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*“Round my kitchen table podcast: **Bar delegation visits Dalston**” November 18th 2011.*

Chair:

[Alex Aldridge](#) (AA)

Guests:

Jeremy Hopkins (JH) – Practice Manager at 3 Verulam Buildings; ‘Set of the Year’ - Chambers & Partners Bar Awards 2011.

Benjamin Gray (BG) – Pupil barrister specializing in Employment Law

AA:

Hi and welcome to this week’s ‘Round the Kitchen Table Podcast’, no Kevin Poulter this week again, but he’s making his way back from New York so he’ll be with us next week. This week ‘round my kitchen table’ I’ve got with me, Jeremy Hopkins, a barristers clerk at leading commercial set, 3 Verulam Buildings and Benjamin Gray, an employment law pupil at a barristers chambers in London. Now Benjamin, or Ben, you’ve just started pupillage as I understand?

BG:

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Yeah I started in October.

AA:

How's it going?

BG:

Well I hope it's going alright, but we'll find out in the tenancy decision. So far it's been very interesting, I've been in a couple of cases so far and I've seen sort of top end and coal face stuff and I've had a good range of work, though amusingly I haven't actually been in an employment tribunal yet.

AA:

This is super early days though I suppose? When will you get in a tribunal?

BG:

Well you get a tribunal in any basic employment law case, it's just that been that the cases I've been following my pupil master on, have either not been directly employment related; so for example we had once case that was straight discrimination allegations but wasn't in an employment context, so same law but it's in a county court. Or at the moment we're in a case that is being litigated in the high court for various reasons, including that it's over quite a lot of money.

AA:

So Jeremy or 'Jez' as you're known in your chambers, what's it like when the pupils come in? In October they're all sort of like little lambs are they?

JH:

Very much so you can tell actually it must be quite intimidating when people walk into a clerks room, all sorts of hustle and bustle going on and they don't really know anyone. They've had their introduction and been walked around the place, but I can see, I've seen people over the years who have been very mouse like and when you get to know them in tenancy you wonder 'who was that bloke who used to walk in here so humbly?'

AA:

Really?

JH:

Yeah, very much so and you can understand why.

AA:

What are they like with you? Because obviously as a clerk you're an important factor in whether or not they get taken on or not, as I understand it; are you called in for the decision?

JH:

No. To an extent in cases, and less so in my sector; the commercial sector, but more in others, where pupils are exposed to more advocacy; which is less so in the commercial side. If the pupils are exposed to more advocacy in their second six then you will be giving feedback on, or you'll be asked to call around to different solicitors that they've dealt with to get an idea. That happens to an extent in our place, but less so because in the commercial side they don't get that much advocacy experience in their second six.

AA:

It seems to me, it's weird though, because you get these pupil barristers, these people who want to be barristers, who're really confident people, but yet they come in and they're all mouse like at first. It's strange given that they also have to; do you have to appear in court as a pupil?

BG:

Not immediately, your first six months you're not allowed to appear in court, it's the non-practicing period, and then in your second six months you start practicing with someone supervising you. So at that point you do start appearing in court, though quite how you appear in court depends on the type of pupillage you've got; so for me come my second six I'll be appearing in tribunals, though technically because there's no right of audience in employment tribunals, anyone can represent anyone, roughly speaking. I could start appearing now, and I've given some thought to that.

AA:

Actually I remember when I was a law student I was doing some work experience and one of the placements was at an employment tribunal, and it was this woman who had been sacked for some reason. I felt really bad for her and she was really upset, but possibly part of the reason that she was so upset was that the guy representing her was like her friend. I think he told her that he knew quite a lot about law, but it seemed that he'd got it like all from watching U.S television shows, or reading 'Comment is Free'. So he was up against like a proper barrister on the other side, and I felt really sorry for him, he was just lost and it was really awkward. She lost actually and went off to the toilet and she was crying in the toilet. It was entertainment.

JH:

For the wrong reasons.

AA:

Easily my most entertaining work experience. I wrote an article about it actually, ages ago. So Jez do you ever see any of the barristers in court?

JH:

We do occasionally, less so again in the commercial sector. I think in the sets where they're in court all the time like PI and employment, you may well have clerks who come and watch, mainly because you need to know that if you're going to sell to a solicitor or going to persuade someone to instruct someone who is a good advocate, they're going to want to know that you've seen them in court otherwise you've got no basis for that. So the answer is yes, occasionally but not day in day out, if not only because we don't have the time.

AA:

Do you see the pupil barristers in court?

JH:

Again, we don't. We rely on solicitors for feedback.

