

**Attorney General’s Panels of Junior Counsel**

**Frequently Asked Questions**

# Which Panel to apply for:

## Is it possible to apply for more than one level of panel?

New applicants should determine which level of panel they wish to apply for and apply for one panel only. In choosing which of the panels to apply to, candidates must make a careful decision based on which best suits their level of expertise and experience. If you have been or are already on the London C Panel, you cannot reapply for the London C Panel. You must apply for the London B panel. The same applies in relation to London B Panel. You must apply for A Panel. You cannot reapply for the B panel.

The *Information for Candidates* that forms part of the application pack includes details of the different levels of panel and the eligibility criteria.

## I am a member of the Regional Panel, but my practice is national. Is it possible to apply for the London Panel as well?

Advocates may not be a member of both the London and Regional Panels, so if you are on the Regional Panel and are appointed to the London Panel you must resign from the Regional Panel.

You may be a member of either the London or the Regional Panels and a member of the Public International Law (PIL) Panel.

# Eligibility:

## I am an employed advocate, can I apply to become a member of Panel Counsel?

Yes, employed advocates can apply.

Membership of the panels is open to both barristers and solicitors with the necessary qualifications. A solicitor must have a higher court advocacy qualification.

Those who do not benefit from clerking arrangements in Chambers must address the suitability of their administrative arrangements for panel counsel work in the ‘additional information’ section of the application form.

## No one from my firm/set of chambers is on the panel, is it worth my time applying?

Yes. Each candidate is considered on their individual merits – not on the basis of where they practise.

## I am a criminal specialist, can I apply?

We do want applicants capable of advising departments where criminal issues arise in public law cases. Candidates should draw out any relevant experience and transferrable skills in their application.

## I specialise in one area of law, can I apply?

Yes. We do need specialists who work in a single area where there is a high demand within government. However, demonstrating ability, aptitude and willingness to work effectively in more than one area is extremely valuable.

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## I did not get a 2.1 degree. Will I be considered?

Yes. Candidates who did not get a 2.1 will be judged on any compensating factors that they have set out in their application forms. The board will be looking for something over and above ‘a successful career at the Bar’. A non-exhaustive list of factors that might be considered as compensating would include a postgraduate qualification, excellent results in Bar finals or advocacy examination, or another example of corresponding intellectual achievement.

# Completing the form:

## You ask for an advocacy and an advisory case list, will a diary print-out suffice?

No. A diary print-out will not provide the information the selection board want to see.

They want to understand each candidate’s current practice.

Two tables within the application form are provided to enable you to supply this information. The advocacy table asks you to list the key cases you have undertaken over the past 12 months, detailing the areas of law covered; the courts appeared in; and whether or not you were led. If you deal with numerous similar cases each month, just one summary entry encompassing all similar cases for that month would suffice. Please be aware that on this occasion we are happy to accept cases that go back further than the last twelve months due to the COVID-19 pandemic; do not feel constrained to limit your list to the previous 12 months if you do not think that it is representative of your practice.

The Advisory Case list is new to the application form. The advisory table asks you to list the key pieces of advice that you have given over the past 12 months, detailing the area of law covered; the court in relation to which the advice was given (if applicable), whether it was a sole or joint opinion, and very briefly the nature of the advice. If you deal with numerous similar cases each month, just one summary entry encompassing all similar cases for that month would suffice. Please be aware that on this occasion we are happy to accept cases that go back further than the last twelve months due to the COVID-19 pandemic; do not feel constrained to limit your list to the previous 12 months if you do not think that it is representative of your practice.

## The application asks for details of advocacy work but my specialism rarely requires this. Can I still apply?

Yes. Most Panel Counsel will be expected to take on a range of cases that will invariably involve advocacy work, or at least an appreciation of how a case might play in court. However, where the selection board is looking for specialist counsel, e.g. tax or charities, it recognises that, in certain cases, extensive advocacy experience may be less relevant.

## How detailed should my advocacy and advisory examples be?

The selection board want to see examples that showcase the range and complexity of each candidate’s experience.

