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Pupillage Policy for 3 Verulam Buildings¹

FUNDED PUPILLAGES

RECRUITMENT POLICY

1. Most of our tenants are recruited from our pupils, so pupillage recruitment is vitally important for the future of chambers.
2. We aim to offer three pupillages per year, although we sometimes offer more and sometimes fewer. We rarely take 3rd six pupils.
3. Our pupillage award is £60,000 for the year, paid in twelve monthly instalments. Up to £20,000 may be drawn down in the year preceding pupillage (and the remaining sum will be paid in twelve equal monthly instalments during the pupillage year). The pupillage award for pupils starting pupillage in October 2017 and thereafter is £65,000, up to £20,000 of which can be drawn down during the year prior to pupillage.
4. Our pupillages are twelve months long, but both pupils and chambers have the option of terminating after six months. It is our experience that

¹ This is the Pupillage Policy document that the Bar Standards Board requires to be kept.

this option is rarely exercised by either party. If the pupillage is terminated early, the pupillage award will also be terminated (and chambers will be entitled to request that some or all of any sum drawn down early is repaid, to ensure that the pupil has not received, in total, more than the fraction of the total award that corresponds to the number of months of pupillage completed). Save in the case of earlier termination, even pupils not offered tenancy will complete their twelve month pupillage (unless another agreement is reached) although pupils will not be entitled to stay in chambers beyond their 12 months unless they have been offered tenancy.

5. Tenancies:

- 5.1. Tenancy offers are usually made in July, on the strength of the pupils' performance during the first nine months of pupillage (especially as recorded in reports by pupil supervisors and those for whom the pupil has worked) and the recommendation of the Pupillage Committee. Chambers is not bound to follow the recommendation of the Pupillage Committee ("the Recommendation") but the Recommendation does carry very significant weight. Once the tenancy decision is made, pupils can expect to build up their own practice, both by continuing with smaller hearings and opinions (often in banking and insolvency matters) on their own account, and starting to be led on larger cases.
- 5.2. We have no fixed number of tenancies that we will offer to our pupils in a particular year. We expect that any pupil who meets the required standard shall be offered a tenancy. 3VB's policy is to offer pupillage only to those candidates with the potential to become tenants in chambers. 3VB recruits no more pupils than there are available spaces for new tenants. Each pupil is therefore judged solely on his or her own merit; pupils do not compete against each other; they are only unsuccessful in securing tenancy if the calibre of their work by the time of the decision does not meet the high standard expected of a junior tenant at 3VB. In the last three years, 3VB has taken on eight of its nine pupils as new tenants.
- 5.3. If a pupil is not offered tenancy we have a good record of assisting our ex-pupils to find a 3rd six, tenancy or other legal position elsewhere.

6. Our banking expertise and reputation means that, in addition to the usual range of commercial disputes of all sizes in which a pupil and junior tenant can expect to be involved (especially professional negligence, civil fraud, insurance, insolvency, financial services, arbitration and general commercial disputes), we also generate more opportunity than most commercial chambers for a healthy mix of very large and small pieces of litigation (banking litigation generating more than its fair share of both).

APPLICANTS TO 3VB

7. 3VB is one of London's strongest commercial litigation sets of chambers. Its members are widely recognised as leading practitioners in a variety of the fields that make up international commercial practice: banking, financial services, commercial and contractual disputes, civil fraud, energy, insolvency, insurance, international arbitration, IT and telecoms, media and professional negligence. 3VB prides itself on its professional expertise and the outstanding opportunities afforded to all tenants to build leading commercial practices. It is a forward-looking set, with excellent practice managers, spacious premises and first-class facilities. Our work often involves a balance between drafting advices, pleadings and skeleton arguments and appearing in court in (often long) trials and appeals, frequently with millions of pounds at stake. An interest in legal (in addition to factual) problems and a certain element of commercial common sense are necessary for commercial work, although it is appreciated that some of our candidates will have limited commercial experience and will have opportunities to develop commercial awareness during pupillage and beyond. The aim is to identify those who will make good commercial barristers come the start of tenancy, not necessarily those who are already good commercial barristers.
8. We encourage applications from all interested and serious candidates, whatever their university and other background. We have no preference for an undergraduate law degree over the one-year conversion course (GDL/CPE) or vice versa, and a number of our new tenants have come from each route. Some candidates will have done only an undergraduate degree (and, where applicable, the GDL), although often candidates will have done a postgraduate degree or have other experience.
9. Chambers is committed to equality and diversity of tenants and therefore of the recruitment of those tenants. Further:

