

5 ESSEX COURT 2021 PUPILLAGE APPLICATION ROUND

Introduction

1. As with many barristers, the last 18 months has changed the way we at 5 Essex Court operate our practices and interact with each other. We found new ways to maintain the supportive atmosphere we have fostered in Chambers. Luckily, we have kept busy and even occasionally been able to venture into a real-life court. Our two pupils successfully negotiated a “Pandemic pupillage” and secured tenancy.
2. It would have been naïve for anyone to have thought that this year’s pupillage application round would have returned to normal (if anyone can remember what normal was like). So, for a second year we found ourselves running a fully online pupillage application process. We are delighted that once again it was successful. We may not have had turned ourselves into cats¹ or potatoes,² but we did have a few more technical challenges this year than last. Affected candidates took this in their stride. Pandemic advocacy has seen many a submission interrupted by a computer mishap, but we took care not to take any technical difficulties into account in our assessment of candidates.
3. Nevertheless, we look forward to a time when we can resume in-person interviews for pupillage.

Our Activities in 2020/21

4. We remain proud of the gender balance at every level of Chambers. We have more female than male QCs. In 2021, we have the highest proportion of female QCs and remain in the top 10 of Legal Cheek’s list of Chambers with the highest proportion of female juniors. We highlight the diversity in Chambers because research shows that it is a powerful factor in the decision of many highly talented students from groups which are under-represented at the Bar to apply to us.
5. We continue to be committed to moving toward a demographic within Chambers that is more representative of the wider community, primarily by recruitment at the pupillage stage.
6. We have, for many years, made it clear in our recruitment literature that we particularly encourage applications from black and minority ethnic candidates, and from those with non-traditional backgrounds, including, in particular, those

¹ <https://www.theguardian.com/commentisfree/2021/feb/11/lawyer-cat-funny-texas-rod-ponton-judge>

² <https://metro.co.uk/2020/04/01/boss-accidentally-turned-12492738/>

from backgrounds that are under-represented at the Bar. We are acutely conscious that the nature of our work – particularly with its emphasis on acting for the police and government bodies – can deter some talented applicants. We are keen to dispel misapprehensions and share information on the positive impact of our work. To that end, we continue to take part in initiatives with the aim of further dispelling some of the myths about the Bar, and the pupillage process. We hope that this encourages and empowers all applicants and ensures they have equal opportunity to put their best foot forward.

7. Our current initiatives have included members of the pupillage committee, and junior tenants and pupils, taking part in a large number of talks and presentations to students and potential pupils. We have continued to use our twitter account ([@pupillages](#)) to provide tips and useful information concerning pupillage applications and to try and encourage applications from groups that are not well represented at the Bar generally, and in the areas in which we practise.
8. We utilise our Instagram account ([@5essexcourt_pupillages](#)) to bring colour and snippets of life at the Bar. It was great this year our now two newest tenants, Sarah Dobbie and Conor Monighan, hosted a “Pupil Takeover” on Instagram providing hints and tips on the pupillage process. Conor and Sarah were kind enough to post stories about a day in the life of a pupil. If you missed either, then we have published them to our stories permanently for you to watch in your own time.³
9. We have always seen pupillage fairs and talks as providing not just an opportunity to speak about our own Chambers but also to talk about the reality of life at the Bar. We attended virtual pupillage fairs and events throughout the year. Many of you came to see us at our booths at the Legal Cheek and Bar Council virtual fairs. We also took part in a panel event at City Law School and spoke at the Inns of Court on applying for pupillage.
10. We have enjoyed these virtual events and will continue to attend them as well as in-person fairs when they restart.
11. “The Pupillage Podcast”, created by Beatrice Collier and Georgina Wolfe in association with Middle Temple, and offering useful tips, tricks and insights from other practitioners is widely available for useful information on pupillage and the Bar.⁴
12. We were proud once again to be nominated for a range of awards for our recruitment process and the training we provide to pupils. In the Legal Cheek 2021 awards, we were highly commended in the categories: “*Best Chambers for Training*”, “*Best Chambers for Quality of Work*”, “*Legal Cheek Trainee and*

³ https://www.instagram.com/5essexcourt_pupillages/?hl=en

⁴ <https://www.middletemple.org.uk/members/inn-initiatives-and-events/pupillage-podcast>

Junior Lawyer Chambers of the Year” and “*Best Chambers for Colleague Supportiveness*”. Of course, our training and quality of work are important to us but keeping our collegiate spirit is vital to our continued success. It encapsulates our ethos.

13. Our pupillage award is £55,000, which includes a guaranteed minimum earnings component which, in the last 10 years, our pupils have consistently exceeded. Despite the impact of Covid-19, our 2020/21 pupils again exceeded the guaranteed earnings component.
14. While the level of pupillage award matches that of competitor sets, we have avoided making it the prominent component of our marketing: we want applicants to apply to us because they want to work in the areas in which we practise and because they will be happy, motivated and fulfilled at 5 Essex Court, rather than because of the amount of the award.
15. In our last report, we set out that we wanted to do more to champion equality and diversity at the Bar. So, what have we done this year?
16. Our Equality & Diversity Committee has been significantly expanded, with a broadened mandate. It brings together members and staff including the Head of Pupillage. The committee developed and delivered an in-house training programme in equality and diversity which had an emphasis on unconscious bias training. The training programme was rolled out to during the first half of 2021 and everyone in Chambers, members and staff, completed that training. In addition, key members of staff received fair recruitment training.
17. Being self-employed means that many members of Chambers actively undertake diversity and inclusion outreach work, but do not necessarily shout out about it. To that end, one of the first actions of the Equality & Diversity committee was to undertake a survey of the different activities individual members have been involved in. As a chambers, we hope to build on that foundation.
18. We recently announced that we will be participating in the 10,000 Black Interns scheme.
19. We are conscious that inequality is an issue long before candidates start university and applying for pupillage. In the coming year, we are reviewing the ways that we can engage potential barristers (and/or future lawyers) from underrepresented backgrounds when they are at school. We are always open to hearing suggestions.

