

King's Counsel Appointments:

Guidance for applicants



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Introduction

The King's Counsel scheme aims to identify those advocates best qualified to represent clients in legal disputes of particular difficulty, complexity or sensitivity in the higher courts of England and Wales or in equivalent forums.

Submitting an Application

All applications and application fee must be received by King's Counsel Appointments (KCA) **by 5 pm on 19 April 2024.**

The Panel will not consider applications received after this time.

Eligibility

To be eligible, applicants must:

- hold rights of audience in the Higher Courts of England and Wales and a current practising certificate;
- have demonstrated excellence in advocacy in cases of substance in the higher courts of England and Wales or in tribunals, arbitrations or other forums;
- demonstrate consistent excellence across each of the competencies; and,
- provide evidence of both written and oral advocacy in relation to developing and advancing a client's case, although the best outcome may have been achieved through arbitration, court determination or a settlement agreement.

In addition, applicants should be aware that:

- There are no quotas of any kind. All applicants are judged individually against a standard of excellence, supported by evidence.
- Each competition is separate. Applicants may re-apply and the Panel will not be informed that they have applied previously unless there has been a serious unresolved concern relating to character or integrity on a previous application (see annex A for further details). All assessments will be sought afresh, although an assessor may direct the Panel to a previous assessment they have provided. On the basis of the above, there is no guarantee that an applicant will reach the same stage as in a previous application.
- Any applicant who makes a complaint in relation to the 2023 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 KCA Secretariat will ensure that, so far as possible, that Panel member is not directly involved in the new application.
- There are no age requirements for applications, although applicants should bear in mind that it is likely that they will need extensive experience in legal practice to have acquired the necessary skills and expertise for appointment.

1. Application process: an overview

Applicants Practising Outside the Higher Courts of England and Wales

Applicants who practise primarily outside England and Wales may apply to become a KC, subject to meeting the eligibility criteria as set out above. However, applicants must satisfy the Selection Panel that they would be excellent in relation to advocacy in the higher courts (including tribunals) of England and Wales and that they can meet the required standard in all of the competencies.

Applicants must therefore bear in mind that:

- evidence from outside England and Wales will only be relevant where the Panel can be satisfied that it demonstrates competencies relevant to practice in England and Wales;
- the system in which they practise must be sufficiently similar to the procedure in the higher courts of England and Wales, for example arbitration proceedings conducted under the law of England and Wales or other common law jurisdictions;
- the Panel will place greater reliance on assessors who have a good understanding of the standards expected of KC's in the higher courts of England and Wales;
- they must be able to demonstrate excellence in oral advocacy, even if, for example, a judge would not normally ask questions of advocates orally in the jurisdiction in which they normally practice;
- where it is possible to list a case of substance in the higher courts of England and Wales they should do so;
- the Selection Panel is unlikely to recommend an applicant where there is no practical connection to the courts or tribunals in England and Wales, or with arbitration work conducted under England and Wales law; and,
- the Selection Panel are particularly unlikely to recommend an applicant where an alternative system for designating excellence as an advocate is available to them.

Selection Process

The selection process was originally agreed by the Law Society and the Bar Council and approved by the (then) Lord Chancellor. The Summary of Process document is available on our website at www.KCappointments.org.

Decisions about applications, and the guidance for applicants and for assessors, are the responsibility of the Selection Panel, supported by a Secretariat. The Selection Panel and the Secretariat are independent of the General Council of the Bar, of the Law Society and of the Government. The Panel is made up of up to two retired senior judges, senior lawyers (both barristers and solicitors) and distinguished lay (not legally qualified) people.

1. Application process: an overview

The Selection Panel members for the 2024 competition



Monisha Shah (Chair)



