

STATEMENT OF THE REQUIRED COMPETENCIES OF A BARRISTER

DRAFT – THURSDAY 23 APRIL 2020

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 barrister¹.

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.

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.

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.

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

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 and be able to recall, explain and apply the principles of law in a range of areas including, but not limited to:
 - a. Land Law (including the Law of Succession)
 - b. European Union Law
 - c. Company Law
 - d. Jurisprudence
 - e. Administrative Law
 - f. Equity and the Law of Trusts
 - g. Contract Law
 - h. Constitutional Law
 - i. Law of Torts
 - j. Law of Evidence
 - k. Criminal Law.
2. Have a detailed knowledge of the civil litigation process, civil remedies and procedure, including Court Rules.
3. Have a detailed knowledge of the criminal litigation process, sentencing principles and procedure in the criminal courts, including the rules of evidence.
4. Have a detailed 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 courtroom procedure and etiquette, including commonly used legal vocabulary.

Legal skills competencies

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 and persuasively
 - c. Competently and ethically conduct witness examinations
 - d. Be efficient, particularly in the use of court time.
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 and defences.
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 consumer of the legal services being provided by the barrister, while maintaining ethical standards.
7. Be an expert in advising consumers of legal services. This will include giving advice competently in the form of written opinions and during oral consultations.

Professional competencies

A competent barrister will:

1. Have a detailed knowledge of the requirements of the Code of Practice for Practising Barristers issued by the Legal Services Regulatory Authority.
2. Act at all times in accordance with the requirements of the Code of Practice for Practising Barristers issued by the Legal Services Regulatory Authority.
3. 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.
4. Behave in a respectful and appropriate way to the Court or decision-making body, to consumers of legal services and to all persons the barrister may encounter in their professional role. This may include interacting in an appropriate and respectful manner with vulnerable persons, which may include complainants in criminal matters.
5. Act in a collegiate and courteous way to colleagues.
6. Be able to use technology effectively within their practice as a barrister.
7. Be able to manage their time and workload effectively, including by giving accurate estimates as to their response times and by adhering to deadlines.
8. Be fully prepared, so as to be able to supply the consumer of legal services with a good standard of work.
9. 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.
10. 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 consumer of legal services for whom they are acting.
11. Be able to give advice that takes account of the circumstances and objectives of the consumer of legal services for whom they are acting.
12. Promote and protect fearlessly and by all proper and lawful means the best interests of the consumer of legal services 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. However, a competent barrister will also be cognisant that this duty will require honesty with the consumer of legal services for whom they are acting, an ability to appropriately manage the expectations of that consumer, and, where necessary, to deliver unpalatable advice.
13. 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.
14. Assist the Court in the administration of justice and never knowingly deceive or mislead the court.

15. Maintain the confidentiality of the affairs of the consumer of legal services for whom they are acting or, where applicable, the barrister's employer.
16. 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. 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.
2. Act with independence, honesty and integrity at all times.
3. Be careful not to compromise their professional standards in order to please the consumer of legal services 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 consumers of legal services, 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 consumer of legal services.
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 consumers of legal services, particularly where the consumer is in a vulnerable position.
12. Be able, where 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.