



THE BAR
OF IRELAND

The Law Library

BARRA NA hÉIREANN

An Leabharlann Dlí

PUPIL GUIDELINES

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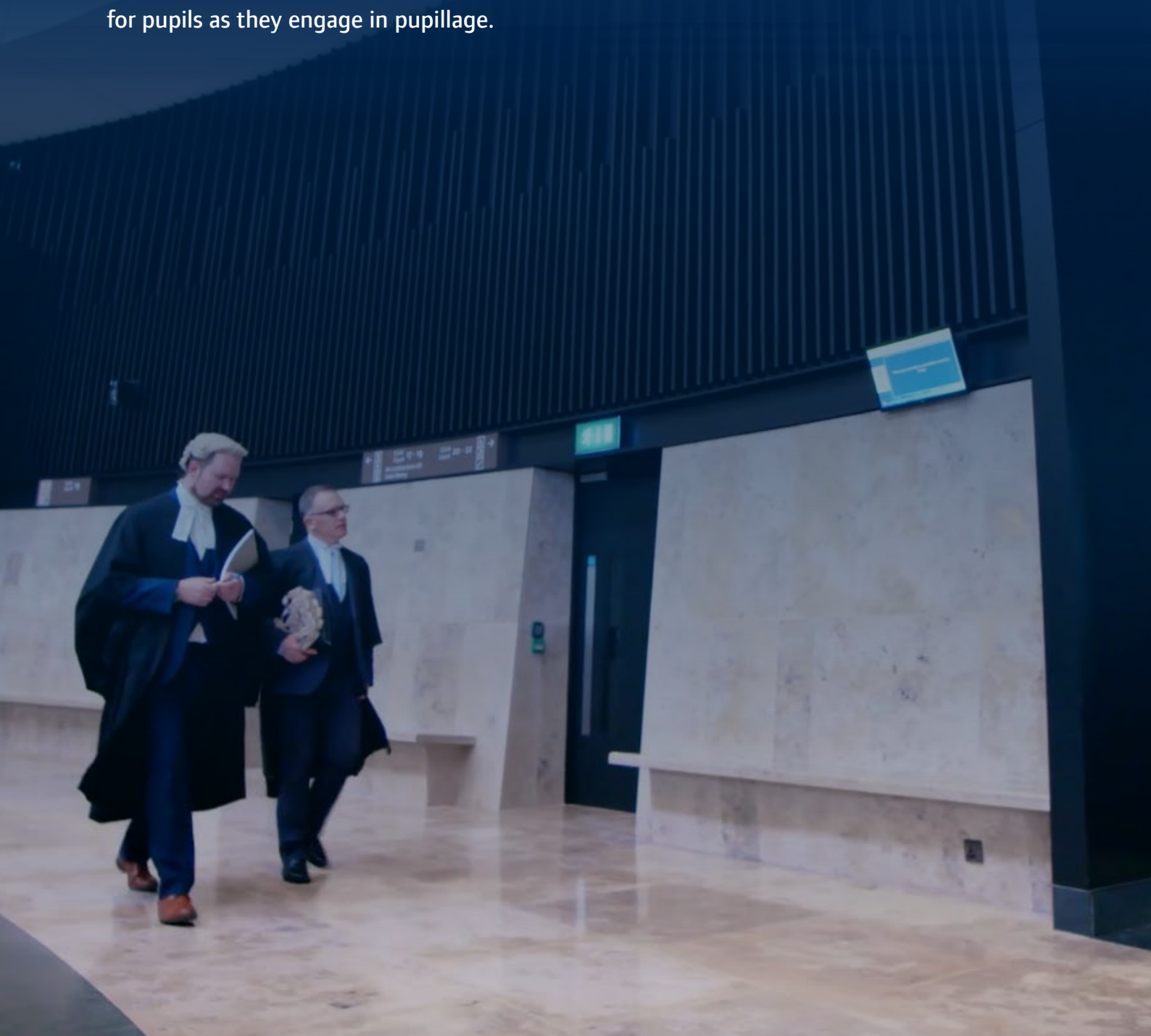
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PREAMBLE

The system of pupillage, historically referred to as 'devilling', has been in existence for as far back as Law Library records extend.