Mini-pupillages

20. As yet we have not been able to resume in-person mini-pupillages. We have continued to offer virtual mini-pupillages. These have been running since Autumn 2020. Feedback from those attending has been positive.⁵
21. We have not changed the structure of our virtual mini-pupillage. Applicants still undergo a competitive process whereby their applications are assessed by members of the Pupillage Committee. The mini-pupillage itself is not assessed. As we anonymise pupillage application forms, an assessed mini-pupillage would not assist us in selecting candidates for first round interview. Mini-pupillages with us are meant to provide those who want to seek a career at the Bar the opportunity to: show that they have done mini-pupillages and are committed to a career as a barrister; decide if they would like to apply to us; and be assisted in preparing for the “Why our chambers” question on the pupillage application form.
22. We have held virtual mini-pupillages with eight participants. This operates across two days:
 - (a) On day 1 a member of Chambers holds an introductory session. The mini-pupils read some publicly available skeleton arguments from a case conducted by members of Chambers. The case is then discussed. Thereafter, they look at a past advocacy exercise from our pupillage interviews and plan how they would approach it.
 - (b) On day 2, mini-pupils watch some Court of Appeal advocacy on YouTube and discuss it with a member of Chambers. Finally, we host a Question & Answer session with mini-pupils to discuss Chambers and our application process
23. We are currently evaluating the way we operate mini-pupillages. We would like to find a way to offer a meaningful experience to those interested in a career the Bar and in our Chambers which is flexible and minimises the cost to them. We will announce any changes we make via our website and on our social media platforms.

Preparation for application round

24. All members of our Pupillage Committee have previously received training from the Bar Council in fair selection and/or have studied the Bar Council’s Fair Recruitment Guide. In January 2021, members of the Committee took part in further training in fair recruitment and selection, a workshop which included

⁵ <https://comaware.net/2020/12/02/7qs-with-tanya-mini-pupil-at-5-essex-court-chambers/>

receiving feedback on our recruitment process. We are pleased to say that the feedback was positive and found the workshop to be a helpful prompt in examining how we can make our recruitment process fairer.

25. As we have done each year, we changed the composition of the recruitment panel by co-opting two members of Chambers to assist in this year's selection round and to ensure that applications were considered by a cross-section of Chambers with a good mix of those with experience of previous rounds, and those who brought fresh ideas and perspectives. Our additional panel members had also participated in our in-house training programme and either had fair selection training or studied the Bar Council's Fair Recruitment Guide.
26. One member of the Committee has been on parental leave during this application round and took no part in the recruitment process. All references to "the Committee" in the subsequent sections do not include reference to that member.

Selection for first interview: the "paper sift"

27. We did not consider any applications until after the expiry of the deadline for applications. Once the final deadline had expired, one member of the Committee downloaded all application forms in anonymised form.
28. In 2019, we decided to remove the details of which university applicants attended. As we explained in our 2019 Pupillage Report, we concluded that any possible benefit in knowing the university attended is outweighed by complex factors that underlie university choices, the relatively narrow demographics at Oxbridge and some Russell Group universities, the complexity of comparing degree results from different universities and the fact that academic achievement is just one factor in our selection process. In 2019, the automatic anonymisation process was only partially successful, as the name of the university was removed from one section of the form but was often obvious from other parts of the form. In 2020, we anonymised universities with the net effect that all educational institution names were removed. It was felt that this was an important step, not simply for our assessment, but for our candidates to know that we are assessing their application on substance and not labels. We maintained that approach for the 2021 recruitment round. We do emphasise that we do not attach weight to the university attended.
29. One member of the Committee selected a sample of application forms to be considered by the Committee and co-opted members at a meeting to discuss the detail of the paper-sift and to ensure consistency of marking.
30. The applications were selected with the aim of securing a broad range, but with a particular focus on applications which were likely to be at the margins of those who would be selected for first interview (distinguishing between these is the most important, and most difficult, aspect of the paper sift).

31. All members of the Committee and co-opted members independently considered these applications by reference to our published selection criteria.
32. We then held a lengthy meeting to discuss the approach to each of our selection criteria and their application to the “consistency” candidates.
33. Following the “consistency” meeting all applications (including the selection that had already been considered) were assessed by reference to our four published criteria. These are: academic ability; experience; presentation; and other factors. We did not allocate an overall score to each candidate. Instead, we gave box markings – consistent with the approach recommended by the Bar Council – for different factors that were designed to measure each of the four criteria.
34. Applicants were selected for first round interview according to the box markings.
35. Academic ability: The primary assessment was made on the basis of degree results. In the rare occasion that individuals have not got their final degree result, we also took account of A level and post-graduate qualifications, together with any other evidence of academic ability that could be gleaned from the totality of the form. We did not generally attach significance to whether the applicant had studied law as an undergraduate (save that we generally require at least a commendation on the GDL to demonstrate sufficient legal academic ability). Very limited weight was given to GCSE results.
36. This year, some applicants provided predicted grades but without any explanation as to how that prediction was made and by whom. If you are telling us that you are predicted a certain grade, it is helpful to know the information that underpins that assertion, such as grades that you may have received already or grades from marked exams or assessments. Similarly, some candidates have taken the time to list their subjects (which we definitely like to see) but then do not tell us their grades. The incomplete answer can influence the marker’s impression on the presentation and clarity of an application and we strongly encourage candidates to provide as complete a picture as possible when setting out their academics.
37. This year, as in the last 5 years, all those selected for interview had gained at least a 2:1 (or equivalent) or first in their degree(s) (and they were evenly divided between 2:1s and firsts). There was a broad mix of law and non-law degrees. We do generally consider a first class or 2:1 degree to be demonstrative of academic ability. Nevertheless, we consider all applications in full. Where candidates with a 2:2 degree provide compelling alternative evidence of academic ability, such as exceptional results in post-graduate degrees or a successful career since university that demonstrates academic ability, or explain significant mitigating circumstances, they may still secure an interview where they satisfy our other criteria.

