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# The Bar

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## A career at the Bar: a preliminary warning

The prestige, the power, the nail-biting courtroom drama, the intellectual tussle, the silly wigs: it's easy to see how joining this profession is quite so competitive.

Landing a pupillage (the Bar's version of a training contract) is, as one pupil we spoke to put it, *"a strenuous and difficult process – one that's not to be underestimated."* Indeed, getting your application noticed in the first place is a notoriously tough undertaking, given the high volume of applicants. And if you make it to the interview stage you'll find that impressing recruiters with your ability to defend difficult positions on the spot is no cakewalk either.

*"[Landing a pupillage is] a strenuous and difficult process – one that's not to be underestimated."*

Before you dive in head-first, we suggest you take the points below on board. We're certainly not making a case against the Bar here; think of this article as more of a 'proceed with caution' sign. After all, a good barrister always makes sure they're well versed on both sides of an argument.

It's also worth reminding you that the Bar Standards Board recently announced a new regulatory framework for wannabe barristers. Different providers now run courses with different names, but the latest stats are based around the old BPTC.

### The odds

The biggest single challenge facing aspiring barristers is the Bar's oversubscription. Statistics released by the Bar Standards Board show that in 2018/19 there were 3,031 applicants for the Bar Professional Training Course (BPTC). Of those, 1,753 individuals were enrolled, and as of January 2020 around 70% had passed. Factor in that there are typically less than 500 pupillages on offer every year, and that many grads from *previous* years will still be hunting for jobs, and you'll realise just how big the oversupply of candidates is. At the last count, only around 43% of BPTC graduates who had enrolled between 2014 and 2018 had started pupillage. The BSB has also warned

### The hard facts

- BPTC enrolments 2018/19: 1,753
- Pupillages 2018/19: 568
- Pupillage applicants annually: c. 3,000

that in the wake of Covid-19, pupillage numbers are likely to fall to even lower numbers.

In an effort to address the imbalance of BPTC graduates to pupillages, the Bar Standards Board raised admission standards in 2013 by introducing an official aptitude test for BPTC applicants. This is now compulsory for everyone who wants to do the BPTC and tests logic, deduction and interpretation skills. The necessary pass mark has been raised for 2017 to ensure standards are kept high. The test appears to be helping to reduce the number of no-hopers enrolling on and completing the BPTC, but even if you breeze through the test, the challenges ahead of you are far greater.

And if you do manage to score a coveted pupillage, it's worth bearing in mind that tenancies (permanent positions as a fully fledged barrister) are also in shockingly short supply: according to the latest BSB stats there were 502 new ones registered in 2018/19, but this was an outlier year and 300–400 has been the norm over the past decade.

These numbers may look dire but one positive to remember is that many individuals taking the Bar Course (sometimes over 50%) are overseas students with no intention of practising as barristers in the UK. A student with the drive and conviction that they have what it takes to make it at the Bar need not be put off by the statistics above.

*There's a common preconception that only Oxbridge grads have a shot at the Bar.*

### Your academics

Repeat after us: academic credentials matter at the Bar. This means high scores from a reputable uni. You may be a mastermind of an advocate, but if you haven't achieved (or, if you're still studying, aren't on course for) top grades, it's unlikely you'll be invited to show off your skills of persuasion. To be clear, all our research over the years shows that a First or a high 2:1 at undergrad is what you need to get a look-in here.

There's a common preconception that only Oxbridge grads have a shot at the Bar, and while this is certainly not the case, these two elite establishments are undeniably happy hunting grounds for chambers. The Bar Standards

Board tells us that of pupils who finished the BPTC between 2014 and 2017, 35.6% went to Oxbridge for their undergrad and 38.9% went to another Russell Group university. This doesn't mean you don't have a shot if your degree comes from elsewhere (after all, one in four pupils do), but recognise that the lower your university is in the rankings, the more you'll need to make up for it by way of stellar grades, worthwhile extracurriculars and maybe a distinction on an LLM from a better uni. Those who had achieved an outstanding BPTC grade were unsurprisingly also more likely to have commenced pupillage. Comparatively, the LPC carries less weight.

Anecdotally our research suggests that high-paying commercial and Chancery sets tend to recruit most from Oxbridge and unis like Durham and the redbricks, while family, common law and crime sets usually have pupils and juniors from a wider range of unis.

## The cost

Put simply, it doesn't make much financial sense to embark on a Bar course if you aren't fairly confident about your prospects of succeeding at the Bar. Tuition is painfully steep – nearly £20,000 at some providers – and wannabe pupils by and large end up shouldering this cost (and that of the GDL if necessary) themselves. In fact, former Bar Council chair Chantal-Aimée Doerries has reported to *The Guardian* that students may spend up to an eye-watering £127,000 in total to qualify. Scholarships aside, it's easy to see why the Bar has long had a problem with diversity.

## Some sets will advance funds for the Bar course to future pupils.

Some sets will advance funds for the Bar course to future pupils, but it's worth bearing in mind this money comes out of your pupillage award; it's not given on top of it, as is typically the case with solicitors' firms sponsoring future trainees. (You also don't get the stipend for living expenses that usually accompanies a law firm's sponsorship or funding for the GDL.) Whatever way you slice it, getting through law school is a pricey business, and those without cash at their disposal or a locked-in funding deal will likely require loans from a bank or their parents. Read our **How to fund law school** feature for more on the options at hand, and check out our info on the four **Inns of Court**: of all the potential sponsors out there, they have the deepest pockets, with about £5 million worth of scholarships and bursaries on offer each year between them.

## Your salary prospects

Take note, the common perception that all barristers are rolling in it is pretty out of touch. There's no question that top commercial sets pay very well: plenty offer pupillage

awards in line with NQ salaries at big City firms, and pupils who gain tenancy at such sets can quickly outstrip their solicitor peers in the income stakes. Some Commercial Bar stars earn well over a million a year, and a baby junior at a big commercial set can make £120,000 in their first year.

However, many barristers work outside this realm. Fees earned by those doing publicly funded civil, criminal or family law have always been low and have taken a further hit as a result of legal aid cuts. Many sets practising in these areas pay their pupils very little. From September 2019, the minimum funding award for pupillage increased to £18,436 per annum in London and £15,728 for those outside of London. This is good news for pupils at the lowest-paying sets which have previously only paid the bare minimum of £1,000 per month. But pay can still be paltry at the junior end of the Bar – and bear in mind that some of your pupillage award can consist of guaranteed earnings.

## On chambersstudent.co.uk...

- How much do barristers earn

Of course, a set's stature contributes greatly to its tenants' incomes, and within each area of practice at the Bar – including the ones above – are both Premier League sets that pay handsomely and lower division ones that do not. In any case, the difference in earnings between the top and the bottom is substantial.

## Your working style

A final thing to think over is whether your personal characteristics and preferred style of working are suited to the Bar. A QC once pointed out to us that “*the Bar is a world full of weird and wonderful characters,*” and indeed there's no one ‘type’ of person who fits the bill. Still, there are fundamental aspects of being a barrister which don't suit everybody – a knack for oral communication, for starters. As one recruiter recently told us: “*Some people crash and burn because they don't really like talking, which is a non-negotiable part of the job.*” This means not only being able to speak confidently, eloquently and persuasively, but to do so in front of strangers, often on the spot without much preparation. This is a skill all sets, even the ones that particularly prize written advocacy, require.

Keep in mind that in addition to being comfortable performing in public, you'll also need to be able to get on with all sorts of people and be strong on the self-motivation front. For many, being self-employed and therefore your own boss is more intimidating than liberating. So think it over: are you really someone who has all these qualities in spades?

## Pupillage and tenancy

“The constant anxiety of whether you’ll be offered tenancy is tough, but pupillage is designed so that you’re only up against yourself.”

### What is pupillage?

Pupillage is a period of practical training required to become a fully-fledged barrister. Pupils work full-time under the wing of experienced barristers, developing vocational skills and deepening their understanding of various practice areas. Pupillage normally lasts 12 months full-time. Pupils are assessed over the year and upon completion are eligible to apply for a permanent position, known as tenancy, with a set of chambers. It has always, exceptionally, been possible for pupillage to be done part time over two years (or informally extended), but new guidelines proposed by the Bar Standards Board in summer 2018 allow pupillage to last up to 24 months part-time.

You may come across the occasional claims that pupillage amounts to little more than a year of pain and humiliation. We’d be remiss not to counter such claims. Sets don’t try to push pupils to the edge of sanity – at least not on purpose; rather, their aim is to mentor and challenge pupils so as to gauge their compatibility with the set and overall potential at the Bar. Of course, that doesn’t mean pupillage is a walk in the park, but any misery accompanying the year is likely driven by the demanding work at hand rather than any malevolence on behalf of chambers.

The pupillage year is broadly split into two six-month periods known as ‘sixes’. Many sets further divide the year to include several seats, assigning a different supervisor for each. A supervisor can have up to two pupils at any one time – one practising and one non-practising. A pupil’s first six months are non-practising, as mandated by the Bar Standards Board. This means they remain tethered to their supervisors, shadowing them at court, conferences and in chambers, and assisting them where necessary. Typical tasks include undertaking research and taking a stab at drafting pleadings, advices and skeleton arguments, sometimes for ‘dead’ cases (i.e. ones that have already concluded) but also on ‘live’ (active) ones. As one pupil put it: “Your first six is all about finding your feet and getting to grips with what it is that chambers does.”

*A busy criminal set can mean court every day by the end of the pupillage year. Big commercial or Chancery sets on the other hand sometimes prefer to keep pupils in chambers.*

Pupils may very well get to see some court action of their own during their second six, when their rights of audience kick in and they’re allowed to handle their own clients and cases. How frequently they make appearances depends on a pupil’s specific area of practice. A busy criminal set can mean court every day by the end of the pupillage year, and many civil or commercial sets specialising in areas like employment, personal injury, construction or insurance send their pupils out multiple times a week. Big commercial or Chancery sets on the other hand sometimes prefer to keep pupils in chambers throughout the year, either for the purposes of assessment or because the nature of the work is such that they’re simply too inexperienced to do oral advocacy.

### What else is involved?

Pupils have a checklist to refer to over the course of their pupillage. This sets out the range of skills – advocacy, negotiation, drafting, research – they’re expected to master during their training. Sets are required to give pupils formal appraisals at the end of each six to gauge their progress, and most pupils also have additional meetings with their supervisors every now and then to go over specific pieces of work. Sets tend to have their own individual requirements when it comes to assessments. Some grade every piece of work a pupil submits, while others stick to three or four broad assessments – like written or oral advocacy exercises – over the year. At present the Bar Standards Board requires pupils to complete two courses during their pupillage year: an advocacy training course and a practice management course. The former is taught by accredited advocacy trainers (usually judges or senior barristers) and involves 12 hours of training on topics like cross-examination and oral submissions. The practice management course, meanwhile, consists of presentations on core elements of the profession like ethics, finances and court etiquette. Both courses are run by the Inns of Court and the Circuits, and both usually take place during a pupil’s first six.

