

Chancery Bar Association Guidance for Assessors

The Chancery Bar Association is very grateful to everyone who agrees to act as an assessor for one or more of our members in the KC application process.

As you will no doubt be aware, assessors play a crucial part in the process and great weight is placed on the assessments they provide.

We appreciate that you may have experience of providing assessments of this nature, and if so, we apologise if what follows is already familiar to you. However, we hope it will be of assistance to highlight the following key points which the Chancery Bar Association believes to be of particular importance in ensuring that your assessment is as effective as it can be in supporting an application:

- (1) The standard for appointment to the rank of King's Counsel is that of 'excellence'. If that is the standard that you believe the applicant has displayed, then it is important to ensure that the language used in an assessment reflects that and does not understate the applicant's performance.
- (2) Excellence is assessed by reference to the competency framework (a copy of which may be found on the KCA website at <https://kcappointments.org/wp-content/uploads/2024/04/Practitioner-Assessors-Guidance-Document-2024.pdf>). That framework provides helpful examples to assist assessors in identifying and describing excellence. In our experience, these examples are very helpful when providing assessments.
- (3) It is critical not merely to say that an applicant is excellent: the KCA requires evidence to demonstrate why you think that is the case. Evidence does not have to be lengthy, but if you do not provide it, a deserving applicant may not be appointed. We understand that cases where you believe the applicant has exceeded reasonable expectations are considered by the KCA to be of particular value in assessing excellence and therefore giving examples of very difficult situations where the applicant has dealt with matters particularly well; how the applicant dealt successfully with it and displayed excellence will assist greatly.
- (4) The KCA requires consistent evidence of excellence across all competencies. Please consider carefully whether you can provide evidence of excellence for as many competencies as possible.
- (5) The information that can be relied on by you in your assessment is not confined to the cases specifically referred to by the applicant: if

you have knowledge of the applicant from other cases you are encouraged to draw on it and include it in the form. Likewise, in relation to the “Diversity Action and Understanding” competency, the evidence you provide need not be confined to the applicant’s legal practice: it can be drawn from any area of life.

- (6) The nature of Chancery practice means that our members sometimes do not have as many opportunities to demonstrate excellence in the oral advocacy competency in court as practitioners in other fields (for example, members of the criminal Bar). Oral advocacy before all types of court or tribunal is potentially relevant, including, for example, Chancery Masters and ICC Judges. Please also consider whether the applicant has demonstrated excellence in this particular competency outside of court, for example in a mediation or a settlement negotiation.

We are mindful of the time and effort involved in producing a comprehensive assessment as part of this process and hope that this brief guidance will be of assistance to you.