

Adam Johnson QC – Herbert Smith Freehills LLP, London

Adam Johnson QC was one of 113 new Queen’s Counsel appointed following the 2016/17 competition. Adam is also one of six solicitor advocates appointed this year. He is a partner at Herbert Smith Freehills, is a member of the firm’s specialist advocacy unit, and specialises in commercial litigation and arbitration, in particular cross-border litigation and cases involving the conflict of laws.



Adam joined the law firm in 1988 as a trainee solicitor and qualified in 1990. He was made a partner in 1997. In 2007, he moved to the firm’s pioneering advocacy unit – still a fairly rare entity for a City law firm – to spend more time working as an advocate. As Adam’s role in disputes management decreased and the time he spent working as an advocate increased, he began considering the possibility of applying for silk in the future. He says that he was incredibly fortunate on his move to the advocacy unit to work alongside two eminent silks, Murray Rosen QC (the first head of the unit) and Ian Gatt QC. Adam now works alongside Tom Leech QC in the unit. These colleagues, together with friends at the Bar, were amongst those who were well placed to guide Adam as to his readiness for making an application for silk, providing a vital mentoring role as he developed the advocacy side of his career.

A particular interest in the conflict of laws and international cross-border disputes dated back to Adam’s university days as a pupil of the distinguished legal academic, John Collier. At Herbert Smith, Adam worked closely with Lawrence (now Lord) Collins, then a partner in the firm, on a “steady diet of litigation” in a wide range of areas, but with international litigation always as Adam’s key interest.

We spoke about the QC Selection Panel’s concern that the level of applications from solicitor advocates continues to be at a comparatively low level, and about what might be done to help overcome hesitancy on the part of some solicitor advocates to apply for silk, even where they may be well qualified to do so. It was, Adam said, still difficult for many solicitor-advocates to get the necessary advocacy experience to apply for silk. It was possible to be embroiled in a very important and substantial case, perhaps for years, and yet get very little court room or trial experience because the case produces few interlocutory applications and then is resolved without a trial. Adam felt that this was an issue for the process, particularly as there was a growing and respectable school of thought that considered you were doing best for your client if you obtained settlements and avoided the courts.

But Adam did feel that things were getting steadily better. The huge growth in international arbitration was providing increasing opportunities and a platform for solicitor-advocates to develop and build the skills and confidence. The legal environment was becoming increasingly diverse and Adam hoped that solicitor-advocates would continue to appear “increasingly less unusual” in the senior courts. He appreciated that he was fortunate in that his firm had an advocacy unit which had given him opportunities for courtroom advocacy and provided a supportive, mentoring environment. Adam believed that more big law firms would in future be providing increasing opportunities for in-house lawyers to carry out advocacy.

For solicitor advocates contemplating working towards a silk application, Adam said that “you need to put yourself out there” in your firm, and take on work and cases that could provide the necessary experience to meet the standard of excellence across all the competencies. You had to have a real interest in your chosen field and be highly motivated and have the full support of fellow partners. You had to make and take opportunities. Although Adam’s clients were effectively partners in other parts of the firm, he still had to

demonstrate that he was the best advocate for the case in question – “you are in the mix with everyone else competent to do the job.” During the past 10 years, Adam had done approximately 50/50 domestic/international work to obtain the required experience and skills (and potential assessors) to feel ready to apply for QC.

Adam felt that he had put himself in the best possible position to gain the relevant experience; to take on the cases and hope that a sufficient number of them would not settle; and been willing to be rather opportunistic and ‘make it work, however inconvenient’. He had nurtured contacts around the firm, ‘making your own luck’ as when the RBS case – which has entailed many hearings and a very lively interlocutory life – came his way.

Adam said that you needed to be strategic and look honestly at your own experience and skill set in planning a silk application. As a tip for future applicants, Adam said he had had a copy of the QC application form on his laptop in the years running up to his application, so that he became familiar with its requirements, and could populate it with notes on potentially substantive cases. It was a year-round process akin to personal career development. And he had kept populating the application form during the competition so that he was ready to talk to more recent cases, although he did wonder how much the Panel could take into account at interview what you might say about these much more recent cases in absence of corroborating assessor evidence. On the latter point, Adam wondered whether there might be scope for the Panel to request limited, updated assessments after the submission of the application form from referees involved in important hearings which occurred between then and the interview. In any case, it might help applicants if there were some guidance on the extent to which the Panel takes into account applicant evidence at interview on these most recent cases.

Adam said that he found the interview to be neither interrogative nor invasive. It was a friendly and supportive experience, with the onus very much on the applicant to provide specific examples in answer to the open questions. It was important to stay focussed throughout the interview and for everything you said to be related to the competencies “and to count”. It had been quite an intense experience and he had felt very tired at the end of it.

Working in a diverse workplace in an international law firm had provided Adam with plenty of opportunities to meet the diversity competency. Diversity was part and parcel of his day-to-day work, dealing with, for example, gender, LGBT and overseas issues all the time, but he had had to draw out specific examples of putting diversity into practice for his application form and at interview. A true commitment to diversity went beyond career considerations and should, in Adam’s view, be linked to social responsibility and social justice; he would like to see more advocates carving out time out to do pro bono work. This would be in itself a social good and also assist the courts and in particular judges who increasingly had to deal with litigants in person and all that entailed. Besides being personally hugely rewarding this could have substantial spin-off benefits for those seeking broader advocacy experience (perhaps with a long term aim of applying for QC), particularly if they are working in areas that have limited opportunities for court room experience.

The most demanding part of the application process had been the somewhat alien process of in-depth self-examination and analysis that was required to be able to honestly assess yourself against the competencies. For the interview, Adam received some training assistance, recommended by a friend at the Bar. This helped him understand competency-based interviewing. The process and interview in particular was like nothing he had ever done before. It was necessary to understand what the process was seeking, and once ‘the penny dropped’ it all became much easier. It was vital to cite clear examples of what you have done in relation to the competencies. He had found it useful to list his best three

examples against each competency. You had to pull together the very best evidence that you could muster for the QC Selection Panel.

His overall experience of the application process was a positive one. He had felt that everyone involved at QCA and in the Panel did their best to make the process as effective and efficient as it could be. The competition did take a long time from start to finish even after the reductions made to the timetable in recent years, and anything more that could be done to reduce the waiting would be very welcome. However, he appreciated that in order to be as rigorous and as thorough as it was, there was only so far QCA could go in this direction.

As to now being in silk, Adam said that this helped you stand out from the crowd because it was an indication of recognition by your peers that you had reached a very high level of capability, so that clients could have the confidence in your ability, authority and commitment. He felt some relief that the whole, demanding process was over and that he had reached a platform from which he could develop his career further in directions he was deeply interested in. It felt very pleasing to be recognised.