Dear Diary,

Oh, what fun it is to ride on my Christmas pupillage sleigh! Time flies when you are having fun. Can you believe that I am now halfway through my first six? Well, buckle up as we will now blast through weeks 13 and 14.

First calling point: Week 13

From Monday to Wednesday I shadowed Simon Lewis in a three-day employment hearing. Simon represented the Respondent organisation. The Claimant claimed direct discrimination (on the basis of race and religion) and unfair dismissal. During the hearing the Claimant withdrew the direct discrimination claim. Therefore, the tribunal reached a decision solely on the unfair dismissal element of the case.

There are two key lessons that I deduced from Simon's pre-hearing conference with the witnesses. Firstly, inform the witnesses in simple language how the tribunal will determine the claim. In this case, the tribunal determined whether the dismissal was unfair by assessing:

a) Whether the employer had a genuine belief in the misconduct
b) Whether the employer had reached that belief on reasonable grounds
c) Whether the belief was reached following a reasonable investigation
d) Whether the dismissal of the Claimant fell within the range of reasonable responses in the light of that misconduct

By explaining the test, it helps witnesses to think about their evidence contextually. Secondly, if the hearing is being conducted remotely think about the practicalities involved. For example, Counsel should ensure that the witnesses can access the platform necessary to connect to the hearing. Moreover, a Microsoft Teams link can be shared to facilitate communication with witnesses and the instructing solicitor during breaks. This allows for Counsel to easily discuss things that arise in the hearing and address any queries. Of course, the only time Counsel is unable to converse with a witness is if there is a break in the middle of their evidence.

I learnt that while the Claimant had a successful unfair dismissal claim, the tribunal still found that even if a fair dismissal occurred, the Claimant would still have been dismissed. While Polkey and contributory fault are generally addressed during remedy hearings, these principles were considered during this liability hearing. The Polkey principle refers to the fact that the tribunal may reduce the compensatory award to reflect the chance that the employee may have been dismissed in any case at some point. Polkey and contributory fault contributed to the judgment on liability in the following ways:

a. Was the dismissal procedurally unfair?
b. If the dismissal was unfair, was the Claimant partly or wholly to blame?
c. What would have happened if the employer had acted fairly?

The Judge decided that due to the Claimant's conduct and contribution to the dismissal, his basic and compensatory award would be reduced by $^{2}/_{3}$. This fraction would aid the tribunal and the representatives to calculate his basic and compensatory award at the remedy hearing.

Thursday morning was spent preparing to attend Friday's inquest with Christopher (Chris) Richards.

On Thursday evening, the Manchester branch of Chambers hosted a Christmas party for their solicitors. Members of Chambers based in Leeds and Liverpool travelled to Manchester to revel in Christmas cheer and show their appreciation for their solicitors' support. The Christmas spirit enhanced professional bonds, created new bonds and provided a good opportunity to network with instructing solicitors and members of Chambers.

On Friday I stepped away from the adversarial legal system to shadow an inquest with Chris Richards in Doncaster. Inquests are an inquisitorial and fact-finding process designed to find out who, when, where and how the individual died. The inquest investigated the death of someone who died by suicide 24 hours after being released from prison. The deceased was released without any serious options of accommodation. The Coroner delivered findings of facts. The Coroner indicated during the hearing that her role did not incorporate dealing with issues of blame and fault. While she did not attribute blame, she expressed her concern about the systems implemented to safeguard against people being released without accommodation.

Second calling point: Week 14

This week began by attending an allocation and directions hearing in Huddersfield with Amie Boothman. Amie represented the Claimant who wanted the trial to be allocated to the fast track while the Defendant preferred the small claims track. Ultimately, the Judge decided that the trial would be allocated to the small claims track. He considered rule 26.8, the overriding objective and various factors including: the financial value of the case, the nature of the remedy sought, complexity, oral evidence, the parties' views and circumstances. The Judge's evaluation demonstrated a holistic approach with the aim of accomplishing the overriding objective.

