



GUIDANCE FOR OVERSEAS JUDICIAL ASSESSORS 2022

Guidance on assessments on applicants for appointment as Queen's Counsel

Introduction

This document aims to assist judges and arbitrators who are based outside England and Wales and who have been asked to provide an assessment in the 2022 QC competition.

The Selection Panel is keen to receive an assessment drawing on your experience of the applicant. For the Panel to get a rounded view of applicants it needs assessments which cannot be supportive (or not fully supportive) just as much as those which are supportive.

Background

1. The award of Queen's Counsel is intended to recognise excellence in advocacy in cases of substance dealt with in the higher courts of England and Wales; in arbitrations conducted under the law of England and Wales; or in tribunals, inquiries or equivalent forums.
2. Although applicants whose practice is primarily outside England and Wales are eligible to apply, provided they hold rights of audience in the higher courts of England and Wales, no applicant can be recommended for appointment unless the Selection Panel is satisfied they are or would be excellent in relation to advocacy in cases of substance dealt with under the law of England and Wales.
3. The Panel welcomes assessments from judicial assessors (including arbitrators) outside England and Wales, and is grateful to those assessors for their help with the process. However, as stated above the scheme is designed primarily to identify advocates who are excellent in relation to cases of substance before the higher courts of England and Wales. Accordingly, it would be particularly helpful if assessors from outside England and Wales could include in their assessment a sentence on the assessor's own familiarity with the levels of skill and expertise, and the standards, expected of QCs in England and Wales. Information on the extent to which the requirements of oral and written advocacy in the forum from which the assessment arises are comparable with the requirements in the higher courts of England and Wales would also be helpful, if the assessor is in a position to comment on that matter.



4. Decisions on whether an applicant should be recommended for appointment are made by an independent Selection Panel comprising retired judges, practising barristers and solicitors, and distinguished non-lawyers.
5. To be appointed, an applicant must demonstrate each of the competencies to a standard of excellence. The Competency Framework is at Annex A.
6. The Selection Panel bases its decisions on **evidence** of excellence drawn from the applicant's self-assessment, information from assessors listed by the applicant, and an interview with each applicant who secures one. The most important element is the evidence from assessors. The success of the QC appointment system thus depends largely on evidence from assessors with recent professional experience of seeing the applicant in practice. Evidence of performance falling short of the required standard is as important as evidence of excellence.
7. The Selection Panel must obtain the most accurate picture possible of each applicant as an advocate. The greatest help you could give is a forthright assessment even when it does not support the individual.

Confidentiality

8. Assessments will be seen only by QCA staff and the Panel. Assessments will not be available to the applicant or anyone else, during or after the competition. Applicants will not even know the name of the author of an assessment, let alone its contents.
9. Exceptionally, as part of an investigation of a complaint from an applicant, an assessment might be sought by the Queen's Counsel Complaints Committee. We will not supply assessments even to the Complaints Committee without your consent in advance. Assessments provided in the QC competition are exempt from the subject access provisions of the Data Protection Act.
10. Please do not let the applicant know what you have written, even if s/he asks.
11. Unsuccessful applicants will get generalised feedback to help identify areas deficient in evidence or needing improvement. The feedback will reflect evidence from some assessors, but without identifying details, so the source cannot be identified from the feedback.

Contact with applicants

12. Please do not take it amiss if an applicant did not seek your agreement to act as an assessor. Applicants are required to list a judicial and a practitioner assessor for each listed case and we tell them they do not need consent before listing a potential assessor.
13. We encourage applicants to send potential assessors as an aide-memoire copies of any written work the applicant did in the case. If you have not received copies of any written work when you would have expected to do so, please feel free to contact the applicant direct to ask for this.
14. Applicants are told that they should not lobby for support, and in particular not to send potential assessors material intended as a draft assessment. Please alert the Chief Executive (russell.wallman@qcappointments.org) if you get such an approach.