38. We encourage candidates – who may have just missed a 2:1 (or a first) due to mitigating circumstances – to break down their degree result percentages and to utilise the mitigating circumstances box to explain how their circumstances affected their degree result. In these circumstances we will look at the individual’s other academic results, *i.e.* A level results or postgraduate results.
39. Academic ability is just one of four criteria and is not sufficient, in itself, to secure an interview. As in previous years there were applicants with exceptional academic records (including the highest marks in post-graduate legal studies) who were not selected for interview because they did not satisfy other criteria (*e.g.* they had insufficient advocacy experience, their form was not sufficiently well presented, or they had not demonstrated a genuine interest in 5 Essex Court).
40. Experience: We took account of all experience which demonstrated the skills needed to succeed at the Bar, but we particularly looked for evidence of an interest in, and a talent for, advocacy. The highest box markings were given to those who had extensive mooting and/or debating experience and success (with success in national and international competition naturally attracting higher gradings than an individual university moot) and who had engaged in oral advocacy in real life cases (*e.g.* for FRU or IPSEA). Conversely, those who said that they had “organised” moots or had been “FRU trained” without providing any evidence of actually undertaking advocacy did not score highly under this criterion. Organising moots at university, whilst commendable, is not of itself evidence that an applicant has the necessary advocacy skills to succeed at the Bar.
41. It was not helpful when candidates listed mooting under “interests or non-work related”. We felt mooting should appear more naturally elsewhere on the form (indeed we asked a specific question about it) and under the “interests” section we hoped to see candidates show some evidence of their personality away from law. We recognise gaining mooting experience will have been difficult in the academic year 2020/21, but we are also aware that a number of organisers including the Inns of Court have moved their mooting programmes online.
42. Presentation: We work on the basis that the application form is itself a strong indicator of an applicant’s abilities, demonstrating the care and attention that has been applied and the applicant’s use of language. It is a good tip to see the application form as a piece of written advocacy.
43. The vast majority of applications had at least one mistake. Many contained several errors, from sentences that simply did not make sense, to misspellings of Chambers’ and/or barristers’ names, to incorrect use of language. For instance, this year a candidate referred to us as “5 Essex Row”, which does not inspire confidence in the thoroughness of the individual’s research or suggest a genuine desire to join us.
44. A small, single error will not affect our assessment; repeated errors will. Misspellings are particularly unimpressive where the applicant had stressed their

thoroughness or “eye for detail” or where they appeared in the section about why they had applied to 5 Essex Court and were interested in our practice areas.

45. Applications which were unnecessarily wordy were marked down. The best applications – as with the best written advocacy – were clearly and succinctly written in engaging and persuasive language.
46. We were struck by some candidates’ poor use of grammar and punctuation. Colons and semi-colons can be effectively deployed to strengthen your prose but, if misused, jar and undermine the hard work that has gone into the application. Even full-stops and commas need to be used with care. Some candidates did not appear to appreciate the difference between them. For anyone with any doubt about punctuation, we recommend Lynne Truss’s “Eats, Shoots and Leaves” for a funny and easy-to-read masterclass.⁶
47. We know a lot of work goes into an application form. It is always useful to get someone else to read through it with a fresh eye before submitting the form.
48. Other factors: We were looking for evidence, anywhere in the application form, and in any context, which (aside from the other categories set out above) demonstrated that the applicants had the skills and potential necessary to secure a tenancy at 5 Essex Court.
49. The paper sift exercise is, by a very long way, the most competitive stage of the process. This year we received 315 applications. Of those, we can only invite approximately 30 to a first round interview. We are acutely conscious that we are rejecting potentially very able candidates without giving them an opportunity of an interview. Our experience is that candidates who may be borderline on paper can perform exceptionally well in interview (and vice versa).
50. Following the sift we considered, more broadly, some themes that have emerged over the years from the paper sift exercise. These were as follows:
51. *Mini-Pupillages:* We consider mini-pupillages to be an important part of an applicant’s experience. However, we recognise that 2020/21 was a difficult year to obtain mini-pupillages and as such we decided that mini-pupillages would not be a ‘starred’ criterion this year.
52. Nevertheless, mini-pupillages are an essential part of legal training and are an aspect of the application to which we give weight. Through mini-pupillages, applicants can see what life at the Bar, different practice areas, and individual Chambers are really like. We do not expect candidates to have undertaken an excessive number of mini-pupillages. Finding the time to undertake mini-pupillages can be difficult, particularly for those who are studying part-time due to work and/or family commitments. Nevertheless, candidates who have

⁶ <https://www.lynnetruss.com/books/eats-shoots-leaves/>

undertaken mini-pupillages can make better-informed choices about the chambers to which they apply and can usually demonstrate good reasons for selecting their practice areas.

