join the Circuit. They stood on a chair and stated their pretensions. There was some heckling involved. It was truly a night of laughter and cheer especially during the Master of the Revels humorous assessment of the last quarter. I returned home around 11pm keen to get some rest.

On Friday, judgment was given. Our client was successful (so that was a lovely ending to a busy week). When discussing how Counsel should liaise with opponents, my supervisor impressed upon me that it is not necessary to be abrasive. Counsel must be firm and tough for their clients especially in a negotiation, but there are nice ways to do it. A wise man (Ashley Serr) once told me "*You get more with honey than you do with vinegar.*"

Week 6 involved writing attendance notes daily. I also realised that while trials can be incredibly rewarding, they are exhausting. There is very limited time on evenings to get paperwork and other work done. Therefore, week 6 ended with me working through the weekend to complete an opinion to submit to my supervisor.

What a busy but rewarding past two weeks it has been!

As I immerse myself in this fulfilling pupillage journey, I continue to glean an insight into a busy practice and that is exhilarating!

Until next time!

Yours truly,
Nia Marshall