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Pupillage Tips

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Let's be honest about it, pupillage is weird. It is brilliant, terrifying, inspiring, bewildering, exhausting and vitally important. It is something which I have seen from every angle. I have been a pupil. I have had three pupils. I have provided training to prospective pupil supervisors. I have been the head of the chambers' pupillage committee, which means I have had the joy akin to being the one that gets to announce "Star Baker" when telling someone they have secured pupillage. And I still think it is weird.

I have described it as a game without rules. In the month of September of 2022, I posted a series of Tweets on each day of the month that contained tips for pupillage. Like most advice in this world, only adopt it if it makes sense to you.

My chambers have collated together all the tips in this PDF. Hopefully one that will make the process less bewildering for you. This is all about you being the best barrister you can be, never forget that.

Jaime Hamilton KC

19.10.22

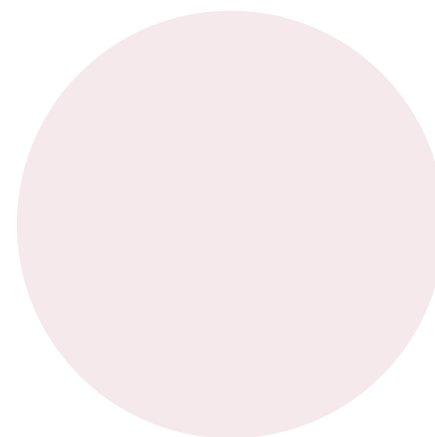


TIP 1

Pupillage is not an audition. It is your opportunity to learn how to become a really good barrister. I know some chambers treat it like a 6/12 month interview (I wish they didn't) but don't go into it with that mindset.

Focus on learning the skills that you need to become the best barrister you can (a lot of these tips are going to be about learning, some of them will be about the audition part as well). The important thing is that your mindset is that you are there to learn and develop.

If you focus on being the best barrister you can be, tenancy will follow for you, if not at that set then elsewhere. Pupillage is the defining point of your legal education, not your CV.



TIP 2

We learn by making mistakes. And you are going to make a lot of them. Here is the thing. When your supervisor gives you back a piece of work and points out what is wrong, it is not a marked exam but a note from the director in a rehearsal.

It is about how you can improve. The way to learn is to listen. The way to react is to improve. Don't go down the route of excuse/explanation. Just take it onboard.

Of course you should ask questions around it but don't feel the need to say "but the cat died yesterday" or "I thought that but didn't do it". Feedback is very much a time to listen and learn.

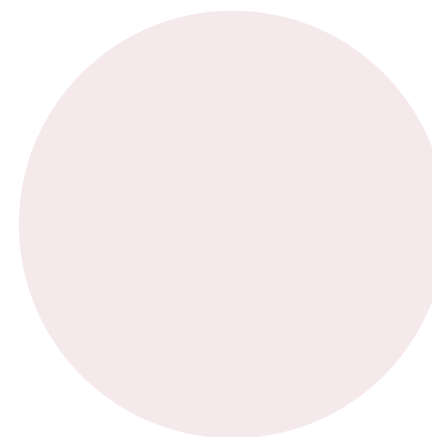


TIP 3

You are not going to be a carbon copy of your supervisor. You learn so much from your supervisor – I still hear myself say phrases in con that I know I picked up in pupillage – but advocacy and being a barrister is a personal skill.

You will eventually develop a style that is all of your own. Some thing that works brilliantly for one barrister will not suit the style or tone of another. Therefore take the opportunity to observe and learn from everyone willing to give you the time (and most will).

Seek out opportunities to spend time with others from chambers, not so that you can impress them when it comes to the tenancy vote, but so that you can learn from a range of different approaches.



TIP 4

Pupillage lasts 12 months, not 6. This may look like a statement of the obvious rather than a tip but this is what I mean. Pupils in their second six often speak of things beginning to make more sense 4 to 6 weeks into being on their feet.

When you have begun to work as a barrister, you begin to understand the practical application of some of the things you have learned and observed.

