

**Pupillage Checklist (First Six/Second Six)**

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| **Name of Pupil** |  |
| **Name of Pupil Supervisor** |  |
| **Name and Address of Approved Training Organisation where pupillage was undertaken** |  |
| **Dates of Pupillage**  | From: To:  |

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| **Declaration by Pupil**  |
| I certify that I have completed the items set out in this checklist  |
| Signed:(Pupil) | Date: |
| Print name:  |

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| **Declaration by Supervisor(s)** |
| I have read the checklist and discussed its completion with the above pupil. I confirm that to the best of my knowledge and belief it has been completed accurately and satisfactorily in terms of the standards and competencies as defined in the Pupillage Handbook.  |
| Signed:(Pupil Supervisor) | Date: |
| Print Name:  |

**NB:** *The pupil supervisor at the conclusion of the practising period of pupillage should complete and sign the completed checklist and the completed checklist must be submitted to the Bar Standards Board on completion of pupillage together with the certificate of satisfactory completion of second six.*

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| ***Section 1 : Conduct and Etiquette****A pupil should gain an understanding and appreciation of the operation in practice of rules of conduct and etiquette at the Bar and achieve a working knowledge and understanding of the Code of Conduct in the BSB Handbook. Many of these points may have been covered during the Bar Course or in the courses on Ethics run by the Inns of Court but issues of conduct and etiquette are of fundamental importance and require emphasis. Whenever a point of conduct or etiquette arises in practice the opportunity should be taken to consider the point with the pupil. For many of the following matters, a discussion between pupil and pupil supervisor will suffice.**Pupil supervisors should initial and date the last column as indication that they consider the topic has been adequately addressed to the required standard.*  |
| In the case of a barrister in self employed practice, understanding of all aspects of the cab rank rule in practice (Rule C29)[[1]](#footnote-1), including: | Satisfactory |
| * 1. the duty not to withhold services save on proper grounds.
	2. the duty not to take on work beyond competence or for which there is insufficient time and opportunity to prepare.
	3. the duty not to take on work which may cause a conflict of interest to arise or which may jeopardise the confidentiality of information belonging to another client or former client
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| In the case of an employed barrister, to understand the restrictions on the supply of legal services  |
| Understand the relationship between counsel and instructing solicitors, including: |
| * 1. the importance of prompt response to instructions
	2. the dividing line between decisions in the running of the case that (i) should and (ii) should not be made without first consulting the client and the instructing solicitor
	3. duties in the event that two hearing dates clash
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| Understanding the duty to avoid conflicts of interest including: |
| * 1. the overriding duty to the court; (*Rules C3 – C4, C6 and C16*)
	2. the duties to the client; (*Rules C15 and C17*)
	3. when conflicts arise or may arise between two lay clients for whom a barrister is acting or is instructed to act jointly; (*Rule C21*)
	4. the several duties that may arise to the client, the court and to opponents if a pupil comes into possession of relevant information which he/she is instructed or requested not to disclose. (*Rule C25*)
	5. the circumstances when it may, or will, be necessary to withdraw from a case. (*Rule C25*)
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| Understanding the rules and practices relating to confidentiality (para. 702) including: |
| * 1. the status of clients’ privileged communications
	2. duties in the event of obtaining confidential information belonging to other parties (*Rule C25*)
	3. duty to the client in respect of any relevant information coming into the barrister’s possession (whether or not confidentially).
	4. duty to ensure the preservation of client confidentiality including appropriate practice in relation to reading papers or conducting conversations in public places (*Rule C15.5*)
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| Understanding the courtesies conventionally extended to other members of the Bar including those observed: |
| * 1. On receiving instruction in a matter in which other counsel has previously acted
	2. On strike-out, or wasted costs applications
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| Understanding the responsibilities and duties when being led including: |
| * 1. the likely division of responsibilities;
	2. the junior’s paperwork tasks.
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| Understanding what action to take and what consequences may arise if: |
| * 1. a complaint is made against a barrister
	2. a barrister is asked to give a witness statement or provide evidence
	3. a barrister is asked to withdraw from a case
	4. a wasted costs order is sought against a barrister
	5. a barrister is late for court or for a conference
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| Understanding obligations in relation to practice management including: |
| * 1. the duty to have a current practising certificate (*Rule S8*)
	2. the duty to keep or ensure that accurate practice records are kept (*Rule C87*)
	3. the duty to comply with any continuing professional development requirements (*Rules Q130 – Q137*)
	4. the duty to be insured with BMIF against claims for professional negligence (*Rule C77*)
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| Understanding the duty of ensuring that practice is competently administered, and the importance of maintaining: |
| * 1. completion of Practice Management Course
	2. sufficient records to support and explain details of fees claimed
	3. proper financial records
	4. a proper record of hours worked and work done
	5. completion of Forensic Accounting Course (must be completed during pupillage or by the end of the first three years of practice)
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| Pupil’s record of work done or work diary referencesSigned (pupil): Date: |

