

Qualified Lawyers Transfer Scheme:

Map of England & Wales Solicitor Day One Outcomes against a Barrister of England & Wales on completion of pupillage.

Introduction

This document maps the learning outcomes of barristers of England and Wales on the completion of the Bar Vocational Course, the Bar Professional Training Course and pupillage against a solicitors' Day One Outcomes.

To limit confusion and aid understanding, the format adopted for this mapping exercise follows that created by Professor Paul Maharg when he mapped Day One Outcomes against Scottish Lawyers.

For simplicity, the information is separated into 2 tables:

- Table One – maps the Bar Vocational Course¹ and pupillage against the Day One Outcomes;
- Table Two – maps the Bar Professional Training Course² and pupillage against the Day One Outcomes.

The two vocational courses, though very similar, do have some differences as regards aims and objectives, learning outcomes, modules, syllabuses and also assessments.

The assessments on the Bar Courses are listed below.

Bar Vocational Course	Bar Professional Training Course
Criminal Litigation, Evidence and Sentencing	Criminal Litigation, Evidence and Sentencing
Civil Litigation, Evidence and Remedies	Civil Litigation, Evidence and Remedies
Conference Skills	Conference Skills
Advocacy (3 assessments)	Advocacy (3 assessments)
Opinion Writing	Opinion Writing
Drafting	Drafting
Negotiation Skills	Negotiation Skills
Legal Research	Legal Research
Option 1	Option 1
Option 2	Option 2
Ethics	Ethics

Legal Research was assessed on the BVC but is not assessed on the BPTC. It is noted that "Candidates' skills in such areas will be reflected in their written and advocacy work"³.

¹ The Bar Vocational Course ran from 1989 – June 2010. There will still be students in the 'system' who have yet to complete the BVC.

² The Bar Professional Training Course is the new vocational programme for barrister training and the first cohort of this course started in the 2010-11 academic year.

³ BPTC – A3.4.5 (p59)

Case analysis/Fact Management is not separately assessed in either Bar Course, however it has always been a requirement that this is assessed in each skills assessment.⁴

Whilst there are a number of similarities between these two programmes and the Day One Outcomes, it is often not a direct fit. References given relate to an aspect of the Bar Course undertaken that are a close match or 'best fit' with the Day One Outcome and would, for all intents and purposes, achieve the same.

In each table, outcomes met during the vocational course are identified in black and outcomes met during pupillage are identified in blue. Where there is a noticeable difference, then this is flagged in red. It is perfectly possible that someone may be able to show that they have met the Day One Outcomes in another way, for example: from previous professional experience; from a specialist pupillage – including one at the employed Bar; or from a specialist option undertaken on the Bar Course. There may well be a need to examine such instances on a case-by-case basis.

Throughout the tables, various references are given to documentation. This includes:

- Bar Training Regulations, September 2010
- Pupillage Handbook, September 2010
- Bar Professional Training Course : Course Specifications and Requirements, July 2010
- Bar Vocational Course : Course Specification Requirements and Guidance 2009-10
- Academic Stage Book 2010-2011

All of these documents are available from the Bar Standards Board's website, save for the Bar Vocational Course : Course Specification Requirements and Guidance 2009-10, which is only available from the BSB directly.

Pupillage training Programme

During pupillage, a pupil must attend and pass (where there is some assessment), the pupillage training programme⁵.

This comprises 3 elements:

1. *Advocacy Training* – this must be completed and passed before a pupil is permitted to embark on their second 6. This involves training and assessment in Case Analysis, Advocacy and Skeleton Arguments.
2. *Practice Management Course* – This is not assessed and involves lectures, seminars and tutorials in Personal and Business Finance; Professional Relationships with Solicitors and Ethics; and practical advice from Practitioners and members of the Judiciary about first appearances in Court.
3. *Forensic Accounting Programme* – This is a course run by BPP and Stoy Haywood LLP and introduces pupils to accounts. The specified aims are to:

⁴ BVC - 47 (p9). BPTC – A3.4.5 (p59)

⁵ www.barstandardsboard.org.uk/Educationandtraining/whatispupillage/furthertraininginpupillage/

- Know what business, financial and accounting documents are relevant for the purpose of litigation;
- Have a basic understanding of standard accounting systems, both documentary and computerised;
- Be able to communicate more effectively with accountants and experts on matters relating to monetary claims; and
- Be more confident in dealing with business, financial and accounting information in practice.

There are 3 forensic accountancy programmes available - crime, civil and family practice. The courses runs over two days. Each programme has a common first day followed by a tailored second day depending upon the specialist area. A copy of the booking form, which contains more detail syllabus information is available on the Internet⁶. This programme is accredited with being worth 20 hours of CPD.

NB The forensic accounting programme, though normally undertaken during pupillage and recommended to be so, does not actually have be undertaken until the first 3 years of practise has elapsed.

Pupillage Checklists

A pupil is required to keep a pupillage diary and ensure that pupillage checklists are completed. The pupillage checklist comprises 6 parts and is available in electronic form⁷. Given the diversity of practice, part 5 of the checklist allows for specialist pupillages. There are currently 15 different specialist pupillage checklists⁸. Chambers and specialist Bar Associations are able to create specifically tailored checklists to suit their own needs and encouraged to do so.

The pupillage checklist must be signed off by the pupil supervisor before being sent to the Bar Standards Board to be assessed for completeness. Following this assessment, a full practising certificate is issued.

The conduct of pupillage gives rise to some complications when compared with the Day One Outcomes, because the actually content and experience of pupillage can be quite varied. As stated in the introductory material to the pupillage checklists, '*the conduct of a pupillage will necessarily depend on the vagaries of practice*'. A chancery pupillage will be significantly different to a criminal one and whilst a number of outcomes will be the same, there is no real way to guarantee a perfect match. Of course, this will be the same for those who undertake training contracts in specialized firms.

⁶ Ibid.

⁷ www.barstandardsboard.org.uk/Educationandtraining/whatispupillage/pupillagechecklists/checklistsdownload/

⁸ Ibid.

TABLE ONE

Mapping against a Barrister of England and Wales on completion of pupillage following completion of the Bar Vocational Course

Day One Outcome A – Core knowledge and understanding of the law applied in England and Wales				
Outcomes	Indicative content	Assessed or not assessed	Mapping against a Barrister of England and Wales on completion of pupillage following the BVC.	Commentary. Are subjects/skills covered substantially different to Day One Outcomes? Are there important differences in terms of content?
A 1 Knowledge of the jurisdiction, authority and procedures of the legal institutions and professions that initiate, develop, interpret and apply the law of England and Wales and the European Union	<ul style="list-style-type: none"> • The principal EC institutions • Sources and interpretation of Community law • The relationship between Community and National law • Relevant human rights conventions and legislation • Basic structure of civil and criminal courts 	Assessed	<p>Composite part of a UK Qualifying Law Degree. This was an entrance requirement of the BVC, which needed to be completed prior to the commencement of pupillage.</p> <p>Para 1.7 Academic Stage Book 2010-2011.</p> <p>Part III Bar Training Regulations 2011.</p>	Identical
A 2 Knowledge of applicable constitutional law and judicial review processes	<ul style="list-style-type: none"> • Knowledge of public law and administrative law. 	Assessed	<p>Composite part of a UK Qualifying Law Degree. This was an entrance requirement of the BVC, which needed to be completed prior to the commencement of pupillage.</p> <p>Para 1.7 Academic Stage Book 2010-2011.</p> <p>Part III Bar Training Regulations 2011.</p>	Identical

<p>A 3 Knowledge of the rules of professional conduct, including the Solicitors' Accounts Rules</p>	<p>Professional Conduct</p> <ul style="list-style-type: none"> the core duties of solicitors under Rule 1 acting only when competent to do so principles and practices of good client relations, client care and information about cost conflicts of interest client confidentiality and disclosure professional undertakings the solicitor and the court avoiding discrimination and promoting equality and diversity. Mortgage fraud Rules in relation to advocacy <p>Solicitors Accounts</p> <ul style="list-style-type: none"> requirement to maintain separate office and client ledgers and bank accounts obligations regarding payment into and drawings from client bank accounts entitlement to make transfers between client bank accounts and ledgers and between client and office bank accounts and the need to record such transfers obligation to pay interest to clients and the funding of such payments requirements in respect of the holding of trust monies powers of the Solicitors Regulation Authority to secure compliance with the 	<p>Assessed</p>	<p>Professional Conduct</p> <p>Barristers do not have knowledge of solicitors professional conduct.</p> <p>Pupils are required to complete a pupillage checklist specifically for ethics and conduct. (Part One).</p> <p>Pupils are also required to complete the Practice Management Course during pupillage, which deals with ethics in a practical sense and relationships with solicitors.</p> <p>Solicitors Accounts</p> <p>Barristers do not have specific knowledge of solicitors accounts or their rules.</p> <p>The Forensic Accountancy Programme undertaken by pupils will address some of these outcomes.</p>	<p>There are many similarities between the codes of conduct for solicitors and barristers. Barristers are required to study professional conduct on the BVC, where is assessed by Multiple Choice Questions and Short Answer Questions.</p> <p>There are differences present</p> <p>Accounts do not form part of the BVC.</p> <p>There are differences present</p>
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	<p>Solicitors' Accounts Rules</p> <p>and should be able to:</p> <ul style="list-style-type: none"> recognise, record and interpret receipts into and payments from office and client accounts prepare a simple statement for clients on completion of a matter. 			
<p>A 4 Knowledge of the regulatory and fiscal frameworks within which business, legal and financial services transactions are conducted</p>	<ul style="list-style-type: none"> Money-laundering FSMA and associated legislation (including Scope Rules) Investment products (including tax implications) Tax (Income Tax, Capital Gains Tax, Inheritance Tax, Corporation Tax, VAT) <p>The regulatory framework</p> <ul style="list-style-type: none"> the requirements of practice including practising certificates and indemnity insurance in-house practice, including non-commercial advice services business management of private practice, including the supervision of solicitors' offices, sole principals, partnerships and incorporation relations with third parties. <p>Money Laundering</p> <ul style="list-style-type: none"> be familiar with the legislation, including the international context; be able to recognise circumstances encountered in the course of practice where suspicion of money laundering should be reported in accordance with the legislation, with particular reference to those types of legal work covered by 	<p>Assessed</p>	<p>Not covered on the BVC.</p> <p>Barristers cover money laundering on the Forensic Accounting Programme.</p> <p>Barristers who undertake the Family Forensic Accounting course deal with Inheritance Tax, Income Tax and Capital Gains Tax.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>Money Laundering</p> <p>Not covered on the BVC.</p> <p>Barristers cover money laundering on the Forensic Accounting Programme.</p>	<p>There are or may be differences present.</p>

