



Thank you for your interest in the Attorney General's Regional Panel of Junior Counsel to the Crown. This sheet provides essential information for all applicants.

**Please read before completing the application form.**

### General Background

The Attorney General maintains (by means of an open advertisement and application process) 5 panels of junior Counsel to undertake civil and EU work for all government departments. He has 3 London Panels, a Regional Panel, and a Public International Law (PIL) Panel.

The size of each panel is determined by need. Although appointment to any panel cannot be a guarantee that work will be available, we intend that each advocate appointed should be given at least a minimum amount of work, and monitor both the volume of work Panel members receive and the quality of that work, as judged by instructing solicitors.

The Attorney General's Regional Panel undertakes civil work outside London and the south east for all government departments. Membership is open to both barristers and solicitors with the necessary qualifications. Barristers must have a tenancy. Solicitors must have a higher court advocacy qualification. Those who do not benefit from the usual clerking arrangements in chambers must address the suitability of their administrative arrangements for panel counsel work in the application form.

To align the Regional Panel and the London Panel, we are establishing a Regional ABC Panel structure.

Candidates must decide (i) geographical area and (ii) the level of Panel to which they wish to apply.

Candidates should apply for appointment to one of the following 5 areas:

- North (based on the Northern Circuit)
- Midland (based on the Midland Circuit)
- North East (based on the North Eastern Circuit)
- Wales (based on the Wales and Chester Circuit)
- South West (based on the Western Circuit)

The strength of the regional panel lies in its members having local knowledge of the area and its courts. Applicants will be expected to have a substantial professional connection with the area for which they apply for example be a member of the relevant circuit or have a principal practice address within the area. Applicants must apply for only one area. If you have a query about how these requirements may apply to you please contact [PanelCounsel@governmentlegal.gov.uk](mailto:PanelCounsel@governmentlegal.gov.uk).

Advocates may **not** be a member of both the London and Regional panels, although you may be a member of either the London or the Regional Panel **and** also a member of the PIL Panel.

Existing panel members appointed in 2012 **must** apply for admission to the Regional A, B or C Panel in this exercise.

Existing panel members appointed in 2015 are eligible to apply in 2017, but need not do so. Those who were appointed in 2015 will be placed automatically on to the Regional A, B or C Panel depending on their hourly rate as at 30 November 2017. Should they wish to apply to join a more senior panel meaning move from C to B panel or from B to A panel they can apply during this exercise. If an application to a more senior panel is unsuccessful they will continue to finish their existing period of appointment (usually ending in 2020).

Members of the A panel deal with the most complex government cases in all kinds of courts and tribunals including the Supreme Court. They will often appear against QC's. To align the Regional Panel with the panels in London, those appointed to the A panel would be expected to have in excess of 10 years advocacy experience.

Members of the B panel deal with substantial cases but not in general as complex as those handled by the A panel. They will generally be instructed where knowledge and experience of a particular field is required. Members of the B panel will often provide (but not exclusively) the A panel members of the future and so will be expected to show the potential to join the A panel. To align the Regional Panel with the panels in London, those previously appointed to the B Panel would be expected to have between 5 and 10 years advocacy experience.

Members of the C panel will be expected to have at least 2 years experience in actual practice by 30 November 2017 (starting from the end of second 6 months' pupillage for barristers or the end of training contract for solicitors). Those appointed to the C panel will often provide (but not exclusively) the A and B panel members of the future and so will be expected to show the potential to join the A panel.

In choosing which of the panels to apply to, candidates will want to make a careful decision based on which best suits their level of expertise and experience.

The Attorney General is looking for applicants with experience in **general public and administrative law, employment, or personal injury**. The Attorney is also looking to deepen the capacity of the panels by appointing specialists in the following areas:

- Admiralty/Shipping
- Aviation, Road and Rail
- Benefits, Social Security & Right to Reside
- Construction
- Contract / Commercial
- Corporate
- Costs
- Education
- Data Protection
- Directors' Disqualification
- Energy/Utilities
- General Tax Work – Direct and Indirect
- Human Rights

- Industrial Relations
- Inquests
- Insolvency
- Intellectual Property
- Mental Health
- Occupational Pensions
- Planning
- Procurement

The Attorney General is also looking to appoint applicants capable of advising departments on the interface of public and commercial law issues, and also where criminal issues arise in public law cases.