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| Pupil Supervisor's commentsSigned (supervisor): Date: |

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| ***Section 2: Advocacy****A fundamental objective of pupillage is that the pupil should develop and practise the skills necessary to be an effective advocate. In addition to the basic techniques of oral advocacy, these skills include legal research, fact management and written presentations in particular skeleton arguments. The pupil must develop the ability to bring all these skills together (if necessary under pressure or at short notice) and be able to deploy them efficiently and effectively.* *The development of Advocacy skills will depend, to a significant extent, on observation by the pupil but the pupil supervisor should discuss both the basic techniques of oral advocacy and any specific points that might arise in a particular case, so that the pupil may observe intelligently, and derive benefit from observations made. Pupil supervisors are encouraged to arrange for pupils to attend as wide a range of courts and tribunals as possible (if necessary with other members of chambers) having regard to the type of work that the pupil is likely to take on in the early years of practice. If the opportunity to attend a particular type of court does not arise in the course of a pupillage (eg, an appellant court), the pupil supervisor should discuss any particular aspects of advocacy that the pupil should consider in respect of such a court and in the case of a first six month pupil encourage the pupil to make good the omission during the subsequent period of pupillage. During the second six months, if a pupil is doing his or her own work, a pupil supervisor should exercise supervision over the pupil’s preparation and take time to evaluate the process.**In addition, the pupil must attend the advocacy course provided by his or her Inn or Circuit in the first six months. These courses provide the opportunity for pupils to practise oral advocacy under instruction. They can only be effective if pupils have prepared adequately and pupil supervisors must ensure that pupils are given sufficient time to prepare and approach the task very seriously.* *Pupil-supervisors should initial and date the last column when they consider their pupil has achieved a satisfactory standard having regard to the objective set out for this checklist.* |
| 1. **General**
 | **Satisfactory** |
| * 1. Become familiar with the proper modes of address in court and in chambers
	2. Become familiar with the proper use and mode of citation of authorities in court
	3. Obtain through observation and discussion an understanding of proper conduct towards:
1. the tribunal and court staff;
2. the lay client, and others attending court with the client;
3. the instructing solicitor;
4. witnesses (including expert witnesses);
5. other parties and their representatives;
6. litigants in person and lay advisers.
	1. Be aware of counsel’s responsibilities when dealing with a litigant in person or unrepresented defendant.
	2. Fully understand Counsel’s professional duties when conducting proceedings in court (*see BSB Handbook and Code of Conduct, especially Rules C3 and C6 – 7)*. This includes a clear understanding of the purpose as well as the limitations on examination-in-chief, cross-examination and re-examination, particularly where there are statutory restrictions such as the sexual history of a complainant, hearsay and previous bad character.
	3. Completion of Advocacy Compulsory Course (during first six)
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| 1. **Applications**
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| * 1. Develop the skills of preparation for oral advocacy on applications.
	2. Practise and develop the preparation of the appropriate paperwork to support oral argument on applications, e g[[2]](#footnote-2):
1. Skeleton arguments;
2. Chronologies;
3. Case Summaries;
4. Minutes of order
5. Bad Character and Hearsay applications and responses to same
6. Applications under S.41 of the Youth Justice and Criminal Evidence Act, 1999 relating to a complainant’s sexual history
	1. Develop by observation (and where possible practise) the skills of narrative advocacy in respect of applications generally, case management and other directions hearings.
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| 1. **Trials - witness handling**
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| * 1. Develop the skills of preparation for examination in chief and cross examination.
	2. Develop by observation (and where possible practise) the skills of examination in chief and cross examination.
	3. Understand proper conduct in relation to witnesses (Rules C9.3 – .5).
	4. Understand the proper role of independent and expert witnesses.
	5. Consider the special considerations which apply when dealing with children, vulnerable or intimidated witnesses, in particular, what special measures may be appropriate to assist such witnesses and the type of questions that are appropriate in an individual case
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| Trials and other final hearings - Narrative advocacy |
| * 1. Practise and develop the skills of preparation for narrative advocacy in trials and other final hearings.
	2. Practise and develop the preparation of the appropriate paperwork necessary to support oral argument, e g[[3]](#footnote-3):
1. Skeleton arguments
2. Chronologies;
3. Case summaries;
4. Bad Character and Hearsay applications
5. Applications under S.41 YJ&CEA, 1999
	1. Develop by observation (and where possible practise) the skills of narrative advocacy in trials and other final hearings.
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| 1. **Appeals**
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| * 1. Develop the skills of preparation for oral advocacy on appeal in particular the preparation for use on an appeal of skeleton arguments.
	2. Develop by observation (and where possible practise) the skills of appellate advocacy.
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| Pupil Supervisor's commentsSigned (supervisor): Date: |

