

PUPILLAGE CHECKLIST
SECTION 5: SPECIALIST AREAS – CHANCERY



Introduction:

This checklist has been prepared by the Chancery Bar Association. A chancery pupillage should prepare a pupil to a standard which will enable the pupil to deal competently with the work which he or she is likely to encounter in the early years of practice at the Chancery Bar. This checklist is intended to identify the core elements which a general chancery pupillage should cover. Chancery chambers offering a highly specialised pupillage should consider preparing their own checklists in conjunction with the Bar Council.

A chancery pupil should cover each of the non-asterisked items listed below. If no such opportunity has arisen within chambers or it has otherwise proved impossible to deal with a particular item, it will suffice in those circumstances for the pupil’s supervisor(s) to: (i) discuss with the pupil any particular aspects of advocacy or advice which the pupil should consider in relation to that item; and (ii) identify appropriate action for the pupil to redress any such omission, noting the same in the comments section below. As with the main pupillage checklist, supervisors should initial and date the last column when they consider that their pupil has covered those items to a satisfactory standard.

It is desirable but not necessary for all chancery pupils to deal with the items below which are marked with an asterisk.

A. ORAL AND WRITTEN ADVOCACY IN CHANCERY PRACTICE	Satisfactory
<p>1. Observe the following tribunals, become familiar with the practice and procedure of chancery litigation before each, and develop (by observation or practice) the skills of advocacy before them. This should specifically include familiarisation with the relevant provisions of the Chancery Guide.</p> <p>N.B. References to each of the following include deputies sitting at that level.</p> <p>The Chancery Division</p> <p>1.1 High Court Judge</p> <p>1.2 Judge in the Interim Applications Court</p> <p>1.3 Master</p> <p>1.4 Registrar in the Companies Court</p> <p>1.5 Registrar in Bankruptcy</p> <p>The County Court</p> <p>1.6 District Judge</p> <p>1.7 Circuit Judge</p> <p>1.8 Circuit Judge in the specialist Chancery Business list at Central London County Court*</p> <p>The First-tier Tribunal</p> <p>1.9 The Property Chamber (hearing any Land Registration, Agricultural Land & Drainage or Residential Property matter)*</p> <p>1.10 The General Regulatory Chamber (hearing any Charities case)*</p> <p>1.11 The Tax Chamber (hearing any Tax c.f. Parliamentary Expenses case)*</p>	

2. Become familiar with the following types of proceedings in chancery cases, and develop (by observation or practice) the skills of written and oral advocacy for all such hearings, including the preparation where appropriate of skeleton arguments, chronologies, case summaries, minutes of order or other documentation.

Applications

- 2.1 An application for an interim injunction
- 2.2 An application for a freezing order*
- 2.3 An application for any relief made without notice to the other party (with consideration of the giving of undertakings)
- 2.4 A summary judgment or strike out application
- 2.5 An application for an unless order or for relief from sanctions
- 2.6 An application for further information or specific disclosure
- 2.7 An application for permission to amend a statement of case*

Trials

- 2.8 A trial under CPR Part 7 or other witness action which includes the cross-examination of witnesses of fact
- 2.9 Such a trial or action involving the cross-examination of expert witnesses
- 2.10 A final hearing in a claim under CPR Part 8

Costs and Consequential Relief

- 2.11 The handing down or delivery of reserved judgment with submissions on costs, permission to appeal and/or the form of order
- 2.12 An assessment of damages or the taking of accounts and inquiries*
- 2.13 Any hearing dealing with the summary assessment of costs
- 2.14 A costs [and/or] case management conference or PTR
- 2.15 An application to enforce a judgment e.g. for a charging order under CPR Part 73

Appeals

- 2.16 An appeal in the County Court or before a High Court Judge
- 2.17 An appeal in the Upper Tribunal (Lands Chamber or Tax and Chancery Chamber)*
- 2.18 An appeal in the Court of Appeal*

Bankruptcy and Companies Court Proceedings

- 2.19 A bankruptcy petition
- 2.20 A winding up petition
- 2.21 An application for an administration order*
- 2.22 An unfair prejudice petition under section 994 of the Companies Act 2006 (or other companies proceedings, subject to CPR Part 49 and PD49A)*

Possession Proceedings

- 2.23 A residential landlord & tenant and a mortgage possession claim under CPR Part 55
- 2.24 A possession claim against trespassers under CPR Part 55*

Probate, Inheritance and Trust Proceedings

- 2.25 Non-contentious (common form) probate business*
- 2.26 A (contested) probate claim under CPR Part 57*
- 2.27 An Inheritance Act claim under CPR Part 57*
- 2.28 An application by trustees or executors under CPR Part 64 for directions as to whether to bring or defend court proceedings (*Re Beddoe*)*

<p>3. Develop (by observation or practice) the skills of written advocacy, oral advocacy and negotiation in relation to a mediation or other form of ADR employed in a chancery case, including the preparation of position statements or the equivalent.</p>	
<p>B. PLEADING AND DRAFTING IN CHANCERY PRACTICE</p>	<p>Satisfactory</p>
<p>4. Develop (by observation and practice) drafting and pleading skills in the context of chancery litigation, including the preparation of the following, in addition to those points set out in the main Pupillage Checklist at Section 4 paragraphs 2-5:</p> <p>4.1 An application notice and evidence in support 4.2 A CPR Part 8 claim form and evidence in support 4.3 A statement of case in the First-tier Tribunal* 4.4 A consent order in Tomlin form (with consideration of any formalities issues arising in the chancery context e.g. on the transfer of land or beneficial interests)</p>	
<p>C. ADVICE IN CHANCERY PRACTICE</p>	<p>Satisfactory</p>
<p>5. Develop (by observation or practice) the following skills as set out in the main Pupillage Checklist at Sections 3 and 4, in the context of chancery work:</p> <p>5.1 legal research 5.2 advising in writing 5.3 advising in conference</p>	
<p>D. NON-CONTENTIOUS CHANCERY WORK</p>	<p>Satisfactory</p>
<p>6. Develop and practise the skill of non-contentious drafting and in particular:</p> <p>6.1 Develop and practise an appropriate style 6.2 Understand the proper use of precedents 6.3 Understand the impact of taxation in drafting 6.4 Understand when an accompanying note is appropriate and its function.</p>	
<p>7. Consider and familiarise yourself with (or, where possible, draft) at least one example of a:</p> <p>7.1 Contract 7.2 Will 7.3 Trust deed 7.4 Deed of Appointment* 7.5 Conveyance/ Transfer 7.6 Lease 7.7 Guarantee and indemnity 7.8 Mortgage/ deed of charge 7.9 Deed of variation (a.k.a. a deed of family arrangement)* 7.10 Set of filed accounts and the articles of association of a limited company 7.11 Shareholders' agreement* 7.12 Partnership deed 7.13 LLP members' agreement*</p>	

Pupil's record of work done or work diary references

(continue on reverse or on a separate sheet)

**Cross-
reference**

Signed (pupil):

Date:

Pupil supervisor's comments

Signed (supervisor):

Date: