

# The employed-Bar Benchers guide

Employed barristers are disproportionately underrepresented as Benchers yet bring distinct skills to the governance of their Inns: an application guide

Author  
BACFI

It is perhaps not widely known that the Inns of Court are generally very supportive of nominations and applications from members of the employed Bar, who bring distinct skills to the governance of their Inn. Several BACFI members have taken the plunge, and the aim of this article is to offer an insight into what it's like being a Benchers, and to encourage more employed barristers, currently disproportionately underrepresented as Masters of the Bench, to consider applying to become one.

Benchers who, as readers will know, provide the governance of each of the separate Inns of Court, are primarily comprised of judges, QCs and barristers, both self-employed and employed, and are individuals of significant standing and/or who have made a major contribution to the work and life of their Inn. The name comes from when the most senior barristers were permitted to sit on the bench at moots. This class of barristers became known as 'Benchers' or 'Masters of the Bench'.

Currently, after being successfully elected, a Benchers receives 'voice and vote' which means that they can both speak at the highest level of meetings of Benchers and also vote and receive papers on matters that need to be decided by the Inn. As part of the decision-making structure of the Inns of Court, Benchers will be involved in the governance of the Inn – which includes all issues related to the Inn including education, training, the library, finances,



admittance of student members, election of other Benchers, dining and social occasions, and other issues, such as advertising. The Inns hold regular meetings for Benchers throughout the year.



**Tricia Howse, BACFI Vice President and a Benchers at Gray's:**

'Being a Benchers is more than just eating on the top table in Hall! It is so important for students and young barristers to see the real diversity to which a career at the Bar can introduce them. We help with moots, training and mentoring and we meet parents and families at Call Nights; often finding that our non-traditional lives at the employed Bar can be immensely reassuring. Our commercial and management experience can also be valuable to the various committees through which the Inn is managed. The Inns are changing fast and we are part of that change.'



## Gray's Inn

To make the system of electing Benchers fairer and more transparent and to encourage applications from all those who desire to contribute to the governance of the Inn, a new procedure has been introduced in which members of the Inn post-ten years' call apply for consideration to become a Benchers. By completing the application form you will be putting yourself forward to be considered by the

Election Information Committee (EIC) which will select candidates for election based upon the number of Benchers to be elected plus 50%. This process is applicable to members of the employed Bar; self-employed Bar (juniors and silks); barristers who practise as solicitors while retaining their status as barristers; and barristers who are practising as solicitors and under the previous rules had to give up their Inn membership.

It is unlikely that those under 15 years' call will have the necessary experience to exercise the role of a Bencher. In considering candidates, the EIC will look at the following criteria: (a) service to the Inn (past and prospective); (b) service to the profession; (c) merit; (d) standing at the Bar or within their area of expertise; (e) Circuit, if applicable; (f) speciality; and (g) an understanding of diversity issues.

Patrick Rappo, BACFI Senior Vice Chair, is the Secretary of the Employed Bar Working Group which is contributing to the review of the Bencher election process at the Inn and also looking at issues relating to the employed Bar members and their relationship with the Inn. The current number of Full (not Honorary) employed Benchers is 15. This includes Patrick Rappo, BACFI committee members Sara George and Gaynor Wood, and BACFI Vice Presidents Tricia Howse and Lucinda Orr.

For more details please contact: Tony Harking, Under Treasurer: [Tony.Harking@graysinn.org.uk](mailto:Tony.Harking@graysinn.org.uk).



### Middle Temple

In order to be considered for election to the Bench as an Ordinary Bencher, candidates must be at least 15 years' call. The Bench Selection Advisory

Committee (BSAC) looks at the following factors: (a) high reputation in relevant area of practice or work and commitment to support the Inn once elected; and/or (b) significant contribution to the Inn which they will continue once elected; and/or (c) any significant contribution to the profession, and commitment to support the Inn once elected. Subject to these criteria, the Inn will seek to elect Masters from the most diverse pool in terms of sex, ethnicity, age, background and area of practice or work.

