

The Western Circuit

31 Southgate Street Winchester Hampshire SO23 9EB
Tel. 01962 851639 DX 2514 Winchester E.Fax. 01962 672393
Website: www.westerncircuit.org.uk

PUPILLAGE PACK

From The Leader

I want to congratulate you on starting pupillage on the Western Circuit having come through a very demanding interview process. As someone towards the other end of his career at the Bar I envy you - but I also assure you that I and every other member of this Circuit have been in your position and know the difficulties.

This Pupillage Pack will help you get to grips with what you have to do over the coming months. We have a training programme that is challenging but also enjoyable – so be challenged but also please try to enjoy it.

The training team is there to help but so too is every member of the Circuit. I don't believe anyone would begrudge a word of advice if you found yourself in a tight corner in a case. We've all had to ask and we've all made mistakes as a result of not asking. I think you will find that the sense of competing against each other but also all being in it together is a big part of the special feeling the Bar has.

I am looking forward to meeting you on the training courses, but meanwhile – Good Luck.

Robin Tolson QC

THE WESTERN CIRCUIT

CIRCUIT LEADER

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COMMITTEE MEMBERS

| | |
|---|--|
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Specialist Members of the Committee

Ian Pringle Q.C. Silk Bar Council Representative

Adam Hiddleston, Junior Bar Council Representative

Susan Jacklin Q.C., Established Practitioner Training Officer and CPD

Michael Bowes Q.C., New Practitioner Training Officer

Philip Mott Q.C., Pupil Training Officer

Paul Dugdale, Fees

Membership of the Western Circuit is open to all those who are practising barristers whether in employed practice or independent practice when they become tenants/employed as a barrister. Non-Circuiteers may attend courses at an uplifted rate and Pupils in Circuit sets attend all Circuit courses for a single payment for the initial Advice to Counsel course.

If you are a third six or a squatter, you are classified as a barrister in practice and may join Circuit and attend courses at the Circuit rate at the New Practitioners rate.

If you intend prosecuting, your clerk will arrange a term of two weeks when you work for the CPS and if you wish to be briefed by them, you MUST get your papers in BEFORE 1st March and 1st September in any year for the grading/regrading meeting in April and October respectively. Please apply for that grading to Margaret Luton, Bristol C.P.S.

You may see papers which refer to the requirement to attend a Human Rights Course. The BVC course is deemed to provide the Human Rights training required for the CPS and, when you complete your forms, it has been agreed with Nick Hawkins CCP, Hampshire, that you mark your forms accordingly.

EDUCATION ON THE WESTERN CIRCUIT

Overview

1. All pupils must undergo a period of continuing education before they are entitled to receive a practising certificate. This requirement is taken seriously on the Western Circuit and there is an ever-increasing number of judges and senior practitioners who are prepared to give up their free time to help to educate newcomers to this profession. Whilst you are encouraged to attend courses run by your own Inn, you are also expected to attend those organised by the Western Circuit as this is clearly the Circuit which you wish to join. Never underestimate the importance of being seen by and getting to know the senior members of this Circuit.
2.
 - 2.1 Course Directors
Pupils: Philip Mott Q.C., Outer Temple Chambers, London is the Course Director for all Pupil training on the Western Circuit.
 - 2.2 New Practitioners: Michael Bowes Q.C., Outer Temple Chambers is the Course Director for all New Practitioner Training.
 - 2.3 All questions regarding the Established Practitioner Training should be directed to Susan Jacklin Q.C. at St. John's Chambers, Bristol.
3. The current requirements for further education laid down by the Bar Council are as follows:
 - 3.1 Pupils must complete satisfactorily;
 - (i) a minimum of 9 hours of advocacy training before the end of their first 6 months of pupillage; if you have been given permission to have a reduced pupillage due to having been in an appropriate career before coming to the Bar, and you elect to attend your Advocacy Training on the Circuit, please note you have to complete the entire advocacy training course – both Part I and Part II.
 - (ii) an Advice to Counsel course before the end of their first 6 months of pupillage;
 - (iii) a forensic accountancy course run by BPP before the end of their first 3 years of practice. The contact is Nikki Sullivan at nikkisullivan@bpp.com, and the contact phone number is 020 7067 2880.
 - 3.2 All the above courses are compulsory. Under (i) and (ii) above please be advised that you must receive an Advocacy Certificate showing you as having passed the course from the Course Director without which the Bar Council will not issue your practising certificate.
4. New Practitioners (i.e. those in their first 3 years of tenancy) must complete satisfactorily a minimum of 45 hours of continuing education to include -
 - (i) 9 hours of advocacy training; and
 - (ii) 3 hours of training in ethics.
 - 4.1 Extra hours are allowed for preparation time in a ratio of 50% of the Advocacy Training hours i.e. 4.5 hours for Advocacy preparation and 1.5 for your Ethics preparation.
 - 4.2 N.B. These hours will be reduced if it is obvious that work has not been put in.
 - 4.3 Practitioners between 3 and 7 years call can expect to be required to undertake similar training in the near future.

