

7BR Part-Heard!

Sammy Chen: Hello, and welcome to 7BR's Part Heard, where we traverse the legal landscape and examine issues and key news across multiple practice areas, guided by the experience and expertise of our members.

I'm Sammy Chen, Chamber's Paralegal.

I'm joined today by Jasmine Leng, a barrister at 7BR. Jasmine joined 7BR as a Pupil in October 2021 and after successfully completing her pupillage, joined as a Tenant last month. Before commencing pupillage, Jasmine's work experience included being a community advocate, an independent mental capacity advocate, policy officer in health care regulation, as well as a senior case worker at the charity Inquest. During her second sixth of pupillage, she began pro bono work as an assisting lawyer for Not Beyond Redemption. Today, it is my pleasure to have her on the podcast to speak about her experience at 7BR and how she would like to build her practice going forwards as a barrister.

(Music)

Jasmine, welcome to the podcast.

Jasmine Leng: Hi, Sammy. Thanks so much for having me.

Sammy: Congratulations for getting tenancy first of all, how do you feel?

Jasmine: Thanks, Sammy. I'm delighted. I'm really, really chuffed. I'm very proud and very grateful to everyone who supported me to get here, especially my supervisors and my housemates and friends who have to listen to me talk about pupillage a lot.

Sammy: That's really great to hear, Jasmine, and we're very happy to have you here. For those who may not be in the know, what do you think are the key differences between the Pupillage and Tenancy?

Jasmine: I think there are a couple of technical differences. So, there are things that you start to have to think about as you get closer to the tenancy decision and get taken on for tenancies, such as practical matters like insurance and your practicing certificate and things like that. The difference doesn't feel all that stark, to be honest, because as you start to approach tenancy, you start to feel a little bit more comfortable with the sorts of work that you're doing. And although technically you're not supervised anymore after tenancy, for me, I've always felt that actually I can still go to my supervisors, I can still go to my colleagues with questions. It hasn't really felt like suddenly you're on your own and you're out in the wild and you're failing for yourself in various courts. So the practical differences haven't felt that big. It's just simply that I think someone changed my email signature from Pupil to Barrister and I stopped having to answer questions in court about how I felt about that tenancy decision. Those are the main differences I noticed.

Sammy: That's really helpful because there seems to be, from your response, a difference between practical and obviously legal practice as well. Are you doing similar work now in terms of practice areas and what you did during pupillage? And if possible, could you give us some examples of recent cases that you've done?

Jasmine: Yeah, of course. I think pupillage is really designed to prepare you for tenancy, the first thing to acknowledge is that's really the point. And I felt very much that pupillage did do that for me. So actually the transition from pupillage to tenancy has not felt like a stark step up in work. I haven't really changed a huge amount of the types of work that I'm doing. So I still do a mixture of family work, criminal work and civil work, more towards the family and criminal on a day to day basis, but that's really just carried on into tenancy. What I have found is that throughout your second six or the second half of pupillage where you do start practicing, there are various points at which you feel like you're stepping on a little bit in what you're doing and you get used to doing certain types of hearing and then you start doing certain new types of hearing. What I have found is that in the last month and a half, maybe slightly before the tendency

decision, actually, but in the last month and a half, two months, I started to notice that I'm doing work that's slightly more complicated than work that I would have been doing in July [to] August time. But the substantive practice areas are the same. It's the same sort of work.

So I often do family hearings that are sort of things like child arrangements orders, for example, which is where a court determines where a child might live or who they spend time with and have contact with, for example. Or non-molestation orders might be another example. Generally, I prosecute and defend in criminal matters but generally I tend to prosecute more than I defend. And I'm still doing the same sort of either the odd trial in the magistrate's court or a lot of Crown Court work where I'll be doing PTPHs or the mention hearings. And then civil work generally for me takes the form of paperwork, so drafting particulars of claim or defences, and also personal injury type work, so road traffic accident claims or fast track trials. I recently did a trial for a counsel defending a claim in relation to an injury sustained in a pothole. And so you get very familiar suddenly with documents that set out how potholes are to be inspected and who's responsible for that and that sort of thing. So that's the general mix of work that I do, and that's really stayed the same, I would say, from pupillage to tenancy.

