

## **Is a place on the Bench for you? The Basics of Becoming a Bencher ....**

Several BACFI members are Benchers of their respective Inns. As such we thought that BACFI members, employed and self-employed barristers alike, might like to know a little more about the historic origins of this process, and how the modern day Bencher Application process works at each Inn of Court.

The Inns are very supportive of nominations and applications from Employed Barristers. As a result of this article we hope that Employed Barristers in particular wish to be Benchers.

### **What is a Bencher?**

Benchers provide the governance of each of the separate Inns of Court. They are primarily comprised of Judges, QCs and Barristers, 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 Bencher receives "voice and vote" meaning 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.

### **What do Benchers do?**

Benchers, as part of the decision making structure of the Inns of Court, 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.

### **What's the selection process and each Inns of Court's requirements?**

#### **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 by Pension in which members of the Inn post 10 years' Call apply for consideration to become a Bencher. By completing the application form you will be putting yourself forward to be considered by the Election Information Committee (EIC) who will select candidates to go to Pension for election based upon the number of Benchers to be elected plus 50%.

This process is applicable to Members of the Employed Bar; the Self-employed Bar (Juniors and Silks); Barristers who are members practising as solicitors whilst retaining their status as Barristers and Barristers who are practising as solicitors and under the previous rules had to give up their membership of the Inn.

In order to be considered as a candidate for election to the Bench, candidates must have been Called to the Bar for at least 10 years although it is unlikely that those less than 15 years' post call will have the necessary experience to exercise the role of a Bencher. In considering candidates, the EIC will look at the following criteria:

- Service to the Inn (past and prospective);
- Service to the profession;
- Merit;
- Standing at the Bar or within their area of expertise;
- Circuit, if applicable;
- Speciality; and
- 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. Current number of Full (not Honorary) employed benchers is 15. This includes BACFI committee members Patrick Rappo, Sara George and Gaynor Wood and BACFI Vice Presidents Tricia Howse and Lucinda Orr.



On being a Bencher Patrick says “Gray’s has taken significant steps in recent years to reach out to the Employed Bar, to increase its roster of Employed Barrister benchers. The annual Employed Bar Dinner (next one is on Wednesday 27 October 2021) has become a favourite at the Inn, with luminaries attending from across government, the CPS, the SFO, and the legal industry. Gray’s Inn also has a working group on the Employed Bar, for which I am the Secretary, which is creating a video aimed at students, publicising opportunities available across the Bar, and at the Employed Bar in particular. Being a Bencher helps you input into these initiatives and help to set the direction for the future”.



Tricia Howse CBE adds, “Being a Bencher 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”.



Lucinda Orr says of her recent appointment, “It really was quite unexpected to be elected a Bencher of Gray’s Inn in December 2020, as I was right in the middle of my term as the Chairman of the Gray’s Inn Barristers’ Committee(!). However, I was of course delighted and humbled to be asked to join the Bench. Having served for several years on the Management Committee of Gray’s, I am acutely aware of the myriad roles the Inn plays – as educator, residential and commercial landlord, and community hub through its beautiful gardens, dining in Hall, the Bridge Bar, Music and Miscellany, the Chapel, and much, much more....I hold Gray’s in the very deepest affection for the financial help it gave me at the start of my career, the education, and the gift of lifelong friendships –

and am thrilled to join centuries of stewardship and play whatever part I can in helping the Inn thrive for (hopefully!) many, many more years to come”.



Gaynor Wood comments, "It was an unexpected honour and a privilege to be invited to become a Bencher at Gray's. It is very 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 feels that 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.

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 as a Candidate for election to the Bench as an Ordinary Bencher, candidates must have been called to the Bar for at least 15 years. In considering candidates the Bench Selection Advisory Committee (BSAC) looks at all the following factors:

- a) The candidate's high reputation in their relevant area of practice or work and their commitment to support the Inn once elected; and/or
- b) Any significant contribution to the Inn which they will continue once elected; and/or
- c) Any significant contribution to the profession made by the candidate, and commitment to support the Inn once elected.

Subject to the above, 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 can make nominations. The Bench Selection Advisory Committee (who select the shortlist of candidates to go forward to Parliament) are always very keen to put forward Employed barristers who meet the criteria, as they generally receive less 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.

Christiane comments that "Middle Temple recognises the importance of a diverse and inclusive Bench. The employed bar is part of that diversity and Middle has traditionally counted employed barristers

among its Benchers. As Benchers, we promote the career opportunities the employed bar can offer, assist with tailored education and training for employed barristers, assist with scholarship interviews, participate in mentoring, 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 has included spearheading a tailored New Practitioner Programme for employed barristers and hosting the BACFI & Temple Employed Bar Forum Garden Party. Recently, Middle has set up an Employed Bar Steering Group - which I co-chair - with the objective of further engaging with employed barristers and raising the profile of employed barristers within the Inn. The Steering Group's initiatives include an employed bar conference planned for early 2022.

