



# JASON ELLIOTT BARRISTERS

## PUPILLAGE PROGRAMME

The following is the pupillage programme designed to satisfy each of the Threshold Standard and Competences outlined in the [Bar Standards Board Professional Statement](#). The content of the Training Programme, which is subject to changes in dates and timings depending on availability and may be supplemented where considered necessary during the pupillage year to ensure compliance.

The way in which the Programme is intended to address the Threshold Standard and Competences is explained in this document. As the below makes clear, while specific training sessions and assessments form an important part of our programme, the bedrock of training remains the shadowing of a pupil supervisor (each of whom is considered by chambers to set high standards in all the areas required by the Professional Statement) and the range of work, experiences and discussions, both structured (by informal and formal assessments) and unstructured (in day to day discussions), that take place throughout the pupillage year. Discussions at informal and formal reviews, and open and respectful dialogue between supervisor and pupil throughout each seat should be used to reflect upon and to ensure that that this shadowing relationship is effective.

Pupils will be expected to keep a record of the work that they have seen and experienced and all the training they have received in the course of pupillage and to regularly (at least at each formal assessment and after the tenancy decision) review with both their supervisor and the Head of Pupillage the progress they have made towards meeting what is required of them on 'day one' to meet the requirements of the Professional Statement for Barristers. A template for this will be provided to assist pupils in this task ("the Pupillage Diary"). The Pupillage Diary must be endorsed by both supervisor and pupil at the end of both the first and second sixes in advance of the tenancy decision..

At all times, pupils will be based at Jason Elliott Barristers located at Suite 18, Albion Place, West Percy Street, North Shields, Tyne and Wear, NE29 0DW. Mr Jason Elliott, Mr John Craggs or Mr Paul Fleming will be the pupil's supervisor.

Our aim is to give pupils a complete and thorough understanding and appreciation of the operation in practice of rules of conduct and etiquette at the Bar. We will aid them in achieving a working knowledge and understanding of the Code of Conduct and the written standards for the conduct of professional work.

During pupillage, the pupil will see the operation of the above in practice. Should a point of conduct and etiquettes arise, the pupil's input and consideration of the appropriate course of action will be sought.

The pupil supervisor will ensure that the pupil will cover the following over period of the pupillage, in accordance with the Bar Standards Board Professional Statement:

## **Legal knowledge, skills and attributes**

### *1.1 Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.*

It is expected that this is something pupils will have some grounding in from the vocational stage of their training. It will also be developed by the compulsory advocacy training provided by pupils' Inn. However, it will also be addressed in the course of supervisor/pupil interactions and reflections on both the supervisor's and the pupils' work. If it is felt necessary, then internal training can be arranged.

### *1.2 Have a knowledge and understanding of the key concepts and principles of public and private law.*

### *1.3 Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice.*

### *1.4 Have an awareness of the wide range of organisations supporting the administration of justice.*

### *1.5 Apply effective analytical and evaluative skills to their work.*

### *1.6 Provide clear, concise and accurate advice in writing and orally and take responsibility for it.*

### *1.7 Negotiate effectively.*

All the above will be addressed by the following aspects of the programme:

- The course of supervisor/pupil interactions and reflections on both the supervisor's and the pupil's work. Pupils will regularly provide their supervisors with written work which supervisors are asked to consider promptly, on which constructive feedback and advice will be given, both in writing and orally. Copies of all written work both before and after feedback should be kept. Progress is also monitored by regular informal and formal reviews, which take place monthly during catch up meetings and on an ad hoc basis whenever either pupil or supervisor feels this is necessary, and more formally at the end of the first and second sixes. These are overseen by the Head of Pupillage.

Where necessary, arrangements will be made for pupils to experience new aspects of work.

- Advocacy training delivered by an experienced member of chambers. This is provided before the compulsory Pupillage Advocacy Course and upon request in the event that the supervisor deems it necessary or the pupil feels that it would benefit them in conducting a particular case. This entails not only oral advocacy training but also written advocacy, predominantly in the form of drafting skeleton arguments.
- It is expected that negotiation skills will be developed to some degree by observation of supervisors. However, if possible, arrangements will also be made for pupils to attend and observe at least one mediation and, if possible and appropriate, for internal or external training to be provided in both negotiation and in the drafting of settlement agreements and consent orders.

