

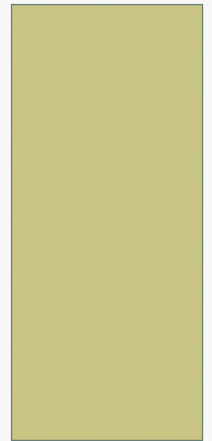


ALL ABOUT CHAMBERS

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GETTING THE BEST FROM YOUR COUNSEL

WHAT DO YOU NEED TO KNOW?



AGENDA

- Introductions & your use of Chambers
- What you know about Chambers
- What you should know about Chambers
- What you need to know about Chambers
- Questions

INTRODUCTIONS

- My background
- You: PQE, frequency of instructing barristers, regular use of Chambers etc.

WHAT YOU KNOW ABOUT CHAMBERS

- Different seniority within the clerks room - different levels of knowledge/experience
- A clerk is not a lawyer/secretary: helps you to manage instructions to/relationship with the barrister
- “Best friend and butler” / “Shield and buffer” – clerk allows the barrister to focus on the work and nothing else
- Aim to find you the right person for the job and at the right price – trust is key!

WHAT YOU SHOULD KNOW

- Getting to know the clerks and barristers will help you when it comes to negotiating fees (and getting the service you need)
- Good communication with Chambers will help to ensure good relationships between you and the clerks
- Any concerns/queries – pick up the phone or find a way to talk them through



BUILDING RELATIONSHIPS



- Downsides of email:
 - Harder to build relationships
 - Easier to misinterpret
 - Sent too quickly/without enough thought
- Speak to people as much as possible – especially on fees!

TIPS ON ELECTRONIC COMMUNICATIONS

- Copy emails to clerks' room – otherwise it may not be actioned in barrister's absence and will not be noted in his/her diary
- Most Chambers do not have extensive IT/Reprographics facilities – check first?
- Can be issues with emailing hearing bundles, large plans, long documents, lots of attachments, email chains – try to avoid unless urgent



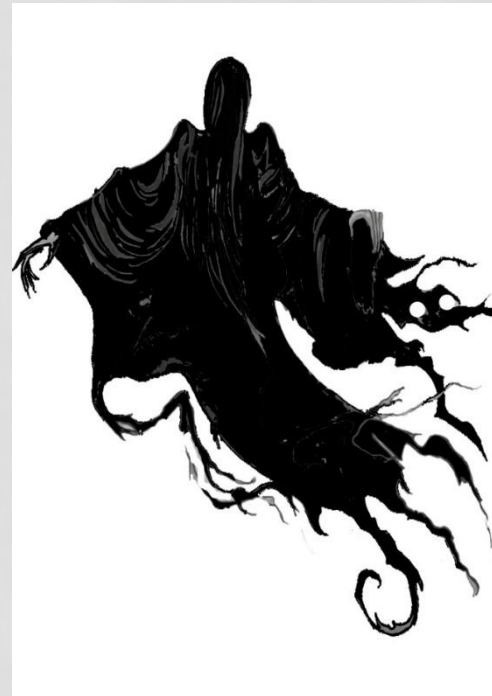
WHAT DO BARRISTERS NEED?

- Clear, realistic and honest deadlines
- All the relevant documents (especially if time is tight)
- Key facts: summarise what the case is about but be clear about the point on which you want advice
- Tell him/her about any sensitivities



WHAT YOU NEED TO KNOW ABOUT CHAMBERS

The Dark Art of Fees



POINTS TO PONDER

- How do the clerks work out the fees?
- How do you work out the fees? Do you?
- Who do you approach to discuss fees?



NEGOTIATING FEES

- You need a Counsel's Opinion on a tricky point of law with a fair amount of background material
- The clerk calls and estimates a range between £2,000-£2,500, on the basis of 6-8 hours' work. The price sounds reasonable to you – if a bit top-end – but the client then tells you that it does not want to pay more £1,500!
- How do you respond to the client? Can you explain the value to the client of the particular barrister you have chosen? And/or explain that there are other options you could use who may be cheaper?

NEGOTIATING FEES

- Outcome 1: The client is only willing to pay £2,000 – what do you say to the clerk?
 - “Are you able to cap it at £2,000 as the client now tells me it had a budget of £1,500 in mind?”
- Outcome 2: The client agrees your recommendation that the barrister is worth £2,000-£2,500 for the advice you need – what do you say to the clerk?
 - As above! Get some brownie points...
- Outcome 3: The client is only willing to pay £1,500
 - “The client is sticking to its budget. Is there someone else who can do the Opinion for that price?”

BRIEF FEES

- You have sent papers to Chambers and need to agree the Brief fee & refreshers for a barrister for a 4-5 day trial in the High Court. How do you prepare for your call with the clerk?
 - When should you call?
 - Check your cost budget – was it the same barrister/Chambers? Has anything changed (e.g. more/less witnesses? Agreed expert evidence? Less issues?)
 - What is the barrister's hourly rate?
 - How much new reading will be required?
 - So, how does a clerk calculate the Brief fee for a senior junior at £400 per hour plus VAT?

NEGOTIATING FEES - TIPS

- Question the clerk and compare your calculations!
- Principles are the same for all hearings, e.g. CMC, PTR etc. – work out the likely cost before you discuss with the clerk and check your cost budget
- BUT bear in mind relevance of urgency, importance/specialist nature of the issue and seniority of counsel

ANY QUESTIONS?



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