
**A GUIDE TO PUPILLAGE AT
3 HARE COURT
CHAMBERS OF JAMES GUTHRIE QC**

Introduction

Welcome to Chambers. We hope that you will find your pupillage both instructive and rewarding. This Guide seeks to answer any questions that you may have about what is expected of you and what you can expect of Chambers.

Pupil supervisors and the structure of pupillage

There are currently five full-time pupil supervisors in chambers: Paul Letman, Howard Stevens, Aidan Casey, Marcus Dignum and Katherine Deal. During a twelve-month pupillage you will spend time with each of the pupil supervisors. While you are sitting with a pupil supervisor you should sit at the spare desk/table in their room.

Paul Letman

Paul initially read Civil Engineering at Nottingham University before converting to the law. He was called in 1987 and joined these Chambers in 2003, from Paper Buildings, where he was a tenant from 1989.

Paul's practice is strongly focused on property work, dividing as it does between Construction and Landlord & Tenant. On the construction side he specialises in building and engineering disputes and associated professional negligence claims. He has significant experience of cases in the Technology and Construction Court, as well as experience of domestic and ICC arbitrations and of adjudication and mediation (he is an accredited adjudicator). On the landlord and tenant side he has substantial experience of residential work, especially for landlords, and appears regularly in the Leasehold Valuation Tribunal and Lands Tribunal. He was retained in relation to the Smithfield Market/Crossrail development. Paul also undertakes general commercial work. He is Editor of TECBAR Review (published by Sweet & Maxwell) and of the 3 Hare Court Commercial Law and Property Litigation Bulletins.

Recent reported cases include: *R (on application of Sinclair Gardens Investments (Kensington) Ltd v Lands Tribunal* (2005) Times, 28 November, CA; *Loubatieres v Mornington Estates* [2004] EWHC 825, ChD. *Earle v. Charalambous* (2006) EWCA 1090, *Monavon v. Davenport* (2006) EWHC 1810TCC, *DQDL v. Mills* (2006) EWHC 931 (Ch), *SGI v. de Graca* (2005) EWCA (Civ) 1305, *Fishermen & Friends of the Sea v. Environment Management Authority* (2005) UKPC 32,

Howard Stevens

Howard read French and German at Durham University before studying Law at The City University. He was called in 1990 and became a tenant in these Chambers (then at 1 Crown Office Row) upon completion of his pupillage.

Howard's practice covers primarily personal injury, professional negligence and appellate work in the Privy Council. He has particular experience of complex and

high value personal injury claims, including road traffic accidents, workplace accidents, product liability claims, holiday/travel claims (including group litigation) education, social services and abuse cases. He acts for both claimants and defendants, including a number of the large insurers, and much of his work has a foreign aspect. He also has wide experience of claims against the police, including jury trials of actions for false imprisonment and malicious prosecution. Howard's Privy Council work includes criminal, human rights and constitutional cases. He regularly acts for Commonwealth Governments but also does *pro bono* cases. He has experience of international human rights law and has appeared before the Inter-American Court of Human Rights.

Reported cases include: *Mason v First Leisure Corporation Plc* [2003] EWHC 1814; *State v Boyce* [2006] 2 AC 76; *State v Khoyratty* [2006] UKPC 13

Aidan Casey

Aidan read Law at King's College London. He was called in 1992 and became a tenant in these Chambers (then at 1 Crown Office Row) after pupillage here. Aidan's practice covers all areas of commercial and business law, including: agency (and in particular Commercial Agents Regulations disputes); banking; contractual disputes of all types; company law cases, including disputes arising from breach of directors' duties and breach of shareholders' agreements, and unfair prejudice petitions; insolvency; insurance disputes; commercial fraud and asset recovery. He has substantial experience of urgent interim relief applications, particularly freezing injunctions and injunctions concerning restrictive covenants in both employment and non-employment contexts. He also undertakes professional negligence work, particularly in relation to accountants and solicitors, and is frequently instructed in fraud/asset recovery cases by NHS Primary care Trusts and other NHS bodies and by the NHS Counter Fraud and Security Management Service. Aidan's publications include co-authored chapters on 'Banking on corruption: the legal responsibilities of those who handle the proceeds of corruption' and of 'the funding of terror: the legal implications of the financial war on terror', both published by the Society for Advanced Legal Studies.