A historical requirement to complete an accountancy course during pupillage or the first three years of practice was phased out from March 2019. This drop in the number of required courses will be short-lived: as of September 2021, pupillage will include a compulsory negotiation skills course and an assessment of professional ethics.

## Life as a pupil

Over the years, pupils have reported all manner of activities filling their days: attending trials, taking notes at proceedings, drafting skeleton arguments, interviewing witnesses, and in the case of one, “going on a site visit to some grotty little shed with a tree growing through it.” One thing they made clear is that no two days of pupillage are the same – a reason many pursue the role in the first place.

How much contact pupils have with their chambers’ clerks varies by the type of work their set does: it tends to be minimal at commercial sets, where much of pupils’ work is dictated by their supervisor’s caseload, while those at criminal and common law sets generally enjoy regular interaction with the clerks. While pupils can certainly expect some late nights here and there (particularly those working on the criminal side, where short-notice requests are frequent), many of our pupil sources have told us they’ve been practically pushed out the door come 6pm or so.

Unlike solicitors’ firms, where the trainee intake can contain upwards of 30, 50, or even 100 people, most sets keep their pupil count below five, with many taking on just one or two a year. As such, pupillage is not considered a particularly gregarious experience. Still, many pupils become friendly with their peers and/or junior members of chambers, and they’re almost always included in set-wide social events like Christmas and summer parties. Check out our **Chambers Reports** to find out more about the day-to-day work of a pupil.

## What is tenancy?

Tenancy is the prize at the end of the year-long interview that is pupillage. An offer of tenancy is effectively an invitation from a set to take a space in their chambers as a self-employed practitioner, sharing the services of the clerking and administrative teams. This is typically awarded after a vote of all members of chambers, following recommendations from a tenancy committee, clerks and possibly pupils’ instructing solicitors. The decision is not one taken lightly. The Bar Standards Board warns that there are usually fewer tenancies than pupillages in a given year, and indeed the latest Bar Standards Board stats show that 502 new tenancies were registered in 2018/19, whereas 568 first-six pupillages were registered in the same year. This implies a pupil has around an 88% chance of gaining tenancy, but those are better odds than in any of the previous few years.

Most pupils look to their own set for a place in the first instance, but this isn’t always possible. In some cases, the set doesn’t have enough space to accommodate another tenant; in others the pupillage committee decides, after evaluating a pupil’s performance and personal qualities, that they’re simply not a good fit or not good enough. If you’re curious about a set’s growth, view the list of members on

its website and check how many new tenants have joined in recent years, then compare that against the number of pupillages offered in the same period. Sets typically tell us they aim to retain all their pupils if they can, but some consistently have more pupils than they grant tenancy to.

Tenancy decisions are commonly made in the July of the pupillage year, allowing unsuccessful pupils time to cast around for a ‘third six’. This is a temporary tenancy, usually at another set, undertaken in the hopes of another shot at full tenancy. Occasionally, pupils may be offered a third six at the set where they were a pupil, as a means of giving them a second chance. There’s evidence to suggest that civil and commercial sets have higher pupil-to-tenant conversion rates than criminal sets; as such, it’s not uncommon for a twelve-month criminal pupillage to be followed by a third six elsewhere, though plenty of commercial pupils also find themselves in need of a third six. The general rule is that if a third six is not successful, it is perhaps time to look outside the Bar.

## Life as a tenant

Once you’re a tenant, your earnings are directly tied to what type and how much work you take on. Many junior tenants – known as ‘baby juniors’ at the start – combine cases they head up themselves with roles as junior counsel on a bigger team. “*Ideally you’ll already have experience running your own cases by the end of pupillage and your transition from pupil to tenant will be a smooth one,*” a baby junior told us. “*Still, you no longer have a supervisor to hold your hand, so you have to take control of things more. That can be a shock.*”

Some new tenants, particularly at commercial sets, encounter a down-swing in value matter when they start out. “*As a pupil I was working on multimillion-pound matters because I sat with barristers who’d developed their practice to a senior level,*” reported one source, “*but there’s been a bit of a drop-off now that I’m sourcing my own cases.*”

Tenants use their chambers’ clerks to start building up a docket of clients and instructing solicitors. The relationship between barristers and clerks varies from set to set, but it tends to be an amicable one, with the latter helping the former plan their diaries and steer themselves towards certain types of work.

Baby juniors can expect a standard day to be something like 9am to 7pm, though many consistently work beyond this, particularly when a case is coming to a head. Alongside their own work, all barristers are required to engage in continuing professional development (CPD). This involves courses on advocacy, case procedure, ethics and the like totalling 45 hours during the first three years of practice. These can include things like writing publications and teaching law to undergraduates.

## Getting Bar ready

Stellar marks alone aren't sufficient to get your application into the 'yes' pile. The competition is fierce, but you can make steps to ensure the odds are ever in your favour.

Meet enough pupils and barristers and you'll see that lots of different personalities make it to the Bar: there are softly spoken bookworms and chatty Cathys alike, a slick suit for every savant who can complete *The Times* crossword in three minutes. But barristers do tend to share some guaranteed traits, among them diligence, an articulate manner, a flair for writing, and excellent people and analytical skills.

Building up a CV that shows you too possess these faculties is crucial to dazzling pupillage recruiters and landing that all-important interview. Here are a few things to focus on in the run-up to application season.

### Academics

Top grades are a must: the Bar highly values academic success, and we've heard time and again from recruiters who say the easiest way to whittle down applications is by undergraduate degree class. Speaking frankly, unless you can demonstrate some truly remarkable alternative qualities, anything below a 2:1 will scupper your chances of securing a pupillage. Landing a First is optimal, particularly if there's anything a little dicey about your CV (like poor A levels), though many chambers do take on pupils with 2:1s. Still, second-class honours are two a penny, so yours will need to be a high one and supplemented with decent A levels to pass muster. The latest research published by the Bar Standards Board shows that the number of UK/EU students with a first-class degree enrolling on the Bar Professional Training Course (BPTC) has increased year on year since 2011, reaching 30% by 2018/19.

### *Landing a First is optimal.*

Like trainee solicitors, incoming pupils are split pretty evenly between law and non-law graduates. When it comes to postgraduate degrees, it's really up to you. Many of the Bar's most successful candidates have a Master's degree from a decent UK university or institution abroad, often in specialist areas like international law, but simply holding a Master's will not in and of itself help you score a pupillage.

Chambers tend to be more interested in your undergraduate performance than what you score as a postgrad or on the BPTC. Nevertheless, you should aim for the best grades at every stage. Of those from the UK or EU who completed the course as of January 2020, around 9% received an 'Outstanding' overall; 50% received a 'Very Competent'; and around 10% received a 'Competent'. Around 85% of those with a both an 'Outstanding' overall grade and first-class degree had started pupillage as of March 2020; it drops to 79% for 2:1 degrees. If it hasn't been drilled into you by now: academics matter.

### Extracurriculars

Stellar marks alone aren't sufficient to get your application into the 'yes' pile; recruiters will also want to see that you're capable of balancing your studies with a robust extracurricular calendar – a preliminary way to measure commitment and time management, among other skills.

There's plenty you can do on the non-law side to spice up your CV. Many recruiters place a premium on high-grade personal achievements like, say, mastery of the violin, telling us such accomplishments show dedication and perseverance. Roles such as captain of your uni's netball team or head of the arts society can also make a splash as they demonstrate leadership and an ability to work well with others.

*"This job is as much about advocacy as being analytical, and experience that shows your interest in and aptitude for that is invaluable."*

As far as academic extracurriculars go, *"I find that people don't always focus adequately on specifically Bar-centred activities,"* one recruiter from a top commercial set told us. *"This job is as much about advocacy as being analytical, and experience that shows your interest in and aptitude for that is invaluable."* Involvement with debating and moot-ing clubs is particularly prized, as are attending mock trials and volunteering with law clinics. Keep an eye out for essay competitions too – there's no better way to under-score excellent writing skills. Winning academic prizes and scholarships is a good way to impress recruiters: at

the top commercial and Chancery sets some of the pupils and baby juniors we've met have as many as a dozen!

The Bar Standards Board requires all BPTC students to undertake a certain amount of pro bono work during their year of study. Investigate the options as soon as possible to ensure you land something that interests you and illustrates your interest in a certain type of law or set of chambers.

## Work experience

Consider the backgrounds of some of the pupils we've spoken with over the past few years: one used to work as a human rights intern investigating genocide in Mexico and Guatemala, another ran a charity in South Africa, and a third interned at the European Commission in Brussels before reporting on war crimes trials in Tanzania. With impressive rivals like these at every turn, it's important to make sure your own CV is up to scratch on the work experience side.

### On chambersstudent.co.uk...

- Mini-pupillage vacancies
- What is mooting?

Of course, working abroad is by no means a requirement for the Bar, nor is a previous career. What is non-negotiable, however – whether you're showing up straight out of law school or off the back of another job – is some law-related experience to demonstrate your commitment to the profession. This could be gained by shadowing a barrister, clerking, marshalling for a judge, volunteering with a law clinic or pro bono organisation, or undertaking a mini-pupillage (a formal work placement at a barristers' chambers).

Our recruitment sources agree that mini-pupillages are far and away the best way to show you're serious about a career at the Bar. As one QC at a big commercial set told us: *"Virtually everyone we recruit will have done a mini, either here or elsewhere. It's rare that we look at somebody who hasn't, and if we did we'd expect them to have an extremely good reason for not doing one – for example, working abroad throughout the application period."*

*"Virtually everyone we recruit will have done a mini."*

Nearly all large and mid-size sets take in mini-pupils, and some may offer dozens of minis a year. Be aware that sets may only take students in the final year of academic legal study (be it a law degree or GDL), so make sure you check each chambers' criteria carefully for how and when to apply. We provide information on how many minis each set offers and what the deadlines are in our **Chambers Reports**, and on our website you'll find a listing of **Mini-pupillage vacancies**. For more on what to expect and how to get a mini see our feature on **Mini-pupillages** in this chapter.

Personal contacts can go a long way in helping you obtain a mini or other work experience, so make the most of what you've got from the get-go: apply to an Inn of Court to be assigned a sponsor, or if you've started dining at your Inn, begin schmoozing. You can meet a lot of people at networking events (for instance, public talks organised by chambers), so get out there and get chatting. Of course this is all going to be more difficult as a result of Covid-19, but be sure to look for online networking opportunities. If you're nervous about the idea of networking, go to our website to read our **Nine networking tips**.