Completing the assessment form

15. The Panel appreciates that most assessors will not be able to comment on every competency. You are asked to provide evidence only on those competencies where you have useful information. If you have not observed an applicant demonstrating a competency, please say so.
16. The examples in the competency framework illustrate the kinds of behaviour the Panel has in mind. It is important that assessments include evidence, explaining why an applicant's work in relation to a particular competency was (or was not) good, rather than mere assertions about the applicant's performance. Short statements such as 'excellent advocate', without supporting evidence, are not helpful. Please comment on each competency of which you have knowledge indicating, with examples where possible, how well and to what extent it is or is not demonstrated.
17. The Panel is looking for succinct evidence, sufficient to understand the reasons for your view. Lengthy description of cases is unnecessary.
18. If you have seen the applicant in cases in addition to those listed by the applicant, please feel free to draw on those cases rather than confining yourself to consideration of the cases listed by the applicant. Where evidence is drawn from work done before 2019, it would be helpful if you could indicate that.

Cases of substance, complexity, or particular difficulty or sensitivity

(Part 2, Q.2)

19. Please explain briefly why a case was or was not of substance, complexity, or particular difficulty or sensitivity.

Competency A – Understanding and Using the Law

20. It is particularly useful for the Panel to have evidence about applicants' ability to deal with "new law" – either law in an area outside the applicant's usual specialism, or new developments in law. Experience shows that there is often a shortage of evidence on this aspect from assessors.

Other jurisdictions

21. If you deal with a case in which the law was not that of England and Wales, or which included elements of law from any jurisdiction other than England and Wales (including in the British Isles), please make this clear on the form.

Competency B – Written and Oral Advocacy

22. It is helpful for assessors to separate comments on written advocacy (Competency B1) from those on oral advocacy (Competency B2).
23. On Competency B2 (Oral advocacy) it would be helpful if assessors could state what aspects of an applicant's oral advocacy they have seen (e.g. legal argument; cross-examination of lay witnesses) and how much they have seen in total of the applicant's oral advocacy.

Competency C – Working with Others

24. The "working with others" competency encompasses working constructively with the judge or arbitrator and court staff, as well as with fellow advocates and clients.
25. It is particularly useful to have any evidence about the extent to which applicants demonstrate the leadership expected of silks. This is an area where there is often a shortage of evidence from assessors.
26. This competency also requires applicants to uphold the standards of behaviour expected of advocates so as to secure the confidence of the court and of fellow advocates. The Panel needs to be alerted to any failings in this regard, with evidence.

Competency D – Diversity

27. The diversity competency aims to ensure that all those recommended have a good understanding of diversity issues, demonstrate appropriate professional behaviour,

and are proactive on diversity matters. The competency is not of itself intended to promote the appointment of under-represented groups. Accordingly, being a member of an under-represented group is not of itself evidence (or even an indication) that an individual meets the standard required.

28. The Panel understands that many judicial assessors may not be well-placed to comment on the diversity competency. It is perfectly acceptable to leave that section blank. However, where an assessor **does** have relevant evidence – such as the way in which an applicant dealt with any particular needs of an individual party or witness in court –the Panel finds it useful.

Overall rating – (Part 4)

29. You are asked to give an overall rating of the applicant's suitability for appointment as silk based on their demonstration of those competencies on which you can comment. Please do not rate an applicant as "Clearly ready for appointment" unless you have seen him/her perform very well in a case in which a silk might appropriately have been instructed. Subject to that, there is no need for a lower rating simply because your own knowledge of them is limited.
30. The different ratings are designed to focus clearly on whether the applicant should be appointed. The Panel realises many advocates, although extremely effective juniors, have not fully demonstrated the qualities for appointment to silk. They should be rated "Possibly ready for appointment", or "Not yet ready for appointment".

Explanation of Overall Rating (Part 5)

31. Please briefly summarise the reason for your overall rating. It would be particularly helpful to know approximately how much (if any) exposure you have had to the applicant's oral advocacy.

Views of others (Part 6)

32. Your assessment should be based solely on your experience of the applicant in professional life, rather than the "general view" of the legal community. However, if you have consulted others, please identify whom you consulted, the nature and extent of their experience of the applicant, and how far their experience coincides with or differs from yours.

Comparisons with other applicants

33. Assessments should deal only with the individual applicant, rather than compare the applicant with others in the competition. Material comparing an applicant with others is redacted before the Panel sees the papers.

