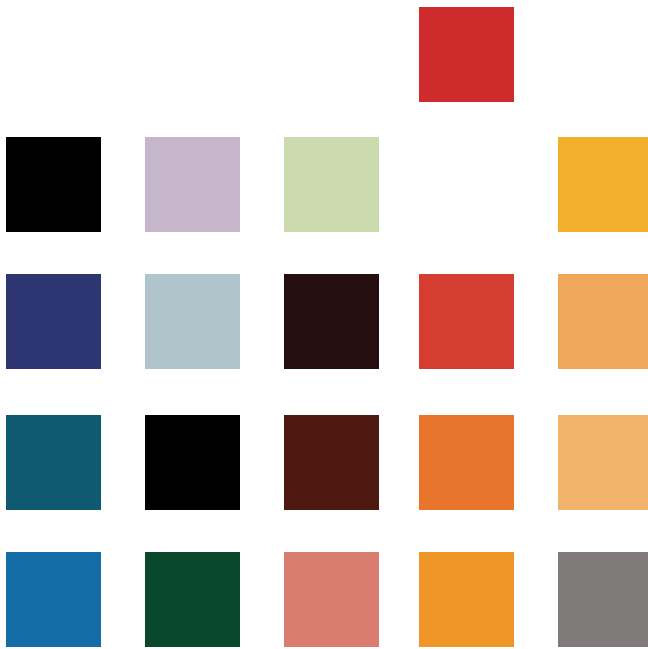


Careers at the Chancery Bar



With the right qualifications,
where you come from
doesn't matter,
where you're going does.

The Chancery Bar Association and the Chancery Bar as a whole are committed to fostering an inclusive and diverse membership and to increasing diversity across all levels of the Bar without regard to gender, ethnicity, religion, sexuality, age or disability.

Welcome to the Chancery Bar



The work of the Chancery Bar is diverse, and the Chancery Bar itself is becoming increasingly diverse.

In recent years the nature of its work has changed dramatically. It still includes the important work traditionally undertaken, such as real property, trusts and settlements, probate and succession, charities, partnership, intellectual property, insolvency and companies. Increases in the amount and complexity of commercial activity, domestically and internationally, and the universality of the concepts and principles of equity and property law, have widened the scope of both the litigation and advisory work of the Chancery Bar.

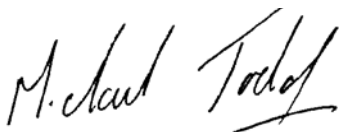
Chancery work is now as much concerned with the use of trusts in many forms of structured products for pooled investment and credit, including pension schemes, as with family settlements; with secured commercial lending as with domestic mortgages; with limited partnerships as vehicles for investment as with vehicles for small traders; and with international corporate group insolvencies as with personal bankruptcies.

At the Chancery Bar, we operate daily in a market economy. With each piece of work undertaken we are judged on performance. That performance is judged not on intellectual ability alone but also on the ability to provide and explain practical solutions to the legal problems posed.

Increasing diversity is an important means by which we will maintain and enhance the reputation of the Chancery Bar.

We recognise the need for, and desirability of, widening the pool from which applicants are drawn, to enable us to recruit the best people, irrespective of their backgrounds, by removing barriers irrelevant to ability to practice at the Chancery Bar and to undertake its work.

If you want to practice in an intellectually challenging environment providing practical solutions to legal problems where communication skills are key and you are interested in Chancery work, whether at the sharp end of the commercial world, at the hub of the work traditionally associated with the City of London, or in the more traditional areas of Chancery work then your natural home is the Chancery Bar.



Michael Todd QC

For more information about the Chancery Bar, its work and its challenges, see the Chancery Bar Association website at www.chba.org.uk.

The best case I've ever had was probably when I acted as junior on a case for the Nigerian Government seeking to recover monies misappropriated from the State by General Abacha, a former dictator. It was an interesting "story", which kept the work interesting, and involved a trip to Abuja.

Gregory Denton-Cox was called in 2000 and practises in London. His principal areas of practice are company, commercial, insolvency and civil fraud.

I was born in 1977 and grew up in Hong Kong. I went to school at Shatin College, in Hong Kong, until I finished my GCSEs and then I did my A Levels, in English, Maths and Economics, at Taunton School, in Somerset.

I then went on to the University of Nottingham where I read law with American law, which meant I got to spend a year at the University of Texas in Austin.

I first started to think about becoming a barrister at university when considering whether or not to pursue a career in the law and if so, whether as a barrister or solicitor. I attended two mini-pupillages (a commercial set and a chancery set) and a vacation placement with a solicitors' firm in the summer after I returned from Texas and decided I would prefer to be a barrister. I was attracted to the Chancery Bar in particular because I had studied company law at university and enjoyed it, and thought Chancery would offer more diverse work than straight commercial law.



The best case I've ever had was probably when I acted as junior on a case for the Nigerian Government seeking to recover monies misappropriated from the State by General Abacha, a former dictator. It was an interesting "story", which kept the work interesting, and involved a trip to Abuja.

The great upside of being a barrister is that you are always dealing with a variety of different cases and different clients. Being self-employed also means that you are able to control (to some extent, and subject to the whims of the clerks) the amount of work taken on and working hours.

