

# GOUGH SQUARE

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## CHAMBERS



## PUPILLAGE BROCHURE

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Gough Square Chambers dominates  
in terms of its breadth of practice,  
strength in depth and leading  
caseload  
- Legal 500, 2015



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CHAMBERS

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Gough Square Chambers is a set steeped in consumer law that has a long history of acting in the field. It houses an enviable bench of barristers who are experienced in the full spectrum of consumer matters, and who have particular expertise in consumer credit matters.

- Chambers & Partners, 2016



The number of bodies it can throw at the sector is unmatched by any other set, and its capabilities at the junior end are there for all to see. Solicitors view it as a top pick: 'This chambers is at the very top of its game'

- Chambers & Partners, 2015



# ABOUT GOUGH SQUARE CHAMBERS

Gough Square Chambers is a small specialist set practising from chambers at 6 - 7 Gough Square, a pretty cobbled square situated between Fleet Street and Fetter Lane. Chambers traces its history to a set founded at 2 Harcourt Buildings by Leonard Caplan QC shortly after the Second World War.

In 1986, a number of people from 2 Harcourt Buildings set up at 9 Devereux Court. Due to continuing expansion, Chambers quickly outgrew 9 Devereux Court and moved to Gough Square in 1993.

From an early stage, Chambers has had a particular speciality in consumer and trading law. This is a wide ranging field that covers most types of transactions between businesses and members of the public. However, there has always been a particular emphasis on consumer credit and retail banking.

Chambers has been at the vanguard of the development of this area of law for over 25 years, including in landmark cases such as *Royal Bank of Scotland v Etridge (No. 2)* [2001] UKHL 44 and *Beavis v ParkingEye* [2015] UKSC 67.

Despite its success, Chambers has remained a small and approachable set. We hope that you will find this brochure helpful in applying for pupillage and look forward to meeting you.



The set has a long history of commitment to consumer law. A true pioneer in the field, it has been involved longer than any other set, and enjoys a very strong reputation.

-Chambers & Partners, 2015



# AREAS OF PRACTICE

Chambers specialises in all aspects of consumer law. This is a diverse field that encompasses almost any interaction between retail businesses and the public. Whilst there are relatively few true consumer law specialists at the Bar, it is difficult to exaggerate the scope and day-to-day impact of consumer law on businesses and members of the public.

Chambers has long been considered the country's leading set in consumer law and is ranked as the only top tier set for consumer law by both Chambers & Partners and the Legal 500. As the Legal 500 2015 put it, 'Gough Square Chambers dominates in terms of its breadth of practice, strength in depth and leading caseload; "solicitors can do no better" for "genuine strength and specialism in consumer law"'.

'Consumer law' is really a hybrid of many different substantive areas of law. Pupils in Chambers see the full spectrum of consumer law, from technical civil credit and banking cases on the one hand to criminal trading standards jury trials on the other. Once in tenancy, members have the option of focussing on their chosen areas – although many continue to do the full range of consumer law work.

A few short summaries of Chambers' main areas of practice are set out here. This list is by no means exhaustive and further details may be found on Chambers' website.

# CONSUMER CREDIT

The consumer credit field covers most retail lending. Chambers usually acts for banks and lenders (such as Lloyds, HSBC, Bank of Scotland, RBS, Santander, American Express, and MBNA), although some members also act for borrowers. Members of Chambers are also instructed by regulatory and enforcement authorities.

Following the global credit 'crunch', there has been a great amount of litigation and Chambers has been instructed in some of the key consumer credit cases of the last decade. These include Office of Fair Trading v Lloyds TSB [2007] UKHL 48, Carey v HSBC plc [2009] EWHC 3417, Harrison v Black Horse Ltd [2011] EWCA Civ 1128, JP Morgan v Northern Rock plc [2014] EWHC 291, and Grace & George v Black Horse Ltd [2014] EWCA Civ 1413.