Pupillage is a period of practical training undertaken by barristers during which time they practise under the guidance and supervision of a senior barrister (one who has been called to the Bar for seven or more years but who is not a Senior Counsel), known as a 'master'. It continues to be an important phase in the preparation for independent practice and usually takes place during the year after which the pupil has been awarded the barrister-at-law degree by the King's Inns, although it may be completed later. While qualified barristers have full rights of audience once called to the Bar, barristers must complete a continuous period of not less than twelve months pupillage to practise as a member of The Bar of Ireland.

This document outlines the pupillage process for prospective entrants and provides guidance for pupils as they engage in pupillage.



Practice in the Law Library

The Bar of Ireland is an independent referral bar currently comprising approximately 2,200 members who provide specialised advocacy and advisory services to a wide client base both in Ireland and abroad.

Members are governed by the Code of Conduct for The Bar of Ireland that places emphasis on vigorous independent representation of the clients' interests, professionalism and integrity. An important feature of the Code of Conduct is that the behaviour of individual barristers must not bring The Bar of Ireland into disrepute.

On joining the Law Library, a newly qualified barrister must engage in a period of supervised practice, called pupillage, with an established barrister, (a 'master'). This is the final stage of training before independent practice as a member of the independent referral bar.

The purpose of pupillage

Pupillage is designed to provide the pupil with practical opportunities to become acquainted with court work, preparation of cases, legal documents, consultations and most importantly, to learn from an experienced colleague in a real-world legal setting.

Masters are responsible for teaching their pupils the rules and customs of the Bar and ensuring that they have read and understand the Code of Conduct and what constitutes proper professional practice by barristers.

The aims of pupillage are:

- to train and prepare the pupil for practice as an independent barrister at The Bar of Ireland as part of a supervised practical training year.
- to assist the pupil in establishing the skills necessary for professional practice as an independent barrister.
- to enhance and build on, by way of practical experience, the knowledge and skills gained at the academic and vocational stages of education.
- to assist in the development of the pupil's professional and ethical approach to practise as a barrister, in accordance with the Code of Conduct, the customs and standards of the Bar, and the Legal Services Regulatory Authority ('LSRA') Code of Practice (when commenced).
- to develop and encourage the pupil's proficiency in all areas of advocacy, oral and written, including by:
 - » providing opportunities to practise and/or to observe other advocates in court or other tribunals / dispute resolution fora.
 - » providing opportunities to develop drafting skills including opinions, pleadings and submissions.
- to educate the pupil in how to deal with relationships between barristers, solicitors and clients including by encouraging them to attend consultations or settlement meetings.
- to develop the pupil's application of effective research skills and to develop the pupil's analytical skills.

Pupillage is accompanied by a mandatory series of seminars (the New Practitioner Programme) designed to further support these aims (discussed further on page 8).



Guidance for Prospective Pupils

Resources available before entering the Law Library

'An application pack' can be found on the 'join' section of the website of The Bar of Ireland.

Prospective entrants should familiarise themselves with its contents and ensure before applying that they have reviewed the:

- Rules of Membership of The Bar of Ireland;
- Code of Conduct of The Bar of Ireland;
- Master-Pupil Guidelines.

Introductory meeting

Incoming practitioners must attend a brief introductory meeting with a member/members of The Library Committee prior to entering the Law Library. This meeting is informal and gives a brief overview of the obligations of new entrants to the Law Library, e.g., availability to attend your master during the hours of court.

This meeting is also a good opportunity to clarify any queries regarding the Code of Conduct before entering practice. Pupils are required to be familiar with and abide by the Code of Conduct on commencing practice as an independent barrister.

The date and time for your meeting will be advised by the Member Services team.

Finding a master

Prospective pupils should aim to secure a master as early as possible in advance of their Call to the Bar. The Register of Masters is provided on The Bar of Ireland website and lists all members who have been approved to act as masters for new entrants. The register also indicates masters' availability for the upcoming legal year and their area of practice. The availability of those on the register is updated regularly during the year to assist prospective pupils.

