



Applying for Silk Event

25 September 2024

Accompanying Notes

Slide 2 - Overview of the King's Counsel Selection Process

The panel never 'carry over' information about applicants, judgements are based purely on the evidence provided for the particular round.

Slide 3 - Excellence

There are no quotas – any applicant who reaches the required standard will be interviewed.

Successful applicants will be able to demonstrate **consistent excellence** rather than occasional sparks of brilliance.

Slide 4 – Competencies

Competency A - if an applicant used other areas of the law or researched a new and developing area of the law and applied it creatively, the panel are interested. If their case has been argued in the appeal court (whether they appeared or not) and their argument was successful, they would like to know that. Law from other jurisdictions is also relevant.

Competency B – evidence could come from arbitration, court determination, settlement agreement or oral advocacy in a court or from a tribunal, mediation, or arbitration. An example of good written advocacy could be that a case was won purely on the strength of the applicant's written evidence. On oral advocacy, it might be that the applicant encountered a tricky situation and dealt with it on their feet.

Competency C – this is not just about leading a junior but about 'living leadership'. Examples could be taking charge of a difficult situation; moving a case forward when the odds are stacked against it; motivating others and



supporting morale within their team; offering development opportunities to younger colleagues.

Competency D – applicants do not have to rely on cases for this competency and can bring in evidence from other areas of their life and work, to include in their self-assessment. This is not about reeling off stats! But about understanding challenges that groups may face in accessing the law both as a profession and as the user and demonstrating what the applicant has done to widen access and participation.

Slides 5 and 6 – What Type of Cases?

Potential applicants who are interested in applying for silk should start thinking 3-5 years out about the kinds of cases they need.

Applicants can provide fewer than 12 cases – there is more on this in the ‘Misconceptions’ slide. If applicants need to go back further than three years, they should explain why – bearing in mind that the further back they go the higher the likelihood that assessors’ memories may have faded.

Both the case and the applicant’s role in it must have been substantial. Cases should not be run of the mill (which may have important consequences for the immediate client, but may present limited legal or other professional challenge) but those which present unusual, novel or unforeseen complexities or have consequences beyond the case, eg:

- 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;
- 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 public inquiry of national importance or raising complex issues of law.

However, the fact that a case includes one or more of the features above will not necessarily make it a case of substance. The question of substance is a matter for the judgement of the Selection Panel, informed by the views of the assessors from the case.

The panel are looking for **breadth and depth of practice**, and successful applicants have built evidence to demonstrate this breadth and depth, e.g. through pro bono work.

Applicants should also bear in mind the need for consistent evidence – providing fewer than 12 cases can make that more difficult if there is not good reason for providing fewer.

What kind of cases? We know that there are some perceived biases around the type of work a potential applicant should take, for example in crime, some think that RASSO cases may not be looked upon as favourably by the Panel. The Panel hold no bias whatsoever around the type of case as long as it meets the competencies – for example a RASSO case may well provide excellent examples of cross examination and the applicant's ability to flex their style when dealing with a defendant and a vulnerable witness.

Leading, led or alone? Most applicants will have a mix of cases where they have taken different roles, and the Panel is interested in all of these. However, it is always helpful for the Panel to have some experience of the applicant leading, as this is a key part of the role of a Silk.

Appellate work. If they have it, it's helpful for the Panel to see an applicant's experience doing appellate work, which can speak to a different skill set and can be more legally complex.

Prosecution or Defence, Claimant or Plaintiff – applicants should think about the balance of their work. It won't count against them if they only have experience from one side, but it does show different skills and abilities and is something assessors will sometimes comment on.



Oral advocacy – applicants should be clear with the Panel about the balance of their practice and how often they are in court vs mediations, settlements etc and the Panel will take this into account. However, they must be able to demonstrate excellence in oral advocacy, so should think in advance about how they might gain this experience.

Slide 7 – Pro Bono

Pro bono work can be a useful way of bolstering evidence across the competencies. That might be an applicant taking a case outside of their specialism, which can help in the understanding and using the law competency, or perhaps they have managed vulnerable witnesses or lay clients, which speaks to diversity action and understanding. Whatever the gap that needs filling, there is likely to be a way that pro bono work can provide it.

Slide 8 – The KC Process: Some Common Misconceptions

The panel understand that there are reasons why applicants may not be able to provide **twelve cases in the past three years** and do not wish to disadvantage those who, for example, have taken a career break, parental leave or have been in long Inquiries over the previous three years. Having fewer than twelve cases is not a bar to application, although it is possible that fewer cases may not cover the breadth of evidence required. Applicants should make it clear in their application why they are unable to provide twelve cases. It may be worth them considering whether there are any cases from slightly outside of the three-year window that could be included. They should however, bear in mind that the further back they go, the less assessors are likely to remember of the case.



The panel must have some evidence of oral advocacy - if the applicant's area of work does not include a lot of oral advocacy that is fine, but having no evidence of oral advocacy is an issue.

The panel needs to see a balance between written and oral advocacy, and the outcome for Competency B reflects their judgement on the written and oral advocacy taken together, bearing in mind the relative importance of the two elements of advocacy in the applicant's practice. As mentioned earlier, undertaking pro bono work can provide advocacy opportunities, in particular.

Feedback has been that some applicants genuinely feel they need a **coach** in order to be able to succeed in the KC competition. The panel understand that there is a need for extra guidance and are producing additional resources which will provide the same information and help level the playing field. There should be no need to pay for a coach to help with an application; the panel have seen that it certainly does not guarantee a successful outcome and can usually tell when one has been involved. The best way to prepare is for an applicant to spend time thinking about the examples they have from your cases (listed and unlisted).

Slide 9 – There is no barrier to reapplication

The panel makes no judgement on applicants who have reapplied and, overall, does not question any applicant's motivation to apply; they are simply interested in the evidence provided. Applicants (and this is seen particularly with women) do not need to explain or justify why they have applied for Silk.

There is already a wealth of information and guidance on the website, which was updated for the 2024 competition to address common concerns and 'Mythbust' misconceptions – some of which have hopefully been covered here.

The KCA secretariat are always happy to speak to Chambers and answer questions on any part of the process, at any time. Do get in touch.