53. There is a section on the form for “legal work experience” which is where mini-pupillages should be described. They show us that the candidate is committed to the Bar, understands what life at the Bar entails and has sufficient talent to pass through the rigorous assessment process to obtain mini-pupillages. The selection of mini-pupillages described also reveals where the candidates’ true interests lie. For example, if a candidate has done only criminal mini-pupillages, we may not be persuaded of their interest in civil law.
54. Those who had undertaken mini-pupillages in sets that do similar areas of work to us (and/or had other evidence of their interest in this type of work), and who demonstrated (by what they drew out from that experience) a real understanding and aptitude for our areas of work, were more successful. We have on occasion interviewed candidates who have done mini-pupillages in sets that do not undertake similar areas of work to us but have taken the time to explain the reason for their changed focus and have demonstrated sufficient experience to show they have made an informed decision.
55. The strongest candidates described each mini-pupillage separately, highlighting what they had learnt and insightfully analysing their experiences in a few pithy sentences. It is not necessary for candidates to name the barristers they met on a mini-pupillage but if a candidate chooses to do so, it is essential to spell their names correctly. Unsuccessful candidates would often simply list their mini-pupillages without explaining what they had learnt.
56. We were less impressed by candidates who simply listed off names of members of 5 Essex Court they had shadowed and courts they had attended; we were much more interested in and impressed by those who were able to describe and analyse what they experienced and learnt during their mini-pupillages.
57. *Mature Students:* As in previous years, we had many applicants this year with extremely impressive first careers. We always welcome mature students – the professional and life experience gained can be invaluable in pupillage and beyond. Many of our current members chose the Bar as a second career. No matter how dazzling the success achieved in a first career, it is, however, essential to demonstrate that you will also be a talented advocate, that your commitment to the law is genuine and that you are making an informed choice to change your career. We are looking for someone who will be a talented barrister and not, for example, a talented brain surgeon (no matter how good a brain surgeon they might be). Impressive credentials from an earlier career, without mini-pupillages, mooting, pro bono or other legal work experience will not be sufficient to achieve an interview.

58. Where a candidate's career trajectory has changed significantly – whether from academia or the solicitors' profession to the Bar or from another career altogether – we look for an explanation for this change of heart. Pupillage is a significant investment for Chambers; we are looking to recruit pupils for the long-term so we want to understand that they are committed to this career and to see why they believe they will be fulfilled in practising at the Bar. We are not looking for pupils who see pupillage as a stepping stone to something else or who are likely to change their minds in the short-term.
59. *“Less” mature students:* We are conscious that it can be more challenging for those at the start of their legal career (for instance, students on the GDL who will have had only a few months of legal experience or law undergraduates who do not yet have a final degree mark) to demonstrate legal ability. We encourage those in that category to disclose their marks to date or, where grades have been predicted, to disclose by whom they have been predicted and how. It is very difficult to be confident that a student who cannot demonstrate any legal academic credentials has a talent for the law: if there is evidence you can provide to assist us, please do give it.
60. *The good barrister question:* By this point in the application form, you will have set out the evidence that supports your application. The question *“Why do you believe you will make a good barrister?”* is your closing submission; your opportunity to draw the threads together.
61. The best answers were succinct while still being persuasive. The candidates selected for interview tended to approach the question in a structured way, either by way of numbered points, headings, or setting out their starting premise and expanding on it through the answer. Some of the best candidates also used this question as a means of demonstrating their understanding of what working as a barrister entails in practice.
62. Weaker answers were less thoughtful about the skills required to be a barrister, and in how they demonstrated those skills taking into account their experience.
63. *Chambers' specific question:* The *“why do you want to join 5 Essex Court?”* question is the assessed question that persuades us that you are genuinely interested in joining our Chambers and you have thought carefully about devoting an application to us. Many candidates still use this question to talk about their own achievements.
64. By this point on the form, candidates should have had ample opportunity to set out their achievements elsewhere and, in the preceding answer, a chance to highlight some key accomplishments. The *“why do you want to join 5 Essex Court?”* question is designed to give candidates an opportunity to show that they have researched Chambers and really want to join us.

65. We give significant weight to this question. Impressive candidates have been rejected at this stage because of a poor and/or underdeveloped answer to this question. Competition between excellent candidates is tough and the answer to this question can be the clincher.
66. We were not impressed by the clichéd “*You are the leading set in x, y, z*” or by those who simply said, “*I am applying to your Chambers because you do the areas I want to practise*”. We were also not impressed by bald references to the Legal 500 or Chambers & Partners.
67. Those who impressed explained that they understood the nature of the Chambers’ work (as opposed to the practice area itself) and the ethos of Chambers.
68. Good answers will not only mention the cases in which members of Chambers have been involved, but also succinctly explain what it was about the particular case that took their interest. However, this year some applicants referred to cases that members were not involved in.
69. This information is all readily available online for those who have not had an opportunity to speak to members of Chambers at pupillage events or during a mini-pupillage. Those who have undertaken mini-pupillages with us should have an easier task answering this question. We give specific guidance on how to answer this question during our virtual mini-pupillage, but many did not mention anything that they had seen or learnt during their mini-pupillage.
70. We were also surprised by candidates who had actually worked with members of Chambers (for example as a paralegal) but did not give a fuller or more developed answer about why they wanted to join Chambers.
71. These are examples of wasted opportunities and could lead to being marked down, or missing out on interview altogether.
72. *Practice area question:* This year we separated out the “*why us*” question from “*which of our practice areas interest you*”.
73. In previous years we have attached greater weight to candidates mentioning our police law practice. However, Chambers’ practice areas have expanded and diversified so that we now have a much broader field of coverage, particularly in public law. We therefore understood that some candidates did not choose to focus on police law. Nonetheless, police law remains a mainstay of our junior work and we looked favourably on those candidates who recognised this. We understand that most candidates will not have any experience of police law but we do look for an understanding of what it entails and an enthusiasm to try it.
74. The most successful applicants were able to identify why they wished to practise in specific areas. For example, if discussing an interest in public law, we would expect the answer to demonstrate an interest in public authority decision-making,

in understanding the interaction between law and policy or in the importance of the role public authorities play in people's lives and be able to relate that to the candidate's experiences or studies.

