



The Bar Council

Barristers in the international legal market

2021



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Introduction

Barristers of England and Wales provide specialist advocacy and legal advisory services of the highest quality to clients around the world as follows:

- They primarily act as advocates in court proceedings (both in the courts of England and Wales and in many other jurisdictions), arbitrations, adjudications and mediations;
- They also act as arbitrators, adjudicators, and mediators where qualified to do so;
- They provide expert advice on matters governed by the law of England and Wales and (where permitted) other jurisdictions;
- They can be instructed to provide expert evidence on English law for foreign court proceedings; and
- They provide specialist legal opinions and other legal advisory services.

As lawyers in independent practice, barristers are able to offer their services at competitive rates and can be instructed on a flexible basis as and when their particular services are required. The Bar is an outward-looking profession with an international reputation for excellence. Its services are increasingly in demand throughout the globalised legal market. Lawyers from jurisdictions outside of England and Wales may instruct barristers directly, without needing to instruct an English law firm, in a range of international transactions and disputes.

This guide focuses on how barristers can help to provide solutions to a wide range of disputes and non-contentious legal problems. It explains the role of barristers and how they are well placed to assist with many types of legal issues. The guide also explains how you can instruct a barrister and features a list of barristers' chambers which offer international legal services.



The Bar Council

The Bar Council represents 17,078 self-employed and employed barristers in England and Wales.

The Bar Council promotes:

- The Bar's high-quality specialist advocacy and advisory services;
- Fair access to justice for all;
- The highest standards of ethics, equality and diversity across the profession; and
- The development of business opportunities for barristers at home and abroad.



About barristers

A barrister is an expert advocate who represents clients and argues their cases, in person, before courts, arbitrators, adjudicators and tribunals of all kinds.

Barristers draft written statements of case and other pleadings, advise on evidence, and present arguments in writing and orally. They provide expert legal advice both in connection with legal proceedings and for transactional or other non-contentious work.

Barristers are specialists in one or more areas of law and offer a high degree of knowledge, skill and expertise in their fields of practice.

The main focus of most barristers' work is advocacy and advising on disputes, whether in court or arbitration. Because barristers are recognised for their

expertise in advocacy their services are in high demand in the international legal market.

Like consultants, barristers in independent practice can be instructed on a case-by-case basis. They are professionally obliged to promote fearlessly the best interests of their client without regard to their own interests or any consequences to themselves. Barristers are obliged to protect the confidentiality of their client's affairs and will carry out any instructions they receive personally, unless they are working as part of a team or their client expressly permits them to delegate work to others.

Most barristers are sole practitioners who are self-employed and typically work alongside other independent barristers in shared premises known as sets of chambers.

Each set of chambers tends to specialise in one or more areas of law and will employ staff to provide administrative support and diary management services. Generally, each set of chambers will have its own website through which you can find out more information about its barristers and their specialist areas of practice (see page 24 onwards).

Importantly, barrister members within any given chambers do not share their profits and are not in partnership with one another. Their main source of work is from other lawyers rather than from clients directly. Working in this way means that barristers generally do not compete with solicitors,

law firms or other legal professionals and are therefore ideal partners for international firms seeking to enhance their existing offering with specialist legal expertise from English and Welsh practitioners.

Barristers practise under a Code of Conduct which is enforced by the independent Bar Standards Board. The Bar Council is proud of the very high professional standards at the Bar of England and Wales, which is evidenced by the fact that both client complaints and disciplinary sanctions remain at consistently low levels. Practising barristers are also required to maintain adequate professional indemnity insurance.





How barristers can help

Barristers frequently advise or appear as advocates in international disputes. They also act in a quasi-judicial capacity: as arbitrators, adjudicators or as mediators. They can advise clients on both contentious and non-contentious matters. They can assist with the recognition and enforcement of foreign judgments and arbitration awards in England and Wales, and of English judgments and arbitration awards internationally.

Barristers specialise in one or more sectors and offer a high degree of knowledge in their fields of practice. Apart from international litigation in the courts of



Represented United Nations whistleblowers in Geneva and defended them from retaliation.

England and Wales, they regularly appear in international arbitrations and international tribunals, such as the International Criminal Court or the European Court of Human Rights.