Previous assessments

34. If you have provided an assessment of an applicant in a previous QC competition, and not seen them since, we will be happy to re-use that assessment. However, if you have more recent experience we would appreciate a fresh assessment. We can on request send you a copy of a previous assessment.
35. Because each competition is self-contained, Panel members should not know of previous applications, so please help by not referring to any.

Information for Assessors

36. For each applicant you will have an email or letter with their details and a link to the assessor site. This contains details of the case(s) extracted from the application form, provided by the applicant. The applicant's name is in the email and on the site. Your details will also appear.
37. You can complete the assessment form by logging into <https://assessors-2022.qcappointments.org/> using the details in the request email. If you would prefer to complete a Word version, please contact the Secretariat. You can complete the form in typescript or by hand (although it helps a lot if you use a computer or typescript.)
38. We have helpful assessments from the past, and you can see them as well as specimen assessments. Just ask the secretariat.

Returning completed assessment forms

39. It would help if you could return your assessment(s) by the date specified in the letter. We can almost always extend time, but if you need more, please let us know as soon as possible.
40. On-line forms will be received automatically when you click "Submit" on completion of your assessment. Assessment forms completed on the Microsoft Word form can then be emailed to assessments@qcappointments.org.
41. Completed hard copy or printed out assessments can be sent by post.
42. Forms submitted electronically will receive an automated response. We will acknowledge forms received through other channels unless you ask us not to do so.



Contacting us

43. Please contact the QCA Chief Executive by email or telephone if you would like information or assistance. We are always happy to help. Further information about the appointment process as a whole is also on www.qcappointments.org.
44. Our contact details are below. If your enquiry relates to a particular applicant, please give the applicant's name and ID.

Queen's Counsel Appointments

16 Red Lion Square, London WC1R 4QH

Telephone: 0207 831 0020

Email: assessments@qcappointments.org

or: Russell.wallman@qcappointments.org

April 2022

Queen's Counsel Competition for England and Wales 2022 Competency Framework

The Panel will judge how far an applicant meets the competencies as described by the passage in italics. The examples provided are intended to assist applicants, assessors and others. Consideration of the demonstration of the competency is not limited to the examples quoted. To merit recommendation for appointment all competencies must be demonstrated to a standard of excellence in the applicant's professional life. In general the Selection Panel will be looking for the demonstration of the competencies in cases of substance, complexity, or particular difficulty or sensitivity. Competency B (Written and Oral Advocacy) *must* be demonstrated in such cases.

