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THE INSIDER'S GUIDE TO BECOMING A BARRISTER

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In this lecture I am going to deal with three stages of our careers at the Bar: getting a foot in the door, carving out a career once at it and, lastly, what personality traits and professional skills mark out, for me, the high achievers. This lecture does not lend itself to an academic text: you will have access to my experience and my anecdotal advice rising from it. This handout is an aide memoire of what I propose to talk about on 5.3.2020. Think of these notes as an 'at a glance' guide of the main points.

I emphasise that, aside from the nuts and bolts of the application process (which is drawn from on-line sources) what follows is *my* take on what it takes to succeed at the Bar. My evidential source material comes from *my* practice in the legal aid, common law, sector in which I practice. I know nothing about the private law world of shipping, trusts and intellectual property. I know next to nothing about the careers that revolve around a chambers-based paper practice. I am a court room advocate. A trial lawyer. That is my world. It may not be for everyone, but it is where I come alive. It is a job that, in my view, has no rivals in terms of job satisfaction.

A Getting A Foot in The Door: Pupillage

The Basics¹

How do I become a barrister? The process of going to the Bar can be broken down into 4 key stages:

The Academic Component of Bar Training

This can be satisfied in one of two ways: getting a law degree (minimum 2:2 classification) OR getting a non-law degree (minimum 2:2 classification) PLUS completing a conversion course called the Graduate Diploma in Law (GDL).

Joining an Inn of Court

The Inns of Court is a collective term for four institutions:

The Honourable
Society of
Lincoln's Inn

The Honourable
Society of Inner
Temple



The Honourable
Society of **Middle**
Temple

The Honourable
Society of **Gray's**
Inn

¹ I would like to thank Frankie Sharma, researcher at 4 PB and soon to become a pupil with us, for his work on this section. He is fresh from (a survivor of ☺) the application process and I asked him to write this part up to make sure it was current and accurate.



They are professional membership associations for barristers. They provide collegiate and educational activities for barristers and students. They provide the use of a library, lunching and dining facilities, common rooms and gardens. They also offer scholarships and other support for barristers (see below). You must be a member of an Inn before starting the vocational component of training for the Bar (deadline 31 May each year!). The Inns are the only institutions with the power to ‘call’ a person to the Bar.

The Vocational Component of Bar Training

This component covers a range of subjects to ensure you have the specialist skills, knowledge of procedure and evidence, attitudes and competence to become a barrister. From September 2020 there are different ways of satisfying this component:

- a course in one part, which may be full-time over a year or part-time over a longer period, similar to the current Bar Professional Training Course (BPTC)
- a course in two parts, which may involve face-to-face teaching for both parts or may involve self-study only for one of the parts
- a longer course which combines study of the subjects of the vocational component with an undergraduate degree in law.

Pupillage/Work-Based Learning Component of Bar Training

Gaining practical training under the supervision of an experienced barristers. It has 2 parts:

- Non-practising period (usually 6 months) where you shadow a barrister
- Practising period (usually 6 months) where you try it all out for yourself!

The Statistics

The key point we cannot escape is the fact that it is a really competitive profession.

THE HARD FACTS²:

BPTC enrolments 2017/18: 1,624

Pupillages for year 2020/21: 435

Pupillage applicants annually: 3,000

When looking at the number of BPTC enrolments against pupillages it must be taken into account that a number of students will not apply for pupillage: a significant number of students are international students who will return home after completing the course.

Nonetheless, even a snapshot of the application statistics from 2019 (for the 2020/21 intake for pupillage) – 435 pupillages against 3,000 applicants in any one year - indicates just how competitive it is.

The Cost: it can now be balanced out

Fees have been a significant bar to becoming a barrister and the new course represents a great step forward.

The new two-part course is offered by the Inns of Court College of Advocacy (ICCA). The fee for the BPTC used to be £18,500 and is now a total of £13,095.

Part One: total inclusive fee: £1,575

² <https://www.chambersstudent.co.uk/the-bar/a-career-at-the-bar/a-preliminary-warning>



This part of the course is the cheapest, and you do not incur the substantive fees of Part 2 unless you are of the standard to progress. You must pass the Bar Course Aptitude Test (BCAT) before starting Part One. There is a separate fee for the BCAT which is £150 if taken in the UK and EU test centres, and £170 if taken in the rest of the world.