Dr Douglas Board



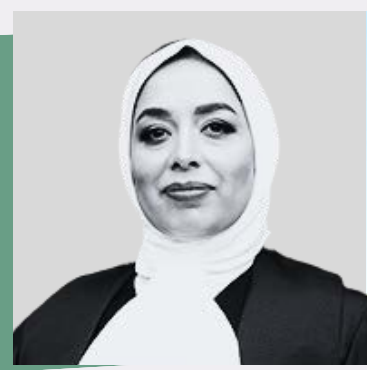
Matthew Chapman KC



Paul Grant



John Montague



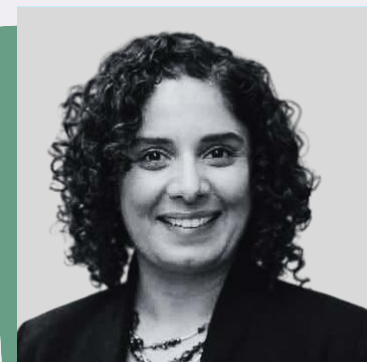
Sultana Tafadar KC



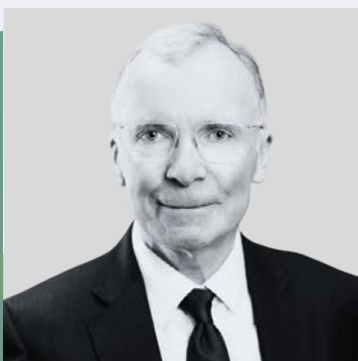
Sara Nathan OBE



Dame Anne Rafferty DBE



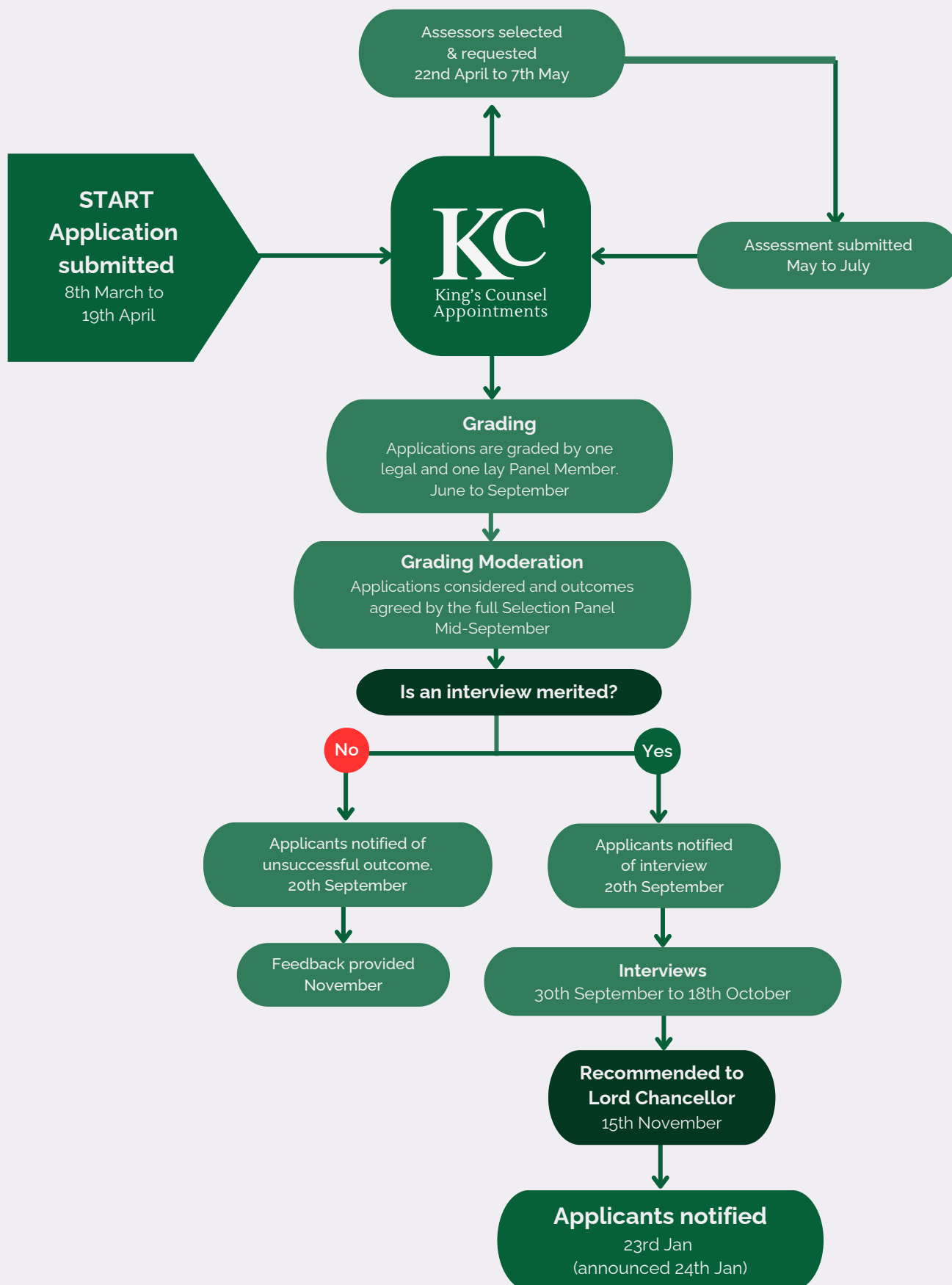
Mena Ruparel



Sir Paul Morgan

1. Application process: an overview

The Application Process 2024



1. Application process: an overview

Equal Treatment of Applicants

The Panel is committed to equality of opportunity in the appointments process. Applicants who meet the standard of excellence required of King's Counsel will be recommended for appointment on merit, regardless of protected characteristics or any other extraneous factor such as educational background, political affiliations, caring 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.

The Panel is 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, KCA will, on request, fund the assistance of a reader, or make the application form and other information available in alternative formats for anyone who requires it.

Confidentiality

We will not disclose that an individual has made an application without their agreement, except so far as is necessary for the application to be processed. If an applicant needs 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 given to us except in connection with the processing and consideration of applications or for other purposes with the consent of the applicant.

At the end of the competition, we inform the Lord Chancellor of the date of birth and basic professional information such as the applicant's chambers, firm or other employer of successful applicants. We may also publish the professional information (but not the date of birth) or disclose it to enquirers. We do not disclose applicants' self-assessments, or the names of their assessors, to anyone

Handling of Information

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

Information supplied by applicants, assessors or others may be held in electronic and paper form and will be used in relation to the KC 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.

1. Application process: an overview

Timetable

The Selection Panel is likely to seek assessments from assessors from the start of May onwards. Those applicants who are invited to interview are likely to be informed on or around 20 September. Interviews are likely to take place from **30 September to 18 October in London and Manchester**.

The results of the competition are likely to be announced on **24 January 2025 and applicants will be notified on 23 January 2025**. However, this may be subject to change depending on the timing of the upcoming General Election. Any changes will be notified to applicants as soon as possible.

Professional assistance with application and interview

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 excellent applicants to be identified without the need for outside assistance. However, the Panel recognises that applicants may have little experience of a competency-based appointments process, or of competency-based interviews.

There is a wealth of information on the KCA website which will support you in making your application. We also have a dedicated events page which provides details of upcoming events as well as providing slide packs and accompanying notes from previous events. You may also find it helpful to seek advice from colleagues who have applied for appointment in recent years, where such advice is available.

Applicants called to interview who do not have access to such advice might gain as much from a short discussion with an HR professional (who need not specialise in the law) or from limited coaching on the nature of competency-based interviews.

Expensive, intensive coaching can be counter-productive. The Panel seeks an authentic and nuanced picture of the applicant and sometimes strongly suspects that there has been coaching. Trying to give what is thought to be the right answer can get in the way of the Panel understanding what the individual applicant has to offer and may obscure the more positive evidence the applicant has to give.

Problems or Complaints

In the first instance, a problem should be referred to the Chief Executive of KCA. If the problem or concern relates to the Chief Executive or cannot be resolved by her the problem may be addressed to the Chair of the Panel once the outcome of the competition has been announced. 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 King's Counsel Complaints Committee.

1. Application process: an overview

The Complaints Committee is independent of the King's Counsel Selection Panel and of the KCA Secretariat. 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 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.

Improving the Process

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 take all feedback into consideration. It will be provided to the Panel only in anonymous form and will not have a bearing on the outcome of any application. We will also conduct a survey of applicants at the end of the competition.

The Secretariat and further assistance

Any prospective applicant who would like further information on anything regarding the application form or the appointments process, should contact:

King's Counsel Appointments
16 Red Lion Square, London WC1R 4QH.
Telephone: 0207 831 0020
Email: applications@KCappointments.org

Further information is also available on our website www.KCappointments.org.

KCA Secretariat
March 2024

2.