<p>A. Understanding and using the law <i>Has expert, up-to-date legal knowledge, uses it accurately, relevantly and effectively, and becomes familiar with new areas of law quickly and reliably.</i></p> <p>Examples:</p> <ul style="list-style-type: none"> ✓ Is up to date with law and precedent relevant to each case dealt with, or will quickly and reliably make self familiar with new areas of law. ✓ Draws on law accurately for case points and applies relevant legal principles to particular facts of case. ✓ Makes effective use of case law and other sources in addressing legal issues which are not decided or settled. ✓ Shows depth of understanding of the legal principles and issues involved in a case. <p>B. Written and oral advocacy <i>Subject to the advocate's duty to the court, develops and advances client's case to secure the best outcome for the client by gaining a rapid, incisive overview of complex material, identifying the best course of action, communicating the case persuasively, and rapidly assimilating the implications of new evidence and argument and responding appropriately.</i></p> <p>The Panel will be looking both at the written and oral aspects of advocacy. Oral advocacy includes advocacy in a court or tribunal, mediation, arbitration or negotiation.</p> <p>Examples (Written advocacy):</p> <ul style="list-style-type: none"> ✓ Writes arguments accurately, coherently and simply, and in an accessible style. ✓ Presents facts and structures arguments in a coherent, balanced and focused manner. ✓ Deals effectively with necessary preliminary stages of legal disputes. ✓ Gains and gives an accurate understanding of complex and voluminous case material. ✓ Appreciates aspects of the case that are particularly important, sensitive or difficult and appreciates the relative importance of each item of evidence. ✓ Prepares thoroughly for the case by identifying the best arguments to pursue and preparing alternative strategies. ✓ Anticipates points that will challenge an argument <p style="padding-left: 20px;">Examples (Oral advocacy)</p> <ul style="list-style-type: none"> ✓ Deals responsibly with difficult points of case management and disclosure. ✓ Presents facts and structures arguments in a coherent, balanced and focused manner. ✓ Assimilates new information and arguments rapidly and accurately. ✓ Immediately sees implications of answers by witness and responds appropriately. ✓ Listens attentively to what is said paying keen attention to others' understanding and reactions. ✓ Accurately sees the point of questions from the tribunal and answers effectively. ✓ Gives priority to non-court resolution throughout the case where appropriate, identifies possible bases for settlement and takes effective action. ✓ Prepared and able to change tack or to persist, as appropriate. ✓ Deals effectively with points which challenge an argument. <p>C. Working with others <i>Upholds the standards of behaviour expected of advocates and acts so as to secure the confidence of the court and of fellow advocates; establishes productive working relationships with all, including professional and lay clients, the judge and other parties' representatives and members of own team; is involved in the preparation of the case and leads the team throughout.</i></p> <p>Examples:</p> <ul style="list-style-type: none"> ✓ Behaves in a consistent and open way in all professional dealings. ✓ Establishes an appropriate rapport with all others in court and in conference. 	<ul style="list-style-type: none"> ✓ Advances arguments in a way that reflects appropriate consideration of perspective of everyone involved in the case. ✓ Where appropriate, refers to authorities adverse to the client's case and to arguments which unrepresented parties could properly advance. ✓ Is meticulous in making full and frank disclosure whenever appropriate. ✓ Helps the client focus on relevant points and is candid with the client. ✓ Explains law and court procedure to client and ensures the client understands and can decide the best action. ✓ Keeps lay and professional clients informed of progress. ✓ Is prepared to advance an argument that might not be popular and to stand up to the judge but does not make assertions or allegations which are unsupported by a proper factual basis or (where appropriate) by instructions from clients. ✓ Responds to the needs and circumstances of client (including client's means and importance of case to client and bearing in mind duty to legal aid fund) and advises client accordingly. ✓ Meets commitments and appointments. ✓ Accepts ultimate responsibility for case when leading the team. ✓ Motivates, listens to and works with other members of own team. ✓ Aware of own limitations and seeks to ensure that they are compensated for by others in team. ✓ Able to take key decisions with authority and after listening to views. ✓ Identifies priorities and allocates tasks and roles when leading the team. <p>D. Diversity <i>Demonstrates an understanding of diversity and cultural issues, respects the needs and cultural wishes of others and is proactive in addressing the needs of people from all backgrounds and promoting diversity and equality of opportunity</i></p> <p>Examples:</p> <ul style="list-style-type: none"> ✓ Is aware of the diverse needs of individuals resulting from differences in gender, sexual orientation, ethnic origin, age and educational attainment and physical or mental disability or other reason, and responds appropriately and sensitively. ✓ Is aware of the impact of diversity and cultural issues on witnesses, parties to proceedings and others as well as on own client, and adjusts own behaviour accordingly. ✓ Takes positive action to promote diversity and equality of opportunity. ✓ Understands needs and circumstances of others and acts accordingly. ✓ Confronts discrimination and prejudice when observed in others; does not let it pass unchecked. ✓ Acts as a role model for others in handling diversity and cultural issues. <p>E. Integrity <i>Is honest and straightforward in professional dealings, including with the court and all parties</i></p> <p>Examples:</p> <ul style="list-style-type: none"> ✓ Does not mislead, conceal or create a false impression. ✓ Honours professional codes of conduct. ✓ Where appropriate refers to authorities adverse to the client's case. ✓ Always behaves so as to command the confidence of the tribunal and others involved in the case, as well as client. ✓ Acts in professional life in such a way as to maintain the high reputation of advocates and Queen's Counsel. <p>QCA February 2022</p>
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Approved Assessment - Knowledge of the Applicant

1. Are there other cases on which you wish to draw in providing your assessment, in addition to those listed by the applicant? If so, please give brief details.

