

5 ESSEX CHAMBERS' REPORT ON THE 2023-2024 PUPILLAGE APPLICATION ROUND

Introduction

1. The members of the Pupillage Committee for the 2023-2024 application round were Samantha Leek KC (Chair), Beatrice Collier, Robert Talalay, John Goss, Peter Laverack, David Messling, Zander Goss and Lissy Verrall-Withers. Due to the volume of applications that we receive we decided to co-opt another member of Chambers to assist with the paper sift stage of the process: Amy Clarke kindly fulfilled this role. We were also grateful for assistance from Charlotte Ventham KC and John-Paul Waite for the interviews.

Our Activities in 2023/24

2. In late 2023, 5 Essex Court moved from its location in Middle Temple, where it was founded in 1954, and relocated to newly refurbished premises in Gray's Inn. With the move came a change of name, to 5 Essex Chambers.
3. As well as a successful move and re-naming, it was a successful year for Chambers across the board. We won Inquests and Public Inquiries Set of the Year at the Chambers & Partners UK Bar Awards 2023 whilst Jason Beer KC won Inquests and Public Inquiries Silk of the Year, Beatrice Collier won Public Services and Charities Junior of the Year and Chambers was shortlisted for Public Services and Charities and Public Law Set of the Year at the Legal 500 Bar Awards 2023, and Chambers won 'Best Chambers for Quality of Work' at the 2023 Legal Cheek Awards. In 2024 Jason Beer KC won Barrister of the Year at The Lawyer Awards, 5 Essex Chambers won Public Services and Charities Set of the Year, Samantha Leek KC won Public Law Silk of the Year, and Emma Price won Junior of the Year, at the Legal 500 Bar Awards 2024. Chambers and members of Chambers have also again been nominated for a number of awards at the Chambers UK Bar Awards 2024 and in the 2024 Legal Cheek Awards.
4. Chambers is delighted and proud that Charlotte Ventham KC was appointed silk in March this year. Her appointment means that, in addition to having one of the highest ratios of female members of any set, we continue to have one of the highest proportions of female KCs. Chambers takes pride in its commitment to diversity and inclusion, because we believe that fostering an environment where individuals from a range of backgrounds are welcomed and supported leads to a more successful Chambers and a more representative Bar. We were particularly pleased to be told in feedback from this last pupillage application round that

applicants had themselves appreciated Chambers' commitment to these values within the application process.

5. As we have said in previous reports, 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 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 allay apprehensions and share information about the positive impact of our work. To that end, we continue to take part in initiatives designed to dispel 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.
6. Our Equality, Diversity & Inclusion Team brings together staff and members of Chambers, including a representative from the Pupillage Committee. The Team continues to deliver in-house training in equality and diversity to both barristers and staff. All members of the Pupillage Committee receive fair recruitment training, and a member of the Pupillage Committee attends ED&I Team meetings and presents an analysis of the data from our pupillage application process for the ED&I Team's review.
7. In the last year, we attended the Legal Cheek virtual pupillage fairs, and the Bar Council's physical pupillage fair. Members of the Pupillage Committee, junior tenants, and pupils also take part in a large number of talks and presentations to students and potential applicants through law schools, Bar courses, and the Inns of Court.
8. There are also profiles for Chambers available on [Chambers Student](#), [Legal Cheek](#), and [on our own website](#), where you can find 'A day in the life' accounts from four junior members of Chambers.
9. More broadly, we have found the social media environment to be challenging over the past year. Our once-lively and groundbreaking Twitter/X account (@pupillages) receives far less engagement than it once did, and the 'Legal Twitter' community that students and barristers alike once participated in has somewhat fractured. We still use our Instagram account @5essexcourt_pupillages. We are keeping our social media presence under review – it can be a fantastic way to reach prospective candidates, but it is not clear at the moment whether these platforms, particularly Twitter/X, are still where prospective candidates look for information.

10. As in previous years, we also recommend “The Pupillage Podcast”, created by Beatrice Collier and Georgina Wolfe in association with Middle Temple, which offers valuable tips, tricks and insights from other practitioners. It is widely available for useful information on pupillage and the Bar.
11. Our pupillage award now sits at £65,000, which includes a guaranteed minimum earnings component which, in the last 11 years, our pupils have consistently exceeded. Our 2023/24 pupils again exceeded the guaranteed earnings component. We keep the pupillage award under review: we do not want to attract candidates who are solely in it for the money, but recognise the need to stay in touch with other sets competing for the best candidates.