# FINANCIAL SERVICES

Beyond consumer credit, Chambers undertakes a variety of other financial services work. This often relates to compliance with the Financial Services and Markets Act 2000 and the regulation of firms by the Financial Conduct Authority. Notable cases in this area include Hurstanger v Wilson [2007] EWCA Civ 299, Helden v Strathmore Ltd [2011] EWCA Civ 542, and Conlon v Black Horse Ltd [2013] EWCA Civ 1658.

# CONSUMER CONTRACTS

Members of Chambers regularly represent businesses in proceedings involving consumer contracts, including contracts for the sale and supply of goods and services. In the past, this often involved the application of the Unfair Contract Terms Act 1974, the Sale of Goods Act 1979, and the Unfair Terms in Consumer Contracts Regulations 1999. Although those statutes remain relevant, many of these cases are now governed instead by the Consumer Rights Act 2015.

In 2015, Jonathan Kirk QC and Thomas Samuels successfully persuaded the Supreme Court to fundamentally alter the doctrine of penalties at common law (*Beavis v ParkingEye Ltd* [2015] UKSC 67). Other notable cases include *Secretary of State for Business Innovation and Skills v PLT Anti-Marketing Ltd* [2015] EWCA Civ 76 and *Kaye v Nu Skin UK Ltd* [2012] EWHC 958.

# TRADING STANDARDS

Members of Chambers both prosecute (on behalf of enforcement authorities) and regularly defend major supermarkets and other nationwide retailers in the criminal courts for trading standards offences. These cases often involve unfair and aggressive commercial practices, food safety and hygiene, product safety, product labelling, counterfeiting and trademarks, or money laundering.

Notable cases include *DEFRA v ASDA Stores Ltd* [2003] UKHL 71, *Sainsbury's Supermarkets Ltd v HM Courts Service* [2006] EWHC 1749 (Admin), *R v Scottish & Southern Energy plc* [2012] EWCA Crim 539, *R v X Ltd* [2013] EWCA Crim 818, and *Torfaen CBC v Douglas Willis Ltd* [2013] UKSC 59.



Gough Square 'is a first port of call for the most hotly contested disputes, including advertising and food safety matters'. Sources further highlight its high-level consumer credit practice, and describe it as 'undoubtedly the market leader for consumer law'.

- Chambers & Partners, 2014



The members here are at the vanguard of developments in the law ... they are 'specialists not dabblers, and really do know their stuff' ... 'very commercially minded and just so good'

- Chambers & Partners, 2013



# WHY CHOOSE US

## The opportunity to develop an exciting specialist practice

Consumer and regulatory law is a rapidly expanding field that governs a broad range of daily transactions. It is a field that poses difficult questions. Following the 2008 crash, is it the responsibility of lenders, borrowers, or the government to ensure that consumers can afford their debts? Does the government bailout of high street banks render them public authorities and therefore subject to human rights scrutiny? How can freedom of contract be reconciled with social paternalism? Dealing with these and similar questions is challenging but very rewarding work.

Chambers is proud to be the leader in its chosen fields. This success is due in large measure to the quality of instruction and mentoring that its members receive during pupillage. This results in junior tenants who have real expertise in consumer and regulatory law from very early on. As Chambers & Partners 2015 noted, 'The number of bodies it can throw at the sector is unmatched by any other set, and its capabilities at the junior end are there for all to see. Solicitors view it as a top pick: "This chambers is at the very top of its game"'.

## **Wide ranging, high quality work**

As a pupil at Gough Square Chambers you will be exposed to a wide variety of high quality work. Pupils in Chambers are given a great deal of real responsibility and make substantive contributions to live cases from day one. The variety of civil, commercial, and regulatory criminal work presents a steep learning curve but also keeps the pupillage year exciting and engaging.

The variety of work provides a great grounding for practice in many different areas. However, should you choose to do so, you will be able to specialise further as a tenant once you know what you enjoy.

## **A relaxed and collegiate atmosphere**

By the standards of most sets of chambers, Gough Square is very informal and closely knit. Work conversations are just as likely to take place over drinks as they are around a conference table. Members regularly socialise outside of work, both in the evenings and on trips further afield (e.g. annual ski trips and 10k/half marathons).