### Eligibility

Applicants must have:

1. At least 2 years advocacy experience in actual practice **by 30 November 2017** (starting from the end of second 6 months' pupillage for barristers or the end of training contract for solicitors).
2. A substantial professional connection with the area in respect of which they apply.
3. Experience of both advocacy and advisory work in one or more of the following areas of work.
4. An appreciation of the special demands of government litigation.
5. Advocacy experience and ability as demonstrated by appearances before courts and tribunals.
6. Academic strength (2:1 class of degree or above) or compensating strength on other factors included in the application.
7. Written or drafting ability to be evidenced by recent specimens of work (an opinion and a skeleton argument).
8. A willingness to work as part of a team with professionals from other disciplines without compromising professional independence.

### Application

All applicants are required to complete an application obtained via the Ministry of Justice Sourcing Portal.

To obtain an application, please email [panelcounsel@governmentlegal.gov.uk](mailto:panelcounsel@governmentlegal.gov.uk) specifying whether you are interested in applying for either the Regional A panel, Regional B panel or Regional C panel.

Please bear in mind that the London C Panel recruitment exercise is also open at this time so it is important to stipulate that you are interested in applying to the **Regional**

**C Panel.** You will then be registered and sent a username and password to access the Ministry of Justice Sourcing portal.

Once you have accessed the Ministry of Justice portal, you can download the application form and other associated documents:

- a. Reference pro forma to send to prospective referees
- b. Letter from the Attorney General
- c. Equal Opportunities monitoring form

You can then complete the form in your own time, providing answers to questions set and providing evidence of your capability.

Once the form is complete, you must upload it back on to the Ministry of Justice portal – in Word format - no later than **midday on Thursday 30 November 2017.**

### **Application Form**

**You must complete the form in Word format, inserting your case list and examples of written work at the end of the form.**

Please feel free to expand the length of the pages within the application if required.

If you have difficulty in typing please contact Diane Macfarlane, Government Legal Department, on 020 7210 3440 or email: [diane.macfarlane@governmentlegal.gov.uk](mailto:diane.macfarlane@governmentlegal.gov.uk)

### **Equality and Diversity Monitoring Form**

We have an equality and diversity monitoring form which mirrors that used by the CPS and although it is not compulsory, we would be very grateful if you could **complete the form** and then upload it back on to Ministry of Justice portal (this can be in either Word or pdf format).

**The monitoring form will be kept separate from your application form and will not be seen by the sift panel.**

### **Examples of your work**

You are asked to provide 5 representative examples of both your advocacy and advisory experience detailing what you learned from each. The length is up to you, but the Selection Board's experience is that 2 to 3 examples to a page is about the right length.

You are also asked to provide a list of cases of which you have had the conduct over the last year or so, to give a flavour of your practice. The selection board wants to know in respect of these cases the areas of law you covered, the courts you appeared in and whether you were led. The selection board need detail, not a diary print-out.

## Written work

Bearing in mind that the selection board does not conduct interviews, it is important that the examples of written work that you submit fully reflect your abilities. Recent examples of well structured written work dealing with difficult topics in a manner that the reader finds reasonably easy to understand are more likely to create a favourable impression than those which do not.

Examples should not be overly long.

## References

### Referee Pro forma

It is your responsibility to provide your referees with the reference form which can be found amongst the supporting documentation available from the online portal.

It is also your responsibility to ensure that your referees return the forms **by the deadline**. Please stress to them the importance of doing so.

References **do not** have to be submitted via the Ministry of Justice portal.

**Each referee should send their completed references by email from a business email address to [PanelCounsel@governmentlegal.gov.uk](mailto:PanelCounsel@governmentlegal.gov.uk) or by post to Panel Counsel Recruitment, GLD, One Kemble Street, Zone 8.08, London WC2B 4TS.**

Those applying to the **A Panel** should provide **5 references, 2 of which should come from members of the judiciary (including for this purpose arbitrators)**. If you have done a significant amount of government work, 2 references should come from lawyers who have instructed you but if you have not done a significant amount or any government work and are therefore unable to supply such references this will not adversely affect your application.