	<p>Stage 1</p> <p>Financial Services</p> <ul style="list-style-type: none"> • understand the purpose and scope of financial services regulation • understand the financial services regulatory framework in general (including authorisation), and how it applies to solicitors' firms • recognise when relevant financial services issues arise • be able to apply financial services provisions to the types of work covered by the course • be able to identify and find appropriate sources of information on financial services. <p>Taxation</p> <p>Candidates should have a sufficient grasp of tax law to enable them to understand the impact of taxation on the areas assessed and should be able to:</p> <ul style="list-style-type: none"> • use the legal knowledge, skills, procedures and behaviours appropriate to the client; • recognise and act within the rules of professional conduct; • identify the client's reasonable expectations as to quality and timeliness of service. 		<p>Financial Services</p> <p>Not covered on the BVC.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>Taxation</p> <p>Not covered on the BVC.</p> <p>Barristers who undertake the Family Forensic Accounting course deal with Inheritance Tax, Income Tax and Capital Gains Tax.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	
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	<p>Element 1: Income Tax</p> <ul style="list-style-type: none"> • understand the main features of the income tax system including: total income; personal allowances; calculation of income tax liability • understand the distinctions between taxation at source and direct assessment and the taxation of income from investments and interest • appreciate the existence of anti-avoidance legislation such as the rules relating to gifts and settlements. <p>Element 2: Capital Gains Tax</p> <ul style="list-style-type: none"> • the main principles of capital gains tax, including the charge on the disposal or deemed disposal of assets and the calculation of chargeable gains • the main exemptions and reliefs from capital gains tax. <p>Element 3: Inheritance Tax</p> <ul style="list-style-type: none"> • understand the principles relating to the charge to tax: on death; on immediately chargeable lifetime transfers; in relation to potentially exempt transfers; on gifts with the reservation of benefit • be familiar with: payment of tax due; exemptions and reliefs; the 		<p>Income Tax</p> <p>Not covered on the BVC.</p> <p>Barristers who undertake the Family Forensic Accounting course deal with Inheritance Tax, Income Tax and Capital Gains Tax.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>Capital Gains Tax</p> <p>Not covered on the BVC.</p> <p>Barristers who undertake the Family Forensic Accounting course deal with Inheritance Tax, Income Tax and Capital Gains Tax.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>Inheritance Tax</p> <p>Not covered on the BVC.</p> <p>Barristers who undertake the Family Forensic Accounting course deal with Inheritance Tax, Income Tax and Capital Gains Tax.</p> <p>A pupillage may have been</p>	
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	<p>principle of cumulation; valuation; accountability and burden; anti-avoidance provisions.</p> <p>Element 4: Corporation Tax</p> <p>Candidates should understand the principles relating to the charge to tax and charges on income.</p> <p>Element 5: VAT</p> <p>Candidates should understand the basic principles of VAT including: registration of taxable persons; taxable supplies; input and output tax; standard and zero rating; exemptions.</p>		<p>undertaken that would require or provide such knowledge.</p> <p>Corporation Tax</p> <p>Not covered on the BVC.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>VAT</p> <p>Not covered on the BVC.</p> <p>Pupils are required to complete the Practice Management Course during pupillage, which covers VAT and the Bar.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	
<p>A 5 Understanding of Contract law</p>	<ul style="list-style-type: none"> • Formation of contracts • Formalities of written contracts • General principles concerning implied terms • Misrepresentation • Discharge • Remedies for breach of contract 	<p>Assessed</p>	<p>Composite part of a UK Qualifying Law Degree. This was an entrance requirement of the BVC, which needed to be completed prior to the commencement of pupillage.</p> <p>Para 1.7 Academic Stage Book 2010-2011.</p> <p>Part III Bar Training Regulations 2011.</p>	<p>Identical</p>

A 6 Understanding of Torts	<ul style="list-style-type: none"> • Elements of common causes of action (contractual and tortious) • Issues affecting who should be appropriate parties to litigation (e.g. vicarious liability) • Common defences 	Assessed	Composite part of a UK Qualifying Law Degree. This was an entrance requirement of the BVC, which needed be completed prior to the commencement of pupillage. Para 1.7 Academic Stage Book 2010-2011. Part III Bar Training Regulations 2011.	Identical
A 7 Understanding of Criminal Law	<ul style="list-style-type: none"> • Elements of common offences • Issues affecting who should be appropriate parties to litigation (e.g. vicarious liability) • Common defences 	Assessed	Composite part of a UK Qualifying Law Degree. This was an entrance requirement of the BVC, which needed to be completed prior to the commencement of pupillage. Para 1.7 Academic Stage Book 2010-2011. Part III Bar Training Regulations 2011.	Identical
A 8 Understanding of Property law	<ul style="list-style-type: none"> • Nature of legal estates and interests • Equitable interests • Easements • Covenants • Mortgages • joint ownership • Registered and unregistered land (including registration of charges) 	Assessed	Composite part of a UK Qualifying Law Degree. This was an entrance requirement of the BVC, which needed to be completed prior to the commencement of pupillage. Para 1.7 Academic Stage Book 2010-2011. Part III Bar Training Regulations 2011.	Identical
A 9 Understanding of Equitable rights and obligations	<ul style="list-style-type: none"> • Nature of fiduciary relationships and the duties of fiduciaries • Powers and duties of trustees 		Composite part of a UK Qualifying Law Degree. This was an entrance requirement of the BVC, which must be	Identical

			<p>completed prior to the commencement of pupillage.</p> <p>Para 1.7 Academic Stage Book 2010-2011.</p> <p>Part III Bar Training Regulations 2011.</p>	
A 10 Understanding of Human Rights		Assessed	<p>Composite part of a UK Qualifying Law Degree. This was an entrance requirement of the BVC, which needed to be completed prior to the commencement of pupillage.</p> <p>Para 1.7 Academic Stage Book 2010-2011.</p> <p>Part III Bar Training Regulations 2011.</p>	Identical
A 11 Understanding of the laws applicable to business structures and the concept of legal personality		Assessed	<p>Not part of the BVC compulsory elements, however, a student may well have covered such material as an option on the BVC, e.g. company or commercial law.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	There are or may be differences present.

Day One Outcome B - Intellectual, analytical and problem-solving skills	
B 1 The ability to review, consolidate, extend and apply knowledge and understanding	NOT TO BE ASSESSED – ASSUMED OF ALL QUALIFIED LAWYERS
B 2 The ability to frame appropriate questions to identify clients' problems and objectives, and to obtain relevant information	
B 3 The ability to evaluate information, arguments, assumptions and concepts	
B 4 The ability to identify a range of solutions	
B 5 The ability to evaluate the merits and risks of solutions	
B 6 The ability to communicate information, ideas, problems and solutions to clients, colleagues and other professionals	
B 7 The ability to initiate and progress projects	

Day One Outcome C - Transactional and dispute resolution skills				
	Topics to include:	Assessed or not assessed	Mapping against a Barrister of England and Wales on completion of pupillage following the BVC.	Commentary. Are subjects/skills covered substantially different to Day One Outcomes? Are there important differences in terms of content?

<p>C 1 The ability to establish business structures and transfer businesses</p>	<p>LPC Outcomes</p> <ul style="list-style-type: none"> • understand the nature and structure of the different business media and be able to select an appropriate medium and structure to meet the client's commercial requirements and to advise on the legal and taxation implications • be able to progress basic business transactions arising during the life and development of a business • understand the interests of different parties involved in the business including directors, shareholders and creditors of a business. <p>And should also be able to:</p> <ul style="list-style-type: none"> • interpret and apply primary source materials, constitutional documents and other relevant agreements • identify conduct and regulation issues, such as conflicts of interest and FSMA, as they arise in the context of relevant transactions • draft the relevant documentation and prepare the appropriate forms and filings. 	<p>Assessed</p>	<p>Not part of the BVC compulsory elements, however, a student may well have covered such material as an option on the BVC, for example, company or commercial law.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	<p>There are or may be differences present.</p>
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	<p>Element 1: Business media</p> <ul style="list-style-type: none"> • be able to advise the client as to the advantages and disadvantages of different business media including sole traders, partnership and companies • be able to advise on form and legal structure and on the cost, procedures, formalities and taxation implications of setting up and running the business • be familiar with the procedures required to incorporate a company and/or form a partnership and understand the approvals, filings and procedures to enable the business to commence operating • be familiar with the roles, rights, responsibilities and liabilities of the participants • understand the procedures to alter the constitution of a company and to appoint and remove the officers of a company • understand how to allot, issue and transfer shares. 		<p>Business media</p> <p>Not part of the BVC compulsory elements, however, a student may well have covered such material as an option on the BVC, for example, company or commercial law.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	
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	<p>Element 2: On-going operations and common transactions:</p> <ul style="list-style-type: none"> • progress common business transactions and advise and take steps relating to the business's on-going operations • advise on entering into contracts on behalf of the business (including issues arising from contracts in which directors have an interest) • advise on steps to protect the assets of the business • advise on issues arising from basic finance and lending • draft notices, agendas and minutes of meetings and complete and file routine statutory forms and maintain and up-date statutory books • advise on taxation of profits (income and capital) generated and distributed by the business • demonstrate an appreciation of the continuing duties, obligations and liabilities of the business and of its partners, directors and shareholders • advise on the options for and claims arising on insolvency, e.g. bankruptcy, winding up and administration 		<p>On-going operations and common transactions</p> <p>Not part of the BVC compulsory elements, however, a student may well have covered such material as an option on the BVC, for example, company or commercial law.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	
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	<ul style="list-style-type: none"> • draft and review documentation to give effect to transaction <p>Element 3: Stakeholders</p> <ul style="list-style-type: none"> • understand the different interests of parties involved in the business including the company, directors, shareholders and creditors of the business • be aware of potential conflicts between the different parties • understand the importance of knowing the client. <p>Element 4: Business accounts</p> <ul style="list-style-type: none"> • Understanding of the principles of business accounting and should be aware of the need to interpret business accounts to ensure clients are appropriately advised. In particular, should: • understand the terms used and basic accounting concepts • be familiar with how accounting data is used to prepare a profit and loss account and a balance sheet • understand the construction of and be able to analyse and interpret a simple balance sheet and profit and loss account of a sole trader, partnership and limited company 		<p>Stakeholders</p> <p>Not part of the BVC compulsory elements, however, a student may well have covered such material as an option on the BVC, for example, company or commercial law.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>Business Accounts</p> <p>Barristers do not have specific knowledge of accounts.</p> <p>The Forensic Accountancy Programme undertaken by pupils will address some of these outcomes.</p>	
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	<ul style="list-style-type: none"> understand the nature of shareholders' funds. 			
<p>C 2 The ability to seek resolution of civil and criminal matters</p>	<p>LPC Outcomes</p> <p>Candidates should:</p> <ul style="list-style-type: none"> understand the nature of civil and criminal litigation be able to identify the critical steps in the process of litigation. <p>Element 1: Case analysis</p> <p>should be able to analyse factual material, identify the legal context in which factual issues arise, relate the central legal and factual issues to each other and be able to:</p> <ul style="list-style-type: none"> identify the elements of selected causes of action and criminal charges identify, analyse and, if necessary, research the propositions of fact going to the elements and be able to identify, analyse, secure and preserve evidence to support propositions of fact 	Assessed	<p>BVC Civil Litigation and Remedies 2.2 (p35); and BVC Criminal Litigation and Sentencing 2.3 (p39)</p> <p>Case Analysis</p> <p>Fact Management is pervasive subject on the BVC 1.2 (p27)</p> <p>Additionally, case analysis forms part of the Advocacy Training that 1st 6 pupils must complete prior to entering their second six.</p> <p>BVC Fact Management 1.2 (p27)</p> <p>BVC Fact Management 1.2 (p27); and BVC Legal Research 1.1 (p27)</p> <p>Securing and Preserving Evidence is not something covered by the BVC.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	<p>Investigating a case is not something that falls within a barristers remit.</p> <p>There are or may be differences present.</p>