Pupils are invited to all of Chambers' events as soon as they arrive, both organised (e.g. Chambers' annual summer cricket match, Christmas party, and fantasy football dinner) and impromptu (e.g. lunches out of Chambers). Working hours are 8:30AM to 6:00PM on weekdays and pupils are only occasionally permitted to work outside those times. In addition, since Chambers only takes one pupil at a time there's no chance that you will be pitted against someone else in a year-long competition for tenancy.

## **Some of the best tenancy rates around**

Over the last 15 years, all of Chambers' pupils have stayed on as tenants. This is due to the care taken to select the right individuals from the start. Tenancy is never guaranteed, and pupils will have to demonstrate that they possess the skills required to succeed at the Bar in order to receive an offer, but a pupil at Gough Square is always viewed as a future tenant from his or her first day in Chambers.

Chambers truly is a small and friendly place. I was made to feel like part of the team from day one.

- Lee Finch, tenant



I was given a lot of responsibility in work of a very high standard from the outset. I assisted on the Torfaen v Douglas Willis case which I followed through to the Supreme Court after pupillage.

-Anna Medvinskaia, tenant



The defining thing for me about Gough Square is the sheer variety and quality of work. As a first six pupil, I might spend the morning working on financial regulation and the afternoon in the Magistrates Court in a case concerning placenta smoothies

- Daniel Brayley, tenant

# VIEWS FROM A RECENT PUPIL



by Robin Kingham

If I could only convey one aspect of life at Gough Square, it would be how friendly Chambers is. Part of Chambers' strength is its small size and specialised focus, so I suppose it's not surprising that I was treated as a team member and future tenant from the very beginning of my time in Chambers. People were always kind and interested in my progress, regardless of how senior or how busy they were. Having compared notes with friends at other places (as well as having endured an excessive number of mini-pupillages), I know that Gough Square is unusually welcoming and inclusive of its pupils.

Whether it was the Christmas party, the annual fantasy football league dinner (a very important occasion in Chambers' diary although by no means compulsory), or just a Friday afternoon drink somewhere on Fleet Street, I was made to feel very much a part of Chambers' social life. As an added bonus, since I was the only pupil in Chambers, there was none of the unpleasant competition for tenancy that you sometimes see at other sets.

Another great feature of pupillage at Gough Square was the variety of work that I saw. To put it in perspective, during pupillage I saw cases before the Magistrates Court, First-tier Tribunal, County Court, Crown Court, High Court, and Court of Appeal (I also helped Jonathan Kirk QC and Thomas Samuels with a case in the Supreme Court but sadly could not attend the hearing due to another case I was working on).

Chambers' area of specialism may seem very niche, but consumer law is a remarkably wide area in which to practise. In my first month alone, I went from working on a banking appeal before the Court of Appeal to a week-long counterfeiting/money laundering jury trial in Lincoln Crown Court.

Finally, in the early days of my second six I was very well supported, both by my supervisors and by the clerks. Even now that I've been taken on, members of Chambers and the clerks are always happy to suggest an answer to a tricky problem or help me deal with something unfamiliar.





Gough Square Chambers is 'one of the strongest consumer credit sets in the country', and is also 'leading the way in trading standards and consumer protection work'.

-Legal 500, 2015



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CHAMBERS

# THE STRUCTURE OF PUPILLAGE

## The pupillage year

Chambers offers one 12 month pupillage at a time. We do not currently offer third six pupillages. However, unsolicited applications for third six pupillages may be considered if the applicant has direct experience of consumer and regulatory law and demonstrates a genuine desire to specialise in the field.

Pupils in Chambers typically spend four months with three different supervisors. The first four months will be spent conducting legal research, observing courtroom advocacy, and learning the basics of life in practice from your supervisor. However, you won't be limited to working for your supervisor; rather, an effort will be made to ensure that you work on the most interesting and educational cases being handled in Chambers.

The second period of four months covers the transition from observation to practice and is spent with one supervisor. This timing allows you some time with your new supervisor before the inevitably daunting first appearance in court. In addition to the pupillage courses run by the Bar Council (paid for by Chambers), you'll also complete in-house advocacy training prior to starting your second six.