## And finally...

**Don't forget that scholarships offered by the Inns of Court are not just a way of funding your education; such prizes go a long way in marking you out from other well-qualified candidates.**

## Pupillage applications and interviews

“Great academics simply aren’t enough to show you have the intellect to succeed at the Bar; you also have to be an outstanding advocate and convince us you’ll be good at servicing clients.”

### Through the Gateway

Most aspiring pupils coming straight from uni begin making pupillage applications during their final undergraduate year, although some of the top commercial sets encourage students to apply in their penultimate year in an attempt to snap up the best candidates early. In general, however, the majority of pupillage offers tend to be made to students following the completion of the **Bar Course** (formerly known as the BPTC, now has different names by provider). See **Law Schools** for more info.

Since 2013 students have been able to make applications through the Pupillage Gateway, an online tool that lets users tailor their applications for each of the sets they apply to. Participation in the Gateway is voluntary for chambers – around half of sets recruits via the Gateway and half recruit outside. Those that run their own separate application schemes have been instructed that they must still advertise vacancies on the Pupillage Gateway website. As of November 2020, all pupillage recruitment must be in line with the Gateway’s timing (but need not be through the Gateway itself). You can find out which sets use the Gateway and how to apply to the ones that don’t by reading our **Chambers Reports** or looking at our online listing of **All sets offering pupillage**.

Applicants can target a maximum of 20 sets through the Gateway each annual cycle (up from 12 in past years). The window for applications runs from January to February (the Gateway usually opens for browsing a month or so beforehand), with interviews typically taking place in spring and offers made in May. The current timetable was adopted in order to avoid exam clashes and allow students to know whether they have an offer of pupillage before coughing up for a pricey BPTC place. While there were some grumbles from sets about the deadline changes when they were first introduced, several non-Gateway sets have actually joined the Gateway in 2019 and 2020 (probably because there’s now more flexibility on the application questions asked – see below).

What can you expect from a Pupillage Gateway application? Alongside queries about an applicant’s education, employment history, scholarships/prizes and other experiences, the Gateway application form now asks two standard questions (it was previously five): ‘Why do you

believe you will make a good barrister?’ and ‘Why do you wish to join this set of chambers?’ Sets can revise these two questions as they wish (or even remove them) and add up to five questions of their own, which can be on anything from advocacy skills to diversity at the Bar. The word limit on responses can range from 100 to 1,000 words, but in most cases a maximum of 200 words is all that’s allowed, so concision is key.

The sets that recruit pupils outside the Gateway machinery often do so because they don’t like its format or feel applicants’ interests can be better served by other means. Application methods differ among non-Gateway sets, so do your research to make sure you know what’s expected.

### Dos and don’ts for written applications

- Do use your application as an opportunity to show off your written advocacy skills. Make it persuasive and succinct.
- Don’t be tempted to hit the maximum word limit for every question just for the sake of it – long answers are not necessarily better. As one pupil advised: “Whoever reads your application will have to read a lot of them, so do them a favour and get to the point rather than trying to fill the boxes all the way.”
- Do ask for help proofreading your application. Most sets will mark you down for any spelling and grammar mistakes they come across, if not discount your application altogether. “I personally find them unforgivable at this level,” one recruiter revealed.
- Don’t fall back on generic answers. Make sure you tailor your application to your prospective sets to show that you’ve researched them properly and understand their work and commercial outlook. “You shouldn’t be able to substitute an application to X chambers for one to Y with just a few tweaks,” one source warned.
- Do be honest about your answers. “There’s definitely a temptation to write down what you think they’re looking for, but if you try to pretend you’re interested in areas of law you aren’t, for example, you’ll come pretty unstuck at interview,” one pupil told us. “If you don’t fit into a certain set, accept it and turn your attention to another one.”
- Don’t attempt to make your application stand out with jokes or other quirky touches. The Bar remains a tradi-

tional profession, and frivolity is decidedly unwelcome at the application stage.

- Do think long and hard about why you're interested in the Bar and how you can relay that reasoning into your application. "We want people who want to be barristers first and foremost, and can explain exactly why that is," confirmed a recruiter at a top commercial set.

## Interviews: what to expect

So you've got an interview – first things first, congratulate yourself because that's already an achievement. Now turn your attention to preparing for the interview, as it's no easy ride.

Most sets operate two rounds of interviews/assessments. The ins and outs of procedure vary quite a bit by chambers, but fortunately most tell you what to expect on their website. Or you can read up on the process in our **Chambers Reports**. The first round is usually a sit-down interview with a few barristers which is often just ten to 15 minutes long. The interview might focus on a topical legal or ethical question (e.g., 'Do celebrities automatically forfeit their right to a private life?'), or a discussion of the current issues in your prospective practice area. On top of that it's likely to involve a short investigation into you and your application form.

An increasing number of sets ask candidates specific pre-set questions that probe for certain competencies, analytical ability and advocacy skills. Interviewers might prompt you further on a question, but time constraints leave little room for back-and-forth, so it's important to give as full and rounded an answer as possible the first time around. You might also be asked to complete a written test or group exercise in which you have to argue a point against or alongside others.

The full effect of Covid-19 on chambers' recruiting practice is yet to be clear. Some chambers may run more steps of their processes online; others may prefer in-person assessments with social distancing.

### On chambersstudent.co.uk...

- Legal problem questions
- Pupillage application tips

If you make it to a second interview, you'll probably find yourself in front of a large panel composed of a cross-section of people from chambers. By and large the panel will aim to assess the depth of your legal knowledge, advocacy potential and strength of character through some kind of legal problem given in advance. You might be asked to interpret a contract or piece of statute, or compare several judgments and give your view on a case

study, with preparation time ranging from just ten minutes to a full week.

*"We're more interested in seeing how a candidate approaches a problem than whether or not they get the right answer."*

While it's important to demonstrate a solid grasp of the issues at hand, know that chambers generally aren't looking for faultless knowledge of substantive law here so much as an insight into how your mind works. As one seasoned interviewer explained: "We're more interested in seeing how a candidate approaches a problem than whether or not they get the right answer. Sometimes we even ask them to give an argument for the opposition as well." Another summed up their aims as follows: "What we're looking for is somebody who can take a case, select the good points, reject the bad ones and structure the most compelling argument available."

On top of this, criminal and mixed sets commonly give interviewees an advocacy exercise like a bail application or a plea in mitigation. (A word of advice: the basic structures to such matters fit on a post-it, so we suggest you note these down and keep them with you at all times.) Some sets ask for a brief non-legal presentation at this point too, which gives further insight into an applicant's speaking skills as well as their character. A second interview is when a professional ethics question may raise its head (though be wary of such issues cropping up at any point). You can prepare by reading the BSB Handbook.

## Dos and don'ts for interviews

- Do keep up to date with industry ongoings during interview season. Radio 4's Law in Action, The Times' Law supplement, Guardian Law and Current Awareness – an excellent daily blog you can have emailed from the Inner Temple library – should all be on your radar.
- Do expect interviewers to ask about your application at interview: in some cases they haven't had a chance to read it closely beforehand and will ask to be filled in on certain points; in others they might use it as a tool to test you on your consistency. In any case, read through it carefully beforehand and don't be afraid to repeat the sentiments you expressed on paper. It's also worth having a think about how you can account for any questionable circumstances lurking on your CV (for example, disappointing grades or a less-than-robust work experience section).
- Don't forget your main aim is to show your interviewers what a brilliant advocate you are. "I don't think people always realise that when we ask you to speak before us, we mean do so as a barrister," one recruiter shared. "We don't want to hear what your personal views are; we want to hear a structured argument that contains your best points."

- Do stick to your guns. The interview panel will probably try to catch you out or play devil's advocate against whatever point of view you choose to argue, but don't let them push you around. If you can support your position, then stick to it – resolve is just as necessary for a career at the Bar as receptivity, and recruiters want to know that you can fight your corner. As one observed: "It's amazing how many people can't stand up for themselves, which is essentially what we want to see."
- Don't overlook the fundamentals of advocacy and courtroom behaviour. "Sometimes really good candidates fall flat on their face when it comes to code of conduct," one interviewer shared, telling us: "You get some who misstate instructions, and others who fail to draw jurors' attention to things or attempt to mislead the judge. These are basics, and we have to fail you if you ignore them."
- Do make sure you engage with the interviewers on a personal level. "Don't underestimate the power of smiling," one recruiter advised. "When you walk into the room and smile at us, it shows you've got a good personality and a bit of energy, and it generates confidence in your argument. People are no good if they're not approachable."
- Don't choose something controversial or likely to offend if you're asked to come up with a non-law topic for discussion. Insiders tell us subjects to avoid on this front include politics, religion, sport rivalries, and embarrassing or frivolous personal anecdotes.
- Do make sure you look the part by dressing neatly and discreetly: tidy up your hair, iron your dress, straighten your tie, do up your jacket. Most chambers will be grading you on standard criteria, and that includes everything from intellect and personality to whether your suit is rumpled or not.
- Don't forget that interviewing is a two-way process. Chemistry is a must between applicants and interviewers, and if things are going badly on that front, it's not necessarily an indictment of your potential as a barrister;

it may just be that you're better suited to a different type of set and/or area of law.

### Try, try and try again?

All's not lost if you strike out at your first round of applications and finish the BPTC without a pupillage secured. It may seem like a grim prospect, but many find an enforced year out gives them time to bulk up their CV and make themselves more marketable. In the words of one pupil who faced rejection their first few times around: *"It's worth trying again next year if you plan to use your time wisely – you've just got to be persistent and make sure you're focusing on things that make you a better candidate."*

*"It's worth trying again next year if you plan to use your time wisely – you've just got to be persistent and make sure you're focusing on things that make you a better candidate."*

Indeed, it's imperative you make the most of your spare time. Seek out mooting and marshalling opportunities wherever you can, and take up a day job in a field related to your area(s) of legal interest. We've interviewed plenty of lawyers who secured pupillage following a period with a company, charity, university or non-profit. Others have come off the back of stints as paralegals or legal secretaries.

Finally – and this may sound confusing – it's worth bearing in mind that quite a few commercial sets like to recruit pupils who've previously completed a training contract at a City firm and qualified as a solicitor. While this isn't a route we recommend taking, it is a reflection of the advanced levels of background experience and knowledge that top sets now expect from their recruits.

### And Finally...

**"Be as true to yourself in your application as possible. It's a waste of everybody's time to pretend you're interested in or knowledgeable about things that you aren't."**

## Mini-pupillages

“Honestly, I don’t think any Pupillage Gateway application should go out without at least one mini-pupillage on it.”

