

Braving the unknown – the journey of pupillage

DEON POOL, a former Magistrate, and now a member of the Bar, was a pupil at the Johannesburg Bar in 2014. He shares his experience and gives his advice to future pupils

THE BAR Examinations are ‘done and dusted’ and the results posted at the time of writing.

With bated breath we anxiously wait to sign the registers that enable us to take up membership of our respective Bars. As the time passes, I want to reflect on the past few months and I think it prudent to pass on a few of my insights to later intakes.

I left the Department of Justice after 22 years of being a prosecutor and later, a Magistrate. I enrolled in the pupillage programme for 2014 at the Johannesburg Bar with very little information on what was to come. When most people of my age were preparing for retirement, I was starting a new career.

At first, there seemed to be no method in the madness and the days became a completely new experience that took me far away from my comfort zone. These past few months have been the most stressful experience of my life but also the most rewarding in that I am now armed with information that I never would have had otherwise.

Being an advocate is one of the few professions in the world that has no sell-by date. You are not required to retire and can continue working until your last breath. It’s a challenging environment where you are constantly stretched to the limit and have consistently to learn something new. Your greatest asset will be an ability to come up with solutions to seemingly impossible problems.

Our law is constantly evolving and your ability to adapt to changing circumstances and ideas will be tested daily. That ability requires you to think long and hard and then quick and to the point. But every journey starts with a first step and for us, that step is pupillage.

From the outset, being a lawyer is a relationship business. When you practise, your ability to get work and earn a decent living will be dependent on the relationships you have with attorneys, your clients, the courts and the members of your group. During pupillage, the most important relationship you will build will be with your mentor. For some, their mentors are people that they already know, but for most the person who is responsible for you is unfamiliar.

Know this: your mentors are taking you in, to invade their sacred space, to use their paper, their ‘phone, their time and, sometimes, to get on their nerves. Mentors, however, do this because they are committed to ensuring that you get the experience you will need. They have six months, give or take, to

help you become a functioning advocate and they do not have time to waste. It is imperative that you subject yourself to the teachings of this person. Follow him or her like a puppy and assist where you can. Take notice of what they do and always, always be courteous and eager to learn.

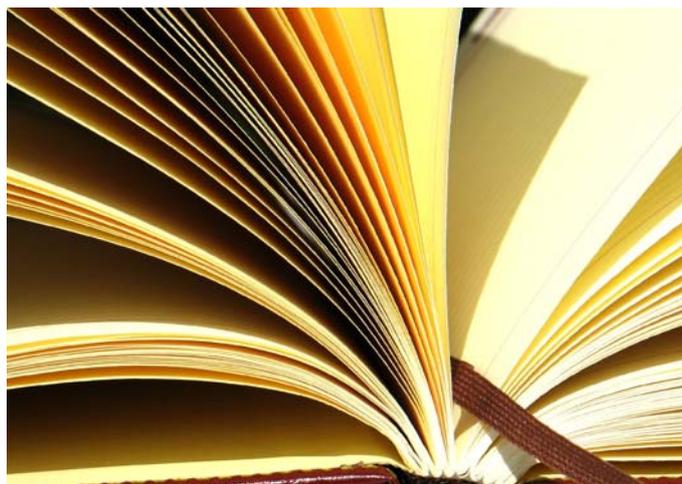
Pupils are required to introduce themselves to all the seniors at their Bar as well as the members of their respective groups. Apart from the fact that it is required, take the time to do it so that people know your face and your name. When you apply for chambers, they will be able to put a face to the CV, and in turn, you will be able to access their knowledge and skill at a moment’s notice. Some mentors have specialised practices and will not always be able to accommodate you on the things that you need to experience. It is then that you ‘farm’ yourself out to other members in the group or other groups and take notice of what they do. The members of the Bar have a ‘quiet understanding’ about ensuring that you are assisted where they are able to do so.

The second-most important relationships you will form are with your pupil colleagues. These are a diverse group of people and will inherently be the first people from whom you might get work from the day you start to practise. Every single one of them has something to offer and you will be at a disadvantage if you don’t allow yourself the experience of their knowledge. They are your crew members and when all is said and done, they might be your lifeline. Arrogance comes to a quick fall during pupillage, and the benefits of humility far outweigh any sense of self importance.

