



**Queen's Counsel Competition for England and Wales 2017
Guidance for Applicants**

All applications must be received by Queen's Counsel Appointments (QCA) by 5pm on 30 March 2017. The Panel will not consider applications received after this time.

About this Guidance

This Guidance is divided into two parts, together with two appendices.

Part One provides an introduction to:

- The 2017 Competition for Queen's Counsel
- The Selection Process
- Equal Treatment of Applicants
- The Competencies
- The Selection Panel

It also provides information on:

- Submitting an application using the electronic application form
- Previous applications and outstanding complaints
- Confidentiality
- Handling of information
- Timetable
- Professional assistance with application and interview
- Problems or complaints
- Improving the Process
- The Secretariat and further assistance

Part Two contains Guidance Notes which relate to the numbers on the right-hand side of the application form, to assist you as you complete the form.

Appendix A: The Competency Framework

Appendix B: Guidance on Handling Issues of Character and Conduct

You are advised to carefully read both parts of this guidance and the appendices before starting to complete your application form - and to refer to the individual Guidance Notes as you complete the application form.



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Part One

Introduction

1. The award of Queen's Counsel is made for excellence in advocacy in the higher courts of England and Wales. All applicants must hold rights of audience in the higher courts and a current practising certificate. Applicants are judged against a Competency Framework (at Appendix A). To recommend appointment, the Queen's Counsel Selection Panel is looking for strong and consistent evidence of excellence in the demonstration of each of the competencies and across all the competencies in cases of substance, complexity, or particular difficulty or sensitivity.

2. The advocacy may be written or oral but must relate to developing and advancing a client's case to secure the best outcome for the client in a dispute. That outcome may, for example, be secured through arbitration, court determination or a settlement agreement. There are no age requirements for applications; however, it is unlikely that you will have acquired the necessary skills and expertise for appointment without extensive experience in legal practice.

3. The Selection Panel wishes to ensure that excellent higher courts advocates can secure appointment as QC whatever their area of specialism. Accordingly, the Selection Panel is flexible on such matters as the number of cases to be listed by applicants, provided there is a proper explanation for any shortfall, and subject to the over-riding requirement that no applicant can be recommended for appointment unless there is compelling evidence of their excellence in relation to all the competencies.

Selection Process

4. The summary of the Process (i.e. the way the competition will be conducted) has been agreed by the Law Society and the Bar Council and approved by the (then) Lord Chancellor. This is available on our website at www.qcappointments.org

5. The competition is overseen and directed by a Selection Panel ('the Panel'), supported by a Secretariat. The Panel and Secretariat are independent of the General Council of the Bar, of the Law Society and of the Government. The Panel is made up of a retired senior judge, senior lawyers (including both barristers and solicitors) and distinguished lay (not legally qualified) people.

The Panel members who will oversee the 2017 competition are:

- Sir Alex Allan (Chair)
- Wanda Goldwag
- Tony King
- Martin Mann QC
- Edward Nally
- Quinton Quayle
- Dr Maggie Semple OBE
- Dame Janet Smith
- Shaun Smith QC
- Ranjit Sondhi CBE



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6. The process for selecting QCs is based on evidence. Two Panel members (one lay and one legally qualified) will review each application on the basis of the list of important cases, narrative description of practice and self-assessment (from the application form), and the assessments from judicial, practitioner and client assessors, to establish a preliminary view on the evidence. All applicants will then be considered by the full Panel. Only those applicants in respect of whom it appears to the Panel, having considered the evidence from assessors, that there is a reasonable prospect of being recommended for appointment will be invited to interview. The remaining applicants will be notified that they have been unsuccessful. Interviews are conducted by one lay and one legally qualified Panel member. Decisions on which applicants should be recommended for appointment are made by the full Panel. All unsuccessful applicants will receive personal feedback on their application. The list of recommended candidates will be passed to the Lord Chancellor.

7. Applicants may also find it helpful to read the Selection Panel's report on the 2016-17 QC competition, which is published on the QCA website www.qcappointments.org.

Equal Treatment of Applicants

8. The Panel is committed to equality of opportunity in the appointments process. Applicants who meet the standard of excellence required of Queen's Counsel will be recommended for appointment on merit, regardless of age, disability (including mental health), gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic or national origins, colour and nationality) religion or belief (including lack of belief), gender, or sexual orientation (in accordance with the principles set out in the Equality Act 2010) or any other extraneous factor such as educational background, political affiliation, carer responsibilities, career breaks, part-time working or earnings. Any information which is provided for purposes of monitoring data (Section J of the application form) will not be provided to the Panel and will only be used for statistical purposes in evaluating the process as a whole.

9. The Panel is particularly committed to ensuring that potential applicants who have a disability are not disadvantaged in the application process. Any applicant with particular needs should contact the Secretariat, who will make every effort to assist. For instance, QCA will, on request, fund the assistance of a reader, or make the application form available in Braille for visually impaired applicants.

10. There are no quotas of any kind. All applicants are judged individually against a standard of excellence.

Demonstration of the Competencies

11. The Panel will be looking for evidence of your demonstration of the competencies in cases of substance, complexity, or particular difficulty or sensitivity, in relation to the law and courts of England and Wales (or in international courts or tribunals in respect of law applicable in this country). The application form is intended to help you present this effectively and succinctly. It does this by inviting you to provide:

- A list of your most important recent cases, ideally 12 cases;
- A narrative description of your practice;



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- Your self-assessment of your demonstration of each of the competencies in such cases;
- The names of assessors we can approach who have seen you in action in such cases.

12. Applicants should note that Panel members consider it inappropriate to have personal contact with applicants in relation to a competition for silk.

Applicants Practising Outside the Higher Courts of England and Wales

13. The QC appointment system is designed to identify excellence in advocacy in the higher courts of England and Wales. The competency criteria have been devised by reference to the attributes, skills and behaviours required by an excellent advocate in the higher courts of England and Wales. Advocates whose practice is primarily elsewhere are welcome to apply, provided they hold rights of audience in the higher courts of England and Wales and can demonstrate that they fulfil the competence criteria, at a level of excellence, by reference to relevant recent evidence. However, applicants can only be recommended for appointment if the Panel is satisfied that they are or would be excellent in relation to advocacy in the **higher courts of England and Wales** and so evidence which comes from courts or tribunals other than those courts will only be relevant if and to the extent the Panel can be satisfied that it demonstrates competencies which are relevant to practice in England and Wales. (For example, evidence of good advocacy in a purely written jurisdiction could not provide relevant evidence of competency in oral advocacy; evidence from a jurisdiction in which advocates are rarely if ever asked questions by the tribunal could not provide relevant evidence of ability to handle such questions, which is a necessary aspect of competent oral advocacy in the higher courts of England and Wales). Applicants should give careful thought to the extent to which assessors they list drawn from advocacy in a jurisdiction other than the courts of England and Wales would be able to provide evidence which is relevant in demonstrating excellence in relation to advocacy in those courts.

14. The Panel may be satisfied that applicants satisfy the criteria where it considers that the procedure in the forum in which the applicant predominantly practises is sufficiently similar to the procedure in the higher courts of England and Wales for the inference to be drawn that excellence in that forum is evidence of excellence in the courts of England and Wales, and there are assessments from assessors on whom the Panel can confidently rely. That may apply, for example, to those who act as advocates primarily in arbitration proceedings conducted under English law, or to applicants practising in certain other common law jurisdictions.

15. Applicants may also be recommended for appointment where there is evidence of some aspects of excellent advocacy from the forum in which they principally practise and evidence of the other necessary attributes of excellent advocacy from some other forum. For example, an advocate who principally practises in a jurisdiction where judges do not generally ask questions of advocates orally may be recommended for appointment if there is also evidence of excellence in relation to that aspect of oral advocacy from the applicant's practice in the courts of England and Wales (if any), or from some other forum in which that skill can be demonstrated. However, some evidence of evidence in that aspect of advocacy is necessary, since answering questions from the tribunal is an essential element of excellence in advocacy in the courts of England and Wales.



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16. It is the applicant's responsibility to ensure that the assessors listed can between them provide evidence to demonstrate excellence in relation to all the necessary attributes of excellent advocacy in his or her field of specialism, in proceedings in the courts of England and Wales. Where the Panel cannot be satisfied that an applicant is or would be excellent in relation to proceedings in the higher courts of England and Wales, the Panel will not be able to recommend the applicant concerned for appointment, even if the applicant's excellence in relation to cases in the forum in which they primarily practise is beyond doubt.

Submitting an Application using the Electronic Application Form

17. All applications and the application fee must be received by QCA **by 5pm on 30 March 2017**. The Panel will not consider applications received after this time. Guidance relating to the application form is in Part 2 of this guidance.

Previous Applications and Outstanding Complaints

18. Each competition is separate. Any previous applicant for silk may re-apply. Panel members will not be informed that an applicant has applied previously (although this may become apparent through, for example, comments by an assessor). The Panel will not refer back to your application, assessments or interview record from a previous competition. All assessments will be sought anew, although exceptionally an assessor may direct the Panel to their assessment in the last (2016-17) competition. However, in the case of an issue of serious concern to the Panel arising from an earlier application (relating to a matter of character or integrity), which has previously been put to the applicant in writing, the Panel may also have recourse to the earlier documentation in relation to that issue.