This is the tip part – take every opportunity in your second six to observe and learn, don't think this stops at the end of your first six. When you are not in court or doing your own work and prep, switch straight back in to first six mode and go off to court with someone.

This is valuable learning time because you will now see it with perspective of actually having done it. You are on the first steps of your own way of doing it so the example set by others will fall on fertile ground.



TIP 5

Whatever time you are due at court, in chambers or wherever you are due to be, catch the train, tram, tube or bus before the one you need to catch to be there in good time.

In short do everything you can not to be late. Things do go wrong, but try to mitigate this by taking extra care to be on time. From a practical point of view, your supervisor or member of chambers you are with has things to do and will have told you a time for a reason.

We move to deal with some of the things to do with securing tenancy at the end of this and the realities of that. Before being concerned about impressing, don't give a reason to be unimpressed.

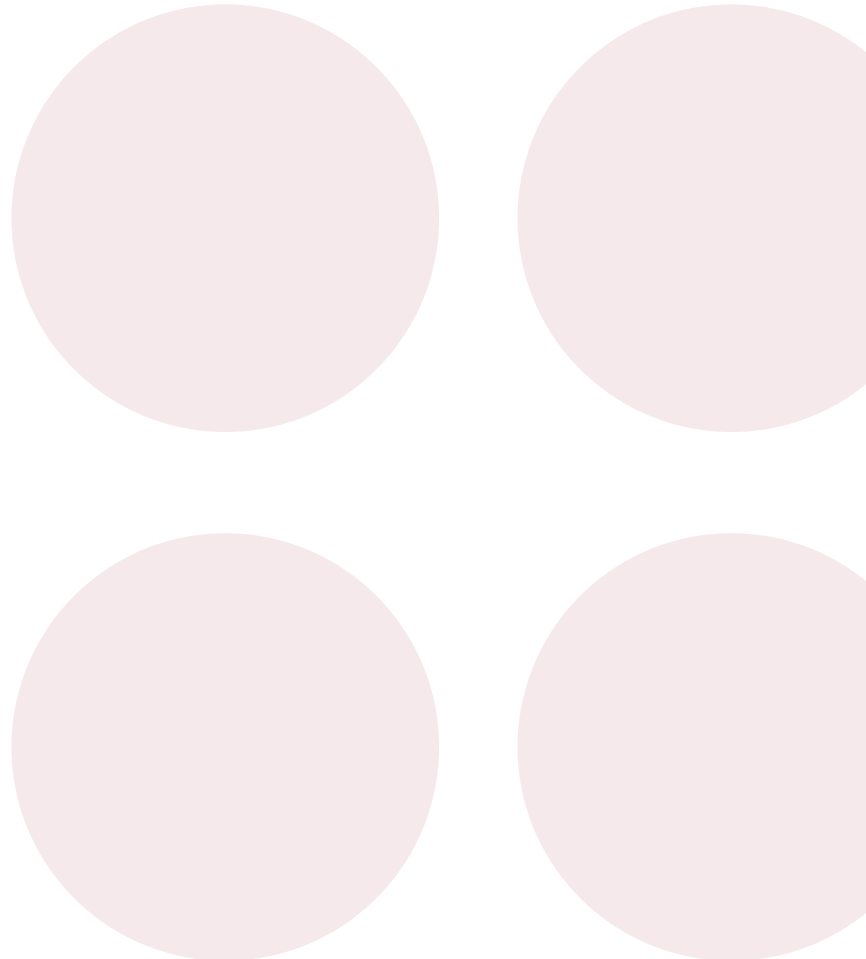
It is also a good habit to get into. Your client doesn't need to fret about where their barrister is. And your instructing solicitor will not be impressed by the client call that counsel is missing.



TIP 6

Establish with your supervisor your expected working practices. What hours are you meant to be in chambers?
What to do when your supervisor is not around.

Pupillage does occasionally seem like a game about which no one explains the rules. Knowing what is expected of you allows you to find your way through.



TIP 7

When with your supervisor talking to client/solicitor/opponent about the case think VERY VERY carefully before speaking. The default position is DON'T.

This is not some “pupils are Victorian children to be seen but not heard” thing. It is an important thing. Firstly you are there to watch and learn. You are not one of the players.