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| ***Section 3: Conferences and Negotiations****Pupils must develop conference and negotiation skills. This is likely to be largely by observation and discussion with the pupil supervisor. Pupils should be instructed with regard to the preparation for conferences and negotiations, including the making and retaining of a full and accurate note of all conferences. Even where participation is based on observation, pupils should be as actively involved as possible. The objective should be to raise the pupil to a standard where he or she can competently conduct a conference or negotiation.**If a particular topic described below does not arise during a pupillage (for example negotiating with a litigant in person) a pupil supervisor should discuss with the pupil the sort of difficulties and pitfalls that can arise in such a situation and how to avoid them. The record of work done should, where possible, cross-refer to the relevant points below.* *Pupil-supervisors should initial and date the last column when they consider their pupil has achieved a satisfactory standard having regard to the objective set out for this checklist.* |
| **1. Conferences**  | **Satisfactory** |
| 1.1 Discussion of skills needed in conferences (including potential difficulties and pitfalls that can arise and how to avoid them)1.2 Active involvement in preparation for a conference session1.3 Observation of conference sessions (actual participation may take place but is not a requirement)1.4 Experience through observation of the conduct of conferences with:1. Solicitors and clients;
2. Solicitors only;
3. Counsel only.

1.5 Experience through observation of the conduct of telephone conferences. |  |
| **2 Negotiations** |
| * 1. Discussion of skills needed in negotiation (including potential difficulties and pitfalls that can arise and how to avoid them)
	2. Active involvement in preparation for a negotiation session
	3. Obtaining through observation and discussion and understanding of the conduct of negotiations in particular:
1. dealing with an opponent;
2. dealing with the client and advising on settlement;
3. any special considerations that apply when conducting negotiations in the absence of the instructing solicitor.
	1. Understanding of any special considerations which may arise in relation to negotiations with litigants in person.
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| Pupil Supervisor's commentsSigned (supervisor): Date: |