Completing your application form

2. Completing your application form

Section A - Personal Details

It is imperative that the details provided in this section are correct and that any changes are notified to the KCA secretariat immediately. Applicants should note the following:

- **Letters Patent** are granted by The King to successful applicants. The name you provide in this section of the application form will appear on your Letters Patent should you be successful. If you wish us to use names on your Letters Patent that differ from those on the application form, please provide that information at Section G – Other Information.
- **Dates you are unable to attend an interview** – please notify us of dates that you would be unable to attend an interview and provide a reason. We will try to take these dates into account but may be unable to do so. Further information about what you can expect at interview can be found at Annex C.
- **Preferred location for interview** – interviews will be held in London and Manchester from 30 September to 18 October and we will try and take your location preference into account.
- **ID Number** – this is your Bar Council Reference or Law Society Roll number. It will help us if you are able to quote it if you call or write to us. If you do not know your Roll or Reference number, contact the records section of your professional body.
- **Email Address** – please ensure that the address you provide is regularly monitored. You may also wish to ensure that applications@KCappointments.org is set as a 'safe sender'.

Section B - Professional Details

Much of the information in this section is used to inform the report to the Lord Chancellor, which is published on the KCA website when the outcome of the competition has been announced. Applicants should note the following:

- **Date of call** – as set out above, there are no age requirements for application or appointment and Panel members are therefore not provided with a date of call for applicants by the Secretariat. However, this information is used to determine the order in which successful applicants are called to make their declaration to the Lord Chancellor. If you cannot remember the exact date we will assume you were called on the last day of the month or year given.
- **Broad field of practice** – the list of successful applicants will indicate the broad field(s) of law in which each applicant practises at the time of appointment. It does not restrict the fields in which an applicant can practise after appointment.
- **Specialist fields of work** – this information is not published but is used by the KCA Secretariat for monitoring purposes.

2. Completing your application form

Section C – Character and Conduct

Before completing Section C of the application form, please read Annex A which sets out the Panel's approach to handling issues of character and conduct.

Those appointed KC are expected, at all times, to conduct themselves 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 similar 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 the prospect of any criminal proceedings, complaint, or any other issue arises.

In addition to the below you should disclose any matter not covered by the categories as set out but which could be regarded as material to your application and/ or which could affect your standing or reputation or your suitability for appointment as KC, whether related to your personal or professional life.

The Panel has agreed the following in relation to character and conduct issues:

- **Criminal convictions** – should be detailed as follows:
 - 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 preclude appointment.
 - (c) Any other unspent conviction or bind over will be considered on its individual merits.
- **Cases of professional negligence** – the Panel will only consider cases where the applicant has been at fault. Do not disclose cases which have been dismissed. Where a claim against you has been settled you should disclose the terms of that settlement and to what extent you accepted liability. 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.

2. Completing your application form

- **Findings of professional disciplinary fault** – will be treated on a case-by-case basis with 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. Any disclosure here may be relevant to Competency E (Integrity) as showing a failure to honour professional codes.
- **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.
- **Other matters dealt with by a professional body** - If you are unsure whether or not to include a possible character issue, please contact the KCA Secretariat.
- **Complaints which have been referred to the Legal Ombudsman** – these do not need to be disclosed unless the Legal Ombudsman has made an adjudication that is adverse to you.
- **A bankruptcy order, debt relief order or an individual or partnership voluntary arrangement** – an undischarged order may preclude appointment. Applicants should not apply unless, at the closing date of the competition, five years have elapsed since a bankruptcy order (or IVA) is discharged. An order which has been discharged may still be a bar to appointment, particularly where there is an indication of reckless conduct. However, all cases will be considered according to their individual circumstances, of which the Panel will request full details.

Section D – Information on Selection Panel Members

You should complete Section D and mark the relevant box if you consider that any member of the Panel should be recused from considering your application. Please ensure you use the free text box to provide a reason for this. Please contact the Secretariat as soon as possible if a matter arises during the competition that may make a recusal appropriate.

We are in the process of recruiting a fifth lay member for the Panel. Applicants will be asked to confirm any recusals in relation to this Panel member by email after the close of the competition.

If you have applied in a previous competition and received an interview you do not need to list the Panel members who interviewed you. Wherever feasible the Secretariat will ensure that your application is not graded, and you are not interviewed, by a Panel Member who did so in a previous competition, although this may not be possible.

Panel members may also recuse themselves from dealing with a particular application if they feel it is appropriate to do.

Final decisions on whether a recusal is appropriate will be made by the KCA Secretariat.

2. Completing your application form

Section E – Summary Description of Practice

The summary description of practice sets out the context for your application. It will form part of the evidence presented to the Panel and help them to build a picture of your practice.

You should include:

- What you consider your specialism(s) to be and what proportion of your professional time is spent on these;
- In which jurisdiction and/ or court(s) you most regularly appear;
- An overview of the main types of cases you have been involved in over the past three years, including any cases of substance or appellant work not included in your listed cases;
- The frequency with which you attend court as an advocate;
- Why you consider the 12 cases you have listed to be particularly important, with an indication of their outcome;
- Whether you are a member of any panels or boards, for example the Attorney General's A Panel;
- Whether you normally appear for a particular party, e.g. defence/ prosecution;
- Any reasons why your practice in the last few years has been atypical;
- Any other relevant factual information.

You should not include:

- 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);
- Where you have not listed 12 cases or have gone further than 3 years, the reasons for this (these should be identified in Section H).

2. Completing your application form

Section F – Self Assessment

The Self Assessment is your opportunity to speak directly to the Panel and provide evidence to demonstrate how you meet the criteria as set out in the Competency Framework (see Annex B). Examples provided in Section F should be related to your work as an advocate (rather than, for example, your work sitting as a judge or work on behalf of your professional body). The exception to this is Competency D (Diversity Action and Understanding) where you may wish to bring in examples from elsewhere in your professional or personal life.

The Panel are looking for evidence of strong and consistent excellence across all of the competencies and you therefore need to tell them not just what you did but how you did it. .

One such method of providing clear evidence (written or oral) of competencies is the STAR technique:

- **Situation** – this is the background and context of the situation – the who, what, where and when. It is important to focus on a specific example. You do not need to go into full detail of the case or situation; focus on the elements which speak to the substance, difficulty or uniqueness of the matter.
- **Task** - set out what your responsibility was in the situation and what was required, including (if applicable) taking responsibility on your own initiative.
- **Action** - how you completed the task or tried to meet the challenge. Focus on what you did, rather than what others did. This is the most important part of your answer and should be about the actions you took, focussed on the defined competency.
- **Result & Reflection** – outline what changed as a result of your actions. Your focus should be on what you accomplished and what you learnt, rather than on listing the actions of other parties.