All barristers have full rights of audience, which means they are permitted to appear before all courts and tribunals in England and Wales. A number of international commercial courts also permit English barristers to appear before them without needing to be admitted locally. Many barristers are qualified in other jurisdictions, where they have rights of audience in court and can advise on the law of that jurisdiction. This is particularly so in the case of other common law jurisdictions such as Hong Kong, Singapore, Dubai and parts of the Caribbean, although a number of barristers are also qualified in other jurisdictions and legal systems.

Specialist advocates

Barristers are specifically trained in the skills of case presentation and cross-examination. They hone those skills over many years of advocacy training and practice. In comparison to other lawyers they are likely to have spent a greater proportion of their time working as advocates and therefore have a wealth of experience to draw upon when guiding their clients through the many challenges of international litigation and arbitration.

Some of the services which barristers can provide include:

- Presenting oral and written arguments to a court or tribunal on their client's behalf;
- Expertly cross-examining witnesses where oral evidence is given;
- Drafting pleadings and other documents setting out their client's case;
- Assisting with the preparation of witness statements and other evidence;





- Suggesting appropriate expert witnesses and providing advice as to their suitability; and
- Giving expert evidence on matters of English and Welsh law, and international law, in the courts and tribunals of other jurisdictions.

At all stages a barrister will give objective and independent advice as to the prospects of success, identify any weaknesses in the case, and advise as to what evidence is necessary to prove their client's case. From the outset, a barrister will advise on strategy, drawing on his or her considerable experience of litigation and arbitration. International clients frequently find that coming straight to a barrister when there is the prospect of a dispute saves considerable time and expenditure. This is because barristers can efficiently and effectively advise on the strategic options, the chances of success, and the relevant evidentiary requirements. They are also well placed to give independent advice on which law firms to instruct, should additional litigation or arbitration support be required.

Advisory work

Barristers frequently advise on contentious and non-contentious legal matters across all areas of commercial and non-commercial life. Their extensive experience as trial lawyers makes their expertise particularly valuable in areas where a client needs advice about the approach that a court or arbitral panel is likely to take to a proposed decision, but they are equally comfortable advising in purely non-contentious areas such as company or trust structures, or tax planning. Barristers are able to ground their advice not only in their specialist legal knowledge and expertise but also in the experience gained from dealing with a wide variety of clients and from running their own practices, so that their advice is always rooted in a sense of commercial reality.

Some barristers develop highly specialised practices in which they become leading experts on some of the most difficult legal issues. English and Welsh solicitors and firms of foreign lawyers frequently instruct specialist barristers to advise upon points of law that arise in complex cases.

Specialist arbitrators and mediators

The Bar is a leading profession in the field of international arbitration. Barristers are frequently instructed not only as legal representatives but also as arbitrators, in the UK and other major arbitration centres around the world. This includes working with co-arbitrators from other jurisdictions and cultures in disputes that are not governed by English law. Their expertise in Alternative Dispute Resolution (ADR) has also led to barristers being appointed as mediators, adjudicators and on dispute boards.

Expert witnesses

Barristers can provide expert evidence on the law and court procedure of England and Wales for overseas courts and arbitration proceedings. This expertise may be in written or oral form and may include attendance at court or in proceedings overseas. It can be on any aspect of the law: from the law of contract or divorce, to anti-corruption or trusts.

Working as part of a team

Barristers are flexible in their working methods, and their ability to communicate directly with their legal and lay clients generally facilitates positive working relationships. Whilst barristers often act as the lead on a client's case, they are also frequently instructed to work together as part of a larger team, providing specific advice and assistance alongside other legal professionals.

Of approximately 13,500 barristers in independent practice in England and Wales nearly 1,787 hold the rank of Queen's Counsel. To become a QC, a barrister must go through a rigorous and transparent selection process. The mark of QC is internationally recognised as demonstrating that a barrister has achieved the highest standards as an advocate.



Independence

As sole practitioners, self-employed barristers are independent legal professionals with sole responsibility for their own practices, and entitled to their own income. Most barristers share staff and office facilities by joining sets of chambers with a particular specialisation (such as construction law or IP law) but they do not form legal or financial partnerships with each other. They remain free to act (and regularly do act) against other barristers in the same chambers without any conflict arising. Barristers may also accept instructions as arbitrators or mediators in cases where other members of the same chambers are acting as advocates, subject always to any institutional rules. When barristers in the same set of chambers do act for opposing clients, their clerks set up information walls and systems to ensure all parties' confidentiality. This is very common and most chambers are set up (with separate rooms and clerks) so as to be able to accept instructions in this way in every case, even if three or more barristers are instructed in the same dispute.