Secondly you may well think the person conducting the case has missed something. Or got something wrong. If they have, they won't thank you for undermining them. More likely they have chosen not to say anything at this point.

If you do think something has been missed, take the opportunity to mention it discreetly and tactfully when no one else is present. You can frame it as a question “why isn't X relevant?” or “I thought we may have dealt with Y, is there a reason why not”?

The absolute golden rule is that you are not there to give the clients advice. Even if they ask you, do not do it. You are going to spend a lot of time in con just taking a note. And learning.



TIP 8

Show your working out. I don't mean in the gym... When you have a question, and you will have a lot of questions, don't just ask someone else to give you the answer.

This is particularly relevant when working on something yourself. Frame the question in a way that shows you have thought about it or researched it. "I think the answer is X, am I on the right lines" or "I have looked at this textbook, is there anything else?"

This approach allows for wider discussion and also makes teaching easier. The person helping you understands where you are going wrong, if you are. It also allows you to show your progress and your skills.

Two caveats: Ask genuine questions, don't just do it to "show off" what you have done. We see you. There are times when you will just ask a "please give me an answer question". Just don't do it all the time.

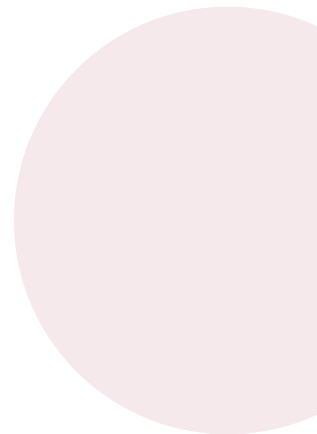
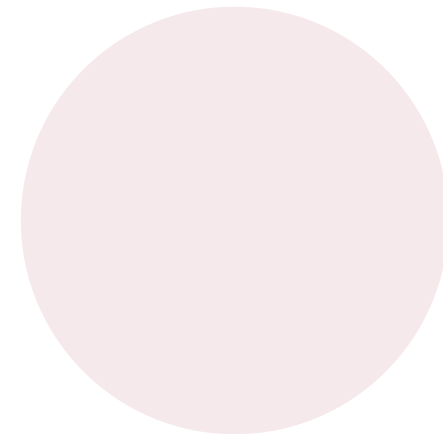


TIP 9

Try to avoid unforced errors. An earlier tip was about learning from mistakes. The errors I refer to here are things like typos... As you start out developing your career a lot of it is about not giving solicitors a reason not to use you.

Yes you get into a position where they want to use you because you are brilliant, but before that their first contact with you might be an attendance note. Don't give them a reason to think you are sloppy. This also applies to the year long interview aspect.

Most word processors have a function that will read a document out to you. Or you can get apps that will do it. Proofread your document as it is also being read to you by the machine. You will pick up mistakes in a way that proofreading alone doesn't.



TIP 10

Keep a diary. It used to be a requirement and it is really useful. Fill it in every day. What you did, where you went, who you were with and what you saw.

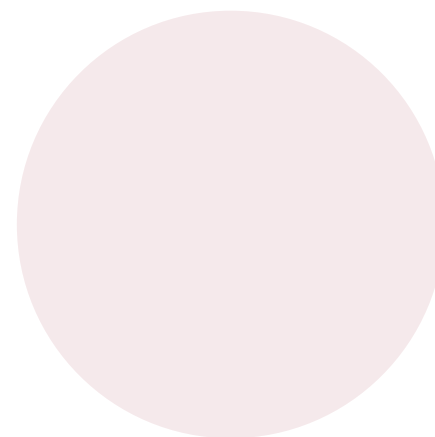


TIP 11

“Frankie was always the life and soul at a party. Remember that time they danced on the tables and then did THAT impersonation of the Head of Chambers in pupillage? I wonder what happened to Frankie...” Don’t be Frankie.

It isn’t just about booze, but booze does play a big part of it. The Bar is quite a social profession. And we entertain professional clients. This is not the Student Union any more. If you are the life and soul of the party, that probably is not going to do down well.