Applicants should note that the character count in respect of each competency is capped and information provided elsewhere, including in other sections of the form, will not be considered by the Panel.

2. Completing your application form

Section F – Competency A, Understanding and Using the Law

Applicants should be looking to provide evidence of:

- **Up-to-date legal knowledge** – for example using the latest case law or judgments in an ongoing case;
- **An ability to use their legal knowledge accurately, relevantly and effectively** – for example taking only good points, applying correct case law;
- **An ability to become familiar with new areas of law effectively** – for example picking up a case outside your specialism and having to act at speed;
- **An ability to 'think on your feet'** – for example having information at your fingertips;
- **Novel or innovative use of the law** – for example applying the law in a new way, unexpected by an opponent or the tribunal.

Applicants should note that examples should be legally rather than factually complex.

Where you practise in a field of law on which the Welsh Assembly has the authority to legislate, you will need to demonstrate knowledge of any relevant differences in the law between England and Wales.

Section F – Competency B, Written and Oral Advocacy

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.

The application form is split into two parts for Competency B, Written Advocacy and Oral Advocacy. The Panel consider both elements of the advocacy competency in arriving at an overall score for Competency B. It is, however, important to note that the overall score is not based on the aggregating or averaging of the scores for the two areas but, rather, reflects the Panel's judgement on the applicant's written and oral advocacy taken together, bearing in mind the relative importance of the two elements of advocacy in the applicant's practice.

Applicants should note that:

- Whilst the Panel recognises that some applicants may have a paper or desk-based practice it is imperative that there is some evidence of excellence in oral advocacy, ideally in a contested setting.
- The Panel will take into account your type of practice when considering the balance of written and oral advocacy;

2. Completing your application form

- The Panel will look for evidence of excellence in cross-examination and examination-in-chief in particular unless your area of practice does not involve examination of witnesses; and,
- Evidence can come from arbitration, court determination, settlement agreements or mediations.

Section F – Competency C, Working with Others

Applicants should ensure that their self-assessment for Competency C covers more than just establishing productive relationships with others involved in the case. The Panel are looking for evidence spanning a number of areas, including:

- The way in which you command the confidence of the court;
- An ability to lead others – this might be the legal team or wider case team, as would be expected of a KC, but examples of a small team coupled with an understanding of what is required to lead a large team may be sufficient;
- Taking the initiative in the absence of formal allocations of responsibility; and
- An ability to adapt style and language depending on the situation.

Section F – Competency D, Diversity Action and Understanding

In Competency D it is not enough to be able to recite statistics and reports, the Panel are looking for in depth understanding of equality, diversity and inclusion issues as well as evidence of actions you have taken to widen access and participation that have had tangible outcomes.

The competency is not intended to promote the appointment of under-represented groups and, therefore, whilst lived experience is likely to be relevant to an applicant's understanding of these issues, being a member of an under-represented group is not itself evidence that an individual meets the standard required for this competency.

You do not need to limit yourself to evidence from your 12 cases in Competency D (although they may provide evidence of, for example, handling of vulnerable clients and/ or witnesses) or examples from within your professional life. It may be helpful to bring in evidence from outside of your cases, although pro bono work can provide useful evidence and you are welcome to include one or more pro bono cases within your listed cases.

When considering how to demonstrate Diversity Action and Understanding applicants may wish to consider:

- What experiences have shaped your understanding of diversity?
- Has your understanding of diversity changed over time? If so, how?
- What proactive steps have you taken to widen access and/ or participation?

2. Completing your application form

- Has your awareness of diversity issues prompted you to act in a way you would not otherwise have done?

Section F – Competency E, Integrity

The highest standards of integrity are expected of all advocates. Whether or not seeking appointment as King'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. The Selection Panel regards the integrity competency as being satisfied unless there is evidence to the contrary. There is, therefore, normally no need to set out examples of how you meet this competency.

Section G – Other Information

The following information should be included at Section G, as appropriate;

- Any personal circumstances of which you believe the Panel should be aware to consider your application fairly;
- Details of the name in which Letters Patent should be issued, if different from the name given in Section A of the application form;
- Details of any disability that you would like the Panel to take into account when considering your application (see further detail below). The Panel do not have access to data included in the monitoring form so any relevant information must be included at Section G.

Applicants should not use Section G as additional space for any other page on the form. Anything input to Section G that should have been included in other parts of the form will not be seen by the Panel.

Applicants wishing to notify the Panel of a disability

If you have a disability that you would like the Panel to take into account you should include in Section G details about the impact of your disability on your practice as well as information about any adjustments that could mitigate this impact.

The Panel will make adjustments to ensure that any shortage of cases arising from the impact of a disability is not counted against an applicant, provided there is enough evidence to make a proper judgement about the extent to which the applicant demonstrates the competencies. Any necessary adjustments will also be made if an applicant is invited to interview.

If you are invited to interview, regardless of whether you have declared a disability, you will be asked to let us know of any particular arrangements necessary for you to participate fully in the interview.

2. Completing your application form

However, you are under no obligation to disclose details of a disability at any stage of the selection process.

The Competency Framework for appointment as KC is a competency standard within the meaning of the Equalities Act, and the Selection Panel will not generally make an adjustment in respect of any impact which a disability may have on the quality of an applicant's work, as defined in the Competency Framework. However, where a disability has had an adverse impact on the quality of performance in some cases in the past, but the Panel is confident that that adverse impact is unlikely to recur in the future (for example if the issue is now effectively treated by medication), the Selection Panel may well be willing to recommend the applicant for appointment if the evidence from other cases and assessors is sufficiently strong. Where an applicant considers that this may be the case, they should specify in Section G the nature of the impact and the cases to which it is relevant.

Section H – List of Important Cases

Cases of Substance

The Panel is looking for your demonstration of the competencies in cases of substance. Cases should not be run of the mill. These cases may have important consequences for the immediate client but may present limited legal or other professional challenge, but the Panel is looking for cases that present unusual, novel or unforeseen complexities or have consequences beyond the case. However, the question of substance is a matter of judgement for the Selection Panel, informed by the views of the assessors from the case.

It is also important that both the case and your role within it are substantial and challenging. Ensure that you explain your role clearly in the relevant box at Section J.

If you wish to list a case but its name or details are not in the public domain (e.g. because of security issues) or it is confidential for other reasons, you should 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.