However, the downside to being self employed is that sometimes there is a lot on your plate at once and you are the one who has to deal with it: you can't delegate to anyone else. It can be depressing having to cut short or cancel holidays for cases, especially if they are cases which aren't much fun anyway.

I think any aspiring Chancery practitioner needs to have common sense, an ability to communicate to clients and the Court, an interest in the law, and self-belief (without being arrogant or cocky). It also helps to have an ability to express yourself clearly in writing, an ability to assimilate information quickly and to have patience and be able to empathise with your clients.

Georgia Bedworth

The thing that I enjoy most about my practice is meeting people, finding out their stories and finding a solution to their problems or advising them on what their next step should be.

University of Oxford

Called in 2001

Traditional Chancery, Property
(including landlord and tenant)
and Probate/Administration of Estates

Georgia Bedworth was called in 2001 and practises in London. Her practice encompasses most areas of traditional chancery being split broadly equally, between property (including landlord and tenant) and probate/administration of estates, if anything with a property bias.

I grew up in Great Barr, an area in North Birmingham, West Midlands. I went to the local comprehensive school. My father worked initially as a salesman at a small company selling cold rolled steel sections and worked his way up to become sales manager, sales director then managing director. My mother worked as a secretary and shorthand typist but later became a housewife.

I first decided to become a barrister when I was about 15 after doing work experience on the local paper in Birmingham. I went to court with one of the court reporters and saw barristers in action and thought it looked interesting. Although I enjoyed my A-levels I didn't want to study any of them to degree level. Law was something different and seemed to offer me the intellectual stimulation that I wanted combined with the logical thinking that I enjoyed in maths and the skills of persuasion and use of language that I enjoyed in my English Literature and languages A-levels.



The thing that I enjoy most about my practice is meeting people, finding out their stories and finding a solution to their problems or advising them on what their next step should be.

I think that real commitment to what you do is a necessary quality for any Chancery practitioner as is both an eye for detail and the ability to step back to see the bigger picture. Commercial awareness is desirable, but can be developed over time.

So far as my own area of practice is concerned, it really helps if you have good research skills together with an ability to read and absorb large amounts of material and pick out the salient points.

Any aspiring practitioner at the Chancery Bar should be aware that it is a competitive environment and you have to do something to mark you out from the crowd. This doesn't necessarily mean being academically brilliant: you can do this by doing something interesting to add to your CV.

Stephen Davies QC

One of the big upsides of practice is the endless variety of the problems, having a go at solving them and the excitement of occasionally making “new” law.

London School of Economics
University of Cambridge
Called in 1983, Silk in 2000
Insolvency

Stephen Davies QC was called to the bar in 1983 and took silk in 2000. He practises in Bristol and specialises in the law and practice of insolvency.

I was born in 1960 in South Wales, the third of four boys. Until his retirement, my father was a tenant farmer and my mother a housewife. I went to School at Stanwell Comprehensive School and later at Cowbridge Comprehensive School.

I took my A levels in English, French and Latin and went on to take my first degree in law at the London School of Economics. I then completed an LLM at Cambridge.

There are plenty of candidates for “the worst case I’ve ever had” but the earliest ones when you are starting off stick in the memory for ever. It was my very first time “on my feet” – a boundary dispute in Trowbridge county court, a last-minute hospital pass from a member of chambers at a time when I was still a pupil. The judge had an aggravated war-wound and an unforgiving eye. I could not see that most of the villagers were filing into the back of the court as I stood up to open my case and the Judge shouted “sit down”.

I promptly sat down and he barked “Not You!”.

I stood back up and started as I had been taught:

“May it please your Honour” and he fired another

volley : “it does not please me”. This wasn’t in the text book and I was lost. He then asked : “Is Her Majesty paying for this outing for the inhabitants of Littleton Pannel”. I said : “Does Your Honour mean are the parties legally-aided?”, at which he thundered: “Of course I do man.” That was the first 2 minutes of the trial. By the end of the day I was completely convinced that the Bar was not the place for me and I had made a horrible mistake.



One of the big upsides of practice is the endless variety of the problems, having a go at solving them and the excitement of occasionally making “new” law. An equally big downside is feeling you’ve let a client down, whether by achieving a worse result than you’ve previously advised or not performing as well as you feel you might have done.

I would say that any aspiring Chancery practitioner needs an ability and willingness to put in the hard miles learning your craft. The law is complicated and even the brightest have to slog at it for several years for little direct reward before the concepts emerge and you can walk around the cathedral admiring the architecture. It helps to have people skills: these can be much under-rated as a necessary quality.

So far as my own particular area of practice is concerned, insolvency is a strange hybrid and covers a broad spectrum of issues from sports insolvencies to global restructuring, consumer bankruptcies to proceedings clawing back corporate assets from directors. Often, insolvency, like divorce, brings the worst out in those directly affected by it.

Shelley White

I love opening each brief and having no idea what it will be about. I also enjoy the paper chase to find the right answer to the problem. More than anything I enjoy advocacy in trials, which I find very exciting.

University of Oxford

Called in 2003

Property Litigation, Insolvency,
Contractual Disputes and Traditional
Contentious Chancery work

Shelley White was called in 2003 and practises in London. Her practice focuses on property litigation, insolvency, contractual disputes and traditional contentious Chancery work.

