

Barristers' Pupillage Policy

1. Requirement

- 1.1. A barrister who is required to complete a period of pupillage in Tasmania, shall serve that period of pupillage in accordance with this Policy.
- 1.2. The period of pupillage commences on the date a practising certificate is issued to the pupil barrister.
- 1.3. A barrister who is required to complete a period of pupillage shall not commence actual practice before:
 - 1.3.1. arranging two masters as required by this Policy;
 - 1.3.2. completing and signing the Register of pupils held by the Law Society of Tasmania (the Law Society); and
 - 1.3.3. being issued with a practising certificate.
- 1.4. A pupil is free to undertake any private work except as provided for in this Policy.
- 1.5. In the first six months of pupillage, or such period as the Council of the Law Society of Tasmania (the Council) determines, a pupil is prohibited from accepting a 'direct access' brief unless he or she has obtained the written approval of the pupil's senior or junior master and submitted that written approval to the Executive Director of the Law Society prior to acceptance of the brief.

2. The Register of Pupils

- 2.1 The Law Society shall cause to be kept a Register (which may be in electronic form) of pupils and the masters nominated by them. The Register shall be completed and signed by the pupil before commencing private practice.
- 2.2 The completion and currency of the Register shall be the responsibility of a pupil.

3. Masters

- 3.1 A pupil shall have two masters: a senior master, being a Senior Counsel or a barrister of not less than ten years' standing in practice as a barrister, and a junior master, being a junior barrister of not less than five years' standing in practice as a barrister.
- 3.2 The appointment of both masters is subject to the approval of the Council which may seek the recommendation of the Tasmanian Independent Bar.
- 3.3 Both masters must hold Tasmanian practising certificates unless the Law Society grants approval in writing.
- 3.4 Unless the Law Society grants approval in writing, a senior master may not have more than three pupils at any one time.

- 3.5 Unless the Law Society grants approval in writing, a junior master may not have more than one pupil at any one time.
- 3.6 Upon the request of a master or pupil and with the written consent of the Law Society, a pupil may change a master or masters, and any such change shall be recorded in the Register and shall not affect the period of pupillage already completed by the pupil.
- 3.7 In the event that a master shall not be accessible to a pupil for more than one month during the year of pupillage, then that master shall arrange for the pupil to have access to another master of appropriate experience. The pupil shall, as soon as possible, inform the Law Society in writing of the arrangement made.
- 3.8 Insofar as it is practicable, masters are encouraged to have their pupil's devil for them.

4. Duties of Pupils and Masters

During pupillage:

- 4.1 In this section "court orientated work" means conferences or other preparation for a hearing and actual court or tribunal attendances in a court or tribunal in Tasmania.
- 4.2 A pupil must meet in person with each of their pupil masters within two weeks of the pupil commencing pupillage so as to plan and commit to the pupillage term ("the initial meeting");
- 4.3 At the initial meeting, the pupil and masters must plan for the pupil to meet in person with either the senior or junior master at least once a month to discuss the pupil's progress at the Bar ('the monthly review');
- 4.4 Within two weeks of the initial meeting, the pupil must give written notice to the Executive Director (copied to both masters) that the initial meeting has occurred;
- 4.5 If the initial meeting does not occur within four weeks of the pupil commencing pupillage, the pupil must write to the Law Society (copied to both masters) giving reasons why and stating when the initial meeting is to take place.
- 4.6 At each monthly review, the pupil must inform the senior or junior master:
- 4.6.1 of the work undertaken by the pupil with either master in the preceding month so as to reveal the pupil's understanding of that work;
 - 4.6.2 subject to any conflict arising between any work undertaken by the pupil and either master concerned, of the substance of private work undertaken by the pupil and any difficulties encountered;
- 4.7 In the first six months of pupillage, or such period as the Council determines, subject to variation by the Council:
- 4.7.1 a pupil must undertake a minimum of forty hours of court orientated work (at least twenty hours of which must comprise actual court or tribunal attendances in a Tasmanian court or tribunal) with either master or another barrister with greater than