Cases that may present the characteristics of a case of substance are:

- A substantive appeal before the Court of Appeal;
- A case that has been reported in a series of law reports;
- A test case on a point of law, or one that sets a precedent;
- A serious, demanding or sensitive criminal case involving, for example, a fatality, or complex forensic evidence, or a still-developing area of expertise requiring a ruling on its admissibility;
- A contested case determining the removal of a child from one or both parents;
- A case on which the employment of a workforce of a significant size depends;
- A planning or other inquiry, whether or not public, of national importance or raising complex issues of law.

2. Completing your application form

Section H – List of Important Cases

Listing 12 Cases in the past 3 years

Listing fewer than twelve cases and/ or listing cases older than three years is not a bar to application. The Panel recognises that some applicants may not be able to list twelve cases in the past three years. This may be due to working patterns, career breaks, type of practice or specialism.

If an applicant is unable to list twelve cases in the past three years they must explain why in the free text box at Section H. Failure to provide an explanation may be counted against the applicant.

Provided a valid reason is given, the Panel will ensure that no applicant is disadvantaged if they are unable to list twelve cases from the past three years, provided that those cases can provide sufficient consistent evidence of excellence.

If an applicant is unable to list twelve cases over the past three years they may wish to consider listing an older case. In addition, an applicant may list a case older than three years if they believe it provides particularly powerful evidence of advocacy in a substantial case and this cannot be readily replicated in a more recent case. In both of the circumstances set out above the listing of an older case is acceptable but it should be noted that assessors' memories may have faded and they may therefore be unable to provide good evidence.

If you are uncertain as to the best approach to take to the listing of cases in your particular circumstances, please contact the Chief Executive.

Things to consider in listing cases

- If listing a case older than three years, will the assessor have a good memory of the case?
- Does the case allow you to list a judicial or practitioner assessor (and ideally both) who has enough information about your performance to provide good evidence?
- Do your listed cases allow you to list at least six different judicial and practitioner assessors? If the nature of your practice means you see a limited number of judges, please explain in the free text box.
- If you wish to list a case that was settled without court determination, can the listed assessors provide sufficient evidence of excellence in relation to the competencies?
- Can your cases, in their totality, provide the breadth and consistency of evidence required for appointment?
- Cases should in general each be listed only once: for example, you should not list a case separately for a first instance hearing and an appeal unless substantially different issues arose. However, where different issues heard by different judges did arise at the various stages of a case, it may be appropriate to list the case twice
- Will there have been sufficient developments in any ongoing case you choose to list before the time assessments are sought in May 2024?

2. Completing your application form

Section I - Assessors

Assessors are a key part of the KC assessment process. The Panel relies on assessors to provide evidence as to an applicant's abilities across the competencies.

You will be asked to provide the names of assessors across three categories:

Judicial

any person acting in a judicial capacity.

Practitioner

normally a fellow advocate but could also be a legal assessor or mediator.

Client

usually a solicitor but could be a senior legal person in a company or other body or a 'client proxy' (see further details below).

The Panel will seek nine assessments in total: four from judicial assessors, three from practitioner assessors and two from client assessors. Your assessors will be selected from those you have named in your application form. Once your application has been submitted you cannot put forward further assessors.

If one of your assessors is unable to provide an assessment or does not respond to our request, an alternative assessor from the same category will be approached. All assessments must be provided in English.

Number of Assessors

The Panel requires each applicant to list twelve judicial assessors, twelve practitioner assessors and at least six client assessors. If you have not listed twelve cases then each case that you have listed must name a judicial and practitioner assessor unless no such assessor was involved in a case or the assessor is now deceased.

If you have not listed a judicial and practitioner assessor for every case listed you must explain why. Failure to provide an adequate explanation suggests that you may wish to prevent the Panel from hearing from potentially relevant assessors.

The Panel recognises that in some fields of practice a case may be of considerable substance and thus merit listing, even if there was no substantial court or arbitration hearing in the case. However, applicants should avoid listing a large number of cases without assessors in more than one category.

2. Completing your application form

Where possible it is better to list older cases of substance than to list significant numbers of cases with no judicial or practitioner assessor. The Panel requires a choice of assessors when selecting the nine assessors in total – without this choice it may appear as though an applicant is deliberately attempting to constrain their choice.

Informing Assessors

Applicants do not need an assessor's permission to list them on their application. However, the Panel recognises that it may be helpful for assessors to receive copies of written submissions to refresh their memories should they be approached by KCA. We would suggest that applicants provide these documents and notify the assessor that they have been listed after an application has been submitted.

The Panel are also aware that applicants may approach potential future assessors for advice on their readiness to apply for Silk and consider this to be both acceptable and prudent.

However, you should not:

- Ask for sight of any assessment provided by an assessor;
- Lobby assessors for support;
- Provide suggested wording for an assessor to use;
- Check if an assessor has been approached or provided an assessment; and/ or,
- Copy assessors into any correspondence with the KCA. The KCA Secretariat will manage all direct contact with assessors as part of the application process.

Assessors have been asked to let the KCA Secretariat know if an applicant approaches them in any of the ways set out above.

Assessors will be asked to provide a confidential written assessment including examples in relation to each of the competencies. A copy of the assessment form and the Guidance for Assessors will be available on the KCA website in due course. Assessments will be accepted only in response to a request from us; unsolicited references and testimonials will not be accepted.

Eligibility of Assessors

You should not list as an assessor:

- (a) Any current or former family member or partner.
- (b) The Attorney General or the Solicitor General for England and Wales.
- (c) Any person whom you know to be unable to give an assessment for reasons of ill health.

2. Completing your application form

Unless there is no sensible alternative, you should not list as an assessor a member of the Panel who will deal with the 2024 competition. However, if such an individual has experience of your work which cannot be replicated by a different assessor, it is acceptable to list them. A Panel member who provides an assessment of an applicant in the competition will 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 relationship. However, if you consider that because of their role in relation to the listed cases it is necessary to do so, you should state the nature of the relationship.

You should also indicate whether a prospective assessor has or has had a close professional relationship with you.

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

- someone who has been in your chambers or firm at the same time as you.
- a partner, employee or associate of your firm, or any organisation that employs you.
- an arbitrator appointed by your firm (whether in the case concerned or not, and whether or not you were involved in the appointment).
- your former pupil master, pupil supervisor or training principal.

Contact Details for Assessors

We normally contact assessors by email, but sometimes by post. We therefore need current direct email addresses. Current direct telephone numbers are also helpful.

For part-time judicial office holders please provide, if possible, a chambers or other professional address in the contact details.

