



# Building and managing your practice A-Z

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The Young Bar A-Z Toolkit has been written by members of the Bar Council's Young Barristers' Committee, with input from solicitors, fellow barristers, pupil supervisors and clerks, and from Bar Council staff. It is designed for barristers, including pupils, in the early years of practice.

If there are things you would like us to cover in future updates, or if you would like to comment on the material that is here, [please let us know](#).

## The BSB Handbook

The latest version of the BSB Handbook can be found on the Bar Standards Board website [here](#).

## Applications for tenancy

### **How to maximise your chances of being taken on; what Chambers look for; how to cope with the tenancy application process**

It's something of a cliché to describe pupillage as a year-long job interview. Whilst it may be an opportunity for your supervisor and other members of chambers to assess you, it is also an opportunity for you to become a practising barrister and to learn. It is also important to remember that no one has the stamina to work full throttle for a year: breaks are important.

Tenancy applications are considered at different times in different sets. Some sets (mainly civil, commercial and family sets) make tenancy decisions relatively early in a pupil's second six months. In most criminal sets 12 months is the minimum, and some wait 18 months before deciding. You need to know the timetable and process your chambers operates so you aren't taken by surprise. Find out if your chambers require a formal written application.

To have a chance of getting a tenancy it is important to do work for other members of chambers who can speak to your abilities, as well as members of chambers or others who can comment on your performance in court. Different chambers may have different attitudes towards how much work you should do for other members of chambers. Ask your pupil supervisor what chambers' policy is on this.

Some chambers discourage or prohibit their pupils from seeking references for their tenancy decisions. Some encourage it. You need to know if you should solicit them or not.

## Bar Council's Pupils Helpline

**Phone:** 020 7611 1430

The Bar Council runs a helpline specifically for pupils. It is a confidential source of advice unconnected with chambers. It is not there to help you win cases, but as a source of guidance if you have an ethical or professional problem. We encourage pupils with problems to ring. It is totally confidential.

### Chambers Financial Administration: What do, or should your clerks do for you?

When you become a tenant or join a new set of chambers, it should be made clear to you how your clerks and fee clerks operate. If in doubt, speak to a junior tenant who has been in practice for a year, a former pupil supervisor or another member of Chambers you feel happy to approach.

**When a brief fee has been agreed** for a piece of work you or your clerk should keep a written record of the date when that agreement was reached and who agreed that fee. Be clear about the terms on which the work has been agreed (see rC22.1 of the BSB Handbook): you may need to refer to them later.

**Generally speaking, your clerks will bill your work** for you. Billing for work is dependent on you reporting your hours or the completion of a piece of work to the clerks. Some chambers have a form that you complete; in others it is incumbent on you to tell your clerks (either by email or in-person). It is important to keep your clerks up-to-date so that they can bill work on your behalf.

In any event, you must keep records supporting the fees that you are charging to comply with rC88 of the [BSB Handbook](#).

If, and when (!), solicitors or other clients do not pay you promptly, your clerks may chase the payments on your behalf. Chasing payments is usually the role of a specific fees clerk. They will contact the client at certain intervals to chase up payments.

**If you have a problem with cash flow and aged debt**, your fees clerk will be the person to speak to. You can discuss with them the current situation, and they will usually be happy to let you know what is going on – as long as you don't pester them too much! See also the resources available on [Outstanding Fees](#) on the Ethics and Practice Hub.

**When money comes in** your clerks may pay it into your bank account on your behalf. If you are paid by cheque, then it is important to make sure that your clerks have your paying-in book. In other chambers, barristers pay in their cheques, and it

is up to you to make sure that you get to the bank. Sometimes things happen: you may lose a cheque, or it may be refused by the bank (sometimes a signature is not recognised). Identify the most accommodating clerk to speak to, and they will help you out with this.

**Your clerks will also send out receipts** to clients as necessary. In some chambers, you have to sign a receipt (for example to confirm that you have received the cheque). You must complete any documentation promptly so that it can be returned to the client.

Your clerks (and chambers) should keep **a record of the work** that has been done and billed and payments received on an electronic diary system. In some chambers, you can access this system yourself to get reports on work done, payments received and aged debt. This information may be needed for tax purposes. You should find out what the system is in your chambers.

### Childcare and other personal commitments

#### **How to make your mark at the Bar while maintaining a personal life**

**There is a whole section of the Toolkit devoted to wellbeing and work-life balance. Members of the YBC offer the following additional tips.**

- Finding a work-life balance may seem very difficult or impossible in your first years. It is essential to maintaining mental resilience and dealing with stress.
- It is not for this toolkit to tell you how to run your personal life in terms of personal relationships, marriage and children. However, maintaining a strong network of friends is important to remind you that there is a world outside of work and to give you some perspective (even if your friends are all barristers).
- Do remember that you are self-employed and that it is up to you to manage your working hours in a way that suits you. Don't allow yourself to be pressurised into taking on work that you can't do properly (that would be a breach of the BSB Handbook anyway), or which would involve an unacceptable level of stress.
- Concerning childcare and maternity/paternity leave do make sure that you know what (if any) concessions or other practical measures are available and provided for by your Chambers. It may help to speak to other new parents to check how they manage their practices. There is a helpful guide to Chambers on what might be included in a [maternity/paternity/parental leave policy](#).

- The Bar Council supports the operation of the Bar Nursery at Smithfield House, a central London childcare facility. It offers flexible childcare facilities near the Inns of Court with special rates for all members of the Bar.
- If for any reason you find that you need to cut your working hours to work part-time for personal or family reasons, do discuss it with your clerks, Head of Chambers, Chambers' Manager or others as appropriate.
- You may find that personal commitments dictate the need for a career break. There is guidance on what you should think about in such circumstances [here](#).
- Don't underestimate the good that hobbies, sport or music can have on mental well-being to refresh and renew mental capacity.