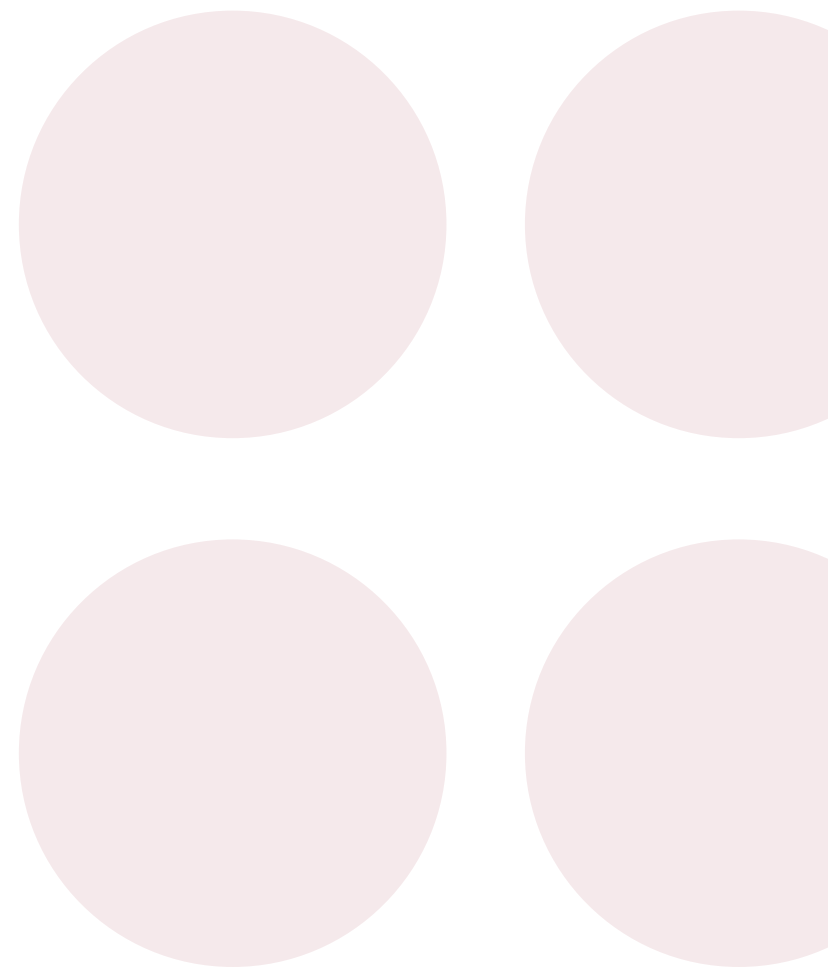
Think of yourself as an ambassador for yourself, your future career and your chambers. Be sociable. Be engaging. But don’t dance on the tables...



TIP 12

Pupillage is not just about learning advocacy and the practical application of the law, it is about learning how to build a practice and run your business.

Make sure you pay attention to this side of being a barrister from the outset. The tips this week will be about this aspect.



TIP 13

This is a tip in 3 halves...(yes, I know). We know that you are going to be the best barrister you can be but that is not all it takes to be successful. Success depends on building relationships.

The main relationships you need to build are with your instructing solicitors. You need to build a professional yet personal relationship with the individuals that are going to be sending you work. Like all relationships, key to building them is communication.

There is more to come on communication.



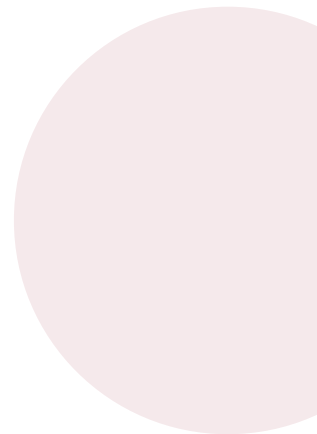
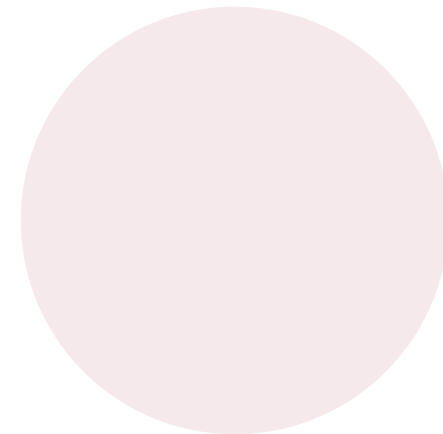
TIP 14