If you are unable to obtain a direct email address for a judicial assessor please add dummy@KCappointments.org and we will make every effort to obtain the email address. Please ensure you tell us in which court the judge was sitting, if possible.

Nominated Assessors

Applicants are asked to nominate two assessors in each of the three categories. These should be the assessors that you believe will be able to provide the best evidence against the competencies.

2. Completing your application form

The first nominated assessor is always approached to provide an assessment (subject to fulfilling the eligibility criteria as set out above). If the Panel receives an assessment from the first nominated assessor, the second nominated assessor is treated as any other listed assessor. If the Panel is unable to obtain an assessment from the first nominated assessor the second nominated will be approached.

If the first nominated assessor is listed in more than one case, you should only mark them as nominated on one occasion. The assessor will be sent the details of the other listed cases in which they have been named in order to support your assessment.

Assessors Selected by the Panel

Other assessors (i.e., not nominated ones) will be chosen from among those listed on the application form. The Panel will be looking for those assessors who appear most likely to be able to provide useful evidence for the Panel. Assessors will be asked to speak in particular to your demonstration of the competencies in the cases listed on the application form, but they will also be asked to draw on any other first-hand evidence they may have of your performance as an advocate.

Information for Assessor

The pages in Section I contain the information that will be sent to the assessor. The Panel will use it to understand your role in relation to the assessor and the case, and the assessor will use it to understand the context in which they have been named and to help recall their experience of your work. This is the only information from the application form that the assessor will see. You should give the dates on which your involvement in each case began and ended. Approximate dates (month and year) are sufficient.

The case description should briefly explain the nature of the case, including any especially difficult or challenging aspects, and any special considerations, for example if the law applied by the court or tribunal in the case was not that of England and Wales.

In the box below the "description of case" you should:

- Indicate to what extent you were led, were alone (e.g., sole advocate) or were the case leader;
- Give the role of the assessor (unless obvious e.g., 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 the assessor observed you in this role, in particular, how much of your oral advocacy the assessor saw;
- Say how frequently this assessor sees you "in action";

2. Completing your application form

- 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, you should state 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.

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, nor will it be forwarded to assessors.**

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 I will be completed automatically for you, based on information you have entered on the Contact Details page for that assessor. You will not be able to overwrite or alter the information in these fields, except by amending the original entry on the previous page.

Judicial Assessors

As set out above, applicants are expected to list a judicial assessor for each of the twelve listed cases. All persons acting in a judicial capacity are eligible to give judicial assessments.

However, you may wish to bear in mind:

- The award of King's Counsel is made for excellence in advocacy in the higher courts of England and Wales and, therefore, the Panel may give more weight to assessors who have familiarity with cases of substance and complexity and those who have good experience of what constitutes excellence in these forums;
- Where there is more than one possible judge in a listed case you should list the judge with the most exposure to your work in cases of substance;
- It may be better to list a local judge who has seen a significant amount of your work than a higher court judge who has seen you only fleetingly;
- The Panel is looking for assessments that provide evidence of your demonstration of the competencies across a range of cases and circumstances. On that basis you should not list more than one judicial assessor from amongst those hearing the same case (e.g. in the Supreme Court or Court of Appeal) unless the second assessor has other experience of you drawn from a case of substance;
- Judges are unlikely to have a clear recall of brief hearings, especially if they were some time ago; and,
- Judicial assessments can only be provided by those exercising a judicial function and, consequently, mediators are not acceptable as judicial assessors. They are, however, acceptable as practitioner assessors.

2. Completing your application form

Practitioner Assessors

As with judicial assessors, applicants are expected to list a practitioner assessor for each case.

Practitioners are generally lawyers acting as fellow advocates in the case in question but mediators or legal assessors to tribunals may also be listed. However, instructing solicitors, even if they hold higher courts rights of audience are client assessors unless they were also an advocate in the case concerned.

When selecting practitioner assessors you may wish to bear in mind:

- What evidence can the assessor provide? If you conducted most of the oral advocacy in the case it may be better to list your opponent. If, however, you were led and did little or no oral advocacy you may prefer to list your leader.
- The Panel generally prefers to obtain assessments from practitioner assessors who are KCs, although they recognise that this may not always be possible
- Practitioners who have since been appointed to full time judicial roles should still be listed as practitioner, rather than judicial, assessors.
- It is helpful for the Panel to see evidence from assessors drawn from a range of Chambers and particularly from assessors not in your chambers.
- If you list an arbitrator as an assessor it is better that they have not previously been appointed by your firm, although the Panel understand that this may not always be possible.

Client Assessors

Applicants are asked to name at least six client assessors. Client assessors may be:

- A professional client;
- A lay client;
- A senior legal officer in a company or other body;
- A 'client proxy', in other words 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 your abilities. Examples are guardians ad litem, police officers, medical professionals, some expert witnesses and professionals from social services departments

2. Completing your application form

When selecting client assessors you may wish to bear in mind:

- Each individual listed will count as a separate client assessor even if they are from the same firm. However, it is undesirable for all of your assessors to come from one or two organisations unless the nature of your practice makes this unavoidable.
- The Director of Public Prosecutions has asked that the Chief Crown Prosecutor to whom the instructing CPS lawyer reports should be listed as the assessor (although you should also name the instructing lawyer where different). You should, if possible, avoid drawing all or most of your client assessors from the same CPS area as this may result in a single assessment.
- The Government Legal Department has asked that all assessments provided by Government lawyers will be considered by the relevant Head of Division. You should therefore try to avoid naming more than one Government lawyer in the same team or division as this may result in a single assessment.
- Professional clients are more likely to know to provide a helpful assessment than lay clients, where it is possible to list one
- Client assessors may be based in any locality or be of any nationality, provided the assessment is given in English.

In addition, for **employed advocates**:

- If you are an employed advocate you are expected to list at least one assessor who is a partner or representative from your employing firm. If you are unable to do this, please provide an explanation.
- If you are instructed by different individuals in your employer's business you may list each of them as a client assessor.

Section J – Monitoring Information

At Section J you are invited to provide monitoring information. This information will not be provided to the Panel and will only be used on an anonymised basis for statistical and research purposes and to evaluate the process as a whole. It will not be used when considering suitability for the award of King's Counsel.

2. Completing your application form

Section K – Declaration

In this section you are asked to 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 King's Counsel into disrepute.

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 that s/he consider whether you should remain in the rank of KC.