#### CPD: How best to choose your points

- Details of the mandatory requirements for pupils and new practitioners are available online [here](#).
- **Please note that the rules have changed as of 1st January 2017 and are detailed in rQ130-138 of the BSB Handbook.**
- Make sure you do a required course from your Inn or, for those over three years' call, the Keble advocacy course.
- CPD is intended to help you develop. You may not get many benefits from doing quizzes or streaming video online, even if these are the options available at the last minute.
- Specialist Bar Associations often run excellent CPD events, some of them aimed specifically at the Young Bar at little or no cost.
- It is perfectly possible to get CPD for free by attending lectures, seminars and other events or by writing articles or giving talks. These can present good opportunities to market yourself too.
- Try to make CPD work for you; talks can be a networking opportunity if not just focussed at the Bar.
- The YBC runs one workshop a year, as well as an annual conference which is an opportunity to get points, network and engage in issues relevant to the young Bar.

#### Data Protection and Confidentiality

Pupils and junior tenants need to be registered under the Data Protection Act, and chambers need to have in place systems to deal with IT Security and Confidentiality. By way of example, your chambers will probably have:

1. **IT Security Policy** which deals with such things as physical security, network perimeter security, file security, email security and authentication and authorisation.
2. **Confidentiality Policy** that is designed to ensure that confidential data (whether electronic or physical) remains confidential. It should include procedures to cover situations where different members of chambers are instructed by different parties in the same case or act as arbitrators or judges in cases where members of chambers are involved as counsel for one or other of the parties.
3. **Social and Online Media Code of Practice** that emphasises the risks which can arise from personal websites, blogs, online discussion forums or other social networking or image and video sharing platforms.

You must take data protection issues seriously. It is all too easy to have a rucksack stolen from a pub, or to leave a briefcase on a train. The Information Commissioner has fined several barristers heavily for data protection breaches.

### Dealing with criticism

**A barrister says:** *“Don’t fall for robing room games. Some barristers positively enjoy trying to put off their opponents by ostracising or intimidating them. It isn’t you. They’re just playing games. Ignore them, as you would any other bully.”*

It is not unusual for barristers, especially those who are inexperienced, to be subjected to unwarranted criticism. You can protect yourself by doing as careful and competent a job as you possibly can. It might be helpful to keep a detailed record of all the work you do on a case: the people you consult, the instructions you take, the conversations you have, the drafting you do, the advice you give – so that in the event the case has to be returned there is a clear record of the professionalism with which you’ve approached your handling of it.

**Sam Mercer, Bar Council Wellbeing Project**, suggests that never feeling able to admit you are struggling in the profession and the difficulty that presents in recognising you have a problem can be a real barrier to doing something about it.

**If you are feeling you are being treated unfairly due to your mental health illness within your chambers the Bar Council’s Equality and Diversity Line may be able to provide advice and support. Contact us on 020 7611 1426.**

### Dealing with nerves

All barristers have nerves. If you don’t, you will not be working at your best. The adrenalin you generate helps you perform. Your colleagues will be nervous too. And don’t allow yourself to think less well of yourself because you’re nervous. You will be doing the best job you can, and that is all anyone can ask of you.

- Never drink a lot of water (or even worse, coffee) before going to court for the first time!
- Get there early – if going by train always take the train before the one you actually need. The one you need is the one which will get you there no less than ½ hour before your hearing is scheduled to commence – more if you have a client. If driving, allow plenty of time for traffic.
- Engage with opposing Counsel – and don't let them intimidate you. Some barristers play games. Don't be taken in. They're probably bluffing. And if they have to reduce themselves to trying to intimidate a pupil or very junior barrister, then they are probably not very good!
- Walk away. Your client or instructing solicitor (if you're lucky enough to have one), or your opponent may be distracting or demanding at just the time when you need to get your thoughts in order. Don't be frightened of finding clear space for yourself to avoid being unsettled by their nervousness.
- In court, speak slowly, and think before you open your mouth. The judge (or jury) will wait. Do not worry about pauses or delays whilst you collect your thoughts; some of the very best senior counsel do this.
- If you have a bad day, try and put it behind you. Only one side can win in any given case. There will be times, inevitably, when you will not be on the winning side.

## Devilling

- As a pupil you might not be paid for work done for others, especially if you have a sizeable pupillage award. If asked to do a substantial piece of work (your view of what is substantial may differ from that of a more senior barrister) it is always best to find out if you will be paid in advance. You shouldn't expect to be paid for something a more senior barrister won't be paid for. If you do a good piece of work, then a good reference or a bottle of wine may be the reward rather than payment. The Bar Council Ethics Committee commentary on devilling can be found [here](#).
- **Carolyn McCombe, Chief Executive of 4 Pump Court, comments:**

*“There is a real temptation and sometimes pressure for pupils and junior tenants to take on too much work. In their enthusiasm to impress they can spread themselves too thinly. Doing a bad piece of work or one that is delivered late can be very damaging both for their prospects of tenancy or for receiving further work from a solicitor or*

*more senior member of chambers. Some chambers operate a policy of ensuring that every piece of work given to a pupil by someone other than their supervisor goes through the clerks so they can ensure that the work is allocated fairly and that no one is put under too much pressure either in terms of the volume of work or its timing e.g. if it coincides with an advocacy exercise or when they have started work in their own right."*

## Equality and Diversity

**Barristers often think that as they are not 'employed' they are not subject to 'normal' workplace rules of behaviour. They can often treat each other pretty badly as a result, and problems can quickly escalate. If you're in difficulty, don't be afraid to reach out for help or support.**

The Bar Council provides information, advice and guidance to barristers and Chambers on handling equality and diversity issues and compliance with the BSB's Equality and Diversity rules. There is an Equality and Diversity Helpline available on **020 7611 1321** from 09:15 – 17:15 Monday through Friday, which promises assistance in:

- Offering members of the profession, staff and members of chambers, employed barristers, pupils and Bar students **confidential** advice on any equality and diversity, parental leave or harassment issue.
- Implementing the Equality and Diversity rules in the BSB Handbook.
- Advising on making reasonable adjustments and making Chambers accessible to people with disabilities.

For self-employed barristers, there is detailed information on the equality and diversity standards to be set in Chambers in the BSB Handbook.

