

Dear Diary,

The countdown until the beginning of my second six is on! I am approximately 4 weeks away from being on my feet. Although I feel fleeting feelings of excitement, I have a steady feeling of quiet nerves and cautiousness. The past two weeks have provided me with foresight about how busy practice can become. Numerous deadlines and tasks exposed me to the beauty of healthy pressure. Healthy pressure catapults you to new capacity levels. You would be surprised of what you are capable of accomplishing if you have an immovable belief system. You must view healthy pressure in a positive way. That's the secret.

Week 21

Monday was spent conducting case preparation for the North Eastern Circuit's Pupil Advocacy Training Course ("the Course"). Pupils on circuit were given the papers a week in advance of the session. The fictitious case was about a road traffic collision.

The remainder of Monday to Thursday was spent researching, writing, and reviewing my advice on restrictive covenants in an employment contract. I submitted my advice on Thursday to my pupil supervisor.

On Tuesday, I attended a pre-inquest review hearing with Jack Scott and prepared an attendance note. These hearings are essential in order to create a roadmap for the final hearing. The Coroner followed an agenda seeking submissions on:

- Who should be Interested Persons?
- Representation and funding
- Scope of the inquest
- Whether there is a need for a jury
- Disclosure
- Witnesses

On Wednesday morning, I attended a conference with Jack Scott. This conference pertained to a Claimant who was injured in a road traffic collision. Jack advised her about the option of settling in comparison to taking the matter to trial. When discussing the options, Jack discussed the pros and cons of trial in comparison to settlement. He highlighted that trial tests the credibility of a witness and how well someone is able to recall their injuries. There is also a financial cost and a cost in time. The outcome is also uncertain. While in settlement negotiations, the parties are more in the driving seat.

From 5pm-7pm I attended the case preparation session for the Course. This was a helpful session where our trainer provided insight on case analysis and preparation. The group evaluated the evidence by pinpointing the strengths and weaknesses of each party's version of events. We had an opportunity to strategize about our closing submissions and what needed to be put to different witnesses.

On Thursday I attended training on silica delivered by Jack Scott. This was very useful as it provided insight on the legal landscape regarding personal injury caused by conditions derived from silica (most often silicosis). I gained an understanding about the causes of action, common defences and resolving limitation issues.

During the day I also researched and provided Jodie Wildridge with anti-money laundering guidance for one of her cases. My research demonstrated that where Counsel acts upon the instructions of a solicitor, it may be possible, with their consent, to rely on their Customer Due Diligence. However, if Counsel relies on it they remain legally responsible for the regulatory compliance of the checks undertaken and therefore for any failings in them. Counsel must ensure that they have complied with Regulation 39 of The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.

My day also involved a chat with Neil Wright about my upcoming visit to Liverpool Chambers. Afterwards I had a meeting with Ian Spencer, Megan Hawke, and Luke Heywood. We discussed my diary for the remainder of first and second six, the importance of communicating with the clerks and the critical role that they play in developing my practice. From 5pm-7:30pm I attended William Hanbury's (Bill) celebratory drinks in honour of his appointment as a Circuit Judge.

Friday was spent preparing for the Course's trial exercise occurring on Saturday. I was assigned to represent the Claimant. I prepared my opening submissions, planned my examination-in-chief, the cross-examination of two Defendants and my closing speech.

I also received feedback from my pupil supervisor on my advice on restrictive covenants. I was delighted that my supervisor commended my advice noting that I reached the right conclusions. I benefitted from his expansive knowledge and experience in employment law and noted the areas for improvement.

I travelled to York on Saturday to attend the Course's trial exercise. All attendees arrived for 9am and the day concluded at approximately 4:30pm. Each attendee was instructed to represent a party in the proceedings. We were stopped during our advocacy and given helpful feedback. This is part of the Hampel Method. The Hampel Method follows a six-step methodology to give a trainee advocate feedback on a specific area of his or her performance. The stages are as follows:

- **Headline-** Identifying one particular aspect of the performance to be addressed.
- **Playback-** Reproducing verbatim that identified aspect of the performance.
- **Reason-** Explaining why this issue needs to be addressed.
- **Remedy-** Explaining how to improve this aspect of the performance.
- **Demonstration-** Demonstrating how to apply the remedy to the specific problem.
- **Replay-** The trainee performs again, applying the remedy.