Part Two: Total inclusive fee: £11,520

The ICCA charge £11,225 for Part Two and the BSB have an intake fee of £295. All materials are provided – so there are no surprise additional textbook fees!

This system was not always the case – under the previous BPTC model, you were required to commit to the course fee of up to £18,500 at the start of the course. This new course is not only cheaper, but allows the costs of the course to be back-loaded so that only those who are up to standard – and have the best chance of getting pupillage – actually progress and incur most of the fees. It represents a significant step forwards and should give you more confidence to take the plunge into Part One without worrying about the financial costs.

Scholarships

The Inns of Court offer scholarships for both the GDL and the BPTC. The size of the scholarships vary and they can either contribute or cover entire course fees. Some scholarships even include accommodation. Each Inn runs its scholarship application process slightly differently so it is essential to check their own websites.³ It is also vital to bear in mind you can only apply to one Inn for a scholarship, you cannot apply to all four of them at once.

One of the Bar Council's Social Mobility Advocates Rehana Popal recalled:

“Without a doubt the **biggest obstacle that I faced was financial**. I held down a part-time job from the age of 16 alongside my studies. As I had always planned to do a law conversion, I spent years saving in order to be able to pay my GDL fees. I knew that I would not be able to afford the BPTC and my family would be unable to help me but during my GDL, my course mates told me about the scholarship programmes run by the Inns. I applied and was extremely fortunate and grateful to be awarded a Major scholarship by the Inner Temple. **The scholarship covered all of my BPTC course fees and there was also a little money left over to cover my dining sessions [...]** I would **never have been able to afford to pursue a career** at the Bar without the scholarship from Inner Temple. It was a huge encouragement and felt like a sign of endorsement from Inner Temple that I was on the right path.”⁴

Scholarships can make all the difference to, and significantly ease, the financial burden of the academic and vocational training part of the Bar. They also demonstrate your excellence if you are awarded one. It marks you out against the competition. Be pro-active. Know when the deadlines are. Apply⁵.

The Application Process: CVs, forms and interviews

At all stages: ask yourself this ‘Can you argue your own cause?’ ‘Have I done so economically with words and evidentially with facts?’

Being a barrister is all about advocacy. Can you be your own advocate? This is what pupillage panels want to see. Throughout your career you will have to be your own advocate as well as an advocate for others. You will be self-employed. You will only carve a career out at the Bar if you are able to convince others that you are the one they should trust. This application process is intended to seek out your potential to be a barrister.

³Gray's Inn: <https://www.graysinn.org.uk/scholarships>; Inner Temple: <https://www.innertemple.org.uk/becoming-a-barrister/scholarships/>; Middle Temple: <https://www.middletemple.org.uk/education-and-training/scholarships-and-prizes>; Lincoln's Inn: <https://www.lincolnsinn.org.uk/scholarships-prizes/>

⁴ Rehana Popal, <https://www.barcouncil.org.uk/media-campaigns/campaigns/iamthebar/social-mobility-advocates/rehana-popal.html>

⁵ **Thank you, Frankie. Good work. Now over to me**



Having good intentions, wanting to save the world, being inspired by Brenda Hale, etc. isn't what counts (though it helps).

Your client doesn't need your inspirational play list, s/he needs you to be able to marshal the facts to argue a case for them and to convince the judge to accept it.

In terms of the hard core intro and step-by-step guide to getting a pupillage, I cannot recommend this online guide created by one successful applicant and a senior silk: *'Pupillage and how to get it'* by Beheshteh Engineer and Simon Myerson QC⁶.

It is witty, down-to-earth, well written and very accurate. It contains 22,000 words of wisdom and took over 300 hours to create. I am not going to reinvent the wheel. Read it. Apply its advice.

Your CV

The Inns runs CV health check and advise sessions⁷. They offer podcasts to take you through the process⁸. They also offer mentorship programmes to help applicants undertake and cope with the application process⁹. Ask yourself what are you seeking to showcase through your CV, how does that fit the job description and skill sets required, have you evidenced it?

The Forms

Again: Evidence your answers. Apply the test of SAO (Situation, Action, and Outcome).