I decided I wanted to be a barrister when I was 12 and that feeling never went away! I think it came about because a relative suggested that I should become a lawyer and I decided that sounded like the sort of thing I would enjoy. I went to school at Sir Henry Floyd Grammar School, and then went to St Peter's College, Oxford where I studied law (Jurisprudence) and then stayed on to do a year's postgraduate study, the Bachelor's Degree of Civil Law (BCL).

I love opening each brief and having no idea what it will be about. I also enjoy the paper chase to find the right answer to the problem. More than anything I enjoy advocacy in trials, which I find very exciting. Perhaps though, the greatest upside to the job is the freedom of being self employed which affords great flexibility in striking a work-life balance.

There are some things which I enjoy less about life at the Bar. I don't think anyone likes giving negative advice to clients; there is nothing worse than having to tell someone that the chance they had pinned all their hopes on has little or no prospect of success in law.

I definitely think anyone planning to come to the Chancery Bar needs to be bright and hard working. Also one needs to be a good advocate, have the ability to work alone and also to be personable with clients. As well as those things it is desirable to find the sort of work interesting and enjoyable and to be fairly robust and thick skinned.

So far as the skills and qualities needed for the type of work that I do, it certainly helps if you are able to show great attention to detail and to be extremely thorough in your research because, almost always, the answer is there if you look hard enough. It goes along with this to say that new solutions can sometimes be found if you can be a bit ingenious, so that also helps.

The main challenge which I face in practice is the stress: I have always found it hard to leave work at work. My first couple of years in practice were extremely stressful because I would worry constantly about my clients' cases. Because I am often in such close contact with the client at their most difficult times it is very hard for me to turn off when I am not at work.



Joel Wolchover

The best thing about practice at the Bar is probably the fact that the atmosphere in Chambers is very “collegiate” and supportive, which is especially important at the start of practice when you lack experience of how to deal with cases in a practical way.

University of Cambridge

Called in 2006

General Chancery

Joel Wolchover was called in 2006 and practises in London. His practice covers the whole spectrum of general Chancery work.

I went to Cambridge University where I studied Social & Political Sciences and History. I graduated in 1994 and became a Journalist, specialising in education. I actually started to study law simply because I thought it would be interesting, and not with a view to changing careers. I enrolled on the part-time law degree course at Birkbeck, University of London in 2001 and studied in my spare time. However, I found the law so compelling, that gradually, a career in law did seem the obvious course for my life to take.

It was towards the end of my part-time law degree at Birkbeck that I started to consider becoming a barrister. Up to that time, I had thought that a pupillage would be simply unobtainable for someone coming to the Bar late and had applied for training contracts with solicitors' firms.

I found quite the opposite: the Bar was in fact more receptive to older applicants.

After graduating from Birkbeck I worked for two years in the Property, Family and Trust Law team at the Law Commission where I was first exposed to Chancery work, so it seemed like a natural progression to apply for pupillage in Chancery chambers. I obtained a scholarship from my Inn, Middle Temple, which enabled me to undertake the Bar Vocational Course (part-time) over two years while working full-time at the Law Commission.



The best thing about practice at the Bar is, for me, the fact that the atmosphere in Chambers is very “collegiate” and supportive, which is especially important at the start of practice when you lack experience of how to deal with cases in a practical way. The downside I find is that cases quite often come in with very tight deadlines; but that is also part of the excitement of working at the Bar; you have to develop the skill of thinking on your feet and quickly spotting the important issues.

Olya Marine

I decided that I wanted to become a barrister when I was choosing which A levels to take. I always liked advocacy and enjoyed studying languages, so I decided to do Law, English language and literature and Russian.

London School of Economics

Called in 2002

Wills, Probate, Trusts, Family Provision, Property (Landlord and Tenant), Commercial and Company Law and Professional Negligence

Olya Marine was called in October 2002 and practises in London. Her principal areas of practice are wills, probate, trusts, family provision, property (landlord and tenant), commercial and company law and professional negligence.

I am the eldest of three children, and grew up in Omsk in Siberia, Russia. I went to secondary school in Omsk where I studied English as a foreign language. I came to England in 1994 at the age of 16. I spent a year studying at a secretarial college where I learnt useful skills of touch-typing and shorthand. I then worked as a secretary for ten months. When I was 18, I started work as a receptionist at a casino in South Kensington in London. As soon as I started work at the casino I decided that I wanted to continue studying. For the next 5 years I worked full-time at the casino and at the same time studied for A levels (English language and literature, Law & Russian) and did my degree, an LLB at the London School of Economics.

I decided that I wanted to become a barrister when I was choosing which A levels to take. I always liked advocacy and enjoyed studying languages, so I decided to do Law, English language and literature and Russian. I was attracted to the Chancery Bar in particular because of the intellectual stimulation and variety of work.



The most unusual case that I have had to do was seeking a declaration that my client could make arrangements for the disposal of the body of her late second husband by cremation notwithstanding the objection of his three daughters from his first marriage who wanted him buried. The parties reached a compromise that the deceased's body would be cremated, his ashes would be split four ways and his daughters would inter 3/4 of his ashes.

The saddest case I remember is advising a Pro Bono client in conference during which she became upset and emotional and would not leave despite the conference being at an end.

