



## ***BMS PUPILLAGE PROGRAMME***

This pupillage programme has complied with the Bar Standards Board Guidelines for Approved Educational Training Organisations ('AETOs') and provides a detailed description of how pupils will satisfy each of the requirements of the pupillage. This programme will address duties of the pupil and their pupil supervisor throughout the course of their pupillage, including details of any relevant formal assessments to be taken and how the professional statement competence will be achieved.

***1. An understanding and appreciation of the operation in practice of the rules of conduct and etiquette at the Bar as well as upholding the reputation of the Bar and to observe duty to the court***

The pupil will understand and appreciate 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 and the written standards for the conduct of professional work by:

- (a) observe his/her pupil supervisor with regard to achieving a working knowledge and understanding of the Code of Conduct and the written standards for the conduct of professional work;
- (b) discuss with his/her pupil supervisor any relevant issues that may arise during the course of their pupillage and assess these in relation to the Code of Conduct as well as any practical steps that may be taken;
- (c) attend the practice management course run by his/her Inn or Circuit as soon as possible;
- (d) maintain a record of work undertaken in relation to this outcome detailing relevant work done/issues considered, demonstrating where the outcome details have been met and cross referencing this with the appropriate checklist.

The pupil-supervisor will ensure his/her pupil has demonstrated an understanding and appreciation of the Code of Conduct and etiquette at the Bar to a satisfactory standard by:

- (a) discuss ethical and practical scenarios that are observed by his/her pupil during the course of their practice and assessing these in relation to the Code of Conduct as well as any practical steps that may be taken;
- (b) assess the pupil via paper-based ethical scenarios and measure these in relation to the Code of Conduct as well as any practical steps that may be taken;
- (c) assess the pupil during the course of their pupillage by reference to the professional statement and checklist provided in Appendix D of the Pupillage Handbook. Once the pupil supervisor considers their pupil has achieved a satisfactory standard he/she will date and initial the checklist and its appropriate column;
- (d) Comment upon the pupil's record of work done in relation to this outcome by providing oral and written feedback where appropriate. All feedback will be provided on the Leap Pupillage Folder.

## **2. Practical experience in advocacy**

The pupil will develop and practise the skills necessary to be an effective advocate. These will include:

- (a) basic techniques of oral advocacy/legal research/fact management;
- (b) written presentations in particular skeleton arguments and position statements;
- (c) the pupil will develop the ability to bring these skills together (if necessary under pressure or at short notice) and be able to deploy them efficiently and effectively;
- (d) observe his/her pupil supervisor intelligently and derive benefits from observations made;

- (e) attend as wide a range of courts and tribunals during both their first and second six months of pupillage with their pupil supervisor and other members of the firm;
- (f) attend the compulsory advocacy course provided by his/her Inn or Circuit;
- (g) maintain a record of work undertaken in relation to this outcome detailing relevant work done/issues considered, demonstrating where the outcome details have been met and cross referencing this with the appropriate checklist.

The pupil-supervisor will ensure his/her pupil has demonstrated the necessary practical advocacy experience to a satisfactory standard by:

- (a) the pupil supervisor will discuss both the basic techniques of oral advocacy and any specific points that might arise in a particular case;
- (b) arrange for pupils to attend as wide a range of courts and tribunals during both their first and second six months of pupillage with them and other members of the firm;
- (c) if an opportunity to attend a particular type of court does not arise in the course of pupillage, the pupil supervisor will 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;
- (d) formally discuss and assess his/her pupil in relation to this outcome by providing written feedback or completing graded assessments where appropriate;
- (e) assess the pupil during the course of their pupillage by observation and by reference to the professional statement and checklist provided. Once the pupil supervisor considers their pupil has achieved a satisfactory standard he/she will date and initial the checklist and its appropriate column;
- (f) Comment upon the pupil's record of work done in relation to this outcome by providing oral and written feedback where appropriate.

### 3. *Experience of negotiation and conferencing skills*

The pupil will develop conference and negotiation skills by:

- (a) observation and discussions with their pupil supervisor;
- (b) instructed with regard to the preparation for conferences and negotiations;
- (c) making and retaining of a full and accurate note of all conferences;
- (d) undertaking active observation during conferences held by their pupil supervisor;
- (e) maintain a record of work undertaken in relation to this outcome detailing relevant work done/issues considered, demonstrating where the outcome details have been met and cross referencing this with the appropriate checklist.

