KCA: Applying for Silk event – 10 November 2026

Supporting notes

Slide 2: Overview

The annual KC competition is designed to appoint those who demonstrate consistent excellence in advocacy in the higher courts of England and Wales.

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

Slide 3: Excellence

Successful applicants will be able to demonstrate consistent excellence. Not just occasional sparks of brilliance.

This evidence of excellence must be drawn from cases of '*substance, complexity or particular difficulty or sensitivity*' across four competencies – including, Understanding and using the law; Written and oral advocacy; Working with others and Diversity action and understanding.

The role of the assessor really is key in the selection of KCs. The most important element in the process is the evidence from assessors who have recent professional experience of seeing the applicant in practice.

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

Slide 4: Assessments

Judicial Assessors

- Judicial assessments can only be provided by those exercising a judicial function, eg Crown Court, High Court, or more senior judges. Recorders can also provide assessments and Arbitrators and Tribunal Chairs are acceptable if there was no Judge involved and if they have had enough exposure to your work to assess against all competencies.
- Assessments from a mediator are not acceptable as judicial assessments but could be used as a practitioner assessment. Coroners are independent judicial office holders and so could be listed as a judicial assessor.

- If the nature of the applicant's practice makes naming 6 unique judicial assessors impossible because the significant cases are all heard by a very small number of judges, that should be explained on the application form

Practitioner Assessors

- Generally, barristers – leading or opposing counsel – KCs if possible

Professional Client Assessors

- The panel understand that it may be difficult to provide six client assessors; if this is the case, any shortfall should be explained on the application form.
- Applicants should also refer to the guidance which states:
    - If you are instructed by different individuals in your employer's business, you may list each of them as a client assessor.
    - CPS will often offer a slightly different style of client assessment, which the Panel are aware of and comfortable with.

Slide 5: Competencies

Competency A - if you have 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 your case has been argued in the appeal court (whether you appeared or not) and your 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 your written evidence. On oral advocacy, it might be that you encountered a tricky situation and dealt
with it on your 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 your team; offering development opportunities to younger colleagues.

Competency D – applicants do not have to rely on cases for this competency, and you can bring in evidence from other areas of your life and work, to include in your 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 you have done to widen access and participation.

Slide 6: Cases

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

If applicants need to go back further than three years, it should be explained why – bearing in mind that the further back they go the higher the likelihood that assessors' memories may have faded.

Cases of substance – should be cases which present *"unusual, novel or unforeseen complexities or have consequences beyond the case"*.

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, e.g:

- 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 matter 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. Successful applicants have built evidence to demonstrate this breadth and depth, eg 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 kindly 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 your ability to flex your 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 you leading as this is a key part of the role of a Silk.

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

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

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

Slide 7: Applicants practicing outside the Higher Courts of England and Wales

Applicants whose practices involve a substantial element of foreign law, whether substantive or procedural, should bear in mind that they are expected to demonstrate consistent excellence in the knowledge and use of English law and procedure.

This is likely to be particularly relevant to those applicants whose practices include arbitrations conducted under the procedural laws of countries other than England and Wales or which involve the application of foreign law.

Applicants should therefore consider carefully whether any cases they put forward enable them to demonstrate consistent excellence in the knowledge and use of English law.

Where applicants list a case that does not relate to the law of England and Wales or is in a jurisdiction outside of England and Wales, they should make clear to the Panel what the link to England and Wales law is.

Applicants should be aware that if the majority of their cases do not have a link to England and Wales law, they are very unlikely to be successful.

Slide 8: Other information required

Self-Assessment: The Self-Assessment is your opportunity to speak directly to the Selection Panel and provide evidence to demonstrate how you meet the criteria as set out in the Competency Framework.

The Panel consider your self-assessment as part of your application, and although not formally graded it provides useful background and contextual information for the Panel both when they are grading assessments provided by your assessors and in preparing and conducting any interview. It is particularly helpful to the Panel in their consideration of Competency D, Diversity Action and Understanding. where there is often limited evidence provided by assessors.

Description of Practice: The Panel would like to know here if, for example, you sit on the Attorney General's Panel Counsel; you have experience of appearing in the higher courts; there are other, substantive cases you may not have listed but which are important in your career; you have changed streams…tell us.

The application (and the interview) is competency based and the panel are looking for evidence rather than assertions or comparisons. For example:

- "I demonstrated my ability to find novel ways of applying the law in X case where I was able to present a new interpretation of Y legislation, which was accepted by the judge who found in my client's favour" **as opposed to** "I am able to find novel ways to use the law",
- "I am experienced in going up against established silks, such as in the case of X where I…" **as opposed to** "I am more successful than X who is already a silk"

We know that some applicants may downplay their actions and to use 'we'. The panel are looking for specific information about what you did in a particular situation

Slide 9: Pro bono

Pro bono work in a legal context can be one way of addressing gaps in oral advocacy and other competencies and many barristers do pro bono work through Advocate or other pro bono charities to help gather evidence for their KC application.

Applicants should bear in mind that although non-legal pro bono work may count towards competencies C (Working with Others) or D (Diversity Action and Understanding), the panel need evidence from assessors across the legal competencies (A and B) and so this type of work will offer only limited evidence within a Silk application.

The KCA website contains separate guidance on the role of pro bono work in developing experience relevant to the KC process.

Slide 10: The 'STAR' approach

Across all four competencies applicants should please bear in mind that the panel require evidence of excellence and not assertions or comparisons.

We are looking for specific information about what the applicant did in a particular situation. One way to help structure your evidence is to use the 'STAR' approach which covers:

The Situation: this is the background and context of the situation – the who, what, where and when of a specific example. Applicants do not need to go into the full detail of a case but should focus on the elements which speak to the *substance, complexity or unusualness* of the matter.

Next is **Task:** where applicants should set out as far as possible their responsibility in that situation and what was required, including taking responsibility on their own initiative.

We then come to **Action:** this is the most important part of the evidence and is about how you completed the task or tried to meet the challenge – with a focus on what you did, rather than what others did.

Finally - **Result & Reflection:** please describe the outcome, where the focus should be on what you accomplished for their client or to advance justice.

Slide 11: 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. You should make it clear in your application why you are unable to provide twelve cases. It may be worth considering whether there are any cases from slightly outside of the three-year window that could be included. However, bear in mind that the further back you 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 to be able to succeed in the KC competition**. We understand that there is a need for additional guidance and have produced additional resources eg video guidance which provides the same information and helps level the playing field. There should be no need to pay for a coach to help with an application; we have seen that it certainly does not guarantee a successful outcome and can usually tell when one has been involved. Rather than using a coach, we would encourage you to seek out a mentor who has successfully been through the KC process. Additionally, the best way to prepare is to spend time thinking about the examples you have from your cases (listed and unlisted).

Slide 14: Further assistance

The full applicant and assessor guidance is available on the KCA website along with the competency framework, guidance videos, FAQs and further 'mythbusting' information. The KC Secretariat are always happy to discuss any aspect of the Silk process – do get in touch.