No.

2. Please confirm, with brief reasons, whether or not in your view each of the occasions mentioned by you or the applicant was a case of substance, complexity or particular difficulty or sensitivity. Please indicate any that had unusual or challenging features.

This was a significant case in health and safety sentencing law at a time when new principles were emerging. The case was factually complex and there was significant controversy between the parties as to the correct approach to sentence. I presided over a constitution of the Court of Appeal (Criminal Division) to resolve those issues. The case was of sufficient note to be reported as a precedent.

3. Can you confirm the information given by the applicant about your contact in the cases(s) listed?

As to the case, yes. He erroneously states that we were in the same chambers 1998-2005. In fact it was 1998-2002.

Approved Assessment - Evidence of the competencies**A. Understanding and using the law**

The applicant is a keen and dedicated lawyer who keeps abreast of legal developments in his area of practice. I know this not only from the instant case, but also from my knowledge of him when I was his Head of Chambers. This was amply confirmed in the instant case where he recognised that the appellant's case raised important issues as to sentencing practice and policy in the area of health and safety. His analysis of the issues was very sound, and ultimately accepted by the Court of Appeal. He demonstrated a clear awareness of the changing landscape in health and safety sentencing, and was able to refute the appellant's arguments which took a more conservative approach. His command of a developing area of the law was very sound and confident.

B1. Written advocacy

Detailed pre-hearing paperwork was required in the appeal before me. It involved careful marshalling of a significant amount of material from the lengthy Crown Court trial in the light of extensive challenge raised by the appellant. The applicant analysed and deployed the trial materials with great skill in his pre-hearing written submissions which were clear and persuasive. New financial evidence was submitted for the appeal by the appellant. This was expertly handled by the applicant who ably demonstrated that ultimately it did not support the appellant's case when carefully examined.

B2. Oral advocacy Oral advocacy includes advocacy in a court or tribunal, mediation, arbitration or negotiation

The applicant has a very pleasant style of advocacy. He is clear and authoritative and confident. The hearing before us was of greater length than normal (about three hours rather than the standard half an hour for a Court of Appeal sentence appeal). This gave an extended opportunity to assess the applicant's advocacy. He responded clearly and firmly to the appellant's arguments, with courtesy and without exaggeration or over-emphasis. Importantly, his analysis was sound and to the point so that the court gained confidence in his submissions. His submissions were interrupted by questions from the court designed to test the strength of his arguments. He dealt with these well, demonstrating a command of his subject, and not being thrown off course by the interventions.

C. Working with others

I only have knowledge of this single case and as a judge of the Court of Appeal was not privy to his inter-actions with others in the case in the way that a trial judge would be. However I can say that his written and oral advocacy showed appropriate respect for his opponent and that his demeanour before the court showed nothing to suggest that he would have anything other than good working relationships with fellow professionals and others. This would be consistent with my knowledge of him as his Head of Chambers previously mentioned.

D. Diversity

This particular case did not throw up any special diversity issues beyond an appropriate demonstration of empathy for the victim of the offence. My earlier knowledge of the applicant and his practice in the period up to 2002 showed a young man who was well-liked by his peers and fellow professionals and who was developing a good quality practice based on his ability to relate well to people from all backgrounds. His practice was in the area of criminal law where sensitivity to a wide range of backgrounds and behaviours is essential to success. I would be amazed if his character or attitudes have changed.

E. Integrity

N/A.

Approved Assessment - Overall rating

Overall rating I believe this applicant's demonstration of the competencies to be:

Ready for appointment

Explanation of overall rating Please use this section to give a brief justification of your overall rating in Part 4. You may also use this section of the form to give any additional information that will assist the Selection Panel.

In my view the applicant is ready for appointment and deserves the accolade of silk based on his abilities. I have not put him in the very top category because my recent experience is limited to a single case which did not provide a sufficient opportunity to test and assess in more depth. He is clearly highly competent in his chosen field.

I would like to add that subsequent to his appearance before me, the applicant organised a lecture/seminar on health and safety sentencing for practitioners and other professionals at which I was the principal speaker as former chair of the Sentencing Council. It was well-organised and drew a large and diverse audience. I thought that this showed a praiseworthy commitment to sharing knowledge and skills, and demonstrated a capacity for leadership.