The pupil-supervisor will ensure his/her pupil has demonstrated and developed their conference and negotiation skills to a satisfactory standard by:

- (a) instruct pupils with regard to the preparation for conferences and negotiation;
- (b) instruct the making and retaining of a full and accurate note of all conferences;
- (c) ensure the pupil is actively involved whilst observing in conference or during negotiations;
- (d) discuss basic techniques of conducting a conference and undertaking effective negotiations in addition to any particular issues that may arise during the course of their pupillage;
- (e) assess the pupil during the course of their pupillage by observation and by reference to the professional statement and checklist forms provided in Appendix D of the Pupillage Handbook. Once the pupil supervisor considers their pupil has achieved a satisfactory standard he/she will date and initial the checklist and its appropriate column;
- (f) Comment upon the pupil's record of work done in relation to this outcome by providing oral and written feedback where appropriate.

#### **4. Experience of legal research, drafting and opinion writing**

The pupil develop legal research, drafting and opinion writing skills by:

- (a) locate and utilise relevant sources of information, both primary (case and statute law and citation indexes) and secondary (textbooks, digest, encyclopaedias and legal journals);
- (b) use the relevant sources of information acquired in 4a above appropriately in opinion writing, pleading, drafting and case preparation;
- (c) practice and develop the necessary skill during both their first and second-months of pupillage;
- (d) observe and discuss the work of his/her pupil supervisor;
- (e) develop and undertake non-litigation drafting with regard to their specialist area of practice;
- (f) maintain a record of work undertaken in relation to this outcome detailing relevant work done/issues considered, demonstrating where the outcome details have been met and cross referencing this with the appropriate checklist.

The pupil-supervisor will ensure his/her pupil has demonstrated and developed their legal research, drafting and opinion writing skills to a satisfactory standard by:

- (a) instruct his/her pupil to undertake legal research, drafting and opinion writing work and provide constructive feedback on their work whilst it is still fresh in their mind;
- (b) assess the pupil during the course of their pupillage by observation and by reference to the professional statement and checklist forms provided in Appendix D of the Pupillage Handbook. Once the pupil supervisor considers their pupil has achieved a satisfactory standard he/she will date and initial the checklist and its appropriate column;
- (c) assess his/her pupil's writing and research skills in the form of assessment of written pieces of work where elements of research will be evaluated as an integral part;

- (d) Comment upon the pupil's record of work done in relation to this outcome by providing oral and written feedback where appropriate.

5. *Sufficient exposure to the work undertaken by his/her pupil supervisor to gain an understanding and some experience of working in that type of practice*

The pupil will gain a sufficient exposure to the work undertaken by his/her pupil supervisor and develop an understanding and some experience of working in that type of practice by:

- (a) the pupil will undertake training as provided in the professional statement and checklist;
- (b) the pupil will undertake training in their specialist area, namely for criminal law;
- (c) the pupil will attend court with his/her pupil supervisor to gain a general exposure and understanding of aspects of family law;
- (d) the pupil will attend court with his/her pupil supervisor and assist in all stages of case preparation as may be required;
- (e) the pupil will attend court with other lawyers employed in the firm to gain a wider exposure of work carried out;
- (f) maintain a record of work undertaken in relation to this outcome detailing relevant work done/issues considered, demonstrating where the outcome details have been met and cross referencing this with the appropriate checklist.

The pupil supervisor will ensure his/her pupil has gained a sufficient exposure to their work by:

- (a) instruct his/her pupil to undertake all aspects of written and oral work in relation to their specialist area and provide constructive feedback on their work whilst it is still fresh in their mind;
- (b) assess the pupil during the course of their pupillage by observation and by reference to the specialist checklist for criminal law. Once the pupil supervisor considers their

pupil has achieved a satisfactory standard he/she will date and initial the checklist and its appropriate column;

- (c) assess the pupil during the course of their pupillage by observation and by reference to the professional statement and checklist which includes aspects of family law. Once the pupil supervisor considers their pupil has achieved a satisfactory standard he/she will date and initial the checklist and its appropriate column;
- (d) Comment upon the pupil's record of work done in relation to this outcome by providing oral and written feedback where appropriate.

**6. Experience of how to prepare, factually, legally and procedurally a case for a hearing**

The pupil will experience how to prepare, factually, legally and procedurally a case for a hearing by:

- (a) observe his/her pupil supervisor in all stages of case preparation for a hearing with specific regard to factual, legal and procedural issues;
- (b) discuss with his/her pupil supervisor in preparation for a hearing issues relating to factual, legal and procedural points;
- (c) have regard to the professional statement and specialist checklist where appropriate;
- (d) maintain a record of work undertaken in relation to this outcome detailing relevant work done/issues considered, demonstrating where the outcome details have been met and cross referencing this with the appropriate checklist.