SAO is a tool to trigger you into communicating something to the interviewer/sifter that is already there in your history. It will help you evidence what you can offer based on examples drawn from situations you have been in, what you have done when faced with a problem, how you resolved it and what you have achieved (for yourself or others) as a result. However, using SAO to portray a false impression of your abilities would be a serious mistake. Truth pretty much comes out in the end. Elaborate (most people do) but don't fabricate.

Think ahead; make notes to provide situations for examples way before thinking about a form. Get the SAO approach into your head.

The Interview

What I have learnt from the many calls for my help over the years from failed pupillage applicants.

The common features:

- They lack curiosity
- They lack tactics
- They haven't researched
- They can't articulate what they want of me or how they would use what I have to offer
- They deliver me a problem expecting a solution rather than demonstrating they are problem solvers

Why would they make a good barrister? It is often very clear within the space of a 20-minute call why they have not made the short-list. Rambling conversation, having to listen hard to get to the end and then work out what the point was that was being conveyed and a lack of insight into how they are representing it. Harsh but true. Of course, that doesn't apply universally, some fantastic students don't get pupillage interview let alone an offer and I am staggered and don't understand why not. The system isn't perfect but it's the one candidates have to work with to get a foot in the door.

⁶ <https://pupillageandhowtogetit.com/>

⁷ For example Grays Inn : <https://www.graysinn.org.uk/education/students/career-services>

⁸ For example Middle Temple: <https://www.middletemple.org.uk/members/inn-initiatives-and-events/pupillage-podcast>

⁹ For example Middle Temple: <https://www.middletemple.org.uk/members/inn-initiatives-and-events/mentoring-scheme>



What do I advise people that approach me for help? I tell them to start acting as though they are the brief and this is their case. Basic, but pretty obvious and yet so often it comes as a surprise.

How do you demonstrate you are a self-motivated, independent thinker and strategist?

Some of my suggestions.

- Google your chambers: *What's happening on their home page? What's coming up you could go to? What's made the news for the set and why? Don't just click on the link: track the case or conference and pick out a point of interest to you in it. Relate it back to your application and CV if you can. Work up an answer to demonstrate what you have done to get that interest point out.*
- Track the careers of the juniors, especially the junior juniors. *Pick out an achievement that you want to emulate.*
- Check out the careers of the interviewers: *What is their practice base? What else is there out about them on the web?*

Why do this? Because the skills required of a barrister are to be curious, to investigate, to learn and to apply that knowledge to the case and application in point. In this instance that's you and your application. Make it a personalised, targeted, intellectual dialogue.

Work out what your star selling point is and make it adaptable so you can run it over a number of types of questions.

Practice sample answers out loud. *Words in your head can turn into a garbled, rambling unfocused disconnected chain of drivel. I know. They have in mine. Tongues sometimes just won't wrap themselves around the words you have formed in your head. Give the tongue a memory track to follow by using it to say the words you want when you can rehearse getting them out. It works. I had my worst ever interview conducted on me by my husband the night before the real thing. I was a disaster. The next day I was a silver-tongued advocate of my own cause. I got silk.*

Do you want it enough and can you cope with failure?

The pupillage application process is tough. Many people apply for a number of years before being successful. Resilience when going through rejection is important. Barristers face a lot of rejection and failure over the course of their careers and building that resilience early is key.

“My most important piece of advice on this topic is that you must keep going. You might be rejected from your very favourite set without being invited to interview, or you might get all the way to the final hurdle, only to get knocked back.

This happens, but nevertheless you must keep going, must hold on to whatever it is that has kept you going up to this point – not least because, if you do succeed, then rejection and disappointment are going to be an inevitable part of your career. You are going to have to deal with losing legal arguments, losing trials, and being sacked by clients. Rejection is in many ways an integral part of this profession.”¹⁰

B So, you are in and you have not only survived your pupillage but you have a tenancy – Carving out a career

Out of Court

Make link with junior solicitors. *As their career goes up so does yours.*

Never make assumptions about the legal execs or clerks with you at court. *They could become your colleagues at the Bar or your brief providers. Even if that's not going to be the case (and you don't have a crystal ball), be nice. Remember what it was like when you were the unknown and everyone around you seemed to know the rules of a game that no one had ever brought you or taught you. The usher and judge's clerk are your allies (if you make them one). Don't muck them about, be personable, be polite,*

¹⁰ General Reflections on rejection from a criminal pupil, taken from <https://pupillageandhowtogetit.com/final-thoughts/how-to-handle-rejection/>



don't give them false time estimates. Remember they are the judge's eyes and years (and that works both ways). This is a long-term relationship. Invest in it.

