Dear Diary,

Rest, rejuvenation, and relaxation (the three Rs) are being incorporated into my busy pupillage. The three Rs ensure that I am reinvigorated, energised and re-fuelled to tackle each day's exciting learning opportunities.

Note to future self: Always remember to diarise recreational time mentally or physically. It is essential for a successful practice and good work life balance.

Now, fasten your seatbelts and let's delve into the adrenaline rush of weeks 7 and 8 of my exciting pupillage.

Week 7

On Monday, I continued writing my advice for an employment sex discrimination claim. My advice was submitted on Tuesday. I also attended an employment matter remotely in which my pupil supervisor, Ashley Serr was sitting as a Judge. The key issues in this case were whether the claim was presented in time and whether the Claimant's dismissal was within the contractual probationary period. If it was found that the Claimant's dismissal was made outside of the probationary period the Claimant would have been entitled to 3 months' notice of dismissal and pay. Contrarily, if it was found that the Claimant's dismissal was within the probationary period the Claimant would only be entitled to 1 week's notice and pay.

The Claimant was conducting the case from Dubai and intended to give evidence from abroad. I learnt that there are rules for giving evidence abroad which can be found in 'The Presidential Guidance Taking Oral Evidence by Video or Telephone from Persons Located Abroad.' The Claimant should have notified the Employment Tribunal Office months in advance of the hearing that she intended to give evidence to facilitate the administrative process. The tribunal referred to the Guidance. In order to avoid delay, the tribunal decided to examine alternatives to oral evidence. Given that the Claimant's matter was essentially a contractual matter, she dealt with her case by way of submissions as opposed to giving evidence about the contract. While the claim was deemed to be presented in time, the Claimant's contractual claim failed.

Tuesday brought with it the exciting opportunity to robe for the first time while in pupillage! It was such a thrill to wear my wig and gown while shadowing Kirsty Malloch during the winders list. I quickly learnt that the winders list is fast paced so Counsel must think on their feet. Nevertheless, I noted that if Counsel required time to research or clarify something or take instructions, their request was permitted by the Judge. Another key takeaway was that if the Judge requests that Counsel's instructing solicitors make an undertaking (e.g., to re-file and re-serve documents forthwith or in 14 days etc), Counsel must take instructions prior to confirming that such an undertaking will be complied with. The consequences of non-compliance could be dire.

I also shadowed Kirsty in a bankruptcy hearing. Bankruptcy is a legal test involving whether the debtor owes the money and can pay. The litigant in person did not have the legal grounds to successfully oppose the bankruptcy. When the order was made the litigant in

person sobbed. Sometimes these cases are heart wrenching. But Counsel must put aside their emotions and act in accordance with their instructions in a kind and respectable way.

I spent the remainder of Tuesday and Wednesday reading an employment case in which the Claimant claimed discrimination arising from disability, a failure to make reasonable adjustments and victimisation. My supervisor conducted a telephone conference with the instructing solicitor. These conferences are useful: to request evidence that was disclosed but may not be included in Counsel's papers, to discuss the possible outcomes of the case management conference and to discuss potential trial timetable periods. Wednesday concluded with revision for my upcoming BSB Professional Ethics examination.

Thursday and part of Friday was spent reading a Disclosure Barring Service (DBS) case in which the appellant was seeking permission to appeal the DBS' decision to include him in the Children's Barred List.

During Thursday morning, I attended a conference with my supervisor's prospective client regarding an employment matter. I noted that Ashley asked him questions about his case and provided practical advice. He advised the prospective client that he should plead his best points as "a strong, clear, simple, narrative is best, as less is more." Ashley also warned the prospective client to be costs conscious as costs are not generally recoverable at the employment tribunal.

Thursday afternoon was spent in an employment preliminary hearing. This preliminary hearing was a marathon as the claims were not clearly identified. The Judge "rolled up his sleeves" and decided to decipher the issues with the Claimant and her representative. These hearings are designed to pinpoint the issues so that the Claimant cannot bring further claims at a later date. They are also useful as the Judge liaises with the parties to implement a trial timetable and directions for disclosure, filing and service of documents.