(or possibly
Tip 13.2)

The relationships that you forge with solicitors are ALWAYS subsumed by your duty to the lay client and your duty to the court. You will become friends with your solicitors, you will work with them on many, many cases.

But I am afraid friendship and a good source of work has to be secondary to the interests of the client and your duties to the Court. Always have that in mind. The quickest way to lose all work is to lose your reputation and/or authorisation to practice.

Forge good working relationships based on trust, sound advice and good service.



TIP 15

(or possibly
Tip 13.3)

Don't put all your eggs in one basket. The reality is that not every interaction you have with a solicitor will lead to a regular supply of instructions. You should treat every new contact as a potential for establishing such a connection.

Be very wary of having one dominant source of work. In your early days a network of different sources of work is good. This allows you to develop your skills in a range of work.

More importantly things can change and you don't want your source of work to dry up overnight. Variety is vital.



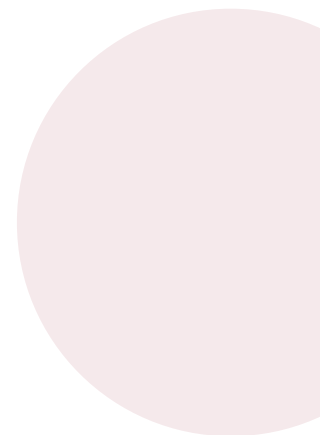
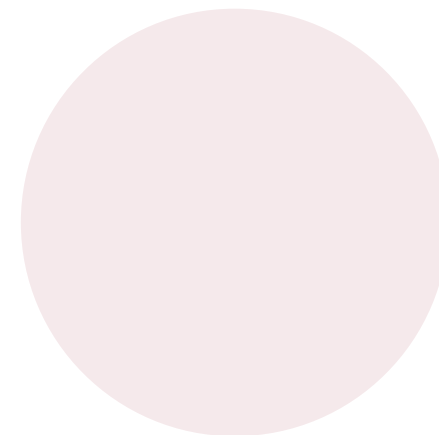
TIP 16

Communication is key to building repeat instructions.

Communication lies at the heart of everything. Got a new set of instructions? Read the case and then pick the phone up to your solicitor.

Been at court on a case? Promptly send an attendance note that concisely sets out what happened and the next steps. Struggling to meet a deadline? Send an email to your solicitor explaining why and what you need to happen.

Communication irons out problems and is central to providing a good service. It also places you at the forefront of your instructing solicitor's mind.



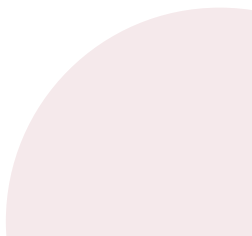
TIP 17

Whilst you will seek to emulate senior practitioners in many ways there is one you should avoid. Do not adopt the jaded air of the case hardened veteran.

The senior practitioner can get away with the odd caustic comment about their case or express a cynical view about the legal world because their ability and reputation allows them to. You do not have that yet.

One of your attractive attributes should be your enthusiasm. Every case should be prepared. You should want to be the best you can be in every case. You should care about every case and every client. And importantly your instructing solicitor should know it.

It is not that senior people do not care or do not want to do their best. It is that which you should emulate. It is that which you should convey. Embrace the fact you are new and enthusiastic. Do not be something you are not.



TIP 18

How you conduct yourself with your opponent or their instructing solicitor can also be an important element in obtaining future work. Always fight your corner but never be unpleasant or unprofessional.

A solicitor on the other side may be impressed enough by your dogged determination and skill that they will instruct you so it is an opportunity but they won't if you have been difficult and made it personal.

