

Kiarah Grace Kelly: Hello, everyone. I am Kiarah Grace Kelly from Brisbane Family Law Centre and I am your Vice President of QYL this year.

Before we kick off, I would like to acknowledge the traditional owners of the land on which we learn today and we are so honoured to be here. You are here tonight for our going to the Bar session, so kindly facilitated by Level Twenty Seven Chambers. We, at the start of the year, put our heads together to see how we could attract and provide options to our full membership base. That includes people who have been doing this for a little while now, think they have got the hang of it, and pondering next steps. So, welcome, I am so happy to have you here.

Tonight, you will be hearing from the incomparable Emma from Jeddart Chambers, the fabulous Stewart from Level Twenty Seven Chambers, and the wonderful Florence also from Level Twenty Seven Chambers.

I will say again that we are just so happy to have the support of Level Twenty Seven Chambers this year, that includes bringing you a series of events like these. So stay tuned. That is enough for me, the lady in pink will be quiet. We will hand over to our absolutely fabulous panellists. Thank you so much.

Florence Chen (FC): We wanted to make this panel quite informal. It is really a Q & A. It is your opportunity. You have got three barristers, you can ask any question you want. We will structure this discussion in terms of probably three stages. Firstly, the decision to come to the Bar. Secondly, the process of going to the Bar and then thirdly, the day in the life of barristers. Hopefully, amongst those topics, you will identify what you are interested in, be able to ask a question, but also inform yourself as to whether or not coming to the Bar is for you. Feel free to jump in with questions, just put your hand up, we will ask you to provide your questions. We have also got some online attendees, they are also going to be asking questions along the way. So feel free.

ROUTES TO THE BAR – HOW & WHEN

FC: We thought, starting off, the best thing to do is just to give a bit of background as to how each of us actually came to the Bar. Before doing that, you should know that everyone's story is different and individual. Some people come straight from uni, some people come after being a partner of a law firm, and anything in between. There are many ways to skin a cat. This is just the way that we came to the Bar.

I graduated and was a judge's associate for three years and then came straight to the Bar. Currently, that is somewhat of an unorthodox way to come to the Bar. It was a very popular route 30-40 years ago, a lot of silks and judges, that is what they did. But currently that is a bit

less orthodox. Why did I do that? For me, I spent two years as the judge's associate to Justice Freiburg. I started to apply for solicitor roles but then Justice Jackson was appointed and he came, spoke to me and said "Hey, here's a quid pro quo. How about you help me set up my judge's chambers, I will introduce you to people at the Bar. You should go straight to the Bar. I understand that you want to go, you should just go immediately." So, I kind of somewhat fell into going to the Bar. It has worked out for me. But it could have gone very badly. Something I had to consider was having been an associate for two years, then thinking about a third year. For me, having children was on the cards. At that point in time I was twenty-six. The decision was, do I go to a law firm for 3-4 years, then have to take mat leave, then come back, then maybe decide to have more children before coming to the Bar? I understood, having spoken to a number of other barristers that I had met along the way, that that was actually one of the main reasons females don't come to the Bar because they get into a cycle of you have a child, you stay for the mat leave, you stay for the stability. Then you find yourself at forty and you think "Oh well, I can't go to the Bar now. I've got four mouths to feed". I wanted to go early when I did not have a mortgage. I had a partner who was working full time at that time and so I had very little responsibility, very little financial commitments. I was able to just work really hard and build a practice when I did not have any issues and then I was able to have a child once I was seven years in practice.

Stewart Webster (SW): My story is similar to yours insofar as I came relatively early before I had kids, but it is different insofar as when I talked to my judge about coming to the Bar he said "You shouldn't go straight to the Bar". It is probably more of a reflection on me than anything else. So, I worked for a year for a law firm in Japan. I was a paralegal at a law firm during uni and then I did a year's associateship, then went back to a law firm for a year in a litigation-type role. Towards the end of that, I had to make a decision between either doing another rotation and going to a non-litigation focused practice area or coming to the Bar. By that stage, I had sort of firmed up an intention to come to the Bar for similar reasons, for the ones you [Flo] have identified. It seemed to me at that time that I had less to lose if it all sort of crashed and burned, I was quite eager to do it. So, I took the plunge in 2012 after doing the one year as a solicitor. I totally agree there is no particular right or wrong time, it is very much depending on individual circumstances but you do have to think about a variety of different things. I also think, for me, the desire to come to the Bar emerged sort of incrementally from Year Twelve, really being very uncertain about what I was going to study and being very uncertain about law, through to an interest in litigation during uni, and I think by the time I was a judge's associate I sort of firmed up that it seemed like the most daunting but also the most interesting thing I could aspire to in my career. That is how I ended up here in the end.