Mini-pupillages, Open Evenings and a new Pupillage Mailing List

12. As in 2022-2023, we did not offer mini-pupillages by way of open application in this application round, partly due to the fact that online events are much more accessible than in-person ones. Instead the pupillage committee again hosted two virtual open evenings — ‘Inside Five’ — in November 2023 and January 2024. Members of cChambers and pupils delivered short talks on aspects of life in Chambers, of pupillage, and of the application process. These were incredibly well-attended and we, the committee, thoroughly enjoyed ‘meeting’ people and answering questions from those on the call. We intend to run these again this year, with an in-person event on 11 December 2024, and a remote event on 14 January 2025. More details can be found on Chambers’ website: <https://www.5essex.co.uk/careers/mini-pupillage/>.
13. Instead of mini-pupillages by open application, we offered a small number of mini-pupillages through Inner Temple’s ‘Pegasus Access and Support Scheme’ (“PASS”) and Middle Temple’s Access to the Bar Award. Both schemes are aimed at providing insight into life at the Bar to students from under-represented backgrounds. There is more information about the schemes at: <https://www.innertemple.org.uk/becoming-a-barrister/how-to-get-involved/pass/> and <https://www.middletemple.org.uk/becoming-barrister/access-bar-award>.
14. We are delighted that from 2024 we are providing up to 5 mini-pupillages in partnership with the Human Rights Law Association’s bursary scheme. These mini-pupillages, funded by HRLA, are for candidates with a passion for human rights law who would not otherwise be able to afford to undertake a mini-pupillage placement. More information is available at <https://www.hrla.org.uk/bursaries>.

15. We are also pleased to announce that from 2025 we will offer mini-pupillages to recipients of the Gray's Inn City of London Scholarship. These scholars are selected after participation in the Griffin Access Programme, part of Gray's Inn's outreach to state schools across the country. Their work is explained in more detail at <https://www.graysinn.org.uk/joining/connect/schools-outreach/>.
16. We continue to support the Bar Council's Bar Placement Scheme, which provides an opportunity for sixth formers to spend time in Chambers: <https://www.barcouncil.org.uk/becoming-a-barrister/school-students/bar-placement-scheme.html>. And we also participate in the 10,000 Interns Foundation scheme (formerly 10,000 Black Interns), again aiming to provide a mini-pupillage opportunity for those traditionally under-represented at the Bar.
17. We are exploring further opportunities for expanding our mini-pupillage offering to more students from under-represented backgrounds. For the time being, we do not intend to reintroduce mini-pupillages by open application.

Preparation for application round

18. In 2023-24, we recruited via the Pupillage Gateway, as we have done for many years. This was the second year of the Gateway operating on its new platform. While we would not say it was perfect, it was much improved from last year.
19. We had the option to add in Contextual Recruitment filters to applications made via the Gateway this year. We decided not to do so: our experience of new functions and features on the Gateway has been that they take at least a little time to bed in. We will review whether or not to make use of these filters in 2024-2025. As has been our practice since 2020, we continue to remove the details of the school and university that the candidate has attended before the form is marked. As set out in earlier Pupillage Reports, we maintain our position that any possible benefit in knowing the school or university attended is outweighed by the complex factors that underlie school/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. We emphasise that we do not attach any weight to the university attended.
20. As previously, we ensured that everyone involved in the application process had received Fair Recruitment Training, either delivered via the Bar Council, or by a member of Chambers qualified to do so, or via appropriate self-study of the Bar Council's Fair Recruitment Guide.

Selection for first interview

21. 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.

The consistency meeting

22. As we have done in previous application rounds, a sample of application forms was selected (by two members of the Committee) to be considered by the Committee and the co-opted member at a meeting to discuss the detail of the paper sift and to ensure consistency of marking (“the consistency meeting”).
23. 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. This is on the basis that distinguishing between these “borderline” applications is the most important, and most difficult, aspect of the paper sift.
24. All members of the Committee and co-opted member independently considered these applications by reference to our selection criteria.
25. We then held a consistency meeting to discuss the approach to each of our selection criteria and their application to the “consistency” candidates.
26. At the consistency meeting we discussed the marking of each candidate focusing, in particular on the “borderline” applications to ensure that all members took a consistent approach.

The paper sift

27. Following the consistency meeting, all applications (including the “consistency” candidates) were assessed by reference to our four published criteria. These are: (a) academic record, (b) experience (legal and non-legal), (c) presentation, and (d) 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.
28. Academic ability: The primary assessment was made on the basis of undergraduate degree results, though we also took account of postgraduate degree results, and GDL and BPTC results if applicable. 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). We gave additional weight to more recent results. We usually gave no weight to A-Level or GCSE results. This is a change from previously: our experience was that candidates have increasingly left secondary school with qualifications other than A-Levels. This is particularly the case for international candidates, but also for candidates within the UK who have done the International Baccalaureate or other ‘non-traditional’ qualifications. The difficulty of comparing effectively between these qualifications, combined with the relatively limited weight we historically put on A-Level or equivalent grades, means that it is fairer and easier not to take them into account.