- 9.1. We particularly welcome applications from female, disabled and non-white candidates which groups are, at present, under-represented in chambers (though this will not affect those or other candidates' prospects of obtaining pupillage or tenancy – we recruit solely on merit).
- 9.2. 3VB operates an equal opportunities policy. No applicant for pupillage will be discriminated against (or positively discriminated towards) on the basis of her or his race, colour, ethnic or national origin, nationality, citizenship, age, sex, sexual orientation, marital status, disability, religion or political persuasion. Recruitment is conducted in accordance with the Bar Code of Conduct and the Bar Standard's Board's Equality and Diversity Code.
- 9.3. The Pupillage Committee and any interview panels are trained in equality and diversity as it applies to recruitment, and chambers records and monitors its equality statistics (which are anonymously produced through the Pupillage Gateway system, and are produced to the chambers Equalities and Diversity Committee and annual general meeting).
- 9.4. We are prepared and willing to make reasonable adjustments to accommodate disabled applicants, pupils and tenants, and candidates with a disability are asked to indicate during the application process the nature of their disability and any adjustments they think 3VB might have to make to accommodate them as regards the application process and as regards pupillage and tenancy, in order that chambers can ensure that such adjustments are reasonable and viable. 3VB is wheelchair accessible and has conference rooms and tenants' accommodation available on the ground floor.
- 9.5. We have a Chambers Equality and Diversity Policy and Action Plan, which is regularly reviewed and updated. This is intended to ensure that we abide by our equality and diversity obligations under law and under the Codes and to reflect our commitment to fairness and open access. The Policy covers, amongst other matters, recruitment training, selection of pupils and tenants, practice development, and allocation of work among pupils and among tenants. In addition, we have Chambers policies on parental leave and flexible working, reasonable adjustments, and on the collection of diversity data.

THE SELECTION PROCESS

10. Chambers recruits its funded pupils through the Pupillage Gateway (www.pupillagegateway.com) that opens in the January of the calendar year before the commencement of the pupillage in October (save that prospective pupils, such as transferring solicitors, who are exempt from the advertising requirements may apply by CV and covering letter at any time). No pupil will be accepted outside this procedure, save where exempt under the relevant regulations, or where disability makes the online application form impractical.
11. Selection of pupils applying through the Pupillage Gateway is by the following process:
 - 11.1. The short-listing of applications (from a total number of applicants that is usually around 120) by a panel of at least two members of chambers, by reference to the Pupillage Gateway form and records from the applicant's mini-pupillage in chambers (if applicable).
 - 11.2. The 1st round interview of around 35 students for approximately 15 to 20 minutes each. This involves discussion of a particular legal or other issue (the same issue for every applicant) and further discussion generally. Each candidate will be interviewed by one of two panels of at least three members of chambers each.
 - 11.3. The 2nd round interview of up to 15 students for approximately 30 minutes each. This involves argument on a legal problem which the applicant shall prepare in a 2-hour period under controlled conditions in Chambers. Each candidate will be interviewed by the same panel of at least five members of chambers. References (reflecting the referee's application of the selection criteria below) will often be sought in advance of the 2nd round interview but will be used only as a final check on the selected applicants when deciding to whom pupillage offers shall be made. Referees will be asked to provide references strictly in accordance with the selection criteria and to provide an objective assessment of the applicant.
12. Usually, both interview stages will be carried out in March-April.
13. No member of chambers who shares family or close friendship links to an applicant shall sit on any panel evaluating that applicant. Conflicts or potential or apparent conflicts of interest should be identified and dealt with at the earliest possible opportunity.

