



Thank you for your interest in the Attorney General's London Panels of Junior Counsel to the Crown. On this occasion, we are inviting applications to join the C Panel only. Please note the next competition to make appointments to the A and B Panels will take place in the spring of 2016. 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) five panels of junior Counsel to undertake civil and EU work for all Government departments. He has three 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 London Panels undertake civil work for all government departments. Membership of the Panels is open to both barristers and solicitors with the necessary qualifications. A barrister must have a tenancy. A solicitor 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.

Applicants must apply either for admission to the A, B or C Panel. 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 panels and also a member of the PIL Panel.

The three London Panels also cover work in the south-east of England. Applicants will be expected to have a substantial professional connection with London or the south east or both e.g. be a member of the relevant circuit or have a principal practice address within the area. Successful applicants will be expected to travel within the Region. This is particularly important in relation to Director's Disqualification work where travel may be required as far north as St Albans or to the south coast.

Members of the C panel will be expected to have at least two years experience in actual practice by 30 October 2015 (starting from end of 2nd six months' pupillage for barristers, 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.

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. Those previously appointed to the B panel have generally had between 5 and 10 years advocacy experience.

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. Those previously appointed to the A Panel have generally had in excess of 10 years' advocacy experience.

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

The Attorney General expects to make at least 20 appointments to the C Panel although this does not commit the Attorney General to appointing any particular number of applicants. Appointments will be for a period of five years.

As is the case every year, the Attorney General is looking for applicants with experience in **public law including human rights; employment; or personal injury**. The Attorney is also looking to deepen the capacity of the panels in the following areas:

- Admiralty
- Competition and State Aid
- Construction
- Contract/Commercial
- EU Law
- IT
- Insolvency
- Intellectual Property
- Procurement
- PFI
- Trust
- Charities
- General Commercial Law
- Direct Tax
- Tax Credits and Child Benefit work (including EU Social Security Law)
- Rating & Valuation work
- Charity, Trusts, Probate and Wills
- Social Security Expertise

The Attorney General is also looking to appoint applicants capable of advising departments on the interface of public and commercial law issues.

Government litigation often involves difficult issues around disclosure, freedom of information, and data protection. Applicants with expertise in these areas should bring that fact out in their applications.

Eligibility

Applicants must have:

1. At least two years experience in actual practice **by 30 October 2015** (starting from end of 2nd six months' pupillage for barristers, end of training contract for solicitors).
2. A substantial professional connection with London or the south east of England or both.
3. Experience of both advocacy and advisory work in one or more of the areas of work covered by the panel. In fact the panel covers the wide range of public and private law in which central government is involved. It does not deal with criminal prosecutions and involvement in litigation involving pure private client work is limited.
4. An appreciation of the special demands of government litigation.
5. Advocacy experience and ability demonstrated by a number of appearances in courts and tribunals. However in the following areas
 - Procurement
 - Construction
 - IT
 - Contractual/ commercial disputes

the Attorney General recognises that many potential applicants will, because of the size and value of the cases in which they are instructed, have less opportunity for advocacy (which in those cases will be carried out by senior juniors or QCs) but will nevertheless be carrying out key supporting roles in the conduct of that litigation. The Attorney General is looking for applicants with experience and ability in such areas even though their experience of actual advocacy may be limited.

6. Academic strength (2:1 or above) or compensating strength on other factors included in the application.
7. Written/drafting ability to be evidenced by recent specimens of work (an opinion and a skeleton argument (or nearest equivalent)).
8. A willingness to work as part of a team with professionals from other disciplines without compromising professional independence.

Application

Applications must reach us no later than **12 noon** on Friday 30th October 2015.

Application Form

You must return the original copy of your application form and any attachments plus four copies (five in total) individually stapled or Treasury

tagged in the top left-hand corner to the address provided at the end of the form.

Please type your application. Putting the answers in a different font from the questions can help too. If you have difficulty in typing please contact Diane Macfarlane, Government Legal Department, on 020 7210 3440.

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 attached form** (one copy only, as it will not be sent to the Selection Board, please also keep it separate from the other papers).

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.

References

C PANEL

Those applying to the C Panel should provide three references.

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.

A and B PANEL (for Spring 2016 competition)

Those applying to the A Panel should provide five references, two of which should come from members of the judiciary. If you have done a significant amount of Government work, two 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 three references.

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

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.

For most of those on the C Panel 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 in the following areas

- Procurement
- Construction
- IT
- Contractual/ commercial disputes

this may not always be possible because of the nature of the litigation in which that applicant is most regularly involved.

We are looking for you to provide referees that can give an objective view of your abilities. So far as B panel applicants are concerned we recommend that candidates provide at least one reference from a member of the judiciary. We do not go so far as that as regards the C panel. 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 for the C panel, the more the Board might question why a judicial reference was not provided.

