

# Careers in Chancery: a barrister's week

Image: Hart Publishing



**Adam Kramer** has just written a guide to becoming a barrister in England and Wales. In this brief extract one of his recently qualified Chancery barrister colleagues describes a typical working week.

**My week starts in the new Liverpool Civil Justice Centre appearing in the 'winders' list (a list of applications to wind up companies, almost always because the company is unable to pay its debts). This is a regular feature of my Monday mornings, and it's about the most straightforward work at the Chancery bar. Most applications are unopposed so the hearing is wholly procedural and usually very short, although some are opposed, and that is when it all becomes more interesting!**

Most of my winders work is for out-of-town solicitors, because local solicitors tend to do this work themselves, which makes it a good opportunity to make contacts. The regularity of this work also means that you quite quickly get to know the local district judges.

Usually I will be in court once or twice more during the week, spending the rest of the week working on papers. Devilling (or work for other barristers) is not really a feature of practice on the Northern Circuit, the circuit on which I practise.

Although I also do some drafting of pleadings (formal court documents setting out claims and defences), most of my written work is advisory, covering a broad area of Chancery work (Legal work that concentrates upon wills, property, trusts and companies). Common areas are beneficial interests in land; rights of way over land; agricultural and business tenancies; administration of estates; and the construction of wills. Most of the questions posed are new to me so my work often involves extensive reading

and research before I write anything. I am fortunate still to share my supervisor's room, so I can discuss anything that concerns me before I send out my work.

This week I have a case on Wednesday and a heavy case on Friday so I restrict the amount of written work I do. I have to draft an advice on the construction of a will, which I take a look at, but the rest of my time will be spent preparing my court cases.

Wednesday's case concerns an application for a third party debt order (an order against a person who owes money to someone who owes you money to pay the money directly to you). There is a dispute about whether the third party owes the sums claimed. Preparation involves reading and considering the witness statements and fairly extensive documentation.

The brief (a document containing the instructions to the solicitor) for Wednesday comes in late so I am up into the early hours on Tuesday night preparing it. I usually prepare by setting out a chronology and noting down the key facts. I then make a brief note of any relevant legal provisions. I then prepare a fairly detailed note of the submissions I want to make.

Judges have a habit of pulling you off the course you have mapped so it is fairly pointless writing out a full speech, but having a good note ensures that after being pulled off course you return to make the necessary points before you conclude your submissions.

On Wednesday morning I arrive in chambers just after eight to get some additional documentation faxed through and speak to the solicitor, and then I go down to Birkenhead County Court for the third party debt order hearing.

The case goes well, and I am glad that I stayed up late! I speak with my instructing solicitor (solicitors who have engaged a particular barrister on a particular case) at court to let her know how the hearing went. I usually follow this up with an email setting out the terms of the order.

On Wednesday afternoon and Thursday I prepare my case for Friday. Friday's case is an application to strike out (ie have the court

dismiss) a claim concerning a pension. I am acting for the pension trustees (the people administering the pension), and the case will be heard in the High Court in Manchester.

I have already produced a skeleton argument (a written 'skeleton' of what my argument will be) that was sent to court and the other side last week, so much of the hard work has already been done.

My instructing solicitors are a leading city firm in London. They have fully prepared the case, including a long witness statement and a large lever-arch file full of exhibits.

The facts are numerous and complicated. The legal issues are also fairly involved, raising questions about jurisdiction and abuse of process. I look at some cases that may be of assistance, go over the documentation and facts, and prepare my submissions.

On Friday I am up early and travel over to Manchester. The hearing lasts all morning. The judge is probing in his questions and examines the case law and facts in considerable detail.

This is the first time that I have done a full hearing in the High Court, so I am nervous, although I try not to show it.

After final submissions in the afternoon, judgment is given. We are successful and the claim is struck out. I go for a drink with my opponent barrister afterwards and leave Manchester late afternoon, spending the weekend in the Yorkshire Dales with the junior members of my chambers. I manage to fit in a couple of runs on the hills and relax in the company of my colleagues.

**Adam Kramer is a Barrister and a former lecturer at the Universities of Durham and Oxford**



### **Bewigged and Bewildered?**

A Guide to Becoming a Barrister in England and Wales, by Adam Kramer, is published by Hart Publishing.

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