Securing a master can be quite competitive and it is useful when contacting masters from the register to also include a detailed covering email outlining your interest in their area of practice (some prospective pupils have also included a CV) so that a master can have sufficient information available to enable them to take a decision.

Applications by experienced barristers who are not yet on the Register to be added for an upcoming legal year close at the end of May each year. As you cannot engage in pupillage with a barrister who is not on the register, please carefully confirm that status before coming to any arrangement. Any experienced barrister who satisfies the criteria for entry on the register may apply to the Education and Training Committee in advance of the May deadline for its consideration, if wishing to be added. Prospective new entrants are responsible for ensuring that any potential master not already on the register is aware of this deadline as late applications cannot be considered.

Different areas of practice offer different types of learning experiences. Carefully consider the area your prospective master practises in, and the areas in which you would like to develop in your skill set, but in a broad context. Pupillage is intended to provide a varied rather than specialised exposure to practice for the first year.

While masters are expected to offer a rounded practical learning experience via a range of advocacy experience, drafting, opinion work and research, a master may have a practice that requires pupils to engage more in one of these areas than another. You should consider what aspects of your practice you want to focus on and should discuss how these align with the opportunities available as part of the master's practice. Such discussions should take place before agreeing to undertake pupillage with a master.

Speaking to members in their second or third year of practice may also be useful in helping you identify a potential master from the register.

However, it is also important to remember that many barristers go on to practise and specialise in areas of law that are not at all similar to their master's area of practice and that there are many opportunities to develop expertise in other areas as you progress through your career at the bar.

Consider personal factors also, as you will be in a close relationship with your master for one of the most important years of your career at the Bar. Liaising with a potential master's former pupils can help in giving you an idea of how she/he works and how the relationship operates in practice, which can provide valuable insight on the devilling environment for the year. As with any human interactions, issues can arise in practice between you and your master but they are most frequently remedied with a quick chat.

The way that masters approach financial arrangements can differ and it is useful to speak with a prospective master about how they approach the issue before commencing the relationship. Under the Code of Conduct a master is obliged to defray certain professional expenses related to the pupil's practice. (See Financial Arrangements, page 7).



Orientation (late September — week before Michaelmas term)

Orientation prepares new entrants for the beginning of the new legal term. Attendance is compulsory. It is typically delivered over a full day of training in the final week of September. The final date is usually advised in August.

During orientation a number of speakers are invited to address new entrants on a range of topics including:

- an overview of The Bar of Ireland and the services and benefits of membership
- ethics
- collegiality
- procedure in the Master's/County Registrar's Court
- drafting.

At this orientation day, you will also receive a pack of resources, including information on how to access various databases, your library services card and details on accessing your ICT services.



Master-pupil relationship

Introduction

Your day-to-day tasks and activities will depend on your master's practice. When you first meet with your master you should ask him/her what hours you are expected to be available each day, what court commitments arise and what onsite or remote availability is needed. The training experience varies and develops over the course of the year. It is key that you are available to your master to best profit from your pupillage. Sometimes opportunities for gaining experience can occur unexpectedly as the nature of the legal world can include last minute instructions. It is always the case that the more you put into the 'devilling experience' the more you will get out of your pupillage. A pupil should proactively seek to assist a master in all areas of his/her practice.

Primary duties to pupils

As 'no two practices are the same' experiences during pupillage will differ between colleagues.

A master's primary duty is to ensure that the pupil practices in accordance with the ethical values of the independent referral bar and there are three key areas in which a master has a duty to supervise and engage his/her pupil:

- sufficient experience in advocacy that is typically gained through attendance at Court with your master (to observe, including in cases where your master is led by senior counsel) and appearing on behalf of your master in various Lists, whether to deal with "for mentions", call-overs, remands or in motions / applications where you have the opportunity to speak in court.
- practical experience in drafting, research and legal writing such as submissions.
- practical experience in preparing for meetings and consultations.