BG:

Yeah I think that, certainly from my chambers the way it works in the second six, every solicitor who instructs you will write some formal feedback, which will then go back to chambers and is used for assessing tenancy. So all your work is assessed and you do get feedback on what you're doing wrong, hopefully what you're doing right.

AA:

It sounds really tough, a yearlong job interview?

BG:

Yeah that's essentially what it is.

AA:

But you must also think 'I've got a pupillage', because what is it? It's like two thousand.

BG:

I think it's like one in 5 roughly places to applicants.

AA:

But it's you know, about 400 pupillages available a year?

BG:

I think it's a little more but that's about right roughly.

AA:

And you're one of those who've got that, so you must think; 'even if I don't get a tenancy, I'm in; I've got my foot in the door here.'

BG:

Well it's not as simple as that. It's easier once you've got pupillage, to get somewhere at the bar but there aren't as many tenancy places as there are pupillages going around, so you can find that you are you know, out on your backside if you haven't done well. There is a lot of move around when it comes to tenancy decisions, because a lot of chambers and mine isn't included in this; will take more pupils than they have places and that just leads to everyone moving around and finding new places at the time of the tenancy decision.

AA:

So maybe moving to less prestigious chambers if you're not that good.

BG:

Not necessarily less prestigious, it might be that you don't like they're culture in chambers. Sometimes the decision just comes down to 'who fits better'. I've known people who were in one chambers they found that they didn't quite fit into the culture that was there and so did they're third six in another chambers and found that they like the culture better and went there as well.

AA:

So Jez, what about the differ cultures between chambers, have you always worked at 3VB?

JH:

No I've been at a variety of sets; I've been at St Johns Chambers in Bristol.

AA:

Are you from Bristol?

JH:

No I'm from Reading but it's sort of in that direction. But I've spent a few years there; I've been at a personal injury set, a chancery set.

AA:

But what about the cultures then?

JH:

Well it's funny I don't think the cultures vary from; they certainly vary geographically. In Bristol it was a brilliant, very, really relaxed atmosphere. Just the right mix of fun, relaxed laid back atmosphere as well as serious business going on.

AA:

How come you left?

JH:

Career progression they call it. But chancery was, I was in a chancery set it was a long time ago, it was in the nineties.

AA:

Was that in London?

JH:

Yeah it was in London it was XXIV Old Buildings and at the time I was there...

AA:

But you very young, what are you a vampire?

JH:

I have been twenty one years doing this, so I started when I was nine.

(Laughter)

AA:

Clerks start early quite often?

JH:

Most clerks start from school leaver positions, where they're just carrying books around and pushing trolleys around and spend years working their way up. I think that's a bit of a weakness really, say ninety per cent of clerks come from that route.

AA:

Is that your route you came in on?

JH:

No I worked in the court service and I used to work at Bow Street Magistrates. I was training to be a court clerk, and then I found an opportunity in chambers.

AA:

How did you get into that did you do a law degree?

JH:

No that was just a civil service role and I was a listing clerk to start with. I was in court every day with a court diary or with a book; diary seems a sort of odd word.

AA:

But how did you get that job to start with?

JH:

That was just a normal civil service job, in the evening standard there was 'civil servant working in the court service'. But I used to sit in court everyday watching all the stuff going on and I'd just stand up when the magistrate would say 'we need a half day hearing' and I'd stand and say you know 'third of January sir'. And that was it; that was my job. I'd spend a whole day watching a lot of good stuff.

AA:

So from that how did you get to, was it St Johns Chambers?

JH:

No it was XXIV Old Buildings, the chancery set in 1989. But it was just actually hearing about or talking to barristers saying you know this is a career option and I was finding the court clerk thing you had to learn some law stuff and make a bit of an effort. At that age I just wanted to get some money and climb that sort of ladder.

AA:

So what sort of age were you at that point?

JH:

That was, I don't know early twenties I guess.

AA:

Is it quite ad hoc to get into clerking?

JH:

It is and I suppose some ways nowadays the profession may be missing some expertise that it could have from people who've reached quite advanced stages of other areas could possibly move into it. They don't really get a chance and the done thing is just to move up from the bottom. There may be a lot of talent out there that could be harnessed.

AA:

Well clerks in the commercial sector earn an absolute fortune, like when I was at legal week I heard that at commercial sets the senior clerks earn like half a million a year.

JH:

I don't know to be honest but it wouldn't surprise me that there are a few out there.

AA:

Like the people like Ian Moyler who I've dealt with, who's a very nice guy. I mean not him specifically, but he's the head clerk at Brick Court and like Nick Hill at 3VB.

