

### 36 Commercial Behavioural Indicators Table

Criteria	Behavioural Indicators	Method of assessment	Rating Scale & Illustrative Guidance			
			0 Not met	1 Partially met	2 Fully met	3 Exceeds
<b>Academic Degree Achievement***</b>	High levels of academic attainment	Application Form  Interview	Below 2.2	2.2	2.1 or 2.2 with evidence of other very good academic achievement (e.g. outstanding or distinction at Masters level or equivalent) and/or substantial mitigating circumstances.	1 <sup>st</sup> or 2.1 with evidence of very good academic achievement (e.g. outstanding or distinction at Masters level or equivalent) and/or substantial mitigating factors
<b>Analytical skills** Questions 1 &amp; 6 and application form generally</b>	(i) Ability to identify key information from a large volume of material(s) (ii) Assimilate and manage complex/ voluminous/ technical information (iii) Can understand, unpick and make complex arguments (iv) Ability to 'filter' / distil (v) Ability to see patterns (vi) Attention to detail (vii) Lateral thinking (viii) Clarity	Application Form  Interview	No evidence.	Key points identified and communicated.	Key points identified and evaluated accurately. Communicated effectively.	Key points of complex/technical information identified and scrutinised with precision, identifying patterns/ conclusions. Communicated with ingenuity/impact.
<b>Interpersonal skills* Question 2 focus</b>	(i) Listening skills (ii) Problem solving (iii) Negotiation skills (iv) Ability to manage difficult people (v) Respect for others (vi) Empathy alongside objectivity (vii) Emotional intelligence	Application Form  Interview	No evidence.	Information about experience in an environment where interpersonal skills would be essential.	Evidence of engagement with the situation and effective application of interpersonal skills.	Situation(s) in which interpersonal skills were engaged, applied effectively and changed the outcome in a difficult situation. Shows ability to remain objective whilst empathic.
<b>Commitment and motivation* Question 3 focus</b>	(i) Exhibits an understanding of commercial law and the areas of law relevant to it	Application Form  Interview	No evidence of commitment to	If undertaken / sought to acquire mini pupillage or other work	Demonstrable evidence of commitment to practice area e.g. essays on commercial law,	High level of commitment demonstrated e.g. sustained choices consistent with stated practice intention, strong level

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	<p>(ii) Shows they have researched or taken an interest in 36 Commercial and/or the work of its members</p> <p>(iii) Describes an idea of their practice with 36 Commercial which is realistic and not excessively fanciful.</p> <p>(iv) Takes the initiative in furthering knowledge <i>NB, be cautious not to equate experience with commitment when the former might be easier to come by for some particularly during COVID-19.</i></p>		commercial law or the bar.	experience / marshalling etc this included commercial law. Chose commercial law option in studies. Evidence of committing to something and sticking with it – e.g. could include sporting / music activity. Cogent answer to question.	volunteering in commercial law, evidence that the candidate’s choices or interests have a commercial law focus or independent exploration such as case law awareness. Specific reasoned interest in aspects of commercial law in question. Evidence of commitment to areas of interest e.g. persistence and drive with outside interests / commitment to a project or cause.	<p>of awareness of commercial law issues, independent expression of interest to a significant extent e.g. blogging, sustained commitment to projects or initiatives relevant to commercial law</p> <p>Strong evidence of sustained commitment to areas of outside interest e.g. persistence and drive with outside interests / commitment to a project or cause / sustained involvement in the establishment and running of an event or project.</p> <p>Some evidence of interest in 36 Commercial and the work of its members.</p>
<p><b>Resilience*</b> <b>Question 4 focus</b></p>	<p>(i) Ability to produce high quality work in short period of time</p> <p>(ii) Copes with high volume of work and difficult working conditions</p> <p>(iii) Ability to remain calm when under pressure</p> <p>(iv) Ability to juggle multiple stressors</p> <p>(v) Ability to cope well when put on the spot</p> <p>(vi) Time management / prioritisation</p> <p>(vii) Ability to withstand the pressure of distressing cases</p> <p>(viii) Learning from experience</p>	<p>Application Form</p> <p>Interview</p>	No evidence.	Information about a situation in which the ability to work under pressure would be essential.	Evidence of having worked under immediate pressure, coped with stressors and remained calm, successfully and with resilience.	Evidence of effective application of working under pressure to a high degree of success within an applicable high-pressure situation, particularly when ‘on the spot’. Evidence of remaining calm, coping with stressors (possibly multiple), and demonstrating resilience in bouncing back/learning from experience.