See the Core Duty not to discriminate unlawfully against any person (CD8) and Rules rC12 and 28 which set out express rules on discrimination, which apply to all barristers, and Rules rC110-rC112 and the Guidance at gC140-gC152, which prescribe the equality and diversity policies to be pursued in Chambers. The BSB publishes excellent guidance and full supporting information on the [BSB Handbook Equality Rules](#).

Rule rC110 places a *personal obligation* on all self-employed barristers, however they practise, and on the managers of BSB-authorized bodies, as well as on the entity itself, to take reasonable steps to ensure that they have appropriate policies which are enforced. Breaches must be appropriately punished.

As a minimum, your chambers must have a written statement of policy on equality and diversity, as well as policies dealing with anti-harassment, parental leave, flexible working and reasonable adjustments. It must appoint an Equality and Diversity Officer and Diversity Data Officer, conduct equality monitoring, and collect and publish diversity data. The BSB prescribes selection and recruitment procedures in their [Fair Recruitment Guide](#).

The Bar Council's Equality and Diversity Helpline can offer assistance to those who feel they may have been treated unfairly, outside the scope of the rules.

### Handling Complaints Made Against You

You are probably an excellent barrister. Nonetheless, being an excellent barrister does not mean you will never face a complaint, and it certainly does not mean you will never get things wrong.

If you do receive a complaint, there are good resources available online. Members of the Bar operate a confidential advisory service for those against whom a complaint has been made – see the Bar Complaints Advisory Service for further information.

There is helpful guidance for the operation of a Chambers complaints procedure on the [BSB website](#).

### How to conduct yourself as a pupil

**The demands of Chambers; the clerks' expectations – first six, second six; third six pupillages; devilling; payment for work as a pupil; equality and diversity issues; discrimination and how to handle it; work life balance; how to conduct yourself in Chambers**

*"I didn't go to the loo for the first week in Chambers because no-one told me where it was and I didn't like to ask."*

**Fiona Jackson of 33 Chancery Lane, Chair of the Bar Council's Bar Nursery Committee, a Vice-Chair of the Equality & Diversity Committee and Member Services Board, and a member of the International Committee, says:**

*"Anecdotal evidence indicates that some pupils do not know where to turn when problems arise during pupillage and the early years of tenancy, and even in highly-regarded sets barristers can be unaware of who to speak to if they face problems such as harassment and discrimination. This increases their stress levels at an already stressful early point in their career. Some Chambers offer an informal scheme whereby a very junior member of Chambers is allocated to each pupil to act as a point of contact for advice and guidance on issues that a pupil may not want initially to raise with their supervisor or another senior member of*

*Chambers. If your set doesn't have one, why not talk to your pupil supervisor or Equality & Diversity Officer about the possibility of one being introduced?"*

**Comment:** Other chambers operate an informal policy that the pupil welfare officer/first year tenants/most junior tenants will advise pupils but won't report back to the head of chambers/pupil supervisors without the pupil's consent.

## **Ongoing Training**

The Inns of Court provide training for pupils and new practitioners, as well as running ongoing continuing professional development courses for established practitioners.

As a pupil you will have to complete a pupil advocacy training course during your first six, and a practice management course during either your first or second six, and be certified as having achieved a satisfactory level of competence in both. Some Inns combine the two courses. You will also be required to complete a forensic accountancy course during your first three years of practice, preferably during your pupillage year.

New practitioners, whether employed or self-employed, must go on to complete 45 hours accredited CPD including at least nine hours of advocacy training and three hours of ethics within their first three years of practice (beginning at the commencement of tenancy or of a third six pupillage).

For the BSB requirements on the training that must be done during pupillage, [click here](#).

For information on CPD, including the New Practitioners Course, [visit this page](#).

## **Other links**

See, generally:

<https://www.graysinn.org.uk/education>

<https://www.lincolnsinn.org.uk/members/education-training/>

<http://www.middletemple.org.uk/education-and-training>

<http://www.innertemple.org.uk/education>

## **Your pupil supervisor; the importance of relationship**

Everyone's experience as a pupil will be different. Pupillage is an opportunity to learn, to get to grips with the reality of life at the Bar and hopefully to impress your supervisor(s) and solicitors for the future.

**Tamsin Cox, Falcon Chambers, member of the Bar Council's Education and Training Committee says:**

*"Your relationship with your pupil supervisor is incredibly important, but not in a scary sense. The main thing to bear in mind is that in taking pupils Chambers are endeavouring to recruit not employees, but colleagues, who will potentially be sharing rooms, books and other resources with existing members for decades to come. It's also the case that the vast majority of pupil supervisors want their pupils to succeed; the role of the supervisor is itself quite intensive and time-consuming, and all the effort really feels worthwhile if you get a successful functioning barrister out of the other end. Consequently, although your pupil supervisor will of course be scrutinising your work, and also your general conduct in Chambers, they are likely to be the most enthusiastic advocate on your behalf when it comes to tenancy decisions. The result is that you should, of course, be suitably respectful in dealing with your supervisor, do as you're asked and certainly not embarrass them (notably by never contradicting them in front of clients!) but you don't need to be entirely deferential, and displaying a little bit of personality from time to time is a good thing, especially when you can show that you're capable of being proactive and thinking independently. It's also worth remembering that your supervisor is your first port of call when you need any help and advice, and that remains so long after pupillage finishes. I'm happy to say that all of my ex-supervisors are still friends, and I wouldn't hesitate to ask any of them for help even ten years on."*

**Sarah Knight, a pupil supervisor at 1 High Pavement Chambers in Nottingham comments:**

*"Mastering the art of shadowing your pupil supervisor during your first six months is tricky. You'll need to be enthusiastic (but not irritatingly so), attentive (but not asking too many questions and not at inopportune moments) and sensitive to your pupil supervisor's need to concentrate on the case in hand. Be smart, punctual and organised. These qualities alone will impress, but also try to be yourself and let your personality have chance to shine. The Bar welcomes all sorts of different personalities, but don't trespass into being a maverick; there's a happy balance to be achieved between fitting in and being unique and yourself."*

**Expectations of first, second and third six pupils**

**The first six months** of pupillage is a great opportunity to get to know your chambers and its areas of practice in detail. You will be expected to work for your pupil supervisor and other members of chambers but at the outset less may be expected of you. You will not attend court in your own right except as a noting junior. The first six is also an opportunity to get to know the clerks and find out what they want from you as a pupil.

