

# PUPILLAGE

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Monckton Chambers  
1 & 2 Raymond Buildings  
Grays Inn  
London, WC1R 5NR

Tel: +44 (0)20 7405 7211  
Fax: +44 (0)20 7405 2084  
Email: [chambers@monckton.com](mailto:chambers@monckton.com)  
[www.monckton.com](http://www.monckton.com)



## PUPILLAGE AT MONCKTON CHAMBERS



**Monckton Chambers specialises in European, public and commercial law.**

There are currently 53 members of Chambers, including 14 QCs. The focus of much of our work is the relationship between, on the one hand, companies and individuals, and on the other, the power of the State. Members of Chambers practice in a number of different areas of the law, but the same essential question frequently arises across the range of our work: has the State exceeded its powers?

European law is frequently involved in what we do: whether the law of the European Union, or the European Convention on Human Rights.

Much of our work takes place in the higher Courts, including the Administrative Court, where claimants challenge the actions of the State by way of judicial review, or in specialist tribunals such as the Competition Appeal Tribunal. Members of Chambers also frequently act in the Court of Justice of the European Union, and the European Court of Human Rights. Commercial trials within our core practice areas are also an important part of our work.

Whilst the majority of Chambers' work is for private clients, we regularly appear for the Crown, and 20 junior members of Chambers have appointments to the Attorney General's Panel of counsel used by central Government for its civil litigation. Members also regularly advise the European Commission, and the UK Government, on litigation in the European courts. Whilst much of our work arises in the commercial context, members also act for private individuals, charities, non-Governmental organisations and campaigning groups. There is scope within Monckton Chambers for individual members to develop the kind of practice they wish: whether focussing on the rights of individuals, large corporations, or the Government.

Our work is carried out in areas of the law that are rapidly growing and fast moving. It is exceptionally demanding, but also highly rewarding. We are looking for candidates of the highest intellectual calibre. Most successful candidates for pupillage will have a First Class Honours degree (although it need not be in law) or a graduate degree in law.

We do not, however, expect candidates to have any experience or expertise in the specialised areas in which we practice, beyond an interest and enthusiasm for public law and/or European law. We welcome applications from candidates who have degrees in subjects other than law and are taking (or have taken) the GDL.

It is not only intellectual skills that we are looking for: we are seeking candidates with the personal skills to win the trust of clients and judges alike. Monckton Chambers is a dynamic place to work. Members actively engage in speaking at conferences and seminars, in London and internationally, and in contributing to a variety of publications, ranging from our own marketing materials, to specialist journals and practitioner texts. We are looking for junior tenants who will bring real energy to Chambers.

# OUR PRACTICE AREAS

## OUR PRACTICE AREAS

Members practice in a wide range of areas, and full details can be found on our website. Whilst members do conduct advisory work, the focus is very much upon litigation. The following areas account for most of the volume of Chambers' work:

- **Administrative and public law:** the focus of Monckton Chambers' public law work is commercial, although members of Chambers also act for individuals, charities and NGOs. Members of Chambers frequently act in judicial review challenges to the decisions of Ministers and regulatory bodies. EU law or the European Convention on Human Rights are often involved.
- **Communications and media:** we have a particularly strong reputation in the regulation of telecoms, internet services, digital and broadcast media – commercial activities frequently conducted on a cross-border basis and characterised by rapid growth, business innovation and technological change.
- **Competition:** there are two main strands to Chambers competition work. Firstly, members act frequently in the Competition Appeal Tribunal, which has the power to hear appeals and judicial review challenges in relation to decisions of the Office of Fair Trading and other "sectoral" competition regulators such as Ofcom. Secondly, Monckton Chambers is the leader in the growing field of private competition law damages actions, where (for example) victims of cartel action seek compensation from the perpetrator. Competition disputes often involve complex commercial trials, private international law and sustained cross-examination of witnesses, expert and otherwise.
- **Environmental law:** members focus on the public law aspect of environmental law (as opposed to the planning or toxic tort/criminal dimensions), almost all of which stems from European law. We act in judicial review challenges relating to the decisions of regulators such as the Environment Agency, as well to wider Government policies, and we regularly advise charities, NGOs and campaign groups on matters including complaints to the European Commission.