75. Those who made generic reference to human rights or public law or police law, or who simply block copied information from our website or legal directories without more, did not score highly.
76. We considered this answer against the content of the rest of the application. Applicants who expressed a burning desire to practise human rights law, but who had only undertaken mini-pupillages in, for example, commercial or family sets, did not score highly, unless there was a clear explanation for the changed focus.
77. Surprisingly, this year many candidates stated that they wanted to practise in crime or family law. As 5 Essex Court does not specialise in either, these applications were unsuccessful.
78. *Other achievements:* Weight was given to other factors which demonstrated the applicant's potential as a pupil and, in due course, a member of Chambers. These included, for example, sporting or musical achievements which demonstrated the skills required for success at the Bar (e.g. determination, ability to perform under pressure, discipline, good time-management skills).
79. *Mitigating circumstances:* we do take mitigating circumstances at face value and we do not expect you to provide medical evidence or set out details of mitigating circumstances which would make an applicant feel uncomfortable to disclose. Equally, it may be difficult for us to understand how a particular mitigating circumstance has affected an applicant's form without any context or information. One ancillary point is that sometimes an example of what an applicant considers to be mitigating circumstances can better be seen as a demonstration of that person demonstrating resilience and an ability to deal effectively with a difficult situation.
80. Data: This year we received 315 applications. It was an even split of male and female candidates (40% and 56% respectively⁷).
 - a. In terms of diversity of ethnicity, 61.5% of candidates selected a "white" subcategory, 6% of candidates selected a "black" subcategory (which is higher than the percentages recorded in the Bar Council Pupillage Gateways Monitoring report for General Civil Pupillages), 15% of candidates selected an "Asian" subcategory, and 4% of candidates selected a "mixed" subcategory.
 - b. 14% of candidates declared a disability.

⁷ Some candidates preferred not to say or did not specify in the monitoring data.

- c. The majority of candidates selected the age bracket 25-34 (50%), with the next two largest groups being aged 22-24 followed by 35-44.
- 81. The monitoring data is not available to markers.
- 82. The majority of candidates appeared from the monitoring data to be reluctant to indicate their schooling background, economic background and (save for caring for a child under 18) whether they have care responsibilities.
- 83. We have reviewed the data after the completion of the pupillage process. It plays no part in our selection process. The data helps us to fully understand our ability to encourage a diverse group of applicants. We do encourage candidates to complete the monitoring data.

Virtual Interviews: Introduction

- 84. It is necessary to mention at the outset that all interview candidates approached the virtual interviews extremely well and we did not feel that any candidate was disadvantaged by the online format.
- 85. All candidates ensured that they were in a quiet space, on their own. We appreciated that people live in a variety of settings. We did not require nor expect candidates to have a plain backdrop. A candidate's chosen interview room played no part in our decision making.
- 86. We informed candidates in advance that we wanted them to feel comfortable during the interview and, given the unusual circumstances, we did not expect them to be in a suit during the interview. Smart casual attire was suitable but of course all candidates were welcome to wear a suit. Candidates' attire played no role in our assessment of them.
- 87. As we have had to host our interviews virtually, it is vital that candidates provide us with their Skype details promptly. Unfortunately, this year we had to chase some candidates repeatedly for their Skype details or their references. While these issues do not play a part of the decision-making process, it is necessary to remind applicants that the prompt supply of this information helps us to ensure a smooth application process for all candidates.
- 88. Additionally, we also take our duty to make reasonable adjustments seriously, however, in order to effect reasonable adjustments we do ask candidates to be candid about their need for reasonable adjustments with some explanation and if a candidate requests a particular adjustment, we do need to have some explanation to understand whether it can be reasonably accommodated. For instance, a few candidates requested more time prepare for advocacy exercises and/or problem questions in their application forms but did not give any explanation why more time was necessary.

First round interviews

89. Twenty-nine candidates were selected for first round interview. The interview panel consisted of Jonathan Dixey, Amy Clarke, Alice Meredith and Catriona Hodge.
90. More than 20% of our first round candidates had been interviewed in previous years, and as such we decided that we would use a different format for interview to ensure that all first round candidates were on a level playing field. This year, we asked the candidates to complete an advocacy exercise in the first round, whereas in previous years the advocacy exercise would take place in the second round.
91. The interviews took place on 9th and 10th April 2021 by Skype. One candidate was unable to access Skype so we re-arranged the interview through MS Teams. We also experienced some difficulties with a poor internet connection and we rearranged the interview for the next day.
92. Candidates were emailed the advocacy exercise 30 minutes before their interview was due to start. Each interview lasted about 15 minutes. We felt that 15 minutes was sufficient time to assess each candidate.
93. Each candidate was asked the same questions:
 - a. A general question about the content of their application form.
 - b. An advocacy exercise. We asked candidates to make a without-notice application to the High Court for an interim injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 against a grime artist to prevent their contact with members of a known gang and prevent the publication of their music. This year, for the first time, we have attached the first round advocacy exercise to this report.
 - c. A question on the advocacy exercise. We asked candidates to set out the arguments that they would have made if they were representing the other side (the grime artist).
 - d. A final question designed to elicit the candidate's awareness of an important and pressing issue facing the profession: "*Chambers has recently set up a dedicated Equality and Diversity Committee. Do you think Equality and Diversity at the Bar is important, and if so, why?*"
94. The first question served as an opportunity for the panel to get to know the candidate and to clarify any matters arising from their application form. It was generally well answered. Where the candidate's experience tended to suggest an

interest in practice outside our core areas, it was an opportunity to listen to their reasons how they felt their experience was beneficial to a practice in Chambers. The panel were particularly pleased when candidates were able to speak with clarity and enthusiasm about details mentioned in their forms.

