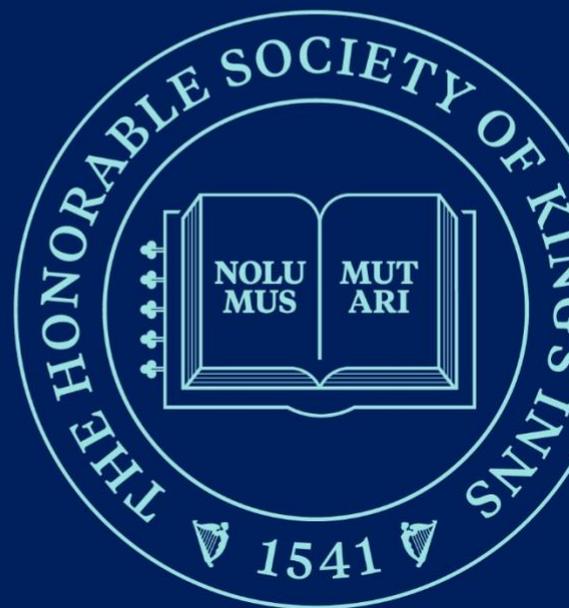


STATEMENT OF THE REQUIRED COMPETENCIES OF A BARRISTER

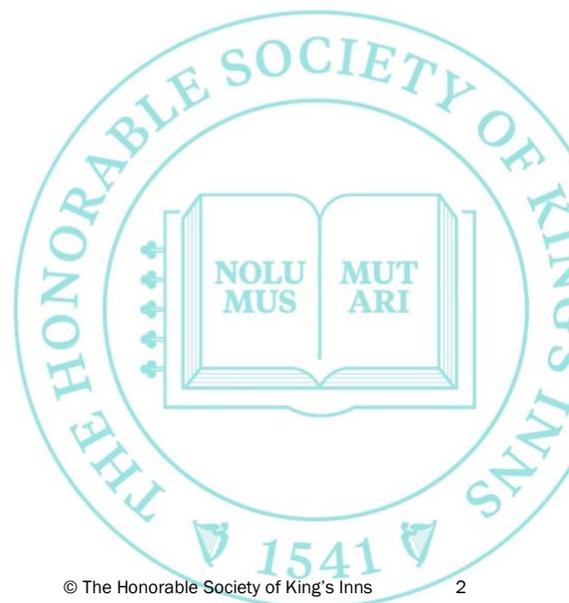
COUNCIL OF THE HONORABLE SOCIETY OF KING'S INNS
11 NOVEMBER 2020

KINGS
INNS¹⁵₄₁



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INTRODUCTION

The purpose of this Statement of the Required Competencies of a Barrister (the “Statement”) is to outline the knowledge, professional skills and personal attributes required to be a competent practising barrister.

Given the role played by The Honorable Society of King’s Inns (“King’s Inns”) in the education and training of barristers, the Statement is particularly focused on those skills and attributes in which a newly qualified barrister is required to be competent. The competencies outlined in the Statement represent a minimum standard. Therefore, it is to be assumed that a barrister in practice for a longer period of time will continue to exhibit these competencies but may do so at a more advanced or expert level. Moreover, it is recognised that barristers in practice for a longer period of time may specialise in particular areas of the law and primarily or solely practice in that area, rendering knowledge of other areas of the law less relevant to that particular barrister’s practice, and the Statement should be construed accordingly.

A student who successfully completes the Barrister-at-Law Degree course at King’s Inns is eligible to be admitted to the degree of Barrister-at-Law and called to the Bar of Ireland with a full right-of-audience before all courts in the State and to practise as a barrister independently. As a result, King’s Inns teaches and examines the Barrister-at-Law Degree course to a “fit to practise” standard.

King’s Inns believes this is the appropriate standard given that barristers represent and advise clients on issues of enormous importance to those clients. Moreover, it is critically important and in the interests of the effective administration of justice that clients, instructing solicitors and the judiciary can rely on the competence of practising barristers. This is in recognition of the fact that barristers provide significant value to clients and to wider society through the provision of specialist advocacy and negotiation skills and legal expertise, delivered with integrity and independence.

King’s Inns also recognises that many practising barristers will undertake a period of pupillage upon embarking on independent practice and that this, together with ongoing professional development throughout their career, will enhance their skills and knowledge so as to practise competently.

The components of both the entrance requirements for the Barrister-at-Law Degree course and each element of that course (including assessments) will be reviewed to ensure they meet the competencies outlined in the Statement.