When I started pupillage I had a seven month old baby and my second child was born two months before the completion of pupillage. Arranging childcare for our children and juggling work with family life have been the biggest challenges in my career. It became easier when the girls started school full time and we have been very lucky with our nanny who has been looking after them for over a year now.

My typical working hours are 8.30 – 5.30. My daughters are now 4 and 5 years old and unless I have urgent work I leave Chambers at 5.30 to get home for dinner and spend the evening with my children. If I need to put in extra hours I try to come in earlier in the morning rather than stay later.

Christopher Boardman

It helps to have practicality, a way with clients and an ability to get on with your peers. In my own particular area of practice, it helps to have common sense, technical ability, an ability to think tactically, an ability to get on with a wide variety of people and an interest in the real world as well as in the law.

University of London

Called in 1995

Company Law, Insolvency Law and
Commercial Law.

Christopher Boardman was called in 1995 and practises in London. His principal areas of practice are company law, insolvency law and commercial law.

I did A levels in French, Business Studies and Photography and, later, Law. After school, I went travelling for 18 months and on my return was unsure what to do but needed money and so got a job as a Gilt Broker in the City. I saw an advert for an external London University LLB course and decided to carry on working full time but to study for my degree during evenings, weekends and holidays. After the first year, I was convinced that I wanted to be a barrister. I was interested in the law and wanted the challenge of representing clients in court. I also wanted to be an independent practitioner, rather than working in a corporate environment.

I would say that any aspiring chancery practitioner needs determination, intellectual ability and good communication skills. It helps to have practicality, a way with clients and an ability to get on with your peers. In my own particular area of practice, it helps to have common sense, technical ability, an ability to think tactically, an ability to get on with a wide variety of people and an interest in the real world as well as in the law.



My advice to any student thinking of coming to the Chancery Bar is: do not attempt it unless you are pretty sure it is what you want and are prepared to work for it. However, if you are, do not be put off by the competition or what people may say to you, but listen to advice and be willing to take on the challenge. Do a mini-pupillage in the areas of law that interest you before focusing upon a particular one. Find out as much as you can about the several Chambers you apply to before you do so. If you are selected for interview, make sure you can articulate why you want to be a barrister, why you want to practice in the particular area of law and why you want to join the particular chambers. If you decide that the Chancery Bar is for you, I wish you good luck.

Michael Todd QC

The best thing about practice
is the intellectual stimulation.
I love the breadth of work in
my practice.

University of Keele
Called in 1977, Silk in 1997
Company Law, Capital Markets
with some Insolvency

Michael Todd QC was called in 1977 and took silk in 1997. He practises in London. Michael specialises in company law, capital markets with some insolvency, some commercial litigation here, in Hong Kong and in the Caribbean.

I was born in 1953 and grew up in Warwickshire. My father worked as a machine tool engineer and my mother worked in the family bakery. I have an older brother and a younger sister. I went to Kenilworth Grammar School where I did A levels in German and Economics and then to the University of Keele where I studied Law and Economics with subsidiary subjects in Statistics and Education.

My best case was a petition to wind up a company on the just and equitable ground in the Cayman Islands involving multi-national groups of companies (North and South American, and European) formed under a Cayman Islands holding company. The dispute was between two brothers (each over 70 years of age) and their respective families. They had fallen out, and one brother had restructured one of the sub-groups and assumed control of it to the exclusion of the other brother. Eventually the case settled (and I was there at the settlement meeting) in a room in downtown Mexico City after the arrival (and departure) of numerous black sedans.



The best thing about practice is the intellectual stimulation. I love the breadth of work in my practice. I am very lucky to have the ability to travel to different jurisdictions, in which I advise and appear in court, eg Hong Kong and the Caribbean. The downside of my practice is being viewed, by some, as being only a transactional lawyer, and hence spending a little too long in my room in Chambers.

Someone thinking of Chancery practice needs to have intellectual (and, in particular, analytical) ability; a capacity for hard work/stamina; an ability to articulate complex legal concepts in a simple and straightforward way and, importantly, a sense of humour. It helps to have the ability to give practical advice and, dare I say, not to be patronising and pompous. I think that you need to have something which makes you stand out from the crowd. I think that is relevant to applicants for pupillage, for scholarships and for tenancies as well as for practice itself. It need not be, and often is not, an excellent academic record. Whilst such a record inevitably opens some doors, some first class candidates “on paper” simply do not have any analytical skills.

If you’re aiming to specialise in the corporate field, you need to have analytical ability, a real interest in company law, financial competence/understanding, an interest in financial markets and investments and the vehicles/structures involved in them and a fund of common-sense.



BANKING

(SECURITY, CHARGES, GUARANTEES AND CONSUMER CREDIT)

Type of work: Contentious & non-contentious

Areas covered: Retail banking- mandate disputes, cheques and bills of exchange and other payment mechanisms, (including credit/debit cards and electronic funds transfers), guarantees, mortgages and all forms of security, performance bonds, documentary credits, consumer credit and e-banking.

Investment banking- including in relation to investment and fund management, mergers, acquisitions and corporate finance, syndicated and other lending, interest rate swaps, securitisation, project finance, foreign exchange trading, export credits, derivatives and commodity trading.

