

Dear Diary,

Weeks 9 and 10 ushered in a spectacular month, my birth month and more specifically my birthday. Aside from celebrating another year of life and blessings, these past few weeks were spent attending and speaking at events and shadowing outstanding Counsel.

Why don't you tag along with me as I guide you through the past two weeks of birthday bliss, giving back and learning?!

Week 9

I spent Monday and Tuesday attending the Employment Tribunal in Manchester with my supervisor Ashley Serr who was sitting as the Judge. This was a direct discrimination claim where the Claimant claimed that after being offered the job, her offer was rescinded on the basis of having Asperger's syndrome and dyslexia. While giving evidence, the Claimant was feeling overwhelmed, anxious, and often sobbed uncontrollably. The Claimant's advocate requested that she was permitted to give her evidence in private (in the absence of the public). However, the Judge indicated that this was a public hearing. The Judge may have been persuaded if she provided medical evidence indicating that she could not give evidence in front of people. Nevertheless, the tribunal ensured that reasonable adjustments like short breaks were permitted during her evidence.

This was a great opportunity for me to witness the practicalities of outcome 14 of the BSB Handbook "*Care is given to ensure that the interests of vulnerable clients are taken into account and their needs are met.*" I learnt that in protecting the interests of vulnerable clients, Counsel should confirm with the instructing solicitors that necessary reasonable adjustments are submitted to the tribunal beforehand. Despite the fact that the Claimant's advocate did not notify the tribunal in advance of reasonable adjustments, it was evident that the tribunal endeavoured to make reasonable adjustments during the hearing.

While in Manchester, I seized the opportunity to visit the Manchester branch of Chambers. It was an ideal occasion to meet the clerks, barristers and have lunch in Chambers with my co-pupil Tanita Cross.

On Monday evening, Mahdev Singh Sachdev, a barrister at KBW Chambers and I delivered a talk about the process of applying and securing pupillage as an international applicant at the University of Law (ULaw), Leeds. We discussed visa routes, academic grades from courses completed abroad, conveying international background in pupillage applications and much more! We received overwhelmingly positive feedback about the talk.

On Wednesday morning I observed an employment preliminary case management hearing while my supervisor sat as the Judge. Case management acts as the roadmap for the issues to be determined at the final hearing. It also provides timelines for directions preceding the final hearing and a timetable for the final hearing. One of the key issues in this case turned on employee status. I learnt that an individual's employment status determines the rights that they are entitled to at work, with the most extensive employment rights limited to employees. Individuals who qualify as 'worker' status are entitled to some core rights.

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The Claimant was an agency worker. The agency placed the Claimant to work with a business (the end-user). The Claimant wanted to bring a whistle-blowing claim against the end-user in which she submitted was her employer. The Judge discussed the claim with the Claimant who was a litigant-in-person and the Defendant to narrow the issues and implement timetables.

On Wednesday afternoon Jordan Millican, Penny Emmott and I attended ULaw, Leeds Careers/Pupillage Fair. It was delightful to chat with eager prospective pupils about pupillage applications and life as a pupil at Exchange Chambers. It was a pleasant surprise when Jordan Millican and I were invited to speak impromptu on the Bar panel. That was quite exhilarating! We thoroughly enjoyed sharing our insights and top tips. The event concluded with a networking session in which students asked us numerous questions. We provided helpful responses.

On Thursday I rang in my birthday in true style and fashion by shadowing Susanna (Susie) Kitzing in part 2 of a General Medical Council (GMC) review hearing. The tribunal concluded that the doctor's fitness to practice was impaired by reason of adverse physical or mental health and her conviction of drink driving. They heard submissions on sanctions. When determining which sanction to impose, the tribunal considered the sanctions available, starting with the least restrictive, which is the imposition of no sanctions. Susie's advocacy taught me that it is important to submit the reasons why the least restrictive sanction is unsuitable. It is then necessary to convey the rationale underpinning the GMC's need for imposing conditions. These submissions were made with the overarching objective of protecting the public.

Friday began with revision for the upcoming BSB Professional Ethics examination. I also travelled to London and attended the Gray's Inn pupil dinner. This dinner was a celebration of attaining pupillage. It was wonderful to dine, meet and converse with other pupils, barristers, and members of the judiciary. We enjoyed delicious food. It was delightful to pause, celebrate and commemorate our success in attaining pupillage.

