

## SPECIALIST BAR ASSOCIATIONS OF ENGLAND AND WALES:

### Chancery Bar Association

Members of the Chancery Bar Association offer expertise in providing solutions to problems in all areas of the law of business, property and finance. They frequently act in international transactions and disputes and are able to accept instructions direct from overseas lawyers. For more information and a list of members please visit: [www.chba.org.uk](http://www.chba.org.uk)



### Criminal Bar Association

Almost every Criminal barrister in independent practice in England and Wales belongs to the CBA. Drawing on a very wide range of expertise, the CBA is the focal point of contact for those concerned in commercial and business fraud, extradition, money laundering, corporate manslaughter and general crime. For more information visit: [www.criminalbar.com](http://www.criminalbar.com)



### Northern Chancery Bar Association

The Chancery Division deals principally with business-related topics including company, partnership, land, trusts, intellectual property and banking. Each member spends a significant part of his practice doing work in one or more of the cities of Leeds, Liverpool, Manchester or Newcastle. However, members appear throughout England and Wales and abroad. Please visit at [www.northern-chancery.co.uk](http://www.northern-chancery.co.uk)

### Northern Chancery Bar Association

### The Commercial Bar Association (COMBAR)

was formed to bring together barristers who practise in the fields of international and commercial law. COMBAR can claim to represent the great majority of the members of the Commercial Bar, who provide specialist expertise and advocacy skills in banking, insurance, international trade, shipping, arbitration and other key commercial activities. Please visit the COMBAR website: [www.combar.com](http://www.combar.com)



### The Intellectual Property Bar Association

The IPBA is the specialist bar association for barristers practising in all areas of intellectual property law in England and Wales including patents, registered trade and service marks, passing off, copyright, registered and unregistered design rights, performers' rights, trade secrets and breach of confidence. A list of members and their Chambers is available at the Association's web site [www.ipba.co.uk](http://www.ipba.co.uk)

### Intellectual Property Bar Association

### The Technology and Construction Bar Association

is the association for barristers specialising in the field of technology and construction disputes. Members appear before the Technology and Construction Courts in England and Wales and in domestic and international arbitration and ADR forums. Claims typically involve construction and engineering projects, IT, energy and professional negligence disputes. TECBAR members can be found at [www.tecbar.org.uk](http://www.tecbar.org.uk)

### TECBAR

## OTHER SPECIALIST BAR ASSOCIATIONS:

### Administrative Law Bar Association

[www.adminlaw.org.uk](http://www.adminlaw.org.uk)

### Bar European Group

[www.bareuropeangroup.com](http://www.bareuropeangroup.com)

### Employment Law Bar Association

[www.elba.org.uk](http://www.elba.org.uk)

### Family Law Bar Association

[www.flba.co.uk](http://www.flba.co.uk)

Contact: Carol Harris, Administrator

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Email: [charris@barcouncil.org.uk](mailto:charris@barcouncil.org.uk)

### London Common Law and Commercial

### Bar Association

Contact: Michele Jones, Administrator

Email: [mjones@3vb.com](mailto:mjones@3vb.com)

### Midland Chancery & Commercial Bar Association

Contact: David Stockill, Secretary

Email: [das@no5.com](mailto:das@no5.com)

### Personal Injuries Bar Association

Website: [www.piba.org.uk](http://www.piba.org.uk)

### Planning & Environment Bar Association

Contact: Douglas Edwards, Secretary

Email: [dedwards@2hb.law.co.uk](mailto:dedwards@2hb.law.co.uk)

### Professional Negligence Bar Association

Website: [www.pnba.co.uk](http://www.pnba.co.uk)

### Property Bar Association

Website: [www.propertybar.org.uk](http://www.propertybar.org.uk)

### Revenue Bar Association

Website: [www.revenue-bar.org](http://www.revenue-bar.org)



## A BRIEF GUIDE TO USING A BARRISTER

SPECIALIST ADVICE AND ADVOCACY SERVICES

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## BAR OF ENGLAND AND WALES CONTACT DETAILS



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## A BRIEF GUIDE TO USING A BARRISTER

Law firms from many different jurisdictions have long come to appreciate the expert and cost effective service offered by the Bar of England and Wales. Yet many overseas lawyers still do not have a clear understanding as to the full range of services provided and the ease with which they can identify the right barrister for a particular job. This leaflet presents the up to date picture, and explains how you can take advantage of barristers' services.

## WHAT IS A BARRISTER?

In many jurisdictions there is one generic category of "lawyer", although some may specialise in advocacy and specialist legal advice whereas others do deals and rarely go to Court. In England, the legal profession is split between solicitors and barristers.

There are around 100,000 thousand practising solicitors in England and Wales and over 11,000 self-employed barristers. The role of barristers is to appear in Court and give specialist advice. By far the greatest part of higher-level advocacy in English Courts and arbitral tribunals is undertaken by barristers. Leading advocates are designated "Queen's Counsel" or QC, a quality mark which allows you to identify those who are the most experienced in their particular field. There are about 1300 QC's.

