

Hurdles to overcome on the way to devilling

On 31 January, 2020, I and some of the other devils were invited to speak to members of the University of Aberdeen Mooting Society on the process of coming to the Bar in Scotland.

The following is an edited version of my comments to those students which I am putting up in case it is of any use to others who might be considering this in future. It also includes some additional thoughts which arose out of questions and comments by others, including the current Director of Training for the Faculty of Advocates.

Introduction

I was asked to speak on the biggest barrier that I overcame in coming to the process of devilling. I have reformulated the question slightly as: *What are the biggest hurdles you will need to think about overcoming?*

I would suggest there are three principal ones to bear in mind:

- Examinations and other preparatory steps;
- Financial considerations; and
- The balance of confidence and self-awareness required.

I should emphasise that you should not let any of those put you off. This is a fantastic career in which to find yourself. However, as with anything and particularly this kind of step, people should go into it with their eyes open and do their due diligence, and these are some important considerations in that respect.

Examinations and preparatory steps

Most of those who will be considering a career at the Bar will be doing so during the course of working as a solicitor or in some cases as a trainee solicitor in a firm (I am something of an exception in this respect).

There are a number of administrative steps and formalities (see the [Regulations for Intrans](#)) that you will need to complete. These require some organisation and timing.

You will also need to spend some time doing your research as to potential devilmasters you might want to shadow, and spend some time approaching these people to get to know them and understand what you will be doing as a devil with them.

There is also the effort of sitting the exams required of you by the Faculty prior to becoming a devil. Many of them can be covered at University so that is something to think about during the course of your university career.

But there will also be at least two exams which are unique to the Faculty and which you will have to take regardless of your university studies (known as Evidence and Practice and Procedure). This means you will need to be prepared mentally for those. It might also mean taking time off work and using up annual leave to study for and sit these exams. And when you've had a long day at the office, you will have a much greater desire to go home and play with your cat while you watch Netflix than you will to drag yourself to the library and immerse yourself in the

obscurity of the Court of Session Rules or the niceties of Acts of Adjournal on criminal procedure.

So, there is a hurdle in the form of all of this preparation and the process of sitting these exams. And you will need to be prepared to do all of these things on top of your ordinary work and your ordinary life. That is one of the hurdles you should be aware of.

Financial considerations

This is not something I intend to cover in depth but I think that it is something that those considering coming to the Bar absolutely need to have in mind.

The period of devilling is one where you will be expected to spend your time in training courses or with your devilmasters. It is period of roughly nine months in which you won't have a proper income and you will need to be prepared for that period. There are some things you can do to ameliorate this, such as tutoring at university and some other roles that come up through the Faculty.

Choosing to come to the Bar also ultimately means you end up being a self-employed professional, and that is a big choice because it means that you will have to take financial responsibility for yourself. And in your first year, as you are building a practice and reputation, it may mean having some degree of reserves to see you through that first year or part of it.

On the plus side, if you come earlier in your career then you are not used to living on a very cushy senior associate's salary, so there is that. It is also the case that the Faculty provides scholarships and bursaries based both on achievement and needs which you can apply for.

On this point as with the previous one, you will also need to think about the impact that these hurdles are going to have on your family (including particularly partners). You will need and should have their consent and support in this process which means it is something you will need to discuss with them. It will also obviously require thinking about other financial commitments you might have such as mortgages or owning a car.

Confidence and self-awareness

This is perhaps the most difficult one to explain and the one to which the terminology of hurdles is perhaps the most ill-suited but there is something important to be said about having both the confidence in yourself to undertake this process whilst also maintaining a balance with your own self-awareness. Taking the step towards devilling is ultimately an expression of confidence in yourself but it can't be the only consideration you have in mind.

In order to do the job that you are ultimately aiming at (ie advocacy), you need a degree of confidence in yourself which will allow you to stand up in court, stand up to opposing counsel, stand up to judges and engage expert witnesses on their field of expertise as well as giving opinions and views to solicitors and clients.

All of that requires a degree of confidence because all of it is a little terrifying when you do it and you need something to get you through that and to allow you to project a belief in yourself and your work.

It is the case, however, that confidence can be a bit of a trap at times and it has to be tempered with a good degree of self-awareness. I don't say self-doubt because self-doubt tends to be crippling but I do think a healthy measure of self-criticism is essential to doing this job well.

On a very basic level, for instance, self-awareness helps you know where the weaknesses in your arguments are or it helps you know when you are not naturally gifted at one part of this job (such as cross-examination, for instance). If you have that degree of self-awareness, you therefore know that you need to put extra effort and preparation into that so as to measure up to some of your peers, who seem to roll out of bed every morning without the slightest thought as to what they are going to ask that witness but somehow pull it off with aplomb.

To come back to the notion of the hurdle, the hurdle is striking that balance between the confidence necessary to allow you to do the job in the first place (and decide to go to the Bar) while also imbibing a healthy degree of self-awareness that keeps you grounded and effective. And, realistically, that's a hurdle that you will keep coming back to throughout your career and certainly won't be relevant just to devilling.

Hopefully this is of some use to others. I have had tremendous support from members of the Faculty and my peers as devils to this point, so any assistance I can be to others goes a little way to settling that debt.

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