19. Any applicant who makes a complaint in relation to the 2016-17 competition may apply on the same basis as any other applicant. Panel members are not informed of the names of applicants with outstanding complaints during the competition (unless that arises from the Complaints Committee's consideration of the complaint). Where an outstanding complaint relates to the action or decision of a Panel member, the Secretariat will ensure that, so far as possible, that Panel member is not directly involved in the new application.

Confidentiality

20. We will not disclose that an individual made an application without their agreement, except so far as is necessary for the application to be processed. If applicants need to contact us about their application once it has been received, they may be asked to verify their identity. We will not use the information applicants give us except in connection with the processing and consideration of applications or with the consent of the applicant.

21. At the end of the competition, we inform the Lord Chancellor (via his officials in the Ministry of Justice) the names of unsuccessful applicants. For successful applicants, we inform the Lord Chancellor of date of birth and basic professional information such as the applicant's Inn, chambers, firm or other employer. Apart from the date of birth, we may also publish that information, or disclose it to enquirers. We do not disclose to anyone applicants' self-assessments or the names of their assessors.



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Handling of Information

22. We will process applicants' details and other information provided about them, in a fair and lawful manner. However, applications for appointment to QC are exempt from the subject information provisions of the Data Protection Act 1998. QCA is not subject to the provisions of the Freedom of Information Act 2000.

23. Information supplied by applicants, assessors or others may be held in electronic and paper form and will be used in relation to the QC competition and for quality control, training, review or audit purposes only. Our IT consultants may also have access to data in electronic form in the course of their work. Once the selection process has been completed the application form, paper copies of assessments and other paper records will generally be retained until after the subsequent competition and then destroyed.

Timetable

24. There is no set date on which results of the competition will be announced but the Panel is aiming to complete the competition in time for the announcement of appointments to be made in December 2017. We will inform applicants of the outcome of their application before the public announcement.

Professional assistance with application and interview

25. The Panel is aware that some applicants seek professional help in preparing their application form and/or for interview. The application procedure, including interview, is intended to allow the excellent applicant to be identified without the need for outside assistance, although the Panel recognises that applicants may well find it helpful to seek advice from colleagues who have themselves applied for appointment in recent years, where such advice is available.

26. The Panel seeks an authentic and nuanced picture of the applicant. At interview (if applicable), it does not necessarily expect a 'word perfect' performance, but wishes the applicant to show the same skills as they display in their day-to-day work, but in a different forum. 'Standard answers' (to provide what it is thought the Panel may want to hear) give a poor impression and may obscure the more positive evidence the applicant has to give.

Problems or Complaints

27. In the first instance, a problem should be referred to the QCA Secretariat or, if appropriate, to the Chief Executive. In the event that the problem or concern relates to the Chief Executive or cannot be resolved by them, the problem may, once the outcome of the competition has been announced, be addressed to the Chair of the Panel. The Chair will not deal with any problems, complaints or correspondence from applicants until after the results of the competition have been announced. If an applicant is dissatisfied with the way in which the Chief Executive, or (where relevant) the Chair has dealt with a matter, he or she is entitled to refer the matter to the independent Complaints Committee.

28. The Complaints Committee is independent of the Queen's Counsel appointment process. Its role is to consider complaints raised by an applicant about the way in which the Panel and the Secretariat have handled an application, or concerns that the Panel



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has not applied its procedures properly. It is not able to substitute its opinion or judgement for that of the Panel. The Complaints Committee will consider complaints after the end of the competition. Complaints must be raised in writing no later than 60 calendar days following the announcement of the outcome of the competition. A copy of the Complaints Committee Procedure is on the QCA website.

Improving the Process

29. Regardless of the outcome of applications, we value feedback on the application form, this Guidance, and on the operation of the process. We welcome feedback in any convenient form at any time and will use it to improve our performance. It will be provided to the Panel only in anonymous form and will not have a bearing on the outcome of any application. There is a facility on our website to provide feedback directly. We will also conduct a survey of applicants at the end of the competition.

The Secretariat and further assistance

30. Any prospective applicant who, having carefully read this Guidance and appendices, needs further information on anything regarding the application form or the appointments process, they should contact:

Queen's Counsel Appointments Secretariat
3rd Floor, 73 Farringdon Road, London EC1M 3JQ
Telephone: 0207 831 0020
Email: enquiries@qcappointments.org

QC Appointments also has a DX address:
QC Appointments
DX 387
London Chancery Ln

31. Further information is also available on our website www.qcappointments.org. Please feel free to contact us at any time if you have any questions about your application. The website will be updated as necessary and as the competition progresses.

Part Two of the Guidance follows. It contains information about the application form and Guidance Notes which relate to the numbers in the right-hand column of the electronic application form.

QC Secretariat
February 2017



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Part Two

32. The application form can be accessed and saved from the QCA website or a link emailed to an applicant. To be able to use and view the application form correctly you will need to have the latest version of Adobe reader. This can be accessed on the QCA website. For ease, a link is provided <http://get.adobe.com/uk/reader/>

33. In the right hand margin of the application form, there are numbered references to the detailed Guidance Notes for applicants (set out below).

34. This form is accessible offline. Once downloaded, you will need to have saved a copy to your computer or laptop, to access offline. Full instructions for using the application form will be found on the 'HELP' button in the top right hand corner. You will need to have internet connection to be able to use this function.

35. To be aware of the fields that are required before submission, ensure that the 'Highlight Existing Fields' button is selected. You will see the field boxes are highlighted light blue and those that are mandatory will have a red box around them. There are character limits for each text box. Text must fit within the box; if a scroll bar appears, please seek advice from the QCA Secretariat.

Submitting Your Form

36. We recommend that you submit your application via the link on page 65 of the application form. You will need internet connectivity to access the submission page. You will also be able to make payment for your application by debit or credit card via this page. Alternatively, you may submit your form via email, with a supporting electronic transfer or cheque payment. Your payment must be received before the close of applications, otherwise your application will not be accepted. The email should be sent to enquiries@qcappointments.org Please put 'Applications 2017' with your name in the subject box. If you do not receive a reply within 15 minutes, or if you cannot submit by either the two methods above, please contact the QCA Secretariat who will assist you further.



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Notes to the Application Form

The Guidance Notes below refer to the numbers in the right-hand column of the application form.

1	<p>Letters Patent are issued by The Queen to successful applicants. Please note that (unless you advise the Secretariat otherwise using Section G - <i>Other Information</i>) the surname and forename(s) which you provide will be the names which will appear on your Letters Patent if you are successful. For example, your professional surname will appear if you are a female advocate using your professional surname on your application form. If you have middle names which you omit from the application form, these will not appear on the Letters Patent.</p>
2	<p>To prevent confusion with other applicants, we will use an ID number as well as your name. This is your Bar Council Reference or Law Society Roll number. It will help us if you are able to quote it if you telephone or write to us. If you do not know your Roll or Reference number, contact the records section of your professional body.</p>
3	<p>When we contact you, we will use the forename(s) and surname you supply in Section A. We will always use your preferred email address. If any of these details change during the course of the competition, please inform the Secretariat immediately.</p>
4	<p>Ensure that the email address you wish to use is regularly monitored. We will use this when we need to contact you, for example to arrange an interview or to give information from time to time on the progress of the competition. You may also wish to ensure that @qcappointments.org is set as a 'safe sender'</p>
5	<p>You are invited to indicate your preferred location for any interview (if applicable). While your wishes will be taken into account, we cannot guarantee your preferred location. We expect to be holding interviews in London and Manchester. We currently expect interviews to take place from mid-September to early October 2017. We will contact you in due course to give you more information about any interview.</p> <p>The interview (if applicable) will be conducted by two members of the Panel (one lay and one legally qualified). The interview will seek further evidence as to the competencies to add to, or to help the Panel assess, the information already available from your application form and assessments. The Panel will probe for examples of excellence. The interview provides applicants with a further opportunity to 'shine'. It is not determinative, but one part of the evidence which will then be considered as a whole before the Panel reaches a decision.</p> <p>Applicants who are interviewed but are unsuccessful will receive written feedback at the conclusion of the competition.</p>