95. The advocacy exercise is designed to test candidates' legal reasoning, ability to assimilate the information and advocate for a position. It was not necessary to have knowledge of any specific legislation or case law and the panel took account of the fact that some candidates were more advanced in their legal studies than others. One member of the panel acted as the "judge".
96. The best advocates:
 - a. Identified the relevant legal test to apply – taking into account that the injunction was to be an interim measure.
 - b. Were able to identify and address each of the proposed prohibitions sought in the application for an interim injunction.
 - c. Were well-structured.
 - d. Signposted the submissions they proposed to make.
 - e. Were able to deal with interventions thoughtfully and confidently.
 - f. Used the facts proactively in support of their argument.
 - g. Identified the best points in the exercise and had a confident answer ready to address the weaker points of the application.
97. Weaker answers in the advocacy exercise:
 - a. Lacked structure.
 - b. Spoke too rapidly.
 - c. Struggled with intervention from the judge.
 - d. Failed to maximise the facts in support of their argument.
 - e. Were overly rigid – good structure is not synonymous with rigidity.
 - f. Went beyond the instructions provided in the papers by inventing facts.
98. The question following the advocacy exercise tested the candidates' ability to consider and address both sides of an argument. It may seem strange to ask candidates to flip their script, but in practice understanding the other side's case and identify the weaknesses in one's own position is critical to advising a client and preparing for court.
99. The final question was included because we wanted to give candidates the opportunity to talk about a topic that was an important issue facing the profession. It enabled us to get an insight into the candidates.

100. At the end of the interview each candidate was asked whether they had any questions for the interview panel.
101. Of the 29 candidates we interviewed, 12 were put through for a second round interview.

Second round interviews

102. The second round interviews took place on 23rd and 24th April 2021. They each lasted for about 25 minutes. The interviewing panel comprised Bilal Rawat, Robert Cohen, Saara Idelbi and Remi Reichhold.
103. Each candidate was assessed by reference to four criteria: legal knowledge; presentation; motivation; and communication and interpersonal skills.
104. The interview involved:
 - a. Questions from the application form.
 - b. A hypothetical legal problem – this was to test the candidates’ ability to identify the various legal issues that arise from the scenario.
 - c. A policy question – designed to explore candidates’ awareness of current legal issues and their ability to consider policy and public law implications.
 - d. An advocacy exercise – an application for relief from sanctions with an ethical problem embedded. That advocacy exercise is also attached below.
105. The hypothetical legal question was:

“Assume that the wearing a mask is mandatory. Imagine that the Metropolitan Police decided that from today onwards all protests in London will be captured on film using facial-recognition software. As a result, anyone not wearing a mask will automatically be issued with a fine. What do you think are the legal issues that could arise from such a plan?”
106. The strongest candidates were able to identify the key human rights, data protection and equality problems that arise from the problem. Some candidates took the opportunity to reference *R (Bridges) v Chief Constable of South Wales Police*, a case in which members of Chambers were involved.
107. We expect candidates, when preparing for interview with us, to have looked at our website and be aware that we may ask a question that touches on our areas of practice.

108. The policy question was:

“The government has recently announced a consultation on judicial review, supposedly to ‘protect judges’ from having to be involved in political decisions. Do you think judges are getting involved in politics?”

109. The best answers were well-structured and provided a thoughtful analysis about the consultation and about the role of judges. The weaker answers were where candidates did not take the time to think through the question before they answered which revealed a superficial analysis of the key issues or were repetitive in their answers. We would not hold it against a candidate if they asked for a moment to consider a question.

110. The advocacy exercise was an application for relief from sanctions for the late service of a claim form. The papers were sent to the candidates 30 minutes before the interview along with all relevant legal material they would need for the exercise (limited to a few excerpts from the CPR and the headnote from the key case). The instructions to counsel included an ethical issue. Candidates were instructed not to disclose a specific fact to the court if possible (‘the problem fact’). However, in the course of the exercise candidates were prompted to disclose that fact. Again one person on the panel acted as the judge.

111. The candidates who performed best in the advocacy exercise were those who:

- a. Structured their submissions and signposted what they were going to say.
- b. Related the facts to the legal tests.
- c. Responded well to questions without being taken off course.
- d. Did not volunteer the problem fact to the Court until directly prompted by the judge.
- e. Did not mislead the court when asked directly about the problem fact and were then able to deal with the negative impact of the fact on their application.
- f. Were calm, measured and had good pace.

112. We were impressed that a very few candidates accepted that the first stage of the relief from sanctions test (*i.e.* whether a breach was ‘serious or significant’) would not be decided in their favour. This demonstrated good judgement and a realistic appraisal of the facts, so allowing the candidate more time to focus on their better arguments.

113. The weaker presentations:
- a. Either offered up the problem fact without any prompting (therefore disregarding their instructions) or misled the court on the problem fact (in breach of an advocate's duty to the court).
 - b. Were stilted or wooden in the presentation.
 - c. Were taken out of their stride by intervention from the judge.
 - d. Were not flexible enough to take account of what the judge had said.
114. While we recognise that candidates can be at different stages in their career, all candidates had at least started their bar vocational component and we expected that candidates were all aware of their duty not to mislead the court. This is important to us, particularly because Chambers tends to represent public authorities, of whom the court expects the highest professional standards.
115. Selection: We selected 2 candidates to whom we made offers of pupillage.

Conclusion

116. This year's pupillage round has provided us with some useful insights into our recruitment process that will inform how we can continue to improve so that we can identify talented future barristers with the skills to build a fulfilling career in our Chambers.
117. For a second year, we are pleased that we were able to manage a successful pupillage round notwithstanding the restrictions due to the pandemic. We are nevertheless looking forward to meeting candidates in person in 2022.
118. In preparation for the 2021/22 pupillage round we are reviewing our application process. We want to continue to ensure as fair and transparent process as possible. Any changes made will be announced through the Chambers' website and our social media platforms.

