

advocate
^

Guide for KC Applications

**How pro bono work can
assist when applying for silk**

Guide for KC

"You will never get a warmer reception in court than when you appear pro bono. Being able to refer to that work helped my applications for both silk and judicial appointment."

HHJ Alan Johns KC



"On the bench, particularly as President of the EAT and in the Court of Appeal, I have had the benefit of pro bono advocacy in innumerable cases. It is obviously of huge value to the party who would otherwise be unrepresented, and to the Court. But it is also a real benefit for counsel, not only because of the experience that they gain but because judges take special note of good advocacy from those appearing pro bono and that may stand them in good stead at later stages of their career."

Lord Justice Underhill

"Every year, at KCA, we see valuable evidence provided in relation to pro bono cases. When applying for silk it's important to demonstrate excellence across all the competencies and pro bono work can be a useful way of bolstering your evidence or filling in gaps. That might be an applicant taking a case outside of their specialism, which can help in the understanding and using the law competency, or perhaps they have managed vulnerable witnesses or lay clients, which speaks to diversity action and understanding. Whatever the gap that needs filling, there is likely to be a way that pro bono work can provide it." **King's Counsel Appointments Chief Executive, Hannah Miller**

There are at least five ways senior barristers can derive experience relevant to silk applications through work with Advocate:

- 1 Taking Advocate's cases** – Volunteer for cases beyond your usual area of practice and demonstrate your ability to become *“familiar with new areas of law quickly and reliably”* [Competency A].
- 2 Acting as a mentor** – Senior barristers can volunteer to mentor juniors taking challenging pro bono cases and demonstrate the ability to form *“productive working relationships”* [Competency C].
- 3 Acting as a case reviewer** – All Advocate's applications are reviewed by senior barristers before proceeding and graded according to the experience and expertise of Counsel needed. Case reviewers are *“proactive in addressing the needs of people from all backgrounds and promoting diversity, inclusion and equality of opportunity”* [Competency D].
- 4 Volunteer as a Pro Bono Champion** – Take a leadership role in promoting pro bono throughout your Chambers and demonstrate your ability to work with others and lead a team [Competency C].
- 5 Securing judicial referees through pro bono work** - *“Helping the court not only serves the interests of justice, but, if the pro bono advocate does the case well, may make a favourable impression on the judge, and may help that advocate to build a reputation with that judge, and with other judges to whom that judge may speak, if asked for a view.”* - **Lady Justice Elisabeth Laing**

Guide for KC

The Guidance for Applicants for the KC competition states that pro bono cases can be included within your 12 listed cases if they provide good evidence in respect of one or more of the competencies. The list below demonstrates how pro bono can assist.

Competency A - Understanding and using the law

Has expert, up-to-date legal knowledge, uses it accurately, relevantly and effectively, and becomes familiar with new areas of law quickly and reliably.

- Advocate provides pro bono help in all areas of law and cases often engage important legal issues. Mathew Purchase KC used a pro bono example in his successful KC application: *“The case was of some significance. It raised a number of important questions of law (such as the extent to which it is possible to rely on cost/resources when considering a claim for a failure to make reasonable adjustments and whether the FTT’s misunderstanding about the respondent school’s financial resources could be characterised as an error of law when it arose from a failure by the school to disclose the true position).”*
- Acting pro bono requires you to identify the legal issues which the client has often missed or clouded with irrelevant or bad points. You need to use *up-to-date legal knowledge, accurately, relevantly and effectively, and become familiar with new areas of law quickly and reliably.*

Competency B - Written and oral advocacy

Subject to the advocate's duty to the court, develops and advances client's case to secure the best outcome for the client by gaining a rapid, incisive overview of complex material, identifying the best course of action, communicating the case persuasively.



Pro bono cases can provide advocacy opportunities for barristers with a desk-based practice or those whose work does not take place in the higher courts.



Clinical negligence and regulatory specialist, Andrew Kennedy KC from 1 Crown Office Row, used a pro bono case as one of his 12 examples in his successful KC application. He explains that *"Regulatory work is largely before professional tribunals and I took pro bono work to provide a chance of appearing in the High Court"*.

Competency C - Working with others

Upholds the standards of behaviour expected of advocates and acts so as to secure the confidence of the court and of fellow advocates; establishes productive working relationships with all, including professional and lay clients, the judge and other parties' representatives and members of own team; is involved in the preparation of the case and leads the team throughout.



Taking on a case through Advocate means you have to work directly with the lay client. This engages particular skills not easily demonstrated in day to day practice. You will need to establish a productive working relationship, often with someone from a different background to you and with whom you will have to work to prepare and lead the case.

Guide for KC

- Former Chair of the FLBA, Cyrus Larizadeh KC's very first pro bono case ended up in the Supreme Court. He achieved a wonderful rapport with his client, who had represented himself under very difficult circumstances, which set up Cyrus' desire to continue to take on pro bono and build it into his everyday practice.
- Furthermore, Advocates have a new mentoring scheme through which senior barristers can sign up to mentor and offer their skills and expertise to support the junior Bar. Again, you will have to work with your fellow advocate to provide support to them in the case.

Competency D - Diversity Action & Understanding

Demonstrates an understanding of diversity and cultural issues, respects the needs and cultural wishes of others and is proactive in addressing the needs of people from all backgrounds and promoting diversity, inclusion and equality of opportunity.

- Pro bono applicants are very diverse, many are vulnerable, and all of them face an issue accessing justice. Taking their cases will develop your understanding and demonstrate your proactivity in addressing these issues.
- Criminal, family and employment barristers, will have examples from their everyday practice. However, commercial, chancery and other like specialisations often struggle to complete this section effectively. This is where doing pro bono work can really pay off.

Guide for KC



Matthew Purchas KC: *"the fact that I did the case pro bono, and the nature of the particular case, was relevant in itself to some of the criteria, such as showing a commitment to equality and diversity." The case also appeared in the law reports, another element that the Selection Panel looks out for."*



Sarah Abram KC: *"I relied on a pro bono case and my work as an Advocate case reviewer to demonstrate awareness of mental health needs and different socio-economic backgrounds. I couldn't have got this evidence from my day-to-day practice area."*

advocate