I enjoyed the advocacy and noted the key areas for improvements. The feedback from the trial exercise has placed me in good stead for second six.

Week 22

On Monday, I prepared a sentencing note in a criminal matter for the Course's Interlocutory session on Wednesday. I also researched and reviewed papers for my advice on liability in a road traffic collision. I worked on my advice from Monday- Thursday. I submitted it on Friday to Chris Richards who provided helpful feedback. Chris indicated that it was an excellent advice and provided me with beneficial pointers.

On Tuesday and Wednesday I caught the 6:30am train to Liverpool. I enjoyed the fact that the train was quiet and almost empty. It created the perfect environment for me to work on my advice. When I arrived in Liverpool I enjoyed chatting with Neil and catching up with the staff in chambers.

I shadowed James Kinsey in day 1 of an employment tribunal final hearing and took a note. James represented the Respondent. At the beginning of the hearing James opposed the introduction of a new point on the basis that the Particulars of Claim needed to be amended. The Judge stated that in order to decide whether to grant permission to amend, the tribunal needs to know the disadvantage that it would cause to the Respondent. This was a helpful reminder that Counsel must be able to think on their feet and identify relevant and persuasive submissions to convince the tribunal.

On Wednesday I shadowed Chris Allen in three conferences in personal injury matters. I prepared an attendance note for each conference. The first conference was conducted with a medical expert. I learnt the importance of gaining a sound understanding of how one expert's medical diagnosis fits with an opposing expert's different diagnosis. This understanding enables Counsel to assess which expert's

opinion may be preferred by the Judge. I also learnt that there are dangers with witnesses speaking in absolute terms (e.g. I do not go to the supermarket). In big personal injury cases, the majority of Claimants are filmed unknown to them as they conduct their lives. They are surveilled for a period of time. Defendants tactically disclose the surveillance to disprove the Claimant's statements which were made in absolute terms. For example, a Defendant may disclose footage to show a Claimant going to the supermarket and lifting the groceries despite the person saying in evidence that they do not partake in such activities.

The second conference was about a multi-million-pound claim regarding a birth injury defect. Both Counsels for the Claimant, the instructing solicitor and the expert were discussing the schedule of loss. This is important because the schedule of loss must consider the financial loss incurred by the parents and the costs of the 24/7 care that the child will require presently and in the future. Counsels must apply foresight and consider inflation in the future.

The third conference dealt with a potential claim against an employer regarding a ski training exercise. Chris advised the potential Claimant on the prospects of success and the next steps.

I returned to Leeds in order to attend the Course's Interlocutory session at Park Square Barristers from 5pm-7:30pm. I was required to open the case orally at the sentence hearing. This was an insightful session as we were provided with helpful feedback. My trainer commended my sentencing note and my advocacy. This of course would not have been possible without the incredible assistance and guidance of Jordan Millican, Emily Hassel, and Rhianydd Clement.

On Thursday and Friday, I shadowed Louis Browne KC in an inquest in Warrington. This was a two-day inquest investigating the death of a baby. There are a few key takeaway points:

- In a matter where a Judge has made a decision in a family trial about the circumstances of the baby's death, Counsel has a high burden to disprove that decision. This is incredibly difficult when there is a material change in their client's version of events (which was never presented in the family court or told to the police).
- In order to convey the client's version of events, Counsel must put their client's case via cross-examination.
- In disappointing outcomes, Counsel must demonstrate empathy and kind understanding while advising about the possible next steps.

I travelled to Manchester on Thursday evening to get my photograph taken for Chambers website. The flashing lights made me feel like quite the model. I adjusted my poses and facial expressions under the guidance of the skilled photographer.

It has been a busy couple of weeks with healthy pressure necessary for progression. My sustained capacity for hard work has helped me to see the fruits of my labour. I was recently informed that I met the required standard to pass the Course. I am delighted! This is a good omen for my second six.

Remember that healthy pressure makes diamonds!

Yours truly,
Nia Marshall