

## **TENANCY & THIRD SIX**

### **WHAT IS TENANCY?**

At the end of your pupillage (after 12 or 18 months depending on your set), you may be invited to join chambers permanently, as a full member of chambers or 'tenant'. This position is called 'tenancy' because historically chambers consisted of groups of barristers renting rooms (chambers) from the Inns of Court.

An individual pupil's chances of being offered a tenancy vary widely: some sets of chambers usually offer tenancy to most of those who complete pupillage successfully. In other sets of chambers there are more pupils than can be 'taken on' (offered tenancy), and so the pupils are effectively in competition with one another.

If you are offered and accept tenancy, you will be just like the other members of chambers: you will receive and work on your own cases. The clerks will help to find you work and collect the fees for the work you have done. You will also be charged rent (often a percentage of your fee income), to help to pay for the chambers building, clerks and other expenses.

### **WHAT IS THE PROCESS?**

Some sets assume all pupils want to be considered for tenancy unless they opt out. Other sets require a pupil to make an application for tenancy if they wish to remain at chambers. The formality of the process varies from chambers to chambers but may include a written application, submission of references from barristers within chambers, an interview, an advocacy exercise or a combination of the above. Dependent on the chambers, the tenancy decision may be determined by those barristers on the pupillage/tenancy committee or by a full chambers vote.

Most chambers are assessing their pupils continually throughout pupillage by reviewing their written work and advocacy skills. Accordingly, pupillage is often referred to as the year-long interview. Your pupil supervisor(s) in particular will play a key role in the tenancy decision: they know you and your work the best and if you impress them, they may advocate on your behalf and influence others.

### **WHAT IF YOU ARE UNSUCCESSFUL IN SECURING TENANCY?**

If you are not taken on, it is not the end of the road. Once you have successfully completed pupillage, there are several options:

- Apply for a 'third six' at another chambers (see below);

- Take up a post as an employed barrister;
- Remain at chambers as a 'squatter' but not as a tenant (a squatter is someone who is permitted to use chambers' premises and receive work from the clerks, but is not actually a member of the set).

**Top Tip:** If you are not taken on you may feel as though your hard work has gone unrewarded, but many fantastic barristers are not taken on by the chambers at which they did their pupillage. It does not mean that your pupillage was not a success and that you have not developed greatly as an advocate. Accept the decision, ask for feedback and do not burn bridges with members of chambers. You will require references when applying for third six.

### **Third Six Applications**

It is possible, following an unsuccessful application for tenancy at the set at which you did pupillage, to apply directly for tenancy elsewhere. However, most sets of chambers offer third sixes in order to assess a pupil's quality before taking them on. A third six is effectively an additional 6 months of pupillage.

As a third six pupil, you will be allocated a pupil supervisor who will be your point of contact but you will be in independent practice and managing your own caseload, as in second six.

Advertisements for third six vacancies are often posted directly on chambers' websites. The application process typically consists of the submission of a CV and a cover letter, followed by an interview. Although securing a third six is less competitive than securing pupillage, it can still be difficult. Some chambers offer support to their pupils in order to help them find a third six elsewhere after an unsuccessful tenancy application. They may be able to offer advice, orchestrate introductions with members of other chambers or put in a good word on your behalf.

### **USEFUL LINKS**

The Bar Council also advertises third six vacancies on their website

<https://www.barcouncil.org.uk/becoming-a-barrister/pupil-barristers/third-six-vacancies.html>

Chambers Student had a useful guide on pupillage and tenancy

<https://www.chambersstudent.co.uk/the-bar/a-career-at-the-bar/pupillage-and-tenancy>

## LEGAL ETIQUETTE



### COURT DRESS

#### Business wear

Appearances are important at the Bar and a key part of that is ensuring you are dressed appropriately and professionally. The following guidance applies equally to pupillage and work experience in a mini pupillage or marshalling.

Traditionally, men at the Bar were required to wear a double-breasted or three-piece suit. These days a single-breasted suit is also sufficient. Any suit must be worn with a light-coloured shirt and a tie. Formal black shoes must be worn and polished regularly.

For women, the rules are similar however there is a slightly more flexible approach. Women can opt for either a skirt suit or a pant suit. Additionally, women can wear suit dresses. A skirt or a dress should be knee-length or longer and tights are recommended. Women should also wear a light-coloured shirt or blouse with a high neckline. Shoes should be black. Some women opt for (low) high-heeled shoes and others opt for flats.

**Top Tip:** The level of formality required depends on the set of chambers, with some being more relaxed than others. However, a good rule of thumb is to be dressed conservatively in a dark-coloured suit with black shoes at all times, whether in chambers or at court.

#### Robes

At the criminal bar, barristers in the Crown Court are also required to 'robe' for court. Both men and women must wear a wig and gown. There is an exception to the rule: barristers are entitled to wear their cultural headdress if preferred, but they must still wear the gown.

In addition, appropriate neckwear must be worn. Men must wear a winged collar and bands. Women must also wear neckwear, with most opting for a collarette. The two main suppliers of legal dress are **Ede & Ravenscroft** and **Stanley Ley**. It is usually at your pupil supervisor's discretion whether you will need to be robed during first six. During second six you should always carry your wig and gown with you as a precaution; you never know where the clerks might send you at short notice.

**Top Tips:** Most criminal barristers purchase a wheeled suitcase to carry the tools of their trade: legal dress, practitioners' textbooks and laptops. Your legal dress will be expensive and it can be easily damaged in transit when you are rushing to court. Purchase a metal tin to hold your wig. Carry your ironed collars/collarettes in a plastic folder to stop them from being marked. Using starch spray whilst ironing will also ensure your neckwear does not crease easily.

## RELATIONSHIP WITH CLERKS

In addition to forming a good working relationship with your pupil supervisor and other members of chambers, as a pupil you will need to get to know the clerks as they are hugely important to your career.

Clerks are central to the day-to-day running of chambers. They obtain and retain work for members of chambers, as well as negotiating and collecting fees and managing individual diaries.

Typically, there will be a senior clerk who heads up the team with a first junior clerk, a second junior clerk and so on depending on the size of the set and the amount of work which needs distributing.

The clerks will have a minor role in your first six, as you will be in court with your supervisor and not yet managing your own caseload. However, it is important to introduce yourself and become familiar with the clerks as in second six you will come into contact with them on a daily basis in a busy criminal set. The transition is easier if you already know them. They will manage your diary, negotiate your fees, receive your briefs from those instructing you and remind you of upcoming hearings.

**Top Tip:** Keep in contact with the clerks during second six; they should know where you are at all times and when you become available for work. If you have an issue, ring them – they can notify the Court and keep everyone informed on your behalf.

## LIFE AT CHAMBERS

Each set of chambers has its own culture and traditions and the expectations upon pupils will vary accordingly.

In addition to preparing work for your supervisor and other members of chambers, you may also be expected to engage in social events. This may involve networking with solicitors' firms, attending drinks with juniors or having tea at chambers.

**Top Tip:** Accept these invitations. Make an effort to learn people's name and equip yourself with knowledge on current legal affairs. Do not forget that whilst it is key to always maintain an air of professionalism, you are human and you are also entitled to show your personality. Chambers are looking for pupils who fit in, not robots.