Cases are typically referred to barristers by solicitors, much in the way that a general practitioner in the medical field might refer someone to a consultant. However, foreign lawyers can also use the bar directly, as explained below.

Recruitment to specialist barristers' chambers is highly competitive, and the largest sets take on as pupils (trainees) only three or four students out of many hundreds of applicants. They often accept as tenants only one or two of those. The hallmark of a successful pupil and a successful barrister is academic excellence and flair as an advocate.



## SERVICES OFFERED BY BARRISTERS

### Barristers specialise in:

- legal argument and cross-examination, both in Court and in arbitration in England/Wales and abroad
- advice on the strength and weaknesses of cases and on the evidence required to support them; and
- the giving of opinions on points of law even in a non-contentious context.

Senior barristers are also frequently appointed as arbitrators, mediators and adjudicators, and to appear as expert witnesses abroad. In several important

jurisdictions barristers can obtain temporary admission to argue your cases in court. These include Australia, Malaysia, Singapore, Hong Kong, Brunei, Bermuda, the Cayman Islands and other parts of the Caribbean. All barristers have rights of audience in the European Court of Justice and the European Court of Human Rights.

Specialist chambers are networked to legal research tools and web-linked, so that points can be raised and answered by email, and a barrister can readily be incorporated into a team.

## ADVANTAGES AND BENEFITS FOR OVERSEAS LAWYERS

Barristers can be approached directly by foreign lawyers including in-house counsel. The advantages are many:

The nature of barristers' work means that they develop current knowledge and courtroom instinct in their fields, so that their advice is particularly reliable. The bar remains primarily a referral profession, so that there is no danger of barristers or their chambers taking away clients. On the contrary, the bar can work closely with foreign lawyers to improve efficiency and deliver an enhanced service. Often the overseas firm can do much of the preparation for litigation and collect the evidence identified as necessary by the barrister. If a solicitor's firm is needed to handle correspondence, filings and provide trial infrastructure, a barrister can usefully advise which firm to engage, which helps to keep costs under control. The firms of solicitors who do most litigation in the United Kingdom use the bar, rather than in-house advocates, for heavy cases.

Accordingly, a specialist barrister in a particular field will know which solicitors are best for the job.

Barristers often charge lower fees than solicitors for equivalent time. The reason is that barristers need to sustain a smaller office. They work for themselves with no need to keep associates employed, and, as specialists in their field, they often need to do less research to get the right answer.

The self-employed status of barristers also contributes to real objectivity and independence.



## CHOOSING A BARRISTER

Barristers operate from sets of chambers which tend to have one or two overall specializations. The right set and the right barrister can be identified in a number of ways.

- Specialist sets and barristers can be identified by their inclusion in the directories (paper or web-based) of the Specialist Bar Associations ("SBA's"). Those cover a range of disciplines including, for example, Commercial Law and European Law. Please see the list of SBAs overleaf.

- The clerks or practice managers at the Chambers listed will be able to provide a resume of anyone they recommend, including lists of recent cases in which they have been involved.

- Various commercial directories exist which contain appraisals of individuals as leaders in their respective fields. Web-links include the following:

### Chambers

<http://www.chambersandpartners.com/uk/search31.aspx>

### Legal 500

[http://www.legal500.com/l500/frames/barr\\_fr.htm](http://www.legal500.com/l500/frames/barr_fr.htm)

### Martindale Hubble

<http://www.martindale.com>

- A useful approach is to run a Lexis search to identify relevant English law or European law cases on a particular point, or cases in which a particular named advocate has appeared. Their related expertise is easy to see, together with the confidence placed in them by other major clients. This is a useful test to apply if faced with a pitch for business from the in-house advocacy department of a solicitors' firm that claims to have no need for the bar.

### The official Bar Directory

which can be found at:  
<http://www.sweetandmaxwell.co.uk/online/bardirectory/login/login.cfm>

## INSTRUCTING A BARRISTER

Instructing a barrister is straightforward. Terms can be negotiated with his or her clerk, and could involve hourly or daily rates or a fixed fee or a combination of these.

Overseas lawyers can instruct barristers directly in relation to virtually all work (including arbitrations, opinion work and advice on the law and evidence in relation to potential disputes anywhere, subject to compliance with local rules in the jurisdiction of the tribunal). The exception arises where proceedings are decided upon in England and Wales, when a solicitor will have to be retained to go on the record in relation to the proceedings. However, as noted above, the

barrister will be able to recommend suitable solicitors in relation to that work. The barrister can advise on what work needs to be done by a solicitor and what can be done by the overseas lawyer, together with advising generally on evidence, the merits and tactics, and ultimately presenting the case.

Many overseas law firms have offices in London and employ English solicitors, so that they can instruct barristers directly in relation to English litigation.