

FURTHER GUIDANCE FOR QC APPLICANTS

On 20 May Tim Fancourt QC and Penelope Reed QC met with Helen Pitcher (Chairman) and [Russell Wallman](#) (Head of Secretariat) of QC Appointments in order to discuss some issues our members regularly face when applying for silk.

The following points arose out of those discussions:-

1. When applicants identify 12 cases, it is not necessary that they should all have gone to Court provided that sufficient evidence can be derived from them to demonstrate excellence. Therefore cases which have been resolved by mediation may be deployed. Mediators can provide a practitioner reference though not a judicial reference.
2. If an applicant has fewer than 12 cases then it is important that they say why that is the case (for example, they have been tied up on one big case for a long time).
3. While assessments from those in chambers with the applicant are in no way disregarded, it is important that they are evidence based assessments from people who know the applicant and the applicant's work. It is helpful to have assessments from opponents, for example, and weight is given to these. The standing of the referee is as important to QCA as where they come from.
4. Note will taken equally of cases heard before Judges below High Court rank (it was noted that there is no a category for Bankruptcy Registrars at the moment and this is likely to be corrected) provided that they satisfy the test of substance. Last year 15 of those recommended for silk had no referees from the rank of High Court Judge or above.

5. It is assumed that applicants can establish integrity. Evidence-based examples do not have to be provided to demonstrate this.
6. Competencies c and d (working with others and diversity) are extremely important both in the application form and in interview. There were 7 applicants last year who scored the maximum score on competencies a and b but were not appointed because they failed to demonstrate excellence in competencies c and/or d. But applicants do not have to score top marks in both c and d as they do in a and b, so there is some leeway here. Diversity is given a wide meaning: being able to deal with people from all walks of life, regardless of gender, race, religion, education, ability, sexual orientation etc. Examples can be drawn not just from practice, but from matters relating to professional life such as sitting on committees and sitting as a judge provided that they provide sufficient evidence of the competence.
7. The interview is one part of the overall process, giving the panel the opportunity to find out more on areas where additional evidence of competence is required, or where evidence needs to be explored. Performance in interview does not decide selection for appointment: evidence gathered from the interview is put alongside evidence from the written application and references. The panel therefore wishes applicants to be as relaxed as possible at the interview. It was pointed out that panels are astute in noticing those who have been trained.

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