

Pupillage opportunities in the Commercial Sector of the Employed Bar

BACFI organised a meeting on 22nd March to explore why there were so few accredited Pupillage Training Organisations in the commercial sector of the Employed Bar. The meeting was attended by several General Counsel, representatives from Chambers and the Director of the Bar Standards Board, the Chairman of the BSB Pupillage Committee and the BSB Pupillage Officer.

The need to create more pupillages is particularly pressing in the current climate where there is an increasing number of applicants for fewer and fewer pupillage places. Sir Michael Burton the Treasurer of Gray's Inn was present at the meeting and spoke about the COIC Working Group, of which he is Chairman, which is examining ways of dealing with shortages of pupillages across the whole Bar. He was therefore particularly keen to explore what could be achieved at the Employed Bar. The BSB endorsed these concerns and it was reported that the BSB is reviewing the pupillage rules in the light of the proposed new Code of Conduct.

BACFI was aware from its research that many General Counsel like to have a mix of barristers and solicitors in their department and many would be prepared to train barristers if the rules were more flexible. The Director of the BSB stated that if there were real barriers which prevented companies coming forward then these would be considered. BACFI is therefore anxious to hear from companies about their own views and experiences. Evidence so far has been largely anecdotal.

A full discussion took place and the following points were made:

1. In-house corporate legal work is largely advisory whereas the current pupillage regime is designed for Chambers and aims to produce Court Advocates. It was suggested that to give employed pupils the necessary advocacy experience arrangements could be made with Chambers for secondment of pupils possibly as part of an exchange scheme where Chambers pupils could gain some experience of corporate work.
2. The rules surrounding accreditation of pupillage organisations are complex and it is often difficult for companies to fit their training programmes into the Bar pupillage structure.
3. There are many barristers working and being trained in companies outside the pupillage structure. If these arrangements could be converted into pupillages then several new pupillages could be created. It was important however that the pupils in employment received excellent training and there should be no perception that such pupillages were "second class".
4. One of the issues for legal departments which train solicitors is a very different accreditation process required by the SRA where the company just has to declare that it will comply with the SRA Handbook and rules surrounding training contracts.
5. The advertising rules were seen as a potential barrier for companies wishing to select pupils from within the company as an employee development tool. Any company wishing to recruit pupils internally currently needs a waiver from the BSB whose current policy states that the employees must have originally been selected in open competition where the possibility of a pupillage must have been mentioned.

Conclusions

The meeting was found to be helpful by all concerned and the following actions were agreed:

1. BACFI to promote accreditation to suitable companies and to solicit further evidence from companies about their difficulties with the rules.
2. Companies who may be interested in training pupils should ask for an early meeting with the BSB to discuss their particular requirements and how they can comply with the rules.
3. The BSB to consider further promotion of employed pupillages through their website and other communication means.
4. BACFI to input if possible to the current review of the pupillage rules.

For further information and comments please contact the BACFI Administrator:
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