5. Established Practitioners must complete a minimum of 12 hours of Continuing Education each year. In addition there are new laws brought in and new initiatives introduced by the C.P.S. which need specialist courses and which the Circuit organises. Please note the intention of the Bar Council is that Established Practitioners will also have to undertake Advocacy courses in the future. Further details will be sent to all Western Circuiteers when notified.
6. Generally
 - 6.1 You are advised to apply as soon as possible for a place on any of the courses which you wish to attend. Late requests may be refused.
 - 6.2 Attendance at part only of a course is not permitted, save for exceptional reasons.
 - 6.3 N.B. Inform your Pupil Supervisor and your clerk of the dates when you will be on any particular course.
7. The Western Circuit has a very clear policy so far as fees and expenses in connection with compulsory courses are concerned. It is the responsibility of each pupil's chambers to ensure that such costs are met either directly by the chambers or are covered by a pupillage award.
8. Please do not hesitate to contact Gill Richards, Circuit Secretary, if you have any query on the subject of education (or indeed on any other subject).
9. The Circuit website will list courses which you may like to attend and, for the time that you are a pupil, any Circuit course apart from the Advice to Counsel course is free. When you enter the New Practitioner stage i.e. when you receive your practising certificate, you become subject to the NP requirements. This means that if you undertake a third six or are a squatter, your NP stage starts then. The Bar Council will have expected you to complete your 45 hours of training within the first three years of your NP stage.

You are very welcome to undertake FRU work on Circuit which Gill Richards administers. She will need a letter from your pupil supervisor stating that:

“The normal insurance considerations are in place for my practice and I undertake to oversee any written work that my pupil sends out.”

The booklet for FRU is on the website and is a useful guide for you to follow. If you accept work in your first six which becomes listed in your second six, you cannot expect the case to be returned to someone else; you must do the case as if it is paid work. You can consult your clerk and see if they can find someone but the clerks have enough to do and you are encouraged to fulfil your obligation to your client as if they have paid.

You are encouraged to talk to Gill throughout your case and report back any successes and failures – you learn more from failure than success! When the case is over, a written note is useful but not essential but reports are asked for by Senior Clerks and those who take on FRU work have been those people who have been taken on at sets because they get on and find their own work and don't expect the clerks to be the only people involved in their practice.

You are encouraged, in particular, to set-up your own e.mail address for future contact for your education and training and make sure your typing skills match your paper presentation. The people who are now climbing the Bar ladder are those who present their work on good paper with return addresses; who submit appropriate matters by e.mail and who value the contacts they make by prompt return of their paperwork.

Your papers for courses are held on the Circuit website and you are given the username and password when your course is due. This is useful if you are in court and not able to get back to your chambers; you are able to prepare anywhere. If you cannot download papers from a website or use e.mail or type, Gill has a contact at Pitman Training, Winchester who can help. It will be a rare set who takes on a pupil who does not have the ability to type their own briefs.