	<ul style="list-style-type: none"> identify, analyse and advise on the admissibility and relevance of evidence and assess the strengths and weaknesses of each side's case including, where appropriate, the opponent's evidence. <p>Element 2: Courses of action and funding</p> <p>should be able to:</p> <ul style="list-style-type: none"> identify possible courses of action, demonstrate an awareness of the legal and non-legal consequences of selecting a course of action and advise the client on the attendant costs, benefits and risks advise the client on the different ways of funding litigation, including the availability of public funding. <p>Element 3: Procedure</p> <p>should be able to identify the steps and strategies that need to be taken in the preparation and conduct of litigation.</p> <p>Element 4: Civil Litigation and Dispute Resolution</p> <p>should be able to:</p> <ul style="list-style-type: none"> identify the appropriate forum for the resolution of the dispute, including appropriate methods of alternative dispute resolution 		<p>BVC Fact Management 1.2 (p27); BVC Opinion Writing 1.3 (p28); and BVC Evidence 2.1 (p33)</p> <p>Courses of action and funding</p> <p>BVC Civil Litigation 2.2.A (p35)</p> <p>BVC Civil Litigation 2.2.O (p38)</p> <p>BVC Criminal Litigation and Sentencing 2.3.A.g/h/i (p39).</p> <p>Procedure</p> <p>BVC Civil Litigation 2.2 (p38); BVC Criminal Litigation and Sentencing 2.3. (p39); and BVC Fact Management 1.2.n (p28)</p> <p>Civil Litigation and Dispute Resolution</p> <p>BVC Civil Litigation 2.2.A (p35) and 2.2.B (p36). ADR was not large part of the BVC syllabus, however, a Bar Course student may well have covered ADR in greater detail as an option on the</p>	
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	<ul style="list-style-type: none"> • identify possible cost consequences of different outcomes, the effect of the different costs rules and the impact of the likely costs orders on the conduct of litigation • demonstrate an understanding of the Civil Procedure Rules, the overriding objective, and their application • demonstrate an understanding of the court's role in the litigation process, in particular the court's case management powers and duties • identify steps to be taken prior to commencement and be able to issue, serve and respond to claim forms • advise on interim applications, prepare and conduct applications to the master or district judge • understand the steps needed to prepare the case for trial and the procedure and evidential issues arising from expert witnesses, witnesses of fact and disclosure, and demonstrate an awareness of the basic elements of trial procedure • demonstrate an awareness of the mechanisms which are available to enforce and appeal a judgment 		<p>BVC</p> <p>BVC Civil Litigation 2.2.O (p38)</p> <p>BVC Civil Litigation 2.2.B (p36)</p> <p>BVC Civil Litigation 2.2.H (p37)</p> <p>BVC Civil Litigation 2.2.A (p35)</p> <p>BVC Civil Litigation 2.2 (p35); and BVC Advocacy 1.7 (p31)</p> <p>BVC Civil Litigation 2.2 (p35) and specifically 2.2 M/N (p38)</p> <p>BVC Civil Litigation 2.2.Q (p39)</p>	
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	<ul style="list-style-type: none"> • prepare the appropriate documentation and draft claim forms, particulars of claim, defences, application notices, orders and witness statements. <p>Element 5: Criminal Law and Practice</p> <p>should be able to:</p> <ul style="list-style-type: none"> • demonstrate an understanding of the Criminal Procedure Rules, their overriding objective, and their application • demonstrate an understanding of the court's role in the litigation process, in particular the court's case management powers and duties • demonstrate an awareness of police station representative accreditation schemes, and the court duty solicitor scheme • explain the custody, review and detention limits under PACE and the role of the custody officer • identify the steps involved in making an application for a representation order • identify the steps involved in making or contesting a bail application 		<p>BVC Drafting 1.4 (p29)</p> <p>Criminal Law and Practice</p> <p>Not covered by BVC syllabus.</p> <p>Not Covered by the BVC syllabus.</p> <p>BVC Criminal Litigation and Sentencing 2.3A (p39)</p> <p>BVC Criminal Litigation and Sentencing 2.3A (p39)</p> <p>BVC Criminal Litigation and Sentencing 2.3A (p39)</p> <p>BVC Criminal Litigation and Sentencing 2.3B (p39)</p>	<p>The Criminal Procedure Rules were not drafted when the BVC specification was drafted.</p> <p>This really only deals with police interviews and the obligations of PACE. The police accreditation schemes and court duty solicitor schemes are not specified.</p>
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	<ul style="list-style-type: none"> identify the practical and tactical considerations involved in determining the mode of trial, including an awareness of the range of sentences available, and advise the client accordingly assist in the preparation and conduct of a summary trial, committal proceedings and a trial on indictment. <p>Settlement, mediation, adjudication [Training Contract]</p>		<p>BVC Criminal Litigation and Sentencing 2.3C (p39)</p> <p>BVC Criminal Litigation and Sentencing 2.3D-I(p40-42)</p> <p>Not really covered in great detail by BVC, save for BVC Civil Litigation 2.2.A (p35). However, a Bar Course student may well have covered ADR in greater detail as an option on the BVC</p> <p>A pupillage may have been undertaken that would require or provide such knowledge</p>	<p>There are or may be differences present.</p>
<p>C 3 The ability to establish and transfer proprietary rights and interests</p>	<p>LPC Outcomes</p> <p>In the context of domestic or commercial transactions or both, and in relation to freehold and leasehold property:</p> <ul style="list-style-type: none"> appreciate the nature of a property transaction be able to identify and perform the critical steps in a transaction be aware of conflicts of interest that may arise when acting for more than one party in a property transaction understand the requirements of lenders and the need to consider money laundering issues have a sufficient grasp of the tax aspects of a property transaction, 	<p>Assessed</p>	<p>Barristers do not have specific knowledge of the issues relating to property transfer</p> <p>However, a Bar Course student may well have covered such material additionally as an option on the BVC, for example, company or commercial law.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	<p>There are or may be differences present.</p>

	<p>including Stamp Duty Land Tax.</p> <p>Element 1: Pre-contract stage</p> <ul style="list-style-type: none"> • take preliminary instructions and advise on client care • identify the steps needed to raise and the issues arising from pre-contract enquiries and pre-contract searches • deduce and investigate title as appropriate to the transaction • report on the transaction to the client • decide, with the client where appropriate, what action needs to be taken and identify what action (if any) the client has to take • analyse and draft a contract (and constituent clauses). <p>Element 2: Binding contract</p> <p>Should understand when the contract becomes binding and should appreciate the need to:</p> <ul style="list-style-type: none"> • advise the client on the terms of any offer of finance and ensure that adequate finance is available before committing the buyer to the contract • select a method of making the contract binding appropriate to the transaction. <p>Element 3: After the contract becomes binding</p> <p>Should be able to:</p> <ul style="list-style-type: none"> • deal appropriately with the deposit, obtaining undertakings and insurances 			
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	<ul style="list-style-type: none"> • prepare appropriate, clear and precise undertakings • draft document(s) (whether paper-based or electronic) necessary to transfer the legal estate • report on the title to the lender • prepare the mortgage documentation • prepare for completion and select a method appropriate to the transaction • carry out the completion and the relevant post-completion steps • complete the mortgage and protect the lender's security • discharge any existing mortgage over the property. 			
<p>C 4 The ability to obtain a grant of probate and administer an estate</p>	<p>Should have general overview of content, format and validity of wills, obtaining grants of representation and administration of an estate [LPC] and should be able to:</p> <ul style="list-style-type: none"> • use the legal knowledge, skills, procedures and behaviours appropriate to the client • identify the client's goals and alternative means of achieving those goals, and deal appropriately with client care • recognise and act within the rules of professional conduct • identify the client's reasonable expectations as to quality and timeliness of service. <p>Element 1: Pre-grant practice</p> <p>candidates should understand:</p> <ul style="list-style-type: none"> • validity, revocation and alteration of wills and codicils • total and partial intestacy • identification of property passing 	Assessed	<p>Barristers do not have specific knowledge of the issues relating to property transfer</p> <p>However, a Bar Course student may well have covered such material additionally as an option on the BVC, for example, Chancery Practice.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	<p>There are or may be differences present.</p>

	<p>by will, intestacy or outside of the estate</p> <ul style="list-style-type: none"> • valuation of assets and liabilities and the taxable estate. <p>Element 2: Application for a grant of representation</p> <p>candidates should understand:</p> <ul style="list-style-type: none"> • the necessity for and main types of a grant • the powers and duties of personal representatives and their protection • the main types of oath for executors or administrators. <p>Element 3: Post-grant practice</p> <p>candidates should understand:</p> <ul style="list-style-type: none"> • collection and realisation of assets, and claims on the estate • raising funds and the payment of inheritance tax and debts • pecuniary legacies, vesting of gifted property in the beneficiaries entitled and distribution of the residuary estate. 			
<p>C 5 The ability to draft legal documentation to facilitate the above transactions and matters</p>	<p>LPC Outcomes Drafting</p> <p>candidates should:</p> <ul style="list-style-type: none"> • understand the content and requirements of formal legal documents in the core practice areas • understand the principles of good drafting and editing • be able to explain their own and others' drafting. 	<p>Assessed</p>	<p>BVC Drafting 1.4(p29)</p> <p>Part 4 of the Pupillage Checklist (Legal Research and Drafting)</p>	

	<p>Element 1: Drafting and amending documents</p> <p>Should be able to draft and amend basic documents or provisions that:</p> <ul style="list-style-type: none"> • demonstrate an understanding of the relevant legal, factual and procedural issues • meet all formal legal or other requirements • demonstrate a considered choice, use and adaptation of templates or precedents • are in prescribed or generally accepted form. <p>Element 2: Style of drafting and amending</p> <p>Should be able to draft and amend documents that:</p> <ul style="list-style-type: none"> • use accurate, straightforward and modern language • use correct spelling, grammar, syntax and punctuation • are easy to follow, internally consistent and free of ambiguity • use recitals, definitions and boilerplate correctly and appropriately 		<p>Drafting and amending documents</p> <p>BVC Drafting 1.4.B.e(p29)</p> <p>BVC Drafting 1.4.B.e(p29)</p> <p>BVC Drafting 1.4.B.g(p29)</p> <p>BVC Drafting 1.4.B.c(p29)</p> <p>Style of drafting and amending</p> <p>BVC Drafting 1.4.B.a/b (p29)</p> <p>BVC Drafting 1.4.B.a (p29)</p> <p>BVC Drafting 1.4.B.a/b (p29)</p> <p>Not covered specifically on the Bar Course, though the drafting of contracts may well form part of a Bar Course option.</p>	
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	<ul style="list-style-type: none"> have a clear, logical, consistent and appropriate structure, layout and use of numbering and schedules. <p>Element 3: Explaining and editing</p> <p>Should be able to:</p> <ul style="list-style-type: none"> explain in clear and simple terms the meaning and effect of basic documents and the possible implications for the client review and edit their own and others' drafting to identify and correct omissions, errors and unnecessary provisions. 		<p>A pupillage may have been undertaken that would require or provide such knowledge</p> <p>BVC Drafting 1.4.B.c (p29)</p> <p>Explaining and editing</p> <p>Not covered specifically, but would fall into BVC Conference Skills 1.5.C (p30)</p> <p>BVC General Skills Requirements 40 (p9)</p>	
C 6 The ability to plan and progress transactions and matters expeditiously and with propriety	<ul style="list-style-type: none"> Producing schedule for a case/transaction [LPC] Planning work including time, cost and risk management [LPC] 	Assessed	Not required by the BVC	Could be said to be assumed of all qualified lawyers.
Day One Outcome D - Legal, professional and client relationship knowledge and skills				
	Topics to include:	Assessed/not assessed	Mapping against a Barrister of England and Wales on completion of pupillage following the BVC.	Commentary. Are subjects/skills covered substantially different to Day One Outcomes? Are there important differences in terms of content?
D 1 Knowledge of the legal services market		Not assessed	Not required	
D 2 Knowledge of commercial factors affecting legal practice		Assessed	Not required	