BILAL RAWAT
For the Pupillage Committee
21 NOVEMBER 2021

5 ESSEX COURT: FIRST ROUND INTERVIEW 2021

ADVOCACY EXERCISE

This document contains your advocacy exercise for first round interview. Please read these instructions carefully.

1. In this exercise, you are making an application to the High Court for an interim civil injunction under the Anti-Social Behaviour, Crime and Policing Act 2014 (“**the 2014 Act**”). You are not expected to know anything about the law of civil injunctions. Everything you need to know about civil injunctions is contained below (including all the relevant provisions of the 2014 Act).
2. You are acting for the Chief Constable of Bartonshire Police, who is applying for the interim injunction (referred to as “the Claimant” or “the Applicant”). The person against whom the interim injunction is sought is Ronald Kenyon (referred to as “the Respondent”).
3. Attached below are three documents:
 - a. **The Chief Constable’s Claim Form:** this is the application that you are making.
 - b. **The Chief Constable’s draft civil injunction:** this is the order that you are asking the court to make.
 - c. **Relevant legal provisions:** these are the only legal provisions of the 2014 Act, or of the procedure for applying for a civil injunction, that you will be expected to know.

4. The Chief Constable's application form contains "Details of Claim" drafted by your instructing solicitor. You should treat this as a witness statement. It sets out all of the evidence you need to make your application.

5. In this scenario, the Chief Constable made the application "without notice". This means that the Respondent was not told about the application or the hearing – the hearing takes place without the Respondent's knowledge and in his absence. In these circumstances, you are expected to make an application for an interim civil injunction and the Court will then adjourn the case for a final hearing at a later date.

6. One of the issues you will need to consider is the terms of the interim injunction (the 3 prohibitions). Assume that your instructions say that you have discretion to propose modified or alternative prohibitions.

7. You will have approximately 5-7 minutes to make this application. The panel may interrupt you and ask questions. Do not worry if you do not have time to finish your submissions.



Claim Form (CPR Part 8)

In the High Court of Justice	
Claim no.	C74534/21
Fee Account no.	4534
Help with Fees - Ref no. (if applicable)	H W F - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>

Claimant
The Chief Constable of Bartonshire Police



Defendant(s)
Ronald Kenyon

Does your claim include any issues under the Human Rights Act 1998? Yes No

Details of claim (see also overleaf)

The Chief Constable makes an application for a Civil Injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”).

Ronald Kenyon (“the Respondent”), is a 21-year-old male. He is a well-known ‘grime’ music artist and a prolific member of the notorious “BR1 gang”.

The ‘BR1 gang’ has around 20-30 members. I cannot be more precise because the identity of gang members changes frequently. The gang has been wreaking havoc in Barton city centre. In the last 12 months, members of the gang have been convicted of:

- 7 stabbings
- 16 thefts and burglaries
- 23 assaults
- 32 offences related to drug taking and drug dealing

Defendant’s name and address

Ronald Kenyon
41 Overelfhowe Road
Barton
BR1 5GH

	£
Court fee	
Legal representative’s costs	
Issue date	09/04/2021

For further details of the courts www.gov.uk/find-court-tribunal.

When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Details of claim (continued)

It is believed that the Respondent is a core member of the 'BR1 gang', frequently giving instructions to other gang members to commit crime and deal drugs.

The Respondent also appears in numerous 'grime' music videos on YouTube, which have a large and growing following. His most recent music video has attracted more than 1 million views. In the videos, the Respondent wears clothing and jewellery advertising the 'BR1 gang'. I believe that he does this to intimidate other gangs and to recruit new members.

I believe that these music videos cause harassment, alarm and distress because they glorify gang violence and drugs. Immediately below are two examples of the lyrics - sung by the Respondent - in his most recent music video:

Example 1:

SELLING THOSE ROCKS, SELLING THOSE ROCKS, LAUGH AT THOSE COPS, CLING ON ROCKS, MAN GETTING SHOT, CAN'T TAKE MY ROCKS

(In this example, "rocks" are believed to be a reference to methamphetamine, otherwise known as 'crystal meth', which is a class A prohibited drug)

Example 2:

FLICK OF THE WRIST, KILL THOSE BLUES, WAITING IN THE SHADOWS, MAN NEVER KNOWS, FLICK FLICK FLICK, BLUES ARE GONE

(In this example, "blues" are believed to be a reference to police officers)

This application has been made without notice under section 6 of the 2014 Act because it is believed that if the Respondent finds out about it, he will immediately direct members of the 'BR1 gang' to attack police officers. Last time the Respondent was arrested (in June 2019), six members of the 'BR1 gang' spray-painted the words "KILL BLUES" on Barton Police Station.

At the hearing listed which has been listed on 9 or 10 April 2021, the Court will be invited to make an immediate interim injunction under section 7(2) of the 2014 Act.

If the Court makes an interim injunction at the hearing on 9 or 10 April 2021, the Chief Constable will serve this application on the Respondent. The Court will then be invited to list this case for a final hearing to decide whether a 5-year civil injunction should be made against the Respondent.

I have attached below a draft interim injunction containing the prohibitions proposed by the Chief Constable.

Ellie Partridge
Force Solicitor
Legal Services
Barton Police Station
BR1 GTR

Claimant's or claimant's legal representative's address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.

Statement of Truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in these particulars of claim are true.

The Claimant believes that the facts stated in these particulars of claim are true. **I am authorised** by the claimant to sign this statement.