The most obvious answer to the question ‘How can I improve my chances of becoming a barrister?’ is ‘Do some mini-pupillages’. Minis – periods of shadowing and/or assessment within a set of chambers – are a crucial part of the pupillage application process: they let aspiring pupils sample sets of interest and get on their radar. Put simply, there’s no better way to demonstrate an interest in and commitment to the Bar. Recruiters by and large agree that pupillage applications look distinctly lacking without at least one or two minis on them, alongside other relevant experiences.

Some sets require applicants to complete a mini with them as a formal part of the recruitment process, but most take applications from those who haven’t yet spent time with that particular chambers: year after year we encounter a good number of pupils who didn’t complete a mini at their own set.

### What form do mini-pupillages take?

Unlike large solicitors’ firms, most of which take a structured approach to vacation schemes, barristers’ chambers tend to run their work experience programmes as ad hoc affairs. Only some sets – namely the most profitable and prestigious – coordinate students’ visits in a methodical way; others expect them to show up and experience whatever happens to come their way during their visit.

As a rule, mini-pupillages last two, three or five days. Some are assessed with tests and feedback; others are unassessed. According to our sources, “*you don’t need to do a five-day mini unless it’s assessed. Three days is more than enough to get a sense of a set’s working style and culture, especially during term time.*” Some sets make it clear they prefer a full five-day programme, but former mini-pupils advised “*it’s okay to ask for a three-day mini even if they specifically say five. Barristers are pretty switched on to the fact that students have a lot of other stuff on their plate.*” In any case, a shorter mini is better than none.

#### On chambersstudent.com...

- Mini pupillage deadlines

Whether assessed or not, all minis allow students to observe barristers in chambers and often in court too. The degree of involvement you get varies hugely from one set to another. A good mini-pupillage will expose you to the fundamentals of the job, like attending conferences with clients, looking at paperwork and even shadowing a barrister in court. Of course, as one source pointed out: “*Students shouldn’t expect to be in court the whole time, as that’s not actually what barristers do all day,*” particularly in commercial law. Indeed, depending on the type of set, it’s possible chambers won’t even have anything going on in court during your stint.

*“Students shouldn’t expect to be in court the whole time as that’s not actually what the barristers do all day.”*

A bad mini-pupillage, on the other hand, might see you abandoned in a room with a barrister who doesn’t really want you there. “*I got stuck with a costs lawyer,*” one pupil recalled with a grimace, adding: “*Costs isn’t an easily accessible area of law, even for other barristers. He gave me a load of bundles and told me to give them a read. I came back two hours later and asked: ‘Where do I start?’*” Should you find yourself in a situation where you don’t exactly hit it off with your supervisor, we suggest turning your attention towards trying to get a feeling for the atmosphere and chatting to other tenants about life in chambers – they’re diverse places, so don’t write off a set based on one bad apple.

A few chambers take as many as five mini-pupils at a time, though more often than not mini-pupils find themselves alongside just one other. Sets with more formalised programmes may put on a drinks party, but socialising isn’t always part of a mini-pupil’s job description. That’s not to say you can’t use your visit for some subtle yet effective networking. How much mini-pupils achieve in this respect depends on how people in chambers take to them and whether or not their interaction is of the right type: it’s all about striking a balance with members of chambers and making sure you’re remembered for the right things – enthusiasm, reliability, engaging attitude – and not for being a nuisance or a drain on people’s time. Pick your moments for questions and conversations carefully.

Covid-19 has prompted many chambers to pause mini-pupillages, and there will be fewer to go round in the com-

ing years than has been the case in many years. Some sets are offering online equivalents, which are well worth looking into.

## Assessments and what to expect

Our sources made it a point to mention that “there can be a certain prestige to assessed minis,” adding that “a lot of the top chambers do them.” They went on to suggest it’s worth trying out some unassessed minis before taking up an assessed one, and advised waiting to sign up until you’ve at least started on the GDL. “They can be very academic and textbooky, which is a challenge if you haven’t encountered that type of material yet.” We’ve noted whether sets offer assessed or unassessed minis or both in our online vacancies listing. In addition, be aware that some top sets only take in mini-pupils as part of the pupillage application process and don’t offer them as work experience.

Many sets require an interview for a mini-pupillage, but the odds go way up if it’s an assessed one you’re after. In either case, be prepared to talk convincingly about why you’ve chosen the barrister route and perhaps even make a short presentation on a subject selected by the set.

Assessed minis usually dedicate a couple of days entirely to the assessment process itself. As such, attendees can expect to spend more time on their own than in an unassessed mini. A typical assessment scenario sees mini-pupils instructed to analyse a set of papers and produce a piece of written work that’s then discussed with a supervisor. As one interviewee recalled: “I was given a factual scenario that filled about one side of A4, plus a few questions to answer about it. It kind of felt like an academic exercise, but at the same time I knew they wanted an ‘advice’ of sorts, so my efforts had to be fairly practical. The other mini-pupil and I went to the nearest Inn library to research and answer the questions using Halsbury’s Laws, Westlaw, LexisNexis etc. I had a day to do this before handing my written answers to a barrister. The following afternoon I had about 30 minutes’ worth of feedback with the barrister, who pointed out where I had done well and where I had gone wrong. Among other things, the exercise was marked on the quality of the legal analysis, the structure and the language.”

### Assessed minis usually dedicate a couple of days entirely to the assessment process itself.

Such assessments are usually designed to give people at different stages of the learning process a fair shot. “I was asked to produce my written answer in the form of an opinion,” continued the above source, “but it was clear chambers understood that those who hadn’t done the BPTC yet would likely produce something more in line with a GDL-

style answer. As such, they put the focus on content rather than style. Essentially they wanted to know if, aided by the right research tools, I could go through the appropriate thought processes and come up with a sensible answer.”

Assessments aren’t just limited to written work; sets also judge candidates on the quality of their queries, how quickly they pick things up, and their overall manner. Make sure you’re on form at all times, and don’t forget to request feedback on your performance.

## How to apply

Minis are usually available during term-time, and many sets run more than usual in the run-up to the summer. It’s never too early to get a move on making mini-pupillage applications, particularly if you’re a law student. We’ve heard from pupils who did them at all points in their studies – their final undergraduate year, on the GDL course, or in the middle of the BPTC. There’s no rule that says first and second-year undergrads can’t do minis, but sets usually prefer students who are more advanced in their studies and have a more demonstrable interest in the Bar. So a lot of it comes down to when you decide you’re interested in becoming a barrister – once that’s your goal, why wait? Each day you spend at chambers will further your understanding of a barrister’s job and the industry at large. Many find the experience inspirational if nothing else. One source shared: “My time at various sets reaffirmed my belief that this was what I wanted to do with my life.”

The first step to getting a mini is checking if, where and when opportunities are available. Alongside each Chambers Report we’ve detailed how many mini-pupils each set usually takes (which varies from eight to over 100) and what the application deadlines are. You can find further information on mini-pupillage vacancies on our website. Sets lay out some information on their websites, though some are more helpful than others. If it’s unclear whether or when a set offers minis, “don’t be afraid to ring up the clerks, find out who deals with minis [it’s usually a junior barrister] and ask to speak to them,” our sources advised. Once again, it’s worth noting that Covid-19 will reduce the number of mini-pupillages available in the immediate future, but there will always be opportunities available.

### Many use personal contacts they have within the profession to pick up a couple of minis – barristers they meet at their Inn, for example.

Most insiders suggest applying for as many minis as you can, “as it’s a numbers game.” That said, it’s important you don’t compromise the quality of your applications in your bid to up the quantity. Most sets require a relatively sim-

ple CV-based form, or a covering letter and CV. Make sure your application explains why you're interested in visiting a particular set and shows you're serious about a career as a barrister. Given the amount of advocacy involved in the job, some kind of moot or public speaking experience will put you in good stead; in fact, it's a must for some sets.

Many use personal contacts they have within the profession to pick up a couple of minis – barristers they meet at their Inn, for example. Unfair though that may seem, remember that all BPTC students must join an Inn, so if you don't know anyone (yet), then attend events at your Inn and get networking. Then don't hesitate to use any contacts you make. Barristers who meet and chat to students usually do so precisely because they want to help give the next generation of talented individuals a leg up into the profession.

Don't expect any feedback after making mini-pupillage applications: many sets don't even bother to send out rejection letters. If you haven't heard back after a couple of months, it's likely you've been unsuccessful. Of course, it's possible a set simply didn't have the space to accommodate you at that point in time or may just be a bit disorganised, so don't get too disheartened. One of our interviewees recounted initially getting rejected for a mini at the very set where they eventually gained pupillage.

## How many should you do?

According to one barrister we spoke to, *“mini-pupillages show your commitment to the Bar, but doing ten ceases to impress. Three is a decent number.”* While we've heard from successful sources who'd completed half a dozen or so, keep in mind there is such a thing as overkill. As one such insider reported: *“I personally found all of mine helpful, but I got asked during my pupillage applications why I did so many. I think some people get the idea that doing a lot projects uncertainty as to which area of law you're interested in.”*

Indeed, if you've completed a long string of minis, it's tactical to delineate a clear narrative when reporting your work experience. For example, if you're aiming for a criminal pupillage but have done a mix of crime and civil minis, consider leaving some of the latter off your CV. It makes sense to list only the more impressive experiences on your application forms if you're conscious of keeping your numbers down.

In our opinion, going past three is unlikely to hurt your chances, especially if you've got good reasons for doing so. Few admissions committees will find fault with a clear-cut desire to sample different areas of practice. In the end, as one pupil told us, *“it's a case of striking the right balance between showing your commitment to a prac-*

*tice area and showing that you know what else is out there.”* For the same reason, doing a vacation scheme with a solicitors' firm could be a good idea in order to rule out (or in) that side of the profession.

## Making the most of your experience

Milk your mini-pupillage for all it's worth by taking notes, asking good questions (at appropriate moments, of course), and reflecting on what was good and bad about your experiences. Recruiters often tell us that pupillage applicants who simply list or describe their legal work experience fall short in comparison to those who actually articulate what they've learned from shadowing practitioners.