Banking supervision and regulation, including Ombudsman schemes.

Banking aspects of insolvency: including asset tracing.

Subjects involved: Contract, remedies, property

See also: Consumer Credit; Mortgages; Financial Services & Regulation

CHARITIES

Type of work: Mainly non-contentious (as charities do not get involved in litigation lightly) but there is some contentious work & some non-contentious Court work

Areas covered:

- Formation, alteration, amalgamation and dissolution of different legal entities
- Drafting and interpretation of documents
- Relationships with commercial organisations
- Advice on interacting with the Charity Commission (including investigations) and other governmental bodies
- Obtaining registration of innovative charitable concepts; advising on and resolving issues as to tax liabilities and fundraising; advising on schemes to enhance or modernise charities' workings

Subjects involved: Charities law is statute based, but it also involves trusts, property law, tax and some company law

See also: Trusts, Property



CIVIL FRAUD

Type of work: Mainly litigation. Many fraud cases will involve early stage interim remedies such as freezing orders and search orders

Areas covered: Investment frauds, fraudulent misrepresentation, conspiracy, misappropriation of funds. Substantive law includes restitution, constructive trusts, proprietary and tracing claims, deceit, conspiracy and related economic torts. Procedural law includes freezing orders and other injunctive remedies and jurisdictional issues.

Often raises issues on which expert input is required eg on issues such as forensic accountancy and foreign law.

Subjects involved: Remedies, tort, equity & trusts

See also: Banking, Company, Financial Services, Insolvency

COMPANY

Type of work: Contentious & non-contentious

Areas covered: Covers all aspects of corporate life from formation to dissolution, including mergers and acquisitions, corporate finance, reductions and reorganisations of capital, Stock Exchange and other regulatory requirements, meetings, directors' duties, shareholder rights, relations with creditors and all other areas in which issues of company law arise.

Subjects involved: Statute law but also equity, trusts and property

See also: Corporate Insolvency, Financial Services & Regulation

CONSUMER CREDIT

Type of work: Contentious & non-contentious

Areas covered:

- The drafting of standard form credit & mortgage agreements
- Unfair terms and unfair relationships
- Complaints to the Financial Ombudsman Service
- Regulation of mortgage lending and consumer credit lending (covering both FSA and OFT regulation and compliance with applicable codes and statements of practice)
- Enforcement of consumer credit loans and mortgages
- Defending possession claims based on regulated agreements

Subjects involved: Statute law, contract, property law

See also: Banking, Financial services, Land and Real Property

Work at the Chancery Bar



COURT OF PROTECTION

Type of work: Contentious & non-contentious

Areas covered:

- Advising on and drafting applications to the Court of Protection
- Applications to appoint a Deputy to manage the affairs of a person lacking capacity
- Contesting Enduring Powers of Attorney and registration of Enduring Powers of Attorney
- Contesting Lasting Powers of Attorney and registration of Lasting Powers of Attorney
- Applications for statutory wills and gifts

Subjects involved: Statute law

FINANCIAL SERVICES & REGULATION

Type of work: Non-contentious & contentious

Areas covered:

- Advice and representation in Disciplinary Proceedings before a wide range of tribunals, litigation concerning the powers and liabilities of Regulatory Bodies
- Investor Compensation and Consumer Credit cases
- Drafting and interpretation of documents
- Advising on financial business
- Structures and regulatory effects and transfer of business

Subjects involved: Statute & regulation based

See also: Banking, Company

INSOLVENCY

(CORPORATE INSOLVENCY: ADMINISTRATIONS, RECEIVERSHIPS, LIQUIDATIONS AND VOLUNTARY ARRANGEMENTS)

Type of work: Contentious with some non-contentious work

Areas covered:

- Contested winding up petitions
- Applications relating to the conduct of administrations, receiverships, compulsory and voluntary liquidations and voluntary arrangements
- Disputed proof of debt proceedings
- Disputes concerning the powers of office holders such as liquidators, including disputes relating to the production and use of documents
- Asset Recovery proceedings, including the avoidance of preferences, setting aside transactions at an undervalue and/or transactions defrauding creditors, wrongful trading and misfeasance claims
- Public interest winding up petitions
- Directors' disqualification proceedings
- Reconstruction, including reductions of capital & schemes of arrangement

Subjects involved: Statute law, but also trusts, property law, company law and contract

See also: Company Law, Civil Fraud, Banking



INSOLVENCY

(PERSONAL INSOLVENCY: BANKRUPTCY & VOLUNTARY ARRANGEMENTS)

Type of work: Contentious with some non-contentious

Areas covered:

- Bankruptcy petitions
- Challenges to and applications for directions concerning the operation of individual voluntary arrangements
- Other disputes with the trustee in bankruptcy or supervisor of the voluntary arrangement, including disputed proofs of debt
- Orders for sale of the family home and other disputes in relation to bankrupts' interests in property
- Setting aside transactions to defraud creditors, avoidance of preferences and setting aside transactions at an undervalue

Subjects involved: Statute law but also trusts, property law, contract

INTELLECTUAL PROPERTY

Type of work: Mainly contentious with some non-contentious work

Areas covered:

- Patents are monopoly rights granted in respect of novel inventions capable of industrial application. The monopoly right lasts for 20 years from the date of filing of the patent. United Kingdom patents may be granted either by the United Kingdom Patent Office or through the European Patent Office. Patent rights may be enforced in the High Court or the Patents County Court.
- Copyright is a property right granted in respect of original literary, musical and artistic works. Copyright law also covers other rights such as rights in databases. Barristers who practice in copyright appear in the UK courts and in the Copyright Tribunal. In addition to providing advice, drafting and advocacy services they are also sometimes employed to proof-read work before publication in order to advise on copyright issues.
- Design Right law covers the intellectual property rights that can subsist in original designs. In addition to UK legislation there is new European Community law in relation to the protection of designs.
- Trade marks are monopoly rights granted to protect indications of origin. Much of the UK trade mark law is based on European Community law. Barristers who practice in trade mark law regularly act for clients in the Trade Marks' Registry, the UK and the European courts.
- "Passing off" refers to the common law right to protect a business' goodwill. It is intended to protect the goodwill that is associated with particular marks from damage by misrepresentations.
- Confidential Information and Privacy: this is an area of law which has been



undergoing considerable review since the introduction of the Human Rights Act 1998. In addition to trade secrets of a commercial kind that are frequently the source of disputes between employers and their ex-employees there are now a growing number of cases that address issues of privacy.

- Entertainment and Media Law and Performers' Rights: covers a range of issues – copyright, performer's rights, confidentiality, and contract among them.

Subjects involved: statute law, contract and tort

See also: Media & Entertainment

LAND & REAL PROPERTY

(PROPERTY LAW AND CONVEYANCING, REGISTERED AND UNREGISTERED)

Type of work: Non-contentious & contentious

- Areas covered:
- Contracts for sale
 - Development schemes
 - Joint combined ventures
 - Boundary disputes
 - Trespass and title by adverse possession
 - Mortgages, including setting aside mortgages on the grounds of undue influence
 - Easements – including disputes over rights of way
 - Restrictive and positive covenants
 - Highways and rivers
 - Mooring rights
 - Mines and minerals
 - Manorial rights
 - Shooting rights
 - Commons and village greens & open spaces
 - Treasure trove
 - Co-ownership, trusts of land, proprietary estoppel, implied trusts
 - Options and rights of pre-emption
 - Claims in tort relating to land, including nuisance, professional negligence, public liability and statutory duty. These include interference with property rights, pollution and environmental claims, geotechnical surveys and disputes relating to the contamination of land.


Subjects involved: Lands Law, equity & trusts, tax, tort, contract

See also: Trusts & Settlements, Probate, Landlord & Tenant

LANDLORD & TENANT

Type of work: Contentious & non-contentious

- Areas covered:
- Business tenancy renewals under 1954 Act
 - Residential tenancies
 - Agricultural tenancies
 - Drafting leases
 - Leasehold enfranchisement and extension

- 
- Commonhold
 - Housing Associations
 - Disrepair, forfeiture, service charges, renewal of business tenancies, possession proceedings, homelessness appeals, housing benefit, right to buy and anti-social behaviour orders and injunctions

Subjects involved: Much of area is statute based, but also trusts, property law, tax, contract

See also: Land & Real Property

MEDIA & ENTERTAINMENT

Type of work: Contentious & non-contentious

- Areas covered:
- Advice on drafting or interpretation of management, recording and production agreements, disputes between the parties to such agreements (for example, artistes and managers or record companies)
 - Advice and disputes concerning merchandising rights
 - Copyright disputes (for example, music and sound recording copyright and performance rights) and related issues concerning royalties and audit claims
 - Broadcasting Film, Video and Theatre, including advice and disputes over television broadcasting rights and licences, production and distribution agreements, film and television finance and insurance, and video film and game distribution
 - Publishing, including literary copyright disputes, and those involving publishing (including internet) and serialisation agreements
 - Confidential information, including breach of confidence issues in employment and commercial contexts
 - Issues of privacy

Subjects involved: Statute law, tort, contract

See also: Intellectual Property



PARTNERSHIP

Type of work: Mainly non-contentious but some contentious work

Areas covered:

- Formation of partnerships
- Preparation and interpretation of partnership agreements
- Appointment, retirement and removal of partners
- Partnership disputes (including arbitrations)
- Advising on and resolving issues as to partnership assets & liabilities, claims for an account

Subjects involved: Statute law but also equity & trusts, property law, tax

See also: Company

PENSIONS

Type of work: Mainly non-contentious but there is some contentious work

Areas covered:

- The preparation and amendment of pension schemes
- Alteration of benefits
- The administration of pension schemes
- Interpretation of pension scheme documentation
- Practical operation of pension schemes (for example the investment of scheme assets, enforcing contributions rules obligations and clearance applications to the Regulator)
- Advice on the regulatory framework affecting pensions schemes, the scope and exercise of powers of amendment and statutory and good faith limits on their exercise
- Applications to rectify or set aside a scheme provision
- Equalisation issues
- Pensions-related professional negligence claims (such as claims against actuaries, solicitors and other professional advisers)
- Trustees' applications for directions
- Complaints to and appeals from the Pensions Ombudsman
- Mergers and wind-ups
- The acquisition, mergers and winding up of schemes
- Pension scheme disputes between trustees, employers and members
- Trustees and employers' duties
- Complaints to the Pensions Ombudsman
- Claims against professionals in relation to pension advice