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6	<p>Eligibility To be eligible to apply for Queen's Counsel, you must either:</p> <p>(a) Have been called to the Bar of England and Wales and hold a current practising certificate; or</p> <p>(b) Be a solicitor of the Senior Courts of England and Wales, and hold higher court rights of audience and a current practising certificate.</p>
7	<p>Your date of call or admission may be used in determining the order in which you are called to make the declaration before the Lord Chancellor (if appointed to silk). If you cannot provide the exact date, you will be regarded as being called or admitted on the last day of the month or year given. The list of successful applicants published by QCA will be in alphabetical order.</p>
8	<p>We will inform all interviewed applicants of the decision after The Queen has approved the names of those to be appointed. In addition, the names of all successful applicants will be published, along with the broad field(s) of law in which they practise. Publication of this information is not intended to restrict the fields in which the applicant appointed as QC may practise.</p>
9	<p>Character Issues Before completing Section C, you should read Appendix B, which sets out the Panel's approach to handling issues of character and conduct.</p> <p>Those appointed QC are expected to conduct themselves at all times in their personal and professional lives in a manner which will maintain public confidence. Section C requires you to declare any findings or pending matters relating to criminal convictions, complaints of professional misconduct, or other character issues. The Panel may take any such matters into account together with the evidence available to it on the competencies. You should inform the Secretariat as soon as there is the prospect of a complaint, criminal proceedings or other issue arises. The Panel has indicated that (among other things) it takes very seriously matters relating to the following:</p> <ul style="list-style-type: none"> • Dishonesty; • Sexual harassment or intimidation; • Drink driving; • The use or handling of illegal drugs; • Suspension from practice. <p>As regards, criminal convictions, the Panel has agreed the following:</p> <p>(a). Minor motoring offences where the applicant was not obliged to appear in court should be disregarded. However, any motoring offence resulting in disqualification, including under totting up, should be disclosed.</p> <p>(b). Any conviction for an offence of dishonesty or resulting in a term of</p>



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	<p>imprisonment will be of serious concern and is likely to preclude appointment.</p> <p>(c). Any other unspent conviction or bind over will be considered on its individual merits.</p>
10	<p>The Panel will only consider cases of professional negligence where an applicant has been at fault. Where a claim against you has been dismissed, it should not be disclosed. Where a claim has been settled, you should disclose the terms on which it was settled, and indicate clearly whether and to what extent you have accepted liability.</p> <p>Findings of negligence and cases where the applicant appears to have been at fault will be assessed taking into account the degree of loss and the importance of the matter to the client, along with any other relevant factors.</p>
11	<p>Findings of professional disciplinary fault may be relevant to Competency E (Integrity), as showing prima facie a failure to honour professional codes. They will be treated on a case-by-case basis having regard to factors such as the penalty imposed; how recently the conduct occurred; and whether the client or any other person suffered loss or harm.</p>
12	<p>Wasted costs orders will be considered with regard to the reason given for the order being made, the amount involved and the length of time since the order was made.</p>
13	<p>Complaints to professional body. If you are unsure whether or not to include a possible character issue, please contact the QCA Secretariat.</p>
14	<p>A complaint which has been referred to the Legal Ombudsman will be considered with regard to all the circumstances.</p>
15	<p>A bankruptcy order, debt relief order or an individual or partnership voluntary arrangement (see Note 16)</p>
16	<p>A director's disqualification order</p> <p>A current or recent (ie within five years of discharge) Individual Voluntary Arrangement (IVA) or bankruptcy or other order will be of concern. An undischarged order may well preclude appointment. An order which has been discharged is less likely to preclude appointment, unless there is an indication of reckless conduct leading to the bankruptcy or IVA. However, all such cases will be considered with regard to the totality of the circumstances.</p>
17	<p>You should disclose any matter not covered by the above categories but which a reasonable person would regard as material to your application, having regard to the general criteria mentioned above. An example would be a foreign criminal conviction, or an order of a court or tribunal outside of the UK.</p>



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18	<p>You should disclose anything else whether related to your professional or personal life, which could affect your standing or reputation, or could affect your suitability for appointment as QC.</p>
19	<p>Panel member recusals</p> <p>You should complete Section D and mark the box if you consider that a member of the Panel should be recused from considering your application. Applicants' reasons for suggesting recusal will be carefully considered, but it is for QCA to determine whether a Panel member should be recused. If a matter arises in the course of the competition which might make a recusal appropriate, please contact the Secretariat promptly.</p> <p>You should be aware that Panel members will also recuse themselves from dealing with a particular application if they feel it appropriate to do so by virtue of a close connection with an applicant, such as through being a member of the same chambers or firm, being a personal friend, or in the course of their recent professional life.</p>
20	<p>Section E: Summary Description of Practice</p> <p>In this section, you should provide a concise overview of your practice. It is split into two aspects:</p> <p style="padding-left: 40px;">(i) A Case List of the 12 (if possible) most important cases that you have dealt with, generally in the past three years (i.e. in 2014 or more recently), together with a note of your role as an advocate in the case and the assessors whom you would expect to comment on them;</p> <p style="padding-left: 40px;">(ii) A narrative description of your practice, including an estimate of the number of cases of substance you have been engaged in over the last two years, including any which are not amongst your listed cases.</p> <p>These will not be shown to assessors.</p> <p>The award of silk is for advocacy in the higher courts of England and Wales. To merit recommendation for appointment, the competencies must be demonstrated to a standard of excellence in the applicant's professional life in cases of substance, complexity, or particular difficulty or sensitivity ('cases of substance').</p> <p>If you wish to mention a case, but its name or details are not in the public domain (e.g. because of security issues) or is confidential for other reasons, refer to the case details in such a way that it may be identified by your assessors, and so that the Panel can be clear when you are referring to that case.</p> <p>The Panel is looking for your demonstration of the competencies in cases of substance. The Panel will have regard to the case, and your role in it, and</p>



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the degree of challenge and how you dealt with it. The Panel draws a distinction between 'run of the mill' cases (which may have important consequences for the immediate client, but may present limited legal or other professional challenge) from those cases which present unusual, novel or unforeseen complexities or have consequences beyond the case.

Moreover, it does not follow that all hearings in self-evidently important or substantial cases will themselves raise the same challenge or substance as the case as a whole. In order to provide useful evidence for the Panel it is necessary **both** for the case as a whole to be an important or substantial matter **and** for your role in it to have involved challenging and substantial work. It is important that you describe **your** role in the case, rather than merely explaining why the case itself was substantial.

Examples of the types of case which may present the characteristics of a case of substance are listed below.

- A substantive appeal before the Court of Appeal;
- A case that has been reported in a series of law reports;
- A case involving alleged historical indecent assault or rape on a child by a family member;
- Other serious, demanding or sensitive criminal cases involving, for example, a fatality or complex forensic evidence. These are likely to be in Class 1, 2 or 3;
- A commercial, civil or family case involving more than £1 million;
- A test case on a point of law, or one that sets a precedent;
- A case determining the removal of a child from one or both parents;
- A case on which the employment of a workforce of more than 50 depends;
- A planning or other public inquiry of national importance or raising complex issues of law;
- A case involving serious issues of reputation;
- A case that has attracted detailed press interest;
- A case that the judge or arbitrator described as important or complex, or as involving matters of substance, difficulty or sensitivity.

It is important for the Panel to gain a rounded picture of your practice as a whole. It is therefore important that you should if possible list 12, rather than fewer, of the most important cases you have dealt with over the last three years.

The Panel now asks for cases over the last three years (previously over the last two years) because the Panel is aware that in some areas of specialism, applicants are likely to do fewer than 12 cases over a two year period for which they will be able to provide suitable assessors. The Panel also recognises that some applicants may have had a career break for all or part of the period concerned. The Panel has no wish to disadvantage applicants in either of those categories, subject to the over-riding need for the Panel to satisfy itself that there is sufficient evidence of excellence in



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each of the competencies before recommending an applicant for appointment. However, applicants need to be aware that assessors' memories of cases from 2014 may have faded: it is therefore a judgement for each applicant as to whether it is wise to list cases which are more than two years old.

You should list cases which are more than three years old only in exceptional circumstances. Such cases do not necessarily demonstrate the degree to which you **currently** demonstrate excellence in the competencies. However, such a case may be listed (at your own risk as to the memory of any assessor listed in respect of the case) if the case provides particularly powerful evidence of advocacy in a truly substantial case which cannot readily be replicated by a more recent case.

You should explain fully if you are unable to list 12 cases. If no satisfactory explanation is given for any shortfall in cases, the Panel may conclude that the applicant prefers the Panel not to see a rounded picture of their practice.

You may include cases of substance which settle or are otherwise resolved without a court determination, provided that they potentially provide evidence from assessors as to the degree to which you meet the competencies.

It is thus perfectly in order to go back three rather than two years if you do not have enough cases of substance over the last two years, for example because of a career break, few cases reaching court, or similar reasons. It is also appropriate to go back more than two years where that is necessary to provide evidence of some important element of a competency, such as cross-examination. However, all other things being equal, evidence from recent case is preferred to evidence drawn from cases which took place longer ago.

In addition to the names of your cases, give the dates of your involvement and indicate the role you played. A drop down menu provides for three options: 'was led', 'case leader' or 'alone' (ie sole advocate). Select the description that best matches the role you predominantly played. The Panel accepts that it is often difficult to reflect the complexities of the conduct of litigation in such brief terms. You can elaborate on your role if necessary in the narrative description of practice.

Cases should each be listed only once: you should not, for example, list a case separately for a first instance hearing and an appeal.

You should not list a case unless there will have been, by the time assessments are sought in April 2017, a sufficiently substantive hearing or other development to enable assessors to give a worthwhile assessment. It is undesirable for a high proportion of the listed cases to be still in progress unless there has already been one or more hearing of substance.