14. The members of the panels will assess the candidates independently on the basis of the selection criteria set out below and using a grid-type form, and the panels will then make decisions on the basis of discussion and agreement or, where agreement is impossible, majority voting. No member of chambers shall have a veto over any applicant. Frequently the panel shall include one or both of the Head of the Pupillage Committee and the Pupillage Secretary.
15. By the time of commencement of pupillage (not at the time of application) candidates must have passed the Bar Professional Training Course (or its predecessor, the BVC) and (apart from pupillage) be in a position to practise at the Bar of England and Wales.
16. The decision as to whether an applicant progresses through each stage of selection and ultimately be made an offer of pupillage shall be made solely on the basis of the selection criteria set out below:

16.1. High intellectual and analytical ability, and written communication skills, out of 15

The committee will look for an ability to absorb complex information rapidly and to present argument logically and persuasively, and generally to communicate well in writing.

In the first instance, such qualities will be evidenced by degree results (including where applicable GDL and other postgraduate results), but also by performance in the BPTC/BVC (where completed at the time of application). A-level results may be considered but carry less weight than degree results. Other relevant experience disclosed by the candidate's CV and/or interview will be taken into account, and, where the candidate has done a mini-pupillage at 3VB, feedback from mini-pupil supervisors will be highly relevant. As a general guide an applicant will be unlikely to reach the first round without a good 2i in their undergraduate studies (as well as a good record on the GDL where applicable). In practice, successful applicants usually have a first or a Master's degree (or both).

In interview, these qualities will be evidenced by the strength of analysis, ingenuity and flexibility of the applicant's arguments.

16.2. Oral advocacy and impact, out of 8

The committee will look for candidates who can take part in discussions and present arguments in an articulate, persuasive and

compelling manner. In the first instance, candidates will be expected to show evidence of an interest in and aptitude for advocacy, usually through mooted competitions or debating, or representing real life clients pro bono through the Free Representation Unit. In interview, these qualities will be evidenced by the delivery of the applicant's arguments and their general conversational abilities.

16.3. Temperament, commercial sense and motivation, out of 7

The committee will look for candidates who have a demonstrable commitment to and understanding of the career to which they are applying, i.e. practice at the commercial Bar and 3VB in particular. These candidates will display an ability to work well under pressure, and to deal with the problem-solving and client-care aspects of practice at the Bar.

In the first instance, this may be evidenced by mini-pupillages undertaken at 3VB or other established commercial sets of chambers and/or other relevant work experience, as well as achievement in non-academic fields or overcoming adversity. In interview, these qualities will be evidenced by the applicant's demeanour and reactions, especially when faced with counter-arguments and unexpected points of discussion. We would expect candidates to display their interest in commercial matters and current issues in commercial litigation when discussing topical issues during mini pupillage or at interview.

(Total score, out of 30.)

17. We will endeavour to give feedback to unsuccessful applicants where requested.

THE PUPILLAGE

18. The aim of our pupillage is to select and train our pupils for practice in chambers as commercial barristers of the highest standard: that is, barristers able to advise, draft and argue cases that are often factually complex, legally difficult and of high value. Our pupillage aims to accomplish this by providing four pupil supervisors for three months each, selecting pupil supervisors with different practices but all of whom are among the best juniors at the commercial Bar.

19. Pupils do individual pieces of work for other members of chambers in addition to the work done for their supervisors. Pupils are also given 'shadow pupil supervisors', who are more junior members of chambers than pupil supervisors, giving pupils contact with the most junior members of chambers and their work.
20. We also conduct advocacy training periodically throughout pupillage, in order to improve pupils' advocacy through practising types of commercial hearing that they are likely to encounter in the early years of practice.
21. New pupils will receive an induction meeting and be shown around chambers. They will be introduced to the clerks and to the Head of Chambers. They will be provided with a copy of the Code of Conduct, which they will be encouraged to discuss with their pupil supervisors.
22. Pupils' hours will depend upon the work their pupil supervisor is doing at any particular time, but pupils are not usually expected to work long hours or weekends on a regular basis. Pupils are entitled to up to four weeks of holiday in a 12-month pupillage (in addition to Bank Holidays), to be arranged at times that fit conveniently with pupil supervisor holidays or other absences. No more than 2 weeks of holiday should be taken in each 6-month period of pupillage.
23. The specialist pupillage checklist employed shall be the 'General Commercial' checklist. Pupils will be responsible for maintaining the checklists and for ensuring that the necessary registration and change of pupil supervisor forms are filed during the pupillage period. Once the checklist has been approved and signed off, the pupil will be asked to make a copy, which will be retained by the Secretary to the Pupillage Committee for at least 3 years. In the event (which is anticipated to be very rare) that the standards and competencies in the checklist have not been met, the pupil supervisor will not sign off the pupil as having completed either the first six, or second six (as appropriate). In those circumstances, the Head of the Pupillage Committee, the Head of Chambers and the BSB will be notified and remedial steps will be discussed. The pupil has a right of appeal to the BSB against any such assessment.
24. Pupil supervisors will give ongoing feedback on the pupil's work, and will ensure that at the end of the time with the pupil supervisor there is a review of progress and attainment during the period.
25. Each pupil will be given a six month review by the Head of Pupillage (who will be the Director of Pupil Training) or a delegate, drawing on