## **Practical knowledge, skills and attributes**

*1.8 Exercise good English language skills.*

*1.9 Exercise good communication skills, through any appropriate medium and with any audience as required in their work.*

*1.10 Make sound judgements in their work.*

*1.11 Ensure they are fully prepared.*

*1.12 Employ effective research skills*

It should first be noted that excellent English language and communication skills are expected of any successful applicant for pupillage and will have been thoroughly tested in the process of selecting pupils. Anyone commencing pupillage at Jason Elliott Barristers is expected to have them. Nevertheless, pupillage aims to develop them further for effective practice in chambers' core areas of work.

It is also, again, expected that all these skills will have been developed, to some extent, in the academic and vocational stages of training and will also be developed by the Inns' advocacy training.

However, the programme intends to address these areas by:

- The course of supervisor/pupil interactions and reflections on both the supervisor's and the pupil's work. Pupils will regularly provide their supervisors with written work (requiring English and communications skills, legal research and judgment) which supervisors are asked to consider promptly, giving constructive and appropriate written and oral feedback. Progress is also to be monitored by regular informal and formal reviews.

- Pupils are given specific research training by their supervisors, which introduces them to and ensures they understand how to use the research tools which are available in chambers.

## **Advocacy**

*1.13 Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides.*

*1.14 Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.*

*1.15 Have persuasive oral advocacy skills.*

The training provided to pupils takes account of the fact that they have already had some advocacy training, and, in most cases, significant experience of courtroom advocacy obtained prior to pupillage. They will also receive compulsory advocacy training from their Inn.

In pupillage, the above are addressed by:

- The course of supervisor/pupil interactions. There will be regular reflections on both the supervisor's drafting and written and oral advocacy. Further, the written work pupils are required to produce for supervisors will include orders, court documents such as case summaries and skeletons.
- Unassessed advocacy training delivered by an experienced member of chambers, before the compulsory advocacy training and as and when required.
- Accompanying the most junior members of Chambers to court in order to experience the type of work that they can expect to carry out in their second 6 months. This will take place around the end of the non-practising period of pupillage.
- As required, any advice or training thought to be necessary for or sought by the pupil prior to the commencement of the practising period of pupillage. This will focus on teaching and preparing pupils for practicalities of the kind of court hearings they are likely to encounter in their early days in Court in their own right.
- The pupil's own experience in court hearings during their second six, which will be discussed and reflected upon with the pupil's supervisor and with the Head of Pupillage.

## **Professional Standards**

*1.16 Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.*

*1.17 Know how to conduct themselves appropriately in court.*

*1.18 Only accept work which they believe they are competent to undertake.*

As to the balance of these requirements, they will be addressed by:

- Requiring pupils, before they commence their second six, to read and consider the Code of Conduct and any other relevant regulatory requirements that will apply to them during pupillage and on commencing full practice. Pupils will also:
  - Be required to confirm they have read and familiarised themselves with the Code of Conduct
  - Raise any issues of which they are uncertain with supervisors for open discussion; and
  - Be provided with a training session delivered by an experienced member of chambers focused on some major aspects of the Code of Conduct thought especially relevant to their likely practice.
- The course of supervisor/pupil interactions and the pupils own court experiences. Inevitably, during the course of these regulatory issues will arise and they will be discussed.
- How to discharge the obligation only to accept work which a barrister believes he or she is competent to do will be discussed in the above training and by pupil supervisors.

## **Values, characteristics and behaviours**

*2.1 Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.*

*2.2 Be honest in their dealings with others.*

*2.3 Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.*

*2.4 Ensure their work does not incur unnecessary fees.*

*2.5 Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.*

*2.6 Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.*

The importance and development of all these values, characteristics and behaviours will be covered by the programme of training set out above and are also central to Chambers' existing assessment process by which it determines whether a pupil ought to be offered tenancy. However, to ensure compliance of any aspect is not overlooked, in the course of

formal assessments, at the various catch-up meetings and those at the end of the first and second sixes, supervisors and the Head of Pupillage will take steps to ensure that the fulfilment of these criteria is addressed and documented. In particular, if it is not provided by the Inns, then chambers will arrange an ethics workshop for pupils to be conducted by a member of chambers or external provider