Reported cases include: *Jewellery Appraisal Services v Belson* [2005] EWHC 758, QB; *Marcel Skeete v The State* (2003) UKPC 82, PC.

Marcus Dignum

Marcus read Classical Studies at the University of London and was called in 1994.

His practice covers most areas of commercial and common law and he has broad experience in all aspects of contract, including formation, breach, damages, warranties and construction of documents; injunctive relief, including freezing orders and orders for delivery up; construction, and professional negligence. He has significant experience in cases involving the international carriage of goods by road, where cases regularly involve matters of contract, bailment, quasi-bailment and negligence, and is accordingly familiar with the CMR Treaty and also with the standard domestic industry regulations, such as those of the RHA and BIFA.

His practice includes insurance work, including public liability, employers' liability, and road accident claims. He has experience of arbitration (particularly in the field of construction) and mediation.

He undertakes a broad range of personal injury work, principally for defendant insurance companies, but also for claimants. He has particular experience of cases involving serious head and spine injuries.

Katherine Deal

Katherine read Modern Languages at St Hugh's College, Oxford and was called in 1997.

She specialises in all aspects of personal injury litigation including road accidents, highways claims, employers' and occupiers' liability. She acts both for claimants and defendants providing advisory, drafting and advocacy services in all levels of claim including claims in the County Court, High Court and Court of Appeal. She has particular expertise dealing with claims arising out of overseas accidents, appearing for claimants, tour operators, hotels, airlines, cruise ships, travel agents and insurers on a regular basis. She has a particular interest in claims involving conflicts of laws and air accidents and is rated in the current edition of Chambers UK as a leading junior in travel litigation.

Katherine also has a general common law practice, as well as appearing regularly in the Privy Council acting for petitioners, appellants and governments in criminal and constitutional appeals.

The first six months of pupillage

During the first six months of pupillage you will accompany your pupil supervisor to court, and to conferences with clients (either in Chambers or at solicitors' offices). Make sure that you read and understand the papers beforehand (but never mark them) and take a note during the hearing or conference. On such occasions, you may find yourself alone with your pupil supervisor's solicitor and/or lay client. Be careful NEVER to offer your own advice or opinion. If you are asked to express an opinion, use avoidance tactics and make a mental note to mention it to your pupil supervisor. Equally, you must be careful not to discuss the case within earshot of your pupil supervisor's client(s).

You may do work on a particular set of papers for one pupil supervisor and then, by the time the case is heard, have changed pupil supervisors. If you are interested in seeing the trial you should ask to attend, subject to the permission of your current pupil supervisor.

Travel expenses incurred accompanying your pupil supervisor to court and conferences outside London will be met by Chambers. If it is not convenient to travel with your pupil supervisor, they may leave you work to do in Chambers in their absence, or you could take the opportunity to work for another member of Chambers (which is encouraged).

Paperwork undertaken for your pupil supervisor will include drafting and advising. For example, you may be asked to read a set of papers and draft Particulars of Claim/a Defence, advise on the merits, the evidence or quantum. There may also be occasions where you are asked to research a particular point of law and then to write a note for your pupil supervisor (or other member of Chambers). You will receive feedback on your written work and should always ask to see a copy of your pupil supervisor's work when it is completed.

However, as a pupil, the onus is primarily on you to learn and not on your pupil supervisor to teach. Your pupil supervisor has a busy practice and there may be occasions when he/she does not have time to offer immediate feedback or to answer your questions.

Advocacy

During your first six months, you are encouraged to get as much advocacy practice as possible through your Inn or FRU. If you undertake FRU cases, this must not interfere with the work set for you by your pupil supervisor. Always let the clerks know that you are doing such work and ensure that it is marked in the diary and, of course, ask your pupil supervisor's permission.

Chambers organizes two advocacy training exercises during pupillage.

Photocopying

There may be occasions when you are asked to do photocopying by your pupil supervisor. Although this is not the most mind-stretching exercise and will be kept to

a minimum, it is a reality of the junior bar (who often prepare their own trial bundles or bundle of authorities).

Periodic appraisals and assessment

Chambers operates a system of regular appraisals and assessments:

- Monthly appraisals are carried out by pupil supervisors.
- At the end of each period of pupillage an assessment record is completed by the relevant pupil supervisor and the pupil given the opportunity to comment.
- Twelve month pupils are reviewed by the Head of Chambers and Head of Pupillage at the end of the first six months.