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| ***Section 4: Drafting, Paperwork and Legal Research****A pupil must be able to locate and utilise relevant sources of information, both primary (case and statute law and citation indexes) and secondary (textbooks, digests, encyclopaedias and legal journals) and to use the information so acquired appropriately in opinion writing, pleading, drafting and case preparation.**It is of the greatest importance that pupils practise and develop the necessary skills by producing practical work and receiving constructive feedback on that work from their pupil supervisor. Simply observing the work of the pupil supervisor is insufficient. Feedback on a pupil's work should be given as soon as possible by the pupil supervisor whilst the work is still fresh in the mind of the pupil. Pupils must have demonstrated the appropriate degree of competence in the skills set out below. Non-litigation drafting is of equal importance but since the type of work is likely to vary, reference should be made in Section 5, on the specialist area. Paperwork in criminal matters may be dealt with specifically in the Criminal checklist**The record of work done should, where possible, cross-refer to the relevant sections and sub sections below. Pupil-supervisors should initial and date the last column when they consider their pupil has achieved a satisfactory standard having regard to the defined skills and competencies.* |
| Opinions and Advice  | Satisfactory |
| 1.1 Develop and practise the skill of preparing accurate and concise Opinions and other Advice, written in plain English, and demonstrating the following abilities:1. To identify relevant facts from the papers and identify sources as appropriate;
2. To identify and explain the relevant legal issues;
3. To apply the relevant law to the relevant facts and to draw appropriate conclusions and give appropriate advice.
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| Letters |
| * 1. Develop and practise the necessary skills:
1. for drafting letters written in accordance with pre-action protocols or similar.
2. for drafting Part 36 Offers or similar.
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| 1. **Pleadings**
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| * 1. Practise and develop the skill of pleading – in particular preparation of:
		+ Statements of Case, i.e. Particulars of Claim, Defence and Reply.
		+ Requests for and provision of further information.
	2. Consider and understand the requirements of the Code of Conduct in relation to pleading and in particular to allegations of fraud (*Rule C9.2*).

 * 1. Request and provide further information
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| 1. **Witness Statements and Affidavits**
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| * 1. Understand the ethical considerations in drafting statements of fact for witnesses in civil actions *(Rule C9.2).*
	2. Understand the ethical considerations concerning contact with witnesses and taking statements in relation to criminal cases (*Rule C9.2 – C9.6).*
	3. Practise and develop the skill of drafting in appropriate language, using concise and accurate statements of fact.
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| 1. **Orders**
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| 5.1 Develop and practise the ability to draft orders, including Tomlin form and other consent orders. |  |
| 1. **Non litigation drafting**
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| 6.1 This should be covered as it is of equal importance but, as the type of work varies, substantial reference should be made on the appropriate specialist checklist. |  |
| 1. **Paperwork in criminal matters**
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| 7.1 This should be covered as appropriate (see Criminal Checklist) |  |

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| 1. **Cross references and research**
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| 8.1 Build on research work carried out on the Bar Course, further to cover:* + Case Law
	+ Statute law
	+ Citation indexes
	+ Secondary sources as appropriate and depending on area of specialism: text books, digests, encyclopaedias and legal journals.
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| Pupil Supervisor's commentsSigned (supervisor): Date: |

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| ***Section 5: Specialist Areas*** *All pupils should additionally gain an understanding and experience of work in the specialist area practised by the pupil supervisor and the Approved Training Organisation where the pupillage is being undertaken.* *This checklist may be completed by cross reference to the other checklists and vice versa.* |
| The specialist section of the checklist adopted by the Approved Training Organisation must be adhered to and the relevant checklist completed and submitted together with the checklists for the core areas.There are currently thirteen sample checklists that have been prepared by the Specialist Bar Associations in each of the following areas:* Administrative
* Chancery
* Commercial and Admiralty
* Criminal
* Family
* Crown Prosecution Service
* Employed Commercial
* General Commercial
* Intellectual Property
* Local Government and Planning
* Personal Injury
* Revenue
* Technology and Construction
* Immigration

Checklists for the above specialist areas are available on the BSB website (<https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/bar-training-requirements/forms-and-guidelines/>)They are provided independently in this way, so as to allow for periodic updating as appropriate by the relevant Specialist Bar Association.ATOs and supervisors may also develop their own checklists subject to approval by the Bar Standards Board. Applications should be submitted at least one month before the pupillage commences. |

1. References are to the BSB Handbook [↑](#footnote-ref-1)
2. These are examples – some will not apply to those doing a civil only pupillage [↑](#footnote-ref-2)
3. These are examples – some will not apply to those doing a civil only pupillage [↑](#footnote-ref-3)