feedback from all pupil supervisors and others for whom the pupil has done work to date. At the review meeting, pupils are also encouraged to assess their own performance and progress and raise any issues arising from pupillage. The objectives of the review are to discuss performance, set objectives, identify the pupil's strengths and weaknesses that need to be addressed, encourage improvement where necessary, and enable feedback to be given to the pupil.

26. Instructions and further remuneration:

26.1. The pupillage award is in consideration for the pupil's properly applying himself or herself to the pupillage, and for any valuable work the pupil may do for members of chambers.

26.2. Pupils may be instructed (by solicitors or other clients) to undertake their own work (confined to a noting brief during the first six) and will be entitled to retain the remuneration negotiated by their clerks in addition to their pupillage award. This work shall be fairly distributed by the clerks according to availability and expertise, but with an aim to a broadly equal distribution of paid work among the pupils.

26.3. Pupils will be expected to cover their own expenses out of their pupillage award, although chambers will cover the cost of the compulsory training courses and any exceptional expenses (and the payment of travel expenses incurred by pupils undertaking their own work will be negotiated by their clerks).

27. Pupils will usually share their pupil supervisor's room. They will have access to the chambers library, email system and other chambers facilities.

28. On commencement of pupillage, pupils will agree to:

28.1. be bound by the terms of this Pupillage Policy and the further document Notes on Pupillage (supplied at the time of commencement);

28.2. act appropriately, conscientiously and professionally at all times; comply with all applicable rules and regulations; only exercise rights of audience with his or her pupil supervisor's approval; and

28.3. maintain absolute confidentiality over all matters learned from reading papers, attending conferences, discussing cases with

members of chambers and attending private court hearings or otherwise.

PUPIL SUPERVISORS

29. Chambers has a large number of registered pupil supervisors (i.e. the majority of juniors who are senior enough to be eligible), and further information as to who is registered at any particular time is available from the Pupillage Secretary.
30. Pupil supervisors will:
 - 30.1. devote sufficient time and attention to the supervision process to seek to assist the pupils in learning and practising the skills they need to learn and practice;
 - 30.2. give regular guidance, advice and feedback that is sufficiently detailed to be useful on the pupil's work;
 - 30.3. oversee the pupil's work-load to ensure that they are not over-worked and have sufficient time for their work for the pupil supervisor, their work for other members of chambers, their own instructions, their compulsory training courses, and their chambers advocacy courses;
 - 30.4. maintain familiarity with the relevant pupillage rules and guidelines, and perform all compulsory pupil supervision training courses; and
 - 30.5. perform all other tasks and responsibilities required by the Bar Training Regulations and other applicable regulations.

COMPLAINTS AND GRIEVANCES

31. Chambers has a complaints procedure available to all pupils. A copy of the procedure is available on request.

DATA RETENTION

32. Application and selection documents are retained by the Pupillage Secretary for at least 2 years before being securely shredded.

THE PUPILLAGE HANDBOOK

33. Applicants, pupils and supervisors are referred to the BSB's Pupillage Handbook², which sets out the obligations and guidance applicable to pupillages generally. The Handbook's purpose is to ensure adherence to the rules and procedures pertaining to pupillage, and also to promote good practice and to achieve greater consistency between pupillages, through the provision of information and advice.

The 3 Verulam Buildings Pupillage Committee

November 2016

² The Pupillage Handbook can be downloaded from the Bar Standards Board's website.