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Silk route lessons for job seekers

BY DINA MEDLAND JULY 19 2012

Appointments processes tend to be applauded by successful candidates, who see little reason to change them, but scorned by the rejected. They also vary between professions. But one of the toughest – the process of “taking silk”, or becoming a Queen’s Counsel – provides vital lessons for every job seeker.

Until 2003, silks were chosen by the Lord Chancellor on the advice of his officials, but following the establishment of an independent panel, a rigorous selection process has been in place for the past six years.

It is a lengthy, time-consuming, potentially risky and expensive process, but there are many reasons to apply – as with any senior post. Alongside the kudos of the QC title – and the higher fees it commands – there is a higher profile and an element of “personal branding”.

Each candidate – usually barristers, although solicitors can apply – faces an independent selection panel made up of a retired senior judge, senior barristers, senior solicitors and lay (not legally qualified) members. The panel is chaired by a lay member.

Helen Pitcher, chief executive and chairman of board consultancy, Iddas, took on the chairing role this year after having been on the panel for three years. She describes a comprehensive process of sifting data – 70 pages on each applicant – with panel members working in pairs (legal and lay) to look at the evidence, followed by panel discussions about who to interview, then the interviews and a final list of recommendations for the Lord Chief Justice. Of 214 applicants this year, 147 have been interviewed.

“It is one of the best boards I have ever sat on because everyone has a common purpose – which is not to bring the system into disrepute,” says Ms Pitcher. Members give about 60 days of their time each year and earn about £600 a day.

The process is self-financing – and expensive for applicants. For 2012-13 the application fee is £2,340 (including VAT), and successful applicants will pay an additional £3,500 (plus VAT) as “a fee payable to the Exchequer For The Letters Patent”.

On top, there is the cost of hiring full regalia for the ceremony, if successful. There is no limit to how many times a lawyer can apply, and no target number of QC appointments for the panel to hit. It is all about meeting “the standard”.

Lord (Alex) Carlile of Berriew, who is on the selection panel and himself became a QC at the age of 36, is an independent reviewer of terrorism legislation and was a Liberal Democrat MP before moving to the House of Lords.

He says: “It’s not smoke and mirrors – the process has changed beyond all recognition. Top quality people who might not have got silk before can do so now. The fact that someone’s face does not ‘fit’ or they are a bit rebellious does not matter as long as they meet the criteria – and it is very competency based.”

There is considerable debate on the panel, he says: “there are candidates about whom everyone is agreed and there are those about whom there is disagreement.” In his fourth year of being involved in the process, he says he would not go on if he did not believe in it. “We have made one or two controversial or ‘wrong’ appointments but that is a very small number. If we have a difficulty in this process, it is possible that judges and civil practitioners who give evidence are not sufficiently critical of the candidate,” he adds.

Lord Carlile agrees there is a “calculated risk” in applying to take silk today. Times are tough for barristers in criminal or family practice. It is generally accepted that in their first two or three years, QC’s earnings will fall, rather than rise.

Sally-Ann Hales took that calculated risk when she applied in March 2011. As a criminal practitioner she had been prosecuting for the Serious Fraud Office for more than 10 years. “Because of budgetary constraints the Crown Prosecution Service is not using QCs any more, traditional work has shrunk and I need to diversify and look in other areas,” she says.

Having just taken silk, she adds: “Going up to the next level pushes you – I can see the extent to which the skills I have can be deployed in other areas.” Ms Hales decided to apply even though “an awful lot of silks asked me if I was mad”. But there were also many “senior silks” who were supportive of her application. “It is a big risk, but then if you succeed, it gives you a ‘kitemark’ and there are so many things you can do – sit on tribunals or do something abroad,” she says.

At the beginning of her career, when she expressed an interest in law at grammar school, she was asked if any family members were in the profession. When she answered “no”, it was strongly suggested she think about hairdressing instead. Today, she says: “I’ve always argued and the law fascinated me, and so I did that law degree at Leicester Poly after spectacularly messing up my A-levels. I wanted to do chancery or commercial law but ended up in crime because it pays out quickly.”

Alongside her achievement of taking silk, she is delighted with her recent induction in

Westminster Hall, complete with oaths, champagne, ceremonial dress – and a sense of belonging: she makes it sound very much like a public “rebranding”, a step that might be familiar to many moving into managerial or leadership roles.

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