During the third period of four months, you'll start to adapt to life in practice and hopefully begin to see yourself as a future tenant in Chambers. You should expect to be in court on a regular basis in your own right. In addition, there are often opportunities to be led or to undertake devilling work – both of which will enable you to gain exposure to more complex cases.

## Assessment

All work undertaken by a pupil is constructively appraised by his or her pupil supervisor. Every three months, pupils are provided with an assessment of their work by their supervisor. Dialogue during pupillage is important, and pupils are encouraged to ask questions and seek help if uncertain about any aspect of their work.

In addition to these regular assessments, two further formal assessments are conducted in the first six months. The advocacy assessment will most likely consist of a mock summary judgment application before a small panel consisting of no more than five members of Chambers. For the written assessment, the pupil will be expected to produce an opinion on a question of law relevant to Chambers' main areas of practice.

## The tenancy decision

Every pupillage is offered with a view to tenancy. However, a final decision on whether to offer tenancy is taken by all members of Chambers. That decision is usually made in July of the pupillage year, but in any event Chambers will ensure that you are notified of the decision at least two months before the end of pupillage so that alternative arrangements can be made in the event of a negative decision.

Thankfully, however, this is not usually required as every pupil who has started in Chambers over the last 15 years has gone on to become a tenant.

## Finances

The current pupillage award is £40,000. This is split between a £20,000 cash grant and £20,000 of guaranteed earnings. Pupils are also entitled to keep any earnings above the guaranteed amount subject to paying Chambers' rent and clerks fees.

In addition, Chambers pays for all travel costs incurred in connection with work outside London (other than work undertaken in your own name).



With a 'breadth of experienced counsel', it is adept at handling cases involving consumer credit, food, cosmetics, pharmaceuticals, health and safety, and other matters affecting businesses, individuals and regulators.

- Legal 500, 2015



# THE APPLICATION PROCESS

## Who are we looking for?

Chambers looks for six key traits in potential pupils, as set out in our Recruitment Criteria (available on Chambers' website):

- 1** **INTELLECTUAL ABILITY** - including, but not limited to, academic achievement
- 2** **ADVOCACY SKILLS** - the ability to express yourself both orally and in writing
- 3** **ANALYTICAL ABILITY** - the ability to quickly assimilate and analyse information under pressure
- 4** **INTERPERSONAL SKILLS AND TEMPERAMENT** - including emotional intelligence and integrity
- 5** **INITIATIVE** - evidence of motivation and determination, including your commitment to the Bar
- 6** **INTEREST IN AND SUITABILITY FOR CONSUMER LAW** - although prior experience of consumer law is not required, a genuine interest in the field is important

## Applying to Gough Square Chambers

Chambers is not a member of the Pupillage Gateway. Applications should instead be made via the recruitment page on Chambers' website. You may save the form without submitting it for up to 30 days at a time.

As Chambers only offers two mini-pupillages per year, it is neither required nor expected that applicants for pupillage will have completed a mini-pupillage with us. However, applicants will be expected to demonstrate a genuine interest in practising in Chambers' core areas.

All applications for pupillage are fully considered on paper on an equal and non-discriminatory basis using Chambers' published Pupillage Recruitment Criteria. This initial selection procedure is undertaken by at least two members of Chambers.

Following the paper sift, there are usually two rounds of face-to-face interviews. The first round is usually conducted by a panel of three members of Chambers. The second round panel is usually composed of five members of Chambers who did not interview the applicant in the first round. In addition, interviewees will be given a problem question to consider twenty minutes before the second round interview. Exceptionally, a third round of interviews may be necessary in highly competitive years.

Chambers will inform every applicant of the outcome of his or her application. As a result, there may be some delay between the application deadline and notification of interview offers. However, please contact Lee Finch ([lee.finch@goughsq.co.uk](mailto:lee.finch@goughsq.co.uk)) if you have not received notification of the outcome of your application by 1 July 2016.

### Application deadline

Pupillage applications must be submitted by 29 April 2016