The Statement has been compiled having had regard to the professional principles referred to in section 13(5) of the Legal Services Regulation Act 2015 (“the 2015 Act”), which are:

- a. that legal practitioners shall -
 - i. act with independence and integrity,
 - ii. act in the best interests of their clients, and
 - iii. maintain proper standards of work,

- b. that legal practitioners who exercise before any court a right of audience, or conduct litigation in relation to proceedings in any court by virtue of being legal practitioners, shall comply with such duties as are rightfully owed to the court, and
- c. that, subject to any professional obligation of a legal practitioner, including any obligation as an officer of the court, the affairs of clients shall be kept confidential.

In the Statement, the term “practising barrister” is to be understood as having the same meaning as provided for in section 2(1) of 2015 Act.

The Statement is not intended to replace the Code of Practice for Practising Barristers issued by the Legal Services Regulatory Authority pursuant to section 22 of the 2015 Act, nor does it purport to take precedence or in any way alter any obligation placed on practising barristers pursuant to that or any other enactment or professional code.

The Statement is comprised of four categories:

- Legal knowledge;
- Legal skills;
- Professional competencies;
- Personal attributes.

The competencies within each of these four categories, when combined, represent the competencies required of a barrister.

LEGAL KNOWLEDGE

A competent barrister will:

1. Have an up to date knowledge of, and an ability to explain and apply, the main legal principles in the major areas of law, including in particular:
 - a. Administrative Law
 - b. Company Law
 - c. Contract Law
 - d. Constitutional Law
 - e. Criminal Law
 - f. Equity and the Law of Trusts
 - g. European Union Law
 - h. Jurisprudence
 - i. Land Law (including the Law of Succession)
 - j. Law of Torts
 - k. Law of Evidence.¹
2. Have a thorough and up to date knowledge of the civil litigation process, civil remedies and procedure, including Court Rules.
3. Have a thorough and up to date knowledge of the criminal litigation process, sentencing principles and procedure in the criminal courts, including the rules of evidence.
4. Have a thorough and up to date knowledge of different forms of alternative dispute resolution, including mediation and arbitration, and the law applicable to alternative dispute resolution mechanisms. A competent barrister must also be able to advise effectively on the circumstances in which different forms of alternative dispute resolution are appropriate.
5. Know and be able to apply courtroom procedure and etiquette, including commonly used legal vocabulary.

¹ The list at (a) to (k) is presented alphabetically and is not intended to signify any ranking of importance.

LEGAL SKILLS

A competent barrister will:

1. Be able to identify, assimilate and analyse accurately the material facts and legal issues in a case or brief, and should be able to do so in a time pressured environment, where necessary. This requires attention to detail and the capacity to identify whether and, if so, what information may be missing from instructions or on which further information may be required.
2. Be able to carry out accurate and up-to-date legal research, including through the use of technology, legal databases and other relevant resources.
3. Be an expert in oral advocacy. This will include having the ability to:
 - a. Communicate nuanced and complex arguments,
 - b. Present arguments effectively, persuasively and ethically,
 - c. Elicit relevant information from witnesses by competent, ethical and appropriate questioning.
4. Be an expert in drafting pleadings in a wide range of practice areas and in courts of all levels, including the principal forms of initiating documents, interlocutory applications, defences and responding documents.
5. Be an expert in written forms of advocacy, including in producing legal submissions.
6. Be an expert negotiator in the context of legal dispute resolution. This will include being competent in carrying out negotiations in the best interests of the client, while maintaining ethical standards.
7. Be an expert in advising clients. This will include giving competent advice in the form of written opinions and during oral consultations.
8. Be able to apply their knowledge of practice and procedure so as to effectively advance their client's case.
9. Be efficient, particularly in the use of court time.

PROFESSIONAL COMPETENCIES

A competent barrister will:

1. Promote and protect fearlessly and by all proper and lawful means the best interests of the client for whom they are acting. This must be done without regard to the barrister's own interest or to any consequences for themselves or to any other person including fellow legal practitioners. A competent barrister will also be cognisant that this duty will require honesty with the client for whom they are acting, an ability to appropriately manage the expectations of that client, and, where necessary, to deliver unpalatable advice.
2. Comply with the overriding duty that they owe to the Court to ensure that the public interest is upheld and that the proper and efficient administration of justice is achieved.
3. Assist the Court in the administration of justice and never knowingly deceive or mislead the Court.
4. Have a detailed knowledge of the requirements of the Code of Practice for Practising Barristers issued by the Legal Services Regulatory Authority and act at all times in accordance with its requirements.
5. Act at all times in accordance with the requirements of any applicable code of conduct of a professional body of which the barrister is a member, save where any provision of such a code of conduct would cause the barrister to behave in a manner that conflicts with any provision of the Code of Practice for Practising Barristers published by the Legal Services Regulatory Authority.
6. Behave in a respectful and appropriate way to the Court or decision-making body, to clients and to all persons the barrister may encounter in their professional role. This will include interacting in an appropriate and respectful manner with vulnerable persons, including complainants in criminal matters.
7. Respect the diversity of clients and legal practitioners and never act in a discriminatory manner in any way.
8. Act in a collegiate and courteous way to colleagues.
9. Maintain proper standards of work and ensure that work undertaken for clients meets those standards.

