

PUPILLAGE GUIDE
2020





It is my pleasure to welcome you to the first annual pupillage guide from 25 Bedford Row. This guide has been compiled by members of our pupillage committee to assist applicants for pupillage both to 25 Bedford Row and also more broadly. We hope you will find it useful.

You can also find details of what pupillage in chambers is like, and you will hear directly from some of our current pupils and junior tenants about their experience.

Chambers is committed to the future of the criminal bar and to improving diversity and developing the talents of young advocates. We recognise the need for openness and guidance in the pupillage process. We hope that this guide and the ones that follow will make a difference and assist future applicants.

We very much look forward to meeting the next generation of aspiring pupils at our interviews in 2021.

Laurie-Anne Power
Head of the Pupillage Committee

THE HEADLINES

During this year's recruitment round, we were privileged to meet many talented and ambitious lawyers who were either at the start of their career, or who were seeking to change careers. We were impressed by the dedication and passion many have shown towards a career at the criminal bar.

We understand the majority of applicants will have been disappointed not to have received pupillage from us, or from another set this year. We hope you will find this document useful in preparing you for any future rounds.

In this guide, we have tried to outline what successful candidates have done well, as well as what could be improved upon by candidates.

While this guide explores, in some detail, each of the stage of the recruitment process at 25 Bedford Row, we have noted four areas which candidates may wish to consider before the 2021 application rounds:

- a. Structure – one key problem identified across the different stages was a lack of structure. A good structure can really lift whatever piece of advocacy you are doing to the next level (whether that's written or oral). A good structure helps the tribunal (or marker) to follow your argument. Without a solid structure, good points can become lost or obscured.
- b. Analysis – make sure you take the time properly consider the factual basis of whatever scenario is thrown at you. We appreciate that this is difficult under the pressure of time, and particularly difficult in an interview scenario. However, proper analysis and consideration of the facts provides the bedrock for your submissions.
- c. Commitment – our panels are consistently looking for evidence of commitment to a career as a barrister, and to the practice of criminal law. Candidates who did well in this area were generally able to demonstrate this by showing (i) a commitment to advocacy (whether through participation through mooting, public speaking, or voluntary work including FRU / schools exclusion projects / community projects), and (ii) by being able to point to something concrete which demonstrated a real interest in criminal law or the criminal justice system.
- d. Knowledge – we understand that candidates come to pupillage interviews with differing

levels of knowledge. We make allowances for the fact that many applicants apply to us without first having taken the BPTC or the Bar Vocational Studies Course (as it will become from September 2020). However, many candidates of all levels this year clearly had not revised some basic concepts such as credit for a guilty plea. We would suggest that candidates in 2021 revise how to conduct pleas in mitigation, and bail applications.

APPROACH TO RECRUITMENT

As our pupillage policy published on our website makes clear, 25 Bedford Row is committed to the recruitment of exceptional pupils. In order to do that, our recruitment process involves almost all of chambers – from the most junior, to the most senior.

This year, due to the Covid-19 crisis, our recruitment was conducted entirely digitally. In the first instance, a paper sift was completed by 54 of our members to identify those candidates with the greatest potential.

Following the paper sift, there were two rounds of interviews which this year were conducted over Zoom. As ever, 25 Bedford Row is committed to interviewing as many candidates as possible. This year, we interviewed 61 candidates in our first round and 28 candidates in our second round.

On the whole, we found that interviewing people by video worked well. We were pleasantly surprised by the lack of technical difficulties, and in our view, candidates acquitted themselves well.

At each round, we have looked to progress as many applicants as possible.

PAPER SIFT

This year we received a 20% increase in pupillage applications. As ever, all applications were considered by two members of chambers and moderated by the Chair of the Pupillage Committee. This year we convened 27 panels.

Application forms were anonymised prior to being sent to markers. Marks were pooled between markers. Where there was striking disagreement between panel members, the Chair of the Pupillage Committee completed a third mark of the application form in addition to her role as moderator.

Unfortunately, the panels saw a number of basic errors being made by candidates. Grammatical or spelling errors persisted in a number of application forms.

Candidates were assigned marks against the following four criteria, each of which carried equal weight. Consequently, in order to secure an interview, candidates had to score sufficiently across each of the criteria:

- a. education,
- b. experience,
- c. commitment,
- d. chambers' questions.

Education

Chambers continues to welcome applicants from all educational backgrounds. We do not exclude those with 2:2s or their equivalent, and candidates are assessed according to all the educational information placed on their form.

Where candidates feel that their grades are not as they should be, we would encourage them to be as open and honest with us as possible as to the reasons for this. This should be clearly noted in the 'extenuating circumstances' section of the form. This year, two candidates with 2:2s were interviewed as part of our final round – in both cases, the candidates were able to

explain the difficulties they had encountered.

Experience & Commitment

As noted above, Candidates who did well in this area were generally able to demonstrate this by showing (i) a commitment to advocacy (whether through participation through mooting, public speaking, or voluntary work including FRU / schools exclusion projects / community projects), and (ii) by being able to point to something concrete which demonstrated a real interest in criminal law or the criminal justice system. It was rarely sufficient to simply profess an interest in criminal law without more.

A number of candidates failed to capitalise on the mini-pupillages they had completed – as ever, the best candidates were able to tell us what they had learned during these experiences and how that informed their decision to apply for a criminal pupillage / career at the criminal bar.

Chambers' Questions

The two chambers specific questions required candidates to engage with two propositions and to argue in favour or against them. This was an opportunity for candidates to demonstrate their written advocacy skills. The best answers were well structured and direct, while some candidates struggled by failing to engage with what was being asked of them. We were most interested in candidates' ability to construct a persuasive and coherent argument. Whilst the best responses were underpinned and informed by thorough research on the topic in question, it was not necessary to quote extensively from relevant statutes, authorities or other sources. Our view is that doing so will rarely enhance the force of the argument being advanced.