Those applying to the **B Panel** should provide **3 references**. We recommend that candidates provide at least **1 reference from a member of the judiciary (including for this purpose arbitrators)**. If you have done a significant amount of government work at least one of the references should come from a lawyer who has instructed you but if, as may well be the case, you have not done a significant amount or any government work and are therefore unable to supply such a reference, this will not affect your application adversely

Those applying to the **C Panel** should provide **3 references**. Advocacy is a fundamental part of the role of Panel Counsel. We would therefore expect at least 1 referee to speak in detail about an applicant's advocacy skills and experience. However, we recognise that for lawyers with limited post qualification experience, it may not be possible to find a judicial referee. Such individuals ought to do the best they can to find a referee who can write about their advocacy skills.

### Choice of Referees

We do not interview so the choice of referees is very important. Each reference, if chosen well, provides an opportunity to submit new and objective examples of clear and compelling evidence of an applicant's abilities. Advocacy is a fundamental part of

the role of Panel Counsel. We would therefore expect at least 1 referee to speak in detail about an applicant's advocacy skills and experience.

We are looking for you to provide referees that can give an objective view of your abilities. The more senior the candidate then the more we will expect at least 1 reference from a member of the judiciary. We recognise that for lawyers with limited post qualification experience, it may not be possible to find a judicial referee. Such individuals ought to do the best they can to find a referee who can write about their advocacy skills.

Judicial references are particularly important for 2 reasons. First, they give us information about an individual's performance as an advocate in a court or tribunal. Advocacy is an important part of the work of a panel member even in respect of Chancery work. A judicial reference is one of the best ways we have of gauging this. Second, judicial references are generally considered to be more objective. We have had judicial references that have addressed an applicant's weaknesses but we have rarely received a reference from a Head of Chambers that has been less than glowing. For that reason we particularly value judicial references.

The gold standard is therefore a reference from a Judge who has seen you on a number of occasions in a court or tribunal. If you cannot get such a reference then get as close to it as you can. For example, you may be able to supply a reference from someone who has led you, appeared against you or otherwise seen you in court.

If you have done a significant amount of government work at least 1 of the references should come from a government lawyer who has instructed you. If as may well be the case, you have not done a significant amount or indeed any government work and are therefore unable to supply such a reference, this will not affect your application adversely.

### **Points to bear in mind**

Having 3 referees all from your own Chambers is not as good as having a range of referees.

A reference from your Head of Chambers who has not seen you recently in court is not as good as a reference from someone who has.

In the same vein, a reference from a Circuit Judge who has clear experience of your ability in court is of greater assistance to the Selection Board than a reference from a more senior judge who has not seen your advocacy skills in practice.

Given the choice, the Selection Board would value more highly a reference from a QC from a different Chambers who has led you than one from a QC in your own Chambers.

The Selection Board values a reference that can speak, in detail, about an applicant's skills, especially advocacy skills. For this reason, the Selection Board considers that 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. All things being equal 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. Generally speaking, it is preferable to obtain a reference from a higher grade lawyer, where possible. There is, however, no

point in choosing a referee purely because of their seniority, if this means that they have not seen your work first hand or in detail.

### **Selection**

A Selection Board appointed by the Attorney General will consider applications. The Attorney General will appoint the advocates who appear to him to be best qualified regardless of age, disability, gender reassignment, pregnancy and maternity, race, religion & belief, sex or sexual orientation. Women, members of ethnic minorities and those with disabilities are particularly encouraged to apply.

### **Further Information and Mentoring**

If you have any queries, please feel free to raise them in the first instance with Diane Macfarlane, Government Legal Department, on 020 7210 3440 or via email: [diane.macfarlane@governmentlegal.gov.uk](mailto:diane.macfarlane@governmentlegal.gov.uk)

We wish to encourage applications from as wide a range as possible of those eligible to apply. We will therefore endeavour to put lawyers, who are considering applying for the Panels for the first time and who want to discuss the application process, in touch with an established Panel member.

The mentor will discuss either by telephone or in a meeting the application process, the eligibility criteria and the presentation of relevant information on the application form.