29. The only exception to this was where a candidate disclosed some form of extenuating circumstances as regards their degree grade, in which case we were prepared to look to A-Level (or equivalent) results to help us in assessing academic ability in the round. While in theory we would have been prepared to take GCSE results into account on the same basis (for example, if the extenuating circumstances affected A-Level as well as degree results), we expect that this would be extremely rare, and we did not need to do so for any candidate applying this year. We will return to disclosure of extenuating circumstances below.
30. This year, almost all of those selected for interview had gained a 2:1 or first in their undergraduate degree(s). A 2:2 is not a bar to being interviewed if academic ability is still apparent from the application, such as by mitigating factors to explain the grade, a highly graded post-graduate degree, or several years of relevant work experience after graduating. 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, an applicant may still secure an interview where they satisfy our other criteria.
31. We encourage candidates who may have just missed a 2:1 (or a first) due to extenuating circumstances to break down their degree result percentages and to utilise the extenuating circumstances box to explain how their circumstances affected their degree result.
32. One feature we identified this year was a significant number of candidates who did not provide an overall degree grade (particularly for undergraduate degrees, but also for postgraduate degrees, the GDL or the Bar course). Some simply provided a breakdown of individual module scores; others did not even assist us that much. Although we recognise

that the Gateway does not require an overall grade to be provided for each degree, we found this unhelpful. We are always willing to consider extenuating circumstances and, where possible, to give the benefit of the doubt to candidates, but without a factual statement of the actual overall grade obtained, there were cases where we were not prepared to infer that it was (for example) a 2:1 or 1st, or that it would have been but for extenuating circumstances.

33. 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 an exceptional academic record who were not selected 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 Chambers).
34. Experience: We looked for evidence of experience which demonstrated that the applicant had the skills needed for success at the Bar, but, as in previous years, we were particularly interested in evidence of a talent for and genuine interest in advocacy. This is why, in the section of the Gateway form that allows a chambers to ask its own tailored question(s) of candidates, the Committee asked, as one of its individualised questions, ‘Please provide a summary of your oral and written advocacy experience’ and ‘Describe a time when you had to persuade someone into a course of action through oral or written advocacy. Describe what made your advocacy effective’. The highest box markings were given to applicants who were able to show extensive success in mooting, debating, and/or representing clients before tribunals or in some other “real life” forum, for example by reaching the final round in one or more mooting/debating competitions run by the Inns or a national competition, or representing a client on two or more occasions. Candidates who said they had organised debates/moots or had signed up to a pro-bono representation scheme or had been “FRU trained” but did not provide any evidence of having actually undertaken any advocacy itself did not score highly under this criterion. We did appreciate that it can be difficult to gain “real life” advocacy experience, which is why we included a question that gave candidates an opportunity to tell about their persuasive ability more generally, but given the importance of advocacy to Chambers’ practice areas, and given that many applicants were nevertheless able to demonstrate ability in this area, we continued to place weight on advocacy experience.
35. When looking at other areas of experience the highest box markings were given to applicants whose experience (whether legal or non-legal) demonstrated that they were well-organised, able to assimilate quantities of information, self-reliant, and possessed excellent communication skills.

36. Presentation: We work on the basis that the application form is itself a strong indicator of an applicant's work, demonstrating the care and attention that has been applied and the applicant's skills at using language in a persuasive fashion. The vast majority of applications had at least one mistake. Many contained several errors, from answers that stopped mid-sentence, to spelling mistakes that will not have been picked up via a spell-check (their/there, practise/practice), to missing or incorrect apostrophes. We were forgiving of applicants whose forms had one or two errors but if a form contained multiple errors of grammar, syntax or spelling, low box markings were given. Other significant errors included a reference to a barrister who practises from a different set, and more than two applicants expressing a desire to practise in areas of law that 5 Essex Chambers does not do (family, crime, commercial) or applicants who told us that they wanted to help individuals hold the police to account (thereby demonstrating that they had not appreciated that, in the area of police law, Chambers predominantly does defendant, rather than claimant, work). We did not penalise candidates who still referred to wanting pupillage at 5 Essex Court, but are likely to be less sympathetic next year.
37. Noting that the application form is an opportunity to persuade us to offer you an interview, we were impressed by applicants who were able to write concisely and precisely, and who used specific examples from their experience to support their answers.
38. Other factors: We were looking for evidence, anywhere in the application form, and provided within any context, which (aside from the other categories set out above) demonstrated that the applicant had the skills and potential necessary to secure a tenancy at 5 Essex Chambers. These included an understanding of the law and a desire to practise at the Bar that runs deeper than relying on good grades; a demonstrable work ethic; and evidence of pushing for success whether in academia, employment or in personal pursuits. It was also very important to us that candidates were convincing on why they wanted to come to 5 Essex Chambers specifically.
39. The paper sift exercise is the most competitive stage of the process. Generally we are only able to invite approximately 30 candidates to a first round interview. We are highly conscious that this means that we are rejecting potentially very able candidates without giving them an opportunity of an interview.
40. For the paper sift, assessors were each allocated application forms to read and score. The assessors were paired so that each pair could discuss borderline candidates that they had encountered. Each assessor then put forward a list of candidates whom they considered

ought to be offered an interview. There was no maximum or minimum number of candidates that each assessor could put forward. This was to account for the coincidence of one assessor (randomly) having been assigned multiple excellent applications. The applications from shortlisted candidates were then discussed among all assessors to form a final list of candidates.

