

Dear Diary,

The sound of crashing waves and sand dancing over my toes creates a peaceful environment for total relaxation and mindfulness. I am in awe of the beauty that surrounds us all in the beautiful island of Barbados.

### Week 19 - Holiday

My last week of holiday was perfect for introspection, expressing gratitude, connecting with family and friends, and preparing for the continuation of pupillage. This week brought me peace, joy, an appreciation of my progress and renewed inspiration and motivation for the continuation of my career development.

As I prepared for my journey back to the UK, I tried to pack as much of home that I could. I managed to pack some of the delicacies in my suitcase. The love, appreciation, encouraging words and fond memories are nestled in my heart.

There is nothing quite like my dog's love and uncontrollable excitement whenever I am at home. Her sad disposition when I was leaving to go to the airport aptly summarised the moment of my departure. I continue to hold her in my heart and memory.

Unfortunately, I couldn't pack the blue skies, sunshine, and the warm weather. You will simply have to travel to Barbados to receive that priceless gift!

### Week 20

Upon my return to work I drafted an updated advice on quantum for an upcoming Infant Approval Hearing. I submitted my advice to Jack Scott who commended my effort and provided helpful feedback.

The remainder of Monday involved attending an application to set aside a statutory demand hearing with Charlie Greenwood, attending a conference with Jack Scott and reading papers for an employment case management hearing. While shadowing Charlie, I was reminded that advocacy is always ably assisted by guiding the Judge through the documents in the bundle and pinpointing key legislation. While shadowing Jack, I took note of the fact that he discussed the claim with the client in detail and managed his expectations. He also explained the layout of the court and ensured that the client was comfortable.

On Tuesday, I attended an employment case management hearing with my pupil supervisor Ashley Serr. Ashley represented the Respondent. In this matter the Claimant was making a claim for failure to make reasonable adjustments, discrimination arising from disability, indirect discrimination due to disability and harassment because of disability. The aim of the hearing was to have a complete list of issues to act as a roadmap for the final hearing. One of the key takeaways was that Ashley ensured that the issues in the case were not mislabelled. When assessing the duty to make reasonable adjustments in consideration of the issues, Counsel must effectively categorise what is causing the substantial disadvantage. Is it a provision, criterion or practice (PCP), a physical feature of the building or the non-provision of an auxiliary aid? Although the Claimant submitted that numerous PCPs were placing him at a substantial disadvantage, the final list of issues indicated that there was only one PCP. The remainder of the issues were labelled as the non-provision of auxiliary aids (e.g. hearing loop). After the hearing, I submitted an attendance note to the instructing solicitors.

Later that day I read papers for an infant approval hearing and a Stage 3 hearing. My day concluded by researching a query for Rachel Webster in a personal injury matter.

On Wednesday, I attended an infant approval hearing in Sheffield with second six pupil Imogen Nichol. Imogen represented the Defendant. Usually, Defendants do not attend these hearings. However, Imogen

was instructed to attend given that the costs were not agreed. She was instructed to request that costs were left to be dealt with at a separate costs hearing. Costs are dealt with after the settlement sum is approved. In order to approve settlement, the Judge must be satisfied that the settlement sum is appropriate. The Judge was not satisfied as he requested an advice or updated advice on quantum from Counsel on the settlement sum. Moreover, given that the child suffered with a head injury the Judge was keen to know why a neurosurgeon and or a neuropsychiatrist or neuropsychologist report was not provided to corroborate that the child recovered fully.

Later that day I also attended a Stage 3 hearing with Imogen. A Stage 3 hearing is a final hearing to determine the amount of damages that remain in dispute between the parties. During the hearing the Judge expressed his dissatisfaction that there was no child or Litigation Friend present at the hearing. The Judge wanted the opportunity to confirm that the child fully recovered from their injuries. The Judge was also displeased that the instructing solicitors did not file the court form- CFO320- or any current image of the Claimant's scar. Imogen provided excellent submissions to avoid an adjournment. Nevertheless, the matter was adjourned. This reminded me of the importance of fearlessly advocating for your client's best interests especially in difficult circumstances.

On Thursday, Ashley requested that I write an advice on restrictive covenants. He discussed restrictive covenants with me and then I began my research.

Thursday evening from 5:45pm-8:00pm I attended Gray's Inn Practice Management- Professional Indemnity Insurance, VAT & Accounting online session. This was an insightful talk about the inner workings and mechanisms of the professional indemnity insurance supplied by Bar Mutual Indemnity Fund Limited. The talk also included the levels of cover and premiums, Legal Ombudsman complaints and BSB complaints. We were also given practical advice about how to handle certain scenarios in practice. The taxation and accounting aspect of the talk included useful topics like how tax is calculated for self-employed barristers, allowable and disallowable expenses, record-keeping, income tax rates and student loan repayments. Given that I will be on my feet in a few weeks this information is extremely invaluable.

On Friday, I attended an unfair dismissal final hearing with Ashley who was sitting as the Judge. Often in employment tribunals the Claimant is a litigant in person. I have learnt that when the Claimant or their legal representative is cross-examining, Counsel should intervene sparingly and only when necessary. For example, an intervention may be warranted if a litigant in person is asking questions which are irrelevant to the issues in the case or if the litigant in person is asking questions about evidence which is not before the tribunal. Additionally, when cross-examining it is important to control the witness when they are giving their evidence. When a witness is avoiding answering the question, Counsel should pose the question again politely but firmly. Ultimately, Counsel should avoid being combative or arguing with the witness.

During the weekend I continued working on the advice on restrictive covenants.

My holiday now feels like a distant memory as I embrace the numerous learning experiences of pupillage. Each task and shadowing opportunity is vital as I prepare for my second six. Can you believe that second six is only approximately 6 weeks away? Where has the time gone?

Yours truly,  
Nia Marshall