- **EU law:** Monckton Chambers' expertise in EU law is unrivalled. Members act before almost every imaginable court or tribunal in litigating EU law issues: whether the European Court or even a Magistrates Court. As the scope of EU Law continues to grow, so too does the work of chambers.
- **Indirect tax:** much of the law of indirect taxes such as VAT comes from the EU. The tax work undertaken in Monckton Chambers typically involves disputes either as to the interpretation of EU law, or as to its proper implementation in domestic law. Huge sums of money may turn upon the interpretation of a few words of an EU directive.
- **International human rights:** Monckton Chambers is a leader in the field of international human rights law. Members act in or advise on human rights issues arising in jurisdictions across Europe and around the world, commonly assisting with litigation before foreign courts before pursuing applications further to the European Court of Human Rights or the UN Human Rights Committee if necessary. Recent cases have arisen out of litigation in France, Germany, Russia, Switzerland, the Bahamas and Australia as well, of course, as the UK. The variety is extraordinary, from international oil companies to individual detainees, UN sanctions to INTERPOL red notices and includes individual and corporate applicant work, drafting the first Inter State application in twenty years and representing Respondent Governments in the firing line.
- **Public procurement law** imposes a range of obligations upon public bodies and utilities. The law has grown out of principles of EU law which are concerned to prevent discrimination on national grounds but now extends to consideration of the fairness of these procedures and the efficiency of their outcomes. Monckton Chambers is the market leader in developing this fast developing and often highly litigious field. Those engaged in this practice are often involved in a range of high value disputes covering diverse subject matters such as high speed trains, defence equipment, clinical products and services, national public building programmes, or even new Parliament buildings.

# OUR PRACTICE AREAS

- **Sports:** Sports law encompasses a wide range of legal disciplines from contract law to EU competition and free movement law. Chambers' work is often very high profile, working for national sports governing bodies, individual players (from footballers to female boxers), teams and clubs, and broadcasters, and involves litigation before specialist sports courts and tribunals, such as the Court of Arbitration for Sport in Lausanne, as well as before the High Court, the European Court of Justice, the General Court, the European Commission and the Competition Appeal Tribunal.

## MEMBER PROFILES



**FIONA BANKS**

I joined Monckton Chambers having completed a training contract at a City law firm and I now do a lot of sports law work, together with work in the commercial regulatory field. Whether as a junior on larger cases or in my own right, I immediately found I had a high level of responsibility in cases of real significance. In the last year, for example, I have worked on the intervention by the Football Association, and other football, rugby and golf bodies in the appeals brought by Sky and the Premier League against Ofcom's decision to compel Sky to sell its sports channels to other TV platforms. All of the sports bodies that I represent have intervened on the basis that they consider that the regulation imposed by Ofcom will negatively impact on the value of their audio-visual rights in the future, with far-reaching consequences for each of their sports. One of the things I have really appreciated as a junior tenant at Monckton Chambers is the friendly and collegiate working environment. Members are always willing to discuss and share experiences which is particularly welcome when starting out at the Bar.



**ROB WILLIAMS**

One of my central areas of practice is public procurement. It involves a unique mixture of European law, public law and contract law. The stakes are often high - bidders are trying to win multi-million pound Government contracts. Major national projects are often involved –

# MEMBER PROFILES

for example, my biggest case in the last year has related to the new fleet of high speed trains ordered by Eurostar to compete with other European rail operators. A key issue in the case is whether Eurostar's business is subject to state control, so that it is subject to European procurement rules. I often have to attend court at a few days (or hours) notice to argue complex and novel legal issues, and cases often turn on points which have never been fully argued before. There is a real opportunity to influence the way the law is developing. I have been fortunate to develop a fascinating practice in the five years I have been in chambers.



**LAURA ELIZABETH JOHN**

I joined Monckton as a pupil four years ago after a spell as a civil servant in Defra. A significant proportion of my practice is now environmental work, predominantly for applicants/NGOs/charities. It's not always well paid – often I choose to act pro bono – but I've had fantastic opportunities as a result. For example, I was recently involved in a challenge under public international law to the validity of an EU Directive that applies the EU carbon emissions trading scheme to international aviation. The challenge was brought by a group of international airlines, and we intervened on behalf of five international environmental NGOs. The case has generated considerable diplomatic activity, including concerted opposition by the US, China, Russia, India and others to the application of the EU Directive to their airlines. I had the chance to be involved in a rare public international law challenge, and to attend a hearing before the Court of Justice in Luxembourg. Chambers and the clerks have been very supportive of my developing a practice in this area and my experience is that Monckton is a place where you can make the job your own. If you have focus and energy, Monckton will help you get where you want to be.