Approved Assessment - Views of others

If you have consulted others in preparing this assessment, please state who you have consulted, the nature and extent of their experience of the applicant and how far their experience coincides with or differs from your own.

The views expressed are my own.

Approved Assessment - Knowledge of the Applicant

1. Are there other cases on which you wish to draw in providing your assessment, in addition to those listed by the applicant? If so, please give brief details.

No.

2. Please confirm, with brief reasons, whether or not in your view each of the occasions mentioned by you or the applicant was a case of substance, complexity or particular difficulty or sensitivity. Please indicate any that had unusual or challenging features.

Yes, the strike-out application was a matter of real substance and complexity. His clients had brought proceedings against their previous solicitors and barrister in respect of advice and representation in a commercial dispute. The story was long and complicated, with voluminous documents. It also involved a question of law as to whether/the extent to which solicitors/barristers should give advice beyond the scope of their particular instructions. The defendants applied to strike out the claim on the basis that it was bound to fail. The solicitors and the barrister were each represented by leading counsel; the applicant was unled. In a reserved judgment, following a two-day hearing, I struck out the claim.

3. Can you confirm the information given by the applicant about your contact in the cases(s) listed?

Yes.

Approved Assessment - Evidence of the competencies**A. Understanding and using the law**

From all that I read and heard from the applicant's written and oral submissions, he had a thorough and up-to-date knowledge of the relevant law. It was necessary to cite a good deal of case law, in particular on the difficult issue of the circumstances in which solicitors/barristers may be obliged to advise on matters which go beyond their specific instructions from the client. His submissions demonstrated his mastery of the case law and relevant principles.

B1. Written advocacy

When reading the papers before the hearing, I was impressed by his written work in two particular respects. First, by his particulars of claim, setting out the essential elements of the claim. In contrast to the increasing tendency for prolixity in such documents, this was (as the rules require) a truly concise document, setting out the essence of the claim. I thought that it was an exceptionally skilful piece of work. It set out no more and no less than an accurate summary of the essential facts and matters relied on; and, in doing so, cut through a mass of material to get to the core of the case.

Whilst I ultimately concluded that the case was unsustainable, I remember thinking that the claim could not have been better drafted. The applicant's written skeleton argument was also first-class, providing a concise summary of the relevant narrative, law, issues and contentions. In consequence of this written material, I began the hearing with the provisional view that, whilst it was a very difficult claim to pursue, there might be sufficient to defeat a strike-out.

B2. Oral advocacy Oral advocacy includes advocacy in a court or tribunal, mediation, arbitration or negotiation

The first day and a half was taken up with very detailed submissions from leading counsel for the barrister and then for the solicitors. Together they presented a formidable analysis as to why the claim could not succeed – as I ultimately accepted. The applicant's response was most impressive. He evidently understood the difficulties in his case, but presented the opposing arguments in a cogent and most attractive manner. He completed his argument in a couple of hours, with concise submissions which responded to each of the substantial points taken against his clients' case. There was no avoidance of the difficult points, nor undue repetition. In my judgment his clients (who the evidence showed to have been very difficult and

demanding for their previous legal team) were exceptionally well served. The applicant's overall performance struck me as a particularly good example of the barrister's not unusual, but most demanding, task of presenting an inherently unattractive case (as it was) in the best possible light. I was also struck by his ease of manner, which added to the force of his submissions. All in all, I thought it was a truly 'front row' presentation, which fully matched the quality of his two silk opponents.

C. Working with others

From all that I saw in court, he evidently had a very good and professional relationship with his opponents. He was in every way professional and courteous towards the court. I cannot, of course, comment on his relationship with evidently very demanding clients, but saw nothing to doubt that he had achieved a satisfactory working relationship.

D. Diversity

I am not in a position to comment on this, but simply note that his clients were from a British Asian background.

E. Integrity

Approved Assessment - Overall rating

Overall rating I believe this applicant's demonstration of the competencies to be:

Clearly ready for appointment

Explanation of overall rating Please use this section to give a brief justification of your overall rating in Part 4. You may also use this section of the form to give any additional information that will assist the Selection Panel.