**In your second six** you will have to balance doing your own work, applying your knowledge and advocacy in a real setting, and persuading your Chambers to take you on by working effectively for your pupillage supervisor or others in Chambers and making a good impression on colleagues. You may of course also be starting to look elsewhere. The amount of work that you do on your own account in your second six will vary depending on the practice area.

**Third six pupils** also must balance covering work for chambers, building their own practices and trying to make a good impression.

For more on third sixes, visit our pages [here](#).

**Louisa Nye, 2015 Vice-Chairman of the Young Barristers Committee, shares her experience of her first day on her feet:**

*“The first day on your feet in court is often the most nerve-racking and exhilarating day in your career as a barrister. For most barristers the court work is why they decided to become a barrister rather than a solicitor. Nerves are a good thing; they ensure that you are sharp and your brain is ready to engage. However, too many nerves can make it difficult to focus. Always take a deep breath and remember to speak at a normal and controlled pace. If all else fails it is doubtful your first day in court will be as stressful as mine!*”

*“Most pupils are given assistance and time to prepare for their first court hearing. Not so in my case! Having been instructed at 3.30pm to appear in an application the next day (coincidentally being the day of my tenancy decision), I was then dis-instructed at 4.15pm: much to my relief! I was then re-instructed at 5pm, told that the solicitor was unavailable until 9.30am the next morning, and was given papers consisting of the other side’s application (2 pages) and told to resist the application. After an incredibly nervous night, I got into Chambers early next morning and was given brief instructions on the telephone, after which I dashed out the door at 10am. A frantic summer ride on the Tube later and I arrived at court, was ushered in, sat where I had been taught to sit, and tried to settle myself. The litigant in person complained that he (the Defendant) was not sitting where the Defendant should sit. Rather than letting it go the Judge made me get up and switch places. My nerves were slightly frayed at this point! Nonetheless I won my application and a fair and reasonable amount of my costs.*”

*“Back in Chambers I regaled the solicitor with my success. He proceeded to complain at great volume and length that we hadn’t recovered all the costs – I felt entirely deflated. To top it all, later that day Chambers decided not to offer me tenancy (thankfully this was not based on my court appearance!). Suffice to say after getting through the first day I have never felt nervous going into court again!”*

**Things pupils should expect to do** – to work and learn, to volunteer to do work for their supervisor and other members of chambers, to attend conferences (but not to

express their opinion unless specifically asked by their supervisor), to buy coffees and sandwiches if asked to do so (but not with their own money), to do research, to participate in chambers advocacy or training sessions.

**Things pupils should not expect to do** – to run errands for senior members of chambers, to collect dry-cleaning, to courier briefs, boxes, files or wine, to work all night or for other members of chambers without their own prior agreement or their supervisor's agreement. Generally, not to be abused (and not to be sent to court to take the flack for others' negligence beyond the normal part of being a barrister).

**Diversity and discrimination** – each chambers should have an Equality and Diversity officer, and many will have a pupillage welfare officer, separate from a pupil supervisor, to whom they can speak if they are not comfortable raising an issue with their supervisor, a senior member of chambers or the head of chambers.

- Complaints may take many forms. A minor gripe or forgotten attendance note may be sorted out by you, the client or solicitor and your clerks and should not need to involve formal procedures or the BMIF.
- If the complaint is more serious, and you are comfortable doing so, talk to other members of chambers and/or clerks if a complaint is made against you.
- You will need to speak to your Head of Chambers if the matter is serious (and you may want to even if it is not).
- Inform the BMIF as soon as possible.
- If a complaint is going to a tribunal, the Bar Mutual Indemnity Fund ('BMIF') should pay for your representation. If for any reason it won't, ask a more senior member of chambers for help.
- The best advice is not to sit on a complaint or put your head in the sand and hope it will go away. Engage and respond, even if it is painful or infuriating.
- Always respond to letters and emails from the BSB, as failure to do so could be a separate offence.

**Carolyn McCombe, Chief Executive of 4 Pump Court, says:**

*"I agree – and I particularly support the advice that young barristers should not put their heads in the sand and hope that any problem will go away. If they do get something wrong, e.g. forget to ask for interest or costs at a hearing, it is better their clerks find out from them immediately rather than later from a disgruntled solicitor. Everybody makes mistakes, and*

*the sooner you put your hands up the easier it will be to deal with – the cover-up will be much more damaging than the transgression.”*

**Your chambers will have a complaint handling procedure, with strict timetables for procedure. You must comply with it. Every complaint must be treated seriously. If a complaint comes direct to you, inform your senior clerk or head of chambers immediately so the complaints procedure can be complied with.**

*I won my application and a fair and reasonable amount of my costs.*

*“Back in Chambers I regaled the solicitor with my success. He proceeded to complain at great volume and length that we hadn’t recovered all the costs – I felt entirely deflated. To top it all, later that day Chambers decided not to offer me tenancy (thankfully this was not based on my court appearance!). Suffice to say after getting through the first day I have never felt nervous going into court again!”*

### Keeping a record of your work

Almost all Chambers will use diary software to record cases and financial information. It can be helpful to keep a spreadsheet or another record of the work you have done. Keeping a record is helpful so that you have a note of when you completed a piece of work and sent it out when you were paid for work, the hours you spent on the work, and the sort of work it was. You will find this invaluable if you are instructed on the same case again in the future. It can also be helpful for matters such as filling in your BMIF return.

It is also an obligation under the BSB Handbook rC87 to ensure that your practice is efficiently and properly administered and that proper records of your practice are kept. rC88 also provides that you must have adequate records to support the fees charged in any case, so having an accurate record of the hours you have spent will stand you in good stead in case of any dispute.

### Maintaining relationships with more senior members of chambers

**Maintaining relationships with more senior members of chambers in the hope of developing opportunities for junior work – or how to impress without annoying or toadying**

In many ways, Chambers can operate as an internal market, with senior members being a very important source of work for junior members. Not only this but working with senior members gives you access to those senior members’ contacts and experience, which can be invaluable.