Why choose England and Wales as a centre of dispute resolution?

Parties frequently choose the law of England and Wales as the law under which to resolve disputes arising from international contracts, even where the subject matter and the parties may have no other connection with this jurisdiction. English and Welsh law is by far the most popular choice of law in the commercial field worldwide. It is a highly developed, precedent-based system, where the courts rely on previously decided cases to guide them in their decision-making. It is usually possible to find the answers to international legal questions under English and Welsh law by reference to the reasoning applied in earlier cases. This means that our legal system offers greater legal certainty than in most other jurisdictions, both before and after a dispute arises. English and Welsh law has a strong international reputation not only for its transparency and predictability but also for its ability to adapt to modern commercial needs.

The legal system of England and Wales is divided into six regions (or “Circuits”), all of which are home to expert barristers and in any of which legal proceedings can be issued before an exceptional

collection of judges. There are specialist business court centres in Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester and Newcastle. England's capital, London, is one of the leading financial and commercial centres in the world, where many high-value transactions are concluded in fields such as banking and financial services, insurance, energy, aviation, shipping and international trade. It has long enjoyed a pre-eminent reputation in all types of dispute resolution and is particularly renowned for its expertise in commercial and business cases. In addition to a number of international arbitral institutions such as the London Court of International Arbitration, London is home to the Rolls Building, a first-class modern facility which houses the specialist Commercial, Business and Property Courts of the High Court.

The judges of the courts in England and Wales have a worldwide reputation for quality and independence, and their judgments can be widely enforced in many other jurisdictions. The popularity of our legal system is demonstrated by the fact that 77% of cases in the Commercial Court have at least one party from abroad, with a further 43% of the cases having no connection to England and Wales whatsoever, other than the jurisdiction in which resolution is sought.

England and Wales has always been a global legal centre, renowned for the high calibre of its judicial system and for the commercial compatibility of its law. These qualities are unchanged by the UK's departure from the EU, and the legal system here continues to offer a highly attractive forum for international dispute resolution, known and respected across the world.

Facts and figures



17,078

practising barristers in
England and Wales

414
chambers



40%

of governing law in
all global corporate
arbitrations is
English law

2,000

Members of the Bar now
receive instructions from abroad
(a number that has more than
doubled over 10 years)

27%

of the world's 320
legal jurisdictions
use English
common law



82%

of cases in the Patent Courts were international in nature in 2019



77%

of cases in the Commercial Court had at least one party from abroad in 2019



£36.8bn

total revenue from legal activities in the UK in 2019. The UK is the largest legal services market in Europe and, globally, is second only to the US

37,500

disputes were resolved by alternative dispute resolution in the UK in 2019

43%

of cases in the Commercial Court involved wholly international parties in 2019

Specialist judges and court facilities

One of the main advantages of our legal system to international parties is the judiciary of England and Wales. Our judges are drawn from the most experienced practitioners, and have an established and worldwide reputation for efficiency, speed, consistency and incorruptibility.

Judges in England and Wales are well versed in dealing with other systems of law. Where the law governing all or part of a dispute is not English law, they will receive and evaluate evidence of that law and decide the dispute accordingly.

The High Court's centre of international dispute resolution is the purpose-built Rolls Building, in the heart of London. It brings together specialist judges from the Commercial, Technology and Construction, and Patents Courts, and the Chancery Division. It provides 31 courtrooms (including three extremely large 'super courts'), 11 hearing rooms (for related work such as bankruptcy hearings), 55 public consultation rooms, and improved IT infrastructure for parties involved in proceedings. It contains the largest concentration of specialist commercial judicial expertise anywhere in the world, covering all areas of commercial and business law.



The Rolls Building is also home to the Financial List, a specialist list set up in 2015 to handle complex, cross-jurisdictional and high-value claims related to the financial markets. A key feature of the List is the financial expertise and experience of its judges, who are responsible for cases allocated to them from inception through to enforcement. The Financial List helps to ensure that the courts of England and Wales adapt to the needs of the international financial community.