Subjects involved: Statute based but also trusts, property law, tax and some company law

See also: Revenue & Tax, Professional Negligence



PROBATE AND ADMINISTRATION OF ESTATES

Type of work: Contentious & non-contentious, including some non-contentious Court work

- Areas covered:
- The variation of dispositions on death to take advantage of s. 142 of the Inheritance Tax Act 1984, and otherwise
 - Claims against estates, based upon contracts to make wills (mutual wills), proprietary estoppel, and constructive trusts
 - Revocation of wills
 - Applications for the directions of the court made by personal representatives and trustees
 - Applications under the Inheritance (Provision for Family and Dependents) Act 1975
 - Drafting wills and deeds of variation
 - Pre- and post-death inheritance tax planning
 - Construction of the terms of wills (both advisory and construction claims)
 - Removal and substitution of personal representatives
 - Revocation of grant of probate/letters of administration
 - Issues of testamentary capacity
 - Challenging wills on the grounds of lack of testamentary capacity, want of knowledge and approval of the terms of the will and undue influence
 - Questions arising during the administration of estates, disputes between personal representatives, beneficiaries and third parties about the meaning and effect of wills, applications for directions and guidance from the court, advising on powers of personal representatives
 - Rectification of wills
 - Claims by and against estates
 - Estates with Lloyds' interests
 - Estates involving a foreign element
 - The consequences of intestacy

Subjects involved: Trusts, property law, tax

See also: Trusts & Settlements, Revenue & Tax, Land & Real Property

PROFESSIONAL NEGLIGENCE

Type of work: Contentious

- Areas covered: Claims against the whole range of professional advisers, including claims against accountants, Auditors & Actuaries, solicitors, barristers, insurance brokers, banks including claims for pensions and investments mis-selling and other bad advice.


Subjects involved: Tort, contract



REVENUE & TAX

Type of work: Mainly non-contentious but some contentious

- Areas covered:
- Corporate taxation, including
 - Mergers and acquisitions
 - Company or group reconstructions and demergers
 - Transfer pricing
 - Structured finance including cross-border transactions, corporate debt, foreign exchange and derivative transactions
 - Methods of computing profits (including the relevance of accountancy practice) and deductions against receipts
 - Losses and Capital Allowances
 - International and EC Tax including the impact of Double Tax Treaties, the EC Treaty on the availability of foreign tax credits, the utilization of offshore losses and the taxation of foreign dividends and intellectual property income.
 - Personal taxation (Tax planning for individuals, trusts and estates, covering all Inheritance Tax, Capital Gains Tax, Income Tax and SDLT issues) including:
 - Sale and re-organisation of family companies
 - Advice on and drafting of documents concerning family trusts
 - Tax planning for landed estates including Business Property Relief and Agricultural Property Relief
 - Heritage property planning
 - Tax planning in relation to the family home
 - Tax and matrimonial proceedings
 - Issues relating to residence and domicile
 - Employee Remuneration
 - Personal and business tax matters come together in relation to employee remuneration including:
 - Share option and pension schemes
 - Employee share ownership plans
 - Profit sharing schemes
 - National Insurance contributions
 - VAT/IPT and other Indirect Taxes, including:
 - Partial exemption, business/non-business, the Single Market, “non-economic activity”, European law, appeals, alternative remedies such as judicial review and suing for “Frankovitch” damages.
 - Insurance Premium Tax, Customs Duty, Excise Duty, Landfill Tax, Climate Change Levy and Aggregates Levy.

- 
- Stamp Taxes (Stamp Duty, Stamp Duty Land Tax and Stamp Duty Reserve Tax) issues include:
 - Corporate acquisitions and restructuring
 - Property transactions
 - Property refinancing
 - Property developments

Subjects involved: Statute law but also trusts, property law and company law

See also: Trusts & Settlements, Pensions

TRUSTS & SETTLEMENTS

(FAMILY SETTLEMENTS OR LEGATEES OR PERSONAL REPRESENTATIVES OF THE ESTATES OF DECEASED PERSONS)

Type of work: Mainly non-contentious (including court work), some contentious

Areas covered:

- The interpretation of trusts
- Variation of trusts
- Challenging the validity of trusts
- Questions arising during the administration of trusts
- The removal of trustees
- Winding up trusts
- Allegations of breach of trust
- Investment by trustees
- Tracing against trustees and third parties

Subjects involved: Equity & trusts, tax, property law

See also: Revenue & Tax, Probate, Land & Real Property & Pensions

GDL (Graduate Diploma in law)



Students who study a non-law degree but wish to become a barrister must take a conversion course known as the graduate diploma in law (GDL). Some institutions refer to it as the common professional exam. The GDL is a one-year full-time course designed to provide non-law graduates with a diploma equivalent to a law degree. It forms the common basis for non-law graduate entry into both the solicitors' and barristers' professions. The course can also be taken over two years either part-time or by distance learning.