Self-nominations can be made (with the support of a Master of the Bench) or Masters of the Bench



**Gaynor Wood, BACFI committee member and a Bencher at**



**Gray's:** 'It is easy for employed barristers to lose touch with the Inns, and this is particularly true of corporate counsel whose practice largely develops in-house and, by its nature, away from the arena of traditional courtroom advocacy where counsel/judicial relationships are often developed and nurtured. As a Bencher, I am proud to have been involved in the work that Gray's has undertaken to understand the challenges faced by employed barristers, to ensure that the Inn (and the support of its members) remains accessible to those barristers, and to highlight that there are many exciting and stimulating opportunities outside of the self-employed Bar.'



**Sara George, BACFI committee member and a Bencher at**



**Gray's:** 'Employed Bar Benchers have often obtained far greater experience of financial management, the leadership of large organisations and government departments in the course of their professional life than would be the norm for the self-employed Bar and so find themselves in demand to offer the Inns the benefit of their expertise and their connections. The work is rewarding and has a long term impact on the profession and its future.'

can make nominations. The BSAC is always very keen to put forward employed barristers who meet the criteria, as they generally receive fewer nominations from the employed Bar.

Currently there are 33 Benchers that are recorded by the Inn as being currently employed or formerly employed but now retired. This number includes BACFI Vice Presidents Christiane Valansot, Ros Wright and Austin Allison. Austin comments: 'Becoming a Bencher was once described by a very senior Queen's Counsel as "the only honour in the law worth having". Perhaps a slight exaggeration, but it is indeed a great honour. It is also a wonderful opportunity to contribute to the affairs of the Inn and thereby to strengthen the profile of the employed Bar.'

For further details please contact: Lauren McHardy: [L.McHardy@middletemple.org.uk](mailto:L.McHardy@middletemple.org.uk).



### Lincoln's Inn

A member of Lincoln's Inn is eligible if in practice as a self-employed barrister or as an employed barrister (as defined in the Bar Standards Board Handbook),

a judge or a legal academic and a member of at least 15 years' call. The Advisory (Benchers) Committee (A(B)C) has recently amended the criteria for selection to provide a more transparent system for those applying and to enable the Committee to apply an auditable marking process. The primary criteria are: (a) standing in legal profession; (b) promotion of diversity; (c) past contribution to the Inn/ legal profession. Secondary criteria are: (a) experience demonstrating suitability to be a Bencher; (b) ability and willingness to serve the Inn.

At present, eight Benchers are at the employed Bar including BACFI Vice President Stephen Collier and Sharon Blackman OBE. Lincoln's Inn recognises the skill set and knowledge that members of the



**Christiane Valansot, BACFI Vice President and a Bencher at**



**Middle Temple:** 'Middle Temple recognises the importance of a diverse and inclusive Bench; the employed Bar is part of that diversity... As Benchers, we promote career opportunities and assist with tailored education and training, scholarship interviews and mentoring for employed barristers. We bring our commercial and management skills to serve on the various Inn committees and generally fly the flag for the employed Bar. Middle Temple's engagement with the employed Bar includes spearheading a tailored New Practitioner Programme for employed barristers, the BACFI & Temple Employed Bar Forum Garden Party... an Employed Bar Steering Group – which I co-chair [and] an employed Bar conference planned for early 2022.'



**Stephen Collier, BACFI Vice President and Bencher at**

**Lincoln's Inn:** 'For me, being a Bencher is a mix of Lincoln's recognition of my professional achievements – assessed on the same basis as those in self-employed practice; being a tangible representative to the Inn of the employed Bar; and the opportunity to put something back into my Inn, which has been supportive and nurturing during the whole of my professional practice. It is something of a privilege to have the opportunity to make that contribution.'



**Sharon Blackman OBE, BACFI committee member and**

**Bencher of Lincoln's Inn:** 'Immensely proud to have been very recently appointed [May 2021] – what an honour! I have a deep fondness for my Inn and am excited by the opportunity to participate more closely in the next chapter of its history. I look forward to furthering the conversation on a number of issues including the employed Bar, diversity, wellbeing and the future of the Bar.'