FIRST INTERVIEWS

First interviews took place on 7th and 8th April. All interviews took place over Zoom and were made up of panellists from across chambers. Each panel was comprised of no fewer than X members of chambers.

Each interview lasted approximately 20 minutes and were based on:

- a. an advocacy exercise;
- b. a legal question.

The advocacy exercise was an allegation of affray which was deliberately chosen as it is not regularly studied at universities, or as part of the BPTC. The exercise was sent to candidates 25 minutes before their interview was due to begin.

Candidates were also asked to consider three topical legal questions in advance of the interview.

The Advocacy Exercise

This was an allegation of a chaotic affray committed outside of a licensed venue. In summary, the defendant and his friends had been ejected from the venue after punches had been thrown. The defendant's friend got into a car and reversed at the door staff. The defendant was seen getting into the passenger side of the vehicle, before a passer-by attempted to open the door and pull him out. The defendant then punched that passer-by and in doing so was almost run over by the car.

The best candidates:

- a. followed a clear structure;
- b. demonstrated an appropriate understanding of the underlying facts;
- c. made their points succinctly and forcefully before moving on;

- d. addressed us on aggravating / mitigating features appropriately;
- e. were able to distinguish this defendant's role from that of his friend;
- f. were able to respond appropriately to judicial steers and suggestions.

Many candidates struggled with:

- a. credit for plea – the majority of candidates did not appreciate that a plea at the PTPH entitled the defendant to a ¼ discount on his sentence. Similar mistakes continued to be made by candidates in the second round (see below for details);
- b. guidelines – a number of candidates did not properly consider where this offence fell within the sentencing guidelines resulting in starting points that were either far too high, or much too low.
- c. the facts – a number of panels observed that candidates had not properly considered the factual basis upon which the defendant was to be sentenced.

Legal Question

As with the advocacy exercise, the best answers were well structured by the candidates. The panels were generally impressed with candidates ability to think on their feet.

SECOND INTERVIEWS

Second interviews took place in the main on 28th and 29th April. One interview was rescheduled to 1st May due to candidate illness. All interviews, once again, took place over Zoom.

The panel comprised Laurie-Ann Power, Melanie Simpson QC, Colin Wells, Sheryl Nwosu, Alex di Francesco, Tom Flavin and Nick Murphy. Matt Radstone joined us on the 29th April.

Each interview lasted approximately 20 minutes and comprised three parts:

- a. an advocacy exercise;
- b. a three-minute presentation on a candidate's topic of choice;
- c. general questions based on a candidate's form, their advocacy exercise, or their presentation.

Candidates were asked in advance to prepare their three-minute presentation. The advocacy exercise was sent to candidates 25 minutes before their interview was due to begin. Reasonable adjustments were made where needed.

The Advocacy Exercise

This was a deliberately difficult exercise involving an offence of actual bodily harm, contrary to s. 47 Offences Against the Person Act, committed during the Covid-19 lockdown. The exercise was further complicated by the need for candidates to refer to at least two different sentencing guidelines and to marshal their submissions across a number of documents.

In summary, the defendant had pleaded guilty to two assaults on his ex-partner in the presence of their young son. Candidates were asked to conduct a plea-in-mitigation for around 7 minutes. Each candidate received at least one intervention.

On the whole, candidates delivered competent pleas in mitigation. A handful of candidates fell short because they failed to structure their submissions appropriately.

The best candidates:

- a. followed a clear structure;
- b. clearly set out the *realistic* sentence they were seeking on behalf of their client;
- c. identified relevant aggravating and mitigating factors.

Many candidates struggled with:

- a. credit for plea – an inordinate number of candidates struggled to address this point correctly. The majority of submissions on this point were to the effect that the defendant should be given a 1/3 reduction for his guilty plea. This was incorrect as the instructions clearly stated that the plea had been entered at the PTPH. The defendant was, therefore, entitled to a 1/4 discount in accordance with the *Sentencing Council's Reduction in Sentence for a Guilty Plea Guideline*.
- b. provocation – the majority of candidates sought to suggest that the defendant was in some way provoked by the complainant into acting in the way that he did. The *Sentencing Council's Overarching Principles: Domestic Abuse* guideline is clear on this point: provocation is no mitigation to an offence within a domestic context, except in rare circumstances.
- c. reliability of the complainant – very few candidates dealt the reliability of the complainant's account, notwithstanding the fact that there was an accepted basis of plea which essentially contradicted the complainant's witness statement.
- d. suspended sentences – no candidate referred to the Sentencing Council's guideline on suspended sentences. These did not form part of the bundle sent to candidates, however, we would have expected some reference (even in passing) to have been made to these guidelines especially by those who have had the advantage of completing the BPTC.

Three Minute Presentation

The three minute presentation is always a highlight of the interview process as we find that it allows candidates to relax and speak on topics with which they are more familiar. It is an opportunity for candidates to demonstrate their skills of persuasion and description.

The best presentations:

- a. engaged the interview panel in the subject matter of the talk;
- b. had a good structure;
- c. were delivered from notes rather than read.

Where candidates struggled, they had not:

- a. properly considered their structure;
- b. considered whether the topic of the conversation was appropriate for a three minute talk.

Questions

The final part of the interview comprised of general questions relating to a candidate's form, advocacy exercise, or presentation. In general, these questions were aimed at better understanding a candidate's motivation for applying to 25 Bedford Row, or the criminal bar of England and Wales. Candidates generally gave thoughtful and persuasive answers to these questions.

PUPILLAGE OFFERS

Acknowledging that the calibre of applicants was extremely high this year, we made three offers of pupillage and four reserve offers.



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