You have a duty to be available to assist your master in these areas.

Lists and Motions

For criminal practitioners, Lists, particularly the “Court 5” List in the Criminal Courts of Justice and, where possible, the District Court offer pupils an opportunity to speak in court, while for civil practitioners, appearing in call-overs and motion lists is the most common way for pupils to obtain court experience. The New Practitioner Programme (discussed below) includes CPD lectures on the Master’s Court, the County Registrar’s Court and the Circuit and District criminal courts.

It is crucial to be thoroughly familiar with the etiquette, practice and procedure for the courts before you appear. Ensure you discuss this with your master.

Paperwork of master

Pupils may be required to help their master with her/his paperwork. This is a valuable part of training and it is helpful as a pupil to begin building up a bank of precedents. Colleagues or your devil family (i.e. those who have devilled for the same master before you) will usually help you out in this regard though your main port of call for all such training matters is your master. Pupils must be particularly careful of confidentiality and privacy when undertaking any work and in particular requirements under data protection legislation and the Code of Conduct. Further guidance is available on the Regulation Hub in the member’s area of the lawlibrary.ie website.

Consultations/Settlement meetings

While it may not always be possible in every case, masters are very strongly encouraged to have their pupils attend any consultations and settlement meetings they conduct. These provide important opportunities to observe the consultation process and the barrister-client-solicitor relationship. As an absolute/golden rule you must not provide unsolicited contributions at your master’s consultations. Your role as a pupil in attending is to learn and observe. Pupils should generally be ‘seen but not heard’ unless their views are specifically asked for. Questions or queries related to the consultation should be discussed in private with your master before and/or after the consultation.

Financial arrangements between master and pupil

It is important to remember that the relationship with your master is a training relationship and not an employment relationship.

Under Section 8 of the Code of Conduct masters are required to defray specified professional expenses associated with practice (Law Library Application Fee, Subscription Fee, Professional Indemnity Insurance Premium). Masters may fulfil this obligation according to several different payment schedules in line with the Rules of Membership. Some masters may also provide additional financial support.

A master is prohibited from allowing a pupil to incur expenses related to the master’s practice. An important practical example is where your master asks you to photocopy. Either you should be provided with funds to pay for the photocopying, or alternatively your master’s library services card should be used. Another common example is travel costs related to conducting work on your master’s behalf. These should either be paid directly or reimbursed to you within a timely fashion.

Pupils must discuss what financial and expense reimbursement arrangements will be in place during the course of pupillage in advance of commencing the relationship. Further financial support, if any, is a matter to be agreed independently between the master and pupil. Any such arrangement should be discussed in advance of forming the relationship.

Seating/Squatting

Seating in the Law Library premises is formally assigned, as seats become available, on the basis of Seniority by year of membership.

If your Master has an assigned seat in one of the Law Library premises then and subject to your Master's need to use that assigned seat - this will be your base for the duration of your time as his/her pupil.

If your Master does not have an assigned seat, the sharing of seating between more senior and junior colleagues is commonplace. This sharing of seating is informally known as 'squatting' and is encouraged to allow newer members, who would not be eligible for seats in the normal process, to have a base from which to work in their first years of practice.

It is encouraged to actively engage with senior members in your preferred seating area to acknowledge and seek permission to seat squat in their absence.

If the owner of that assigned seat is present in the Library and wishes to make use of the seat then of course it must be immediately vacated, unless you are invited to remain by that owner.

There are also a number of unallocated seats between seating runs that you may use. A list of unassigned seats is available on the notice board on the member website.

The seat squatting practice has been a valued and honoured tradition of the Law Library for many years and fosters the collegiate nature of Law Library membership.

Accepting your own briefs

You are a fully qualified barrister and entitled to accept cases of your own. You should not however forget your obligations to your master who, as part of the relationship, may have accepted a brief on the understanding that you will be available to assist. Pupils are expected to dedicate their time to the pupillage experience including committing to the master's practice. The primary objective is to afford pupils the opportunity to learn from their more senior colleague and afford them the opportunities to prepare for independent practice, which is best fulfilled by immersing in the senior colleague's practice over the first year.