The need to anonymise examples is understood but this should be done in such a way that the reader can still follow the narrative. Please be aware that there is a maximum word count of 300 for each example and candidates are encouraged to use the full word count. Due to COVID-19, candidates may wish to go back further in time beyond a strict twelve month period.

## What do you mean by lessons learned?

Please be aware that this year we are asking candidates to answer a separate question on lessons learned. You are no longer required to include lessons learned in each of your advocacy and advisory examples. When answering this question, candidates should ask themselves, what have you learned/reflected on from your last year of practice?

The selection board want applicants to identify cases from which they have gained experience that they have been able to take away. Lessons should not be too basic or perfunctory, i.e. the need to prepare for cross-examination. They should provide evidence of insight and self-reflection. Providing one good example is better than five mediocre ones. Please note you have a maximum of 200 words for your lesson(s) learned, which you can use for either advocacy or advisory or both.

**What sort of Opinion should I submit?**Bearing in mind that the selection board does not conduct interviews, it is important that the example of written work submitted fully reflects each candidate’s abilities. The opinion (or the skeleton see further below) is the only direct evidence that the selection board sees of the applicant’s work. A recent example of well-structured piece of written work dealing with difficult topics in a manner that the reader finds reasonably easy to understand is more likely to create a favourable impression than those which do not. In making your choice of opinion you should bear in mind the following considerations

* It should contain an element of legal analysis rather than just be based entirely on issues of fact
* If you are putting in something that is more than 3 years old then you should explain why you have nothing more recent that is suitable
* You do not want something that is too short or too long.  If it is long then it needs a good summary. Ideally though the opinion submitted should be no longer than 20 pages in length. We are looking at the quality and a shorter piece of written work that hits the mark is likely to be effective in demonstrating concision
* The greater divorced the content from the kind of work that government lawyers do, the clearer and more understandable to the lay reader the opinion needs to be
* Our preference is not for joint opinions but In the case of a jointly signed document, you must confirm that it was principally your own work

## I do not have a recent opinion to provide as a written work example, can I provide an alternative?

Where a candidate does not have any recent examples of written work, the board would find it helpful to understand why. You may submit a skeleton but on balance we would prefer an Opinion rather than a Skeleton but are aware that in some areas of practice, applicants may have difficulties in providing one, in which case a Skeleton Argument will be perfectly acceptable, using the written work guidelines above

## What if I go over the word count on any of my individual Advocacy or Advisory examples, or on the government litigation question?

We ask candidates to aim to use the full word count of 400 words for the government litigation answer and for the figure to be stated. If it goes over 400 the selection board will stop reading at 400. If it goes considerably over, then this might call into question the candidate’s judgement and ability to follow instructions.

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## I have no experience of working with government, what are you looking for in the response to the government litigation question?

The response to this question should indicate that the candidate has an appreciation for the special demands of working for government: focussing on the challenges that face those acting for government and how they would go about tackling those challenges **in their area of specialism.**

# References:

## How many referees will I need?

Those applying to the A Panel should provide five references, at least two of which should come from members of the judiciary.

Those applying to the C or B Panel should provide three references. We recommend that candidates provide at least one reference from a member of the judiciary.

If you are already a panel member it is a good idea to have a reference from a Government lawyer.

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## I conduct little advocacy so not all my referees can comment on my advocacy skills. Will this affect my chances of success?

Advocacy is a fundamental part of the role of Panel Counsel. We would therefore expect at least one referee to speak in detail about an applicant’s advocacy skills and experience. However it is recognised that this may not always be possible because of the nature of the litigation if the applicant is most regularly involved in areas such as: Procurement; Construction; IT; Contractual/Commercial disputes.

In such cases applicants may wish to consider submitting references from those who have observed them and can comment on their conduct during stages of the litigation process that do not involve advocacy.

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## Will my application still be considered if I do not have a judicial referee?

Yes. We recognise that for lawyers with limited post qualification experience, it may not be possible to find a judicial referee. However the greater the advocacy experience of the applicant, the more the selection board might question why a judicial reference was not provided.