<p>D 3 The ability to undertake factual and legal research using paper and electronic media</p>	<p>From primary sources [Academic stage]</p> <p>LPC Outcomes</p> <p>Candidates should:</p> <ul style="list-style-type: none"> • understand the need for thorough investigation of all relevant factual and legal issues involved in a transaction or matter • be able to undertake systematic and comprehensive legal research • be able to present the results of their research. <p>Element 1: Legal and factual issues</p> <p>should be able to investigate legal and factual issues and:</p> <ul style="list-style-type: none"> • determine the scope and identify the objectives of the research • determine whether additional information is required and identify appropriate sources for factual investigation • identify the legal context(s) and analyse the legal issues • address all relevant legal and 	<p>Assessed</p>	<p>Legal Research is assessed on the BVC.</p> <p>BVC Legal Research 1.1 (p27)</p> <p>BVC Legal Research 1.1.q (p27)</p> <p>BVC Legal Research 1.1.k/n/p (p27)</p> <p>Part 4, section 1 of the Pupillage Checklist (Legal Research and Drafting).</p> <p>Legal and factual issues</p> <p>BVC Legal Research 1.1.a (p27)</p> <p>BVC Legal Research 1.1.a/f (p27)</p> <p>BVC Legal Research 1.1.a/b (p27)</p> <p>BVC Legal Research 1.1.m (p27)</p>	
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	<p>factual issues.</p> <p>Element 2: Research</p> <p>should be able to undertake systematic and comprehensive research and:</p> <ul style="list-style-type: none"> • identify and apply current case law, statute law, statutory instruments, regulations and rules to the research problem • identify, prioritise and use relevant primary and secondary sources • locate and update cases and statutes, and use indices and citators • use periodicals, digests and standard practitioner texts • select and use appropriate paper and electronic research tools <p>Element 3: Presentation of results</p> <p>should be able to:</p> <ul style="list-style-type: none"> • keep a methodical, accurate and complete record of the research undertaken 		<p>Part 4, section 1 of the Pupillage Checklist (Legal Research and Drafting).</p> <p>Research</p> <p>BVC Legal Research 1.1.f/i (p27)</p> <p>BVC Legal Research 1.1.f (p27)</p> <p>BVC Legal Research 1.1.i (p27)</p> <p>BVC Legal Research 1.1.f (p27)</p> <p>BVC Legal Research 1.1.e/f (p27)</p> <p>Part 4, section 1 of the Pupillage Checklist (Legal Research and Drafting)</p> <p>Presentation of results</p> <p>BVC Legal Research 1.1.k/p (p27)</p>	
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	<ul style="list-style-type: none"> draw clear conclusions and identify courses of action present the results of their investigation and research in a way which meets the skills outcomes. 		<p>BVC Legal Research 1.1.m/n (p27)</p> <p>BVC Legal Research 1.1.k/p/q (p27)</p> <p>Part 4, section 1 of the Pupillage Checklist (Legal Research and Drafting)</p>	
D 4 The ability to use technology to store, retrieve and analyse information		Assessed	<p>BVC Legal Research 1.1.e (p27)</p> <p>Part 4, section 1 of the Pupillage Checklist (Legal Research and Drafting)</p>	

<p>D 5 The ability to communicate effectively, orally and in writing, with clients, colleagues and other professionals</p>	<ul style="list-style-type: none"> • Understanding and ability to choose the appropriate method of communication [LPC/Training Contract] • Understanding and ability to apply principles of good writing [LPC/Training Contract] <p>LPC Outcomes writing</p> <p>Candidates should be able to communicate effectively in writing and should:</p> <ul style="list-style-type: none"> • understand and be able to choose the appropriate method of communication • understand and be able to apply the principles of good writing. <p>Element 1: Appropriate use of media</p> <p>Candidates should:</p> <ul style="list-style-type: none"> • understand the appropriate uses of emails, letters, memoranda and other forms of written communication • be able to choose the appropriate medium, form and style • be able to tailor the written communication to suit the purpose of the communication and the needs of different clients or recipients. 	<p>Assessed</p>	<p>Not covered by BVC</p> <p>BVC Opinion Writing 1.3 (p28); and BVC Drafting 1.4 (p29)</p> <p>Appropriate use of media</p> <p>Not covered by BVC</p> <p>Not covered by BVC</p> <p>Not covered by BVC</p> <p>Part 4, section 2 of the Pupillage Checklist (Legal Advice and Drafting).</p>	
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	<p>Element 2: Writing style</p> <p>should be able to produce written work which is appropriate for the chosen medium and the recipient and which:</p> <ul style="list-style-type: none"> • uses accurate, straightforward and modern language • uses correct spelling, grammar, syntax and punctuation • has a clear, logical, consistent and appropriate structure and format • has been checked and edited. <p>Element 3: Content</p> <p>should be able to produce written work which:</p> <ul style="list-style-type: none"> • forms a coherent whole and, where appropriate, advances the matter; • addresses accurately and correctly all the relevant legal and factual issues and, where appropriate, identifies practical options 		<p>Writing style</p> <p>BVC Opinion Writing 1.3.a/b (p28); and BVC Drafting 1.4.a/b (p29)</p> <p>BVC Opinion Writing 1.3.a/b (p28); and BVC Drafting 1.4.a/b (p29)</p> <p>BVC Opinion Writing 1.3.g (p28); and BVC Drafting 1.4.c (p29)</p> <p>Not covered by BVC</p> <p>Content</p> <p>BVC Opinion Writing 1.3.h/m (p28)</p> <p>BVC Opinion Writing 1.3.k/m (p28)</p>	
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	<p>including the costs, benefits and risks of those options</p> <ul style="list-style-type: none"> identifies clearly clients' objectives and priorities, addresses their concerns and carries out their instructions accurately and systematically records a meeting or presentation and its outcomes. <p>LPC Outcomes I and A</p> <p>should demonstrate an understanding of the principles and techniques of the skills of interviewing and advising.</p> <p>Element 1: Interviewing</p> <p>Should:</p> <ul style="list-style-type: none"> be able to choose an appropriate way to obtain relevant information be able to plan, prepare for and identify the objectives of an interview understand how to conduct an effective interview that elicits the relevant information, allows the client to explain any concerns, anticipates the client's questions and has clear outcomes be able to listen actively and use appropriate questioning techniques 		<p>BVC Opinion Writing 1.3 (p28); and BVC Drafting 1.4.B.j (p29)</p> <p>Not covered</p> <p>Interviewing</p> <p>Not covered on BVC</p> <p>BVC Conference Skills 1.5.A.a (p29)</p> <p>BVC Conference Skills 1.5.A.c (p29) and 1.5.B (p30)</p> <p>BVC Conference Skills 1.5.B.b/f (p30)</p>	
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	<ul style="list-style-type: none"> • be able to establish a professional relationship. <p>Element 2: Advice and follow up</p> <p>Should be able to:</p> <ul style="list-style-type: none"> • advise the client taking into account the client's objectives, priorities and constraints and addressing all relevant factual, practical and legal issues • identify possible courses of action, the legal and non-legal consequences of a course of action (including the costs, benefits and risks) and assist the client in reaching a decision • identify any further decisions to be made or steps to be taken and manage the client's expectations including likely outcomes and timescales • accurately record an interview, advice given orally, decisions made by the client and follow-up steps and, where appropriate, confirm instructions in each case in accordance with the outcomes for Writing • identify the circumstances in which to take instructions or seek advice from a supervising solicitor. 		<p>BVC Conference Skills 1.5.A.f (p29)</p> <p>Part 3, section 1 of the Pupillage Checklist (Conferences and Negotiations).</p> <p>Advice and follow up</p> <p>BVC Conference Skills 1.5.C.a-j (p30)</p> <p>BVC Conference Skills 1.5.C.a-j (p30)</p> <p>BVC Conference Skills 1.5.C.a-j (p30)</p> <p>Not covered</p> <p>Not covered</p> <p>Part 3, section 1 of the Pupillage</p>	
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			Checklist (Conferences and Negotiations).	
<p>D 6 The ability to advocate a case on behalf of a client</p>	<ul style="list-style-type: none"> understand basic skills in presentation of cases before courts and tribunals [LPC/Training Contract/PSC] ability to formulate and present a coherent submission [LPC/Training Contract/PSC] <p>LPC Outcomes</p> <p>should:</p> <ul style="list-style-type: none"> understand the importance of preparation and the best way to undertake it understand the basic skills in the presentation of cases before courts and tribunals be able to formulate and present a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner. <p>Element 1: Case analysis and preparation</p> <p>should be able to:</p> <ul style="list-style-type: none"> identify and analyse the relevant facts, the legal context in which the factual issues arise, and how they relate to each other 	<p>Assessed</p>	<p>BVC Advocacy 1.7 (p31)</p> <p>Compulsory Pupillage Advocacy Training</p> <p>BVC Advocacy 1.7 (p31)</p> <p>Compulsory Pupillage Advocacy Training</p> <p>BVC Advocacy 1.7.B (p31)</p> <p>BVC Advocacy 1.7.C (p31)</p> <p>BVC Advocacy 1.7 (p31)</p> <p>Compulsory Pupillage Advocacy Training</p> <p>Part 2 of the Pupillage Checklist (Advocacy).</p> <p>Case analysis and preparation</p> <p>BVC Advocacy 1.7.B (p31); and BVC Fact Management 1.2 (p27)</p>	

	<ul style="list-style-type: none"> summarise the strengths and weakness of the case from each party's perspective prepare the legal framework of the case, and a simple narrative outline of the facts prepare the submission as a series of propositions based on the evidence identify, analyse and assess the purpose and tactics of examination, cross-examination and re-examination to adduce, rebut and clarify evidence. <p>Element 2: Oral presentations</p> <p>Should be able to:</p> <ul style="list-style-type: none"> identify, analyse and assess the specific communication skills and techniques employed by a presenting advocate demonstrate an understanding of the ethics, etiquette and conventions of advocacy. 		<p>BVC Fact Management 1.2.i (p27)</p> <p>Compulsory Pupillage Advocacy Training.</p> <p>Part 2 of the Pupillage Checklist (Advocacy).</p> <p>BVC Fact Management 1.2.j (p27)</p> <p>BVC Fact Management 1.2.j (p27); and BVC Advocacy 1.7 (p31)</p> <p>BVC Advocacy 1.7.D-F (p32)</p> <p>Part 2 of the Pupillage Checklist (Advocacy).</p> <p>Oral presentations</p> <p>BVC Advocacy 1.7.C (p32)</p> <p>BVC Advocacy 1.7 (p31)</p>	
<p>D 7 The ability to exercise solicitors' rights of audience</p>	<ul style="list-style-type: none"> civil and criminal courts [PSC] 	<p>Assessed</p>	<p>Compulsory Pupillage Advocacy Training</p> <p>Part 2 of the Pupillage Checklist (Advocacy)</p>	

D 8 The ability to recognise clients' financial, commercial and personal priorities and constraints		Assessed	Not covered on BVC	
D 9 The ability to exercise effective client relationship management skills	<ul style="list-style-type: none"> • dealing with difficult clients [PSC] 	Assessed	BVC Professional Ethics and Conduct 2.4.a (p43)	
D 10 The ability to act appropriately if a client is dissatisfied with advice or services provided.	<ul style="list-style-type: none"> • avoiding complaints/identifying potential complaints [PSC] • handling complaints [PSC] 	Assessed	BVC Professional Ethics and Conduct 2.4.a-g (p43); and Part 1 of the Pupillage Checklist (Conduct and Etiquette) BVC Professional Ethics and Conduct 2.4.a-g (p43); and Part 1 of the Pupillage Checklist (Conduct and Etiquette)	

Day One Outcome E - Personal development and work management skills	
E 1 The ability to recognise personal and professional strengths and weaknesses	NOT TO BE ASSESSED – ASSUMED OF ALL QUALIFIED LAWYERS
E 2 The ability to identify the limits of personal knowledge and skills	
E 3 The ability to develop strategies to enhance professional performance	
E 4 The ability to manage personal workload	
E 5 The ability to employ risk management skills	
E 6 The ability to manage efficiently, effectively and concurrently a number of client matters	
E 7 The ability to work effectively as a team-member	

Day One Outcome F - Professional values, behaviours, attitudes and ethics				
	Topics to include:	Assessed/not assessed	Mapping against a Barrister of England and Wales on completion of pupillage following the BVC.	Commentary. Are subjects/skills covered substantially different to Day One Outcomes? Are there important differences in terms of content?
F 1 Knowledge of the values and principles upon which the rules of professional conduct have been developed		Not assessed		
F 2 The ability to behave professionally and with integrity		Assessed	BVC Professional Ethics and Conduct 2.4.a-g (p43); and Part 1 of the Pupillage Checklist (Conduct and Etiquette)	
F 3 The ability to identify issues of culture, disability and diversity		Assessed	BVC Professional Ethics and Conduct 2.4.a-g (p43)	
F 4 The ability to respond appropriately and effectively to the above issues in dealings with clients, colleagues and others from a range of social, economic and ethnic backgrounds		Assessed	BVC Professional Ethics and Conduct 2.4.a-g (p43)	
F 5 The ability to recognise and resolve ethical dilemmas		Assessed	BVC Professional Ethics and Conduct 2.4.a-g (p43); and Part 1 of the Pupillage Checklist (Conduct and Etiquette)	