If a significant amount of your time is engaged in completing your own legal work, it may result in you missing out on other valuable learning experiences. Masters understand the need to begin to develop your own practice but the circumstances around accepting your own work should be discussed between you and your master at the start of the year so as to ensure clarity from the outset.

Pupils should also be mindful of Rule 12.17 of the Code of Conduct which requires that members shall not have their name places on a Legal Aid Panel until they have completed six months of their pupillage or until they have been members of the Law Library for one year.

New Practitioner Programme

The New Practitioner Programme is a mandatory series of seminars designed to support you during your first year of practice.

You must complete all New Practitioner Programme Seminars within your first year in line with the programme requirements. The programme content is set out at the beginning of each legal year and is reviewed annually after consultation with pupils who have completed the programme.

Typically, the following topics are included.

- » Master and Pupil Seminar
- » Ethics: Duties to Client, Court & Colleagues
- » Practice and Procedure in the County Registrar's Court
- » Master's Court Listing
- » Monday Motions in the High Court and High Court Lists
- » Solicitor/Barrister Relationship
- » Practice and Procedure in Criminal Courts and District Courts
- » Lay Litigants
- » Golden Rules of Drafting
- » Alternative Dispute Resolution
- » Family Law
- » Employment Law
- » Practice Management



Other aspects of Pupillage

Informal avenues of support

Master

Your master is your first port of call for any queries or issues you might have on any aspect of your pupillage. The pupillage system envisages that your master will continue to be an invaluable source of support and information long after you have finished your pupillage.

If your master is not sure of how to answer a query you might have, he/she will often be able to direct you to where the answer might be found.

Devil family

The 'devil family' is one of the most important traditions for fostering collegiality in the Law Library and lives long after you complete your first year.

Your 'devil brothers and sisters' (colleagues who have also 'devilled' for your master) offer another network to engage with and get to know colleagues throughout the Bar. A devil sibling can be a useful source of knowledge for any queries you might have before you join the Law Library and throughout your first few years here.

Arranging a meeting with members of your devil family can be useful in getting an idea of how your master likes to operate his/her professional relationship with his/her pupils, and what to expect from the coming year.

Difficulties in relationship

In the vast majority of cases, pupillage is a successful and rewarding training experience, however, issues can and do arise. In the first instance, you should begin by seeking to address any issue relating to any aspect of your relationship with your master directly with your master. Open communication can successfully and speedily resolve small issues and prevent them from becoming bigger issues. These may not even have been realised by your master, and a conversation is frequently all that is necessary to bring difficulties in the relationship to a resolution.

A member of your devil family may also be able to provide useful guidance, given their experience of previous similar pupillage.

If however a serious issue arises, materially impacting your relationship with your master, which has not been resolved by such approaches or which may not be appropriate to discuss with either your master or mentor, there are other options available. You may contact a member of the Education and Training Committee (ETC) or a member of the Council of The Bar of Ireland (the Council) directly, or you may email the ETC or a member of the Executive via the ***pupillage@lawlibrary.ie*** email address. The ETC deals with master-pupil relations and operates its meetings in such a way that any issue can be considered sensitively. The current members of both the ETC and the Council can be found on the member's area of the Law Library website.

On the rare occasions where an issue becomes of such severity that the relationship is in danger of coming to an end, notwithstanding any of the above interventions attempted, it is important for you as the pupil to be aware of the requirements of the Code of Conduct. Rule 8.7 provides that any person intending to practice as a barrister must complete a continuous period of not less than twelve months pupillage with a master who is on the register (October to September in each legal year). The obligation is on the pupil to ensure that pupillage is completed in accordance with the Code of Conduct and Rules of Membership. The best way to ensure you are in compliance with this obligation is to immediately notify the Education and Training Committee of any concerns arising between master and pupil (or any other issues, e.g. a lengthy period of illness) which might impact on / interrupt the continuity of the pupillage. This will ensure you are not in breach of your obligations under the guidelines.