## Is there a preference for a reference from any particular kind of judge?

The most valuable references are from those who have seen the candidates on their feet preferably on more than one occasion. A reference from a Circuit Judge or Coroner who has clear experience of a candidate’s ability in court is of greater assistance than a reference from a Supreme Court Judge who has not seen their advocacy skills in practice. A reference from an Arbitrator or Planning Inspector who has seen the candidate on their feet would serve the same purpose.

## Can I use three judicial referees?

Three references from the Judiciary can be perfectly acceptable (but see below about the desirability of references from government lawyers).

We recommend that candidates for B or C Panel provide at least one reference from a member of the judiciary. Candidates for A Panel are asked to provide at least two references from a member of the judiciary.

Each reference, if chosen well, provides an opportunity to submit new and objective examples of clear and compelling evidence of an applicant’s abilities.

## Will my application still be considered if my referees do not include a Government Lawyer?

Yes. If a candidate has not done any government work and is therefore unable to supply such a reference, this will not affect the application adversely.

Where a candidate has done a significant amount of government work, then it is usually a good idea that at least one of the references should come from a lawyer who has instructed them. The board may think it odd that government work features in either the case list or examples, but there is no reference from a government lawyer. That said, the selection board considers obtaining a reference from a very junior government lawyer, purely because they can speak to an applicant’s government work, may be more problematic than not having a reference from a government lawyer at all. A reference from an experienced government lawyer is better than one from an inexperienced one, simply because they will have a better idea of the standards expected from Panel Counsel.

## I have approached more referees than are required, can they all be used to support my application?

No. If we receive more than the requested number of references (3 for C & B Panels; 5 for A Panel) we will contact the applicant and ask that they select the relevant number out of those available to support their application. The remaining references will not be seen by the selection board. If a preference is not offered, we will submit the first 3 or 5 received only.

## One of my referees is on holiday and will not be able to submit a reference by the deadline. Will a late reference be accepted?

Please email PanelCounsel@governmentlegal.gov.uk if there will be a delay in the submission of a reference, and a member of the team will advise if it can still be included alongside the application.

## One of my referees is now unable to provide a reference, can I use another one?

Yes. Not having a full set of references will put candidates at a disadvantage, so please email PanelCounsel@governmentlegal.gov.uk if there is a need to identify an alternative referee.

# Submitting an application:

## Do I need to express an interest in making an application if I have previously applied and have an account on the MoJ Portal already?

Yes, you need to express an interest in each individual competition. Entry to each competition is by invitation only. Even if you have previously used the Ministry of Justice portal you will still have to ask to register so that your account can be reactivated (and a new password will be required) and associated with the latest competition.

## I am having trouble logging on to the MoJ Portal, what should I do?

Please email PanelCounsel@governmentlegal.gov.uk and a member of the team will make contact and offer assistance.

## Can I submit my application by post?

No. All forms must be submitted electronically via the MoJ Portal.

## Can the application form be uploaded in PDF format?

No. All forms must be submitted in Word format.

## Can the written examples/case list be uploaded in PDF format?

No. All elements of the form must be submitted in one document in Word format. If altering the format of one or any of the attachments from PDF to Word causes issues, then applicants should email PanelCounsel@governmentlegal.gov.uk and a member of the team will contact them and offer assistance.

## How will I know my application has been received?

All applications submitted via the MoJ Portal will receive an automated message confirming receipt. If this message is not received, the application has not been submitted successfully and your application will not be considered by the board. In this situation, the candidate should go back through the submission process again.

An email providing detailed instructions on how to submit an application will be sent to all registered candidates prior to the deadline date. Even after completing the submission process, it is still possible to return to the application, delete, and upload revised documents at any time before the deadline.

## I will struggle to meet the published deadline, can I submit a late application?

No. Unfortunately we are unable to accept late applications.

## When will I hear about the outcome of my application?

Candidates should be notified of the outcome of their application in August 2021 at the latest.

February 2021