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	<p>The Panel expects that the assessors you name will in general be those who can speak to your demonstration of the competencies in the cases you have named in the list. Indicate the relevant assessor using the assessor reference numbers in relation to that case. For example:</p>																					
	<table border="1"> <thead> <tr> <th rowspan="2">No.</th> <th rowspan="2">Name of Case</th> <th rowspan="2">Role as advocate</th> <th colspan="2">Dates (mm/yy)</th> <th colspan="3">Assessors</th> </tr> <tr> <th>Start</th> <th>end</th> <th>J</th> <th>P</th> <th>C</th> </tr> </thead> <tbody> <tr> <td>3.</td> <td>Rose v Thorn</td> <td>Alone</td> <td>08/16</td> <td>01/17</td> <td>9</td> <td>2,4</td> <td>5</td> </tr> </tbody> </table>	No.	Name of Case	Role as advocate	Dates (mm/yy)		Assessors			Start	end	J	P	C	3.	Rose v Thorn	Alone	08/16	01/17	9	2,4	5
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		Start	end	J		P	C															
3.	Rose v Thorn	Alone	08/16	01/17	9	2,4	5															
21	<p>Section E (ii): Narrative description of practice. This should set out your recent practice so that the Panel can understand the context in which it is considering your readiness for silk. The narrative description of practice, with the accompanying case list, and the self-assessment will be considered by the Panel, together with up to nine written assessments. They are your opportunity to ‘speak’ directly to the Panel members to ensure that they have a clear picture of your practice and to show how you consider that you meet each of the competencies. Please ensure the information is factual (and not evaluative).</p> <p>Do include:</p> <ul style="list-style-type: none"> • What you consider are your specialism(s) and what proportion of your professional time these represent. • What is your practice area and in which jurisdiction and/or court(s) you most regularly appear. • If your practice extends outside England and Wales, please provide detail. • An overview of the main types of cases you have been involved with in the last two years, including any cases of substance which are not amongst your listed cases. • The pattern of written and oral advocacy in your practice. • The frequency with which you attend court as an advocate. • Why you consider the 12 cases you have named to be particularly important or noteworthy, with an indication of their outcome. • How often you lead or are led, and in particular in your 12 named cases, the degree to which you were the case leader, or were led or acted alone. • Any explanation as to why you need to go back further than the last three years (i.e. before 2014) to name your 12 important cases. • Any reasons why you are only able to name fewer than 12 cases. In the absence of such explanations the Panel may well draw adverse conclusions. • Whether you normally appear for a particular party e.g. prosecution/defence. • Indicate if appropriate your typical client e.g. oil company, child etc. • If you have identified fewer than eight judicial, six practitioner or four client assessors, please explain why. The Panel may draw conclusions from the numbers you have named, having regard to any explanation you provide. • Any points relevant to the relative weight to be attached to 																					



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	<p>assessments made by judicial, practitioner or client assessors; e.g. if the great majority of your advocacy is performed otherwise than in court.</p> <ul style="list-style-type: none"> • Any reasons why your practice in the last few years may have been atypical. • Any other relevant factual information. <p>Do not include in your narrative summary:</p> <ul style="list-style-type: none"> • References to you in legal directories or elsewhere. • Assertions about your standing or reputation in the profession. • Any reference to sitting as an arbitrator or in a judicial capacity. • Details of your earnings. • Any issues of character. (These should be identified in Section C.) <p>If you consider the Panel should be aware of personal circumstances in order fairly to consider your application, outline all relevant circumstances here in Section G. Please do not include reference to matters of character in that section, nor information designed to overcome the character limit in other boxes. Material which should have been included in other sections of the application form will not be passed to Panel members.</p>
22	<p>Competencies</p> <p>General</p> <p>The Competency Framework for the 2017 competition is at Appendix A. This provides a full description of each of the competencies, which are: A (Understanding and using the law); B (Written and oral advocacy); C (Working with others); D (Diversity); and E (Integrity). In order to be recommended for appointment, you must demonstrate strong and consistent evidence of excellence across all of the competencies. The Panel reaches its conclusions on the <i>evidence</i> of the degree to which excellence in each competency is demonstrated.</p> <p>Any concern expressed by an assessor amounting to an allegation of professional misconduct will not be taken into account by the Panel unless, with the consent of the assessor (if necessary), it has been put to you in writing, to be given the opportunity to provide the Panel with an explanation in writing.</p> <p>The Panel require your own assessment of how you demonstrate the competencies. Your self-assessment forms part of the evidence the Panel will consider in determining the outcome of your application.</p> <p>The Panel will in general only consider examples drawn from your professional life, not in any other capacity, including sitting as a judge or arbitrator, or work on behalf of your professional body or similar.</p> <p>It is important that you do not just re-state the competencies and the corresponding examples. Specific instances are required, not generalities.</p>



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	<p>Merely asserting that you are always good at something or making reference to your reputation or the opinion of others is not of assistance. Instead, give examples that demonstrate your abilities, and explain how you did something and with what result.</p> <p>The space in respect of each competency (and in respect of each of the written and oral advocacy aspects of Competency B) is restricted. You should be aware that each text box provided has a capped character limit to the size of the box shown, and this cannot be exceeded. The Panel will not consider information continued on a separate sheet or elsewhere in the form.</p> <p>The self-assessment will not be shown to assessors.</p>
23	<p>Competency A: Understanding and using the law</p> <p>Understanding and using the law requires applicants not only to have up-to-date legal knowledge and to use it accurately and relevantly, but also to become familiar with new areas of law quickly and reliably. It is important that applicants should to the extent possible provide evidence in their self-assessment of their ability to deal with new areas of law, or new developments in their specialist field, in that way.</p>
24	<p>Competency B: Advocacy</p> <p>Advocacy may be in written or oral form but must relate to developing or advancing a client's or employer's case to secure the best outcome in the dispute. That outcome may, for example, be secured through arbitration, court determination or a settlement agreement. Oral advocacy includes advocacy in a court or tribunal, mediation, arbitration or in negotiation.</p> <p>The Panel looks both at the written (Competency B1) and oral (Competency B2) aspects of advocacy in deciding its view of the competency overall. The outcome for Competency B overall is not reached through aggregating or averaging the B1 and B2 scores, but reflects the Panel's judgement on the applicant's written and oral advocacy taken together.</p> <p>There needs to be some evidence of excellence demonstrated in oral advocacy before an applicant can be recommended for appointment. However, the Panel recognises that not all applicants will have had the opportunity to undertake a great deal of oral advocacy and takes into account the type of practice in coming to its decision.</p> <p>There is no specific requirement as to the amount of written or of in-court advocacy so long as there is sufficient evidence for the Panel to reach a conclusion as to the extent to which an applicant demonstrates excellence in each of the competencies.</p>



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25	<p>Competency C: Working with Others Working with others covers both establishing productive relationships with others involved in the case and leading the legal team.</p> <p>The Panel's experience is that applicants often deal with the first element of the competency in their self-assessment to the virtual exclusion of evidence about leadership. It is important for applicants to cover both aspects in their self-assessment.</p> <p>The Panel is looking for evidence of leadership of the legal team of the sort which would normally be expected of Queen's Counsel. Experience of leading other advocates is potentially particularly helpful, but the Selection Panel recognises that in many fields of law it is difficult for junior counsel to get the opportunity to demonstrate that. Leadership of a small team, together with a clear understanding of what is required to lead a larger team effectively, can be sufficient to meet the requirements of this competency.</p>
26	<p>Competency D: Diversity The purpose of the diversity competency is to ensure that all those recommended for appointment have a good understanding of diversity issues and are proactive on diversity matters; the competency is not of itself intended to promote the appointment of under-represented groups. Accordingly, being a member of an under-represented group is not of itself evidence (or even an indication) that an individual meets the standard required on this competency.</p> <p>In providing evidence on diversity, you are not required to rely simply on your listed cases. You may draw on the wider aspects of your professional life, including work in chambers or your firm, or outreach work with schools from which pupils have not often entered the legal profession in the past, but evidence should still come primarily from your professional life. The diversity competency requires both evidence of an understanding of diversity issues, including those affecting the profession as well as those affecting users of legal services, and evidence of proactivity.</p>
27	<p>Competency E: Integrity The highest standards of integrity are expected of all advocates. Whether or not seeking appointment as Queen's Counsel, all advocates should meet these standards, and should expect to do so as a matter of course as part of their professional life. There is normally no need to set out examples of how you meet this competency. However, if you have reported a matter under Section C (Character Issues), you may wish to explain here why you nevertheless consider that you meet the requirements of this competency. The text box will appear only if you answer "yes" to the question.</p>
28	<p>Unallocated</p>