### Here are some other tips from insiders:

- “Try to be relaxed while you're in chambers, and don't expect too much on a personal or social level. Barristers all differ: some will be very intense, some will have read your CV and will talk to you about your interests, some won't care and will vaguely resent having to baby-sit you – and you'll know it. Don't take it personally.”
- “At the end of every day of your mini-pupillage, mark down each thing you've done, no matter how small – every little legal point you've looked at, every chat about it you had with a barrister. You'll forget it when it comes to subsequent interviews unless you make a note.”
- “Things may go way over your head while you're in court, but make sure you stay focused. The barrister who takes you along might ask you how you think the hearing went.”
- “Don't worry if you leave your first mini feeling no more enlightened about the work than when you came in. I learnt that I loved the surroundings of chambers and going to court during my first few minis, but I did find it difficult to engage with the work as I didn't actually understand most of the legal principles at hand. Later into my studies, however, it became much easier to get to grips with and make a good impression.”
- “Be persistent with your applications. If you really want a spot at a particular set, ask yourself whether it's worth trying again and go for it. I didn't get in the first time around, but after applying again I managed to land a mini-pupillage, and now I'm a pupil.”
- “Remember to take each mini-pupillage seriously, particularly those that are a requisite part of a set's pupillage application process. It's your chance to impress, and you should approach it accordingly.”
- Although a mini is certainly step in the right direction, it alone won't take you all the way to pupillage. Still, as one pupil reminded us: *“A mini-pupillage is a real morale boost – it's a reminder that at least somebody thinks you're worth taking a look at.”*

## The Inns of Court

London's Inns of Court are oases of calm amid the hustle and bustle of the City's legal heartland. The four Inns – Lincoln's Inn, Inner Temple, Middle Temple and Gray's Inn – each come with their own character and quirks.

In addition to teaching, guidance and scholarships, the Inns provide a social network for members as well as a calm environment in which to work. A stroll through them offers a front row view of the history that's shaped the Inns as we know them today. Inside each you'll find a drove of baronial oil paintings, the austere expressions of past grandees, judges, heads of state and prime ministers gazing out from the wood panelling; meanwhile, their idyllic gardens preserve a bygone era of drinks and croquet on the lawn.

There are four Inns of Court, and you can read our reviews of each online: Gray's Inn; Inner Temple; Lincoln's Inn; Middle Temple. All four took necessary precautions during the peak of Covid-19 infection, but had begun opening up their premises again at the time of publication.

*In addition to teaching, guidance and scholarships, the Inns provide a social network for members as well as a calm environment in which to work.*

The Inns are the only institutions with the power to 'call' a person to the Bar. Indeed, students must join one of the four Inns before starting their BPTC and, seeing as membership is for life, it's a decision worth mulling over. Although all four offer similar services and facilities, each maintains its own flavour and atmosphere, thanks in large part to their differing sizes. Such nuances are hard to pick up on from the outside, however, so we suggest visiting the Inns in person to see which one most appeals before settling on one. This is easily done – just call up to find out if tours are being offered.

In the meantime, soak up the wealth of promotional materials the Inns produce as all are packed with helpful information. You can also check out our **Inns of Court comparison table** and **Inns of Court reviews** online for further details. There is an old rhyme that attempts to delineate each Inn's identity – 'Inner for the rich, Middle for the poor, Lincoln's for the scholar, Gray's for the bore' – but pay it no heed: it's been widely discredited and has no basis in fact.

Aspiring barristers need to join an Inn before starting the BPTC, but it's a good idea to consider a head start on

your membership seeing as they offer around £6 million in scholarships between them. This money is reserved for GDL and BPTC students as well as pupils. The deadlines for scholarship applications usually occur in the calendar year before the course begins, so mark your diary accordingly. Detailed information about these dates can be found on the Inns' websites.

### Inns of Court scholarship deadlines:

- **Bar Course scholarships:** 6 November 2020
- **GDL scholarships:** 7 May 2021

Make no mistake: landing a scholarship is a competitive business. Applicants face panels of current members (which occasionally include judges) who examine their academic records and set challenges to determine on-the-spot presentation and advocacy skills. Achievements such as 'overcoming hardship' are sometimes also considered, as are extracurricular activities like sporting or musical ability. The top scholarships are the prestigious 'named' scholarships, worth up to £13,000-22,000 each. A huge number of smaller awards are also available.

Another plus of joining early is that there are additional funds to help facilitate mini-pupillages, internships and other forms of relevant work experience. Check out the Inns' websites or brochures for details on these opportunities. Furthermore, students living away from London can get access to financial assistance to cover transport costs to visit the Inns, and money is also available to cover the cost of 'qualifying sessions', 12 of which must be attended before being 'called to the Bar' (though the final one can be the call ceremony itself).

*Some of the qualifying sessions are educational, while others are designed to help students socialise, network and absorb the customs of the Bar.*

Some of the qualifying sessions are educational, while others are designed to help students socialise, network and absorb the customs of the Bar. Sessions range from time-honoured dinners in the halls to debates, music eve-

nings, seminars, advocacy weekends and even weekend brunches. Events can be serious – a lecture on the legacy of Mahatma Gandhi at the English Bar or debate on the Magna Carta – or more frivolous: one Inn’s student society recently organised a rather raucous boat party on the Thames. Social distancing may of course restrict the events that Inns can run for the foreseeable future, so keep an eye out for alternatives.

Once a member of an Inn, students can be mentored by practitioners in their chosen field and take part in marshalling schemes that see them shadow a judge for a week, observing cases and discussing them at the end of the day. There are also educational workshops to polish advocacy skills and seminars discussing specific areas of law or courtroom techniques. Beyond that are a range of societies for interests like drama, music and mooting/debating. All Inns offer mooting at internal, inter-Inn or national level, and we fully recommend you get involved in some capacity as mooting experience is often a big draw for chambers recruiters.

Joining an Inn is the first step of the undeniably long slog that is becoming a barrister. While excitement at the prospect is understandable, make sure you don’t forget the following mantra: *Securing a Pupillage is Extremely Hard*. A BPTC provider is unlikely to turn you away if you’ve got the cash to spend, but you won’t make your Lord Chief Justice fantasy come true by simply completing the course. Even with a much sought-after scholarship under your belt, the barrister route is neither cheap nor simple.

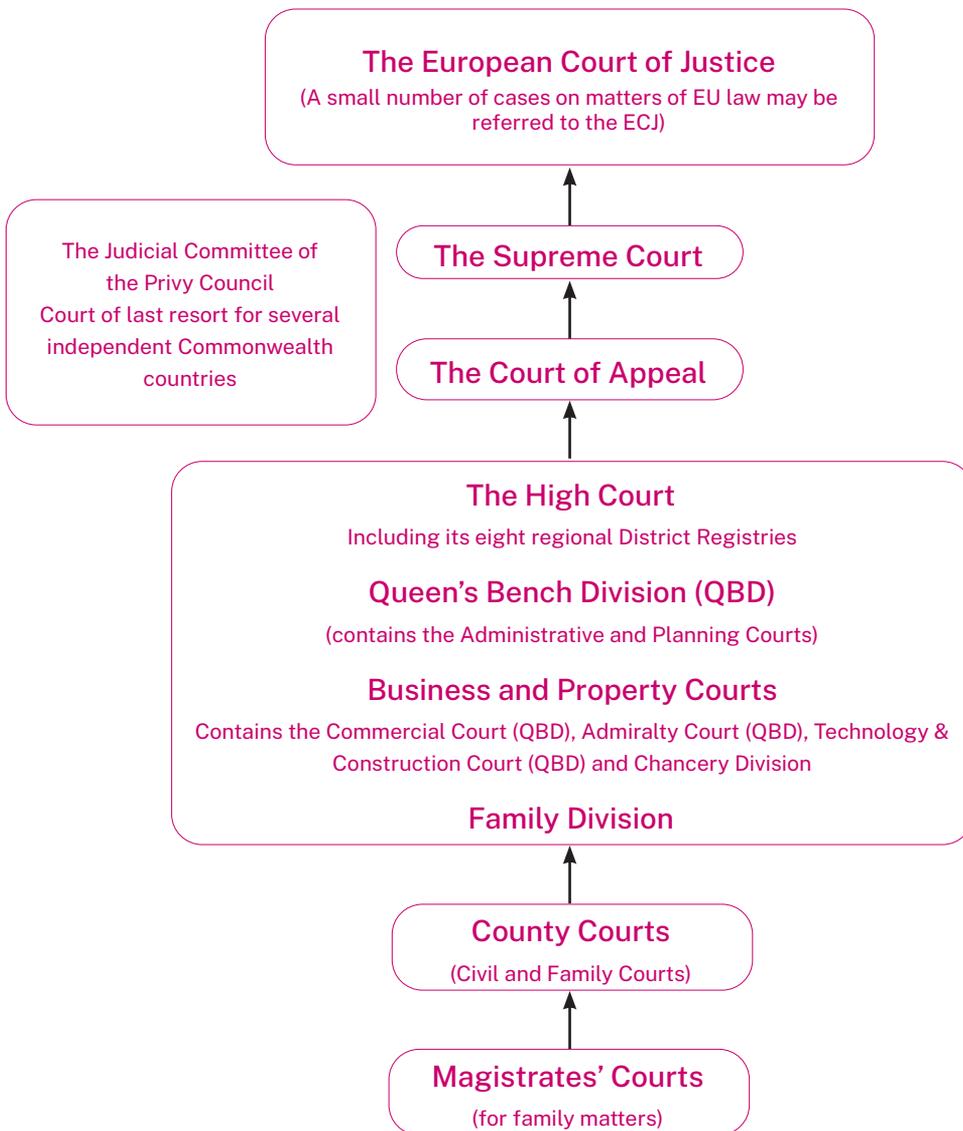
### And finally...