TABLE TWO

Mapping against a Barrister of England and Wales on completion of pupillage following completion of the Bar Professional Training Course

Day One Outcome A – Core knowledge and understanding of the law applied in England and Wales				
Outcomes	Indicative content	Assessed or not assessed	Mapping against a Barrister of England and Wales on completion of pupillage following the BPTC.	Commentary. Are subjects/skills covered substantially different to Day One Outcomes? Are there important differences in terms of content?
A 1 Knowledge of the jurisdiction, authority and procedures of the legal institutions and professions that initiate, develop, interpret and apply the law of England and Wales and the European Union	<ul style="list-style-type: none"> • The principal EC institutions • Sources and interpretation of Community law • The relationship between Community and National law • Relevant human rights conventions and legislation • Basic structure of civil and criminal courts 	Assessed	<p>Composite part of a UK Qualifying Law Degree. This is an entrance requirement of the BPTC, which must be completed prior to the commencement of pupillage.</p> <p>Para 1.7 Academic Stage Book 2010-2011.</p> <p>Part III Bar Training Regulations 2011.</p>	Identical
A 2 Knowledge of applicable constitutional law and judicial review processes	<ul style="list-style-type: none"> • Knowledge of public law and administrative law. 	Assessed	<p>Composite part of a UK Qualifying Law Degree. This is an entrance requirement of the BPTC, which must be completed prior to the commencement of pupillage.</p> <p>Para 1.7 Academic Stage Book 2010-2011.</p> <p>Part III Bar Training Regulations 2011.</p>	Identical

<p>A 3 Knowledge of the rules of professional conduct, including the Solicitors' Accounts Rules</p>	<p>Professional Conduct</p> <ul style="list-style-type: none"> the core duties of solicitors under Rule 1 acting only when competent to do so principles and practices of good client relations, client care and information about cost conflicts of interest client confidentiality and disclosure professional undertakings the solicitor and the court avoiding discrimination and promoting equality and diversity. Mortgage fraud Rules in relation to advocacy <p>Solicitors Accounts</p> <ul style="list-style-type: none"> requirement to maintain separate office and client ledgers and bank accounts obligations regarding payment into and drawings from client bank accounts entitlement to make transfers between client bank accounts and ledgers and between client and office bank accounts and the need to record such transfers obligation to pay interest to clients and the funding of such payments requirements in respect of the holding of trust monies powers of the Solicitors Regulation Authority to secure compliance with the Solicitors' Accounts Rules <p>and should be able to:</p> <ul style="list-style-type: none"> recognise, record and interpret receipts 	<p>Assessed</p>	<p>Professional Conduct</p> <p>Barristers do not have knowledge of solicitors professional conduct.</p> <p>Additionally, barristers are required to complete a pupillage checklist specifically for ethics and conduct. (Part One).</p> <p>Pupils are also required to complete the Practice Management Course during pupillage, which deals with ethics in a practical sense and relationships with solicitors.</p> <p>Solicitors Accounts</p> <p>Barristers do not have specific knowledge of solicitors accounts or their rules.</p> <p>The Forensic Accountancy Programme undertaken by pupils will address some of these outcomes.</p>	<p>There are many similarities between the codes of conduct for solicitors and barristers. Barristers are required to study professional conduct on the BPTC, where is assessed by Multiple Choice Questions and Short Answer Questions.</p> <p>There are differences present</p> <p>Accounts do not form part of the BPTC.</p> <p>There are differences present</p>
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	<p>into and payments from office and client accounts</p> <ul style="list-style-type: none"> • prepare a simple statement for clients on completion of a matter. 			
<p>A 4 Knowledge of the regulatory and fiscal frameworks within which business, legal and financial services transactions are conducted</p>	<ul style="list-style-type: none"> • Money-laundering • FSMA and associated legislation (including Scope Rules) • Investment products (including tax implications) • Tax (Income Tax, Capital Gains Tax, Inheritance Tax, Corporation Tax, VAT) <p>The regulatory framework</p> <ul style="list-style-type: none"> • the requirements of practice including practising certificates and indemnity insurance • in-house practice, including non-commercial advice services • business management of private practice, including the supervision of solicitors' offices, sole principals, partnerships and incorporation • relations with third parties. <p>Money Laundering</p> <ul style="list-style-type: none"> • be familiar with the legislation, including the international context; • be able to recognise circumstances encountered in the course of practice where suspicion of money laundering should be reported in accordance with the legislation, with particular reference to those types of legal work covered by Stage 1 	<p>Assessed</p>	<p>Money Laundering and relevant legislation forms part of the BPTC Ethics programme. 2.2.4 f.</p> <p>Additionally barristers cover money laundering on the Forensic Accounting Course on the New Practitioners Programme.</p> <p>Barristers who undertake the Family Forensic Accounting course deal with Inheritance Tax, Income Tax and Capital Gains Tax.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>Money Laundering</p> <p>Money Laundering and relevant legislation forms part of the BPTC Ethics programme. 2.2.4 f. Additionally barristers cover money laundering on the Forensic Accounting Course on the New Practitioners Programme.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	<p>There are or may be differences present.</p>

	<p>Financial Services</p> <ul style="list-style-type: none"> • understand the purpose and scope of financial services regulation • understand the financial services regulatory framework in general (including authorisation), and how it applies to solicitors' firms • recognise when relevant financial services issues arise • be able to apply financial services provisions to the types of work covered by the course • be able to identify and find appropriate sources of information on financial services. <p>Taxation</p> <p>Candidates should have a sufficient grasp of tax law to enable them to understand the impact of taxation on the areas assessed and should be able to:</p> <ul style="list-style-type: none"> • use the legal knowledge, skills, procedures and behaviours appropriate to the client; • recognise and act within the rules of professional conduct; • identify the client's reasonable expectations as to quality and timeliness of service. <p>Element 1: Income Tax</p> <ul style="list-style-type: none"> • understand the main features of the income tax system including: total income; personal allowances; calculation of income tax liability • understand the distinctions 		<p>Financial Services</p> <p>Not covered on the BPTC</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>Taxation</p> <p>Not covered on the BPTC</p> <p>Barristers who undertake the Family Forensic Accounting course deal with Inheritance Tax, Income Tax and Capital Gains Tax.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>Income Tax</p> <p>Not covered on the BPTC</p> <p>Barristers who undertake the Family Forensic Accounting course deal with Inheritance Tax, Income Tax and Capital</p>	
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	<p>between taxation at source and direct assessment and the taxation of income from investments and interest</p> <ul style="list-style-type: none"> • appreciate the existence of anti-avoidance legislation such as the rules relating to gifts and settlements. <p>Element 2: Capital Gains Tax</p> <ul style="list-style-type: none"> • the main principles of capital gains tax, including the charge on the disposal or deemed disposal of assets and the calculation of chargeable gains • the main exemptions and reliefs from capital gains tax. <p>Element 3: Inheritance Tax</p> <ul style="list-style-type: none"> • understand the principles relating to the charge to tax: on death; on immediately chargeable lifetime transfers; in relation to potentially exempt transfers; on gifts with the reservation of benefit • be familiar with: payment of tax due; exemptions and reliefs; the principle of cumulation; valuation; accountability and burden; anti-avoidance provisions. <p>Element 4: Corporation Tax</p> <p>Candidates should understand the principles relating to the charge to tax and</p>		<p>Gains Tax.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>Capital Gains Tax</p> <p>Not covered on the BPTC</p> <p>Barristers who undertake the Family Forensic Accounting course deal with Inheritance Tax, Income Tax and Capital Gains Tax.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>Inheritance Tax</p> <p>Not covered on the BPTC</p> <p>Barristers who undertake the Family Forensic Accounting course deal with Inheritance Tax, Income Tax and Capital Gains Tax.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>Corporation Tax</p> <p>Not covered on the BPTC</p>	
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	<p>charges on income.</p> <p>Element 5: VAT</p> <p>Candidates should understand the basic principles of VAT including: registration of taxable persons; taxable supplies; input and output tax; standard and zero rating; exemptions.</p>		<p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>VAT</p> <p>Not covered on the BPTC</p> <p>Pupils are required to complete the Practice Management Course during pupillage, which deals with VAT and the Bar.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	
A 5 Understanding of Contract law	<ul style="list-style-type: none"> • Formation of contracts • Formalities of written contracts • General principles concerning implied terms • Misrepresentation • Discharge • Remedies for breach of contract 	Assessed	<p>Composite part of a UK Qualifying Law Degree. This is an entrance requirement of the BPTC, which must be completed prior to the commencement of pupillage.</p> <p>Para 1.7 Academic Stage Book 2010-2011.</p> <p>Part III Bar Training Regulations 2011.</p>	Identical
A 6 Understanding of Torts	<ul style="list-style-type: none"> • Elements of common causes of action (contractual and tortious) • Issues affecting who should be appropriate parties to litigation (e.g. vicarious liability) • Common defences 	Assessed	<p>Composite part of a UK Qualifying Law Degree. This is an entrance requirement of the BPTC, which must be completed prior to the commencement of pupillage.</p> <p>Para 1.7 Academic Stage Book 2010-2011.</p> <p>Part III Bar Training</p>	Identical

			Regulations 2011.	
A 7 Understanding of Criminal Law	<ul style="list-style-type: none"> • Elements of common offences • Issues affecting who should be appropriate parties to litigation (e.g. vicarious liability) • Common defences 	Assessed	<p>Composite part of a UK Qualifying Law Degree. This is an entrance requirement of the BPTC, which must be completed prior to the commencement of pupillage.</p> <p>Para 1.7 Academic Stage Book 2010-2011.</p> <p>Part III Bar Training Regulations 2011.</p>	Identical
A 8 Understanding of Property law	<ul style="list-style-type: none"> • Nature of legal estates and interests • Equitable interests • Easements • Covenants • Mortgages • joint ownership • Registered and unregistered land (including registration of charges) 	Assessed	<p>Composite part of a UK Qualifying Law Degree. This is an entrance requirement of the BPTC, which must be completed prior to the commencement of pupillage.</p> <p>Para 1.7 Academic Stage Book 2010-2011.</p> <p>Part III Bar Training Regulations 2011.</p>	Identical
A 9 Understanding of Equitable rights and obligations	<ul style="list-style-type: none"> • Nature of fiduciary relationships and the duties of fiduciaries • Powers and duties of trustees 		<p>Composite part of a UK Qualifying Law Degree. This is an entrance requirement of the BPTC, which must be completed prior to the commencement of pupillage.</p> <p>Para 1.7 Academic Stage Book 2010-2011.</p> <p>Part III Bar Training Regulations 2011.</p>	Identical

<p>A 10 Understanding of Human Rights</p>		<p>Assessed</p>	<p>Composite part of a UK Qualifying Law Degree. This is an entrance requirement of the BPTC, which must be completed prior to the commencement of pupillage.</p> <p>Para 1.7 Academic Stage Book 2010-2011.</p> <p>Part III Bar Training Regulations 2011.</p>	<p>Identical</p>
<p>A 11 Understanding of the laws applicable to business structures and the concept of legal personality</p>		<p>Assessed</p>	<p>Not part of the BPTC compulsory elements, however, a student may well have covered such material as an option on the BPTC, for example, company or commercial law.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	<p>There are or may be differences present.</p>

Day One Outcome B - Intellectual, analytical and problem-solving skills	
B 1 The ability to review, consolidate, extend and apply knowledge and understanding	NOT TO BE ASSESSED – ASSUMED OF ALL QUALIFIED LAWYERS
B 2 The ability to frame appropriate questions to identify clients' problems and objectives, and to obtain relevant information	
B 3 The ability to evaluate information, arguments, assumptions and concepts	
B 4 The ability to identify a range of solutions	
B 5 The ability to evaluate the merits and risks of solutions	
B 6 The ability to communicate information, ideas, problems and solutions to clients, colleagues and other professionals	
B 7 The ability to initiate and progress projects	

Day One Outcome C - Transactional and dispute resolution skills				
	Topics to include:	Assessed or not assessed	Mapping against a Barrister of England and Wales on completion of pupillage following the BPTC.	Commentary. Are subjects/skills covered substantially different to Day One Outcomes? Are there important differences in terms of content?