You may get junior work as a result of personal relationships (in particular your former supervisor), or simply because you are the one who's available when a junior is needed for a case.

In your first years, don't be frightened of asking QCs or senior juniors what they are working on and if you can help. This will expose you to higher calibre and more complex work and give you opportunities to junior in future. Also do not be afraid to ask questions and go to senior members if you have a difficult case. This can benefit you in three ways: by giving you support; by giving them an opportunity to see how you approach a case; and by giving you a chance to see how they would approach such a case.

In crime, especially in London, many junior briefs go to in-house Higher Court Advocates (HCAs). Noting briefs may give you a better chance of being exposed to more complex work. If you do find yourself on a noting brief don't just be a secretary. Always be interested in the case and remember that you are representing a client, even if they are physically absent.

Do be willing to do written work in your first few years. This can also be a gateway into junior work later on and will help you to develop your relationships with more senior members of Chambers.

**Sarah Knight says:**

*"You may feel in awe of or intimidated by more senior members of Chambers. Having respect for them is a good thing. You will want to impress them to hopefully secure their vote when it comes to a tenancy application but remember that they have busy practices and will be mostly focussed on themselves and their own caseload rather than you. If you are invited to a social activity it may be worth checking first with your supervisor that it would be deemed appropriate within Chambers. If in doubt, ask about it. Remember that you are not there to make friends per se. Friendships may evolve and will do naturally over time, but for the duration of your pupillage the process requires you to maintain a balance between generally fitting in within Chambers and doing well in your work. Don't focus on one of these to the exclusion of the other."*

### Marketing your practice

**Help to build your practice; engage in Chambers' marketing; get involved in developing marketing ideas; show off your knowledge by lecturing, book publishing and editing.**

Chambers may leave the marketing to clerks, practice managers or staff. Nonetheless, this doesn't mean that junior barristers can't be involved.

If Chambers runs seminars or talks, then attend, and get to know other attendees. Find out if you can speak or sit on a panel to give your perspective or to discuss developments in the law. Senior members of Chambers are often delighted to let junior barristers participate in talks in exchange for help with research and preparing PowerPoint slides.

If your chambers have a marketing committee, investigate the possibility of joining it or suggest ideas for events. If your chambers do not have a marketing committee, then you might suggest starting one, though you will probably wish to feel your way forward on this: in a more traditional set the head of chambers or committee chair may prefer to approach you if they would like help. Keep an eye out for issues which crop up in your work which you think might make good material for a seminar or talk and offer to organise one. Make sure your clerks or management committee know you are interested in assisting with marketing. Above all, be proactive.

More senior members of chambers or teams may contribute to practitioner texts or encyclopaedias, Westlaw etc. Use this as a good opportunity to impress others in and outside chambers with your detailed knowledge and commitment. Get involved if you can. And if there isn't a book or practitioner text in an area of law in which you practice, then start writing it!

A senior clerk says:

*"Turn up at events – whether you're speaking or involved or not. Go and listen. Offer to look after the registration desk. It is rare not to be able to make contacts at drinks receptions afterwards, and you will get your face and name known. If you go to an event, ask your clerks if they know anyone attending who is likely to be there and might be a useful contact. Writing articles is a really good way of getting yourself known too."*

## Relationships with solicitors

**How to build good professional relationships; what solicitors need from you – expertise, flexibility, preparation, rapport with clients, mutual respect, attention to detail**

- Solicitors will come to you, initially, to do the work they cannot cover themselves, or where they do not want to deal with difficult clients. In time, if you do a good job, they will develop confidence in sending work to you, and their clients will be reassured by your expertise.
- When you receive instructions from solicitors, it is always a good idea to give them a call. This instantly makes the relationship more personal and gives them comfort that you have received the instructions and are on top of things.

Before making the call (especially if it is to a solicitor you do not know) make sure that you are on top of the issues.

- It is usually a good idea, time permitting, to find out about the firm or individual who is instructing you. The clerks or other members of chambers will have a wealth of information and most firms have websites with profiles. Your approach to ringing the senior partner will be different to calling a junior paralegal!

**Carolyn McCombe, Chambers Chief Executive says:**

*“I impress upon our junior tenants that it is important to gauge the seniority of the person you are dealing with and to be sensitive as to the level of formality to adopt when first speaking to them on the telephone or sending them an email. It should make a difference whether you are addressing the senior partner, or a trainee and it is always worth remembering that the solicitor or client may be old enough to be your parent or grandparent. If in any doubt, it is safer to err on the side of formality and wait to be invited to use first names etc. One partner recently told me that if he receives any emails which start “Hi John” he deletes them without reading them.”*

- It is also important, during the call, to try to understand what the solicitor is looking to achieve beyond the immediately pressing point. The solicitor will have their own views about the case and, in all likelihood, their own targets and pressures (which could be to do with turn-around times, fees or a combination of the two).

**So, what does doing a good job mean? Greg Cox, Partner and Litigation Solicitor of Simpson Millar Solicitors suggests:**

- Don't sit on papers. If a longer period is required, make sure that the solicitor knows; client expectations can then be managed. It is better to be realistic and deliver on time than over-promise and fail to deliver.
- Don't be afraid to ask your solicitor for more material if you need it.
- After attending a hearing, solicitors will want concise reports and attendance notes.
- They are unlikely to complain if you set out action points in numbered paragraphs or bullet points.
- Similarly, they may not want lengthy advices on esoteric points of law (if they do, they'll usually ask for them): what they will want is focussed, practical advice that will assist the lay client. If you need more time, or information, or

if there is any difficulty with returning the work within agreed timeframes, try to speak to the solicitor directly.