Courses

In order to obtain a full practising certificate at the end of your pupillage, you must have completed the Advocacy Training Course (organised by your Inn) and Advice to Counsel Course. The Forensic Accounting Course must also be completed within the first three years of practice. Details of these courses will be sent to you by your Inn's Education and Training Department/the Bar Council. Chambers will pay for you to attend these three courses during your first six months of pupillage and you should inform your pupil supervisor and the clerks of the dates of the course that you will be attending as soon as possible.

The second six months of pupillage

During your second six months of pupillage you can expect to be in court up to twice a week. Your work will include case management conferences, applications, allocation hearings, small claims trials, coroners' inquests, collecting judgments in the Privy Council and possibly the occasional appearance in the Magistrates' Court. Generally, this work will differ from the work that you will have seen your pupil supervisors undertake and it is therefore ESSENTIAL that you spend several days with junior members of Chambers accompanying them to court so that you understand what will be expected of you. The best time to do this is in the fourth and fifth months of pupillage. It is also important that you familiarize yourself with the Civil Procedure Rules. Make sure that you keep up to date with recent amendments

by keeping an eye on practitioner journals (eg New Law Journal and the Law Society Gazette).

You will also be expected to undertake work funded by the Legal Services Commission and should arrange with Michael Oliver to be registered appropriately. You may also do work at the offices of the Treasury Solicitor.

Much of the work undertaken in the second six months of pupillage involves travelling out of London. The current rail timetables together with a Court Guide for the Southeastern and Western circuits are available in the clerks' room. Always check train times with National Rail Enquiries on 08457 484950 or on Railtrack's useful website - www.rail.co.uk/ukrail/planner/planner.htm.

Before you leave for court ask the clerks to mark the backsheet of your brief with your brief fee. Always call your instructing solicitor after an appearance in court and tell him/her what happened. Finally, endorse your backsheet and give the papers to the clerks to be returned to the solicitor. A fee note will then be sent out with the papers and when a cheque is received, you should sign the receipt to acknowledge payment, then return the receipt to the clerks' room.

Work is allocated to second six pupils on a strictly rotational basis and you should keep a close eye on the diary as bookings can, and do, come in at short notice.

During your second six months you may receive instructions to prepare written work for clients. If so, always ask your pupil supervisor to read over your work before you return it to the solicitor. As a second six pupil, you are covered by your pupil supervisor's insurance and you must keep him informed about your own work.

Practising certificates

After your first six months of pupillage, you will need to obtain a certificate from your pupil supervisor to show that you have completed the non-practising six months of pupillage in accordance with the Consolidated Regulations of the Bar Council. Then, at the end of a twelve-month pupillage, a pupil supervisor's certificate is needed to show satisfactory completion of the practising element of your pupillage.

In addition you are required to complete a form each time your pupil supervisor changes. Templates for both the certificates and the “Notification of a material change in pupillage” form are to be found in the Pupillage File sent to you by the Bar Council.

Before signing the certificates, your pupil supervisors will go through with you the checklist provided by the Bar Council as a suggested guide to ensure that you have undertaken the appropriate training as a pupil. Chambers uses the General Commercial checklist.

Have a look at the checklist at the beginning of your pupillage and keep a record of the work you undertake with your pupil supervisor to ensure that you complete as many of the recommended tasks as possible.

Selection for tenancy

Chambers aim to recruit up to two new tenants each year.

You will be assessed for tenancy by reference to the following criteria:

- Intellectual ability.
- Research and analytical skills.
- Written work.
- Oral skills.
- Ability to relate to others.
- Ability to cope under pressure.
- Initiative, application and motivation.

You will need to demonstrate the ability to identify, analyse and argue the salient points, produce good written work, cope under pressure and develop a strong practice.

Tenancy decisions are taken by Chambers as a whole following a meeting of all the members of Chambers held in late July. It is CRUCIAL that you find the time to do work for as many members of Chambers as possible before the meeting. You will be notified by 1st August whether you have secured a tenancy.