<p>C 1 The ability to establish business structures and transfer businesses</p>	<p>LPC Outcomes</p> <ul style="list-style-type: none"> • understand the nature and structure of the different business media and be able to select an appropriate medium and structure to meet the client's commercial requirements and to advise on the legal and taxation implications • be able to progress basic business transactions arising during the life and development of a business • understand the interests of different parties involved in the business including directors, shareholders and creditors of a business. <p>And should also be able to:</p> <ul style="list-style-type: none"> • interpret and apply primary source materials, constitutional documents and other relevant agreements • identify conduct and regulation issues, such as conflicts of interest and FSMA, as they arise in the context of relevant transactions • draft the relevant documentation and prepare the appropriate forms and filings. 	<p>Assessed</p>	<p>Not part of the BPTC compulsory elements, however, a student may well have covered such material as an option on the BPTC, for example, company or commercial law.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	<p>There are or may be differences present.</p>
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	<p>Element 1: Business media</p> <ul style="list-style-type: none"> • be able to advise the client as to the advantages and disadvantages of different business media including sole traders, partnership and companies • be able to advise on form and legal structure and on the cost, procedures, formalities and taxation implications of setting up and running the business • be familiar with the procedures required to incorporate a company and/or form a partnership and understand the approvals, filings and procedures to enable the business to commence operating • be familiar with the roles, rights, responsibilities and liabilities of the participants • understand the procedures to alter the constitution of a company and to appoint and remove the officers of a company • understand how to allot, issue and transfer shares. <p>Element 2: On-going operations and common transactions:</p> <ul style="list-style-type: none"> • progress common business transactions and advise and take steps relating to the business's on- 		<p>Business media</p> <p>Not part of the BPTC compulsory elements, however, a student may well have covered such material as an option on the BPTC, for example, company or commercial law.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>On-going operations and common transactions</p> <p>Not part of the BPTC compulsory elements, however, a student may well have covered such</p>	
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	<p>going operations</p> <ul style="list-style-type: none"> • advise on entering into contracts on behalf of the business (including issues arising from contracts in which directors have an interest) • advise on steps to protect the assets of the business • advise on issues arising from basic finance and lending • draft notices, agendas and minutes of meetings and complete and file routine statutory forms and maintain and up-date statutory books • advise on taxation of profits (income and capital) generated and distributed by the business • demonstrate an appreciation of the continuing duties, obligations and liabilities of the business and of its partners, directors and shareholders • advise on the options for and claims arising on insolvency, e.g. bankruptcy, winding up and administration • draft and review documentation to give effect to transaction 		<p>material as an option on the BPTC, for example, company or commercial law.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	
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	<p>Element 3: Stakeholders</p> <ul style="list-style-type: none"> • understand the different interests of parties involved in the business including the company, directors, shareholders and creditors of the business • be aware of potential conflicts between the different parties • understand the importance of knowing the client. <p>Element 4: Business accounts</p> <ul style="list-style-type: none"> • Understanding of the principles of business accounting and should be aware of the need to interpret business accounts to ensure clients are appropriately advised. In particular, should: • understand the terms used and basic accounting concepts • be familiar with how accounting data is used to prepare a profit and loss account and a balance sheet • understand the construction of and be able to analyse and interpret a simple balance sheet and profit and loss account of a sole trader, partnership and limited company • understand the nature of shareholders' funds. 		<p>Stakeholders</p> <p>Not part of the BPTC compulsory elements, however, a student may well have covered such material as an option on the BPTC, i.e. company or commercial law.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>Business Accounts</p> <p>Barristers do not have specific knowledge of accounts.</p> <p>The Forensic Accountancy Programme undertaken by pupils will address some of these outcomes.</p>	
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<p>C 2 The ability to seek resolution of civil and criminal matters</p>	<p>LPC Outcomes</p> <p>Candidates should:</p> <ul style="list-style-type: none"> understand the nature of civil and criminal litigation be able to identify the critical steps in the process of litigation. <p>Element 1: Case analysis</p> <p>should be able to analyse factual material, identify the legal context in which factual issues arise, relate the central legal and factual issues to each other and be able to:</p> <ul style="list-style-type: none"> identify the elements of selected causes of action and criminal charges identify, analyse and, if necessary, research the propositions of fact going to the elements and be able to identify, analyse, secure and preserve evidence to support propositions of fact identify, analyse and advise on the 	<p>Assessed</p>	<p>BPTC Civil Litigation, Evidence and Remedies A2.2.2 (p21); and BPTC Criminal Litigation, Evidence and Sentencing A2.2.3 (p28)</p> <p>Case Analysis</p> <p>Case Analysis is a pervasive subject on the BPTC (BPTC A3.4.5 (p59).</p> <p>Additionally, case analysis forms part of the Advocacy Training that 1st 6 pupils must complete prior to entering their second six.</p> <p>BPTC Fact Management / Case Analysis A2.4.2.3.2 (p55)</p> <p>BPTC Fact Management / Case Analysis A2.4.2.3.2 (p55); and BPTC Legal Research A2.4.2.3.2 (p54).</p> <p>Securing and Preserving Evidence is not something covered by the BPTC.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p> <p>BPTC Fact Management / Case</p>	<p>Investigating a case is not something that falls within a barristers remit.</p> <p>There are or may be differences present.</p>
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	<p>admissibility and relevance of evidence and assess the strengths and weaknesses of each side's case including, where appropriate, the opponent's evidence.</p> <p>Element 2: Courses of action and funding</p> <p>should be able to:</p> <ul style="list-style-type: none"> • identify possible courses of action, demonstrate an awareness of the legal and non-legal consequences of selecting a course of action and advise the client on the attendant costs, benefits and risks • advise the client on the different ways of funding litigation, including the availability of public funding. <p>Element 3: Procedure</p> <p>should be able to identify the steps and strategies that need to be taken in the preparation and conduct of litigation.</p>		<p>Analysis A2.4.2.3.2 (p55). This is also covered by BPTC Opinion Writing 2.2.5 (p39).</p> <p>Courses of action and funding</p> <p>Not covered exactly but is covered in part by BPTC Civil Litigation A2.2.2.7 (page 23).</p> <p>BPTC Civil Litigation, Evidence and Remedies A2.2.2.22 (p26);</p> <p>As above and also BPTC Criminal Litigation A2.2.3 f1.</p> <p>Procedure</p> <p>BPTC Civil Litigation, Evidence and Remedies A2.2.2 (p21); and BPTC Criminal Litigation, Evidence and Sentencing A2.2.3 (p28)</p> <p>It should also be considered that a Bar Course student may well have covered such material additionally as an option on the BPTC, for example, company or commercial law.</p>	<p>Public funding in crime is less well covered though difference is likely to be negligible.</p> <p>The BPTC guidance states that <i>'a detailed knowledge is not required, but students should have an understanding of the general structure of funding arrangements'</i>.</p>
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	<p>Element 4: Civil Litigation and Dispute Resolution</p> <p>should be able to:</p> <ul style="list-style-type: none"> • identify the appropriate forum for the resolution of the dispute, including appropriate methods of alternative dispute resolution • identify possible cost consequences of different outcomes, the effect of the different costs rules and the impact of the likely costs orders on the conduct of litigation • demonstrate an understanding of the Civil Procedure Rules, the overriding objective, and their application • demonstrate an understanding of the court's role in the litigation process, in particular the court's case management powers and duties • identify steps to be taken prior to commencement and be able to issue, serve and respond to claim forms • advise on interim applications, prepare and conduct applications to the master or district judge • understand the steps needed to prepare the case for trial and the procedure and evidential issues 		<p>Civil Litigation and Dispute Resolution</p> <p>BPTC Civil Litigation, Evidence and Remedies A2.2.2 (p21); and BPTC Resolution of Disputes out of Court. A2.2.8 (p46)</p> <p>BPTC Civil Litigation, A2.2.2.22 (p26); and BPTC Civil Litigation Evidence and Remedies A2.2.2.7 (page 23).</p> <p>BPTC Civil Litigation, Evidence and Remedies A2.2.2.b (p21);</p> <p>BPTC Civil Litigation, Evidence and Remedies A2.2.2 b/c (p21);</p> <p>BPTC Civil Litigation, Evidence and Remedies A2.2.2 b/c (p21);</p> <p>BPTC Civil Litigation, Evidence and Remedies A2.2.2 b + c (p21); and BPTC Advocacy A2.2.1 c2 (p18)</p> <p>BPTC Civil Litigation, Evidence and Remedies A2.2.2 (p21) and</p>	
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	<p>arising from expert witnesses, witnesses of fact and disclosure, and demonstrate an awareness of the basic elements of trial procedure</p> <ul style="list-style-type: none"> • demonstrate an awareness of the mechanisms which are available to enforce and appeal a judgment • prepare the appropriate documentation and draft claim forms, particulars of claim, defences, application notices, orders and witness statements. <p>Element 5: Criminal Law and Practice</p> <p>should be able to:</p> <ul style="list-style-type: none"> • demonstrate an understanding of the Criminal Procedure Rules, their overriding objective, and their application • demonstrate an understanding of the court's role in the litigation process, in particular the court's case management powers and duties • demonstrate an awareness of police station representative accreditation schemes, and the court duty solicitor scheme • explain the custody, review and detention limits under PACE and the role of the custody officer • identify the steps involved in 		<p>more specifically A2.2.2.4 and A2.2.2.27.</p> <p>BPTC Civil Litigation, Evidence and Remedies A2.2.2 (p21) and more specifically A2.2.2.24/25/26</p> <p>BPTC Drafting A2.2.6.e1 (p42)</p> <p>Criminal Law and Practice</p> <p>BPTC Criminal Litigation, Evidence and Sentencing A2.2.3.f.1 (p29)</p> <p>BPTC Criminal Litigation, Evidence and Sentencing A2.2.3 (p28) and more specifically A2.2.3.f.2.4/7 (p30)</p> <p>BPTC Criminal Litigation, Evidence and Sentencing A2.2.3 (p28) and more specifically A2.2.3.f.2.2 (p30)</p> <p>BPTC Criminal Litigation, Evidence and Sentencing A2.2.3 (p28) more specifically A2.2.3.C.1.</p> <p>Not covered specifically save for</p>	<p>Crown Court case management powers are dealt with in greater detail than magistrates (where an outline only is required).</p>
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	<p>making an application for a representation order</p> <ul style="list-style-type: none"> • identify the steps involved in making or contesting a bail application • identify the practical and tactical considerations involved in determining the mode of trial, including an awareness of the range of sentences available, and advise the client accordingly • assist in the preparation and conduct of a summary trial, committal proceedings and a trial on indictment. <p>Settlement, mediation, adjudication [Training Contract]</p>		<p>BPTC Criminal Litigation, Evidence and Sentencing A2.2.3.1 (p29) dealing with funding.</p> <p>BPTC Criminal Litigation, Evidence and Sentencing A2.2.3.F.2.3 (p29)</p> <p>BPTC Criminal Litigation, Evidence and Sentencing A2.2.3.F.2.4 (p29)</p> <p>BPTC Criminal Litigation, Evidence and Sentencing A2.2.3 (p28) more specifically A2.2.3.F.3.8/9 (p30 and p31)</p> <p>BPTC Resolution of Disputes out of Court A2.2.8 (p46)</p>	<p>This really only deals with police interviews and the obligations of PACE. The police accreditation schemes and court duty solicitor schemes are not specified.</p>
<p>C 3 The ability to establish and transfer proprietary rights and interests</p>	<p>LPC Outcomes</p> <p>In the context of domestic or commercial transactions or both, and in relation to freehold and leasehold property:</p> <ul style="list-style-type: none"> • appreciate the nature of a property transaction • be able to identify and perform the critical steps in a transaction • be aware of conflicts of interest that may arise when acting for more than one party in a property transaction • understand the requirements of lenders and the need to consider money laundering issues 	<p>Assessed</p>	<p>Barristers do not have specific knowledge of the issues relating to property transfer</p> <p>However, a Bar Course student may well have covered such material additionally as an option on the BPTC, e.g. company or commercial law.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	<p>There are or may be differences present.</p>