## **At work**

*3.1 Understand and exercise their duty to act in the best interests of their client.*

*3.2 Understand and apply principles of team working where appropriate.*

*3.3 Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.*

*3.4 Treat all people with respect and courtesy, regardless of their background or circumstances.*

*3.5 Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.*

The importance of working with others and development of these skills is thought to be covered by the above programme of training and is also central to Chambers' existing assessment process by which it determines whether a pupil ought to be offered tenancy. However, in particular, it is thought these will be developed by:

- The usual course of supervisor/pupil interactions and the pupils' own court experiences. Inevitably, how one should work with others will be demonstrated, addressed and reflected on;
- An introduction to the expectations of professionalism given to pupils on induction;
- Compulsory Equality & Diversity and Security training delivered on induction;
- Requiring Pupils to become familiar with chambers' Equality & Diversity Policy and the annexes thereto; and
- The requirement for pupils to read and familiarise themselves with the Code of Conduct.

Further, to ensure compliance of any aspect is not overlooked, in the course of formal assessments, at the Training Review Meeting and the Final Review Meeting, supervisors and the Head of Pupillage will take steps to ensure that the fulfilment of these criteria is addressed and documented.

## **Lay individuals**

*3.6 Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.*

Insofar as this is not addressed in the usual course of supervisor/pupil interactions, it will be covered:

- As part of the supervisor's input into the pupil's preparation before commencement of the second six
- If possible, arranging for the pupil to shadow a case with a barrister who is not supervising them in order to experience the issues;
- By the requirement for pupils to read and familiarise themselves with the Code of Conduct; and
- Specific discussion with supervisors prior to their final review and before any tenancy decision.

## **Personal practice management**

*4.1 As appropriate, possess a strong understanding of the specific implications of being a:*

*4.1.1 self-employed barrister.*

*4.1.2 employed barrister.*

*4.2 Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.*

*4.3 Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.*

It is again expected that these competences will be developed and tested in the course of the above training. However:

- In the course of the supervisor/pupil relationship there will inevitably be exposure to, consideration of and discussion concerning: the implications of self-employment, organisational and management skills and planning of workload. With regard to the latter two factors, pupils will not only observe and be able to discuss and adopt (where appropriate) their supervisors' approach to such matters, they will also be developed by:
  - The regular written work set by supervisors, which, at least in the later months of pupillage, will frequently be by reference to deadlines;
  - In assisting the supervisor with instructions where deadlines are in place for the provision of skeletons and an agreed authorities bundle;
  - The experience of pupils in their second six months where they will need to learn to balance the demands of court hearings and paperwork of their own with the work set by supervisors.
- A time management training session is delivered as part of induction;



- A dedicated Practice Management session will be delivered by an experienced member of chambers about the process of accepting instructions, communicating with the clerks' over availability, the Google Mail and Calendar system, preparations for hearings, billing, VAT obligations, BMIF insurance, liability for taxation and other aspects of practice.
- Pupils are required to read the Code of Conduct (see above) and Chambers' various policies.
- Pupils will be informed and reminded of the importance of applying promptly for the provisional practising certificate, in order that this is obtained in advance of the commencement of their second six. Pupils are also fully informed that their full practising certificate must be obtained within 28 days of the conclusion of their pupillage. It is made abundantly clear that the responsibility for doing so rests with the pupil only.

## **At workplace level**

*4.4 Understand the organisational systems or structures within which they work and which support their delivery of a professional service.*

- Chambers has a thorough process of induction on pupils' first day which introduces pupils to the workings of chambers. In advance of that induction, pupils are provided with and required to read and familiarise themselves with, among other things: chambers' pupillage, equality & diversity, health & safety policy and information barriers & confidentiality policies. Induction still covers all relevant policies and provides an opportunity to discuss and clarify any issues arising from these policies.
- A dedicated Practice Management session is delivered by an experienced member of chambers (see above).