I am conscious that my only significant experience of this applicant is from this two day hearing. However it was a substantial and difficult matter, in which he was acting for demanding clients. He fully matched his two, very able, silk opponents. From all that I observed, I consider him to be fully deserving of advance to the front row.

Approved Assessment - Views of others

If you have consulted others in preparing this assessment, please state who you have consulted, the nature and extent of their experience of the applicant and how far their experience coincides with or differs from your own.

No.

Approved Assessment - Knowledge of the Applicant

1. Are there other cases on which you wish to draw in providing your assessment, in addition to those listed by the applicant? If so, please give brief details.

I first came across the applicant getting on for two decades ago when she was a trainee solicitor with a local firm of criminal solicitors for whom I worked regularly when I was still at the Bar.

Over the past 10 years or so, the applicant, who is based in local chambers, has appeared appeared before me on a very regular basis. In recent years the applicant has appeared before me in a significant number of cases, some run of the mill and some of substantial seriousness, complexity and weight, including trials and sentences.

Having said that, the amount of really heavy weight senior junior work which she has undertaken in front of me has been limited.

2. Please confirm, with brief reasons, whether or not in your view each of the occasions mentioned by you or the applicant was a case of substance, complexity or particular difficulty or sensitivity. Please indicate any that had unusual or challenging features.

The cases mentioned by the applicant were indeed serious, substantial complex and sensitive. In *Case*, the defendant was alleged to have been responsible for the death of his son and the serious injury of his wife and daughter by dangerous driving. The whole trial was conducted through an interpreter. There were complex issues of causation based upon expert evidence. The consequences of conviction for the accused and his family and the co accused, were serious.

The rape trial of *Case* was one of the earliest to be conducted under Covid conditions. It involved a very anxious complainant.

3. Can you confirm the information given by the applicant about your contact in the cases(s) listed?

Yes, I can confirm the information she has given.

Approved Assessment - Evidence of the competencies**A. Understanding and using the law**

In general terms, the applicant has shown a keen interest in points of law, where they arise, and (as opposed to some advocates) a willingness to drill down into the point at issue and, where necessary, argue the matter. Her written work and oral submissions are generally carefully considered, well researched and constructed.

Having said that, I cannot recall any occasion upon which she has been required to assist the court on any difficult point of new law.

B1. Written advocacy

The applicant's written submissions generally demonstrate sound competence. They tend to be well judged, well constructed and to the point with a careful eye on the possible. Her written submissions tend to be well focused and steer clear of unmeritorious points.

However, there have been one or two occasions in which she has failed to file written submissions in accordance with the timetable set by the court or alternatively make a reasoned application for an extension of that timetable in advance of the expiry of that deadline. We all recognise that sometimes unexpected delays may derail a case timetable, but in such circumstances, the court should be informed in good time.

In addition, in at least one case, I found her written work to be hastily prepared and incomplete.

B2. Oral advocacy Oral advocacy includes advocacy in a court or tribunal, mediation, arbitration or negotiation

The applicant has conducted many trials and other substantive hearings before me. When prosecuting her openings are thorough; more generally, her presentation of the evidence is generally efficient and competent. Her cross-examination is effective. In more recent years I have been particularly impressed with the quality of her closing speeches. In the case of *Case*, which she mentions, her closing speech was particularly effective. It was thoughtfully constructed, tightly reasoned, insightful and persuasive.

The applicant brings a refreshing realism and pragmatism to her role. She is both an attractive jury advocate and judge friendly.

In the case of *Case*, she demonstrated sound judgement and an ability to recognise and address a changing evidential landscape when she re-examined an expert effectively to place concessions made by him in cross-examination into their proper context

Furthermore, she treats witnesses appropriately and with a good understanding that it may be necessary to adapt the form of questioning to meet the needs of the witness. She was an early and effective adopter of the Advocate's Gateway Toolkits. I have seen her examine and cross-examine young and/or vulnerable witnesses on a number of occasions. I have been particularly impressed with the manner in which she simplifies her questions, signposts topics and takes her time. She always treats witnesses and all other court users with appropriate respect.