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	(ix) Coping with day-to-day successes and failures (x) Bounce-back from difficult people					
<p><b>Written communication/written advocacy**</b> <b>Question 6 focus</b></p> <p><i>(Cannot receive a 3 or 4 for this criterion if their form contains SPG errors unless they've disclosed dyslexia or another relevant condition/neurological difference)</i></p>	<p>(i) Evidence of high level of preparation and research</p> <p>(ii) Quality of written English (discretion to move from 2 to a 3 if relevant extenuating circumstances, or to move to a lower rating scale if errors with no mitigating circumstances)</p> <p>(iii) Ability to distil volume / complexity into key points</p> <p>(iv) Ability to focus on the most relevant / persuasive points</p> <p>(v) Ability to reason logically / draw analogy</p> <p>(vi) Answering the question asked</p> <p>(vii) Understands the competing arguments of the relevant topic</p> <p>(viii) Ability to present work in a way which is digestible and impactful</p>	<p>Application Form</p> <p>Interview</p>	<p>No use of persuasion or reasoning, lack of logical and digestible structure.</p>	<p>Key points made in a logical, digestible format.</p>	<p>Key points are persuasive, impactful and make a reasoned argument. Presented in a distilled, digestible format.</p>	<p>Refined key points expressed with a high degree of persuasion and impact. Presentation is structured and unified. Thread of logical and persuasive argument flows throughout. Very well researched.</p>
<p><b>Oral advocacy*</b></p>	<p>(i) Persuasion</p> <p>(ii) Articulacy</p> <p>(iii) Ability to structure responses on the spot</p> <p>(iv) Adaptability to the situation and the audience</p>	<p>Interview</p>	<p>No evidence.</p>	<p>Evidence of mootng, debating experience or advocacy experience in another setting e.g. public speaking, presentations, sales, lecturing.</p>	<p>Success in mootng competition, advocacy competition, real tribunal / court setting. Evidence of advocacy applied effectively in a practical scenario e.g. Supporting someone effectively in a non-legal advocacy role such as in</p>	<p>Success(es) in significant/competitive mootng competition(s), advocacy competition(s), or difficult court / tribunal case.</p> <p>Demonstrable evidence of advocacy changing the outcome in a real-life situation or practical scenario involving a</p>

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					<p>school, hospital or care home or, effective pitch in business /charity setting or effective advocacy when teaching.</p> <p>Evidence of oral advocacy in a formal/legal setting should not be weighted more heavily than advocacy in a different setting.</p>	<p>non-legal advocacy role, see examples for '2'.</p> <p>Evidence of success of oral advocacy in a formal/legal setting should not be weighted more heavily than success in a different setting.</p>
<p><b>Overcoming Adversity**</b> <i>Question 5 focus</i></p>	<p>(i) Grit and determination (ii) Strength and confidence in the face of adversity (iii) Overcoming barriers (iv) The significance of the candidate's achievements are elevated / enhanced</p>	<p>Application Form</p>	<p>NA</p>	<p>NA</p>	<p>Applicant has chosen not to answer OR has provided Information about some adversity but elevates the significance of the individual's achievements to a limited extent.</p>	<p>Information about adversity or difficult obstacles which the applicant has faced with grit and determination and overcome successfully. The significance of their achievements is elevated to a great extent.</p>
<p><b>Ethical integrity</b></p>	<p>(i) No concerns about ethical integrity (ii) Concerns regarding integrity of the candidate</p> <p><u>Note:</u> <i>No marks at the Application Form stage are awarded for Ethical Integrity, but if there are any substantial concerns about an applicant's ethical integrity further inquiries may be undertaken, and a decision then made as to whether to reject the candidate on that basis irrespective of the</i></p>	<p>Application Form  Interview</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

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	<i>overall scores obtained on the other behavioural indicators.</i>					
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#### Notes

##### **Application form questions**

Where a question on the application form is directed at a particular criterion this is noted for the assessor's reference. However assessment of the relevant criteria is not limited to consideration of that question and can be assessed with reference to the whole application form.

##### **Pupillage Gateway Questions 2022:**

1. *Analytical Skills* (200 words). Describe an occasion when you have had to analyse complex or technical information and explain it in simple terms. How did you approach the task and ensure the recipient understood your explanation of the information?
2. *Interpersonal skills* (200 words). Describe a difficult encounter you have had with a hostile or vulnerable person. What was the situation, what did you do to engage with them and what was the outcome?
3. *Commitment and motivation* (200 words). Why do you wish to practise as a barrister at 36 Commercial?
4. *Resilience* (200 words). Give an example of when you have experienced a difficult set back. What did you do to overcome it and what was the outcome?
5. *Overcoming adversity* (200 words) (Optional) If you have faced any adversity or obstacles to date in your journey towards practice at the Bar of England and Wales, which you believe ought to be considered in assessing your application as a whole, please use this opportunity to tell us about the nature of the challenge(s) you have faced and what, if any, steps you took to overcome such adversity or obstacles.
6. *Written advocacy* (600 words). Select any contract case decided since 1st January 2018 in the Court of Appeal or the Supreme Court of the U.K. Give a summary of the case and then explain the case's significance in the context of English contract law. Please identify all sources used.

#### Weighting

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\*\*\* Top weighting      \*\* Higher weighting      \* Normal weighting

The criteria are weighted having had regard to relative importance but also to the extent to which assessment is suited to the method being used, i.e. weighting in marking the application form will be different to weighting at interview stage.

Our pupillage recruitment process must comply with our positive duty to make reasonable adjustments for disability, where known about, throughout the process. This is distinct from the discretion to take into account mitigating factors, which may also include disability. Chambers will take active steps to reduce the obstacles that disability presents in the application process. Where reasonable adjustments are requested, required, or implemented this plays no part in marking applications or deciding whether to offer a candidate an interview or a pupillage. The Head of Pupillage should be made aware of any applicants for pupillage disclosing disability so that we can comply with our obligations. The Head of Pupillage is not involved in marking application forms or interviewing.