In relation to two cases I did recently, I did a very interesting defence for a company who employed another company to build an escape room. That was quite interesting because suddenly I was having to get to grips with the nuts and bolts of how you build an escape room, which I've never really thought about before. So that was interesting. This morning I was in Guildford doing a child arrangements order again, and in that case the parties have been working together very well with their social worker. And so it's really just a case of making sure that all the contact arrangements are sort of watertight for an order so that both parties going forward, the mother and father have a bit of certainty as to what's expected of them and how to best support the children really. So those are a fairly standard sort of work that I would do.

Sammy: And just for my own curiosity and perhaps for some of the audience as well. What's one interesting thing you learned about escape room building?

Jasmine: Well, there are all sorts of allegations about whether or not you can put certain types of locks in certain areas to do with fire safety. That's another one which sort of makes sense in a building and a room where the whole point is that you're trapped in and you're locked in and then getting ready to escape. I suppose that probably shouldn't have been as much of a surprise to me as it was, but it's actually very complicated and I think there were allegations about the quality of the effects and things like that. It was very interesting and I guess if I ever do an escape room myself again, I'll certainly be thinking about them quite differently.

Sammy: That's certainly very useful for escape room enthusiasts among us, and I just wanted to pick a little bit more into what you mentioned about the smooth transition between pupillage preparing you for tenancy and how you felt you could still, for example, do sense checks with people who used to be your supervisors or just other Members of Chambers. Was there ever a time when you felt that you didn't have that sort of support? Or even if you had that sort of support, it was down to you to make those decisions and how did you cope with those situations?

Jasmine: I think I always found that it was made very clear to me that if I had questions that I should ask and that there would be an open door policy. And that was always the case throughout pupillage. And in the very first bit of my tendency, I've never felt like I was too busy to answer a question or that I shouldn't ask or a question was daft, even though I think probably a lot of my questions were in fact quite daft. And everyone's always been very kind about making me feel like they weren't, which was always very generous. I think maybe perhaps one of the differences between Pupillage and Tenancy is you do feel a bit more of a responsibility to think about 'do I know how to do this?' and try and have a bit more confidence in the fact that 'I have been prepared to do all of these' things at the same time. You're always going to come up against something new.

There's always going to be a slightly different problem or a question that you're asked by a judge that you've never come across before, and you have to scramble an answer on your feet. And I think trying to get the balance right between having confidence that I probably do know the answer and I should try and start

second guessing myself a little bit less and at the same time realizing that it's much better to ask a question before you go into a hearing and feel like you've gone into a hearing prepared, and you know what you're doing, and you're not going to risk anything for the client. It's much better to do it that way than to be nervous about asking, go into a hearing, not know the answer to something, or not have prepared something you should have done and then have to deal with it afterwards.

So I don't think there has ever been a point, actually where I felt like I couldn't ask something or that that support wasn't available to me. But I am learning to try and figure out a little bit more [about] who to go to and when to go to someone for support and whether actually I probably do know the answer somewhere and I just have to back myself a little bit more.

Sammy: And that's interesting that you mentioned figuring out who to go to because obviously when you are a pupil, you have your supervisor and everything mostly goes through them before it gets to you in a multidisciplinary set like 7BR, where we have so many different core areas of practice, and you mentioned how your tenancy experience so far has also been equally, if not so diverse. How do you figure out who to go to? Like, how do you figure that out or did you have to work it out through a process in your personal style or your personal preference?

Jasmine: Yeah, I think you do get a sense quite quickly of who does what sorts of mixes of work. So for those who don't know, at 7BR we're very lucky in that we can take on a lot of different types of work and we are truly very multidisciplinary, which is, I think, a real advantage of doing pupillage and tendency at 7BR. What that does mean though, is that I had three supervisors. I had firstly a civil supervisor, then a criminal supervisor, and then a family supervisor. And all three supervisors are very experienced, very senior in what they do and their practice areas don't look like mine, given the difference in where we are. So there would be times where your first instinct is to go to your supervisor because they're supervising you and you have that relationship with them. And then you realize that my supervisor, who predominantly does or only does clinical negligence claims, is not going to be able to tell me what to do in a PTPH, or is not going to be able to tell me how to figure out this non-molestation order or a contract claim or something

like that. So sometimes they'll point you in the direction of someone else in Chambers. At the same time, you do get quite used to you come into Chambers quite often and you do get very used to talking to people about what work they're doing and you get a sense of who to go to. And it might be that I generally ask most of my questions of the juniors in Chambers, the Junior-Juniors (under 7 years' call), that is, and they're all very willing to help. There are WhatsApp groups, for example, and I frequently find that if I'm in the middle of a hearing and I just simply don't have time to look something up because a judge is staring at me for an answer, I can put a little message in a WhatsApp group? And someone will very quickly get back to me and say, this is where the answer is. You can go and have a look at it for it there. Or I had one of these last week and it was like this, or actually, sorry mate, I don't know either. Let's figure it out together.