Emma Fitzgerald (EF): For those of you who think maybe that "I might have a different pathway, where do I fit in?", I am very happy to tell you, I had a lot to lose going to the Bar. I was divorced, I had a child, I owned my own home, I had a mortgage. But I have known since

I went to uni, absolutely 100%, this is exactly what I am going to do with my life. My life just put some different things in my way and I could not get there. So, I went through my divorce and I was just studying all the time – I have got to do these exams, I have got to look after my 6-month-old – everything just started to fall into place. For me, I don't want to out myself as a work millennial, although I know a lot of you are millennials as well. It is just the timing that led me here. So, I sold my house. Again to that, it is a financial risk but there are lots of things you can do to set up and lead yourself to work. I think for me, I went to a state school, I met a lawyer and my first job when I was an admin assistant was answering the phone. I had to go out and find people and make them my community. Some of you I know, some of you have reached out to me to ask about going to the Bar. There are these people coming up in law who would just have this extraordinary confidence to reach out to a stranger and say "Hey, can I have a coffee with you? Can I hear about your story? Can I run my ideas past you". I honestly wish I had done that 10-15 years ago because the way that I made my relationships initially was I am arriving, I am here, I have a job, I am going to meet you. There are some really extraordinary ideas out there with what people are doing and implementing to go and build those connections. Really, you do need a community. That is, when you go to the Bar you need people, whether it is going to be an amazing supportive chambers – and thank you so much for inviting me Level Twenty Seven and also Queensland Young Lawyers to be part of this because I am different, I had to figure out some other way. There are so many things you can do to find your community. Find people to support you, find barristers who will give you guidance who can talk to you about the financial risk, or all those things that you need to put into place to make that move. That is what I did. We have all had different journeys and there is no right or wrong way for anyone, as you can hear. It might not be the same time as any of us, you will just find your own timing if you want to do it.

REASONS TO PRACTISE AS A BARRISTER

SW: You might have some questions about this, but for now, it might be helpful to just identify a few, maybe general, good and bad reasons to come to the Bar or to come to the Bar at a particular time. I have jotted down a few thoughts but I am very interested in my panel's thoughts and your thoughts and questions too. Some bad reasons, I think, to go to the Bar: you hate your current job.

EF: It can be a reason.

SW: It can be a reason but I think you need to...if you are in law and you hate your job you might be better to try and find another job as a solicitor first and see how that is rather than think that going to the Bar will necessarily address whatever it is that you are not enjoying. That is the main reason, I would say, that is probably not a good enough reason.

I think financial matters, not a good primary reason to come to the Bar. It can be depending on the area you work a good source of income but if that is your primary motivation I think you will struggle very much in the career because it is pretty demanding on a lot of levels. I don't think financial rewards that are available in certain areas necessarily compensate for that role because of feeling that you just want the status of a barrister or something like that, again, I think that is not enough to get you through. Or, because depending on the area, you go into the way you want to practice because you think it is going to give you a good lifestyle, lots of flexibility, and all sorts of great things. It can depending on the way you want to practice but, in a lot of areas of law, it is at least as if not more demanding than other roles in the legal profession. There is a sense in which you have more freedom when you are at the Bar but there is also a sense in which you, because you have got a lot of people making demands on your time, and while you are not in employment relationship, you are in a professional relationship with those people, so there is limited scope in a lot of circumstances to actually exercise a lot of freedom in terms of your time. So, if you think that it is sort of a great way of reclaiming your time, it can be if you want to practice in a limited way, but if you want to practice in a full-on way, I think, you are not necessarily going to find a solution there.

Those are some problematic bases maybe for coming to the Bar, what are your thoughts on those?

FC: You were saying that there are a lot of demands on your time. I like to tell people that my boss is an asshole. They make me work weekends, nights. They don't pay me any sick leave. No long service leave. No super. In that sense, running your own business is very stressful. That is essentially what coming to the Bar is like. You have to invoice, you have to chase fees, all of these things that you do not have to think about when you are an employee, you just get a nice pay cheque into your bank at regular intervals. Whereas at the Bar, you can go two months without getting any invoices paid and then get a whole stack of them coming in. It really depends on your risk tolerances in that sense. It is very stressful because you are managing your time. Your solicitors do not realise that you have five other pieces of work that need to get done, so then urgently calling you to settle a document is not physically possible and yet they expect that to happen.

SW: We might come to later, how one manages that when you actually get to the Bar because I think that is quite important. But I agree with that.