	<ul style="list-style-type: none"> • have a sufficient grasp of the tax aspects of a property transaction, including Stamp Duty Land Tax. <p>Element 1: Pre-contract stage</p> <ul style="list-style-type: none"> • take preliminary instructions and advise on client care • identify the steps needed to raise and the issues arising from pre-contract enquiries and pre-contract searches • deduce and investigate title as appropriate to the transaction • report on the transaction to the client • decide, with the client where appropriate, what action needs to be taken and identify what action (if any) the client has to take • analyse and draft a contract (and constituent clauses). <p>Element 2: Binding contract</p> <p>Should understand when the contract becomes binding and should appreciate the need to:</p> <ul style="list-style-type: none"> • advise the client on the terms of any offer of finance and ensure that adequate finance is available before committing the buyer to the contract • select a method of making the contract binding appropriate to the transaction. 			
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	<p>Element 3: After the contract becomes binding</p> <p>Should be able to:</p> <ul style="list-style-type: none"> • deal appropriately with the deposit, obtaining undertakings and insurances • prepare appropriate, clear and precise undertakings • draft document(s) (whether paper-based or electronic) necessary to transfer the legal estate • report on the title to the lender • prepare the mortgage documentation • prepare for completion and select a method appropriate to the transaction • carry out the completion and the relevant post-completion steps • complete the mortgage and protect the lender's security • discharge any existing mortgage over the property. 			
<p>C 4 The ability to obtain a grant of probate and administer an estate</p>	<p>Should have general overview of content, format and validity of wills, obtaining grants of representation and administration of an estate [LPC] and should be able to:</p> <ul style="list-style-type: none"> • use the legal knowledge, skills, procedures and behaviours appropriate to the client • identify the client's goals and alternative means of achieving those goals, and deal appropriately with client care • recognise and act within the rules of professional conduct • identify the client's reasonable expectations as to quality and 	<p>Assessed</p>	<p>Barristers do not have specific knowledge of the issues relating to property transfer</p> <p>However, a Bar Course student may well have covered such material additionally as an option on the BPTC, for example, Chancery Practice.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge.</p>	<p>There are or may be differences present.</p>

	<p>timeliness of service.</p> <p>Element 1: Pre-grant practice</p> <p>candidates should understand:</p> <ul style="list-style-type: none"> • validity, revocation and alteration of wills and codicils • total and partial intestacy • identification of property passing by will, intestacy or outside of the estate • valuation of assets and liabilities and the taxable estate. <p>Element 2: Application for a grant of representation</p> <p>candidates should understand:</p> <ul style="list-style-type: none"> • the necessity for and main types of a grant • the powers and duties of personal representatives and their protection • the main types of oath for executors or administrators. <p>Element 3: Post-grant practice</p> <p>candidates should understand:</p> <ul style="list-style-type: none"> • collection and realisation of assets, and claims on the estate • raising funds and the payment of inheritance tax and debts • pecuniary legacies, vesting of gifted property in the beneficiaries entitled and distribution of the residuary estate. 			
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<p>C 5 The ability to draft legal documentation to facilitate the above transactions and matters</p>	<p>LPC Outcomes Drafting</p> <p>candidates should:</p> <ul style="list-style-type: none"> • understand the content and requirements of formal legal documents in the core practice areas • understand the principles of good drafting and editing • be able to explain their own and others' drafting. <p>Element 1: Drafting and amending documents</p> <p>Should be able to draft and amend basic documents or provisions that:</p> <ul style="list-style-type: none"> • demonstrate an understanding of the relevant legal, factual and procedural issues • meet all formal legal or other requirements • demonstrate a considered choice, use and adaptation of templates or precedents • are in prescribed or generally accepted form. <p>Element 2: Style of drafting and amending</p> <p>Should be able to draft and amend documents that:</p> <ul style="list-style-type: none"> • use accurate, straightforward and 	<p>Assessed</p>	<p>BPTC Drafting A2.2.6 (p41)</p> <p>Part 4 of the Pupillage Checklist (Legal Research and Drafting)</p> <p>Drafting and amending documents</p> <p>BPTC Drafting A2.2.6.C (p41)</p> <p>BPTC Drafting A2.2.6.C (p41)</p> <p>BPTC Drafting A2.2.6.C (p41)</p> <p>BPTC Drafting A2.2.6.C (p41)</p> <p>Style of drafting and amending</p> <p>BPTC Drafting A2.2.6.C (p41)</p>	
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	<p>modern language</p> <ul style="list-style-type: none"> • use correct spelling, grammar, syntax and punctuation • are easy to follow, internally consistent and free of ambiguity • use recitals, definitions and boilerplate correctly and appropriately <ul style="list-style-type: none"> • have a clear, logical, consistent and appropriate structure, layout and use of numbering and schedules. <p>Element 3: Explaining and editing</p> <p>Should be able to:</p> <ul style="list-style-type: none"> • explain in clear and simple terms the meaning and effect of basic documents and the possible implications for the client • review and edit their own and others' drafting to identify and correct omissions, errors and unnecessary provisions. 		<p>BPTC Drafting A2.2.6.C (p41)</p> <p>BPTC Drafting A2.2.6.C (p41)</p> <p>Not covered specifically on the Bar Course, though the drafting of contracts may well form part of a Bar Course option.</p> <p>A pupillage may have been undertaken that would require or provide such knowledge</p> <p>Not covered specifically but is covered in part by BPTC Drafting A2.2.6 (p41)</p> <p>Explaining and editing</p> <p>Not covered specifically, but would fall into BPTC Conference Skills A2.2.7.f.1/2/3 (p45)</p> <p>Not required by the BPTC.</p>	<p>Peer review is often adopted as a learning mechanism at BPTC level.</p>
<p>C 6 The ability to plan and progress transactions and matters expeditiously and with propriety</p>	<ul style="list-style-type: none"> • Producing schedule for a case/transaction [LPC] • Planning work including time, cost and risk management [LPC] 	<p>Assessed</p>	<p>Not required by the BPTC.</p>	<p>Could be said to be assumed of all qualified lawyers.</p>

Day One Outcome D - Legal, professional and client relationship knowledge and skills				
	Topics to include:	Assessed/not assessed	Mapping against a Barrister of England and Wales on completion of pupillage following the BPTC.	Commentary. Are subjects/skills covered substantially different to Day One Outcomes? Are there important differences in terms of content?
D 1 Knowledge of the legal services market		Not assessed	Not required	
D 2 Knowledge of commercial factors affecting legal practice		Assessed	Not required	
D 3 The ability to undertake factual and legal research using paper and electronic media	<p>From primary sources [Academic stage]</p> <p>LPC Outcomes</p> <p>Candidates should:</p> <ul style="list-style-type: none"> understand the need for thorough investigation of all relevant factual and legal issues involved in a transaction or matter be able to undertake systematic and comprehensive legal research be able to present the results of their research. <p>Element 1: Legal and factual issues</p> <p>should be able to investigate legal and factual issues and:</p> <ul style="list-style-type: none"> determine the scope and identify the objectives of the research 	Assessed	<p>Legal Research is not separately assessed on the BPTC.</p> <p>BPTC Legal Research A2.4.2.2 (p54).</p> <p>BPTC Legal Research A2.4.2.2 (p54).</p> <p>BPTC Legal Research A2.4.2.2 (p54 – specifically p55).</p> <p>Part 4, section 1 of the Pupillage Checklist (Legal Research and Drafting).</p> <p>Legal and factual issues</p> <p>BPTC Legal Research A2.4.2.3.1 (p54).</p>	

	<ul style="list-style-type: none"> • determine whether additional information is required and identify appropriate sources for factual investigation • identify the legal context(s) and analyse the legal issues • address all relevant legal and factual issues. <p>Element 2: Research</p> <p>should be able to undertake systematic and comprehensive research and:</p> <ul style="list-style-type: none"> • identify and apply current case law, statute law, statutory instruments, regulations and rules to the research problem • identify, prioritise and use relevant primary and secondary sources • locate and update cases and statutes, and use indices and citators • use periodicals, digests and standard practitioner texts • select and use appropriate paper and electronic research tools 		<p>BPTC Legal Research A2.4.2.2 (p54); and BPTC Fact Management / Case Analysis A2.4.2.3.2 (p55).</p> <p>BPTC Legal Research A2.4.2.2 (p54);</p> <p>BPTC Legal Research A2.4.2.2 (p54); and BPTC Fact Management / Case Analysis A2.4.2.3.2 (p55).</p> <p>Part 4, section 1 of the Pupillage Checklist (Legal Research and Drafting).</p> <p>Research</p> <p>BPTC Legal Research A2.4.2.2 (p54);</p> <p>BPTC Legal Research A2.4.2.2 (p54);</p> <p>BPTC Legal Research A2.4.2.2 (p54);</p> <p>BPTC Legal Research A2.4.2.2 (p54);</p> <p>BPTC Legal Research 2.4.2.2 (p54);</p>	
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	<p>Element 3: Presentation of results</p> <p>should be able to:</p> <ul style="list-style-type: none"> • keep a methodical, accurate and complete record of the research undertaken • draw clear conclusions and identify courses of action • present the results of their investigation and research in a way which meets the skills outcomes. 		<p>Part 4, section 1 of the Pupillage Checklist (Legal Research and Drafting).</p> <p>Presentation of results</p> <p>BPTC Legal Research A2.4.2.2 (p54);</p> <p>BPTC Legal Research A2.4.2.2 (p54); and BPTC Fact Management / Case Analysis A2.4.2.3.2 (p55).</p> <p>BPTC Legal Research A2.4.2.2 (p54)</p> <p>Part 4, section 1 of the Pupillage Checklist (Legal Research and Drafting).</p>	
<p>D 4 The ability to use technology to store, retrieve and analyse information</p>		Assessed	<p>BPTC Legal Research A2.4.2.2 (p54)</p> <p>Part 4, section 1 of the Pupillage Checklist (Legal Research and Drafting).</p>	