Week 10

This week began with a trip to Sheffield County Court to shadow second six pupil Scott Cowley. The train was delayed by 1 hour and 8 minutes. It was a good thing that I always take the train before the one I actually need in order to get to court early.

This case was a relief from forfeiture application. Scott acted for the mortgagee of the lessor who had a registered charge on the property. His client arranged to pay the rent arrears and take over the lease. Given that there was a dispute on costs, Scott and the opposing counsel conducted a successful conference (in alignment with their instructions) in which they were able to agree on costs. Conferences are useful to narrow the issues and reach an agreement (if possible). The parties' agreement saved court time. They indicated their agreement to the Judge during the hearing and submitted a draft Order in the agreed terms.

On Tuesday, I attended a fast-track personal injury trial with Trudi Moore. The claim stemmed from a road traffic accident. The Defendant admitted breach of duty but rejected

that the collision was of sufficient force to result in any injury. Trudi represented the Claimant. I learnt the importance of advising the client about settling, informing the client about the strengths and weaknesses of the case and the potential hurdles of proving the case. Trudi also informed the client that in cross-examination she will be expected to recall the details of her medical records and a fair amount of detail from the occurrence of the incident, the onset of the medical injury until the present. Trudi's closing submissions during the trial taught me that persuasive submissions are sculpted through an interpretation of the evidence which favours the client's version of events.

On Tuesday evening I attended Chambers' Common Law Advocacy Introductory Training. The aim of the training (which will occur in the near future) is to help the pupils succeed in pupillage and a career at the Bar. Chambers has given us an opportunity to collaborate with them on shaping the training by identifying the things with which we need assistance. It is commendable that the training team has created a safe non-judgmental space to learn and improve upon our advocacy.

On Wednesday I attended a clinical negligence conference with Trudi Moore. She was instructed to conduct a conference in a potential claim with an expert, a consultant neurologist. Counsel used the conference to ask the expert questions about his evidence. This pinpointed the parts of the evidence that required further elaboration and the aspects of his evidence which would be better served by instructing an expert in that particular area e.g. an expert in ambulance response times. Counsel also assessed that further evidence is required to establish causation. Trudi helpfully indicated the next steps required to strengthen the potential claim.

On Thursday I attended a landlord and tenant possession hearing with Scott Cowley. The landlord sought possession on the basis of rent arrears via a section 21 notice. The tenant did not attend. The Judge inquired whether there were any issues in the papers. Scott submitted that the deposit on the face of it did not appear to be protected. He made submissions to demonstrate that it was indeed protected. This provided a live example of complying with Core Duty 1- *You must observe your duty to the court in the administration of justice*, Core Duty 2- *You must act in the best interests of each client* and Core Duty 3- *You must act with honesty, and with integrity [CD3]*. Scott honestly discussed the issue regarding the protection of the tenancy deposit. He furnished the court with the necessary information to facilitate the administration of justice. Nevertheless, he still acted in his client's best interests by using the evidence in the papers to successfully mitigate against any potential arguments that the deposit was unprotected.

During the afternoon I attended a successful strike out application and an application for summary judgment with Kirsty Malloch. Kirsty represented the Defendant. Although this was a strike out application, it was evident that Counsel considered the history of the matter and its impact on the present proceedings. The Claimant's previous relief from sanction application was dismissed barring him from relying on evidence which was submitted excessively beyond the deadline. If the application for strike out and summary judgment was unsuccessful, the Claimant would have proceeded to trial with no evidence. Kirsty incorporated that into her submissions, highlighting that without the Claimant's witness evidence, there cannot be an effective trial. Kirsty's astute analysis led to a successful outcome.

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My week concluded with revision for the upcoming BSB Professional Ethics examination. Hateema Zia and I delivered a career in law talk at Loreto Sixth Form College in Manchester. We discussed a career at the Bar. We were informed that this was the largest group of students in attendance at the career talks. The students were engaged and asked numerous questions. It was a pleasure sharing knowledge with such a keen group.

Chambers' community outreach and presence at pupillage fairs gives aspiring barristers the vital opportunity to ask questions and interact with members of the profession. This demystifies the profession and encourages others that the Bar is an achievable profession. It is indeed a privilege to give-back and to be a pillar of support to those interested in a career at the bar.

My interactions with aspiring barristers indicate with certainty that the next generation of barristers is in good hands!

Yours truly,
Nia Marshall