## **Professional compliance and work**

*4.5 Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate.*

*4.6 Exercise good timekeeping in face-to-face or telephone encounters.*

*4.7 Where necessary, be diligent in keeping good records and files of cases.*

It is expected that these competencies will be developed and assessed in the course of the above training and in particular the supervisor/pupil relationship and the pupils' second six when they are taking on their own hearings.

However, with regard to confidentiality and security:

- Chambers' induction includes:
  - Professional expectations of pupils, including time keeping;
  - An introduction to pupils of the essential importance of confidentiality and maintaining information barriers within chambers too; and
  - An introduction to the physical and IT security provided by chambers.
- Pupils are required to read and familiarise themselves with chambers' data protection and confidentiality policy.

### **Experience of legal research, drafting and opinion writing:**

The pupil supervisor will aim to aid the pupil in properly developing the necessary writing and drafting skills by providing feedback on examples of written work produced by the pupil. The pupil supervisor will also work in tandem with the pupil on performing legal research, furthering the skills in this area already developed on the Bar Course. These will be built upon, thereby allowing the pupil to correctly locate and apply information derived from the proper sources.

The pupil will achieve this by producing practical work and receiving constructive feedback on that work from the pupil supervisor. This will be provided as soon as reasonably possible by the pupil supervisor, in order that the work will still be sufficiently familiar to the pupil.

Upon conclusion of pupillage, the pupil will have achieved the appropriate degree of competence producing written work. Research skills, meanwhile, will be conducted more independently by the pupil, however the pupil supervisor will provide any required input, assisting the pupil in learning how to locate and apply relevant information.

### **Preparation of a case for a hearing (factually, legally, and procedurally)**

Depending upon the nature of the case, the pupil supervisor will guide the pupil to consult the relevant rules, such as the Civil Procedure or Criminal Procedure books.

The pupil supervisor will guide the pupil in relation to the following three elements of case preparation:

### **Facts of the case:**

The pupil supervisor will:

- Aid the pupil in analysing the facts of the case, in order to be able to briefly summarise them following examination of the file.
- Eliminate facts that are not pertinent to the case
- Identify any gaps or ambiguities in the fact pattern
- Identify the strengths and weaknesses of the case
- Establish “proof”
- Distinguish facts from inferences.
- Determine the central issues in the case.

### **The Law:**

The pupil supervisor will direct the pupil to:

- Consult the current laws that apply to the facts of a given case.
- Summarise the relevant law and apply it to the facts of the given case.
- Impart succinct, understandable and realistic advice to the client.

### **Legal procedure:**

The pupil supervisor ensure that the pupil consults the appropriate procedure rules, as detailed above. In the event that the case is a civil matter, the following will be considered:

- The overriding objective
- The use of pre-action protocols

- Case management by the courts
- The application of any case-specific rules (such as Small claims, Fast track or Multi-track)

In general, the pupil will be advised to organise themselves and their time well, ensuring that salient points are noted down and any questions are addressed. The importance of constant communication with the pupil supervisor and other members of chambers will be stressed, as will the necessity to stay alert and observe the practices of senior colleagues.

Thorough case preparation will be outlined to the pupil. The pupil supervisor will explain the importance of ascertaining:

- The facts required to be proved
- How they may be proved
- The evidence that will achieve this (be it physical or through testimony).

### **Experience of negotiation and conference skills**

The development of these skills will be addressed during pupillage, being essential elements in the armoury of a barrister. By the conclusion of pupillage it is expected that the pupil will be able to prepare for and conduct both conferences and negotiation independently. The pupil supervisor will observe the pupil's performance during both and ensure discussion of the pupil's performance thereafter, ensuring of course that proper instructions as to the requirements are given beforehand. It will also be ensured that there is an awareness of the requirements to take and retain appropriate notes of the contents of conferences.

The pupil supervisor will also ensure that the pupil has the opportunity of observing senior members conducting conferences and negotiations, seeking the pupil's input thereafter on what they have seen. In the event that the opportunity to conduct a particular sort of conference or negotiation, it will be ensured that this is at least discussed, in order to adequately prepare the pupil for such a future eventuality.