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29	<p>Other information</p> <p>If you believe the Panel should be aware of your personal circumstances in order fairly to consider your application, you should outline all relevant circumstances in Section E (ii) or Section G. Do not include information concerning character matters in those sections.</p>
30	<p>If you have a disability, and wish the Panel to make adjustments in considering your application, you should include with the information at Section G, the nature of their disability, its impact on your practice and the adjustment(s) you are seeking.</p>
31	<p>Section H Judicial, Practitioner and Client Assessors</p> <p>General</p> <p>The Process requires you to provide the names of assessors in three categories: judicial, practitioner, and client. (The meanings of these terms are discussed below.) In all we will be seeking nine assessments; four from judges/arbitrators, three from practitioners and two from clients, all in writing.</p> <p>Your assessors will generally be selected in connection with your 12 major cases, as set out in your list of cases (Section E (i)). You may not subsequently put forward the names of additional assessors who were not named in your application form.</p> <p>In deciding whom to name as your assessors, you need to consider whether, by virtue of their experience of Queen's Counsel, and of you, the persons you propose to name can give a sufficiently authoritative assessment on which the Panel can place weight. When considering an application, the Panel will use its own judgement to determine what weight to give to any one assessor's evidence.</p> <p>If any of your assessors informs us he or she is unable to give an assessment, another assessor from the same category will be approached, where appropriate and practicable.</p> <p>Please ensure that, taken together, the cases in relation to which you identify your judicial, practitioner and client assessors give a fair reflection of your practice.</p> <p>If there are likely to be practical difficulties in getting in touch with a particular assessor, then you may wish to consider whether to name someone else.</p> <p>Assessments will only be accepted in English.</p> <p>Number of assessors</p> <p>Applicants are expected to name at least eight judicial assessors, six practitioner assessors and four client assessors. It is important to explain if you are unable to provide the required number in any category, to avoid any</p>



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suspicion of inappropriately trying to direct the Panel to particular assessors. Applicants may if they wish name up to 12 judicial assessors, and up to six client assessors but there is no particular advantage in providing more than eight and four respectively, unless there is a risk that a number of the assessors listed may be unobtainable.

The Panel recognises that in some fields of practice advocates may rarely appear in court, or only appear before a limited number of specialist or local judges. The Panel welcomes applications from advocates in any area of practice in accordance with this guidance. The Panel accepts applications with fewer than eight judicial assessors, but will expect an adequate explanation of why it was not possible to list more. It is preferable to list as assessors judges who have seen you in a substantial matter more than three years ago, rather than naming fewer than eight judicial assessors.

As noted above, the Panel will be seeking nine assessments in all on each applicant; four from judges/arbitrators, three from practitioners and two from clients. Where for any reason the Panel is not able to obtain sufficient assessments the applicant is likely to be at a significant disadvantage.

Naming of Assessors

Assessors are not asked to be supporters of an applicant, but to give evidence as to how the applicant demonstrates the competencies. Assessments are a crucial component of the evidence to inform the Panel's decision.

You are asked to provide the names of judges/arbitrators, practitioners and clients who are connected to the cases named in your list of cases (Section E (i)), who have recent experience of your work as an advocate, and who are able to provide evidence in the form of examples to help the Panel decide whether you have demonstrated the competencies to a standard of excellence.

The assessors taken together should be able to give a fair reflection of your practice, as described in your application form. However, no one assessor is expected to be able to comment on all the competencies (although they will have the opportunity to do so).

There are no automatic consultations. Assessors will be selected from among the list of names provided by you on the basis of their personal experience of you and the cases you name.

The Panel will expect to see in the assessor pages (Section H) the names (and current contact details) of the judges or arbitrators and practitioners who had substantial involvement with you in the cases you have named in your list of cases (Section E (i)). If you have not named judicial or practitioner assessors from your major recent cases you may be asked to explain why at your interview (if called).



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If, having named relevant assessors from the cases mentioned in your list of cases (Section E (i)), you have not been able to give a full complement of assessors, you should name further assessors, if possible from other cases of substance, complexity, or particular difficulty or sensitivity who have recent experience of you and can provide further evidence as to your demonstration of the competencies. You should not list fewer than the minimum number of assessors sought in each category unless there are simply no other individuals who could have been listed who have experience of you in the last three years.

All assessments will be taken on the basis that they are confidential to the assessor, the Panel, the Secretariat, and, if appropriate, the Complaints Committee. Assessments are given in confidence and therefore no applicant will be entitled to see any assessment, or be informed of the names of those who provided assessments, whether the application is successful or not.

Informing your Assessors

You need not be inhibited in asking prospective assessors if they are able to provide an assessment. Judges are used to such contact from prospective applicants. However, there is no obligation to tell any of your assessors that you have named them. .

It **is** recommended that you ask any assessor whom you propose to *nominate* (please see Note 34 re **Nominated Assessors**) whether he or she is prepared to give an assessment.

Applicants should not solicit support. QCA will provide assessors with all the information that they need, extracted from your application form. Although there is no objection to providing potential assessors with a copy of a written argument as an aide-memoire, you should not provide further material or otherwise seek to influence assessors' views. However, the Panel recognise that applicants may have occasion to seek advice on whether they are yet ready to apply for silk, and that those best placed to provide such advice may well be potential assessors. There is no objection to such contact.

You should not chase assessors to check whether they have asked for, or have provided an assessment. QCA will carry out any necessary chasing of assessors. You should however notify QCA if you become aware after submitting your application that the contact details for an assessor have changed.

Assessors Selected by the Panel

Other assessors (ie not nominated ones) will be chosen by the Panel or on its behalf from among those listed on your form. The Panel will be looking for assessors who can speak to your demonstration of the competencies in particular in the important cases set out in your summary description of practice.



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Other Considerations in relation to Assessors

You should not list as an assessor:

- (a) Any current or former family member or sexual partner.
- (b) A godparent.
- (c) The Attorney General and the Solicitor General for England and Wales, as they have indicated that it would not be appropriate for them to give assessments.
- (d) Any person whom you know to be unable to give an assessment for any reason, including ill health.

Unless there is no sensible alternative, applicants should not list as an assessor a member of the Panel who will deal with the 2016-17 competition. However, where such an individual has experience of your work which cannot be replicated by a different assessor, it is acceptable to do so. If a Panel member were to give an assessment of an applicant in the competition, that Panel member would play no part in the Panel's discussions or decision making about the applicant concerned.

It is also preferable not to list persons with whom you have a close personal or professional relationship. However, if you consider that because of their role in relation to your most important cases it is necessary to do so, you should state the nature of the relationship. The Panel will use this information to help decide whether to seek an assessment from that person and, if it does so, what weight to give to the evidence in the assessment.

Examples of relationships that must be disclosed as "own chambers" assessors on the application form include:

- (a) Someone who has been in the same chambers or firm at the same time as you.
- (b) A partner, employee or associate of your firm, or any organisation that employs you.
- (c) An arbitrator appointed by your firm (whether in the case concerned or not).
- (d) Your former pupil master, pupil supervisor or training principal.

For special remarks regarding judicial assessors see Note 36; for practitioner assessors, see Note 38; and for client assessors, see Note 39.



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32	<p>We normally contact assessors by email, but sometimes by post or DX. We therefore need those current direct email addresses (but in relation to certain judges see Note 33). Current direct telephone numbers are also helpful. If we cannot contact an assessor we cannot obtain an assessment.</p>
33	<p>You do not need to give the addresses of serving High Court and more senior judges in England and Wales, who will be written to at their normal court, Royal Courts of Justice or the Supreme Court, as appropriate. You do not need to give the addresses of retired full time judges of England and Wales. We will contact them via the Ministry of Justice. Similarly, we will contact planning inspectors directly through the Planning Inspectorate in England or in Wales.</p> <p>In the case of part-time judicial office holders, please give their chambers or other professional address in the contact details.</p>
34	<p>Nominated Assessors</p> <p>You are asked to nominate two assessors in each category of assessor (judicial, practitioner and client). The form asks you to give priority between nominated assessors. Your first choice of nominated assessor in each category will be invited to provide an assessment. If it is not possible to obtain an assessment from your first nominated assessor, your second choice will be approached instead. We will not inform you if we have to do this. If neither your first nor your second nominated assessor provides an assessment we will not ask you to nominate a third assessor, but we will seek to ensure that you have sufficient assessments from among the assessors you have named in that category. It is important that those you nominate are in a position, through recent experience of you, to comment on your demonstration of competencies and suitability for the award, by reference to the Competency Framework.</p> <p>Please note that we will not approach a nominated assessor who is not eligible (for example, your spouse, or someone who has not seen you in action in a relevant case, or someone is not a valid assessor in the category in which they were listed).</p> <p>Your assessors will be asked to provide a confidential written assessment including examples in relation to each of the competencies. A copy of an assessment form and the guidance to assessors will be available on the QCA website in due course. Assessments will be accepted only in response to a request from us; unsolicited references and testimonials will not be accepted.</p>
35	<p>Information for Assessor</p> <p>The pages in Section H entitled <i>Information for Judge/Arbitrator</i>, or <i>Practitioner</i>, or <i>Client</i>, contain the information that will be sent to the assessor about your application. The Panel will use it to understand your role in relation to the assessor and the case, and the assessor will use it to</p>



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understand the context in which you have named him or her and to help recall his or her experiences of your advocacy. This is the only information about you or your case that the assessor will see. For this reason you are asked to give details of each case of substance referred to and (if more than one assessor is named in relation to any case) to set out the details in full for each assessor. Each assessor's page should be self-contained. Any cross references to other pages or other assessors may not be intelligible to an assessor.

Give the dates on which **your** involvement in each case began and ended. Approximate dates (month and year) are sufficient.

Your description should:

- Explain briefly the nature of the case, including in what way it was a case of substance, complexity or particular difficulty or sensitivity, any especially difficult or challenging aspects, the specialist area of law to which it most closely relates (unless self-evident), and any special considerations, for example if the law applied by the court or tribunal in the case was not English law;
- Indicate to what extent you were led, were alone (ie sole advocate) or were the case leader;
- Give the role of your assessor (unless obvious eg trial judge);
- Set out the nature of your role (including the extent of your written and oral advocacy, or contribution to documentation);
- Say how long you were observed in this role;
- Say how frequently this assessor sees you "in action";
- Mention any relationship you have with this assessor.

The explanation of your role should clearly show what you did in the case in relation to the assessor. For example in the case of a judge, whether he or she would have read your written submissions or heard oral argument from you, or observed your cross-examination, and over what period. Also indicate how frequently this assessor has experience of your work and over what period (if more than in the named case).

You should also use this field to disclose any relationship, either professional or personal, that you may have with the assessor.

To be fair to all applicants, each text box provided has a capped character limit which cannot be exceeded. **The Panel will not consider information continued on a separate sheet or elsewhere in the form.**

The assessors' names and judicial office (if any) for judicial and practitioner assessors, and the firm or organisation for client assessors, on the *Information for Assessor* pages in Section H will be completed automatically for you, based on information you have entered on the *Contact Details* page for that assessor (although they may only appear when the form is printed or in 'print preview' document view.). You will not be able to overwrite or alter



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	<p>the information in these fields, except by amending the original entry on the previous page.</p>
36	<p>Judicial Assessors You are asked to list at least eight judicial assessors, and you may list up to 12 if you wish to do so..</p> <p>All persons acting in a judicial capacity are eligible to give judicial assessments. However, the award of Queen's Counsel is made for excellence in advocacy in the higher courts in England and Wales. It follows that the assessors to whom the Panel can attach most weight are those with best experience of advocacy in cases of substance or complexity in those courts. Accordingly, although eligibility to provide judicial assessments is not confined to the judges of the higher courts in England and Wales, the Panel may well give more weight to assessments provided by judges from those courts than to those provided by judges who have less experience of what is expected of advocates in the higher courts in England and Wales. Where applicants are considering (or need to) list judges from outside England and Wales, they should give careful thought to the extent to which the prospective assessor is likely to be able to give evidence of excellence in relation to the competencies required for recommendation for appointment as QC in England and Wales.</p> <p>For most applicants, judicial assessors will be a High Court or more senior Judge, Circuit Judge, Deputy High Court Judge, High Court Master or Registrar, Tribunal Judge, Planning Inspector, Recorder or arbitrator. In considering the evidence available in relation to any application, the Panel will decide how much weight to accord to any assessment. The Panel has found that, partly because of their particular familiarity with what is expected of QCs, assessments from High Court Judges or more senior judges can be particularly helpful, but these are not essential. The Panel recognises that not all applicants regularly appear before such judges and so for some applicants, an assessment from the most senior judicial post-holder before whom they regularly appear in cases of substance or complexity may be more useful. In the last five years, between 10 and 20 applicants have been appointed each year without there having been any assessments on them from High Court or more senior judges.</p> <p>Where possible, applicants are expected to name amongst their judicial assessors a leading judge in their specialism or local area before whom they have appeared.</p> <p>The Panel is looking for assessments which can reflect your demonstration of the competencies in a number of cases and circumstances. You should not list more than one judicial assessor from amongst those hearing the same case (e.g. in the Supreme Court or the Court of Appeal) unless the second assessor has other, unique, experience of you.</p> <p>Keep in mind that senior judges in particular are unlikely to recall brief</p>



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	<p>hearings, especially if some years ago. ago.</p> <p>Judicial assessments can only be provided by those exercising a judicial function. Accordingly, assessments from a mediator are not acceptable as judicial assessments, but the Panel will accept an assessment from a mediator as a <u>practitioner</u> assessor.</p>
37	<p>Please provide brief details of your case. Note the bullet points as to the information required to assist the assessor.</p>
38	<p>Practitioner Assessors</p> <p>Practitioner assessors are generally lawyers acting as fellow advocates in the case in question. However, mediators, or legal assessors to tribunals, may also be given as practitioner assessors.</p> <p>You are asked to list as assessors six practitioners by whom you have been led (or, if applicable, whom you have led) or against whom you have appeared or with whom you have co-defended, or otherwise been professionally involved, in cases of substance, complexity or particular difficulty or sensitivity over the last three years (i.e. in the cases you identified in Section E). Depending upon the nature of your practice, you should seek to list a mix of practitioners, including your opponents as well as co-defending advocates and your own leaders. Practitioners who have since been appointed to full-time judicial office should still be listed as practitioner, not judicial, assessors where that is the capacity in which they have had experience of your work.</p> <p>The Panel has indicated that, subject to the nature of the practice, it will normally wish to obtain practitioner assessments from QCs, or failing that from other practitioners who are at least as senior as the applicant. As noted above, practitioner assessments may include assessments from a legal assessor in a tribunal or from a mediator.</p> <p>In general terms, the broader the range of assessors the better the quality of evidence available to the Panel. It is helpful to the Panel for assessors to be drawn from a number of chambers. In deciding how much weight to give to a practitioner assessment, the Panel may have regard, amongst other things, to the fact that an assessor is currently in the same chambers or firm as the applicant or has recently been in the same chambers or firm, or is an arbitrator who has in the past been nominated by the applicant's firm. Applicants are asked where possible to avoid naming several assessors with this sort of connection, although the Panel understands that in some specialised practice areas this may be unavoidable.</p> <p>Unless a suitable explanation is given in the summary description of practice, the Panel may draw adverse conclusions if fewer than six practitioner assessors are named. In any event, an applicant may be at a disadvantage if there are fewer than six practitioners from whom assessments can be sought.</p>



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Client Assessors

You are asked to list at least four, and up to six, professional clients, clients or client proxies in cases of substance, complexity or particular difficulty or sensitivity over the last three years (ie from the cases named in Section E (i)). In many cases the 'client' will be the instructing solicitor. However, it may include a senior legal officer in a company or other body. A 'client proxy' is an experienced professional person who is in a position of authority in connection with a client and who is able to comment with authority on the applicant's abilities. Examples might include guardians *ad litem*, police officers, medical professionals, certain expert witnesses, and professionals from social services departments.

Each individual listed will count as a separate professional client, client or client proxy, even if the individuals are from the same firm, institution or organisation. However, it is undesirable for all your client assessors to come from only one or two different firms or organisations unless the nature of your practice makes that unavoidable.

The Director of Public Prosecutions has advised that individual Crown Prosecution Service (CPS) lawyers (not paralegal officers) may be listed so that they may be asked to be assessors. However, the assessment will be given by the Chief Crown Prosecutor (or equivalent) to whom the assessor reports, in consultation with his or her colleagues. You should if possible not name more than one CPS lawyer from any one CPS Area.

It has been agreed with the Treasury Solicitor's Department that assessments will be considered by the relevant Head of Division (or equivalent) to whom the assessor reports. This is to ensure consistency in the assessments provided by Government lawyers. The assessment may be prepared by the named Government lawyer, in consultation with his or her colleagues, and, after consideration by the Head of Division, signed by that Government lawyer. In some cases the assessment may actually be given by the Head of Division, in consultation with his or her colleagues. You should therefore try to avoid naming more than one Government lawyer in the same team or Division as that could result in a single potential assessment.

Employed advocates are expected to include among their client assessors at least one partner or representative from their employing firm, company or institution. Where employed advocates are instructed by different individuals in their employer's business, each may be listed as a client assessor. If an employed advocate is not able to list an assessor from their employer's business, an explanation should be provided..

Client assessors, like other assessors, need to be in a good position to give an informed view of your demonstration of the competencies required. Depending on the nature of your practice, it is rarely likely that a lay client will have the requisite knowledge or standing to provide an assessment of assistance to your application. As with all assessments, it is for the Panel to



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	<p>judge the weight to be given to each assessor's evidence. Applicants can approach the Secretariat if they are unsure about naming of suitable client assessors.</p> <p>Client assessors may be based in any locality and be of any national background, so long as the assessment is given in English. However, bear in mind that the Secretariat needs to be able to contact each of your assessors.</p>
40	<p>By submitting the form you are declaring that the cases you have named in your case list are ones of substance, complexity or particular difficulty or sensitivity.</p>
41	<p>Please state whether there is anything in your personal or professional background which, if brought into the public domain, could affect your suitability for appointment or bring the legal profession or Queen's Counsel into disrepute.</p> <p>You should be aware that if you fail to declare something which later comes to light, and could have had a bearing on its decision, the Panel may need to consider whether to recommend to the Lord Chancellor the removal of silk.</p>
42	<p>In accordance with the Process, the Secretariat will send lists of all applicants to senior members of the judiciary who are asked to let QCA know if they are aware of any applicant in respect of whom a judge may have a concern from the perspective of the integrity com[petency. The lists will also be sent to the relevant professional body with responsibility for professional conduct. For this reason we seek your authority to check your disciplinary record with your professional regulator or other body.</p>
43	<p>The Panel expects that the information you provide in your submitted application will be complete, true and factually accurate. It is your responsibility to ensure that the information is correct and complete. You should check carefully that all parts of the form are fully complete and accurate before you submit your application. You will not be allowed to add to or amend your application form once the closing date has passed. However, if you subsequently become aware of any factual inaccuracies or changes to contact details please notify the Secretariat as soon as possible and provide the revised details.</p> <p>In all cases you must ensure you have added your name to the signature box at Section I of the application form. This is your 'electronic signature' and acts as your declaration and authority.</p> <p>Your application must be accompanied by the fee. The fee is £2,160 (£1,800 plus VAT) payable in full by the application deadline, except for those entitled to claim the concessionary fee for low incomes, which is £1,080 (£900 plus VAT). The preferred option for payment is to be made</p>



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online after you have uploaded your application form to the submission page. Please follow the steps provided to pay by debit card or credit card. If for any reason the Panel declines to accept your application your fee will be returned, but may be subject to a deduction to cover administrative costs.

The concessionary fee is available to those with gross fees, drawings or earnings of £60,000 or less in the most recent year. For barristers in private practice, that is the period relevant to the 2017 practising fee renewal; for other applicants it is the 2015-16 tax year. QCA reserves the right to seek verification of entitlement to a concessionary fee. Concessionary fees cannot be paid online; only by cheque or BACS transfer. If you are uncertain about whether you are entitled to claim the concessionary fee, please contact the Secretariat as soon as possible.

There are no additional fees for payment by personal and corporate debit cards.

There is an additional charge of £35 for payment by credit card, to meet the fees levied by the supplier.

You may also pay by electronic payment direct to our account
Bank: Royal Bank of Scotland, Child & Co Branch,
1 Fleet Street, London EC4Y 1BD
Sort Code: 15-80-00
Account: Queen's Counsel Appointments
Account No: 10578135

You must quote your surname and ID number as the reference for your payment. You may wish to ask your bank for confirmation of payment.

OR

By means of a cheque made payable to *Queen's Counsel Appointments Ltd*. The cheque must be in pounds sterling and drawn on a UK bank or Building Society.

Any application which is made without the payment of the fee will be treated as invalid.

You should receive by email a VAT receipt for your fee once payment is confirmed online. If payment is by cheque or electronic transfer it will take around 21 working days from receipt of both your application and the payment.

If your application is successful, a further appointment fee of £3,000 plus VAT will become payable, in addition to the cost of Letters Patent.



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44	<p>At Section J, all applicants are invited to provide monitoring information. Promoting equality of opportunity and diversity in the legal professions is important to the Panel; Section J will be retained in the office and will not be provided to the Panel. The information you provide will only be used for statistical or research purposes, on an anonymised basis, and for evaluating the process as a whole. It will not be used when considering your suitability for the award of Queen's Counsel.</p>
45	<p>Disability</p> <p>Any applicant participating in the application process who has particular needs, including those arising from a disability, should contact the Secretariat, and we will endeavour to make arrangements to meet your needs. The application form can be provided in Braille on request.</p> <p>All applicants who are invited to interview (irrespective of whether they have indicated that they have a disability) will be asked to let us know of any particular arrangements which they wish us to make to enable them to participate fully in the interview (such as seating arrangements, access etc.). However, you are under no obligation to disclose details of a disability at any stage in the selection process.</p>
46	Please tick yes or no.
47	Please tick yes or no.

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APPENDIX A – THE COMPETENCY FRAMEWORK

The Panel will judge how far an applicant meets the competencies as described by the passage in italics. The examples provided are intended to assist applicants, assessors and others. Consideration of the demonstration of the competency is not limited to the examples quoted. To merit recommendation for appointment all competencies must be demonstrated to a standard of excellence in the applicant's professional life. In general the Selection Panel will be looking for the demonstration of the competencies in cases of substance, complexity, or particular difficulty or sensitivity. Competency B (Written and oral advocacy) *must* be demonstrated in such cases.

<p>A. Understanding and using the law <i>Has expert, up-to-date legal knowledge and uses it accurately and relevantly, and becomes familiar with new areas of law quickly and reliably.</i></p> <p>Examples:</p> <ul style="list-style-type: none"> ✓ Is up to date with law and precedent relevant to each case dealt with, or will quickly and reliably make self familiar with new areas of law. ✓ Draws on law accurately for case points and applies relevant legal principles to particular facts of case. <p>B. Written and oral advocacy <i>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, and rapidly assimilating the implications of new evidence and argument and responding appropriately.</i></p> <p>The Panel will be looking both at the written and oral aspects of advocacy. Oral advocacy includes advocacy in a court or tribunal, mediation, arbitration or negotiation.</p> <p>Examples (Written advocacy):</p> <ul style="list-style-type: none"> ✓ Writes arguments accurately, coherently and simply, and in an accessible style. ✓ Presents facts and structures arguments in a coherent, balanced and focused manner. ✓ Deals effectively with necessary preliminary stages of legal disputes. ✓ Gains and gives an accurate understanding of complex and voluminous case material. ✓ Appreciates aspects of the case that are particularly important, sensitive or difficult and appreciates the relative importance of each item of evidence. ✓ Prepares thoroughly for the case by identifying the best arguments to pursue and preparing alternative strategies. ✓ Anticipates points that will challenge an argument <p>Examples (Oral advocacy)</p> <ul style="list-style-type: none"> ✓ Deals responsibly with difficult points of case management and disclosure. ✓ Presents facts and structures arguments in a coherent, balanced and focused manner. ✓ Assimilates new information and arguments rapidly and accurately. ✓ Immediately sees implications of answers by witness and responds appropriately. ✓ Listens attentively to what is said paying keen attention to others' understanding and reactions. ✓ Accurately sees the point of questions from the tribunal and answers effectively. ✓ Gives priority to non-court resolution throughout the case where appropriate, identifies possible bases for settlement and takes effective action. ✓ Prepared and able to change tack or to persist, as appropriate. ✓ Deals effectively with points which challenge an argument. <p>C. Working with others <i>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 before the court or other tribunal</i></p> <p>Examples:</p> <ul style="list-style-type: none"> ✓ Behaves in a consistent and open way in all professional dealings. ✓ Establishes an appropriate rapport with all others in court and in conference. ✓ Advances arguments in way that reflects appropriate consideration of perspective of everyone involved in the case. 	<ul style="list-style-type: none"> ✓ Helps the client focus on relevant points and is candid with the client. ✓ Explains law and court procedure to client and ensures the client understands and can decide the best action. ✓ Keeps lay and professional clients informed of progress. ✓ Is prepared to advance an argument that might not be popular and to stand up to the judge. ✓ Responds to the needs and circumstances of client (including client's means and importance of case to client and bearing in mind duty to legal aid fund) and advises client accordingly. ✓ Meets commitments and appointments. ✓ Accepts ultimate responsibility for case when leading the team. ✓ Motivates, listens to and works with other members of own team. ✓ Aware of own limitations and seeks to ensure that they are compensated for by others in team. ✓ Able to take key decisions with authority and after listening to views. ✓ Identifies priorities and allocates tasks and roles when leading the team. <p>D. Diversity <i>Demonstrates an understanding of diversity and cultural issues, and is proactive in addressing the needs of people from all backgrounds and promoting diversity and equality of opportunity</i></p> <p>Examples:</p> <ul style="list-style-type: none"> ✓ Is aware of the diverse needs of individuals resulting from differences in gender, sexual orientation, ethnic origin, age and educational attainment and physical or mental disability or other reason, and responds appropriately and sensitively. ✓ Is aware of the impact of diversity and cultural issues on witnesses, parties to proceedings and others as well as on own client, and adjusts own behaviour accordingly. ✓ Takes positive action to promote diversity and equality of opportunity. ✓ Understands needs and circumstances of others and acts accordingly. ✓ Confronts discrimination and prejudice when observed in others; does not let it pass unchecked. ✓ Acts as a role model for others in handling diversity and cultural issues. <p>E. Integrity <i>Is honest and straightforward in professional dealings, including with the court and all parties</i></p> <p>Examples:</p> <ul style="list-style-type: none"> ✓ Does not mislead, conceal or create a false impression. ✓ Honours professional codes of conduct. ✓ Where appropriate refers to authorities adverse to the client's case. ✓ Always behaves so as to command the confidence of the tribunal and others involved in the case, as well as client. ✓ Acts in professional life in such a way as to maintain the high reputation of advocates and Queen's Counsel. <p>QC Secretariat</p>
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APPENDIX B – GUIDANCE ON HANDLING ISSUES OF CHARACTER AND CONDUCT

Introduction

- A1 This Appendix gives guidance as to how the matters referred to in Section C of the application form (*Character*) will be handled by the Panel. You should read this before completing that section. It will help you to decide whether an issue is material to your application and needs to be disclosed.
- A2 If, having read this Appendix, you are still in doubt as to whether to disclose a matter, then you should do so, so that the Panel can make the appropriate decision. You should be aware that if you fail to declare something which later comes to light, and could have had a bearing on its decision, the Panel may need to consider whether to recommend the removal of silk.
- A3 The Panel expects to be notified immediately of any change of circumstances in relation to matters of character in the course of the competition. This includes:
- Where any complaint against you is dismissed;
 - Where a finding is made against you;
 - Where a new issue arises (eg a complaint);
 - Where other action is in prospect (such as criminal proceedings, a wasted costs order, bankruptcy or voluntary arrangement, or any kind of investigation by any professional, regulatory or complaints handling authority).

Handling of issues of character

- A4 The Panel has said that it will consider an issue of character only where it could affect the decision whether or not to recommend an applicant for appointment. In other words, the Panel will generally assess your application based on the self-assessment, summary description of practice, assessments and (where applicable) interview alone, without regard to any matter disclosed by you in Section C of the application form or otherwise, or in response to the professional conduct check. Only if it appears that a character issue is of sufficient seriousness to affect any eventual decision as to recommendation for appointment will the Panel be made aware of an issue of character in relation to a named applicant. If you are invited for interview, the interviewers will not generally be aware of a character issue and you should therefore not mention such a matter during the interview, unless raised by the interviewers.

Professional conduct and integrity checks

- A5 In accordance with the Process, the Secretariat will send lists of all applicants to senior members of the judiciary and to the relevant professional body with responsibility for professional conduct. For this reason we seek your authority



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to check your disciplinary record with your professional regulator or other body. We will also seek to make enquiries of any professional bodies in other jurisdictions where you may have practised.

- A6 If any of the senior judges who has received the list has reason to believe that an issue concerning integrity as it relates to the Competency Framework is known to another judge, the senior judge may invite the Panel to seek comments from the judge concerned. If comments are sought from the judge concerned, the comments will be directed at the integrity element of the Competency Framework. Concerns will have to be fully particularised. If any concerns about integrity are identified in this way they will be put to you, so that you have an opportunity to provide an explanation to the Panel.
- A7 Where checks with the professional bodies reveal that an applicant is or has been subject to a disciplinary finding or pending complaint, the Secretariat will contact the applicant for a full explanation, unless such explanation has already been given in the application form or volunteered by the applicant. If any matters of concern are identified in this way they will be put to you in writing by the Secretariat on behalf of the Panel, so that you have an opportunity to provide an explanation. If a finding or complaint is reported which you have not disclosed in your application form, the Secretariat will write to you to give you an opportunity to address in writing (a) the question of non-disclosure and (b) the materiality of the finding or complaint to your application.

Consideration by the sub Panel

- A8 If a character issue is disclosed then the relevant part of the application form and/or correspondence (with any details identifying the applicant removed) will be placed before a sub Panel made up of members of the Panel. The sub Panel, reporting to the full Panel, will form a view as to whether the issue is serious enough potentially to affect any eventual decision to recommend an applicant if he or she otherwise appears suitable for appointment. If the sub Panel requires further information or clarification from the applicant, it will ask the Secretariat to write to him or her. The sub Panel will reach its conclusions independently of the Panel's consideration of the other evidence relating to each applicant.
- A9 Only issues which the sub Panel considers to be of such seriousness as potentially to affect any eventual recommendation will be brought to the full Panel's attention in relation to a named applicant. This will normally be at the point at which the Panel decides the applicant has demonstrated the competencies sufficiently to be invited to interview. Where the Panel confirms that an issue is not sufficiently serious to impact on any eventual decision on an application, the Panel will not be made aware of it when considering that application. The sub Panel's role is to advise whether or not the issue is of sufficient concern that it needs to be considered by the full Panel. Final decisions as to whether or not to interview or recommend an applicant rest with the full Panel.



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Considerations in determining issues of character

- A10 The following considerations will be borne in mind by the sub Panel in making its decisions.
- A11 Applications are assessed against the Competency Framework. All advocates, whether QCs or not, are expected to maintain the high standards of the legal profession.
- A12 Character is considered as a whole. If more than one issue is presented by an applicant, then the sub Panel will consider:
- a. Whether any one issue by itself is or may be of concern; or if not
 - b. Whether all issues taken together are or may be of concern, disregarding any that may not be taken into account (see paragraph A16 below).
- A13 In other words, one relatively minor instance may not be considered serious enough to be a bar to recommendation, but the sub Panel will consider whether there is evidence of a pattern of behaviour that the Panel needs to take into account.
- A14 In the case of pending criminal proceedings, complaints and professional negligence claims, or other pending matters, the sub Panel will consider whether the complaint or claim, if substantiated, would be of sufficient seriousness to provide grounds for the Panel to wish to defer any recommendation.
- A15 Unless the applicant has provided a satisfactory explanation in correspondence, non-disclosure of an issue by an applicant may be treated as being of sufficient seriousness to require consideration by the full Panel.
- A16 The following need not be disclosed:
- a. Criminal convictions that are 'spent' under the Rehabilitation of Offenders Act 1974. The Panel takes the view that under the Rehabilitation of Offenders Act 1974 a candidate need not disclose a spent conviction and the Panel will not take a spent conviction into account when considering an applicant,
 - b. Complaints, professional negligence claims and other proceedings against an applicant that have been dismissed.
- A17 Subject to other factors described in this Appendix, character issues will be assessed by the Panel in the light of the following criteria:
- a. Seriousness,



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- b. Time elapsed since the incident occurred,
- c. Experience at the time of the incident, in the sense that 'youthful indiscretions' are more likely to be disregarded. In particular, matters predating the applicant's call or admission to the profession will normally be ignored (although they should still be disclosed, except as specified above),
- d. Relevance of the incident to the Competency Framework,
- e. Any other feature that might cause concern, e.g. as potentially bringing the position of QC into disrepute, having an adverse impact on the client, or failure to disclose a finding or pending matter of professional disciplinary fault.

Criminal convictions (other than 'spent' convictions etc.)

A18 Particular considerations apply in the following cases:

- a. Minor motoring offences where the applicant was not obliged to appear in court should be disregarded. However, any motoring offence resulting in disqualification, including under totting up, should be disclosed.
- b. Any conviction for an offence of dishonesty or resulting in a term of imprisonment will be of serious concern and is likely to be a bar to appointment.
- c. Any other unspent conviction or bindover will be considered on its individual merits.

Findings of Professional Negligence

A19 Where a claim against you has been dismissed, it should not be disclosed. Where a claim against you has been settled, you should disclose the terms of the settlement, and indicate clearly whether and to what extent you have accepted liability.

A20 Findings of negligence and settlements where the applicant admits to being or appears to have been at fault will be assessed taking into account the degree of loss and the importance of the matter to the client along with any other relevant factors.

Professional disciplinary fault

A21 Findings of professional disciplinary fault will be relevant to Competency E – Integrity, as showing prima facie a failure to honour professional codes. They will be treated on a case-by-case basis having regard to factors such as the



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penalty imposed. Generally, a penalty such as a suspension from practice is likely to be treated as indicating that the profession regarded the offence as serious, while admonishment or a reprimand, or an order to compensate the client, may suggest that it was less serious in professional conduct terms, but this is not to be regarded as an absolute rule.

A wasted costs order

A22 Wasted costs orders will be considered with regard to the reason given for the order being made, the amount involved and the length of time since the order was made.

A complaint to the Legal Ombudsman

A23 A complaint to the Legal Ombudsman is unlikely to be regarded as significant in itself. However, a series of such complaints may well be significant. A direction from the Legal Ombudsman which indicated gross neglect of the interests of a client would also be significant.

An intervention by the Solicitors Regulation Authority

A24 An intervention into a solicitor's practice is likely to be regarded particularly seriously.

A bankruptcy order, debt relief order, individual or partnership voluntary Arrangement or a director's disqualification order

A25 A current or recent (ie within five years of discharge) Individual Voluntary Arrangement (IVA) or bankruptcy or other order will be of concern. An undischarged IVA or bankruptcy order may well preclude appointment. An IVA or order which has been discharged is not likely to preclude appointment, unless there is an indication of reckless conduct leading to the IVA or bankruptcy.. However, such cases will be considered with regard to all the circumstances.

Any other form of order or proceeding that may be material to the Panel in considering your application to be appointed Queen's Counsel

A26 You should disclose any matter not covered by the above categories but which a reasonable person would regard as material to your application, having regard to the general criteria mentioned above. An example of such a matter would be a foreign criminal conviction or an order of a court or tribunal outside of the United Kingdom.



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Further assistance

A27 If you have any doubts about the application of this guidance to your own circumstances you may discuss the matter in confidence with a senior member of the QC Secretariat.