Professional Practices Committee Guidance and Toolkits

The Professional Practices Committee have developed a number of ethical toolkits which provide further guidance on common issues encountered in practice. Pupils are encouraged to become very familiar with these.

In addition to the toolkits the Professional Practices Committee also offers an enquiry service on practice matters via the Regulation Hub which may also provide additional assistance/guidance as required.

Etiquette

Court dress

The tradition of wearing tabs and robes in Court has continued, although the legislative requirement was removed in October 2020.

In Court and within the Law Library, a barrister should look professional and neatly dressed pupils are directed to the Professional Practices Committee Ethical Toolkits on Court Dress and on Counsel's Attire in Remote Hearings for further information on the attire appropriate to the courts in which they will appear. These toolkits are available on the Regulation Hub in the members area of the Law Library website and you should familiarise yourself with them.

Seniority

Your master will explain how lists operate, a number of which in both the Superior Courts and Circuit Court respect seniority. For example, the seniority rule applies to the consent stage at the start of most lists or in lists to fix dates for hearings/trials, such as when applying for a date for a personal injuries action in front of the Deputy Master who sits in the Master's Court every Monday.

Under the seniority rule, the most senior counsel in court moves his/her consent application first, then, the next application is made by the next most senior by date and order of call, and so on. Pupils should wait until all other counsel have moved their applications but move their consent applications ahead of any solicitors with similar applications.

There is a practical reason for the seniority rule. Senior practitioners – whether Senior Counsel or senior junior counsel – are more likely to have several matters in different courts and need to deal with matters (such as consents) expeditiously so as to be free to deal with other longer and/or contentious issues. Remember, while your master may have given you several matters, it is on the basis that the seniority rule applies.

As a matter of courtesy to your senior colleagues, these rules should be followed carefully. Jumping seniority will soon be noticed. You may not mean any harm but a practitioner who is unnecessarily delayed in one List may encounter difficulties if late for another court. Remember observing your senior colleagues move applications is a valuable learning opportunity so your time spent waiting in a List should be put to good use by reflecting on your observations and incorporating this where appropriate in your own advocacy.

If you are not sure whether the seniority rule applies or whether more senior colleagues have made their applications, best practice dictates that you ask a more experienced colleague how each list operates or simply wait as the Registrar usually asks if there are any further applications before such opportunities expire. Discuss the appropriate practice with your master as part of your training.

At the Issue Desk in the Law Library: if a person is robed, it implies he/she is at hearing and urgently requires material for the Court and should be given priority.

Continuing Professional Development

Continuing Professional Development (CPD) is the systematic maintenance, improvement and broadening of knowledge and skill, and the development of personal qualities necessary for the performance of professional duties throughout the barrister's working life.

From second year onwards, members are responsible for their own planned development and obliged to comply with the requirements of The Bar of Ireland CPD Scheme.

Although pupils are not obliged to engage in additional CPD, seminars and events provide a useful tool in supporting your learning at the Bar and you are encouraged to attend seminars of interest to you during the year.

Part-time work outside of the Library

Part-time work is often a practical requirement in early years at the Bar. The Code of Conduct of The Bar of Ireland allows its members to engage in part-time work, provided it does not interfere with their duties under the Code of Conduct. Education and training obligations and opportunities may arise outside of court hours and you should also be conscious of that.

The Professional Practices Committee sets out the position in relation to part-time work.

"A practising barrister can take up almost any part-time occupation outside of the Law Library as long as that occupation isn't, by its nature, inconsistent with practice as barrister (for example, continuing to work as a Garda or as a claims handler for an insurance company) or the other occupation is in fact a regular, full-time job which means the barrister is simply not available to appear in court on a regular basis.

If a barrister does take up regular or full time employment outside of the Law Library, they must cease membership of the Law Library. A barrister who is a member of the Law Library may not be an employee of a solicitor's office. Even discovery or legal research type work for larger cases must be done as a self-employed provider of legal services".

You should discuss engaging in part-time work with your master.