- Solicitors are often very busy. A clear summary of the advice/report of hearing with next steps which is written in a form suitable to pass on to the client with minimal adaptation will be well received.
- Think about proportionality and the costs which the solicitor will be able to charge or recover. If the case is a modest or fixed fee case a long shopping list of actions or items is unlikely to go down well.
- When dealing with more junior solicitors remember that they might be looking to you to help with client management. A clear and unequivocal advice is a very helpful tool to manage clients. An advice which has many shades of grey, or which recommends that disproportionate and costly steps are taken, and which doesn't reach definitive conclusions can cause difficulties with client management.
- Similarly, in litigation, the opponent can be difficult or confrontational (either tactically or just because it goes with the territory). Helping a junior solicitor deal with or address such behaviour (suggesting a response or just re-assuring them that they are on the right track) will be appreciated.

**Chambers Director Simon Boutwood says:**

- Always acknowledge a piece of work as soon as you receive it. Your instructing solicitor will be glad to know you've picked up the papers – even if your message is simply to tell them you'll get back to them as soon as you've had time to read them. It ensures the solicitor is abreast of what's happening, enables him to speak positively of you to the client, and enhances his relationship with his client too.
- The most frequent request clerks receive from solicitors is for their barristers to send an attendance note as soon as they can after a hearing. If you do nothing else on your way back from court, email your solicitors with a note, so that they are briefed as to what happened before the client rings. Just the salient points will suffice, and bullet points are good. If you need to send a fuller note or to speak to the solicitor, say you will do so when you get back to Chambers.
- Solicitors want practical solutions. This is what the client wants too.

**A senior clerk adds:**

*“If you need more time to complete a piece of work, be sure to ask your solicitor for it before the deadline for your having done the work expires. Many chambers run a diary system: your clerks can help you by diarising deadlines and dates for the return of papers. If they can’t, set up a diary system for yourself.”*

### **Building relationships**

- You don’t have to socialise with solicitors, but you may want to after getting a good result in a case or after a long-running case ends. If you have friends or contacts who are solicitors, then maintain that relationship and let them know if you want to work with them.
- Whether or not you socialise with solicitors, if you have done a “good job” by hitting some or all of the points set out above, it is usually worth a short phone-call after a difficult case when the pressure is off to look back and reflect – making sure that the work you did was noted.
- Greg Cox suggests that being available as a sounding board prior to a formal instruction can be a good way of building relationships. The “what do you think about this...?” call will invariably lead to an instruction on the point. A little care needs to be taken here to avoid being used for free advice and make sure that the formal instructions come. You may also find that you have no idea what the answer to the question is, but you can always offer to go and find out if they want to instruct you.

### **Simon Boutwood, Chambers Director adds:**

*“It is so very important to have contact with your clients. Think of a reason to get together with your solicitor over a coffee. If you see an article or hear of something that might be of interest to them, ring, or pop it in the post to them: “I saw this and thought of you”. Follow up with a call. “Did you get....?” “Any good?”*

*“Follow up on cases you haven’t been involved with for a while. Express an interest in feedback on what’s happening. By virtue of having completed their training requirements, it must be assumed that all barristers are competent and able. What will get you the work is the rapport you have with your clients. It’s all about building relationships.”*

### **What we need from Counsel: Julian Wilson, Head of the Clinical Negligence Team at Thompson Smith & Puxon, says:**

- Unless you can respond with the draft or advice within 14 days make sure you contact your instructing solicitor to give an accurate estimate of your timescale for producing the work requested. Where there is a time limit do not leave the matter to the last minute.

- Check the instructions on receipt of the papers and, if necessary, ask for further information or documents. If a conference is required let your instructing solicitor know this at the outset as there may be difficulty in arranging a convenient time for the client and/or the expert.
- If asked for your opinion, give your opinion. Try not to defer giving that opinion while further information is obtained (unless it is crucial). Remember that your instructing solicitor is having to assess the strength of any claim on an ongoing basis usually with only partial information.

## Specialisation

**The pros and cons of specialising; how soon to decide on specialisation; how to support a specialist practice; which set is right for you if you want to specialise; which specialisation is right for you; ways in which to develop expertise; websites, journals, specialist associations; getting known**

You may have known that you want to specialise in an area of practice for many years. The days of general common law sets are over, so you are likely to have some broad specialism based on the sort of work your chambers does.

- Specialisation allows you to develop expertise and to stand out. You may find you get to do more advanced and complex work sooner in your career. However, it poses the potential disadvantages of losing the opportunities of a wider practice or of being in practice in an area where there is a smaller stream of work. Some chambers with mixed practices require their most junior tenants to do a bit of everything so there may be less choice. You will know if you are in a set with specialist teams early on and may have the opportunity to cover different specialisms in pupillage.
- There is nothing wrong with wanting to maintain a more general practice. For some practitioners a mix of work presents more opportunities to hone their skills. Others develop a specialist practice through developing “cross-over” work between two or more areas of law.
- How to specialise? Specialisation may provide an opportunity to develop pre-existing interests or to find a new area entirely. There are traditional routes into specialisation: doing a secondment at a firm of solicitors, regulator, or government agency which does the sort of work you want to do is an obvious one. Sometimes specialisation will occur naturally as your practice develops; if you enjoy and are good at a area of law, solicitors will want to reinstruct you. Find out if there is a specialist bar or law association and go to its meetings. Engage in academic debate or write journal articles.

- If this doesn't seem right for you then get to know solicitors who do the sort of work you do, find opportunities to network with them and to impress them. Give up time to write, blog or study to develop real specialist knowledge. If some members of Chambers specialise in a particular area already, specialising could be as easy as getting to know those members of Chambers and letting them and the clerks know that you would like to specialise in that area. This could lead to an opportunity of being led on a case involving that specialism. Remember that it can take a few years to develop a specialist practice – be patient.
- If you find yourself in a set that does not support the specialism you want to pursue, consider whether to move to a different set. It is easier now than it used to be to move from one set to another, but remember that you will need to show a good track record (cases, financials, and solicitor support) and evidence of real interest in the area that you want to pursue, if you are to persuade a new set to take you on.