JH:

All I know is now when those stories were going around, they were like the 'good old days' where it was pure commission based, then you've got to look at however small a percentage you get at a thirty million set and your making loads. These days the tendency is that it is more commercial, a lot of the senior clerk positions are where people just take a step up the ladder and they're delighted to take an increase in salary with a very small profit share and I think it is getting more and more sensible and commercial. But yeah it's well remunerated but I think the silly money is still out there but I've just missed the boat unfortunately otherwise I'd be retired by now.

(Laughter)

AA:

People don't realise but clerks at commercial sets earn far more than most criminal barristers. When I was at law school I didn't realise that, I only knew that much later. I think partly it's because of the name, I think clerk is a bad name.

JH:

Well it is, my title at 3VB is 'practice manager', and actually clerk is known, solicitors ask for a clerk as it's still the known name so it's good to keep it. But yeah the reality of it is that it's a management role, you're making decisions and judgement calls on some quite serious stuff constantly. If you know what a clerk is then you know that but if you're from outside then you think clerk is a junior role. I think you need to have a bit of recognition for what you do because you need to make some big decisions and you need to have confidence in making quite tough calls so that gives

you that bit of power base if you like, to be recognised as a manager because that's what that role is essentially.

AA:

I think Charles Dickens was a barrister's clerk I think or a solicitor's clerk.

BG:

I think he was a clerk of some sort but he certainly was involved in the legal profession; because that's where 'Bleak House' comes from.

AA:

He wasn't legally qualified that was the thing; because he hadn't been to Uni, and he worked in law.

BG:

It worked differently in those days as far as I remember, either you'd start out at the entry level job, for barristers you'd start off as a special pleader and you'd eventually work your way up from endless drafting and right through to eventually becoming a full barrister. I could be horribly wrong.

AA:

Don't worry about facts.

(Laughter)

BG:

This is a fact free zone.

AA:

No wait this is not a fact free zone, it's a relaxed evening with some wine. But the problem with this podcast is that there's a transcript, which is great that there's a transcript but it means that when the transcript goes out; like the other day 'Roll on Friday' went into the transcript.

BG:

Oh bring it on!

AA:

Yeah bring it on. Anyway there owned by city law firm 'Ashurst'.

(Laughter)

BG:

Oh they own 'Roll on Friday'?

AA:

Well part owned or co owned, anyway that's another story.

JH:

Well I do like Ashurst.

(Laughter)

BG:

Ashurst are a lovely firm with wonderful people.

AA:

Well alright, I've interrupted you now. So Ben, you've come through this process, you've got a pupillage. How did you get a pupillage?

BG:

Well I don't know.

AA:

Did you have loads of interviews?

BG:

I had a few interviews yeah.

AA:

Sorry I'm interrupting you a lot, but are you straight out of the BPTC?

BG:

Yes I'm straight out of that, I got my offer of pupillage a year before that.

AA:

So what uni did you go to?

BG:

I went to Kings College London.

AA:

Did you get a first?

BG:

Yes I did.

AA:

Okay so you're a hot shot.

BG:

Well I got it in War Studies which at least on one occasion led to me getting an interview just to find out what that was as a degree, they didn't seem to be interested in anything else and after that interview they just told me that the standard was exceptionally high, as it has been for the last twenty years so it's not really an exception.

AA:

That's what they used to say to me in my rejection letters.

BG:

I think a lot of people would prefer it if they just said 'look, you know how tough it is, we can't offer a place to everyone' and I think people would much prefer that rather than say it's higher than usual each year.

AA:

What about a really brutal approach, 'you're an idiot'.

BG:

Brutal 'you're an idiot' may not be the best idea but a certain amount of 'you didn't get in and here's why' would certainly be useful for a lot of people who do apply, and say 'well why am I not getting in, what's wrong with my interview technique as much as anything else, what do I need to go and fix?' There's a lot of people who do apply for pupillage and there are problems with their CV, with the way they present themselves in an interview or with their academic background that can be fixed but no one's telling them that this needs to be fixed.

AA:

It's really interesting and I've been meaning to write an article about this subject actually, the subject of interview feedback, because everyone is told that you've got to ask for interview feedback, but no one is going to be honest with you.

JH:

Not only that don't forget, the people interviewing you are barristers, there is no one or so rarely, I don't know if some sets may have a CEO or somebody who understands this recruitment or personnel side.

AA:

I've had clerks on interview panels.

JH:

But only if you've got somebody who really; a lot of these things are quite subjective really and maybe they have score cards or something along those lines. I don't know because I'm not involved in the process at all, but I do know that some sets have really got people who understand recruitment or indeed interview technique in a wider commercial sense, I don't know if that's relevant in this situation.

AA:

That's true because it's such an artificial situation.