- five years experience at the Bar whose appointment has been approved by either master;
- 4.7.2 at least 20 hours of the court orientated work must be undertaken in the first three months of pupillage;
- 4.8 In the second six months of pupillage, or such period as the Council determines, subject to variation by the Council, the pupil must undertake a minimum of twenty hours court orientated work (at least ten hours of which must comprise actual court or tribunal attendances in a Tasmanian court or tribunal).
- 4.9 At any time during pupillage, the senior master (in consultation with the junior master), may by notice in writing to the pupil and the Law Society, increase (by a factor of up to 50%) the remaining hours of court orientated work the pupil still has to complete. The senior master's decision to so act must be based on his or her belief that the pupil required more intensive training. The pupil may request the decision to be reviewed by the Council.
- 4.10 The senior or junior master must report to the Law Society in writing (with a copy to the pupil) any persistent or inexcusable non-compliance by the pupil with this Policy.
- 4.11 A pupil must perform such practical exercises, attend lectures or seminars and participate in such exercises or activities as either master shall from time-to-time direct.
- 4.12 Masters must make themselves available (as far as is practicable) to enable their pupil to obtain assistance from them as required.
- 4.13 A pupil must attend any legal education events directed by the Law Society or Tasmanian Independent Bar from time-to-time.
- 4.14 A pupil will not receive any fee in respect of anything done with respect to the matters set out in Part 4 of this policy with the exception of court oriented work.
- 4.15 Each pupil shall
- 4.15.1 keep a record of the hours engaged in court orientated work, attendances at the initial meeting and each month's review; and
 - 4.15.2 forward that record of pupillage to the Law Society upon conclusion of the period of pupillage (or any extended period).

5. Attendance at Court

- 5.1 A pupil shall be entitled to attend with a master when the master appears in court.
- 5.2 The pupil shall be entitled to sit at the Bar table with the master.
- 5.3 On any such occasion the pupil shall be robed but will not have an appearance announced, nor take part in the case, nor charge any fee.
- 5.4 The master shall announce to the Court as a matter of courtesy the presence of the pupil at the Bar table.

6. Completion of Pupillage

- 6.1 The satisfactory completion of pupillage shall be a personal obligation upon a barrister.
- 6.2 Failure of a pupil without reasonable cause to perform the duties of pupillage including such additional requirements as the Law Society may from time-to-time direct in lieu of requirements not performed in the currency of pupillage to the satisfaction of the Society may be grounds for the Society to refer the conduct to the Legal Profession Board of Tasmania.
- 6.3 Upon conclusion of the required period of pupillage, the pupil must give written notice to the Executive Director (copied to both masters) that he or she, to the best of his or her belief, has complied with the requirements of pupillage as set out in this policy.
- 6.4 Each master, upon receipt of the pupil's written notice mentioned in Clause 6.3 of this policy, must forthwith certify in writing to the Law Society (copied to the pupil) whether or not the pupil, to his or her satisfaction, has undertaken pupillage as required by this policy.
- 6.5 The Law Society may, on terms it sees fit, extend the required period of pupillage if:
- 6.5.1 a senior master has given notice pursuant to clause 4.9;
 - 6.5.2 there is an unfavourable certification by either master; or
 - 6.5.3 the Law Society in its discretion thinks that the period of pupillage should be extended for any reason.

7. Administration and Exemptions

- 7.1 The Law Society (or a nominated sub-committee of its Council, in consultation with the Tasmanian Independent Bar), shall have responsibility for the implementation and supervision of the Pupillage Policy.
- 7.2 In determining the length of the period of pupillage required to be served, the Law Society will have regard to all relevant circumstances, including:
- 7.2.1 any previous experience in performing barrister's work, whether as a barrister alone or as a barrister and solicitor;
 - 7.2.2 the nature of that work;
 - 7.2.3 the barrister's, education, qualifications and legal experience;

Approved by the Council on 23 July 2011