

Sarah Clarke QC – Serjeant’s Inn Chambers, London



Sarah Clarke QC, one of the new QCs appointed at the Silk Ceremony earlier this year at Westminster Hall, started at the self-employed Bar before transferring in 2005 to work in-house at the (then) Financial Services Authority (FSA) for six years, before returning to the Self-Employed Bar, joining Serjeants’ Inn Chambers in 2011. Sarah was conscious that such a move entailed an element of risk in 2005, when the attitude at the Bar to such moves was less advanced than currently. However, she believed that to become an expert in her speciality – insider dealing and FCA Enforcement litigation - she needed “experience at the coalface”.

So, she “took a deep breath and made the move”. And as it turned out, the time she spent at the FSA was successful, fulfilling and enhanced her capabilities as a barrister. Furthermore, she said “it was also six exceptionally happy years”. Sarah joined Serjeants’ Inn Chambers, as “a much better litigator”. It was “the best career move I have ever made”. She firmly believes that such moves and secondments should become far more common at the Bar as these could radically broaden barristers’ worldviews and skills.

Besides the in-depth experience gained from prosecuting insider dealing and enforcement cases “we did ground breaking cases and were literally shaping the law”, working at the FSA also gave Sarah hands-on involvement in stakeholder management, staff management and leadership, all of direct relevance to the QC process, and in particular to the ‘working with others’ and ‘diversity’ competencies. The FSA embraced diversity, for example through actively supporting women with children and returners to work. Sarah, whilst working at the FSA, achieved senior promotions whilst also becoming a single-parent mother of two.

In assessing an applicant’s own diversity credentials, Sarah found that the Panel were seeking out an authentic commitment as well as evidence of proactivity. Sarah was not on her chambers’ diversity committee, but she takes a keen interest in diversity issues within Chambers and was thus able to talk knowledgeably at interview about its work and about chambers’ policies. Sarah was also able to demonstrate this competency by a variety of means including through her practice, work on the Bar Standards Board and national and international advocacy training.

Having joined Serjeants’ Inn Chambers, Sarah broadened her expertise further with police disciplinary and inquests work, building on her earlier experience of criminal work. But her chief interest remained insider dealing and investment fraud, and FCA Enforcement litigation, which she finds “fascinating” and “exceptionally complex”. She said that it is the advocate’s job to ‘tell the story’, distilling profoundly complex material down to its core themes for the court or tribunal to understand.

Sarah has written the textbook on insider dealing law. She had found a previous text published in 1993, “invaluable but it was long out of date.” Sarah said that she wrote the book “I would have wanted to have read when I started doing these cases”. The textbook is now widely used by defence and prosecution teams and by the FCA. The publication boosted her confidence, which she considered to be particularly important in her deciding to apply for silk despite her concern that her practice “did not appear to quite fit the profile”.

In building towards her silk application, Sarah found that the support she received from colleagues and judges gave her the extra confidence that she needed to make an application. She was also increasingly being instructed in cases where she was against silk opponents. Due to the nature of her work, she did not have 12 cases in the previous 3 years and she understands that this issue can be a particular hurdle for many women applicants. Sarah therefore welcomed the fact that the current guidance now emphasises that eight

rather than twelve cases are acceptable and that, if necessary (e.g. for work returners), you can go back further than three years for some highly significant cases/ assessors.

As to advice for those contemplating a career in the law, Sarah said that you have to understand that it is not a 'nine to five' job. To excel at courtroom advocacy requires a great deal of painstaking preparation which inevitably takes time, and means having to work many evenings and weekends because "that is the deal if you want to excel". Sarah said that it is important not to be afraid to make radical career moves, just so long as you have a clear view of where it will take you in five years' time. You do not have to have a certain type of background to aspire to the most senior levels in law if you have the ability and willingness to work hard.

Sarah felt that working at the FSA had provided her with excellent experience and knowledge of competency-based promotion and interviewing, which she felt gave her quite an edge when it came to applying for silk. The process was nonetheless demanding, with the application form taking about a week (in total hours) to complete. It was "unbelievably difficult" to get right. However, she did not find any particular competency harder than the others to enunciate – the challenge was more to "get in the competency zone", that is in understanding what the Panel sought.

In preparing for interview, Sarah said that she became totally familiar with her application form – she "knew it backwards" – which was very important given the six or seven months between completing the form and being interviewed. She knew her cases and had thought carefully about what questions she might be asked about them in relation to the individual competencies. She was acutely conscious that there would probably be at most nine minutes available for each competency (including oral and written advocacy) in the 35-40 minute interview. Every word had to count.

Sarah enjoyed the interview. It was "very constructive" and the interviewers were "delightful" and put her fully at her ease. She was given every opportunity to demonstrate what she could do. Sarah also had the sense that the interviewers were interested in ascertaining her in the round and genuinely interested in her as a person.

Her overall experience of the QC application process was, she said, "surprisingly positive but it was time-consuming and gruelling...it is not for the feint-hearted or anyone with a victim mentality. You have to be brave and determined". In her run up to making a QC application, she was an incredibly busy senior junior and it was "really tough". She was taking on an increasingly heavy work load, much of it already at silk level. As a new QC, Sarah is still in the process of assessing her work direction as well as possibly recalibrating her work-life balance. In reality, she says that an ideal work-life balance is probably unattainable and you have to "embrace the challenge on a daily basis, accept that it can be tough and worry less about it."

As a silk, she feels that she is now senior enough to make a difference. She is now one of four female QCs in her chambers, all of whom are working mothers. They support one another and also the younger women in chambers, including through mentoring. "Taking silk is a great privilege" she says, "but it also carries responsibility, in upholding high standards but also acting as role models for what can be achieved."