41. Following the paper sift, the Committee reflected upon some of the broad themes that emerged from the paper sift exercise. There were as follows:
42. *Overall quality of candidates:* The quality of candidates remained very high, and, as in previous years, we found that some otherwise able candidates were not selected for interview due to gaps in their experience which other candidates had managed to fill. For example, several applicants with excellent academic achievements were not selected for interview because they did not provide evidence that they were committed to a career at the Bar and/or because they did not have any experience of success in advocacy on their form and/or because their form revealed that they had only a superficial interest in and/or knowledge of Chambers' work.
43. *Mini-pupillages:* Whilst we do look for evidence that an applicant has a properly informed understanding of what a career at the Bar entails, we did not privilege mini-pupillages over other ways of demonstrating this understanding. Thus we were not looking for any particular number or type of mini-pupillages, especially given that we no longer offer mini-pupillages by open application. However, where candidates had either one, or zero, mini-pupillages on their form we did scrutinise the form for other evidence to show that the applicant was genuinely motivated by a career at the Bar. For those who had done mini-pupillages, candidates who could not only say what they had seen on a mini-pupillage but what they had learnt from the experience did well. We cannot see why the same should not be true of any court visit (for example, attending an inquest or public inquiry hearing), even when this did not form part of a mini-pupillage.
44. *The 'why a barrister' question:* This question asked candidates why they wanted to be a barrister. The better answers effectively and creatively set out their motivation for a career at the Bar, demonstrating a good understanding of what this involves. Answers which did not engage with key features of a career as a barrister such as advocacy did not do so well. Nor did answers which addressed slightly different questions such as why the applicant would be a good barrister (a question we have asked in previous years), or which were highly generalised. Candidates could therefore show their attention to detail by focusing their answer on the

question asked. We are not blind to the fact that this question is potentially something of a cliché: nonetheless, we think that at the point of applying for pupillage, good candidates should be able to speak meaningfully and originally about their motivation for this career.

45. *Chambers-specific questions* — “*Why do you want to practise in 5 Essex Chambers’ core practice areas?*” and “*Apart from the types of work that we undertake, why do you want to join 5 Essex Chambers?*”: We continue to give significant weight to the questions asking applicants to explain why they want to join our set and to work in our areas of practice. The reason why we place emphasis on the answer to these questions is because, given the high number of well-qualified applicants, we want to offer pupillage to those who are genuinely interested in building a career in our set, rather than to applicants who would, in truth, prefer to practise elsewhere. Otherwise impressive candidates have been rejected because of a poor and/or underdeveloped answer to this question. As in previous years we generally found these the most helpful questions in differentiating between candidates.
46. As in other years, the best answers to the Chambers-specific questions showed that the applicant had a genuine understanding of Chambers’ work and its ethos, and was able to match their skills and/or interest and experience onto the work that we do. We do appreciate that it can be difficult to gain an in-depth understanding of Chambers from ‘the outside’, especially without the opportunity to do a mini-pupillage. For that reason, we do not expect an unrealistic level of knowledge, and understand that applicants are largely dependent on the research that they can do online or at events such as Pupillage Fairs. With this in mind we were more persuaded by answers where the candidates had plainly researched multiple sources, rather than just relying on our website. We were impressed by applicants who understood that in our police, government and inquest work Chambers’ barristers almost exclusively work for public authorities (rather than for individuals).
47. In terms of the work we do, although one of our major practice areas remains police law, Chambers’ work has diversified over recent years. For this reason, whereas in the past we have given lower box markings to answers which did not refer to police law, we no longer take this approach, though we do expect that at least one – and preferably more – of our other areas of work are featured, with good supporting reasons for the applicant’s interest in that area of work. A realistic understanding of Chambers’ work – including at the most junior end – underpinned the strongest answers to this question. Answers which focused on less central aspects of work at 5 Essex Chambers did not fare so well.

48. We were not impressed by answers that simply parroted back text from our website or the directories as we felt that this did not show a genuine interest in Chambers. This year, as in years past, we received applications from candidates who presented themselves in their responses to these questions as committed to a practice in public law or human rights, but whose form in all other respects communicated an interest in commercial law, or in crime. These candidates did not score as highly on these questions as others whose form overall was consistent with an interest in tenancy at 5 Essex Chambers.
49. We would like to emphasise that these are two different questions: we were not impressed by candidates who could not find anything to say about why they wanted to join 5 Essex Chambers other than the kinds of work we do. Together these questions allow applicants to explain in some detail why they want to join Chambers and also what they might hope to contribute to Chambers.
50. *Extenuating circumstances:* A number of candidates declared extenuating circumstances. We take these at face value and we do not expect you to provide medical evidence or other independent evidence of extenuating circumstances, or to set out details which would make an applicant feel uncomfortable to disclose. Equally, it may be difficult for us to understand how a particular extenuating circumstance has affected the contents of an applicant's form if the candidate provides only limited information or the extenuating circumstances are expressed in very general terms.
51. We had one case where a candidate emailed Chambers with evidence of extenuating circumstances for their degree grade rather than include that information on the Gateway form. This is unhelpful: because the forms are anonymised, there is no way (short of de-anonymising the form at the paper sift stage, which we are reluctant to do given the importance of fairness) to link the evidence submitted with the candidate's form. We encourage candidates to make use of the space on the Gateway form for extenuating circumstances rather than contact Chambers outside the Gateway process.