**The Inns provide resources that can certainly improve your chances of gaining pupillage. Use them wisely.**

# The Inns of Court

	Lincoln's Inn	Inner Temple	Middle Temple	Gray's Inn
Architecture	The Old Hall was built in 1490 and the larger Great Hall in 1845, the same year as the library. The Stone Buildings are Regency. The largest Inn covers 11 acres. A new education suite consisting of ten advocacy rooms and a lecture theatre was opened in 2018 by none other than Queen Elizabeth II herself.	12th-century Temple Church (shared with Middle Temple) stands opposite the modern Hall, which was built after the original was destroyed in the Second World War and stands on the site of an ancient hall of the Knights of the Temple.	Middle Temple Hall, completed in 1572, is probably the finest example of an Elizabethan Hall in London. The Readers' coats of arms, which can be seen on the wood panelling, date from 1597. Tucked away down the cobbled Middle Temple Lane, Fountain Court is a calm oasis.	The ancient Hall and Chapel are still intact, despite suffering serious war damage. The rest is largely a 1950s red-brick recreation of the historic pre-war buildings. The smallest Inn.
Gardens	Open 7am-7pm. The main lawn of the North Gardens is open April to September between 12pm-2:30pm - especially popular with local lunchers! Restored in Spring 2019, the Bencher's Border is full of flowers and 'unusual' plants.	Well kept and stretch down to the Thames. open to the public from 12.30pm to 3pm on weekdays.	Small and award-winning, overlooking the Thames.	The famous 'Walks' were designed by Sir Francis Bacon in the early 17th century and are open to the public during lunch hours.
Student members	c. 650	c. 300	c. 500	c. 300
Total membership	c. 25,000	c. 12,000	c. 6,000	c. 5,500
Accommodation	14 rooms in self-contained flats available for student scholars. 3 rooms are also available for pupils.	Not for students.	Not for students.	14 scholars share four flats in the Inn for BPTC students in 'residential scholarships'.
Bar	The newly renovated Members' Common Room will open on 23 September 2019 and is open weekdays 10:30am to 10:30pm. Hogwarts-esque décor.	The Pegasus Bar is open 10am-10pm weekdays and has a terraced open-air area. Good for people-watching but not a place to go incognito.	Members' lounge 'Taskers' open 9am-8pm weekdays serves coffee for £1.	The Bridge Bar is above the gateway between South and Gray's Inn Squares. It's open to members, residents and tenants (plus their guests) on term-time weekdays from 8am to 11pm.
Famous members	<ul style="list-style-type: none"> <li>• Sir Thomas More</li> <li>• John Donne</li> <li>• Lord Denning</li> <li>• Muhammad Ali Jinnah</li> <li>• Wilkie Collins</li> <li>• Baroness Thatcher</li> <li>• 15 other British Prime Ministers</li> </ul>	<ul style="list-style-type: none"> <li>• Judge Jeffreys (of 'Bloody Assizes')</li> <li>• Bram Stoker</li> <li>• Mahatma Gandhi</li> <li>• Dr Ivy Williams (first woman called to the Bar)</li> <li>• Lord Falconer</li> <li>• Lady Black</li> <li>• Lady Arden</li> </ul>	<ul style="list-style-type: none"> <li>• Sir Walter Raleigh</li> <li>• William Blackstone</li> <li>• William Makepeace Thackeray</li> <li>• Barbara Calvert (first woman to head a chambers)</li> <li>• Helena Normanton (first woman admitted to an Inn)</li> <li>• Baroness Chakrabarti</li> <li>• Cherie Booth</li> </ul>	<ul style="list-style-type: none"> <li>• Sir Francis Bacon</li> <li>• Thomas Cromwell</li> <li>• Dame Rose Heilbron (1st female QC)</li> <li>• Lord Bingham</li> <li>• Baroness Hale</li> <li>• Dinah Rose</li> </ul>

# The civil courts of England and Wales



## Europe

ECJ: any UK court can refer a point of law for determination if it relates to EU law until the UK leaves the EU.

European Court of Human Rights (ECHR): hears complaints regarding breaches of human rights. The ECHR is not part of the EU and the UK will remain subject to ECHR jurisdiction after it leaves the EU.

# The Chancery Bar

## In a nutshell

The Chancery Bar is tricky to define. The High Court has three divisions: Family, Queen's Bench (QBD) and Chancery. Chancery cases are typically those with an emphasis on legal principles, foremost among them the concept of equity or fairness. Cases are generally categorised as either 'traditional' Chancery (trusts, probate, real estate, charities and mortgages) or 'commercial' Chancery (company law, shareholder cases, partnership, banking, pensions, financial services, insolvency, professional negligence, tax, media and IP). Most Chancery sets undertake both types of work, albeit with varying emphases. Some areas, such as tax and IP, require specialisation.

In practice, there's crossover between Chancery practice and the work of the Commercial Bar (historically dealt with in the QBD). To reflect this, in July 2017 the Chancery Division was combined with the QBD's Commercial Court and the Technology and Construction Court to form the 'Business and Property Courts'. Sounds confusing, but thankfully the Chancery Bar is a natural habitat for megabrain.

## Realities of the job

- This is an area of law for those who love to grapple with its most complex aspects. It's all about the application of long-standing legal principles to modern-day situations.
- Barristers must be very practical in the solutions they offer to clients. Complex and puzzling cases take significant unravelling and the legal arguments/principles must be explained coherently to the solicitor and the lay client. Suave and sophisticated presentation before a judge is also vital.
- Advocacy is important, but the majority of time is spent in chambers perusing papers, considering arguments, drafting pleadings, skeletons and advices, or conducting settlement negotiations.
- Some instructions fly into chambers, need immediate attention and then disappear just as quickly. Others can rumble on for years.
- Variety abounds. Traditional work can involve human interest: wills and inheritance can cause serious family rifts. Commercial Chancery practitioners deal with boardroom disputes or bust-ups between co-writers of million-selling songs or disputes about literary estates.
- Schedules aren't set by last-minute briefs for next-day court appearances, so barristers need self-discipline and good time management skills.
- The early years of practice feature low-value cases like straightforward possession proceedings in the County Court, winding-up applications in the Companies Court and appearances before the bankruptcy registrars. More prominent sets will involve baby barristers as second or third junior on larger, more complex cases.

## Current issues

- The Chancery Bar attracts high-value, complex domestic cases and offshore and cross-border instructions. Recently China has been taking the mantle from Russia as the largest source of international work. Plenty of cases focus on massive offshore trusts in tax havens like the Cayman Islands, the British Virgin Islands and the Channel Islands.
- In November 2018, The Ministry of Justice announced plans to change the structure of probate fees (which are paid when administering a deceased person's estate) from the fixed, £215 rate and replace it with fee bands. Estates worth less than £50,000 wouldn't have to pay anything, but the highest value estates (worth £2 million or more) could have been charged £6,000, meaning the government would have made around £185 million in profit by 2022. The government claims the 'death tax' is necessary to keep courts running. However, charities expressed major concern with the proposed changes; namely, that wealthy individuals would no longer leave large estates to legacies in their wills. As such, the MOJ scrapped the plans towards the end of 2019.
- According to statistics gathered by The Law Society, 85% of cases heard in business courts in England and Wales still went ahead (remotely) during the Covid-19 pandemic. Perhaps indicating an increase in efficiency, 50% of Chancery cases lasted less than an hour, and 70% lasted under two hours. It's good news, given 3,000 fewer cases were heard in 2019 compared with the previous year, which experts put down to a decrease in insolvency cases. Such cases are now expected to drastically increase as a result of the pandemic.
- Brexit may limit the ability of English barristers to work in EU jurisdictions on issues of EU, domestic or international law, and withdrawal from the European Court of Justice could create inconsistency between the judgments of EU and English courts, making the English legal system less attractive. However, many partners and barristers we spoke to remained confident in the future for British courts.

## Some tips

- Most pupils at leading Chancery sets have a First and have won tons of academic prizes. You should enjoy the analytical process involved in constructing arguments and evaluating the answers to problems. If you're not a natural essay writer, you're unlikely to be a natural-born Chancery practitioner.
- Don't wander into this area by accident. Are you actually interested in equity, trusts, company law, insolvency, IP or tax?

## Read our Chambers Reports on...

Erskine Chambers  
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XXIV Old Buildings  
Radcliffe Chambers  
St John's Chambers

Serle Court  
South Square  
4 Stone Buildings  
3 Verulam Buildings  
Tanfield Chambers  
Wilberforce Chambers

# The Commercial Bar

## In a nutshell

The Commercial Bar handles a variety of business disputes. Commercial cases are classically defined as those heard by the Commercial Court – a subsection of the Queen’s Bench Division of the High Court. But cases can also be heard in County Courts, by the Chancery Division or by the Technology and Construction Court (TCC).

The Commercial Bar deals with disputes in all manner of industries from construction, shipping and insurance to banking, entertainment and manufacturing. Almost all disputes are contract and/or tort claims, and the Commercial Bar remains rooted in common law. That said, domestic and European legislation is increasingly important, and commercial barristers’ incomes now reflect the popularity of the English courts with overseas litigants. Cross-border issues including competition law, international public and trade law and conflicts of law are all growing in prominence.

Alternative methods of dispute resolution – usually arbitration or mediation – are also popular because of the increased likelihood of preserving commercial relationships that would otherwise be destroyed by the litigation process.

## Realities of the job

- Barristers steer solicitors and lay clients through the litigation process and advise on strategy, such as how clients can position themselves through witness statements, pleadings and pre-trial ‘interlocutory’ skirmishes.
- Commercial cases can be very fact-heavy, and the evidence for a winning argument can be buried in a room full of papers. Barristers have to work closely with instructing solicitors to manage documentation.
- Not all commercial pupils will take on their own caseload in the second six. At first, new juniors commonly handle small cases including common law matters like personal injury, employment cases, possession proceedings and winding-up or bankruptcy applications.
- In time, a junior’s caseload increases in value and complexity. Most commercial barristers specialise by building up expertise on cases within a particular industry sector, eg shipping, insurance or entertainment.
- Developing a practice means working long hours, often under pressure. Your service standards must be impeccable and your style user-friendly, no matter how late or disorganised the solicitor’s instruction.
- In a good set you can make an exceedingly good living. At top commercial chambers a baby junior can earn £100,000.

## Current issues

- The Covid-19 crisis has created major disruptions to court proceedings, with many hearings taking place remotely during the crisis. On the other hand, the pandemic has potentially offered opportunities: defaults caused by the commercial havoc ensuing from the pandemic and subsequent global lockdown.
- While Brexit potentially threatens London’s position as a global hub, ratings downgrades, crashes in the swaps and currency markets, and outdated contracts based on the UK being in the EU could all lead to disputes leading to work for those in the Commercial Bar.
- The Commercial Bar (like others) has historically been male-dominated. In 2020 a group of chambers including Essex Court, One Essex Court, Brick Court and Fountain Court Chambers launched a series of collaborative events to encourage more female applicants to commercial pupillages.

## Some tips

- Competition for pupillage at the Commercial Bar is fierce. A first-class degree is commonplace and you’ll need impressive references.
- Don’t underestimate the value of non-legal work experience; commercial exposure will help you understand client perspective and motivations. Some pupils even come to the Commercial Bar after a traineeship at a City law firm.
- Bear a set’s specialities in mind when deciding where to do pupillage – shipping is very different to banking, for example.