**James Kitching, BACFI Honorary Treasurer and Bencher at**

**Inner Temple:** 'It is an immense privilege to be able to contribute to the life of the Inn and the development of the next generation of talented barristers. I learn a great deal from the Inn's rich mix of lectures, seminars and events, in particular about the practice and perspectives of others. If I, in turn, can provide some small insight into the life of an employed barrister and the opportunities it affords then hopefully that is of benefit. Employed barristers tend to work outside of the Inns of Court and, as such, it is easy for them to feel disenfranchised. By becoming actively involved in the Inn's training programmes, the Bar Liaison Committee and the Employed Barristers' Working Group among other activities, I was able to re-immense myself in the life of the Inn and meet some truly inspiring individuals'



**Rebecca Dix, BACFI committee member and Bencher at Inner**

**Temple:** 'Having been called to the Bar in 2004, it didn't occur to me that I should be thinking about becoming a Bencher. It wasn't until I started to gather my supporting information for my application that I began to realise just how many ventures I had been involved in throughout my professional career to promote the accessibility and sustainability of a career at the Bar across various committees and in particular at my Inn... Since moving over to the employed Bar, after having spent ten years at Chambers, I have been actively seeking out opportunities to promote a 'one bar' ethos and my work within both BACFI and now as a Bencher at my Inn will be invaluable in continuing with that mission.'



**About the author**

Founded in 1965, the Bar Association for Commerce, Finance and Industry (BACFI) provides representation, education and support to barristers working in a commercial environment. Membership is open to all barristers, both employed and self-employed along with student members of the Inns of Court and solicitors can become Associate members. See: [www.bacfi.org](http://www.bacfi.org)

employed Bar can bring to the governance of the Inn and encourages employed Bar members to submit a Bench register form to help ensure that employed barristers are better represented on the Bench. There are two Bench elections per year.

The Inn is seeking to ensure that there is representation of the employed Bar on the A(B)C who consider and select candidates and are looking at ways to improve how in-house achievement is recognised and assessed, including in commercial practice and government. Employed Bar members of Lincoln's Inn who would be interested in getting involved in a working group looking at how this is best achieved are asked to contact Amy Higgins, Manager of Bench Administration: [amy.higgins@lincolnsinn.org.uk](mailto:amy.higgins@lincolnsinn.org.uk)



**Inner Temple**

There is no fixed rule on the number of years of call, nor do barrister candidates need to have taken silk. The committee responsible for considering candidates takes into account the following criteria: (a) any specific need(s) that the Inn may have at that time for Benchers who possess skills and interests necessary to perform one or more of its functions; (b) extent to which the candidate appears to possess skills and interests required by the Inn either generally or in relation to any specific need(s) identified under (a) above; (c) extent to which the candidate has demonstrated a strong likelihood that, as a Barrister Governing Bencher, they will make an active and positive contribution to the affairs of the Inn; (d) extent to which the candidate has taken, or is taking, any significant part in the affairs of the Inn or, more generally in the affairs of the legal profession, whether on the Bar Council, Circuit, specialist Bar association etc.

To make a nomination/application, all barrister candidates must provide a statement of candidacy, a CV and a signed undertaking to participate fully in the management and affairs of the Inn. A nomination/application must also be supported in writing by three existing Governing Benchers (at least two of whom must be Barrister Governing Benchers).

Five years ago, the new Bench Table Orders (the governance rules of the Inn) were introduced which included a provision for the recommendation of a certain number of employed barristers and those on Circuit for direct election as Barrister Governing Benchers without the need for their names to be entered into a ballot of existing Benchers.

Once the nominations/applications have been reviewed and those considered to meet the criteria approved, the Bencher Nomination Committee will confirm the number of vacancies. The committee will then determine whether an election by ballot of the existing Governing Benchers is required and which candidates from the employed Bar (and circuits) will be recommended for direct election without the need to be entered into the ballot.

Currently there are seven employed barrister Governing Benchers at Inner Temple including newly elected Bencher, James Kitching, who is BACFI Honorary Treasurer and Rebecca Dix, BACFI committee member and representative at the Bar Council Wellbeing at the Bar Committee. Sara Lawson QC, who became an employed barrister two years ago, has recently become the Master of the Employed Bar at Inner Temple and will be giving the BACFI Denning Lecture on 8 December 2021. For further details please contact Jennie Collis Price, Head of Sub-Treasurer's Office: [jcollisprice@innertemple.org.uk](mailto:jcollisprice@innertemple.org.uk) ●

Bencher application process details current as of July 2021 – please contact your Inn for the latest criteria. A longer version of this article will appear on [www.bacfi.org](http://www.bacfi.org). If this guide has piqued your interest, feel free to contact BACFI Benchers via [secretary@bacfi.org](mailto:secretary@bacfi.org).