Equality & diversity data

52. The data which we were able to download from the Gateway this year did allow us to obtain some useful equality and diversity statistics regarding our applicants, albeit the Gateway did not capture equality and diversity data for the progression between first and second round interviews. We therefore focused on reviewing the equality and diversity statistics of those making applications to Chambers (to understand from a diversity and equality perspective

who was attracted to apply for pupillage at 5 Essex Chambers) and then on the progress of those applicants through the paper sift to first interview.

53. We were able to see that of the total number of candidates who applied for pupillage 56% were female, 39% were male and 5% preferred not to say. 47% of applicants invited to a first round interview were female, 39% were male and 14% were applicants who had preferred not to disclose their gender.
54. The Gateway data is relatively detailed on ethnic background, with statistics for the percentage of total applicants for the following ethnic origins: Arab, Bangladeshi/British Bangladeshi, Chinese/British Chinese, Indian/British Indian, Pakistani/British Pakistani, Any other Asian/British Asian background, Black African/British Black African, Black Caribbean/British Black Caribbean, Any other Black/Black British background, Mixed White/Asian, Mixed White/Black African, Mixed White/Black Caribbean, Mixed White/Chinese, Any other Mixed/Mixed British background, Roma, White Gypsy, White Irish, White any other background, Any Other Ethnic Group, and Prefer Not to Say.
55. In terms of the total number of candidates, proportionally the top 3 ethnic backgrounds from which applicants came were: White British (27%), prefer not to say (10%) and Black African/British Black African (8%), with the remainder spread, unequally, amongst the other ethnic backgrounds, save for Roma and White Gypsy. There were no applicants who self-declared as having the latter ethnic origins.
56. Proportionally the top three ethnic backgrounds from which candidates who were offered first round interviews came, were: White British (47%), prefer not to say (11%) and Indian/British Indian (8%), with the remainder spread equally across Chinese/British Chinese, Pakistani/British Pakistani, other Asian/British Asian, Black African/British Black African, White Irish and 'other' ethnic backgrounds.
57. As to disability, of the total number of applicants to Chambers, 13% of applicants declared themselves to have a disability as defined by the Equality Act 2010, 12% did not want to say, and 75% stated that they did not have a disability. 13% of applicants who were offered a first round interview stated that they had a disability; 19% stated that they did not want to say, and 67% of those invited to first round interview declared themselves not to have a disability.

First round interviews

58. 36 candidates were selected for first round interview. The interview panel comprised John-Paul Waite, Beatrice Collier, Robert Talalay and Lissy Verrall-Withers. For two interviews, Robert and/or Lissy recused themselves due to being acquainted with the candidates; in those interviews, John Goss stepped in.
59. The interviews took place on Thursday 21 March, Friday 22 March and Saturday 23 March 2024 via Zoom. Each interview was scheduled for 20 minutes. We were able to be flexible with scheduling, fitting in around applicants' other commitments. All applicants to whom we offered interviews were able to attend.
60. The Committee decided to conduct first round interviews remotely because we felt that it had worked well during the pandemic. The Committee's view was that rather than requiring candidates to travel to London for a 20 minute interview it would be more convenient and just as effective for them to undertake it remotely. Our experience in the pandemic, when there was no alternative to remote interviews, was that the interviewing panel was able successfully to assess the merits of each candidate via a remote link and that, importantly, candidates were able to present themselves well. This year, this remained our experience: we were pleased that the remote interviews were effective and efficient.

Interview format

61. Each candidate was asked the same five questions:
 - a. Question(s) arising from the application form (approximately 2 minutes);
 - b. A question about their motivation and commitment to 5 Essex Chambers (approximately 3 minutes)
 - c. Legal reasoning question (approximately 7 minutes);
 - d. Advocacy question (approximately 4 minutes);
 - e. An opportunity for the candidate to add anything in support of their application that they had not been asked about (approximately 3 minutes).
62. In relation to the time estimates, the interview panel was acutely aware that all candidates needed to be given a fair opportunity to fully answer all questions. To promote this, the interview panel was advised to ensure that a candidate did not spend too long answering one question — candidates do not know how many questions they will be asked, so it would be unfair to expect them to curtail their answers accordingly. To ensure a level playing field, the

interview panel told the candidate in advance approximately how long they had to give their answer, and gently stopped candidates after the allocated time for each question had elapsed.