And so there's always that support, which is really helpful. And you do find that you start to build up either a body of knowledge yourself or the idea of who it is that you go to for a particular point.

Sammy: And that's really helpful, Jasmine, because these are the little things that people kind of overlook or don't think about when they jump into their pupillage hunt and then hoping to get tenancy all the way through. Another aspect you mentioned was communication. Obviously we have WhatsApp groups in this day and age and other sorts of ways to get to people. Emails are definitely a big part of life in chambers. Is that how the work usually gets to you? Or how do you usually receive instructions? And was that a big jump again from second six of pupillage?

Jasmine: It depends on the work. It's either an email with a brief attached to it or it is a phone call. It'll be a phone call from the clerk saying, we've got this hearing coming up, can you cover it? Or there's this area of work, would you be interested in taking that on? And work can come to you that way. One of the nice things is you develop through pupillage and you get towards the end of your second six, especially when you start to go to things like, you know, networking events and you meet certain solicitors, a few times. Or you do a hearing for them and they like the way that you did that hearing or that you interact with the client. You start to sometimes get calls from them saying actually or an email saying this thing's come in for tomorrow, are you available? And it's often the case, if they ask me at last minute, that in fact my diary will

be full, which is again a really lovely thing about pupillage and tenancy at 7BR, but work does come to you in a variety of different ways. And it's nice as well, because you do start to form relationships with solicitors. You start to get to know the Clerks, clerks start to get to know you, they start to know what work you're interested in or have experience of, or have done more of, and they also start to send opportunities your way. So it might be that they say there's this particular type of document review coming up. Would you be interested? Or there's a panel, do you want to apply for it? And they start putting you forward for things like that as well.

Sammy: Thank you. Before we move into sort of a more personal aspect in your experience, let's take a step, another step back and talk about the process to get in tenancy. First of all, I'm curious about how you were assessed throughout your pupillage, whether you knew what the assessment process was like and whether it was sort of an expectation versus reality situation or if everything was very transparent all the way through. So if you could give us a bit of insight about how 7BR does that assessment transition between pupillage to tenancy decision that would be great.

Jasmine: I think the assessment process was made quite clear to us from the start, so we were told that we would be assessed and there are chambers that do assess and there are chambers that don't assess. And it was made clear to us that there would be assessments throughout.

We would start with a couple that were exercises that weren't assessed, but were for us to just get used to the process and get used to what was involved. And then you'd be sent papers for an exercise and it might be a bit of cross examination or it might be a certain type of hearing or a cost application or something like that, and you would get the papers with some time we'd figure out. Usually the biggest issue, to be honest, was always getting our diaries together and finding days when all three of us weren't in court. But you would find a day, you'd turn up and you do the assessments together in a room in Chambers. And Jamie (James Macdonald), who organized the assessments for us, would play the role of a judge or a witness and do a startling piece of acting on each particular occasion. So one of the challenges was trying to keep a straight face or trying to forget that it was in fact Jamie that was sat in front of us.

But you'd do the assessment and then you would get feedback and there'd be a form. And those assessments I found really useful because you would get feedback in a non-pressured environment. Or you could try something, take a bit of a punt on something that actually, you might feel a bit more conservative about doing in court, but you'd like to try it out and see if that style works for you, or see if you've got the right answer and give it a go in what feels like a safer environment. It was very clear that the assessments were part of the Tenancy decision, but certainly weren't the be all and end all. And what really mattered to Chambers was seeing that we were, I think, treating them sensibly and improving throughout the year and that they were really just for us as much as for Chambers. And actually a lot of assessment of what I think happened through our supervisors. And if any colleagues had any involvement with us in a professional capacity and wanted to feedback then they could. I found them useful. What I would say is if you have come out of uni(versity) or the BPTC a while ago and you've been in other jobs before pupillage, which was the case for me, it's certainly a gear change to go back into assessments. So I was very grateful that they gave us a couple to get used to doing them again before they were assessed. But they were a very useful experience, I found.