10. Take responsibility for and engage in their ongoing professional development, including through engaging in appropriate continuing professional development.
11. Be able to use technology effectively within their practice as a barrister.
12. Be able to manage their time and workload effectively, including by giving accurate estimates as to their response times and by adhering to deadlines.
13. At all times manage their practice effectively, including by complying with the requirements of the Legal Services Regulation Act, the Legal Services Regulatory Authority and relevant professional bodies.
14. Demonstrate commercial acumen, both in terms of general financial literacy and in order to understand, where relevant, the financial and / or commercial realities or consequences arising from the legal issue faced by the client for whom they are acting.
15. Be able to give advice that takes account of the circumstances and objectives of the client for whom they are acting.
16. Maintain the confidentiality of the affairs of the client for whom they are acting or, where applicable, the barrister's employer.
17. Be aware of the limitations of their knowledge and skill and only accept work which they are competent to undertake.

PERSONAL ATTRIBUTES

A competent barrister will:

1. Act with independence, honesty and integrity at all times.
2. Be adaptable, open to change in their approach to their practice as a barrister and display a capacity to evolve in line with changes in the profession.
3. Be careful not to compromise their professional standards in order to please the client for whom they are acting, any other legal practitioner, the Court or third parties.
4. Be able to think strategically and to display mental agility in order to adapt and effectively respond to changing circumstances. This will include the ability to display resilience and to cope with set-backs and unexpected or challenging situations.
5. Exercise sound judgment in their life outside of their role as a legal practitioner, including in the use of social media, in order to maintain confidence in the profession and in the administration of justice more generally.
6. Be confident, decisive and demonstrate sound judgment while applying logical reasoning and being solution oriented.
7. Be able to build effective working relationships with clients, other legal practitioners and other persons that they encounter in the course of their practice.
8. Be able to employ critical listening skills in order to elicit all the relevant information required to advise and act effectively on behalf of a client.
9. Have an effective command of language and be able to communicate appropriately, accurately, and in a manner suitable for the audience.
10. Where they are offering to provide legal services through the Irish language, be able to communicate accurately and with an appropriate level of written and oral fluency in Irish.
11. Be able to display appropriate levels of empathy and understanding of issues faced by clients, particularly where the client is in a vulnerable position.
12. Be able, where necessary and appropriate, to collaborate and work as part of a team with other legal practitioners.
13. Be able to engage in critical self-reflection in order to learn from experience, to accept feedback, to admit mistakes and to correct mistakes where they occur.

APPENDIX:

CONSULTATION PROCESS

In September 2018, the Legal Services Regulatory Authority (LSRA) published an initial report as part of its statutory requirement, pursuant to section 34 of the Legal Services Regulation Act, to review legal practitioner education and training. This report was largely informed by research that the LSRA had commissioned by the consultants Hook Tangaza.

One of the key recommendations of the Hook Tangaza research was that the LSRA would produce a statement of the required competencies of a barrister (and that a similar statement would be produced for the solicitors' profession also). The purpose of such a statement is that legal education and training would thereafter be designed and measured by reference to the competencies identified therein.

King's Inns agreed with this proposal and, rather than await such a statement being designed by the LSRA, committed to the LSRA that it would develop its own statement. King's Inns would use the statement it designed to ensure that the design and structure of the Barrister-at-Law Degree course is clearly referable to the competencies identified therein.

King's Inns has designed the Statement of Competencies following a two-phase process of research and consultation, under the guidance of Council's Working Group on LSRA related matters.

First, King's Inns commissioned the leading market research group Kantar to carry out a series of focus groups with Benchers, practitioners, members of the judiciary, solicitors and other interested parties. These focus groups were carried out over the course of Michaelmas Term 2019. The results of this research were presented to Council in February 2020.

Based on the results of this research, an initial draft Statement was prepared and presented to the Working Group in March 2020.

The second phase involved publishing the draft Statement on the King's Inns website and engaging in a public consultation exercise (view the consultation process [here](#)) to elicit views on the draft. This consultation took two forms:

- a. A publicly accessible survey;
- b. An invitation to make a written submission.

The survey expressed broad support for the concept of the Statement, the need for such a Statement and for the draft as published.

Following consideration of the survey results and the content of written submissions made by a variety of parties, a revised draft Statement was prepared. This was approved by Council at its meeting on Wednesday 11 November 2020 and the text of this statement is as approved at that meeting.