You should possess a mobile which should be switched on at all times other than when you are in court. When you return papers for a Circuit course, please e.fax them to the Circuit office first – 01962 672393 - then send on the hard copy with your cheque, where appropriate. In due course you will be eligible to join Circuit - “... the best of Circuits”, according to Lord Denning. But that is in the future – enjoy your present.

Gill Richards

ADVOCACY CERTIFICATE

This is to certify that

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has satisfactorily completed¹ the Bar Council's Minimum Advocacy Training Requirements in each of the following competencies:

| COMPETENCY | SATISFACTORILY COMPLETED <small>Please tick when satisfactorily completed and leave blank until then</small> | SIGNATURE OF COURSE DIRECTOR OR OTHER PERSON AUTHORISED BY THE BAR COUNCIL |
|----------------------|---|--|
| SKELETON ARGUMENT | | Signed: Name: Date: |
| ORAL SUBMISSIONS | | Signed: Name: Date: |
| EXAMINATION IN CHIEF | | Signed: Name: Date: |
| CROSS EXAMINATION | | Signed: Name: Date: |

¹ "Satisfactory" denotes that the pupil has achieved at least more than a minimum level of competence in the relevant area such as to enable him/her to take instructions to appear before a Court as a barrister if all other qualification requirements of the Bar Council are achieved.

Assessment Criteria

Introduction

It is in the interests of the public, the Court and the profession that all barristers present their cases to the highest professional standards. They must prepare thoroughly and present their cases in a manner which is clear, well organised, efficient and persuasive. The criteria which are set out below, which you and your advocacy trainers will be working with, are intended to achieve these objectives.

Language

These assessment criteria are used for those intending to practise at the Bar of England and Wales, where the official language of the Court, and hence teaching and assessment, will be English. Where the official language of the Court is not confined to English, such as in Wales under the Welsh Language Act 1993, the pupil is entitled, if he or she wishes, to be taught and assessed in Welsh.

Disability

The criteria, their application and this scheme in general may be modified (where appropriate) in relation to any pupil who has a disability, within the meaning of the Disability Discrimination Act 1995. Anyone who requires such a modification to be made should make this known to the Course Provider as early as possible, and normally before the start of the course, so that full consideration can be given to any modifications that may be appropriate.

Criteria for the assessment of pupil's skeleton argument:

| Criteria # | The Skeleton Argument: |
|------------|---|
| 1.a.i | showed clarity of purpose |
| 1.a.ii | had a logical structure & organisation |
| 1.a.iii | identified the issues |
| 1.a.iv | showed clarity of expression |
| 1.a.v | was the appropriate length |
| 1.a.vi | made appropriate documentary references to external materials |
| 1.a.vii | made appropriate references to authorities |

Criteria for the assessment of pupil's Oral Submissions:

| Criteria # | Organisation: |
|------------|---|
| 2.a.i | demonstrated a clear aim (set out what the judge is being asked to do & the source of the power to do it) |
| 2.a.ii | was coherent (structured, logical, with clarity of expression) |
| 2.a.iii | employed a logical structure (beginning, middle and end) |
| 2.a.iv | used materials & authorities appropriately |
| Delivery: | |
| 2.b.i | was audible |
| 2.b.ii | was at an appropriate pace |

| | |
|---------|--|
| 2.b.iii | had a clarity of expression |
| 2.b.iv | used appropriate language (language adapted to a tribunal) |
| 2.b.v | made appropriate eye contact |
| | Inter-action with tribunal/dealing with opponent's arguments: |
| 2.c.i | anticipated points |
| 2.c.ii | dealt with court's questions/concerns (i.e. answered rather than avoided questions, was not thrown by questions, had an honest and coherent approach.) |
| 2.c.iii | related submissions to skeleton arguments |
| 2.c.iv | made appropriate use of authorities |
| 2.c.v | adapted to opponent's points |