Likewise one of their colleagues one day might say "oh I have been offered that pupil from Quality Street Chambers" and the last thing you want is the review of a pulled face and a shake of the head.

One little caveat – never, ever set out to woo your opponent's solicitor.

Ever.

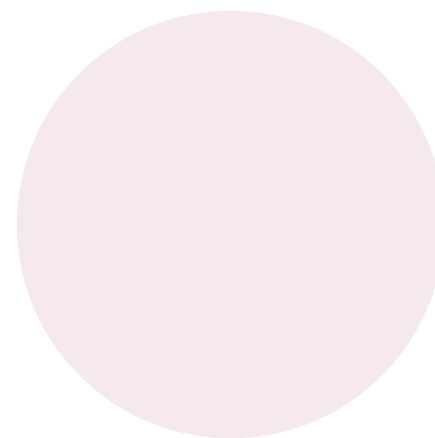


TIP 19

Clerks. Never think you are their boss or act like you are their boss. You are not. Someone probably is their boss, but only in an employment sense.

Treat them as an equal in a symbiotic relationship. Treat them with courtesy and professionalism. And talk to them. Tell them what happened at court as soon as you have finished. Tell them if you think something has gone wrong.

A successful relationship with a clerk is based on mutual respect and communication. Neither of you should have that respect automatically but communication will quickly allow it to develop.



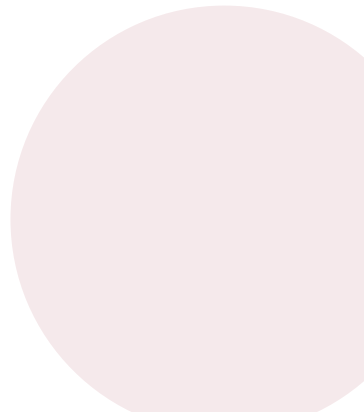
TIP 20

It is not your clerk's fault. I am not talking about how your career goes (you will hear a lot of barristers who blame a clerk for this as well and they are usually wrong too, but it's not about that).

You are responsible for your professional conduct, including where you are meant to be and when. Even for pupils there is no excuse of "my clerk told me it would be ok".

One of the most important parts of the communication with your clerk is your preparedness to say "no". Either "no" to being cross-courted or "no" to a case which is beyond your experience/competence.

Use your pupil supervisor if this arises. Seek their guidance and, if you are not able to resolve it with the clerk, their assistance.



TIP 21

Your contemporaries are a support network, not rivals. It is so easy to view fellow pupils in chambers and around about you as some sort of Hunger Games opponent.

You will succeed because you are good at what you do, not because you are better than someone else. One of the best pieces of advice I received is that another barrister getting a good brief means that they are not available to do the case that comes to you.

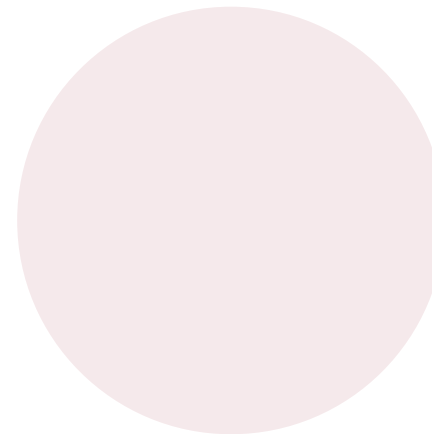
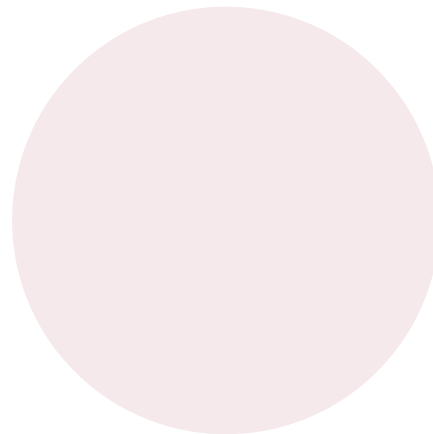
Their success is your opportunity. What you really need are friends that you can turn to for advice and support. Nurture your peers, don't set out to defeat them.