### **Conference:**

The pupil will:

- Be actively involved in preparation for conferences

- Observe the pupil supervisor and other members of Chambers during in person conference with solicitors, clients and Counsel
- Observe the pupil supervisor and other members of Chambers in the conduct of telephone conferences with the same

### **Negotiations:**

The pupil will:

- Be actively involved in preparation for negotiations
- Observe the pupil supervisor and other members of Chambers during negotiations
- Obtain an understanding of how to deal with opponents, dealing with clients and advising on settlements, including any additional considerations to be taken into account should the instructing solicitor be absent.

### **Experience of the trial and appeal proceedings in the higher courts**

The pupil will receive instruction upon the later stages of trial preparation, namely ensuring that evidence has been collected and exchanged as required, that all parties involved are fully prepared and will attend Court, and that evidence is presented in a manageable and understandable format for all parties, including the trial judge. Timetabling of trial dates will also be discussed, as will the duty incumbent upon solicitors to ensure the continued communication with witnesses, and to ensure their attendance.

The preparation and content of trial bundles by solicitors, and the lodging with the court in advance of the trial, will be covered. This will include (where relevant)

- the claim form and all statements of case;
- a case summary and / or chronology where appropriate
- requests for information and answers;
- witness statements with an indication of whether the contents are agreed;
- expert reports with an indication of whether the contents are agreed;
- Documents which any of the parties wish to have before the court.

In respect of the mechanics of the court, the pupil supervisor will explain to the pupil the structure and court hierarchy in existence, for example the progression of criminal matters from Magistrates' to Crown Court, depending on the seriousness of the case.

## **Practical experience of advocacy**

A central aim of pupillage is to provide the pupil with the skills required to become a competent and effective advocate. This encompasses both oral and written advocacy, as well as legal research to facilitate this. Ultimately the pupil will combine these skills to be able to perform to a high standard while operating under the pressure of time constraints inherent in practice at the Bar.

The pupil will be afforded the opportunity of observing experienced advocates at close quarters, and in a variety of different courts and tribunals in which the pupil could expect to appear in the early stages of their career. They will also discuss the fundamentals of effective advocacy with the pupil supervisor. This will help the pupil to properly develop the skills required to operate independently.

During the second six months, when the pupil can expect to appear in court, the pupil supervisor will ensure that the pupil's preparation is supervised, and any difficulties addressed. Attendance on advocacy training courses provided by the pupil's Inn will also be encouraged and attend the Advocacy Compulsory Course during their first six.

## **In general**

The pupil supervisor will ensure that the pupil becomes familiar with, among others, the following:

- Modes of address in court and in chambers
- The proper use and mode of citation of authorities in court
- Proper conduct towards court staff, lay clients, instructing solicitors, witnesses (expert and otherwise, opposing advocates, litigants in person and lay advisers.
- Proper conduct towards the press and other media
- Counsel's responsibilities when dealing with a litigant in person or unrepresented defendant.
- The proper conduct of examination-in-chief, cross-examination and re-examination, particularly where there are restrictions in place due to, for example, bad character.

## **Trials, Applications and Final Hearings**

The pupil will receive instruction relating to the preparation of and attendance on trials, applications and final hearings. This will include the preparation of:

- (i) Skeleton arguments;
- (ii) Chronologies;
- (iii) Case Summaries;
- (iv) Minutes of order;
- (v) Bad Character and Hearsay applications and responses to same; and

The ultimate aim of this will be to employ the above in effectively delivering narrative advocacy as part of the trial, applications and final hearings.

### **Trial – witness handling:**

The pupil will develop skills in the following:

- Preparation and execution of examination in chief and cross examination, initially by observation and subsequently in practice.
- Understanding proper conduct in relation to witnesses.
- Understand the proper role of independent and expert witnesses.
- The special considerations which apply when dealing with children, vulnerable or intimidated witnesses, in particular, when and what manner of special measures may be appropriate to assist such witnesses.

### **Appeals:**

In respect of appeals the pupil will develop the skills of preparation for oral advocacy on appeal in particular the preparation for use on an appeal of skeleton arguments. In the first instance, this will be through observation. The pupil will also be exposed to the rationale behind pursuing an appeal or not.

This is not an exhaustive list, however it is thought its contents will cover the majority of matters a pupil could expect to cover during pupillage.

**December 2021**

**Jason Elliott Barristers**