63. Candidates were assessed by reference to four overarching criteria: (a) legal knowledge, (b) presentation, (c) motivation, and (d) communication and interpersonal skills.¹

The initial questions arising from the application form

64. The purpose of the initial questions was twofold: first, to put the candidate at ease and second, to allow the interview panel to investigate anything of interest and/or to clarify any matters arising from the candidate's application form. For example, in relation to the latter, where a candidate's experiences tended to suggest a dominant interest in practice areas outside Chambers' core practice areas, this was an opportunity for the candidate to explain their reasons for applying to us and why they felt that their experience would be beneficial to our practice areas.
65. The initial questions are a good way for candidates to show clear and concise presentation, along with excellent communication and interpersonal skills. As always, the best candidates answered the question asked succinctly and with well-chosen examples, where appropriate, (rather than just giving the panel information in an unstructured and unfocused way).

Motivation and commitment

66. This question required candidates to express why they wanted to practise from 5 Essex Chambers. We found that not every candidate was able to speak persuasively about their motivation to apply to us. Applicants who had researched Chambers thoroughly, and who had given proper thought in advance to this issue, were able to speak with conviction and precision. Those who had only given it superficial thought before coming to interview, even though it is a topic explored in our application form, were markedly less structured and more 'waffly' in their answers.

The legal reasoning question

67. Candidates were asked the following question:

I am going to read a short scenario and then ask some questions about the legal issues that might arise.

Police have intelligence that a vehicle contains firearms. Firearms officers stop the vehicle and tell the occupants to get out, intending to arrest them. As the occupants are doing so, the driver reaches

¹ Our criteria for pupillage applications which are published on <https://www.5essex.co.uk/careers/pupillage/>

across their body towards the centre console. A firearms officers believes they are reaching for a weapon, and shoots them.

What might be the legal justification for this use of force?

68. There were follow-up questions both on aspects of the facts (for example, whether it would make a difference if the driver were reaching for their mobile phone), and on the kinds of legal consequences that were likely to follow, such as an inquest/public inquiry, criminal proceedings, disciplinary proceedings, and civil proceedings.
69. The strongest responses were those in which the candidate:
- a. Structured their answers;
 - b. Analysed the law clearly;
 - c. Applied the law to the facts;
 - d. Reached considered conclusions, bearing in mind the facts, the law and the public interest;
 - e. Through their answer, demonstrated a high degree of research into common questions that arise in police law, such as use of force, the distinctions between civil claims, misconduct investigations/hearings, and inquests/inquiries, and reliance on intelligence.
70. The individual panellist leading this question was advised to prompt each candidate if they struggled or went off-topic as appropriate. Candidates were marked on their overall analysis, coherence, and understanding: a single trip down the wrong path was not counted against them.

The argument question

71. For this question applicants were given a proposition and invited to argue either for or against it. The proposition was as follows:

In future, legal cases should be decided by Artificial Intelligence, not by judges in court.

72. Candidates were given around 4 minutes in total, including such time as they wanted to gather their thoughts (although we prompted some candidates to start when they took more than a minute of thinking time). This question was designed to test candidates' ability to argue an issue without notice. No detailed knowledge of the law or indeed artificial intelligence was needed.

73. The best candidates:
- a. Structured their answers clearly;
 - b. Were able to construct an argument with two or three distinct points to support the conclusion they were advancing;
 - c. Were able to deal with potential counter-arguments;
 - d. Were articulate and controlled in their expression despite being under pressure.
74. The weaker presentations:
- a. Were unstructured and rambling;
 - b. Did not refer back to the question;
 - c. Could only identify one good point in support of their case, or one good point and some weak ones, overlooking better arguments which could have been made;
 - d. Did not reach clear conclusions.

The candidate's opportunity to add further information

75. We asked candidates if there was anything they would like to highlight about their application about which we had not asked them. This question allowed candidates the chance to speak on a subject of their choosing with which they could be expected to be familiar, for up to three minutes. It gave us an opportunity to consider their judgement, fluency and communication skills.
76. Better candidates picked a relevant detail from their application form, or from their application more generally (for example, by updating us about recent advocacy or academic achievements), and spoke about it fluently and clearly.
77. Weaker candidates either made a poor choice of topic, or could not speak about it in detail or convincingly.
78. Generally, the panel paid particular attention to candidates' communication and interpersonal skills, motivation, legal knowledge, presentation and persuasiveness, as applicable to the question being asked. Each candidate was briefly discussed immediately after their interview or during the next break. No firm decisions were made until all candidates had been interviewed. At the end of the process, the panel discussed all the candidates amongst themselves. The panel was aware that it would be looking to put around

10 candidates forward for a second round interview, but in the event we selected more than the anticipated 10.

79. Of the 36 candidates interviewed, we selected 12 candidates to progress to a second round interview.

Second round interviews

80. The interview panel comprised: Charlotte Ventham KC, Beatrice Collier, John Goss, Peter Laverack and Zander Goss.
81. The interviews were held in-person on 27 April 2024 between 9:30 am and 6:00 pm. Candidates were advised to arrive at least 40 minutes before their 30-minute interview slot in order to prepare the advocacy exercise.