ALAN BATES

Being part of a set of chambers which does a lot of high quality, intellectually demanding work has been a great help to me in building my practice from my first day as a tenant onwards. I enjoy the challenge of getting to grips with big cases involving complex interrelated legal, technical and economic issues. For example, I was recently involved in a case in which internet service providers were challenging new legislation that could be used to require them to take action to stop illegal file-sharing. The applicants raised multiple arguments based on EU and human rights law, claiming that the measures were disproportionate, should have been notified in advance to the European Commission, and violated data privacy rights. My current work includes judicial review claims regarding: the Government's national planning policy for new nuclear power stations following the Fukushima disaster; the post-2012 occupation of the Olympic Stadium by West Ham Football Club; and the Competition Commission's decision requiring airport operator BAA to sell Stansted Airport. It's exciting to work on cases that are making the news; and it's a privilege to be trusted to give advice that will have major impacts on big companies, government policy or millions of people. My indirect tax practice has given me the chance, right from my earliest years of practice, to argue cases on my own that have turned on difficult points of EU law, and sometimes to obtain references to the European Court of Justice. No other area of law gives you that sort of early exposure to EU law litigation.

# MEMBER PROFILES



TIM WARD QC

I joined Monckton Chambers in 1999 when I was five years call. At that time, I had no expertise at all in EU law. I was lucky enough to learn on the job through working with some outstanding silks. I've since acted in around 50 cases before the Court of Justice in Luxembourg. The emphasis of my work nowadays is on public law, particularly in the context of commercial regulation: whether the arrest of an aircraft by aviation authorities, the disclosure of banking documents or the regulation of broadcasting. The cases are complex and demanding; they usually have an EU and/or an ECHR dimension. I frequently lead teams of juniors. My last year has been dominated by two cases in particular: one concerned the regulation of broadband services, the other was a judicial review arising out of actions that followed the death of Baby P, fought in the full glare of media attention.

## WHAT OTHERS SAY

In the current editions of Legal 500 and Chambers & Partners, members of Monckton Chambers received a total of 112 recommendations in 13 different areas of the law, namely administrative and public law, civil liberties, competition/EU, construction, environmental, procurement, sport and media, VAT/tax, telecommunications, planning, education, immigration and consumer and product liability.

Here is just a sample of what the directories had to say about Monckton Chambers:

### COMPETITION LAW

*"With a rich array of silks and juniors, it is 'ever present in all the major competition cases.'"*

*"Monckton Chambers has an 'excellent' reputation in EU & competition matters and its 'deep reliability' is praised by clients, which include government departments, local authorities, NGOs, and EU institutions." – Legal 500*

*"Monckton Chambers remains 'an automatic choice for competition work.'"*

*"Monckton Chambers remains best known as a 'competition law titan.' 'Riven with excellence through and through,' it has 'simply amazing capabilities' in this regard and is populated by 'barristers who are ready to roll up their sleeves and get stuck in.' As one commentator states: 'The set doesn't have one weak member - even the juniors are amazingly professional and knowledgeable individuals.'" – Chambers & Partners UK*

### EU LAW

*"Monckton is a set with barristers well versed on both the advisory and advocacy fronts, who 'have seen and done it all over a number of years.' As well as having some of the UK's most respected silks, it has a long list of impressive juniors, many of whom are tipped as future stars." – Chambers & Partners UK*

*"Monckton Chambers possesses tripartite strength in competition, EU law and public procurement. The ability to field large teams remains a plus." – Legal 500*

# WHAT OTHERS SAY

## PROCUREMENT LAW

*"Monckton Chambers is a set that is 'extremely strong from top to bottom,' and is populated with 'barristers of great technical expertise.' The 21-strong team has great experience of the major cases in the field and is inundated with instructions. In tackling its work, it is magnificently assisted by the fact that it can bring a broader blend of skills to the table than most due to its expertise in EU and competition law, as well as public law generally".*

*"The obvious first choice when it comes to public procurement,' Monckton Chambers impresses clients with its 'unrivalled experience in the field' and its provision of 'pragmatic, commercial advice.'" – Chambers & Partners UK*

## PUBLIC & ADMINISTRATIVE LAW

*"Solicitors find themselves instructing barristers from this set more and more in public law matters ... the sheer strength of feedback for its public law practice gains it a place in the rankings." – Chambers & Partners UK*