Be at court first. I have always tried to be 'first on scene'. You get the chance to see the dynamics of those in your cases arriving. You can pick opponents off on discreet points and direct thoughts and enquiries rather than having to work harder to unpick a position taken on reflection.

Remember you are on show: explain if you are not going to be at your client's side but will be seen (laughing and joking) with fellow counsel. Don't talk about your own children when you are in court about their child (screen savers need to be reviewed). Don't gossip (audibly).

Treat your opponent with respect, do as you would be done by. I have the memory of an elephant. I will remember if you've played a fast one on me and when I'm asked to recommend counsel, your name will be mentioned but not in any way that is going to help you.

Keep your temper and personal baggage out of court and the corridor. A reputation is hard to acquire, easy to lose.

If you make a mistake (we all do), apologise or make amends.

If you have said you can do something (or have been ordered to do it); keep the deadline or let the recipients know before the deadline has been and gone, that you can't do it. Don't dump a problem you've created on others.

Make and keep boundaries. Remember your role: you are the brief, not the solicitor, not the social worker, not the benefits office. Don't make promises you can't keep about what will happen out of the court room.

In chambers: ask for a practice meeting with your clerk, prepare for it, give them advance notice of what you want to discuss.

Social media: it can make you a 'presence' and give you a profile but is it the one you want? We have a professional duty not to behave in a way which is likely to diminish the trust and confidence which the public places in us, or the profession, at all times.¹¹

In Court

Think of your case as your opponent would: your strong points already have a platform, the weaknesses need to be embraced and bubble wrapped.

Prepare: there's no substitute for graft.

Don't limit your preparation to the papers you are given:

- *If you spot a gap, identify what material you want when it can make a difference to the case. No point reading the night before and thinking 'I wonder if' (in saying this, I laugh as I know how precious this will sound to those of you who yearn for papers before the night before – sorry).*
- *Don't limit your reading to the way the case has been presented to you. Google is a gift – use it, dig, and investigate.*

Remember your case is only as good as the information you are provided with by your client. Be prepared to challenge, identify gaps and assess how they can be filed. If you don't, your opponent will when the client is in the witness box.

Manage expectations and be frank with your team. Don't promise what you can't deliver. Identify the goals that are achievable: those that are likely, versus those that are more remote.

Cases change in an instant. Listen and watch. I have been known to ask for access to the mobiles of the witness in the box.

¹¹ <https://www.barstandardsboard.org.uk/uploads/assets/c7cea537-53f8-42a8-9f6d8ef1832a7db9/Social-Media.pdf>



Questions have to be tailored to the evidence. *Think of your cross examination as a set of topics or headings; reduce them to a trigger word apiece with the key words/ quotes (page ref) noted to frame the questions. Don't write out questions. The witness won't know their side of the script.*

Going forward

Listen and learn for your peers. *I sit beside some incredible advocates and am always on the hunt for research snippets or hunting techniques.*

Don't be afraid of being thought naïve or too 'lowly' to talk to us if we are more senior. *If we've done something well; tell us and ask why we did what we did: we all love flattery and being generous with experience is one of the best traditions of the Bar.*

Be ambitious. *There is nothing wrong with wanting to better yourself. Its why many of us came to the Bar. Be prepared to put yourself in an uncomfortable position by being taught. If you don't get the chance to be led it's sometimes hard to make that leap in strategic thinking that can make a difference to a career.*

Apply to THE SOUTH EASTERN CIRCUIT BAR MESS FOUNDATION ADVANCED INTERNATIONAL ADVOCACY COURSE 2020, KEBLE COLLEGE, and OXFORD. The next one is Tuesday 1 September 2020 - to Saturday 5 September 2020. The Keble course is regarded as the best advanced advocacy course in the world and is the only course that offers intensive advocacy training for advocates who are beyond the new practitioner level. 25 scholarships are available (5 from each Inn and 5 from the CBA) which pay all course fees. The only criteria for a scholarship is that the candidate practises predominantly in publicly funded work. There's a short application form and it does not require supporting evidence or references. Each year, there are scholarships going unfilled which is insane. Closing date 3.7.2020. Apply or make sure someone else does.