## Read our Chambers Reports on...

Atkin Chambers	Maitland Chambers
Blackstone Chambers	Monckton Chambers
Brick Court Chambers	4 New Square
Crown Office Chambers	XXIV Old Buildings
1 Crown Office Row	Outer Temple Chambers
Erskine Chambers	Pump Court Tax Chambers
39 Essex Chambers	4 Pump Court
Essex Court Chambers	Quadrant Chambers
One Essex Court	St John’s Chambers
5 Essex Court	Serle Court
20 Essex Street	South Square
Fountain Court Chambers	4 Stone Buildings
Henderson Chambers	2 Temple Gardens
Keating Chambers	3 Verulam Buildings
7 King’s Bench Walk	Wilberforce Chambers
Littleton Chambers	

# The Common Law Bar

## In a nutshell

English common law derives from the precedents set by judicial decisions rather than the contents of statutes. Most common law cases turn on principles of tort and contract and are dealt with in the Queen's Bench Division (QBD) of the High Court and the County Courts. At the edges, common law practice blurs into both Chancery and commercial practice, yet the work undertaken in common law sets is broader still, and one of the most appealing things about a career at one of these sets is the variety of instructions available.

Employment and personal injury are the bread and butter at the junior end, and such matters are interspersed with licensing, clinical negligence, landlord and tenant issues, the winding-up of companies and bankruptcy applications, as well as small commercial and contractual disputes. Some sets will even extend their remit to inquests and criminal cases.

## Realities of the job

- Traditionally common law juniors had a broad practice, but specialisation is increasingly common, especially once you're over five years' call.
- Advocacy is plentiful. Juniors can expect to be in court three days a week and second-six pupils often have their own cases. Masters' and district judges' appointments lead to lower-value fast-track personal injury trials than longer, higher-value, multi-track trials and employment tribunals.
- Outside court, the job involves research, an assessment of the merits of a case, and meetings with solicitors and lay clients. The barrister will also be asked to draft statements of claim, defences and opinions.
- Dealing with the volume and variety of cases requires a good grasp of the law and the procedural rules of the court, as well as an easy facility for assimilating the facts of each case. Interpersonal skills are important. A client who has never been to court before will be very nervous and needs to be put at ease.
- At the junior end work comes in at short notice, so you need to be able to quickly digest a file of documents.
- Acting as a junior on more complex cases allows a young barrister to observe senior lawyers in court.

## Current issues

- Personal injury and clin neg have not been supported by legal aid since the '90s. Conditional fee agreements (aka 'no win, no fee') and third-party funding of cases are now key to helping to sustain barristers' work volume. However, like most things in life, 'no win, no fee' arrangements are too good to be true. The Legal Ombudsman recently published a report expressing concern at the number of conduct referrals it had to make after several 'no win, no fee' lawyers provided a sub-par service or used to loopholes in contracts to elicit fees.
- In July 2019, the Lord Chancellor announced a change to the way personal compensation payments are calculated – setting the Discount Rate, a figure to calculate high-value personal injury compensation, at -0.25%. The change follows concerns that the previous rate of -0.75% was leading to claimants being overcompensated. The rate is reviewed every five years.
- London-headquartered firm Kennedys has asked the Northern Ireland Executive to change the way it calculates its discount rate, which is currently set at 2.5% to avoid 'overcompensation,' amid fears consumers in Northern Ireland are paying higher insurance rates than consumers in the rest of the UK and ROI. The Department of Justice launched a consultation in 2020 to address the issue.
- The Covid-19 pandemic and subsequent court closures raised an issue for clinical negligence claims. One such case concerned alleged clinical negligence by University Hospital Southampton, resulting in a 15-month old baby developing cerebral palsy. The claimant asked for the trial to be adjourned, as an in-person trial was impossible due to lockdown restrictions and a virtual trial would be unfair. Only one preceding clinical negligence case had been heard remotely. Mr Justice Johnson ordered for the case to go ahead in person, with appropriate social distancing measures in place.

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Hailsham Chambers  
11KBW

Littleton Chambers  
Matrix Chambers  
Outer Temple Chambers  
Quadrant Chambers  
St John's Chambers  
2 Temple Gardens

# The Criminal Bar

## In a nutshell

Barristers are instructed by solicitors to provide advocacy or advice for individuals being prosecuted in cases brought before the UK's criminal courts. Lesser offences like driving charges, possession of drugs or benefit fraud are listed in the magistrates' courts, where solicitor advocates are increasingly active. More serious charges such as fraud, supplying drugs or murder go to the Crown Courts, which are essentially still the domain of barristers. Complex cases may reach the Court of Appeal or Supreme Court. A criminal set's caseload incorporates everything from theft, fraud, drugs and driving offences to assaults of varying degree of severity, murder and rape.

## Realities of the job

- Criminal barristers must have a sense of the theatrical and of dramatic timing, but good oratory skills are only half the story. Tact, a level head and great time management skills are also important.
- The barrister must be able to inspire confidence in clients from all walks of life.
- Some clients can be tricky, unpleasant or scary. Some will have difficult living situations and little education, and others might be addicted to alcohol or drugs.
- Barristers often handle several cases a day, frequently at different courts. Some of them will be poorly prepared by instructing solicitors. It is common to take on additional cases at short notice and to have to cope with missing defendants and witnesses. Stamina and adaptability are consequently a must.
- Success rests on effective case preparation and awareness of evolving law and sentencing policies.
- Pupils cut their teeth on motoring offences, committals and directions hearings in the magistrates' courts. By the end of pupillage they should expect to be instructed in their own right and make it into the Crown Court.
- For juniors, trials start small – offences such as common assault – and move on to ABH, robbery and possession of drugs with intent to supply.
- It may be sexy work, but baby barrister pay on publicly-funded cases can be abysmal. Increasingly, barristers earn as little as £10,000 annually for their first year or two in practice.

## Current issues

- Reflecting the dire state of the Criminal Bar, criminal barristers voted overwhelmingly to stage a walkout in July 2019. The shutdown was narrowly avoided as the government soon responded with a promise to increase prosecution fees and accelerated reviews into

the state of affairs led by the CPS and Ministry of Justice.

- Legal aid cuts have hit the number of available criminal instructions and barristers' remuneration hard. A study by Amnesty International showed that the year before the cuts came in, legal aid was granted in 925,000 cases; the year after, that number was down to just 497,000.
- The legal aid crisis has hit the junior end particularly hard with fewer and fewer entry-level tenancies up for grabs. The dire state of the criminal justice system has been documented in an anonymously penned book, *The Secret Barrister: Stories of the Law and How It's Broken*. Some barristers can earn just £50 a day.
- The Covid-19 pandemic has had huge ramifications, including a shortage of defence lawyers and a huge number of trials being postponed; some have been pushed back as far as 2022. With trials suspended, criminal courts have implemented the use of digital hearings, turning the concept of open justice court on its head. A whopping 550,000 or so cases currently await court time.
- Litigants in person are an increasingly common sight in both the civil and criminal courts as a result of legal aid cuts, meaning less work for barristers and a challenge for those who appear opposite them.
- Partly as a consequence of legal aid cutbacks, many top-end criminal sets are branching out into fraud, bribery, regulatory, VAT tribunal and professional discipline work. And despite the cuts, leading criminal chambers continue to need new pupils and tenants.

## Some tips

- Mooting, debating and other real-life advocacy are necessary requirements before you can look like a serious applicant.
- Criminal pupils tend to have practical smarts rather than being brainboxes with tons of awards and prizes to their names, but you still need a good degree to get your foot in the door.
- There are many ways of getting that all-important exposure to the criminal justice system. Consider a visit to court to observe a trial.
- Interested in prosecuting alleged criminals rather than defending them? The Crown Prosecution Service recruits 30 trainees/pupils a year.

## Read our Chambers Reports on...

2 Bedford Row  
Farrar's Building  
Matrix Chambers

# The Employment Bar

## In a nutshell

The Employment Bar deals with any and every sort of claim arising from the relations or breakdown of relations between employees and employers. Disputes relating to individuals and small groups of employees are generally resolved at or before reaching an employment tribunal. Such 'statutory' claims may relate to redundancy; unfair dismissal; discrimination on the grounds of gender, sexual orientation, race, religion or age; workplace harassment; breach of contract; and whistle-blowing. Previously employment judges sat with two 'wing members' (one from a trade union and one from a business background); now they sit alone. Appeals are heard by the Employment Appeal Tribunal (EAT).

In low-value cases claimants often represent themselves, meaning a barrister acting for a respondent company faces a lay opponent. In complex, high-value cases both parties usually seek specialist legal representation from solicitors and barristers.

Employees and employers may also bring claims in civil court. High-value claims, applications for injunctions to prevent the breach of restrictive covenants, and disputes over team moves or use of trade secrets are usually dealt with in the County Courts or the High Court. These disputes make up a significant proportion of the work undertaken by senior members at sets at the top of the market.

## Realities of the job

- For pupils and juniors, most advocacy takes place in employment tribunals or the EAT, where the atmosphere and proceedings are less formal. Hearings are conducted with everyone sitting down and barristers do not wear wigs. The emphasis is on oral advocacy.
- A corporate respondent might pay for a QC, while the applicant's pocket may only stretch to a junior. Solicitor advocates feature prominently in tribunals.
- Tribunals follow the basic pattern of examination in chief, cross-examination and closing submissions; however, barristers have to modify their style, especially when appearing against someone who is unrepresented.
- Employment specialists need great people skills. Clients frequently become emotional or stressed, and the trend for respondent companies to name an individual (say, a manager) as co-respondent means there may be several individuals in the room with complex personal, emotional and professional issues at stake.
- Few juniors act only for applicants or only for respondents. Most also undertake civil or commercial cases. Some undertake criminal matters.
- Employment law changes quite rapidly and sometimes cases are stayed while others with similar points are heard on appeal.

## Current issues

- The Coronavirus Job Retention Scheme, commonly known as the 'furlough' scheme, was introduced to protect jobs and subsidise wages paid to employers through government support. While providing necessary protection, 'furlough fraud' has emerged in response to the scheme. HMRC is currently investigating a significant number of companies for fraudulent furlough claims, which saw companies claiming government support while illegally asking staff to work. As of August 2020, almost 8,000 reports of furlough fraud had been reported.
- The Coronavirus Act 2020 became law on 25 March. This contained an extensive set of provisions equipping the government with temporary emergency powers to respond to the pandemic. Health protection formed a core part of the legislation, allowing employers to recover additional statutory sick pay paid out due to the three-day waiting period being scrapped; rebating to be extended to larger businesses; and the amount of rebate payable to be modified.
- Summer 2020 saw the government provide further details on the new immigration system set to be introduced in 2021. Across the proposals, the cap on the number of sponsored workers allowed to enter and work in the UK is to be abolished; the new 'resident labour market test' is to be scrapped; and there are changes to how migrants can qualify for 'skilled worker' visas, as well as who will be eligible for the new 'Health and Care' visa.
- In January 2019 the government introduced legally binding executive pay ratio reporting for companies with more than 250 employees. Firms will now have to reveal the gap between the chief executives' salaries and their average worker on an annual basis.
- The introduction of employment tribunal fees of up to £1,200 was ruled unlawful by the Supreme Court in 2017. The number of single claims—claims brought by a sole employee or worker as opposed to by a group—in the first quarter of 2018 increased to 9,252, up 118% compared to the year before. The number of tribunal cases had fallen dramatically since fees were introduced in 2013.