Delivering a programme for new legislation for a Caribbean nation, including drafting the proposed legislation and training the prosecutors, judges, police and defence attorneys on the final legislation passed by Parliament.



How to instruct the right barrister

There are no restrictions on barristers receiving instructions from international lawyers. Overseas law firms and in-house counsel can instruct barristers easily and directly, without the use of a domestic law firm. This provides foreign lawyers with direct access to a legal specialist without having to lose time or incur expense through an intermediary.

The first step is to identify a barrister or a set of chambers which specialises in the field of law relevant to the dispute or non-contentious legal problem. The list of chambers starting on p24 of this brochure will provide a starting point, and searching legal directories such as Legal 500 and Chambers and Partners will give you a wider range of barrister options based on your requirements.

In addition to the commercially available directories, many of the Specialist Bar Associations publish useful directories of their members on their websites, which are listed at the end of this booklet.

Once you have identified a barrister or set of chambers, the chambers' clerks or practice managers are usually the first point of contact and will be able to check both the availability and the cost of the desired barrister. Where necessary they can also advise on which individual barrister or team of barristers would be most suitable for your case.

Some barristers can now receive instructions directly from lay clients. For more information, please visit:

www.directaccessportal.co.uk

The next section features advertisements from sets of chambers that specialise in international work. You can go to the chambers' websites to get more information and ascertain an individual barristers' availability through the set's clerks or practice managers.

Chambers

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- Product Liability
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- Serious Fraud
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Members advise on all major European sanctions' regimes. We have advised government authorities on listing issues and private individuals and companies about the potential application of sanctions to their activities.

Our barristers have appeared in a number of cases before the Privy Council (including from Jersey, the Isle of Man and the Cayman Islands). We have also appeared before the European Court of Human Rights. Members have also appeared in Hong Kong where they have represented clients in both the Court of Final Appeal and the Court of Appeal.

7BR's members are instructed in several arbitral proceedings. These include proceedings under the DIFC – LCIA rules and in the International Centre for the Settlement of Investment Disputes ('ICSID').

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If you would like to discuss any of the above or our members expertise please contact our senior clerks Paul Eeles peeles@7br.co.uk and Steven Wright swright@7br.co.uk or phone on 020 7242 3555.

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AND EVENTS

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“With its exceptional record across the market, the set is widely held to be ‘at the top of its game.’”

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a down to earth touch”

The Legal 500 2021

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a group of the most outstanding
legal minds in England"* Legal 500

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9 STONE BUILDINGS *Barristers' Chambers*

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Asia (particularly China, Singapore and Malaysia), the Caribbean (particularly Cayman Islands, Turks and Caicos Islands, the Bahamas and British Virgin Islands), North America (particularly New York and Des Moines), Europe (particularly Eire, Gibraltar and Switzerland).

Also in UK offshore jurisdictions of the Channel Islands (particularly Guernsey) and the Isle of Man.

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"39 Essex Chambers is a formidable force"

Chambers & Partners

"a fantastic range of expertise"

The Legal 500

Chambers has the strength in depth to handle an extensive range of legal issues across commercial, construction & engineering, commercial fraud, financial services, banking, insurance, alternative dispute resolution, energy, oil & gas, shipping, planning, environmental, education and public law.



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Specialist Bar Associations

Listed below are the Specialist Bar Associations (SBAs) together with website details. These SBAs represent barristers practising in particular areas, usually evident from the name of the SBA, together with contact details. Most SBAs also have websites which provide useful information about barristers and chambers and the areas of work they specialise in.

Administrative Law Bar Association

www.adminlaw.org.uk

Bar Association for Commerce Finance and Industry

www.bacfi.org

Bar Association for Local Government and the Public Service

www.balgps.org.uk

Bar European Group

<http://bareuropeangroup.org>

Chancery Bar Association

www.chba.org.uk

Commercial Bar Association

www.combar.com

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www.criminalbar.com

Employment Law Bar Association

www.elba.org.uk

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www.flba.co.uk

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www.ipba.co.uk

London Common Law and Commercial Bar Association

www.lclcba.com

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www.mccba.co.uk

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<https://www.nchba.org.uk>

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