

The A - Z of Advocacy: One Bar - Many Careers

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The Bar Barometer, 2012

- * 15,585 barristers held practising certificates in 2012.
 - * 81.4% self employed and 17.4% employed.
 - * Largest number of practising barristers fell into 35-44 years of age group (4,600).
 - * Gender - 64.2% (10,012) men and 34.7% (5,412) women
 - * Inns each broadly equally represented.
- * Source: Bar Standards Board, "Trends in the Profile of the Bar", November 2012

The Self-Employed Barrister:

- * Fees, up front tax, aged debt;
- * Clerks;
- * Sunday night trial preparation;
- * Earnings in first 5, 10 or more years;
 - * Crime – Family - Immigration
- * Mortgages for self-employed;
- * Holidays;
- * Maternity / Paternity leave;
- * Pensions?

..... *The Alternatives?*

The Employed Barrister

- * Salaried

- * Pension (!)
- * Holidays
- * No rent / clerks

- * Independence

- * Code of Conduct

- * Risk taking

- * Courage
- * Boardroom bids

- * Highly developed advocacy skills

- * Written
- * Executive persuasion
- * Witness care

- * Competitive

- * Particularly in private industry

- * Travelling between office and court / other offices

- * Team working

- * Peer support & pressure

- * Career path

- * Greater security

- * One Bar – employed & self employed

- * Body corporate?

- * Sunday Evenings!

An infinite choice....

- * Commercial firms, Charities In House Counsel
- * Government Legal Service - major Ministries, smaller agencies
- * Regulators: FSA & professional bodies
- * Accountants, Solicitors firms
- * Newspapers
- * (Tesco!?)
- * Local authorities, the Courts Service...

Government departments & agencies

- * Crown Prosecution Service
- * HM Customs & Excise
- * Financial Services Authority
- * Department of Trade & Industry
- * Treasury Solicitor
- * Judge Advocate General of the Forces
- * Strategy & Policy Adviser; Home Office, MoJ

Commercial opportunities

- * Working for solicitors
- * Big players - blue chip industries & banks
- * Accountants captive firms
- * Niche companies
- * Journalism & TV
- * Law reporting & editing
- * Company Secretary
- * aargh - Management Consultants
- * Just about anything you like.

In House Counsel – Top 100

24 January	25 January	26 January	27 January	28 January
<p>09 00 - 10 00 Call re project claim</p> <p>10 00 – 10 30 Chairman re governance issues</p> <p>14 00 14 30 EIR Briefing</p> <p>15 00 16 00 Teleconference with Directors on mediation issue</p> <p>17 00 19 00 Remuneration Committee</p> <p>19 00 22 00 Board dinner</p>	<p>07 30 09 00 Nominations committee Meeting</p> <p>09 00 14 30 Board meeting</p> <p>14 30 16 30 Audit Committee</p> <p>18 00 22 00 Writing Board minutes</p>	<p>08 00 09 00 Catch up with Chairman</p> <p>09 00 09 45 Telecon with Chairman re Aga Board performance</p> <p>10 30 11 00 Catch up on HSE court case</p> <p>11 30 13 30 Directors' Info Assurance Network (DIAN) meeting</p> <p>17 00 17 30 Update with US general counsel re directors' indemnities</p> <p>18 00 20 00 Drafting letters of engagement</p>	<p>09 00 11 00 Meeting with Senior Partner of Linklaters</p> <p>12 30 13 00 February Board issues</p> <p>14 30 16 00 Rainbow Steering Group</p> <p>17 00 18 30 GMC – Bar Council</p> <p>18 30 19 30 Meeting with S Hockman QC re judicial appointments paper</p>	<p>09 30 10 30 JP Morgan meeting re ADRs</p> <p>11 15 11 30 Board evaluation review</p> <p>12 30 14 00 Lunch with Barrister at Herbert Smith</p> <p>14 00 14 15 Board evaluation review</p> <p>14 30 15 00 Weekly legal call</p> <p>15 30 16 00 Call from Legal Director magazine</p>

In House Counsel – Week 2!

31 January	1 February	2 February	3 February	4 February
<p>09 00 - 09 30 Initial meeting re subsidiary company disposal</p> <p>10 00 - 12 00 Review of Group Risk and Compliance</p> <p>10 30 - 11 00 Risk and Compliance meeting with Director</p> <p>14 30 - 15 30 DIAN Seminar - logistics</p> <p>15 30 - 16 00 Internal Audit - Risk Management</p> <p>16 15 - 17 15 Weekly Executive Conference Call</p>	<p>10 00 - 11 00 Meeting to finalise legal training programme</p> <p>13 00 15 00 UK/US Compliance – Teleconference</p> <p>15 00 15 30 Review of budget</p> <p>19 00 22 00 Aga Food Service Group plc Board dinner</p>	<p>09 30 15 30 Aga Board (Birmingham)</p> <p>18 55 Flight to Boston</p> <p>21 10 (US time) Arrive Boston</p>	<p>08 30 Bar Council GMC Meeting</p> <p>09 00 11 00 GMC Bar Council</p> <p>09 00 17 00 US</p> <ul style="list-style-type: none"> • Review of US Lawyers • Review of directors' indemnities • Group legal conference • SEC issues <p>18 00 21 00 Farewell dinner for US Deputy General Counsel</p>	<p>09 00 15 00 Site visit to Rhode Island</p> <p>15 30 16 30 Brazil fortnightly call</p> <p>18 05 Flight to London Heathrow – arrive Sat 05.30 am</p>

