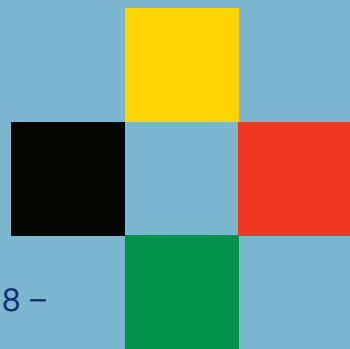




# MERCY MILGO

## Q&A

Mercy Milgo was called to the Bar in 2019 and became a tenant at Keating Chambers in 2023 following the successful completion of her pupillage. During pupillage, Mercy gained experience of Chambers' main practice areas including construction and engineering, professional negligence, procurement and competition, international arbitration, insurance, adjudication, energy and natural resources. Mercy has worked on cases involving a variety of standard form contracts, including the JCT, NEC, FIDIC, as well as bespoke construction contracts and PFI agreements.



## You've recently gained tenancy at Keating, what did you enjoy the most about being a pupil?

What I enjoyed most about being a pupil was learning something new every day. For instance, my first pleading concerned a defective underfloor heating manifold system and in particular, defective thermostatic mixing valves. Getting to grips with how the system operated was both challenging and rewarding. I think what makes construction law particularly fun compared to other practice areas is the unique ability to become an "expert" on technical issues that arise in cases.

I also enjoyed the advocacy assessments which were judged by silks in Chambers. It was great to receive feedback from experienced members of chambers who were very generous with their time. The feedback from these assessments made my first hearing at the Central London County Court a success as I knew what would work and wouldn't work in terms of good advocacy.

## During your pupillage, you gained experience in a wide range of disputes. Can you highlight a particularly interesting case you worked on during this time and the key takeaways from that experience?

My pupillage experience was incredibly varied; I worked on several domestic and international construction disputes. A particularly interesting case that I worked on during my first seat of pupillage was *Resource Recovery Solutions (Derbyshire) Ltd v Derbyshire County Council & Anor [2023] EWHC 708 (TCC)* in which Paul Bury (my then supervisor), represented the Claimant alongside a silk from a different set. *RRS* involved knotty issues of contractual interpretation concerning sums owed following the termination of a Project Agreement for the procurement of waste management facilities and services. I enjoyed working on *RRS* because the construction issue was not only intellectually stimulating, but it also resulted in several procedural applications including summary judgment and strike out applications. I also liked being part of a wider legal team and observing the brilliant working relationship between the counsel team and the instructing solicitors.

## What does a typical day look like?

This would very much depend on my workload. At the moment, I'm being led by Simon Hughes KC in a fire safety case concerning matters of principle arising from *Martlet Homes Limited v Mulalley & Co. Limited [2022] EWHC 1813 (TCC)* and the recent Developer Remediation Contract. I have spent a few hours preparing for a conference on this matter. I'm also currently drafting a pleading on a different sole matter. Additionally, I'm currently writing an article on FIDIC Clause



20 for the autumn edition of the KC Legal Update, our quarterly update for clients. I will also soon spend a week behind the bench with judges of the TCC as part of the TECBAR Marshalling Scheme. My days therefore usually involve juggling both led and sole work, responding to client emails, writing papers on topical legal issues that I find interesting or spending time seeing advocacy in Court.

## Before commencing pupillage at Keating, you spent a year as our Legal Assistant, what did you enjoy the most in that role?

The legal assistant role provided invaluable insight into Chambers' practice areas and culture. I enjoyed conducting legal research on live cases for barristers (including on *Martlet Homes Limited v Mulalley & Co. Limited [2022] EWHC 1813 (TCC)*, the first decision from the TCC on fire safety (external wall insulation) following Grenfell), assisting arbitrators and preparing seminars/talks to develop Chambers' business.

I also particularly enjoyed assisting with members' publications, including Keating on NEC (2nd edition) which provides commentary on NEC4 clauses, alongside those of NEC3. It was fun working on this edition with David Thomas KC, Krista Lee KC and the wider team in Chambers and exciting to be listed as a contributing author in the book.

Additionally, the role provided a good opportunity to build long term relationships with both barristers and members of staff. Developing a good rapport early on with members of chambers and the clerks made my pupillage experience so much more enjoyable.

## What advice would you give to aspiring barristers who are in the early stages of their legal career, particularly those looking for a career at the Commercial Bar?

- Firstly, aspiring barristers should carefully read the pupillage selection criteria for the commercial sets they are interested in;
- Secondly, they should go through the CVs of recent tenants at those sets; and
- Thirdly, they should aim to acquire the skills that evidence meeting those criteria.

I would also advise treating every piece of written work, including your pupillage application, as a piece of advocacy; aim to be concise, persuasive and grammatically correct.

Lastly, make the most of the resources available to you. There are now various organisations and schemes aimed at supporting aspiring barristers, particularly those from underrepresented groups. They include Bridging the Bar which runs an annual academy that helps 100 candidates gain access to multiple programmes, the COMBAR student mentoring scheme which Chambers has been part of since its inception, and the 10KBI programme with a steering committee involving Members of Chambers, among others. Some commercial sets also run their own mentoring schemes which involve unassessed mini-pupillages. Be proactive and apply for these opportunities.

Try to remember that the worst that can happen when you apply for any given opportunity is a rejection which builds resilience, an essential skill for the Bar!