#### **Sarah Knight's advice on specialising:**

*"You're just starting out. It may be that you are already struggling to muster enthusiasm for certain types of case but try to keep an open mind. It is too soon to specialise. You need to be exposed to a rich pageant of work before you will really know. You are likely to feel more comfortable and excel in certain areas, in which case you will be repeatedly instructed in that type of case. Give yourself time to find your feet with areas of law that may seem uncomfortable at first. It won't be the first time that a rookie barrister ends up specialising in a field that was his/her least favourite to begin with."*

#### **The Bar Council the BSB handbook and professional guidance**

- There is a wealth of information on the Bar Council and BSB websites. It's well worth searching them for ethical and regulatory guidance, as well as helpful documents relating to all sorts of practice issues and areas.
- You must know the rules that govern your professional conduct, not only for your benefit but so you can recognise if others fall below the standards expected of barrister. **You will be guilty of serious misconduct yourself if you fail to report a barrister who has committed serious misconduct to the BSB (see BSB Handbook, rC66-69, where there is guidance as to what constitutes "serious misconduct")**. If you need to make a report or wish to talk to the BSB about a possible reporting situation, contact the BSB Professional Conduct Department on **020 7611 1445**.
- The BSB website is the place to go for:

- Reminders of regulatory requirements (dealt with above)
- Details of CPD requirements at <https://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/continuing-professional-development-from-1-january-2017/>, and
- Practising certificate guidance (see above).

### The First Years of Practice – Regulatory Requirements

- **Supplying legal services** – A pupil can only supply legal services to the public once they have completed (or been exempted from) the first non-practising six months of pupillage and if they have the permission of their pupil supervisor or Head of Chambers to do so. All barristers in their first three years of practice following pupillage must work either from Chambers or from “an office of an organisation” where there is someone qualified and willing to provide them with guidance.
- You will need a ‘**qualified person**’ to provide you with guidance on supplying legal services to the public, the exercise of a right of audience and, where relevant, conducting litigation. The same person may fill all three roles, provided he or she is suitably qualified. See rules S16-22 of the BSB Handbook and the related guidance for definitions and requirements.
- There is a lot of information about the **practising certificate rules** on the BSB website. See <https://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/practising-certificate/>. The site gives overall guidance, and there are individual briefing notes on:
  - The calculation of the PCF.
  - The Authorisation to Practise Regime for 2015/16.
  - Specific guidance on the PC regime for self-employed barristers.
  - See also the link to a helpful document – ‘Guidance on Practising Certificates for Pupils and Newly Qualified Barristers’.
- For certain types of secondment, you may have to consider the need for a dual qualification practising certificate (see rS18 of the BSB Handbook and <https://www.barstandardsboard.org.uk/regulatory-requirements/regulatory-updates-2015/july-2015-issue/bsb-handbook-explained-dual-capacity-practice/>).
- Do remember that by s14 of the Legal Services Act 2007 it is a criminal offence to provide legal services (the exercise of a right of audience, the conduct of

litigation, reserved instrument activities, probate activities, notarial activities, and the administration of oaths) without authorisation.

- The Bar Council Ethical Enquiries Service (phone 020 7611 1307 or email [Ethics@BarCouncil.org.uk](mailto:Ethics@BarCouncil.org.uk)) can assist with enquiries relating to the specific circumstances in which a practising certificate may or may not be needed. Questions relating to the issue of practising certificates should be directed to the BSB via 020 7242 0934.
- **Public access (or 'direct access')**: barristers wishing to take public access instructions must undertake public access training. It's provided by the Bar Council – <https://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/public-access/>.
- There is detailed guidance on the BSB website at [https://www.barstandardsboard.org.uk/media/1670904/the\\_public\\_access\\_scheme\\_guidance\\_for\\_barristers\\_june\\_2015.pdf](https://www.barstandardsboard.org.uk/media/1670904/the_public_access_scheme_guidance_for_barristers_june_2015.pdf).
- And at <https://www.barstandardsboard.org.uk/regulatory-requirements/bsb-handbook/code-guidance/>.
- See also the regulatory provisions in section D2.1 of the BSB Handbook (rules C119-131) for barristers undertaking public access work.
- **Conducting litigation**: don't forget that you cannot conduct litigation (see paragraph 4 of Schedule 2 to the LSA 2—7 for a definition) without authorisation to do so from the BSB. In particular, you cannot issue a claim or application. There is more on the definition of "conducting litigation" here.
- You will need a practising certificate, and you will need to satisfy the BSB that you have appropriate systems in your place of practice to enable you to conduct litigation: that you have the requisite skills and knowledge of litigation procedure to enable you to provide a competent service to clients; and that you have adequate insurance.
- Apply through Barrister Connect by completing the BSB's self-assessment questionnaire. There is helpful guidance on the BSB website at <https://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/authorisation-to-conduct-litigation/>. The page includes a link to a detailed guidance document on 'litigation authorisation'.
- You will need a 'qualified person' (see above) if you are under three years' standing.

## Third Sixes

If you are not taken on for tenancy you will need to look into applying for a third six. Third sixes are not advertised in the same way as first and second six pupillages. There is a list of available third sixes on the Bar Council website [here](#).

However, there is no obligation on chambers to advertise. As well as applying to chambers who are actively advertising, it is also common practice to send speculative applications to other sets by way of covering letter and CV. It may be worth speaking to members of your current set in case they are aware of the recruitment position elsewhere, or of sets that might look favourably on a speculative application or whether members of your current set would be willing to recommend or introduce you to barristers they know elsewhere. Often these applications need to be made as soon as possible after your tenancy decision. In the case of advertised vacancies, you may wish to apply even before a decision has been made at your own set.

Do remember that third sixes are not pupillages for regulatory purposes. Before you commence a 'third six' you will ordinarily have completed the practising period of pupillage and have obtained a full qualification certificate. The terms under which a third six pupil works will be subject to agreement between the barrister concerned and Chambers. They must as a minimum have a practising certificate and adequate insurance in place.