The pupil supervisor will ensure his/her pupil has gained experience of how to prepare, factually, legally and procedurally a case for a hearing by:

- (a) instruct his/her pupil to undertake written work for a hearing that has regard to factual, legal and procedural issues and has reference to the professional statement and specialist checklist where appropriate;

- (b) provide feedback to his/her pupil in relation to work undertaken before a hearing that has regard to factual, legal and procedural issues and reference to the professional statement and specialist checklist where appropriate;
- (c) conduct appraisals with his/her pupil with regard to work undertaken before a hearing that has regard to factual, legal and procedural issues and reference to the professional statement and specialist checklist where appropriate;
- (d) expose his/her pupil as to work undertaken in preparation for a hearing that has regard to factual, legal and procedural issues and reference to the professional statement and specialist checklist where appropriate;
- (e) assess the pupil during the course of their pupillage by observation and by reference to the professional statement and specialist checklist. Once the pupil supervisor considers their pupil has achieved a satisfactory standard of the professional statement and the initial the checklist;
- (f) comment upon the pupil's record of work done in relation to this outcome by providing oral and written feedback where appropriate;
- (g) observe his/her pupil and provide constructive feedback in relation to work undertaken in preparation for a hearing that has regard to factual, legal and procedural issues.

**7. Experience of trials and appeal proceedings in the higher courts**

The pupil will gain experience of trials and appeal proceedings in the higher courts by:

- (a) attend trials and appeal proceedings in the higher courts with his/her pupil supervisor;
- (b) conduct trials during in his/her second six month of pupillage;
- (c) attend trials and appeal proceedings in the higher courts with other lawyers in the firm;
- (d) maintain a record of work undertaken in relation to this outcome detailing relevant work done/issues considered, demonstrating where the outcome details have been met and cross referencing this with the professional statement and appropriate checklist.

The pupil supervisor will ensure that his/her pupil has gained sufficient experience of trials and appeal proceedings in the higher courts by:

- (a) expose his/her pupil to trials and appeal proceedings that he/she undertakes during the course of their practice with reference to the professional statement and specialist checklist where appropriate;
- (b) observe his/her pupil during a trial undertaken during his/her second six and provide constructive feedback;
- (c) expose to his/her pupil to trials and appeal proceedings that are undertaken by other lawyers in the firm;
- (d) Comment upon the pupil's record of work done in relation to this outcome by providing oral and written feedback where appropriate.

Other learning opportunities that will be made available to the pupil would in order to assist with the professional statement would be to:

- i) Sit with their pupil supervisor – The pupil will be offered prospects during the initial period of their work based learning programme to sit together with their pupil supervisor and assist wherever possible. Depending on the case at hand, the pupil supervisor will help support the pupil's comprehension and knowledge as much as he/she can by providing the relevant reading material, attending to queries, or guidance towards the applicable legislation to research upon. The pupil will be permitted to attend conference sessions with their pupil supervisor when meeting up with clients.*
- ii) Sit with inhouse Barrister - The pupil will be offered prospects during the initial period of their work based learning programme to sit together with their pupil supervisor and assist wherever possible.*
- iii) Interact with Solicitors – At times the pupil will be asked to meet up with the Solicitors while the pupil supervisor is occupied to submit documents in preparation of a case for example the solicitors could provide the Pupil with Proof of Evidence Roti and Case Summary and ask the pupil to draft a Defence Case Statement . This allows the pupil to get more familiar with the process in court and understand the defence in the case.*
- iv) Interact with other professionals experts – The pupil may be requested to meet in*

*person or communicate over the phone or via email in relation to updates or requesting further information from other professionals.*

- v) *Attending Court – Often, pupil supervisors will still be taking in work from clients as of when the firm provides. Therefore, the pupil supervisor may go to Court to attend to the affairs of their client. In such instances, the pupil will be able to shadow their pupil supervisor for the respective case and observe their pupil supervisor in action. Other responsibilities may arise other than observing such as case filing, summary of facts, defence preparation*
- vi) *In house training – the pupil will be able to attend to all training provided and organised by the firm*
- vii) *Opportunities to draft – The pupil supervisor will provide the pupil with opportunities to draft skeleton arguments, particulars, Defence Case Statements – Applications – Discloser Request – Instructions to experts - responses during their pupillage training either as assessment or through general training*
- viii) *Practising as a Pupil – As a practising pupil, the pupil will be allowed to take some work and carry out legal services.*

Dated August 2020.