On Friday, my supervisor and I attended a DBS case in Birmingham. It is a relatively low bar to satisfy the Judge that permission should be granted to allow the appeal. It is based on whether the arguments have any reasonable prospects of success. I noted that it is important to identify the weaknesses in your case. In this case, a useful piece of evidence was missing which caused our case to be reliant upon inferences. I noted that Ashley flagged the weaknesses in the case to his instructing solicitor. When making submissions, Counsel must develop an argument which plays to the strengths of their case while mitigating any weaknesses. As my supervisor puts it, "we are in the persuading business."

Week 8

This week brought with it helpful feedback on the opinion that I submitted on the sex discrimination claim. I conducted a detailed comparative analysis between my supervisor's advice and mine noting the similarities, differences, and areas for improvement. Positively, my judgment and analysis on the underlying claim were correct. It was pleasing to see that aspects of my opinion were incorporated into Ashley's advice. I am proud of my efforts.

I spent a significant portion of the week reading a DBS case in which the Upper Tribunal upheld the Appellant's appeal and remitted the case to the DBS for a fresh decision. My

supervisor tasked me with writing an opinion on whether an appeal can be lodged in the Court of Appeal. I submitted the opinion on Friday.

On Thursday, I shadowed Susanna (Susie) Kitzing in a General Medical Council (GMC) review hearing. Before attending the hearing, I read the Medical Practitioners Tribunal Service (MPTS) guidance. This matter was about a review of a doctor's impaired fitness to practise by reason of conviction (for drink driving) and adverse health. Susie represented the GMC. I learnt that her role in the review hearing was to summarise what transpired at the previous tribunal hearing, make submissions on impairment and a recommendation of the imposition of further conditions. I noted that the impairment test is derived from the case CHRE v NMC and Paula Grant [2011] EWHC 927 (Admin).

I also learnt that the starting point in these hearings are that they should be heard in public unless the tribunal is considering the health of the practitioner (Rule 41 (3) GMC Fitness to Practise Rules 2004). The tribunal decided that the hearing should be dealt with in a hybrid format with some matters being dealt with publicly and matters pertaining to the doctor's health heard privately. Practically, Counsel indicated when she moved from public to private session in order to avoid private matters being recorded on the transcript.

On Thursday night and Friday morning I read the papers in a case which the Applicant (the trustee in the bankruptcy) sought an order for possession and sale of the bankrupt's property. The bankrupt's wife opposed the application on the basis that she had a beneficial interest in the property. Jodie Wildridge was instructed to represent the trustee.

Thursday night concluded with a Meet and Greet the North Eastern Circuit Pupils event. This event was fantastically organised and hosted by Jordan Millican one of Chambers' criminal pupils. It was a good opportunity to catch up and chat with familiar faces and develop solid professional working relationships. We have started to forge friendships and meaningful connections possibly because we see each other regularly at different events.

I had a very early start on Friday as Jodie Wildridge, and I had to catch the 6:05am train to London. Despite the panic of train cancellations, we discussed the case and arrived early at the Royal Court of Justice (RCJ). The prowess of the architecture, the robust security and bustling barristers inside the building was a thrill indeed. Busy barristers inside the RCJ seemed to be a foreshadowing of my career.

The shadowing of this case taught me that everything owned by the bankrupt vests in the trustee and a trustee has a duty to act in the best interests of the creditors. Good advocacy is aided by a well-structured skeleton argument. Jodie also adapted her advocacy to facilitate the interpreter translating for the bankrupt. I also noted that the preparation of a draft order can facilitate the seamless conclusion of a hearing.

Our journey back to Leeds involved a mad scamper to secure a seat on a busy train (as the train before it was cancelled), the loud chatter of passengers eager to begin their weekend and the completion of my attendance note.

On Friday night I attended the Leeds Junior Lawyers Division (JLD) Winter Ball. It was an enjoyable occasion socialising with fellow junior lawyers and creating meaningful

connections. It was a night filled with laughter, cheer, food, and wine. It is safe to say that we were all happy to usher in the weekend.

It is certainly never a dull day as a common law pupil. I am eager to embark on my upcoming adventures.

Yours truly,
Nia Marshall