

A day in the life of a Commercial (Business and Property) Pupil: Part Two

The main privilege of first six is getting the opportunity to watch barristers as they work. Whether it is making submissions to a judge or drafting precise pleadings, I watch them in awe as they masterfully think on their feet in court and glean the pertinent details from a 1,000-page bundle.

There is one downside to seeing all this, though: imposter syndrome.

A few weeks into pupillage, my supervisor sent me a set of papers and asked me to draft the Particulars of Claim. The case involved bringing a claim under an indemnity agreement. I immediately logged into Westlaw and started reading everything I could find about deeds of indemnity and personal guarantees.

That was, until my supervisor asked me whether there were any issues with limitation. I looked it up and confidently answered: “no, it is a deed so you have 12 years to bring a claim – this is well within time”.

“But... is it a deed?” came the reply. Spoiler alert: it wasn’t a deed.

Once I got my head around the relevant law, I drafted the Particulars of Claim and my supervisor and I exchanged versions. While I had included many relevant points, in my effort to be concise I had omitted a fair amount of detail. I felt disappointed in myself.

That was until I realised that these instructions were sent to my supervisor who has 20 years of experience at the Bar. When I spoke to more junior tenants about it, they echoed this point and assured me that drafting suddenly becomes much easier in second six as you work on instructions that are appropriate to your level.

What’s more, my supervisor’s feedback on my Particulars of Claim was encouraging and he gave me some useful learning points to take forward.

I was, of course, being my own worst critic.

I don’t tell this story to scare future pupils about how difficult pupillage can be. It simply serves as a reminder, for me as much as for anyone else, that first six is all about trying, making mistakes and learning from them.

EXCHANGE

CHAMBERS

The following week, I shadowed a junior tenant to court for “the winders”. This is when a creditor applies to the court to close or “wind up” a company if it cannot pay its debts.

Winding up petitions are often uncontested so they are heard back-to-back in quick succession by a district judge. As the list moves so quickly, all the advocates sit in court together. It is one of the fairly rare occasions in the Business and Property Courts where counsel must wear wig and gown, so it was quite a sight to behold for the first time.

On this particular day, there were 40 winders on the list to be heard within a couple of hours; the tenant I was with had 15 to deal with. The numbers astounded me as I realised this was likely what I’d be doing in second six.

However, once we got started, I noted that the submissions on each case were formulaic and, in fact, the judge preferred counsel to say less rather than more. While it is of course vital to prepare the case properly, it became clear that there is a prescriptive list of details that you need to have at your fingertips in court. With this in mind, “the winders” feel more achievable.

What I am trying to embrace now is that, as a first six pupil, my only job is to watch, learn and, when appropriate, have a go. Being open to the many learning opportunities offered to me by members of Chambers is what makes the pupillage experience so rich and rewarding.

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