<p>D 5 The ability to communicate effectively, orally and in writing, with clients, colleagues and other professionals</p>	<ul style="list-style-type: none"> • Understanding and ability to choose the appropriate method of communication [LPC/Training Contract] • Understanding and ability to apply principles of good writing [LPC/Training Contract] <p>LPC Outcomes writing</p> <p>Candidates should be able to communicate effectively in writing and should:</p> <ul style="list-style-type: none"> • understand and be able to choose the appropriate method of communication • understand and be able to apply the principles of good writing. <p>Element 1: Appropriate use of media</p> <p>Candidates should:</p> <ul style="list-style-type: none"> • understand the appropriate uses of emails, letters, memoranda and other forms of written communication • be able to choose the appropriate medium, form and style • be able to tailor the written communication to suit the purpose of the communication and the needs of different clients or recipients. 	<p>Assessed</p>	<p>Not covered by BPTC</p> <p>BPTC Drafting A.2.2.6.b/c (p41) and A.2.2.6.e.2 (p42); and BPTC Opinion Writing A.2.2.5.b/c (p39)</p> <p>Appropriate use of media</p> <p>Not covered by BPTC</p> <p>Not covered by BPTC</p> <p>Not covered by BPTC</p> <p>Part 4, section 2 of the Pupillage Checklist (Legal Advice and Drafting).</p>	
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	<p>Element 2: Writing style</p> <p>should be able to produce written work which is appropriate for the chosen medium and the recipient and which:</p> <ul style="list-style-type: none"> • uses accurate, straightforward and modern language • uses correct spelling, grammar, syntax and punctuation • has a clear, logical, consistent and appropriate structure and format • has been checked and edited. <p>Element 3: Content</p> <p>should be able to produce written work which:</p> <ul style="list-style-type: none"> • forms a coherent whole and, where appropriate, advances the matter; • addresses accurately and correctly all the relevant legal and factual issues and, where appropriate, 		<p>Writing style</p> <p>BPTC Drafting A.2.2.6.b/c (p41) and A.2.2.6.e.2 (p42); and BPTC Opinion Writing A.2.2.5.b/c (p39)</p> <p>BPTC Drafting A.2.2.6.b/c (p41) and A.2.2.6.e.2 (p42); and BPTC Opinion Writing A.2.2.5.b/c (p39)</p> <p>BPTC Drafting A.2.2.6.b/c (p41) and A.2.2.6.e.2 (p42); and BPTC Opinion Writing A.2.2.5.b/c (p39)</p> <p>BPTC Drafting A.2.2.6.b/c (p41) and A.2.2.6.e.2 (p42); and BPTC Opinion Writing A.2.2.5.b/c (p39)</p> <p>Content</p> <p>BPTC Drafting A.2.2.6.b/c (p41) and A.2.2.6.e.2 (p42); and BPTC Opinion Writing A.2.2.5.b/c (p39)</p> <p>BPTC Opinion Writing A.2.2.5.b/c (p39)</p>	
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	<p>identifies practical options including the costs, benefits and risks of those options</p> <ul style="list-style-type: none"> identifies clearly clients' objectives and priorities, addresses their concerns and carries out their instructions accurately and systematically records a meeting or presentation and its outcomes. <p>LPC Outcomes I and A</p> <p>should demonstrate an understanding of the principles and techniques of the skills of interviewing and advising.</p> <p>Element 1: Interviewing</p> <p>Should:</p> <ul style="list-style-type: none"> be able to choose an appropriate way to obtain relevant information be able to plan, prepare for and identify the objectives of an interview understand how to conduct an effective interview that elicits the relevant information, allows the client to explain any concerns, anticipates the client's questions and has clear outcomes be able to listen actively and use appropriate questioning techniques be able to establish a professional 		<p>BPTC Opinion Writing A.2.2.5.b/c (p39)</p> <p>Not covered</p> <p>Interviewing</p> <p>BPTC Conference Skills A.2.2.7.c (p44) and A.2.2.7.f (p45)</p> <p>BPTC Conference Skills A.2.2.7.f.1 (p45)</p> <p>BPTC Conference Skills A.2.2.7.f.1 (p45)</p> <p>BPTC Conference Skills A.2.2.7.f.2 (p45)</p> <p>BPTC Conference Skills</p>	
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	<p>relationship.</p> <p>Element 2: Advice and follow up</p> <p>Should be able to:</p> <ul style="list-style-type: none"> • advise the client taking into account the client's objectives, priorities and constraints and addressing all relevant factual, practical and legal issues • identify possible courses of action, the legal and non-legal consequences of a course of action (including the costs, benefits and risks) and assist the client in reaching a decision • identify any further decisions to be made or steps to be taken and manage the client's expectations including likely outcomes and timescales • accurately record an interview, advice given orally, decisions made by the client and follow-up steps and, where appropriate, confirm instructions in each case in accordance with the outcomes for Writing • identify the circumstances in which to take instructions or seek advice from a supervising solicitor. 		<p>A.2.2.7.f.1 (p45)</p> <p>Part 3, section 1 of the Pupillage Checklist (Conferences and Negotiations).</p> <p>Advice and follow up</p> <p>BPTC Conference Skills A.2.2.7.f.3 (p45)</p> <p>BPTC Conference Skills A.2.2.7.f.3 (p45)</p> <p>BPTC Conference Skills A.2.2.7.f.3 (p45)</p> <p>Not covered</p> <p>Not covered</p> <p>Part 3, section 1 of the Pupillage Checklist (Conferences and</p>	
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			Negotiations).	
D 6 The ability to advocate a case on behalf of a client	<ul style="list-style-type: none"> understand basic skills in presentation of cases before courts and tribunals [LPC/Training Contract/PSC] ability to formulate and present a coherent submission [LPC/Training Contract/PSC] <p>LPC Outcomes should:</p> <ul style="list-style-type: none"> understand the importance of preparation and the best way to undertake it understand the basic skills in the presentation of cases before courts and tribunals be able to formulate and present a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner. <p>Element 1: Case analysis and preparation</p> <p>should be able to:</p> <ul style="list-style-type: none"> identify and analyse the relevant facts, the legal context in which the factual issues arise, and how they relate to each other summarise the strengths and weakness of the case from each 	Assessed	<p>BPTC Advocacy A.2.2.1 (p17)</p> <p>Compulsory Pupillage Advocacy Training</p> <p>BPTC Advocacy A.2.2.1 (p17)</p> <p>Compulsory Pupillage Advocacy Training</p> <p>BPTC Advocacy A.2.2.1.b/c (p17)</p> <p>BPTC Advocacy A.2.2.1.c.2 (p17)</p> <p>BPTC Advocacy A.2.2.1.c (p17)</p> <p>Compulsory Pupillage Advocacy Training</p> <p>Part 2 of the Pupillage Checklist (Advocacy).</p> <p>Case analysis and preparation</p> <p>BPTC Fact Management / Case Analysis A2.4.2.3.2 (p55)</p> <p>BPTC Fact Management / Case Analysis A2.4.2.3.2 (p55)</p>	

	<p>party's perspective</p> <ul style="list-style-type: none"> prepare the legal framework of the case, and a simple narrative outline of the facts prepare the submission as a series of propositions based on the evidence identify, analyse and assess the purpose and tactics of examination, cross-examination and re-examination to adduce, rebut and clarify evidence. <p>Element 2: Oral presentations</p> <p>Should be able to:</p> <ul style="list-style-type: none"> identify, analyse and assess the specific communication skills and techniques employed by a presenting advocate demonstrate an understanding of the ethics, etiquette and conventions of advocacy. 		<p>Compulsory Pupillage Advocacy Training.</p> <p>Part 2 of the Pupillage Checklist (Advocacy).</p> <p>BPTC Fact Management / Case Analysis A2.4.2.3.2 (p55)</p> <p>BPTC Advocacy A2.2.1.f.1</p> <p>BPTC Advocacy A2.2.1.f.3/4/5</p> <p>Part 2 of the Pupillage Checklist (Advocacy).</p> <p>Oral presentations</p> <p>BPTC Advocacy A2.2.1.f.b</p> <p>BPTC Advocacy A2.2.1.f.c.</p>	
D 7 The ability to exercise solicitors' rights of audience	<ul style="list-style-type: none"> civil and criminal courts [PSC] 	Assessed	<p>Not covered on BPTC</p> <p>Compulsory Pupillage Advocacy Training</p> <p>Part 2 of the Pupillage Checklist (Advocacy)</p>	

D 8 The ability to recognise clients' financial, commercial and personal priorities and constraints		Assessed	BPTC Professional Ethics A2.2.4.c (p36)	
D 9 The ability to exercise effective client relationship management skills	<ul style="list-style-type: none"> dealing with difficult clients [PSC] 	Assessed	BPTC Professional Ethics A2.2.4.c (p36)	
D 10 The ability to act appropriately if a client is dissatisfied with advice or services provided.	<ul style="list-style-type: none"> avoiding complaints/identifying potential complaints [PSC] handling complaints [PSC] 	Assessed	<p>BPTC Professional Ethics A2.2.4.f.2 (p38); and Part 1 of the Pupillage Checklist (Conduct and Etiquette)</p> <p>BPTC Professional Ethics A2.2.4.f.2 (p38); and Part 1 of the Pupillage Checklist (Conduct and Etiquette)</p>	

Day One Outcome E - Personal development and work management skills	
E 1 The ability to recognise personal and professional strengths and weaknesses	NOT TO BE ASSESSED – ASSUMED OF ALL QUALIFIED LAWYERS
E 2 The ability to identify the limits of personal knowledge and skills	
E 3 The ability to develop strategies to enhance professional performance	
E 4 The ability to manage personal workload	
E 5 The ability to employ risk management skills	
E 6 The ability to manage efficiently, effectively and concurrently a number of client matters	
E 7 The ability to work effectively as a team-member	

Day One Outcome F - Professional values, behaviours, attitudes and ethics				
	Topics to include:	Assessed/not assessed	Mapping against a Barrister of England and Wales on completion of pupillage following the BPTC.	Commentary. Are subjects/skills covered substantially different to Day One Outcomes? Are there important differences in terms of content?
F 1 Knowledge of the values and principles upon which the rules of professional conduct have been developed		Not assessed		
F 2 The ability to behave professionally and with integrity		Assessed	BPTC Professional Ethics A2.2.4.c (p36); and Part 1 of the Pupillage Checklist (Conduct and Etiquette)	
F 3 The ability to identify issues of culture, disability and diversity		Assessed	BPTC Professional Ethics A2.2.4.c (p36)	
F 4 The ability to respond appropriately and effectively to the above issues in dealings with clients, colleagues and others from a range of social, economic and ethnic backgrounds		Assessed	BPTC Professional Ethics A2.2.4.c (p36)	
F 5 The ability to recognise and resolve ethical dilemmas		Assessed	BPTC Professional Ethics A2.2.4.f.1 (p38); and Part 1 of the Pupillage Checklist (Conduct and Etiquette)	

Summary of English & Welsh Day One Outcomes Mapping to a Barrister of England and Wales upon the completion of Pupillage following the Bar Course

“Article 14 of Directive 2005/36/EC allows a competent authority to require an applicant to take an aptitude test where the training they have received covers *substantially different* matters than those covered by those who have qualified in the competent authority’s jurisdiction. Article 14(4) defines ‘substantially different’ as “matters of which knowledge is essential for pursuing the profession and with regard to which the training received by the migrant shows important differences in terms of duration or content from the training required by the host Member State”. Further, the case of *Pesla* makes it clear that regulatory authorities in a jurisdiction are not obliged to accept a lower level of knowledge and attainment from candidates seeking entry; though the judgement does balance this by noting that Article 39 EC does not preclude a degree of flexibility as regards the qualification required; and this includes partial recognition of knowledge attested by qualifications.” – *Professor Paul Maharg*.

When comparing a Barrister of England and Wales following pupillage with a solicitors Day One Outcomes, the areas listed in the table below are those where there are more than just minor differences. As a result, some form of aptitude test *may* be desirable. (Please see the *note bene* beneath the table.)

Barrister of England and Wales upon completion of pupillage following the Bar Vocational Course	Barrister of England and Wales upon completion of pupillage following the Bar Professional Training Course
A3	A3
A4	A4
A11	A11
C1	C1
C3	C3
C4	C4

NB The day one outcomes listed above may well have been covered either by the completion of a specialist bar option, during pupillage or by other relevant qualification.

Identifying whether the Day One Outcomes have been met for a barrister post pupillage is complicated. This is because not every Bar Course in the country is identical and certainly each pupillage is different. During the Bar Course, whether it is the Bar Vocational Course or the Bar Professional Training Course, students are offered a range of options that differ from institution to institution. Additionally, it is rare that pupillages will be identical.

As an example, A4 is an area of the LPC dealing with tax, finance and regulatory planning. It is not covered on either of the Bar Courses, nor completely by compulsory pupillage training. It would be illogical though for a pupil who had completed the revenue law checklist, having therefore followed a specialist pupillage in a tax chambers, not to have, more or less, met the Day One Outcomes of A4. Similarly, a pupil who undertakes a pupillage either in chambers or in a company and spends time working on the creation of companies would surely be able to satisfy A11.

As regards the specialist options on the Bar Course, these are not specified by the BSB and providers have more flexibility to determine syllabus content and learning outcomes. For example some providers will have employment practice, commercial practice, revenue law and professional negligence as options. Others family practice, chancery practice, judicial review and company law. It may therefore follow that some of the Day One Outcomes missing from the standard elements of the Bar Course or pupillage may well have been covered during a student's options.

It should also be considered whether a person has any other qualifications that may equate to the Day One Outcomes. For example it would seem sensible for a qualified accountant to be exempt from an aptitude assessment of A3.

As such, prior to the sitting of any standardised aptitude test/paper, a prospective candidate may need to be asked to **justify** with evidence whether the Day One Outcomes listed in the table above have been met in some way.

Deveral Capps
4th February 2011