We hope the existing and new initiatives will attract employed barristers to participate in the life of the Inn and ensure that employed barristers are well represented on the Middle Temple Bench for years to come."

Ros gave the following insight. "To be elected a bencher of one's Inn of Court is a huge honour and one that brings with it feelings of both pride and shame – pride in that you have joined the ranks of the senior members of the Inn that you revered in your youth and never thought to be able to reach; and shame in that you realise you haven't set foot inside the Inn since Call. To assuage the shame, you immediately volunteer for all the Inn committees, including ones you have never heard of. You start dining again, assiduously; you greet faintly familiar faces in the Inn corridors with happy familiarity, saying to yourself, "Who is that?" You tell all your friends about "My Inn", as if you have been frequenting it continuously for years. You apply to spend weekends in Cumberland Lodge, teaching the students advocacy, which you haven't used for 30 years, or more. You find that the techniques you were taught to employ in your pupillage are now completely outdated. You retire, shamefaced into the background and offer to preside over moots ("First rounds only, please"). After a few years, you become quite an old hand at this bencher malarkey and start encouraging friends to agree to have their names put forward for the Inn Bench. The porters know you by name – this is the ultimate accolade."



Austin commented that "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."

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## Lincoln's Inn

Members of Lincoln's Inn are eligible for the Bench if they have been called to the Bar and have been a member for at least 5 years.

The Advisory (Benchers) Committee (A(B)C) assesses candidates against specified criteria. 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

Those who wish to be considered need to express their interest through the online Bench Register form and candidates are assessed on evidence provided on this form. There are two Bench elections per year.



At present 8 benchers are at the employed Bar including BACFI Vice President Stephen Collier who says, “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; my 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”.

BACFI Committee member, Sharon Blackman OBE says that she is “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. ”



Lincoln’s Inn recognises the value of the skill set and knowledge that members of the employed Bar can bring to the governance of the Inn. A number of the members of A(B)C are employed barristers and the Committee welcomes Bench register forms from members of the employed Bar as the first step in increasing their participation on the bench.

For further information please contact [Committee.Officer@lincolnsinn.org.uk](mailto:Committee.Officer@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 take into account the following as criteria for election:

- a) Any specific need(s) that the Inn may have at that time for Benchers who possess the skills and interests necessary to perform one or more of its functions;

- b) The 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) The 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) The 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, on circuit, in a specialist Bar association or otherwise.

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).

Elections take place annually with information for the next round being made available from April 2022 on [www.innertemple.org.uk/who-we-are/how-we-operate/bencher-election/](http://www.innertemple.org.uk/who-we-are/how-we-operate/bencher-election/).

Five years ago a change to the Bench Table Orders (the governance rules of the Inn) was 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 7 employed Barrister Governing Benchers at Inner Temple.



Newly elected Bencher at The Inner Temple, James Kitching, BACFI Honorary Treasurer, says of his appointment, “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. However, by becoming actively involved in the Inn’s training programmes, the Bar Liaison Committee and the Employed Barristers’ working group amongst other activities, I was able to re-immense myself in the life in the Inn and meet some truly inspiring individuals”.

Rebecca Dix, BACFI committee member and representative at the Bar Council Wellbeing at the Bar Committee, says of her appointment, “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. I have always enjoyed attending events to speak to prospective students, school children and delivering training but little did I realise that in fact all of this would stand me in good stead for my application. Since moving over to the employed bar, after having spent 10 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. Thank you to all those who supported me during my application process and in particular BACFI for putting together the document on applying to become a Bencher that is such a great introduction for prospective applicants”.



New BACFI member Sara Lawson QC was elected as a Bencher 7 years ago, before she took Silk, after serving on The Inner Temple Bar Liaison Committee for many years, including being its Chair. She became an employed barrister two years ago and has recently become the Master of the Employed Bar. She says, “I am always keen to remind those who may not have spent much time in their Inn on committees and at events that it provides so many benefits and much camaraderie. There are multiple ways of taking part in the life of the Inn. There is something for everyone and you will get a lot out of it too.” Sara will be giving our Denning Lecture on 8<sup>th</sup> December at the Athenaeum Club, Pall Mall. Attendance is free but pre-booking is required.

For further details please contact: Jennie Collis Price, Head of Sub-Treasurer’s Office, on [jcollisprice@innertemple.org.uk](mailto:jcollisprice@innertemple.org.uk).

We hope that this piques your interest- feel free to contact BACFI Benchers via Sandra for more information about becoming a Bencher or doing more work for your Inn and your profession.