To be eligible for the GDL students must hold a degree (other than an honorary degree) from a UK or Republic of Ireland institution. If taking the GDL with the intention of becoming a barrister, students must have obtained at least a 2:2 in their degree in the absence of a waiver from the Bar Standards Board. Students with degrees from foreign institutions can take the GDL provided they have obtained a certificate of academic standing from the Bar Standards Board or the Solicitors Regulation Authority. A certificate of academic standing is also required for mature students who do not hold a degree but hold other qualifications which may be regarded as equivalent by the Bar Standards Board. If a mature student who does not hold a degree wishes to become a barrister he will need to satisfy the requirements for admission to one of the Inns of Court as a mature student as well as obtaining a certificate of academic standing from the Bar Standards Board.

HOW TO APPLY

Applications for almost all the institutions that offer the GDL are managed by the Central Applications Board: www.lawcabs.ac.uk.

WHERE

The GDL can be studied full-time at the following institutions:

University of Birmingham

<http://www.law.bham.ac.uk/>

Birmingham City University

<http://www.lhss.bcu.ac.uk/>

Bournemouth University

<http://www.bournemouth.ac.uk/fal/>

BPP Law School (London, Leeds, Manchester)

<http://www.bpp.com/>

Brunel University

<http://www.brunel.ac.uk/courses/pg/cdata/c/cpe-graduate+diploma+in+law/>

City University

<http://www.city.ac.uk/>

The College of Law (Birmingham, Chester, Guildford, London, York)

<http://www.college-of-law.co.uk/?campaign=cabgdl>

De Montfort University

<http://www.dmu.ac.uk/>

University of East Anglia

<http://www.uea.ac.uk/law/>

University of East London

<http://www.uel.ac.uk/law/>

University of Glamorgan

<http://www.glam.ac.uk/>

University of Hertfordshire

<http://www.herts.ac.uk/law/>

Holborn College

<http://www.flexible-learning.co.uk/>

University of Huddersfield

<http://www.hud.ac.uk/schools/hubs>

University of Keele

<http://www.keele.ac.uk/depts/la/>



Kingston University

<http://www.kingston.ac.uk/>

University of Central Lancashire

<http://www.uclan.ac.uk/facs/class/legalstu/index.htm>

University of Lincoln

<http://www.lincoln.ac.uk/>

Leeds Metropolitan University

<http://www.leedsmet.ac.uk/>

London Metropolitan University

<http://www.londonmet.ac.uk/>

Manchester Metropolitan University

<http://www.law.mmu.ac.uk/>

Middlesex University

<http://mubs.mdx.ac.uk/>

University of Northumbria at Newcastle

<http://law.unn.ac.uk/>

Nottingham Law School (Nottingham together with Kaplan Law School, in London)

<http://www.nottingham-kaplan.org.uk/> Nottingham-Kaplan

Oxford Brookes University

<http://www.brookes.ac.uk/schools/social/>

University of Plymouth

<http://www.plymouth.ac.uk/>

South Bank University

<http://www.lsbu.ac.uk/ahslaw>

Southampton Solent University

<http://www.solent.ac.uk/sbs>

Staffordshire University

<http://www.staffs.ac.uk/schools/law/welcome.html>

University of Sussex

<http://www.sussex.ac.uk/law/>

Thames Valley University

<http://www.tvu.ac.uk/>

Swansea University

<http://www.swansea.ac.uk/law>

University of the West of England (Bristol)

<http://www.uwe.ac.uk/>

University of Westminster

<http://www.wmin.ac.uk/law/>

University of Wolverhampton

<http://www.wlv.ac.uk/>

(current 30 August 2008)

BVC (Bar vocational course)



The BVC is the vocational stage of training that must be completed if you wish to become a barrister. It is a one-year course, designed to provide training that is specific to the work of a barrister. All students must have joined an Inn before registration on the BVC and must have a 2:2 in a qualifying law degree (in absence of a waiver) or the GDL and any necessary certificate of academic standing.

WHEN

Candidates are advised to submit their applications into the system as early as possible. The system usually opens in late autumn for courses commencing the following autumn. The deadline for first round applications tends to be in early January for courses commencing in the autumn of that year. The exact closing date for any year should be checked well in advance on the BVC Online website: www.bvconline.co.uk

HOW

Applications for a place on the BVC must be made through the Bar Council's central applications system, BVC Online at www.bvconline.co.uk

WHERE

The course is currently offered by eight institutions:

BPP Law School London

(full and part time)
www.bpplawschool.com

Cardiff University

www.law.cf.ac.uk/cpls/bvc

College of Law

(full and part-time)
www.college-of-law.co.uk/prospective_students/content2-354.html

Inns of Court School of Law

(full and part time)
www.city.ac.uk/lawicls.html

Manchester Metropolitan University

www.law.mmu.ac.uk/postgrad/bvc

Northumbria University

www.northumbria.ac.uk/sd/academic/law

Nottingham Law School

www.ntu.ac.uk/nls/professional_courses/bvc/5881gp.html

Bristol Institute of Legal Practice, University of the West of England

www.bilp.uwe.ac.uk/bvc

The Inns of Court



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Marion Howard - Students Officer

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T 020 7242 0082
www.barcouncil.org.uk

BAR STANDARDS BOARD

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Erskine Chambers

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WC2A 3SU
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www.tenoldsquare.com
clerks@tenoldsquare.com

13 Old Square

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WC2A 3UA
DX 52 Chancery Lane
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15 Old Square

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DX 307 London/Chancery Lane
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