Don't stagnate, *think of what you can do in terms of 'public duties' be it recorder, DDJ, tribunal chair. And then there's silk. Collect your mentors now. Remember 'SAO'? Get the forms, look at the criteria. Think ahead; have examples way ahead of completing an application. It's far harder to look back and dredge your memory for examples, than it is to think of the criteria and put the examples down as you work through your cases.*

The Cost of Success¹²

I have spent many hours talking to the professionals and the public about the cost to one's self (and those who love us) of being a legal aid lawyer. I took up the Gresham platform to do so on 6.6.2019. I don't intend to repeat that lecture in this one. Our mental health and work/life balance all suffer as a consequence of our drive to succeed, our perfectionist/fighter/winner traits, and our isolation as self-employed practitioners. But the issue is now in the open and there are attempts to improve matters. We have to do so if we are to embrace the next generations of barristers into our profession.

The Next Option – be radical, jump the groove

Move chambers. *It's a way of remaking yourself. Take contacts with you and make new ones. Take aspirations with you with agreed plans as to how to make them happen – and create new ones.*

Change career direction: don't limit yourself at the Bar. *What you think you want to do may not be what your vocation is. I was not a great civil brief, but I became a pretty good child protection silk.*

Transferable skills: *We have high grade academic qualifications added to which the Bar produces versatile independent thinkers and communicators. We have skill sets that make us eminently desirable employees.*

C Looking towards the Stars: What marks out the leaders in their field?

In my view? These are the hallmarks of greatness – not in isolation but as a package – and always in addition to having a big brain:

¹² I covered this at length in my lecture on 6.6.2019: <https://www.gresham.ac.uk/lectures-and-events/family-lawyer-stress-distress>



- Preparation and application (there are no substitutes for hard work and hard core preparation)
- Panache
- Confidence
- Cunning
- Commitment
- Being prepared to be the lone voice and to step forward when others step back.

What you get from a topflight silk is not just the learning from the case that they are in, but all their knowledge from the cases they have undertaken to get to this stage. That learning (the law, the tactics, and the people) is unique to them and that is why every barrister at that level is so unique.

The men and women in my personal Hall of Fame produce the magic in court that is ‘star’ quality. They make one listen to their every word; producing apparently effortless advocacy that is anything but effortless to produce. It is a beguiling, mesmerising performance, singular to that person, impossible for the onlooker to reproduce.

‘My profession’, once said Sir Marshall Hal KC, ‘and that of an actor are somewhat akin, except that I have no scenes to help me, and no words are written for me to say. There is no backcloth to increase the illusion. There is no curtain. But, out of the vivid, living dream of somebody else’s life, I have to create an atmosphere – for that is advocacy’¹³.

Is it worth it?

Yes. *An unequivocal, heartfelt yes.* We can change the law. We can change practice. We can change lives. When it works, it’s a feeling like no other. When it works, we can change someone’s life, and those who love them, to profound effect. There is no other buzz like it.

We come to the Bar to make a difference. When we do, the lengths to which we have gone to achieve it feel as nothing and we would redouble them to do so again.

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Next lecture: Thursday, 30 April 2020, 6:00PM - 7:00PM, Barnard's Inn Hall

‘The Law is Broken: The Future of Legal Aid’: *The Secret Barrister* (2018), a Times bestseller, coincided with a ‘walk out’ by the Criminal Bar. A 2018 *Working Lives* survey conducted by the Bar Council found that barristers across England and Wales were struggling to cope with the demands of an under-resourced legal aid system. At significant cost to their health and job satisfaction, lawyers were straining to prop up a criminal and family justice system at the point of collapse. 2018 witnessed the creation of a movement called ‘The Law Is Broken’. Has the Law been fixed?

<https://www.gresham.ac.uk/lectures-and-events/future-of-legal-aid>

¹³ *Marjoribanks (Famous Trials of Marshall Hall, 1929)*