On the other hand, she prosecuted one trial in front of me in which I felt she missed an obvious point.

C. Working with others

When I worked with the applicant when I was still at the Bar, I was particularly impressed at how willing, hard working and committed she was to handling her cases as well as possible. It was clear to me that her hard work and straightforward approach won the trust of lay clients. It was reassuring for me to know that if I advised that some investigation should be made, or step taken, she would take it in good time.

Since her arrival at the Bar, I have seen her prosecute on many occasions. It is clear that she approaches that task in a realistic and straightforward way. As a result, she appears to have earned the trust of the CPS and they seem to be content to accept her advice, for example where compromise is proposed.

In a recent case, the applicant was to prosecute a mother and father for historic familial sex and cruelty offences in relation to their natural children. After an exhaustive investigation into unused material, the applicant (and the Crown) made the bold and entirely appropriate decision to offer no evidence, having taken the view that there was no longer a realistic prospect of conviction.

When she has defended in front of me, I have never been aware of any serious friction within the defence team.

Her approach to court work is to treat all other court users with respect and to strive to work collaboratively. Accordingly, in the cases she prepares for trial she will strive to condense evidence, agree witnesses/facts, edit DVDs etc to allow the trial to run efficiently. One example occurred in the case in which she was able to propose an agreed and realistic position on a defence s.41 application.

It is the unfortunate lot of counsel these days to be obliged to appear with little administrative back up. This is particularly challenging when the technology lets us down. The applicant has demonstrated a willingness and capacity to work with court staff, other counsel and solicitors to find effective and pragmatic solutions to overcome technical problems in order to facilitate the provision of the best evidence to the jury.

D. Diversity

I have been involved in cases in which the applicant has had to deal with vulnerable witnesses/defendants with all sorts of special needs. A disproportionate number of defendants before the Crown Courts locally do not have English as their first language. Many hail from Eastern Europe, but there are also a significant number of BAME parties/witnesses.

The applicant is particularly attuned to the importance of treating all court users with appropriate respect and of tailoring her case presentation to take into account the needs and sensitivities (cultural or otherwise) of others.

In the case, not only did she have to cross-examine that defendant (who had been responsible for causing catastrophic harm to his own family) through an interpreter, but also to cross-examine his wife who he called on his behalf as a defence witness. His wife was still suffering from deep seated physical and emotional harm from the accident, but had elected to stand by her husband and give evidence which the Crown were obliged to challenge. The applicant challenged each of these witnesses in a sensitive, fair and respectful way in keeping with her ability as a competent, experienced, prosecution advocate.

E. Integrity

I have never had cause to doubt the applicant's integrity in any way.

Approved Assessment - Overall rating

Overall rating I believe this applicant's demonstration of the competencies to be:

Possibly ready, Not yet ready

Explanation of overall rating Please use this section to give a brief justification of your overall rating in Part 4. You may also use this section of the form to give any additional information that will assist the Selection Panel.

I have observed the applicant mature into a generally competent and effective advocate. She is bright, hard working, dedicated and concerned to achieve the best possible outcome for her client/party as is realistically practicable in the circumstances without ever losing sight of her professional integrity.

I know when I see her name on my list that I can expect to see an experienced, generally well prepared, no nonsense attractive jury advocate and judge advocate who will present her case in an efficient and fair way, at all times treating other court users with respect .

If it is necessary to argue a point of law she has the confidence, skill set and ability to do so realistically and persuasively.

While I would not rule out the possibility that there may come a time in the short to medium term future when she could be considered to be a credible and competent candidate for silk, it may be that her application would be enhanced by further experience doing work as a senior junior.

In short, at present I would describe applicant as very competent, rather than genuinely outstanding.

Approved Assessment - Views of others

If you have consulted others in preparing this assessment, please state who you have consulted, the nature and extent of their experience of the applicant and how far their experience coincides with or differs from your own.

I have consulted with two other judges who are based locally. They will have had similar exposure to the applicant's work as I have. Each expressed the view that they did not consider the applicant to be a natural choice for immediate appointment to the rank of QC.