The third-most important relationship you have to consider is the person in charge of the pupillage programmes at the various Bars. They work well into the night making sure you have all the material, and making you aware of when your lectures are, and what you will need to prepare for them. In essence, they are the quarter masters in the most taxing year you will experience.

LECTURES are held every day and it is here that you will meet the members of the Bar who give up their time to lecture you on the subjects with which you need to be familiar in order to pass the exam and to practise.

I have seen pupils shrug off these lectures at their peril because hubris overtakes them. In most instances the lecturers are senior members of the Bar and the knowledge that they impart is often an exclusive opportunity. You may never have the benefit of hearing a particular person again, so it is



imperative that you take all the value from the situation that you can.

Being unemployed and without an income for the 12 months of pupillage is the anvil of your preparation to being an advocate at the Bar and the stress that goes with it, can be the knife that flays you. Financial stressors are the most prevalent during this year. A pupil may not under any circumstances generate an income during pupillage, unless the Bar Council has given permission for it. I have seen pupils thrown off the programme for attempting to work and it is one of the prices you have to pay to progress successfully through this internship. The other most important consideration is that you cannot serve two masters. You have to commit yourself fully and completely to this process or you will end up being the poorer for it.

It is incumbent on any person embarking on this journey to ensure that, as far as it is possible, your finances are under control. A lucky few get assistance from their mentors but the majority of pupils are dependent on savings, assistance from friends and family, loans or various hand-outs. Pupils with families are especially vulnerable because the stressors of doing pupillage can have a negative impact on family life. You are best served to sit them down and explain that the year that lies ahead is not going to be easy for any one. And that is a fact. Fools rush in where angels fear to tread and that is the nature of pupillage. When the pressure becomes too much – and it will – take some time out to sit quietly amidst the noise and haste and breathe. Then start again, keeping in mind that you only have one shot.

FINALLY, I turn to the exams. Pupils write two exams during the year, being a mock exam and then the final National Bar Examination in which you must obtain a 50% pass to be successful.

The mock exam is there to give you an idea of what to expect in the finals. It is also an indication as to where your strengths and weaknesses lie when it comes to your preparation.

It needs to be mentioned that rumours start when people have very little knowledge and you should not buy into the mill. Keep your mind safe from speculation and rather prepare, prepare and then prepare some more. Your first priority in all things during the first six months is to approach everything in a manner that will equip you to pass the exams. Your ability to practise as an advocate can be addressed once you are admitted to the Bar. Take care that if you do not pass the exams, every sacrifice you have made would have been in vain.

Every subject that you are expected to pass has its own challenges and requirements. They are equal in their status and they all require the same amount of preparation. It would be a mistake to think that one can be concentrated upon more than another.

Legal writing is an eight-hour examination of various types of drafting. The Bar Council supplies all pupils with a

Being unemployed and without an income for the 12 months of pupillage is the anvil of your preparation to being an advocate ... the stress that goes with it, can be the knife that flays you. Financial stressors are the most prevalent during this year.

workbook that becomes your pathway to a successful exam. Use it and follow the programme in it. Draft as much as you can on a daily basis so that when the time comes for the exam you are properly experienced in drafting, whatever instruction you are given. The other subjects are one hour each and *that* time flies. During the year, read everything, especially commentaries in Erasmus and other sources. And most importantly, don't overestimate the time you have to prepare for the exams and the time you have to write them.

When I started my pupillage, I felt cast adrift in a very vast unfamiliar environment. However, things started to make sense after the first few months and then the pressure was on. There is very little easy about this process but I believe that it is there to ensure that we are equipped to join one of the most honourable professions in the world.

No democracy can function without the input of the law. It is one of the pillars of any society that hopes to be civilised and advocates are the ones who take up that baton every day to ensure that the law is just and equitable. Yes, we have to eat and it is right that we are paid according to our skills, but our primary responsibility is to the law.

Like an Excalibur of sorts, we have to be tempered in a fire and that is the nature of the beast called pupillage. To all those who are to strive valiantly in the process, I trust you will come to know the pleasure of success. **A**