BG:

In my experience of interviews it's more to see how you're going to present yourself to a client or a judge.

AA:

Is it more 'are you one of us'?

BG:

There's a certain amount of fit, but I think at that level when you get to your final few people you're talking not much distinction between CV's, you're in an advocacy profession where your job is to stand in front of someone and persuade them to give you what you want and you've got to be able to present yourself, handle yourself and communicate and often these decisions don't come down to the CV's. I'm speculating here because I've never sat in any interview that wasn't my own, but I think it will come down to candidates with perfectly good CV's and will just come down to how well you did in interview.

AA:

How many interviews did you have?

BG:

I'm not going to say.

(Laughter)

JH:

Good answer, good answer.

AA:

Okay right, back to Jez. You must have seen a lot of pupils in your time, like you must have some good stories?

JH:

Of pupils? Not really. The story is that most of them are the mouse and they're unrecognisable in tenancy.

AA:

But you must've had the Mario Balotelli of pupils and just for non-football fans that's like a maverick footballer.

(Laughter)

JH:

I can think of a few, yeah maybe over the years in the distant past.

AA:

Come on give us a story.

(Laughter)

JH:

I can't, that is not a place where you'll get any funny stories.

AA:

I'd love to know like George Carmen QC, the famous barrister I wonder what he was like as a pupil. Probably really shy and retiring

JH:

Well it's a long career.

AA:

Ben, have you seen any sort of crazy stuff?

BG:

I'm the sole pupil so I haven't seen anything. I've seen mini pupils, and they've all been very polite and nice but they're there for only two days and often this is their first mini pupillage at this stage of the year, they know almost know law or they know nothing procedurally. They've not had a bar mini pupil that I've seen because I've not been there very long. They're all desperate not to mess up, I'm desperate not to mess up so I'm not going to sit there and be as loud as I might want to be. That's not the best way of phrasing it but you're always watching yourself as a pupil and as a mini pupil because you want to make a good impression, it is a yearlong job interview and so you've got; there's actually a term for it it's 'pupil paranoia'.

AA:

Okay so we're almost out of time here but just to finish off I just want to ask Jez a quick question. There's loads of law graduates who don't have pupillage or training contracts at the moment, how could they get into clerking. It seems that's an option that nobody talks about, is that a possible route?

JH:

It is a possible route but it doesn't obviously follow that someone has the skills to be a barrister has got the skills to be a clerk.

AA:

What skills do you need to be a clerk?

JH:

You need certainly don't need the law, if that's your focus you know what you want to do then straight away you're not going to get fulfilment from it.

AA:

Well for people like me for example who've studied law, but was never really into law. I think I'd have been better in a sales job.

JH:

Well certainly negotiation skills are key, or communication skills are important; the whole interpersonal spectrum of skills is absolutely vital. But among those resilience, you're in a position where you need to satisfy clients on the outside, people on the inside who are providing the service and who've got their own agendas career wise, their own day to day agendas so you're constantly in a situation where somebody is not happy, whether it's about a fee negotiation or

whether you have to make someone work all weekend to get the job done on time or whether you have to tell someone they can't have their job done on time. So it's that sort of resilience and the ability to communicate it.

AA:

Just for the law students listening to this who fancy being a clerk, how do they do it?

JH:

Most sets of chambers these days do advertise it in mainstream recruitment or legal magazines.

AA:

'The Lawyer', 'Legal Week' etc.?

JH:

Yeah it used to be 'Times' on a Tuesday as well.

AA:

Thursday now.

JH:

Anyway there's access to everybody now, and also the Institute for Barristers Clerks. The access is there but it's actually how you present your application. If you make your application and sort of big up that you're a law student people will shy away from that. You need to emphasize your commercial points. So 'I've got a law degree BUT I want to enter the commercial side of things, I want to make things happen and I've got the skills'. It's that sort of side of your expertise that you need to present.

BG:

Picking up on that I've noticed law schools do advertise and circulate newsletters that say chambers are looking for clerks. Certainly at BPP which is where I went, that's a little plug for them.

AA:

Other law schools are available.

(Laughter)

AA:

The College of Law who often retweet these, The City, Kaplan, Northumbria.

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BG:

Yes we could go on all night. Basically an email goes out every week which lists all the job opportunities being advertised to them and quite a few chambers do put adverts in saying, that if 'you've finished your GDL or your BPTC and you're looking for something to do or you've decided that being a lawyer isn't for you have you considered clerking?'

AA:

Law school ads, magazines you can get on the website for free and find those ads. Guy's we could talk for ages and it's been a pleasure but the listener might stop listening. Jez, Ben it's a pleasure and we'll be back next week with Kevin Poulter and another guest.