Interview format

82. The interview took the following format:
- a. Advocacy exercise (approximately 10-12 minutes);
 - b. Situational question (approximately 3 minutes);
 - c. Policy question (approximately 4 minutes);
 - d. A legal problem (approximately 5 minutes);
 - e. Final question (approximately 2 minutes);
 - f. Opportunity to ask questions of the interview panel.

The advocacy exercise

83. The advocacy exercise involved an application before a Circuit Judge (played by Charlotte Ventham KC, who sits as a Recorder) to adjourn a trial on its first day, for reasons both of poor case management concerning hearing bundles (by the other side) and a failure to have key witnesses available (by the advocate's side). It was designed to test candidates' advocacy skills, communication and judgment. Candidates had 30 minutes with the papers prior to interview for preparation (with a small number of candidates receiving a short period of additional time as a reasonable adjustment). Detailed knowledge of the legal framework or the CPR was not required.
84. The strongest advocates:
- a. Structured their submissions and signposted what they were going to say;

- b. Were both precise and concise (demonstrating an understanding that less is often more);
- c. Made good eye contact, spoke fluently, at an appropriate pace, and modulated their speech to remain engaging;
- d. Directly addressed interventions from the judge and were able to resume their submissions smoothly after doing so;
- e. Recognised their strongest and weakest points (or responded to the judge's indication in relation to the latter), and thus spent more time on their better arguments. In particular, the candidates who acknowledged that their own side's failure to warn witnesses was a significant failure that rather overshadowed challenges with hearing bundles did much better than those who sought to minimise their own client's default, or to over-emphasise the other side's;
- f. Recognised situations in which they needed to clarify and/or take further instructions (and either requested a moment to check their written instructions or advised the judge that they would need to take further instructions);
- g. Gave their submissions a conclusion, rather than just stopping.

85. The weaker presentations:

- a. Were, in many respects, the converse of the above: they lacked structure, did not convey momentum and direction, were long-winded and/or repetitive, and tended to use overly complex language;
- b. Revealed that the candidate had not understood that the court was likely to regard the failure to warn witnesses for trial as a very serious failing;
- c. Were aggressive/combative in tone or, at the other end of the spectrum, unsure of their own position;
- d. Made unexpected concessions in response to intervention from the judge or, conversely, kept pressing a point with vigour despite it being clear that the judge had heard and understood the point, but didn't consider it to be particularly strong;
- e. Over-stated the facts or, of particular concern, went beyond their instructions – it is appropriate for an advocate to check their papers before answering a question. While the silence can feel deafening, and you will no doubt feel overly-conscious about the time you are taking, it is *far* better to take the time to check than to

mislead the court. The duty to the court is mandatory across the Bar, but, as 5 Essex Chambers represents public authorities, we focus on this (even at the recruitment stage) because the court (and indeed the general public) expects the highest professional standards of us and our clients;

- f. Were uncertain about what to do with information which they had been told in their instructions that their instructing solicitor would prefer not to be revealed to the court.

The situational question

86. The situational question related to the recent direction from the Lady Chief Justice that where a silk and junior are instructed, consideration should be given to the junior having a speaking role in court. Candidates were asked about what practical obstacles might arise.
87. This question was aimed at testing the candidates' knowledge of a recent news story at the Bar (and therefore their preparation), their ability to think about practical challenges in a courtroom context, and whether they identified key challenges such as client concerns and undermining the junior's other roles.
88. Key themes which we were expecting candidates to raise were:
 - Clients may be reluctant to have the junior do the advocacy when they have instructed a silk – the client should be entitled to the advocate of their choice;
 - Clients may be wary about the risks of duplication of work;
 - The role of junior and leader are quite distinct and both are demanding: it will require significant planning to disrupt that division of labour in a way that is efficient, effective and fair;
 - Juniors already have an important role in cases in the lead up to, and during, hearings, and it would be unfair suddenly to add on to that role the stressful and different one of advocacy;
 - There may be a perception that the points taken by the junior are the less important or weaker points.
89. The strongest answers identified these themes and weighed them up against the potential advantages of the LCJ's direction.
90. The weakest answers did not engage with the practicalities of how proceedings in court take place, did not consider the perspective of the client, and/or showed a lack of appreciation for the role of a junior barrister in complex proceedings.

The policy question

91. The policy question was as follows:

“You’ve no doubt been following the Post Office scandal and the ongoing Public Inquiry. A Bill is now going through Parliament which, if it becomes law, would automatically quash convictions for certain offences of dishonesty that were prosecuted by the Post Office or the Crown Prosecution Service. Is this intervention by Parliament justified in your view?”