### **Pupil Supervisor Sarah Knight suggests:**

*“Try to ensure that you meet and spend time with most if not all members of Chambers, even if it's just discussing a case in Chambers' library. It will really help you if as many members of Chambers as possible feel they know a little bit about you and can speak about your ability. You should be able to do this without seeming pushy. If your pupil supervisor doesn't offer it, you might like to ask if you could spend a day shadowing other in Chambers, so that you expand your experience. Try to impress the clerks by being polite and friendly towards them but without making it look like you're desperate. They will have seen it all before but treat them courteously and you're likely to have a supportive view from the clerks' room. Excellent feedback from instructing solicitors will form the basis of a successful application. This combined with an ability to fit in with other members of Chambers is likely to*

## Timetabling holidays

- You need holidays. Don't be afraid to take them.
- In your first years, you may find it best not to go away during school holidays or in August. More senior practitioners are likely to be away during these

times, creating potentially interesting opportunities to pick up briefs in their absence.

- Criminal courts and county courts run all year round so there may be fewer 'quiet' times to go away.
- Don't be afraid of taking holidays of at least a week and take longer ones as you become more confident as you progress. If you have any concerns, discuss them with your clerk.

### Work life balance

There is a separate Bar Council website dedicated to wellbeing. As a first six pupil you may find it helpful to take holiday at the same time as your supervisor. It is up to you to find out what is acceptable in the second six: in some sets you will be encouraged to take a holiday, in others you may not. However, given that most pupils find the process of pupillage exhausting it is a good idea to arrange a holiday after your tenancy decision to celebrate or recover as appropriate. You have a right to at least two weeks holiday in a 6-month period but if you take too much you may have to extend your pupillage.

See: <https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/pupillage/pupillage-frequently-asked-questions/>.

### **Simon Boutwood, Director of Harcourt Chambers says:**

*"We want to know where our pupils are, simply because we need to know whether they are available or not. It's not a question of keeping tabs on them. We just need to know whether they can take work on or not without having to go hunting for them."*

### **How to conduct yourself in chambers**

There is no right way or guide to this. You must be aware that others will scrutinise your actions, both in chambers and in court. It may not seem it, but the Bar is a small place and news of bad behaviour travels fast. We hope that we shouldn't have to tell you not to turn up to court worse for wear from the night before, although this is a risk for second six criminal pupils who find themselves in the Magistrates' Court on Saturday mornings. It is worthwhile remembering that, although while you are a pupil pupillage will quite naturally be the foremost consideration in your mind, for others, it will not. Do not over-analyse or worry about every single social occasion or minor mistake.

## Working with your clerks

### **How best to engage with your clerks to encourage work to come your way; and what your clerks need from you**

- When you start on your feet as a pupil, there is likely to be a particular person who clerks you. It is important to build and maintain a good relationship with this person.
- Your clerks need you to be reliable and punctual, to give them reliable feedback, and warning (in advance if possible) of any problems you may see coming up with your diary or workload. They need to see that you have a presence and the ability to make a good impression on professional clients. And that you fit into the work and ethos of Chambers.
- Always remember that your clerks are people with their stresses and that they have many barristers to manage and cajole.
- Remember too that they wish to do whatever they reasonably can to help you.

From a YBC Member: *“Though some of them have a funny way of showing it....!”*

- As a junior tenant, try to arrange a practice development meeting with your clerk or a more senior clerk. Try to have these meetings regularly to discuss your career, where it is going and where you want to go next. Such meetings should take place about once a year, perhaps more frequently in the first years of tenancy.
- Traditionally clerks have a role in marketing chambers and barristers. Much of this work is also done by practice managers or other chambers staff. Don't leave marketing entirely to others. Ultimately, you may be better at selling your services than they are, or at the least may be able to make a valuable contribution to support their efforts. Even if you can't, the effort is much appreciated and will not go unnoticed.
- It is important to remember that you and your clerks ultimately have the same goal in mind: a successful practice for you. Teamwork is, therefore, crucial. Effective teamwork involves communication. If you do not have time to do a piece of work properly or are about to keel over with exhaustion, tell the clerks. Equally, if you are quiet, also tell the clerks. They have many barristers' practices to manage and may not have noticed. As much notice as possible of potential quiet periods, however, is useful. Clerks are unlikely to be able to magic a brief out of thin air on no notice.

- If you encounter stresses, health problems or difficulties, always involve your clerks. There are some tips on how to go about this on the Wellbeing at the Bar website.
- **Simon Boutwood, Director of Harcourt Chambers, gives a clerks' view:**
- The pupils who take on anything and everything (as long as it's within their competence, of course) are the ones who will do well at the Bar. If your clerks ask you to do a piece of work, and you have time to prepare it, then do it. If you resist or are picky, they'll eventually give up asking.
- And don't complain about the fee or offer "suggestions" as to what the fee should be!!
- If you work hard on things you might not necessarily want to do when you're very junior, the good work will invariably come your way as you become more senior.
- Build your career by being helpful and available. If you put yourself out, your clerks will notice, and so will your clients.

## Volunteering

Young barristers are often asked to volunteer – by working for the Bar Pro Bono Unit, at a Legal Advice or Law Centre, or by providing services free to friends, relations or charities. There is no reason why you should not do this, and it can provide valuable experience.

**Advocate** is a national charity that offers opportunities for barristers to contribute to the community. It matches members of the public with deserving cases but who are unable to obtain legal aid and cannot afford to pay for legal representation with barristers who are willing to donate their time and expertise for free. It also operates a trustee finding service for charities wishing to appoint legally qualified trustees. For more information see: <https://weareadvocate.org.uk/>.

**The Free Representation Unit** provides representation at tribunals in social security and employment cases. There has been a significant reduction in the number of cases being brought before the Employment Tribunals and a corresponding drop in the number of volunteers required, but applications are still welcome from junior barristers and would-be barristers at all stages of their legal training and early careers. See generally <http://www.thefru.org.uk/volunteers>.

Barristers may supply legal services (as defined in the BSB Handbook) at a Legal Advice Centre on a voluntary or part-time basis so long as they observe the requirements of rS41-42 and gS9-11 of the Handbook. The BSB's definition of "legal

services” specifically excludes “giving advice on legal matters free to a friend or relative or acting as unpaid or honorary legal adviser to any charity benevolent or philanthropic institution”, so if you are acting in any of these capacities you need not hold a current practising certificate. The situation is different if you are employed by a Legal Advice Centre.