If you are considering applying for one of the panels and want a mentor please contact Anna Rickard, Government Legal Department, on 020 7210 1506 or email: [anna.rickard@governmentlegal.gov.uk](mailto:anna.rickard@governmentlegal.gov.uk) on **or before Friday 3 November 2017**.

Those requesting a mentor will be informed as soon as possible. You may want to start to pull your application together before you speak to your mentor.

### **Information Security**

Those government departments that make use of the panels take information security very seriously. Successful applicants will be expected to safeguard government information in their possession, to adhere to government information security requirements and to complete various questionnaires regarding compliance with those requirements during their membership of the panels.

### **Frequently Asked Questions**

#### **Existing Panel Members**

##### **I am an existing panel member should I reapply?**

If you were appointed in 2012 then your appointment ends this year so you must apply successfully this year in order to remain on the panel. Those appointed in 2015 are not required to apply this year, but can do so.

Those who were appointed in 2015 will be placed automatically on to the Regional A, B or C Panel depending on their experience & existing hourly rate as at 30 November 2017. Should they wish to apply to join a more senior panel ie move from C to B panel, or from B to A panel they can apply during this exercise.

## **The Application Process**

### **Which region should I apply for?**

There may be some advocates who, for example, practise from chambers on the North Eastern Circuit and are a member of that circuit but who also have a practice on the Midland Circuit. Such a person is probably best advised to apply to the North Eastern Area as that is the area to which they appear to have their greatest professional connection. Were they to apply for the Midlands area then they would need to spell out in some detail why they consider themselves to have a professional connection with the Midlands area. Of course once appointed a Panel Member in one area can also accept instructions to appear in other areas.

### **Do I have to be a member of a particular set of chambers to get on the panels?**

No. Each candidate is considered on his or her individual merits – barristers are not considered on the basis of which chambers they practise in.

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

Candidates who did not get a 2.1 class in their degree 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' as a compensatory factor. 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 other examples of corresponding intellectual achievement.

### **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 panel is looking for specialist Counsel, for example tax or charities, it recognises that in certain cases extensive advocacy experience may be less relevant.

### **What are the hourly rates for regional panel counsel?**

The panel is divided into 3 bands: the A panel made up of senior juniors with 10 years' or more experience has a rate of £110 per hour; the B panel made up of middle juniors with 5 years' or more experience, but under 10 has a rate of £90 per hour; and the C panel made up of junior juniors with under 5 years' experience has rate of £60 per hour. 'Experience' is normally taken as commencing from **end** of second 6 months' pupillage for barristers or end of training contract for solicitors.

### **If I am appointed to the panel in one Region can I work in other Regions?**

Departments will generally use counsel from the area in which the court or tribunal is situated. However they may use counsel from another area particularly where the court in question is near two or more regions.

### **When will I hear about my application?**

After the closing date we need to allow time for papers to be distributed to members of the selection board. The Regional Panel selection boards will meet in January 2018. Our target is to notify candidates of the outcome of their application in



February 2018 at the latest. All candidates will receive a letter once the Attorney General has decided whom to appoint in light of the selection board's recommendations.

**What happens if one of my referees is late sending in their reference?**

If reference forms have not arrived, staff at Government Legal Department (GLD) will contact the candidate and ask him or her to chase the referee. Equally, if we have received references but not an application form, we will get in touch with the candidate to check whether he or she sent one in. Information contained in references is important to the selection board and if, after chasing, we do not receive forms, your application is very likely to be unsuccessful. ***It is ultimately your responsibility to ensure that your referees return the proformas by the deadline. Please stress to them the importance of doing so.***

<b>Checklist</b>
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- Will I have 2 years advocacy experience in actual practise by 30 November 2017 (starting from the end of second 6 months pupillage or end of training contract)?
- Do I have a substantial professional connection with the area (for example North, Midlands, North East, Wales or South West) I am applying for?
- Have I completed the application form fully and ensured that I have inserted everything (including the list of cases of which I have had the conduct over the last year or so (to give a flavour of my practice) and examples of my written work)?
- Have I completed the information security section at the back of the application form?
- Have I completed details of my 3 or 5 references?
- Have I completed and uploaded the Equality and Diversity form?
- After completing the online submission process, have I received an email from MoJ portal confirming the submission was successful?