

Legal Migration: From Solicitor to Barrister and the benefits

David Anderson, Head of Corporate Services at St John's Buildings, explains why Chambers is welcoming exceptional solicitors to the Bar and how it's improving its offering.

In December 2019, Andrew Mountain became the latest in a number of new members to join St John's Buildings (SJB). What was unique about Andrew's decision to join Chambers was that he had previously been a practising solicitor for the preceding 30 years, reaching partner level in one of Manchester's most prestigious law firms. Although surprising, this is not as unique as it may at first appear. In 2019 alone, St John's Buildings accepted applications from six solicitors who decided to transfer from life in a law firm to the independent Bar - most of whom came with the blessing of their firm. In recent years we have welcomed advocates from the Information Commissioner's Office, the Crown Prosecution Service and the Royal College of Nursing in a marked diversification of the training and experiences of our barristers. Andrew is perhaps the most experienced of the new members of Chambers to have transferred to the Bar. Others, such as Helen Maguire, Aaminah Khan, David Jones and Natalie Powell came with fewer years under their belt, but strong reputations built at excellent firms and organisations. So why did they migrate to the Bar, and what does this shift say about the provision of legal services?

This shift does not herald a wider movement to the Bar for anyone wishing to practice advocacy and it also does not mean a shift in the way legal services are provided. We have seen barristers occasionally go in the opposite direction, seeing the benefits of being employees, working for some of the city's best firms, although not in the number of those who have joined our chambers in the past twelve months.

Most of those who transferred to SJB were already solicitor advocates, but not all. Despite this, what they all have in common is a desire to be independent advocates. They want their success to be judged solely on their own capabilities, and to use the experience and expertise they already have, while delivering their service as a self-employed barrister. While the opportunity to carry out advocacy within a firm is now widespread, an advocate's ability to sink or swim is far starker when there is not a ready-made caseload in the firm to fall back on.

At SJB, and the independent Bar in general, the oppor-

tunity for success and to access the most high-profile cases is not determined by the firm's success or the success of the marketing team in generating leads, but is earned on an individual basis. Solicitors quickly learn who the best barristers are for a particular case, and those barristers are in high demand. It is this combination of a focus on advocacy, independence and the ability to shape your own future that appears most commonly when speaking to those who have made the transfer.

It is perhaps unusual that this is only becoming more common now. From 2005 to 2007, I was Committee Secretary to the Bar Council's "Clementi Committee" - the team responsible for working with the Ministry of Justice (or Department of Constitutional Affairs, as it was then known) to deliver the Legal Services Act 2007. Although the ability to cross-qualify to the Bar was available long before Sir David Clementi produced his 'Review of the Regulatory Framework for Legal Services' and solicitors had high court rights for some 15 years, one of the features of Sir David's review was regulation based on activity rather than based on initial qualification. Regulators were able to compete and the regulated individual able to choose the best regulator for their specific delivery model. This led to the setting of the six Reserved Legal Activities, set out in Section 12 of the Legal Services Act. At the time it was hoped, maybe even expected, that the newly created Bar Standards Board (BSB) would become the regulator of choice for those whose practice focussed solely on advocacy. It was anticipated that solicitor advocates would move to be regulated by the BSB, within a chambers model; this hasn't happened as yet.

What we are actually seeing is those who are drawn to the independent Bar are now being more readily embraced by Chambers, and are bringing some of the best aspects of the transferable skills they learnt as a solicitor to their practice as a barrister. They offer a developed knowledge of what their clients need and what good client service looks like, as well as a better understanding of the pressures on solicitors and how they might help alleviate them. They also come with a competitive hunger and determination to show they can compete with seasoned barrister colleagues. We have chosen to embrace the most exceptional applicants and give them



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an opportunity to thrive at the independent Bar and are seeing the benefit of doing so. As a result, we are getting closer to our clients and developing a better understanding of their needs. That can only be a good thing in ensuring the service we deliver remains sought after and exceptional.

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