- A number of legal challenges have emerged concerning employment status in the 'gig' economy. A successful tribunal case was brought by two Uber drivers against the company arguing that they should be classified as workers; the case was upheld at the Court of Appeal. A group of 50 Deliveroo couriers won a six-figure payout from the takeaway delivery firm after arguing they had been unlawfully denied employment rights.
- Many UK workers' rights and employment protections derive from the EU. However, most of these – such as the Working Time Directive – are enshrined in UK law, so are unlikely to change as the result of Brexit as repealing them would be both a legal and political nightmare.

### Some tips

- Get involved with the Free Representation Unit. No pupillage application will look complete without some involvement of this kind.
- Practically any kind of job will give you first-hand experience of being an employee – an experience that is not to be underestimated.
- High-profile cases are regularly reported in the press, so there's no excuse for not knowing what the big matters of the moment are.

### Read our Chambers Reports on...

Blackstone Chambers  
Cloisters  
Essex Court Chambers  
11KBW

Littleton Chambers  
Matrix Chambers  
Outer Temple Chambers

# The Family Bar

## In a nutshell

Family law barristers deal with an array of cases arising from marital, civil union or cohabitation breakdown and related issues concerning children. Simple cases are heard in the County Courts, while complex or high-value cases are listed in the Family Division of the High Court. Around half of divorcing couples have at least one child aged under 16, and together divorces affect nearly 160,000 children a year. Consequently, a huge amount of court time is allotted to divorce, separation, adoption, child residence and contact orders, financial provision and domestic violence.

Wigs and gowns aren't worn in family courts because they're private sessions; they're only worn in public courts, such as during a criminal trial, so if you want to be a barrister for the fancy dress the Family Bar isn't for you.

## Realities of the job

- Financial cases and public and private law children's work offer very different challenges.
- Emotional resilience is required, as is a capacity for empathy, as the work involves asking clients for intimate details of their private life, and breaking devastating news to the emotionally fragile. Private law children's cases can sometimes involve serious allegations between parents and require the input of child psychologists. Public law cases (care proceedings between local authorities and parents) invariably include detailed and potentially distressing medical evidence or abuse.
- For many clients, involvement with the courts is out of the ordinary and they will rely heavily on their barrister to guide them through the process. The law can never fix emotional problems relating to marital breakdown or child issues, but it can pacify a situation.
- The job calls for communication, tact and maturity. Cases have a significant impact on the lives they involve, so finding the most appropriate course of action for each client is important. The best advocates are those who can differentiate between a case and client requiring a bullish approach and those crying out for settlement and concessions to be made.
- Where possible, mediation is used to resolve disputes in a more efficient and less unsettling fashion.
- Teamwork is crucial. As the barrister is the link between the client, the judge, solicitors and social workers, it is important to win the trust and confidence of all parties.
- The legislation affecting this area is comprehensive, and there's a large body of case law. Keeping abreast of developments is necessary because the job is more

about negotiating general principles than adhering strictly to precedents.

- Finance-oriented barristers need an understanding of pensions and shares and a good grounding in the basics of trusts and property.

## Current issues

- Legal aid cuts are hitting the Family Bar hard, with funding removed from a majority of cases. The Legal Aid, Sentencing and Punishment of Offenders Act came under fire from the Family Law Bar Association in a 2015 paper alleging that the Act does not properly safeguard the most vulnerable, including children.
- In addition to receiving work from solicitors, several barristers also operate a 'direct access' practice, meaning clients can cut out the middleman by taking their cases directly to barristers without going through a solicitor. Although clients don't have to pay solicitors' fees, some barristers charge more for direct access cases given the extra legwork it involves. Stephen Lyon, barrister at family law set 4 Paper Buildings, told us: *"Direct access is proving to be a very popular way of resolving disputes, as it means clients and barristers can build a direct relationship, rather than having a solicitor – acting as intermediary – forming the relationship on their behalf."*
- 2019 saw one of the highest-profile divorces to date, between Amazon CEO Jeff Bezos and wife MacKenzie Scott. Scott was awarded 25% of the previously jointly-held Amazon stock, parachuting her to third place in a list of the wealthiest women in the world. She has quickly set to work donating large amounts to charity.
- As the number of cohabiting couples rises, divorce rates have been on the decline: there were 50,000 fewer divorces in 2017 than the most recent peak year, 2003. The government has drafted legislation to allow for 'no-fault' divorces after years of petitions to do so, though they're still unlikely to be possible until autumn 2021.
- Consultations are underway to update the UK's surrogacy laws, which have remained largely unchanged since the 1990s. Proposed changes include the creation of a 'new surrogacy pathway' that would recognise the intended parents as the child's legal parents from the point of birth.

## Some tips

- The Family Bar is quite small, and competition for pupillage is intense. Think about how you can evidence your interest in family law.

- Younger pupils might find it daunting to advise on mortgages, marriages and children when they've never experienced any of these things personally. Those embarking on a second career, or who have delayed a year or two and acquired other life experiences, have a distinct advantage.
- Check a set's work orientation before applying for pupillage; some will specialise in a specific area like the financial aspects of divorce.

### Read our Chambers Reports on...

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1 Hare Court

Queen Elizabeth Building

St John's Chambers

Six Pump Court

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# Public law at the Bar

## In a nutshell

Centred on the Administrative Court, public law relates to the principles governing the exercise of power by public bodies. Those which most often appear as respondents in the High Court include government departments, local authorities, the prison service and NHS trusts.

Often the headline cases are challenges to central government policies like terror suspect control orders, the extradition of failed asylum seekers, secret courts and the giving of evidence anonymously. Other big-ticket work comes from public inquiries: The Independent Inquiry into Child Sexual Abuse and Grenfell Tower Inquiry are two ongoing examples. However, for every (in)famous case reported in the media, there are hundreds relating to daily decisions taken by public bodies on immigration, welfare, planning and school places.

The most important process in public practice is judicial review: the Administrative Court may order that any decision made unlawfully be overturned or reconsidered. Decisions are often reviewed on the basis of the Human Rights Act 1998.

## The realities of the job

- The Administrative Court is extremely busy, so an efficient style of advocacy is vital.
- Barristers must cut straight to the chase and succinctly deliver pertinent information, case law or statute. They need a genuine interest in the legislative process and the fundamental laws of the land.
- A real interest in academic law is a prerequisite. Complex arguments are more common than precise answers.
- While legal intellect is vital, public law's real world issues demand a practical outlook and an ability to stand back from the issue in question.
- Junior barristers often hone their nascent advocacy skills at the permissions stage of judicial review in short 30-minute hearings.

## Current issues

- In one of the most well-publicised public law cases in recent memory, the Supreme Court determined that the government could not trigger Article 50 to withdraw from the EU without first passing an Act of Parliament. The case represented a major test of government prerogative and the role of Parliament in foreign affairs, and set an important precedent. Over 50 barristers were involved in the case.

- Brexit is likely to affect several public law fields including immigration, human rights, environment, planning and data protection. That said, while many existing rules emanate from the EU, a good chunk have been incorporated directly into UK law. The government has stated it intends to leave the jurisdiction of the European Court of Justice, so it can no longer hear English cases on appeal. The UK will remain part of the European Court of Human Rights in Strasbourg however, as this is part of the Council of Europe not the EU.
- After being stripped of her citizenship by then home secretary last year, the Supreme Court is set to rule on whether Shamima Begum should be allowed to return to the UK.
- With both the highest death rate and facing one of the deepest recessions of any country in Europe, calls for a statutory inquiry into the government's handling of the pandemic are already growing.
- Legal issues related to counter-terrorism measures and data/surveillance have both been in the news. A case brought by Labour deputy leader Tom Watson established in early 2018 that the government's mass digital surveillance regime was unlawful, with judges ruling that the Data Retention and Investigatory Powers Act was 'inconsistent with EU law'. The appointment of Huawei to help build the UK's 5G mobile network provoked fresh concerns: the company's connections to the Chinese government lead some to fear it could be involved in 'spying' and espionage, and the leaked plans lead to the resignation of Gavin Williamson as defence secretary.
- In September last year, the Supreme Court gave a landmarking ruling by declaring that Boris Johnson's decision to prorogue parliament for five weeks was unlawful. The moment was a new assertion of authority of the Supreme Court.
- An international incident occurred last year when Anne Sacoolas, a former CIA operative, fled the country claiming diplomatic immunity after killing motorist, Harry Dunn, when driving on the wrong side of the road.
- Following through on one of their 2019 manifesto promises, in July 2020 the government launched an independent panel to look at judicial reviews. Among other things, the review is specifically looking at whether the terms of Judicial Review should be written into law and whether certain executive decisions should be decided on by judges.
- The relationship between politics and social media remains cloudy. Vote Leave received a fine of £61,000 for breaking electoral spending laws last year; many have concerns over the firm's links to the Cambridge Analytica scandal, which resulted in Facebook being fined

\$5 billion as a result of not sufficiently ensuring users' privacy.

### Some tips

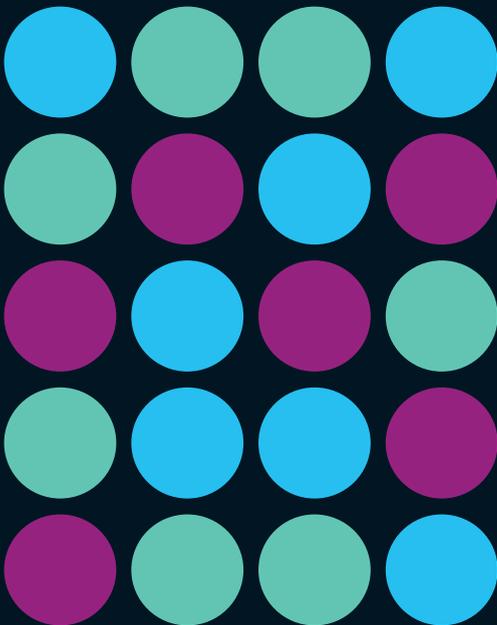
- The competition for public law pupillages is exceptionally fierce. Having the highest possible academic credentials is key when applying to a public law set but most successful candidates will also have impressive hands-on experience in the public or voluntary sectors.
- Public international law is popular, but it's an incredibly small field with few openings. Moreover, it's dominated by sitting or ex-professors at top universities alongside Foreign Office veterans.
- If administrative and constitutional law were not your favourite subjects you should reconsider your decision before choosing public law.

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