Judicial references are particularly important for two reasons. First, they give us information about an individual's performance as an advocate in a court or tribunal. Advocacy can be 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 in relation to those applicants who undertake advocacy.

The gold standard is therefore usually 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.

However applicants, particularly at C panel, specialising in the following areas

- Procurement
- Construction
- IT
- Contractual/ commercial disputes

may, find themselves engaging in relatively little advocacy and so may wish to consider submitting references from those who have observed them and can comment on their conduct of stages of the litigation process that do not involve advocacy.

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 Law Lord 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.

Referee Proforma

You should give the referees' proforma to your referees. References from a single referee are better than composite references assembled by someone who does not know you. In general single word responses to the questions in the pro forma are not as helpful to the selection board as a more detailed explanation with examples as to why the referee considers the applicant to be "good" or "excellent".

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

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 disability, race, colour, nationality, ethnic or national origin, gender, age, sexual orientation, gender reassignment, marital status, religion/belief or political affiliation. 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, via email diane.macfarlane@governmentlegal.gov.uk or on 020 7210 3440.

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 **C Panel** and who want to discuss the application process, in touch with an

established Panel member. Although primarily directed at prospective C panel members, we may also be able to offer similar assistance for applicants to the A or B panel who have not previously been on one of the panels.

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 the one of the panels and want a mentor please contact Diane Macfarlane, Government Legal Department, on 020 7210 3440 or email: diane.macfarlane@governmentlegal.gov.uk **on or before 5 October 2015.**

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

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 London C Panel selection board meets in December. Our target is to notify candidates of the outcome of their application in February 2016 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.

If I have forgotten to put in 4 copies of my form will I be penalised?

No. Information such as this is not given to the Selection Boards. There are no trivial 'technical knockouts'. However, the board will take into account the amount of care that you appear to have given to completing your form.

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

If reference forms have not arrived, staff at GLD will ring 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.***

Who sits on the Selection Boards?

The selection boards are chaired by a senior lawyer at the Government Legal Department and consist of lawyers from various Government Departments and a nominee representing the Bar Council. In addition, the First Treasury Counsel or another senior lawyer with experience of government litigation often sits on the A

Panel selection board. A member of a higher panel often sits on the B Panel and C Panel selection boards.

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/her individual merits - not on their chambers they practise in.

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

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 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 e.g. tax or charities, it recognises that in certain cases extensive advocacy experience may be less relevant.

Selection: an individual view from a barrister

During the 2013 London Panel Counsel recruitment round, Lucinda Boon, then B Panel Counsel, was invited to be a member of the C Panel selection board.

Here Lucinda shares her view of the selection process:

My extremely positive experience of sitting on the C Panel selection board, as a representative of the B Panel, has driven me to write this section to share my experience with applicants.

Both of my successful applications, to C and B panel, followed unsuccessful attempts. I confess to having found myself wondering about the selection process and what exactly is done to ensure that the process is fair and of the standard an applicant can rightly expect. Therefore, when I was invited to sit on the C Panel selection board for the 2013 application exercise, I was very keen not only to participate in the process, but to have the opportunity to observe it in action. Indeed, I had the benefit of witnessing the care and objective scrutiny that is applied and the rigorous checks and balances in place.

The selection board comprises senior and experienced government legal service lawyers and, for C and B Panels, a representative of the panel above. The board members are divided into pairs and each pair is allocated a proportion of the applications to mark. The pair then meet to discuss their allocated applications and to seek to agree the marks, ready to present to the board.

The meeting of the board is observed by a representative from the Bar Council, who is provided with a copy of all of the applications. Each pair presents each application to the rest of the group, setting out the merits of each application, and explaining the marks given. The other members of the group ask questions to test or challenge the rationale behind the marks given. Where there is even the slightest indication that

one pair may have applied a higher or lower standard than others, or where there is any other doubt, the applications in question are reviewed by other board members.

During the final process where the successful applicants are identified, there is further discussion, challenge and scrutiny. The whole focus of the day is on ensuring that the same standard is applied to all applications and that only the very best applicants are appointed. In particular, it is irrelevant: (i) which Chambers the applicant is from; (ii) whether there are other panel members in the applicant's Chambers; or (iii) that the applicant's practice involves appearing against the government.

My experience left me with real confidence in the process, which I am keen to share, so that the very best applicants are not deterred from applying (or even re-applying, as will sometimes be necessary given the strength of the field of applicants).

Checklist

- Will I have 2 years experience in actual practise by 30 October 2015 (starting from end of 2nd six months pupillage / end of training contract)?
- Do I have a substantial professional connection with London or the South East of England or both?
- Have I completed the application form fully and ensured that I am sending everything required including 5 copies in total (each 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 my references (5 for A Panel, 3 for B/C Panel)?
- Have I completed the Equality and Diversity form?