A month in the life of a CPS Barrister

Week 1	Week 2	Week 3	Week 4
<p><u>Bar Council:</u></p> <ul style="list-style-type: none"> •Employed Barristers •Professional Conduct •Young Barristers <p><u>Speaker:</u></p> <ul style="list-style-type: none"> •Seminars •Conferences 	<p><u>Court:</u></p> <ul style="list-style-type: none"> •Crown Court preliminary hearings, bail, sentence, PDH, Trials, •Magistrates •Youth Court Trials 	<p><u>Trainer:</u></p> <ul style="list-style-type: none"> •Advocacy – in house and agents •Domestic Violence prosecutions •Victim and Witness care 	<p><u>Casework:</u></p> <ul style="list-style-type: none"> •Review files •Advise police •Prepare case for trial •Instruct or be Counsel!

Defining Advocacy

- * *“The essential skills for a persuasive modern advocate are, in combination: Ability To Persuade Orally; Ability to Persuade in Written Argument; Cogent Legal and Factual Analysis; Ability to Develop Reasoned Argument; Forensic Skills with Evidence (both written and oral). All of the foregoing undertaken to high ethical standards”*
- * Source: Advocacy Training at the Bar of England and Wales: Organisation, Delivery and Outcomes, Report of the Working Party chaired by Timothy Dutton QC, October 2002

What is Advocacy for?

- * The unique strengths of the Bar lies in the advocacy skills of its members. Advocacy is a vital ingredient of a barrister's work – but it can be, and is, exercised in a variety of ways and places, and is not exercised exclusively in the courtroom.
- * The company boardroom often requires the exercise of similar skills. Indeed, any form of public address and negotiating - *the bread and butter of the in-house barrister* - requires a high level of advocacy skills.

Advocacy Beyond the Court Room. . .

- A. Seeking to persuade a panel of the Securities and Exchange Commission Enforcement Division in New York to accept a report of an internal investigation and not to take additional action against a firm;
- B. Making representations to the Regulatory Decisions Committee of the Financial Services Authority that a client has not committed market abuse;
- C. Making a pitch to a client seeking to instruct a law firm to carry out an internal investigation into alleged insider dealing;
- D. Persuading the Board of a listed company that they need to make an announcement to the market;

Advocacy Beyond the Court Room. . .

- E. Cross examining an alleged whistle-blower for a firm in the course of internal disciplinary proceedings who has alleged that the firm is routinely mis-selling a financial services product
- F. Presenting to the Board of a FTSE100 Company on a wide range of legal issues including updates on litigation, legislative and regulatory developments;
- G. Lecturing to clients and stakeholders on topics including Company Law reform, the management of legal teams and legal risk management;
- H. Persuading business colleagues of the merits of conducting business in such a way that the firm is legally compliant and still makes money;

Advocacy Beyond the Court Room. . .

- I. Explaining in a public forum the role and function of the Crown Prosecution Service;
- J. Negotiating with the self employed bar and the judiciary;
- K. Presenting to the Management Committee of a regulator to persuade it to adopt, or not, a particular course of action;
- L. Advising clients during the conduct of a determination;
- M. Conducting a determination involving the exercise of quasi judicial powers;

Advocacy Beyond the Court Room. . .

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Advocacy Beyond the Court Room...

- S. Presenting to Ministers and Lords to help prepare them for Parliamentary debates;
- T. Representing the Health and Safety Executive at Inquests where multiple fatalities have resulted from accidents;
- U. Persuading Ministers as to why a particular course of action is necessary;
- V. Accompany Ministers and providing persuasive back-up when they are meeting with MPs who are challenging policies;
- W. Representing the department before specialist tax tribunals;

Advocacy Beyond the Court Room. . .

- X. Meeting with City lawyers and Law Society representatives to represent a department's views on important issues, such as the scope of legal professional privilege within the tax avoidance schemes disclosure regimes;
- Y. Negotiating with taxpayers or their representatives in order to reach settlements without litigation, where appropriate;
- Z. Presenting a company's position of a controversial issue to the public having regard to the correct legal position and the commercial implications;
- i. Responding to questions asked in Parliament on behalf of a Company which has entered liquidation in controversial circumstances;

Advocacy Beyond the Court Room. . .

- ii. Conducting multi-party settlement negotiations on behalf of a Government body seeking contributions to a compensation fund for victims;
- iii. Advising magistrates as to the law and the procedural requirements they must observe in their deliberations in public in court; and
- iv. Conducting round table negotiations with 21 international regulators and criminal investigation agencies as to the approach which should be taken to enforcement action against a global bank which caused market disruption.

Further Information

- * www.sfo.gov.uk/careers.asp
- * www.gls.gov.uk/about-the-gls.htm
- * www.cps-careers.org.uk/cps/cps.asp
- * www.legaleducation.org.uk/Careers/
- * www.barcouncil.org.uk
- * <http://jac.judiciary.gov.uk/>

Employed Barristers Committee
Tel: 020 7242 0082

Any Questions?

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