Sammy: I think that's very encouraging for a lot of future prospective applicants to 7BR, which I would urge everyone to do if you are looking to get to the Bar, in terms of the sandbox approach you mentioned about testing out different styles and finding your own place and finding your feet, even in that sort of high pressure situation that pupillage tends to be. There's also a point there to be made about pacing yourself and not burning out within the early days of pupillage, which is a very important thing to take note of, especially when you're trying to do your very best from the get go. But what personal challenges do you see yourself coming up against now that you've sort of completed pupillage and you're embarking on this new chapter of Tenancy? Yes. So what personal challenges do you find you're going to come up against?

Jasmine: I think one of the attractive points and the joys for me of being at the Bar and the self-employed Bar, I should say, is that you're very much sort of self-directed. So the work that you do is because people are happy to instruct you, and happy to instruct you again if you do a good job. Of course you're supported

by solicitors or colleagues who've helped you and it's often a bit more of a team effort between you and solicitors, but if you do a good job, it's because you did a good job and you prepared well and so on.

But on the other hand, the flip side, I suppose, of that is that you are self-directed. And there's a difference between this job and jobs I've done previously whereby you're not having sort of monthly supervisions or yearly appraisals or you don't sit down and set goals with your line manager in the same way you might have done before. You're not promoted each year or whatever, so trying to determine what path you're on, what your practice looks like, should I be taking on more of this kind of work, should I be taking on more of this? Those sorts of decisions are decisions that you don't really think about quite as much in pupillage, because you're keen to take on as much work as possible and get as much experience as possible. And really you're focused more on day to day, how do I do this individual hearing rather than what is my practice going to look out, look like in five years' time?

And it's still the case that it's really important, I think, at this stage of my career to be taking on of a wide variety of work and I love that I can do that at 7BR. At the same time, you're also starting to think about what types of work you might want to do a bit more of and trying to guide yourself in that direction. And again, I feel very fortunate that the Clerks are very good to talk to you about that. And in fact, I have a meeting with one of the clerks next week. They sent me a form yesterday, and the form is looking at what sorts of I haven't filled one in before, so it was a brand new experience for me. But it's a practice review, so I'll be looking at what sort of work do I do now, what sort of work might I want to do in the future? And so there is support there too. I don't feel like I'm entirely on my own and I can speak to colleagues as well and say, well, what were you doing at my level of call and what were you doing next year and what do you expect to do in five years? So there's a lot of support there but it does feel like suddenly there are a lot more things that I'm having to think about and making those decisions is something that I hadn't really been thinking about until this point.

Sammy: Thank you, that's very valuable - mentioning also the relationships with practice managers or clerks, as they used to be called, and that's also something that people usually overlook when they're looking in from the outside. Finally, to end this wonderful chapter, what do you most look forward to now

that you are a member at 7BR? And is there something perhaps that you want to get out of your early years of tenancy in terms of building your practice?

Jasmine: I think there are lots of areas of work that I've wanted to do more of that I haven't had the opportunity to do quite as much of yet. So, I have a background in areas relating to healthcare and Court of Protection and inquest and I think that's something that's still really important to me and I'd like to be able to explore more of. So having a bit more of a guiding hand and that will be great. Taking on cases with more complexity than I could before, I think that will also be very, very exciting, and I'm looking forward to that. And I'm also looking forward to not having to ever again answer the question, 'so how much more time do you have a pupillage? When are you a tenant? Are you excited that you nervous? How's it going to go?' I'm pleased that opponents aren't asking me that in the corridors as a sort of strange little tactic that they sometimes employ. So that's nice to not have to do that anymore.

But I think just feeling like pupillage really is designed to help you grow in confidence and feel like when you are a tenant, if and when you're a tenant, you will be on your feet and you'll be making those decisions and you do the job as you see fit. And I think growing in confidence as I go throughout is something I'm really looking forward to. From taking on definitely more complex cases in your sure to be successful career, to being more confident in your self-employed capacity. I'm sure there are only bright and good things awaiting you. On that note, Jasmine, thank you so much for joining us on another episode of 7BR's Part-Heard.

Jasmine: Thank you very much, Sammy. It's been lovely.

(Music)

Sammy: To all our listeners, thank you for tuning in once again and we look forward to having you again in our next episode. Stay tuned and goodbye.

(Outro music)

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