

# King's Counsel Appointments:

Client Assessor – Example Assessments

# Overview

The examples provided in this document offer some guidance on format and structure of a useful assessment – whilst their tone is generally positive, it is vital that assessors serve the profession rather than set out to help the applicant. Honest, evidence-based assessments are much valued and carry weight.

These examples are designed to assist assessors in shaping their assessments and should not be replicated.

# Evidence of competencies - examples

## Competency A: Understanding and using the law

The trial took place shortly after the decision in X. This was a developing area of law which required the applicant to provide me with up-to-date advice on the law, taking into account the impact of the recent judgment. The applicant used their understanding of the law to get the judge to rule in our favour on a key point related to this recent judgment.

There was also a significant amount of late disclosure throughout the case and the applicant was repeatedly asked to provide me with further advice on various issues as new evidence emerged. They were able to do this accurately and under considerable time pressure, showing an excellent depth of knowledge.

## Competency B1: Written Advocacy

The applicant's written advocacy is outstanding, which was demonstrated in Case X where they were required to provide a written skeleton in a case that was both legally and factually complex.

The applicant identified the key points in support of their case, conceded the bad and took the challenging points head on. This demonstrated their tactical acuteness, showing respect for the Court's time and ensuring they were on the front foot on the key arguments. Admirably they also predicted the points within their own case most likely to be challenged and wove their rebuttals into their written work.

Despite the large volume of documentation involved in the case the skeleton was easy to follow and well signposted. They made use of visual prompts such as tables and diagrams which made the complex information more accessible to non-experts and which was of considerable help to the Judge in navigating this complex case. It was clear that a large volume of information had been assimilated but the written skeleton avoided prolixity and was concise and clear with no wasted words.

When unexpected information arose from a cross examination the applicant worked overnight to produce a pithy and robust rebuttal to the points made. This would have been outside of their usual area of specialism but the arguments were accurate and well researched. Whilst they didn't knock down all the arguments it was clear that they had understood the key issues and the submission was a helpful guide through these.

# Evidence of competencies - examples

## Competency B2: Oral advocacy

In case X the applicant was required to cross examine an expert witness whose evidence was key to the case. Their performance in this case and particularly in this cross examination was, in my view, at the level of a Silk.

The applicant was well prepared and had clearly done a significant amount of research to ensure they had the requisite level of factual understanding. This was demonstrated by the depth of their questions and their ability to probe more deeply in response to the answers given. However, they were also demonstrated their ability to change tack. Part way through the cross examination the witness gave an answer that was clearly unexpected, offering the applicant the opportunity to undermine evidence previously given. At this point the applicant moved away from their pre prepared questions and used their knowledge to change tack and probe the witness on this inconsistency.

This section of the cross examination was also a masterclass in gaining the confidence of the bench. The applicant was nimble and knowledgeable in responding to the judge's questions, the legal and factual evidence apparently at their fingertips, not allowing the interjections to put them off their stride. I was also impressed by their ability to make the (correct) assumption that the point had been made – making the inconsistency clear to the judge but without hammering home the point to an unnecessary degree.

In addition to the above, the applicant's oral submissions were clear and well structured, dealing with new information accurately, referring to up to date case law.

The applicant's cross examination was the turning point in this case and was the equal of, if not better than, their Silk opponent's.

## Competency C: Working with others

The applicant showed excellent leadership throughout case X.

We were working to tight timescales so the applicant had to cajole often but I know from the team that they also took the time to ensure that they were supported. For example, one of my team felt overwhelmed by the volume of work to be done. The applicant spent time breaking the work down with them so that they could see the way through and picked up some of the work themselves.

I also saw the applicant leading meetings. It was clear that they listened and took on ideas but were also able to make decisions without overly compromising.

In addition, in case Y, the applicant dealt well with a particularly difficult lay client who had clear ideas on what they felt the arguments should be.

# Evidence of competencies - examples

The applicant spent significant time explaining complexities in a way that the lay client could understand. The applicant has an outstanding ability to make the complex simple and present it in a way that is persuasive but is also candid when needed. On this occasion the applicant was able to get the lay client to understand the shortcomings in their proposed approach. Had we gone down this route it was clear that the judge would have taken a dim view given that they had clearly signalled that they would not accept the argument. The applicant explained to the lay client why the judge had taken the view that they had, including the underlying legal basis. Whilst the applicant showed their empathy for the lay client and their position they were clear that by pursuing this route we would waste time that could be used to pursue stronger points in the lay client's favour but by conceding it we were able to improve our position on other, more pivotal, issues.

This was a challenging conversation for the applicant but their handling of it led to a much better outcome for the lay client in the case overall.

## Competency D: Diversity Action and Understanding

The applicant spent a significant amount of time explaining what would happen in the trial to our lay client who had severe learning difficulties, was Black and from a deprived area.

When preparing the lay client for their examination in chief the applicant spent a large amount of time with them, explaining what would happen and why the questions were important. They also took the time to learn about the lay client, understanding about their life, friends and family. This built a rapport that became incredibly important as the trial continued. At times the lay client became visibly upset and distressed but the applicant was able to use their understanding and empathy to calm them down and allow the trial to continue.

More than once I saw the applicant challenge the prosecution regarding assumptions they made, or hinted at, about the defendant based on their protected characteristics.

I have no doubt that without the applicant's hard work we would have seen significant disruptions to the trial.

### **If knowledge of structural work**

The applicant is a member of the Chambers DE&I Committee. They personally brought forward the idea of improving the offer to those on parental leave.

The idea was not welcomed at first by those who felt that the cost would be excessive. The applicant produced a paper setting out the historic numbers of those on parental leave and projections of estimated cost in the future. They also provided examples of other chambers where the policy had been successful. Prior to the key meeting the applicant spoke to a number of the key detractors, using the evidence base to persuade them of the benefit to

# Evidence of competencies - examples

Chambers as well as to the individual.

The policy was implemented and anecdotally I am aware of a number of individuals who have been able to return to Chambers who otherwise may not have done.

## Further guidance

Please contact the KCA Chief Executive by email or telephone if you would like information or assistance. We are always happy to help

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