



The Bar Council

## **Pupils – noting briefs and other work**

<b>Purpose:</b>	To advise barristers and pupils regarding appropriate work for pupils to undertake
<b>Scope of application:</b>	All practising barristers and pupils
<b>Issued by:</b>	The Ethics Committee
<b>Last reviewed:</b>	November 2020
<b>Status and effect:</b>	<b>Please see the notice at end of this document. This is not “guidance” for the purposes of the BSB Handbook I6.4.</b>

**Q1. I am a pupil in my first six months and have been asked to take a noting brief. Am I allowed to do so?**

A. Yes, provided that your pupil supervisor or Head of Chambers has given his permission, you can accept a noting brief during your non-practising six: please see rS11. You may also charge for this work.

You are only able to supply legal services and exercise a right of audience once you have completed, or been exempted from, the non-practising six months of pupillage and have the permission of your pupil supervisor or Head of Chambers: see rS19.

**Q2. A solicitor who is a friend of mine sits on the board of a small company. He would like to use chambers for pro bono advice on contracts and other arrangements. We are a criminal set without much experience in this area. He thought that some of our pupils might be competent to do this.**

The BSB Handbook prohibits you from undertaking work which is outside your competence: see rC21.8.

You should not be given permission to do this (under rS19) if you are in your non-practising six months.

If you are a practising pupil in chambers, you should not undertake work which cannot be adequately supervised by your pupil supervisor (by whose insurance you are covered). The BSB Qualification Manual (9<sup>th</sup> November 2020 version) in section 4M ‘Support and advice

for pupils', under the role of pupil supervisors during the practising period of pupillage at paragraph 13 and 14 states: "13. Although pupils will do work of their own during the practising period, this is still part of pupillage training. 14. Before doing a case of your own, as a pupil, you should consult your pupil supervisor for advice and guidance and your pupil supervisor should provide an opportunity for discussion afterwards.". It follows that if your supervisor cannot provide advice and guidance in relation to a particular area of work, they should not give you permission to undertake that work.

The fact that the work may be done pro bono does not change this: you are under the same duty to act competently.

### **Important Notice**

This document has been prepared by the Bar Council to assist barristers on matters of professional conduct and ethics. **It is not "guidance" for the purposes of the BSB Handbook I6.4, and neither the BSB nor a disciplinary tribunal nor the Legal Ombudsman is bound by any views or advice expressed in it.** It does not comprise – and cannot be relied on as giving – legal advice. It has been prepared in good faith, but neither the Bar Council nor any of the individuals responsible for or involved in its preparation accept any responsibility or liability for anything done in reliance on it. For fuller information as to the status and effect of this document, please refer to the professional practice and ethics section of the Bar Council's website [here](#).