Professional Conduct

You should have received, or will receive, a Pupillage File from the Bar Council, which is intended to inform and advise pupils as to what to expect during pupillage. You should read the Pupillage File carefully and keep it for reference throughout the year. Chambers' own pupillage guide is not intended to be a summary or replacement of that document. The following section appears under the heading of conduct and adequately summarises the standard of conduct expected of pupils at 3 Hare Court:

“Section 801 of the Code of Conduct and Part V of the Consolidated Regulations set out a pupil's duties during pupillage. You are required to be conscientious in receiving the instruction given and to apply yourself full time to your pupillage (save that, with the permission of your pupil supervisor you may take part time employment that, in their opinion does not materially interfere with it). You are required to preserve the confidentiality of every client's affairs, including the clients of your pupil supervisor and other barristers with whom you work. You must also comply with any other rules or guidelines relating to pupillage issued by the Bar Council.”

Special mention should be made of the confidentiality of the papers to which you will have access as a pupil. Many members of Chambers undertake important and high profile cases (and appear against one another), and you should resist the temptation to talk about cases with ANYONE other than your pupil supervisor.

Resources

During pupillage your written work should be word processed. We recommend that you obtain a laptop computer as soon as possible. Chambers will provide basic stationery: blue books, pens etc. These can all be found in the stationery shelves, which are in the clerks' room.

The Chambers library contains textbooks, practitioners' texts and law reports. At the back of this guide is a list of where these books are kept. You should familiarise yourself with the contents of the Chambers library as soon as possible. Beside our own collection, the four Inn's Libraries hold a wealth of material. Middle Temple and Inner Temple are the nearest and photocopying cards purchased at one can be used at the other. Cash can also be used in the machines, but each copy made is dearer. Pupil supervisors will pay for any photocopying which you do for them.

As well as the standard texts and law reports, the Inn's Libraries have specialized collections: Middle Temple has EU and US material as well as Australian and New Zealand Reports; Inner Temple has all the Commonwealth authorities which are useful when working on a case in the Privy Council.

Chambers network

Your laptop can be connected to Chambers' network which gives you access to email (internal and external) and Justis (for the Law Reports)

Clerks

It is essential that you make yourself known to, and get on with, the clerks. They are very approachable and have a wealth of experience and may well be best placed to answer any general queries that you have. Do not be afraid to ask. But remember that they are extremely busy – try to avoid asking unnecessary and unimportant questions.

Chambers staff comprises seven people: James Donovan, Senior Clerk; Michael Oliver, Chambers Administrator; Toby Eales, First Junior Clerk; Simon Hamilton, Second Junior Clerk; Nathan Hitchman, Junior Clerk; Susan Johnson, Fees Clerk and Liz Heathfield, Marketing Director. You will be introduced to them. Their responsibilities include keeping the Chambers diary, liaising with solicitors, the courts and other Chambers, agreeing and collecting fees, promoting Chambers and tenants' practices and a large number of administrative/financial functions.

ALWAYS inform the clerks of your whereabouts, even if you are only popping out of Chambers to visit a library. Make sure that they have your mobile telephone number so they can contact you when you are out of Chambers. Let them know if you do not accompany your pupil supervisor to court or a conference. A barrister's working relationship with his/her clerk is an important one and often starts with their impression of you as a pupil.

Practical matters

Working hours

As a pupil, you will find that your hours of work vary from one pupil supervisor to another. As a general guide you should aim to be at Chambers by 8.30/9.00am and to leave at or around 6.00pm – although you should ask each new pupil supervisor when they would prefer you to arrive and leave. On occasions you may well be asked to arrive earlier than usual, for example to get to court on time, or stay later. Be prepared to be flexible.

It is worth bearing in mind that your pupil supervisor will prefer to see your best work rather than rushed work. In particular, the first six months of pupillage is your opportunity to hone the skills learnt at Bar School, without the added pressure of your work being read by a solicitor or judge. Therefore, if you are unable to complete all of the work that you are given in the suggested hours, stay longer. But do discuss any problems in this respect with your pupil supervisor.

If you are to meet your pupil supervisor at court, always ensure that you arrive on time. As a barrister, there is no excuse for being late. Judges will rarely wait for counsel and a pupil supervisor cannot wait for a late pupil.

The decision as to when you take your lunch break will be at the discretion of your pupil supervisor. You will soon become familiar with their particular routine. Nobody expects you to work without having lunch.

Holidays

Under the Working Time Regulations 1998, you are entitled to four weeks annual paid leave. Any longer than 2 weeks during the non-practising six months and 2 weeks during the practising six months should be made up by an equivalent extra period at the end of that particular part of your pupillage.