As part of the agreed process for KC appointments, the Secretariat will send lists of all applicants to the Lady Chief Justice and the Senior President of Tribunals who are asked to let KCA know if they are aware of any applicant in respect of whom a judge may have a concern from the perspective of the integrity competency.

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.

If, as a result of these enquiries, a judge or a professional regulator raises any matter of concern touching on integrity or professional conduct, **you will be given an opportunity to provide an explanation before the matter is considered by the Panel.**

Please ensure that you check your application form before submitting it. It is your responsibility to ensure that the information is correct, complete and accurate. **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 amended details.

In all cases the signature box on page 52 of the application form must be completed. This is your 'electronic signature' and acts as your declaration and authority.

2. Completing your application form

Fees

Your application must be accompanied by the fee.

The standard fee is £2,100 plus VAT payable in full by the application deadline.

For those entitled to pay the concessionary fee for low incomes, the fee is £1,050 plus VAT.

The appointment fee for those applicants who are successful in the competition will be £3,600 plus VAT, or £1,800 plus VAT for those entitled to pay the concessionary fee. This is in addition to the cost of £264 for the Letters Patent.

The concessionary fee is available to those with gross fees, drawings or earnings of £90,000 or less in the most recent year. For barristers in private practice, that is the period relevant to the 2024 practicing fee renewal; for other applicants, it is the 2022-23 tax year. KCA reserves the right to seek verification of entitlement to a concessionary fee. If you are uncertain whether you are entitled to claim the concessionary fee, please contact the Secretariat as soon as possible.

Payment

Payment must be made by BACS directly to our account. If you are unable to pay by BACS please contact the Secretariat.

Bank: Royal Bank of Scotland, Child & Co Branch, 1 Fleet Street, London EC4Y 1BD
Sort Code: 15-80-00
Account: King's Counsel Appointments
Account No: 10578135

Email: applications@KCappointments.org

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. VAT receipts will be sent as soon as possible after the close of the competition.

Annex A: Handling issues of character and conduct

Annex A: 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, 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 (e.g. 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, or regulatory authority).

Handling of issues of character

A4 The Panel will consider an issue of character only where it could influence the decision whether or not to recommend you 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 have an influence on any eventual decision as to recommendation for appointment will the Panel be made aware of an issue of character in relation to a particular applicant. If you are invited for interview, the interviewers will not generally be aware of any character issue you may have disclosed and there is therefore no need for you to mention such a matter during the interview, unless raised by the interviewers.

Annex A: Handling issues of character and conduct

Professional conduct and integrity checks

A5 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 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 If checks with the professional bodies reveal that you are or have been subject to a disciplinary finding or pending matter, the Secretariat will contact you for a full explanation, unless you have already given a full explanation in the application form or otherwise. 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.

A8 Matters going to character and conduct may also be raised by assessors. Those will be treated in the same way as all other information provided by assessors - in other words, as confidential. If you are called for interview, the interviewers will seek to give you the opportunity to address any concerns arising from a comment of that sort from an assessor, providing that can be done without breaching the confidentiality owed to the assessor.

Consideration by the sub Panel

A9 Where a character issue is reported (including self-reported) in respect of any applicant (other than in the course of an assessment from an assessor), then the relevant part of the application form and/or correspondence (with any details identifying the applicant removed) is placed before a sub Panel made up of members of the Panel. The sub Panel, reporting to the full Panel, then forms a view as to whether the issue is serious enough potentially to influence any eventual decision to recommend an applicant who 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.

Annex A: Handling issues of character and conduct

A10 Only issues which the sub Panel considers to be of such seriousness as potentially to influence any eventual recommendation will be brought to the full Panel's attention in relation to an applicant. This will normally be done prior to the Panel's decisions as to whether each applicant has demonstrated the competencies sufficiently to be invited to interview. Where the Panel concludes that an issue on an (anonymised) applicant is not sufficiently serious to influence any eventual decision on the application, the Panel will not be made aware of the matter when considering whether the applicant concerned should be interviewed or recommended for appointment.

Considerations in determining issues of character

A11 The following considerations will be borne in mind.

A12 Applications are assessed against the Competency Framework. All advocates, whether KCs or not, are expected to maintain the high standards of the legal profession.

A13 Character is considered as a whole. If more than one issue is presented by an applicant, then the 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).

A14 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 full Panel needs to take into account.

A15 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.

A16 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.

A17 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 an applicant 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.

Annex A: Handling issues of character and conduct

A18 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,
- 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 KC into disrepute, having an adverse impact on the client, or failure to disclose a finding or pending matter of professional disciplinary fault.

Criminal convictions

A19 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 bind over will be considered on its individual merits.

Findings of Professional Negligence

A20 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.

A21 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

A22 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 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. However, that is not to be regarded as an absolute rule and each case is considered on its merits.

Annex A: Handling issues of character and conduct

A wasted costs order

A23 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

A24 A complaint to the Legal Ombudsman is unlikely to be regarded as significant in itself. However, a direction from the Legal Ombudsman which indicated gross neglect of the interests of a client might well be regarded as significant.

An intervention by the Solicitors Regulation Authority

A25 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

A26 A current or recent (ie within five years of discharge at the point of the competition closing) 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 may still be a bar to appointment, particularly where 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 King's Counsel

A27 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.

Further assistance

A28 If you have any doubts about the application of this guidance to your own circumstances you may discuss the matter in confidence with the Chief Executive.

Annex B: The KC Competency Framework

Annex B: The KC 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.

A. Understanding and using the law

Has expert, up-to-date legal knowledge, uses it accurately, relevantly and effectively, and becomes familiar with new areas of law quickly and reliably.

Examples:

- 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.
- Makes effective use of case law and other sources in addressing legal issues which are not decided or settled.
- Shows depth of understanding of the legal principles and issues involved in a case.

B. Written and oral advocacy

Subject to the advocate's duty to the court, 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. 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.

Examples (Written advocacy):

- 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

Examples (Oral advocacy)

- 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.

C. Working with others

Upholds the standards of behaviour expected of advocates and acts so as to secure the confidence of the court and of fellow advocates; 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 throughout.

Examples:

- Acts a role model and leader within and for the profession.
- 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 a way that reflects appropriate consideration of perspective of everyone involved in the case.
- Where appropriate, refers to authorities adverse to the client's case and to arguments which unrepresented parties could properly advance.
- Is meticulous in making full and frank disclosure whenever appropriate.
- 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 but does not make assertions or allegations which are unsupported by a proper factual basis or (where appropriate) by instructions from clients.
- 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.