Signature

Ellie Partridge

Claimant

Litigation friend (where claimant is a child or a Protected Party)

Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day

09

Month

04

Year

2021

Full name

The Chief Constable of Bartonshire Police

Name of claimant's legal representative's firm

Legal Services for Bartonshire Police

If signing on behalf of firm or company give position or office held

Force Solicitor

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

DRAFT ORDER

INTERIM INJUNCTION PREVENTING ANTI- SOCIAL BEHAVIOUR SECTION 7, ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

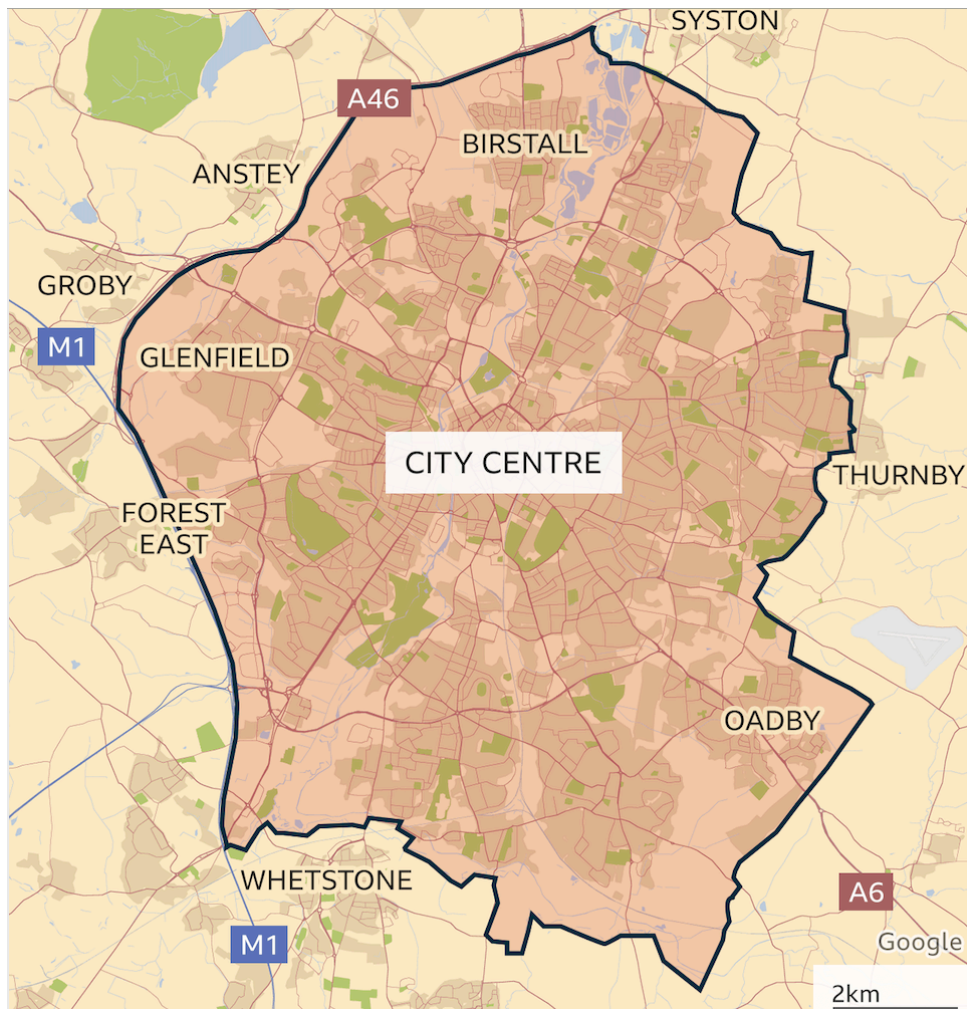
Respondent: RONALD KENYON

Address: 41 Overelfhowe Road, Barton, BR16 5GH

IF YOU, RONALD KENYON, DO NOT COMPLY WITH THIS ORDER, YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND IMPRISONED

The Court orders that Ronald Kenyon (whether by himself or by instructing, encouraging or allowing any other person) SHALL NOT:

1. Be with and/or communicate directly or indirectly, with any known or suspected members of the 'BR1 gang' in Barton.
2. Participate in any social media, YouTube, music video or other video that incites, encourages or glorifies gangs, violence and/or drug-related activity.
3. Enter the area of Barton city, as outlined in the map below.



RELEVANT LEGAL PROVISIONS

Anti-Social Behaviour, Crime and Policing Act 2014

Section 1: Power to grant injunctions

- (1) A court may grant an injunction under this section against a person aged 10 or over (“the respondent”) if two conditions are met.
- (2) The first condition is that the court is satisfied, on the balance of probabilities, that the respondent has engaged or threatens to engage in anti-social behaviour.
- (3) The second condition is that the court considers it just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in anti-social behaviour.
- (4) An injunction under this section may for the purpose of preventing the respondent from engaging in anti-social behaviour—
 - (a) prohibit the respondent from doing anything described in the injunction;
 - (b) require the respondent to do anything described in the injunction.
- (5) Prohibitions and requirements in an injunction under this section must, so far as practicable, be such as to avoid—
 - (a) any interference with the times, if any, at which the respondent normally works or attends school or any other educational establishment;
 - (b) any conflict with the requirements of any other court order or injunction to which the respondent may be subject.

Section 2: Meaning of “anti-social behaviour”

- (1) In this Part “anti-social behaviour” means—
 - (a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,

[...] or
 - (c) conduct capable of causing housing-related nuisance or annoyance to any person.

Section 6: Applications without notice

- (1) An application for an injunction under section 1 may be made without notice being given to the respondent.
- (2) If an application is made without notice the court must either—
 - (a) adjourn the proceedings and grant an interim injunction (see section 7), or
 - (b) adjourn the proceedings without granting an interim injunction, or
 - (c) dismiss the application.

Section 7: Interim injunctions

- (1) This section applies where the court adjourns the hearing of an application (whether made with notice or without) for an injunction under section 1.
- (2) The court may grant an injunction under that section lasting until the final hearing of the application or until further order (an “interim injunction”) if the court thinks it just to do so.
- (3) An interim injunction made at a hearing of which the respondent was not given notice may not have the effect of requiring the respondent to participate in particular activities.