Always obtain your pupil supervisor's permission when taking holiday and inform the clerks as early as possible so that it can be marked in the diary. Past pupils have found it best to take time off over the Christmas period during the first six months and then after the tenancy decision in the second six months, but there is no rule to this effect.

Funding

Finance is a concern to all pupils and you may have a preference as to how and when you are paid your pupillage award. Chambers endeavours to be flexible as to the timing of payments and you should speak to Michael Oliver about this.

Work as a second six pupil will not be subject to deductions for Chambers expenses, clerks fees or rent unless you are paid for it after being taken on as a tenant. You should be aware that there can be a considerable delay between work being done and payment being received.

Some solicitors are prepared to pay travel expenses for briefs outside London, others do not. The reimbursement of travel expenses will be included with the fee and the same delay therefore applies. Please bear these things in mind when planning your finances. You should obtain a Young Persons Railcard if you qualify.

Dress

You are expected to wear dark clothing appropriate for attendance at court, every day, even if you see other members of Chambers dressed casually on occasion. You will not be expected to robe for court when attending with your pupil supervisor, even if he is in robes.

Keys

You will be given keys, which will provide access through the double doors on each of the three floors and to the basement. In addition, Michael Oliver will provide you with a fob key, which provides access to the inner doors in all of these areas. You are advised to keep the keys necessary to gain access to the clerks room and to your pupil supervisor's room with you at all times.

It is essential that the premises are secure and that the inner doors are always properly closed. If you experience difficulties with any of the doors not closing properly, please report this to Michael Oliver immediately and NEVER leave the inner doors on

the latch. If you are the last person to leave from the rooms off the hallway containing your pupil supervisor's room, switch off the lights, lock both doors behind you and set the alarm. You will be shown how to operate the alarm.

Telephone and fax

Pupils' desks all have telephones on them and the extension numbers are included in the telephone directory attached to this guide. These phones should not be used to make unnecessary personal calls. Remember that you are a guest in your pupil supervisor's room and that he does not want to hear you arranging your social life. You may however make essential personal calls. To dial out from Chambers, dial 9 first.

You may give out Chambers' telephone number but should discourage family and friends from calling you in Chambers unless necessary. The fax machine is in the clerks' room and is available for use by pupils.

Problems or grievances

In the unlikely event that you have any problem or grievance which you are unable to resolve with your pupil supervisor, you should feel free to raise it with Howard Stevens, who is responsible for pupillage, or James Guthrie. If you feel unable to discuss the issue with Howard or James, then you should approach Sarah Crowther, who is Chambers' Equal Opportunities Officer.

All problems will be dealt with in confidence.

In case of emergency

Please provide Michael Oliver with the name and phone number of somebody who can be contacted (during office hours) in case of an emergency.

WHERE TO FIND TEXT BOOKS AND LAW REPORTS

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| TEXTBOOKS | Most of Chambers' textbooks and practitioners texts can be found in the library collection which is shelved in the hallway of the second floor (south side). |
| LAW REPORTS | Please be considerate and let the owner know when you borrow them and always return them as soon as you have finished with them. Chambers' copy of the Law Reports is shelved in Peter Knox's room on the Ground Floor. |
| LLOYD'S REPORTS | These are shelved in the hallway on the first floor (south side). |
| PERSONAL INJURY & QUANTUM REPORTS | These are also in the hallway on the first floor (south side). |
| TIMES LAW REPORTS | These are shelved in the hallway on the second floor (south side). |
| ENGLISH REPORTS | These are shelved in Peter Knox's room on the ground floor and in the ground floor hallway. |
| ALL ER | These are shelved in Navjot Atwal and James Hawkins' room on the first floor (south side). |
| DIGESTS | These are shelved in the hallway on the ground floor. |
| HALSBURY'S LAWS | These are shelved in the hallway on the first floor (south side). |
| WEEKLY LAW REPORTS | These are shelved in the hallway on the second floor (south side). |

Many members of Chambers have their own copies of practitioners' texts (eg, Chitty on Contract, the 'White Book' etc) and if the Chambers' copies are not available, feel free to ask if you may borrow these – remember to ask and ALWAYS return them as soon as possible.

When borrowing a volume of the reports, please leave a post-it with your initials on in the place of the borrowed volume.