The Christmas pupillage sleigh transported my seven co-pupils and I to Liverpool on Tuesday to attend the Pupillage Forum. It was great to have the group together as we are often busily working in different cities.

The Forum was an insightful day for prospective pupillage applicants. The attendees heard talks about:

- the business operations of Chambers by Jonathan l'Anson and Bill Braithwaite KC
- excellent oral advocacy by William Waldron KC and Harriet Lavin
- the role and functions of a barrister's clerk by Nick Buckley
- answering Chambers' pupillage application form (using evidence to demonstrate the competencies in the marking criteria) by Alex Williams and David McCormick
- the format of the first and second round interviews by Chris Gutteridge and Kathryn Hughes

The attendees benefitted from having a networking lunch where they seized the opportunity to converse with pupils and members. The day concluded with breakout sessions in which the attendees spoke to the pupils in their desired practice areas about

pupillage. It is evident that they benefitted greatly from obtaining insight into Chamber's application process. Chambers is doing a fantastic job making the quest for securing pupillage at Exchange as transparent as possible.

The sleigh dropped me off in Wakefield on Wednesday. I shadowed Simon Ross in a costs case management conference. This claim was allocated to the multi-track and arose from an accident at work in which the Claimant was injured. CPR 3.13 explains the rule on filing and exchanging budgets and budget discussion reports. The aim of the hearing was for both parties to make submissions on the directions and the costs budget for the trial. The Judge exercised her discretion to grant a proportionate budget and directions. It is quite useful to conduct a conference with the opposing counsel to seek to agree directions and narrow any issues. This facilitated a seamless hearing.

On Thursday I had a pupillage catch-up session with Chantal Core. It's always a wonderful feeling to know that you are being supported. We had discussions about pupillage, finances, and well-being. There is always an open line of communication. It is a joy chatting with Chantal. Thereafter, I spent some time during the day fine-tuning my pupillage work diary and revising for the rapidly upcoming BSB Professional Ethics assessment.

In the evening, the Leeds branch of Chambers channelled their Christmas spirit into hosting a Christmas party to show their appreciation for their instructing solicitors. Cheerful laughter and joyful conversation created new professional bonds and strengthened existing ones. The magic of the season added a sparkle to fruitful networking opportunities. It was an enjoyable night.

On Friday I shadowed Jack Scott in a liability road traffic accident claim. Jack represented the Defendant who was the insurer. The Defendant gave Jack the authority to settle the claim. During the conference with the Defendant's driver, Jack explained the process of the trial, the strengths and weaknesses of the evidence and potential settlement. In cases where the Defendant is the insurer and the Defendant's driver (the person who was driving at the time of the collision) attends court, the driver is there as a witness and does not carry the authority to grant permission to settle. The settlement mandate emanates from the insurer. Jack assessed the litigation risks and proposed an offer. The offer was accepted, and liability was settled on a 50-50 basis. I seized the opportunity to draft and submit the Order to Jack.

Later that day I shadowed Jack in a pre-inquest review hearing. This review hearing was necessary to address central issues before the final hearing. This facilitates a seamless final hearing. Two of the issues addressed were:

a. The necessary participation directions with respect to child or other witnesses- Children are classified as vulnerable witnesses and the court takes appropriate steps to make them feel as comfortable as possible while giving their evidence. The Coroner also ensured that the directions implemented maintained the quality of their evidence. A direction was made that the children would give evidence via video link in a separate court room.

b. The list of witnesses required orally- The Coroner indicated that he did not want the children who are required to give evidence to be kept waiting outside the court. Specific days were allocated for their evidence.

That's it folks, the Christmas pupillage sleigh terminates at this stop. No need to pout or cry as the sleigh will be back within the blink of an eye! Don't forget to secure your tickets for the final trip on the Christmas pupillage sleigh. Merry Christmas and see you soon!

Yours truly,
Nia Marshall