| Criteria for the assessment of pupil's Examination in Chief | |
|---|---|
| Criteria # | Organisation: |
| 3.a.i | had a clear & logical structure (told a story through the witness) |
| 3.a.ii | was relevant (avoided the irrelevant and elicited substance whilst avoiding the irrelevant) |
| | Form of Questions: |
| 3.b | avoided leading questions (except where appropriate e.g. facts not in dispute) |
| | Delivery: |
| 3.c.i | was audible |
| 3.c.ii | was at an appropriate pace |
| 3.c.iii | showed an awareness of the tribunal |
| | Inter-action with the witness: |
| 3.d.i | was audible |
| 3.d.ii | had appropriate control of the witness (used appropriate language, apt and focused questions) |
| 3.d.iii | used short, simple questions, one point at a time |
| 3.d.iv | listened to answers |
| 3.d.v | conduct towards the witness was appropriate |

| Criteria for the assessment of pupil's Cross-Examination | |
|--|---|
| Criteria # | Organisation: |
| 4.a.i | demonstrated a clarity of purpose |
| 4.a.ii | used a logical structure & organisation |
| 4.a.iii | identified the issues |
| 4.a.iv | demonstrated a clarity of expression |
| 4.a.v | demonstrated knowledge of facts |
| 4.a.vi | was relevant |

| | |
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| | Form of Questions: |
| 4.b | closed & concise |
| | Delivery: |
| 4.c.i | was audible |
| 4.c.ii | was at an appropriate pace |
| 4.c.iii | knew when to stop |
| | Inter-action with the witness: |
| 4.d.i | used controlling questions |
| 4.d.ii | listened to answers |
| 4.d.iii | demonstrated flexibility |
| 4.d.iv | used an appropriate form of questions (fact not argument) |
| 4.d.v | was courteous |
| | Putting your case/Support for closing submission: |
| 4.e.i | elicited necessary facts |
| 4.e.ii | made challenges necessary to put case |
| 4.e.iii | laid the factual foundation of case |

Fax Back Sheet to 01962 672393

Registration onto these Western Circuit courses is a one-off payment of £150, which includes all costs on the Advice to Counsel and the Advocacy Course (Parts 1 and 2).

Advice to Counsel Course

Friday 30th October and Saturday 31st October, 2009.

Registration 9.30 a.m. Friday.

Course commences 10 a.m. (until 6 p.m.) and Saturday 9 a.m. – 1 p.m at the Winchester Royal Hotel, St Peter’s Street, Winchester, Hampshire. To include all refreshments dinner with drinks on Friday evening at the hotel, overnight accommodation at the hotel and refreshments on Saturday. You are expected to attend the dinner on Friday night and Friday night at the hotel. If you cannot stay, we are not able to refund any part of your course registration cost.

Advocacy Part 1

Saturday and Sunday 14th and 15th November 2009.

Bristol Law Courts

Advocacy Part 2

Saturday and Sunday 13th and 14th March 2010.

Winchester Law Courts

Advocacy Courses Part 1 and 2 include all refreshments and lunches. The Circuit does not contribute to your overnight accommodation costs whilst you are on Advocacy Course Part 1 or 2.

Name

Chambers

DX

Mobile no.

Email

Tick Box

| | |
|---|--|
| I will be attending the Advice to Counsel course on 30 th /31 st October,. I understand the course is residential with dinner. | |
| I will be attending the Advice to Counsel course on 30 th /31 st October. I understand the course is residential, however I am unable to stay overnight. | |
| I attach a cheque for £150 made payable to Western Circuit. (Send your remittance to the address shown on the first page of this pack.) | |
| I will be attending the Pupil Advocacy Course Part I on 14 th and 15 th November 2009 and Part 2 on 13 th and 14 th March 2010. | |
| Vegetarian | <input type="checkbox"/> Only tick if "Yes" |