TIP 22

Don't be the boastful pupil. What do I mean by that? Don't go around "bigging up" your cases and each and every day in court.

You will come across very poorly to your peers. And more senior people will see straight through it. It is a confidence thing. It is to give the appearance of confidence and success. The best confidence is a quiet confidence.



TIP 23

There are no two ways about it: Pupillage is hard graft. Pupils should be entitled to a four week holiday period over the course of the 12 month pupillage.

(The first half of this tip is, if your pupillage provider doesn't do this, think about where your future lies) The real point of this tip though is to make sure you take that holiday. You need it.

Do not think that you are going to get a massive pat on the back for working through. Most people will not notice. Pupillage is hard graft because the career is hard graft. You do not prepare yourself to cope with it by working yourself into the ground.

This is a lesson to carry on over into tenancy. Nobody gives you medals for working all hours, 365 days a year. There is a follow on tip tomorrow about taking holiday.



TIP 24

Following on from yesterday's advice to make sure you take your holiday, today is about when to take them. In first six, discuss with your supervisor. Try to time your holiday well. If at all possible, it makes sense to be off at the same time as them.

That isn't a hard and fast rule. The emphasis is on "if possible". Talk to them about it. In second six, try to avoid peak times. Again, this isn't a hard and fast rule.

If you have children for example, you may want or need time off during the school holidays. These days August is a good time to pick up a different volume and quality of work in your second six. It can help the clerks to have you around.

Again just think about it and talk to your supervisor. Take the holidays. Have a break. Just think about how to optimize your time.



TIP 25

Whilst the Bar is a vocation, advocacy a form of art, the job is also a business. Start good financial habits early. I appreciate that the first years can be a struggle for some so this can be difficult.

Put your money aside for tax and VAT. Try to start a pension as soon as you are able to. Get the policies in place that you need like income protection. I repeat that you may not be able to do it straight away but investigate it. Find out how much it is going to cost.

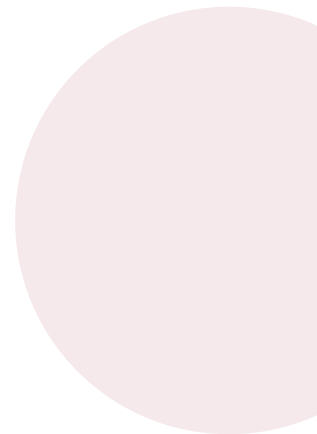
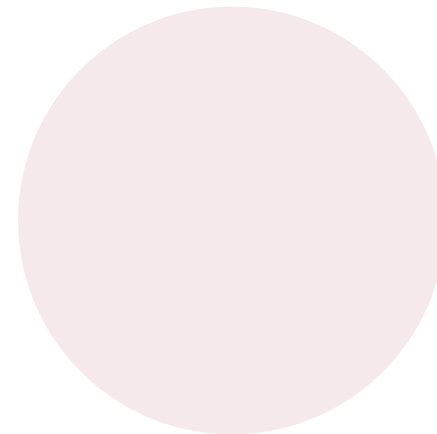
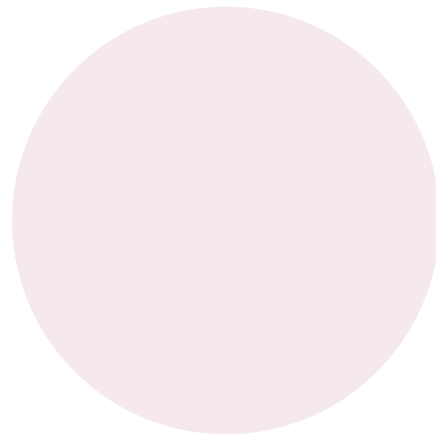
Then you can plan when you will have spare money to start.



TIP 26

Understand your fees. Whatever discipline you practise in, learn how fees work, how you get paid, how much you get paid and when you get paid.

Yes chambers will have fees clerks etc to process and chase your income but you are ultimately responsible for your business. Take time in your pupillage to learn the mechanics and your way round the computer system. Keep track of your own fees and income from day one.