## SPORTS LAW

*"The quality of service is second to none' at Monckton Chambers, which is recognised for its expertise in sports law and related commercial/EU law aspects. – Legal 500*

## TELECOMMUNICATIONS LAW

*"[Monckton Chambers] boasts a substantial team, massive sector experience and considerable strength in European competition and regulatory law. Its members 'have a supreme knowledge of the regulation affecting the industry and show a good mix of commerciality and common sense.' Mobile and fixed operators, content providers and regulatory bodies such as Ofcom all seek out the set for advice." – Chambers & Partners UK*

## VAT DUTIES AND INDIRECT TAX LAW

*"Monckton Chambers ... has considerable depth when it comes to indirect tax and VAT." – Chambers & Partners UK*

*"Monckton Chambers has renowned VAT experience and fields a number of top-rated members." "With aligned experience in EU law, Monckton Chambers is strong across the board in VAT and indirect tax matters, with strength in depth at both silk and junior level, and a reputation for 'excellent' client service." – Legal 500*

## APPLICATION FOR PUPILLAGE

Monckton Chambers offers pupillage for twelve months. It recruits pupils in the expectation of being able to offer them tenancy, should they meet the required standard. Most successful candidates for pupillage will have a First Class Honours degree (although it need not be in law) or a graduate degree in law. In the past 10 years, 16 out of 17 Monckton pupils were offered tenancy.

- Typically, two pupillages have been offered each year.
- In 2010/11 we offered pupillage awards of £60,000.

Several members of chambers have come to us via a non-standard route - for example having previously worked at NGOs, as solicitors, academics or civil servants. We welcome such applications.

## HOW TO APPLY

Monckton Chambers is a member of the Bar Council Pupil Portal and all applications should be made in accordance with that scheme. Pupillage Portal operates over one season which starts in March each year. For more information, please visit [www.pupillages.com](http://www.pupillages.com). We invite applications from pupils in the year preceding the October in which pupillage is due to start.

Our interview process is in two stages. The first interview is relatively informal: we try to find out as much as we can about the candidate, with a view to identifying skills, achievements and experiences that may suggest that he or she would make a good barrister in a set of chambers such as ours. The questions we ask at this stage typically focus on the candidate's Pupillage Portal application form. The first interview also provides an opportunity for candidates to ask questions about Chambers and pupillage with us.

We offer a second interview to a short list of candidates. The second interview is based on a legal problem that the candidate has been given to consider immediately before the interview. The problem is intended to test the candidate's critical reasoning skills, rather than his or her knowledge of any particular area of law. It is designed to provide us with a fair and objective way of selecting the best candidates from the small group of exceptionally able people who have made it through to the second round stage.

# APPLICATION FOR PUPILLAGE

Candidates invited for a second interview who have not previously completed a mini-pupillage are offered the opportunity of spending a few days with us to learn more about what we do and to experience the atmosphere in Chambers.

## MINI-PUPILLAGE

Monckton Chambers has a limited number of mini pupillage places, and competition is fierce. We strongly encourage applications from those who are interested in a pupillage at Monckton Chambers and are close to the year of application for pupillage itself.

Mini-pupillages usually last for between three and five days in a week, and we are happy to be flexible about the amount of time you spend with us. For the duration of your mini-pupillage you are attached to one of our junior barristers. You will also typically have the chance to meet other Monckton barristers, from our newest tenants to our QCs, and to see some of them advise clients in conferences and fight cases in court.

Mini-pupils are asked to try their hands at one of our 'assessments' at some point during their time with us. These are short sets of papers adapted from real legal problems that barristers here have advised on in the past, and they are written so as to be accessible both to law students and to those who have a non-law academic background. You will be given time to read and think about the legal problems involved before talking them through with one of our barristers towards the end of your mini-pupillage.

If you would like to undertake a mini-pupillage with us, please send a copy of your CV, together with a covering letter setting out the dates when you would be available to Ann Langford at [pupillage@monckton.com](mailto:pupillage@monckton.com).

## EQUALITY AND DIVERSITY

We are fully committed to equality of opportunity and to eliminating unlawful discrimination. We perceive diversity as a component of excellence, and women, minorities and members of other under-represented groups are encouraged to apply. It is Chambers' policy to treat everyone equally and without discrimination on grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, age, religion, belief or political persuasion, or any other irrelevant basis. We are committed to providing a work environment in which individuals from a wide range of backgrounds can fulfil their potential. Offers of pupillage, tenancy and employment are made solely on the basis of merit.

