

Entry Eight

In this diary entry I shall cover a two-week period in which I have seen an even greater variety of work than usual. This is therefore a good opportunity to reflect on the caseload of a criminal barrister, which is unique to each individual. A caseload is dynamic and evolving, as the needs of the criminal courts require, but can also be steered by the barrister to include areas of interest, expertise and working style.

I started the week with members of chambers on a trial in the Crown Court at Minshull Street. A topic of conversation amongst the more junior barristers was an approaching deadline for CPS panel applications, on which I will say a few words as it was new information for me. Advocates at the Independent Bar may apply to become members of Crown Prosecution Service ‘panels’. This allows an advocate to accept prosecution briefs on behalf of the Crown and therefore give the opportunity to conduct a mixed practice of defence and prosecution work.

Advocates can apply under “General Crime” or may decide to apply for a specialist panel after accruing suitable experience, such as Rape and Serious Sexual Offences (“RASSO”), Proceeds of Crime, or Fraud. Each panel is graded in “Levels” which correspond to the advocate’s experience and seniority. This gives a brief overview of one way a criminal advocate may steer the direction of their practice.

This week concluded with two new observations: a private prosecution and a day shadowing a senior crown prosecutor for a list in the Magistrate’s Court.

Having mentioned prosecutions for the CPS above, it is also possible (although not common) for advocates to receive a brief for a private prosecution. Most of a criminal barrister’s day-to-day briefs contain publicly funded work. This is especially so when prosecuting and therefore the majority of prosecutions are conducted on behalf of the State, not an individual person or organisation. As they are not particularly common (especially for very junior advocates) I will not elaborate, however it is useful to remember that a private prosecutor may have a real client in person at court and a bundle of case papers not accessible on the usual systems.

The following day my supervisor and Head of Chambers had organised for me to shadow a senior crown prosecutor at the Magistrate’s Court. On this day, the prosecutor had a list of over 15 domestic violence cases. This was a masterclass in assured, calm decision-making under pressure and quick assimilation of information at late notice; both key skills of any advocate. This experience allowed me to review Magistrate’s Court work at close range and consider the differences in approach and procedures in the two courts.

At the time of writing, the pressure on the criminal courts is such that junior advocates (particularly outside of London) begin practicing in the Crown Court earlier than in previous times. The working environment, pace and nature of tribunal are all different and therefore the advocate has to tailor their approach depending on which type of court they find themselves in. I found this useful to observe all during one week.

The week afterwards contained another new experience: a professional discipline case.

This case involved my supervisor acting on behalf of the General Medical Council before a Tribunal. Although not heard in a criminal court before a judge and jury, this type of case contains a number of similarities to criminal work. To give some examples, this includes the overarching structure of the hearing, the order and way in which evidence is called and even the case matter may be characteristically criminal in substance.

After summarising these new experiences, I hope this entry may have been useful for those considering a criminal pupillage and therefore some of the paths open within the area of Crime. I have found this is an interesting consideration whilst embarking on a pupillage specific to Crime. Although it is pupillage defined to a set area of law (as opposed to a more general “common law” pupillage), the variety within Crime is truly vast. The daily kaleidoscope of people, offences, circumstances and questions of law and procedure is both intellectually stimulating and diverse.

There is the opportunity in pupillage to see lots of types of work, and indeed this is encouraged. Once you have settled in, I have found there is even scope to have a say on how your pupillage unfolds. Consider therefore the work of the different Chambers you might apply to in the coming months and why you think your experiences and strengths might suit that work. No pupil will experience exactly the same pupillage and I would like to think the Bar is all the better for it.