TIP 27

Impressions count. In your second six you will meet an awful lot of your clients for the first time at court on the day of the hearing. This is important for them. It is important for them to have confidence in you from the outset.

This is where allowing yourself plenty of time to get to court is important. Try to make sure you are not running in, all flustered. I am not going to be prescriptive about how you dress but aim for smart and professional.

This must be smart and professional within the context of your background and financial ability. It goes without saying that you should be prepared but make sure you have things like people's names and key facts absolutely on the tip of your tongue.

Do not pull papers out of your bag like you have just emptied the waste paper bin on the table. The key is confident, prepared and professional. Then let your skills shine through.

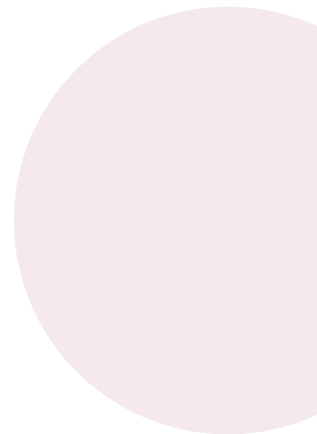
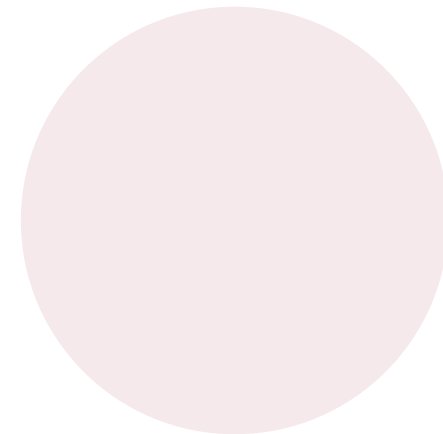


TIP 28

Be prepared. This isn't a Scouting tip. Or about reading your brief and working hard. This is about always being ready and available to go to court. You maybe in one court in the morning with nothing else in the diary but things change.

You may be able to solve a problem for a colleague, your clerks or a solicitor by picking up something else that day. No matter what you are doing, where you are meant to be, always have everything with you that you could need.

Always have your wig and gown with you. Always have your laptop/iPad with you. Always makes sure the clerks know where you are and what you are up to. When you have finished, ring in. And then don't go AWOL.

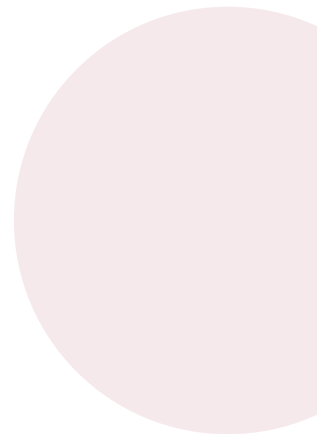
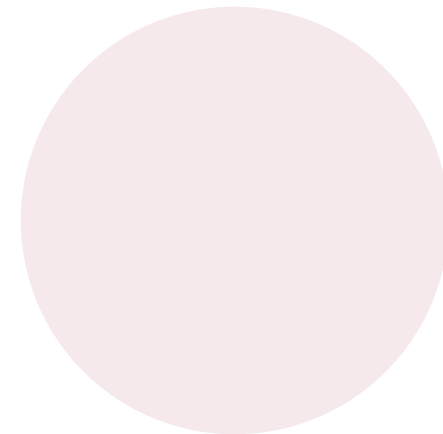


TIP 29

If in doubt, ask. Don't know whether you should be doing a particular case? Talk to your supervisor. Worried about how you should approach something in chambers? Speak to the juniors for advice.

At court and facing a bit of a sticky problem? Ask someone in the robing room. Want to know if your approach to a case is correct? Run it past someone. Not sure what the listing is tomorrow? Ask a clerk.

You are absolutely surrounded by people that can and will help. Don't think it is some sign of weakness or incompetency to ask.



TIP 30

We have got to the end of the tips and, hopefully, you will get to the end of pupillage. When you do get to the end remember this – it is only just the beginning of learning how to be a barrister.