D. Diversity action and understanding

Demonstrates an understanding of diversity and cultural issues, respects the needs and cultural wishes of others and is proactive in addressing the needs of people from all backgrounds and promoting diversity and equality of opportunity

Examples:

- 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

E. Integrity

Is honest and straightforward in professional dealings, including with the court and all parties

Examples:

- 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 King's Counsel.

KCA March 2024

Annex C: Providing your best evidence at interview

Annex C: Providing your best evidence at interview

How this guidance will help you

The KC Selection Panel wants you to be confident that you are well prepared and can demonstrate your skills and experience to the best of your ability at the interview. This guide is to help you understand how a competency-based interview is conducted and how to prepare yourself for the interview.

Competency questions

Competency questions always ask you to show your skills or personal qualities with real examples from your career. Typical questions start with: 'Give us an example of...' or 'How have you dealt with...'. Often the main question is followed by shorter ones seeking more detail.

A competency-based interview is more appropriate than ones which are swayed by opinions, hypothetical situations or personal chemistry. This is especially so when, as in the KC competition, we're not considering 'potential'. This process is entirely about the standard which you have already achieved.

We want real life examples which show your excellence in the KC competencies. These will therefore include your understanding and usage of the law, your written and oral advocacy, how you work with others, what you understand by diversity and what you have personally done to widen access and participation. All of these will be covered in a structured way, although not necessarily to the same extent. We will tell you which competency we're focussing on at each stage of the interview although some questions (and your answers) may be relevant to more than one of the competencies.

Good answers

There are no right or wrong ways to answer a question at interview. However, it may be helpful for you to think about your answers in a structured way.

'STAR' is one of many good models for answering competency questions. Explain the **SITUATION** you faced; what your **TASK** was; what **ACTION** you personally took; and what **RESULT** was achieved (how did the situation afterwards differ from before).

TASK is not simply a job allocated by somebody else, but how you defined your own responsibility. For example, leadership can be shown in many situations, not just those in which you have a formal leadership role.

A good answer will be no more than two or three minutes long. It will use simple language to show *factually* what was challenging or exceptional, with irrelevant detail stripped out. It won't be a sales pitch: the key facts will be centre stage. We definitely want to understand how you interacted with others, but we want the main focus of the answer to tell us what you *personally* did and why.

It is important not to get distracted by the facts of the case. The interviewers will rarely need to know in detail about the case itself, as opposed to what you did in it.

Annex C: Providing your best evidence at interview

Reassurance

KC interviews are not looking for perfection. If you stumble or want to start an answer again, just say. On the day, the interviewer's job is surprisingly like yours: helping you to provide your best evidence – that is factual content which brings to life the quality of advocacy which you already deliver. If you would like to bring notes to the interview as an aide memoir you are welcome to do so.

Moreover, the interview never stands alone. It adds to, and illuminates, the large body of written evidence that we already have from your application and those consulted. This remains the foundation for every stage of the Panel's deliberations.

One way to prepare

In July: although you will not know whether you have an interview, waiting until September may not leave you enough time to do the following:

Get familiar with the competency framework

Re-read the competency framework thoroughly. Each competency is multi-faceted. Unless you have in mind all the facets, you may not choose the most illuminating examples from your practice. For Interview preparation, treat written and oral advocacy separately. Test your understanding by rating your three most recent cases for the quality of evidence each could provide against each competency.

List 2-3 best examples for each competency

Take time to list your two or three best examples for each competency. An example might be a case or a specific stage or incident within a case. Treating written and oral advocacy separately means a list of between ten and fifteen examples across all the competencies. The same case can provide evidence for several competencies.

Consider selecting 2-3 examples of your listed cases

You will have done some of this work in your written self-assessment, but the task now is more focussed than identifying your most substantial cases. For each competency except diversity action and understanding you might select two or three examples from your listed cases.

Consider sharing examples outside your listed cases

Examples of working with others could come from work settings outside of cases, or outside the law. In the case of diversity action and understanding – where the Panel knows not all applicants will have much evidence from their listed cases – you might draw on things you have done in your chambers or your firm, or outside work altogether. We welcome examples from your personal life on this competency.

Pause, reflect and return to your evidence prior to interview

Put the list away for a couple of weeks and look at it again. As an advocate you are skilled at assessing how persuasive evidence is. Do you have the foundation for presenting your best evidence if you are called for interview?

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In September: dig out your list and construct STAR answers for a handful of your cases, across the full set of competencies. Get a feel for how to answer questions in two or three minutes at most. Don't work out 'scripts' for a large number of examples; in our experience, these often sound stilted and distract from the actual question asked.

Know your application form backwards

Make sure you know your application form backwards. Questions can come from any of the cases listed, and from your self-assessment against the competencies, as well as from the assessments we receive on you.

Practice a mock interview with another person

We encourage you to practice a mock interview with another person. The range of possibilities is wide – someone who has been through the KC process recently may be ideal, but alternatively from those within your network who may have HR or management experience within or outside your sector, or friends or family members with relevant skills. We want to reassure you that we do not expect you to engage professional paid help for the interview. One session of live practice will help most people, but, at a minimum, do record and time yourself giving answers.

There is plenty of sound advice on competency interviews and the STAR model on YouTube. However, these are for the mass market whereas we are looking for professional excellence. So, do test suggestions like "never talk about things going wrong" against how you think leaders of the legal profession should behave.

Be able to demonstrate your expertise within 2-3 mins

On the legal competencies, we already have information about your listed cases. Therefore, your main challenge will be to strike the right balance between your expert and detailed knowledge of the subject on the one hand and answering the question within two or three minutes on the other.

Be ready to expand on your 'working with others' examples

On working with others and particularly on diversity action and understanding, there are often more gaps in the written evidence from the application. Hence, your answers on these competencies will benefit from more detail and could need more explanation. Time permitting, we will ask supplementary questions to clarify our understanding.

Annex C: Providing your best evidence at interview

On the day: Listen carefully to each question. Most of the questions we ask will be competency-based. You might get one or two other questions, for example as a warm-up or because we want to clarify something in your written material. We aim to sign-post the questions so you know which competency we are primarily addressing, **but if a question or its purpose is unclear, simply ask.**

Try to engage with both interviewers, rather than appearing to respond to only one of them.

Remember that as far as detail is concerned, start your response with the short version and then check if we want more. If we move you on, bear in mind that for some competencies we may already have a lot of evidence or may only have time to ask a couple of questions.

We want you to achieve your best evidence overall.