92. It was designed to explore candidates’ awareness of a current legal issue and to test their familiarity with issues linked to a high-profile public inquiry, a key area of Chambers’ work; it did not matter whether the candidate answered that the intervention was or was not justified. All candidates identified that the separation of powers and the independence of the criminal justice system/judiciary was a crucial issue for them to tackle.
93. Whichever view they took, the strongest candidates:
- a. Demonstrated a very high level of familiarity with the Post Office Inquiry and the issues underlying it;
 - b. Identified or acknowledged the practical advantages of the Bill, such as speed, consistency, and the impact on capacity within the justice system;
 - c. Identified or acknowledged how the Bill would offend against the separation of powers, and the ‘floodgates’ type arguments against it, while also noting that it addressed a very particular set of circumstances;
 - d. Raised the possibility of unintended consequences such as acquittals for those who were in fact guilty or the fact that statutory acquittals might be ‘tainted’ by the fact that there was no individualised consideration;
 - e. Argued clearly for one view or the other while also tackling points against their argument.
94. Weaker candidates showed a shallower engagement with the issues raised which resulted in thin and short answers.

The legal problem

95. The hypothetical legal problem was as follows:

“I am going to describe a hypothetical scenario.

Then I will ask you some legal questions.

Here is the scenario: A woman, Zaba, calls 999. She says she’s with her friend Dennis and she thinks he’s taken an overdose. The police attend.

Zaha says Dennis is depressed and she's found an empty packet of pills that were full earlier that day. Dennis denies taking the pills but refuses to show the officers where the pills are. The officers ring an ambulance but are told it will be several hours before one can be sent. They receive another urgent call on the radio so they ask Zaha to stay with Dennis and call a taxi if he appears unwell. Several hours later Zaha checks on Dennis and finds him dead.

a. Do you think that when the police arrived there was a real and immediate risk to his life that they should have been aware of? Why/why not?

b. Do you think that the police owed Dennis a duty of care in negligence? Why/Why not?

c. If so, did they breach it?'

96. This problem question was designed to explore candidates' ability to identify the various legal issues that arise from the scenario. It was particularly intended to explore their familiarity with issues of negligence and the Human Rights Act 1998 in the context of public sector liability.
97. The strongest candidates were able to pick out key facts relevant to each of the questions, and analyse them by reference to the relevant legal frameworks – which are different for Human Rights Act claims (dealt with in the first question) and negligence claims (dealt with in the second and third question). We took into account that candidates were at different stages of their legal education: some of the best answers came from candidates who had not yet covered these subjects academically (or candidly confessed that they had done so a number of years ago), but were able to reach sound conclusions from first principles.
98. Weaker candidates did not have a clear grasp of the different legal issues and frameworks; did not recognise points where the facts pointed in both directions; and/or provided unstructured answers that mixed up the various issues that arose (such as whether a duty existed and whether there had been a breach of duty).
99. The interview panellist leading on this question was advised to prompt candidates if they became stuck and to guide them toward issues that they would not otherwise have considered. Again, candidates were not heavily marked down for a single wrong turn in their analysis.

The final question

100. The final question was: *“Can you give us an example of a time that you have contributed to the life of your university, local community or school?”*

101. This was a chance for candidates show us what qualities, interests, or attributes they have which would make them a valued member of our Chambers. We were impressed by answers which showed considerable public spiritedness, initiative, creativity, and determination. Candidates who had to reach back into their early teens to think of an example, or gave examples which did not really answer the question, were less impressive. That said, this question was not determinative for anyone's interview outcome.

The deliberation process and offers made

102. We were extremely impressed with the standard of the second round candidates, and we spent a significant time after the final interview discussing to whom we should offer pupillage.

103. Prior to second round interviews, we asked for references for all our second round interviewees. We are always grateful for the timeous receipt of those references. It gives us the opportunity to cross-check anything in the applications, in the event we want to clarify something with the candidate and is also an opportunity for us to see the candidate through the eyes of someone who knows them well professionally. Candidates should consider who is likely to be able to speak compellingly and in detail about their application: we were less impressed by referees who could not (or did not) comment on skills relevant to the legal profession at all. It is also helpful to ensure that referees will be available towards the end of the application process: we had to send some chasing emails to candidates when referees did not respond initially.

104. We confirmed one pupil to start in 2024 (alongside a candidate recruited for a 2024 start in the previous round), and one pupil to start in 2025. We will look to recruit a second pupil for 2025, as well as two for 2026, in the 2024-2025 application round.

Conclusion

105. We hope that this explanation of our application process helps to demystify the process and is of some assistance to those who are considering applying to 5 Essex Chambers in 2025. As we have set out above, we welcome applicants from all backgrounds. It should also be clear from reading this report that we particularly encourage applications from those who are committed to Chambers' ethos and to our areas of practice.

106. We look forward to seeing some of you at our in-person and online Open Evenings which will take place in December 2024 and January 2025 respectively, to receiving your applications and to meeting those of you who are successful in getting through to the

interview stage. We never forget how much time and effort is required to apply for pupillage, at a time when candidates are simultaneously studying and/or working and therefore wish you the very best of luck and perseverance.

30 October 2024

SAMANTHA LEEK KC

**On behalf of the
Pupillage Committee**