EF: I think you should know, my boss is actually really nice. I think the difference for me is I remember being at one of these events, talking to an accountant. They said to me that they worked until 0200 and I said "Oh gosh, can you take some time off the next day?" They said "No, I don't have any leave, I can't do that." Whereas my boss, if I work till 2230 every day for a week, which I have done...Anyone who has connected with me on LinkedIn knows that I

swore in blood that I was not going to work like that and here we are, it is only one year in. But if you do those really overwhelming, and you have to do with a trial and I manage it with a 6-year-old, the world has changed, and it is absolutely glorious in the way that it has changed. I can go home and then I can put him to bed and then if I have to...I love working in the morning so work when before he gets up. Then I can have...Sorry, but my boss would say "Have a nap". I can be working on advice at six o'clock at Caloundra in a unit on a school holiday. I know a lot of you have those freedoms to some extent in some of your roles. You may, I don't want to assume that all of you have. There are definitely things that are really good about it. I think it is what you are getting right here is I am one year at the Bar. So I'm still like...

FC: You are still so fresh faced. You are not looking haggard.

EM: That is simply not the case. I guess one day I am going to be like "Gosh, I wish I had a boss that I could just say 'Hey, I'm going on annual leave for two weeks, could you just manage all of my email?'" I guess that is the thing. There are good and bad things. There are things you have to weigh up in terms of what you want out of your life and what you think your skills are.

SW: I think what sustains you, no matter how intense or not intense and how good your boss is at a particular time, is where fundamentally you find some purpose in the work that you are doing.

Flipping the coin to the good reasons to come to the Bar, I think having a passion for the law or for helping people with legal problems or for being an advocate. Any of those sorts of things are really quite fundamental to actually getting the most out of a career at the Bar because it is those things that you really have to hold on to when things are hard, when you are doing the late nights and looking forward to some sort of break at the end of it. I think without those things it would be a real struggle.

FC: I understand that a lot of what we do is the advice side, it is the practical sides of going to court. A lot of junior solicitors do not get that benefit. They do not get to do the pleadings, they do not get to go to court and argue the applications. If you find that you are looking at that kind of work, that advice work, that civil procedure practical work as more interesting and gives you a bit more of a drive, a bit more of a reason for you to wake up in the morning, then maybe the Bar is for you, because that is the kind of work we do.

SW: The other big change, I don't know if you have experienced this, but I really noticed going from a very junior lawyer in the hierarchy of a law firm to coming to the Bar is you go, sort of overnight, from being a person who three people check your work to somebody who the partner is say "Do you think this letter looks okay?" That was weird and completely unsettling

and scary. Ultimately, it is sort of an aspect of the broader thing, which is you are being paid at the Bar for your opinion and to make judgments. So, you have to have both a capacity to do that and a degree of tolerance or enjoyment for doing that, for making calls about things because you have to make so many of them. Even if you don't mind doing it, and I think I don't mind doing it, you ultimately feel like it is too much. "I had to make too many decisions. Everyone keeps asking me what I think. I am sick of it." You might think that is impossible. Maybe I thought that was impossible for me but it is very intense in that way. So again, I think ask yourself, in my own job, in my own life, how am I with decisiveness? How am I at making decisions, making calls about things? Do I feel overwhelmed by making decisions? Once again, you know, there's a variety of positions at the Bar. If you do more advice work and less court work, you do not have to make as many quick calls on things, you have more time to consider things and you can find a niche in that area. Certainly, if you want to do the court side of stuff more then you are going to run headlong into the making constant decisions and getting letters from the other side the night before which raise eighteen new issues that nobody has and suddenly being asked "What do you think about each of these eighteen issues?" That is a demanding aspect of the job. It is good to ask yourself how you go with that kind of thing in your current role and in your life generally because I think decision fatigue can be a real thing to manage.

FC: Absolutely. I have lunch with Justice Jackson still and he does not want to pick the sides like "This too many decisions".

WORKING OVERSEAS BEFORE AND AFTER COMING TO THE BAR

FC: Talking about the decision to go to the Bar, you mentioned [Stewart] that you worked overseas before coming to the Bar. Do you think that was the right decision? Or do you think you could still go overseas now?

SW: It is obviously easier to do that early and before you go to the Bar to a certain extent. I think it is hard to do it early in the career at the Bar. I know some people who have gone and done a Masters overseas, maybe 10-15 years in with family, potentially. I don't think it rules it out completely but I think for most people, when you come to the Bar, you are really making a fulltime commitment to establishing a practice. As you said, you are starting a small business, you cannot do that easily and effectively unless you are putting a fair bit of effort into it for a decent period to build up the business, to build up the connections, to build up a degree of reputation. If you want to go overseas, in the short term, you should definitely do that first. There are two aspects of that, there is overseas as a solicitor and there is also overseas as a barrister. We know a few people who have you tried to do the London thing and done a year of readership in London chambers with different experiences of that, some positive, some negative. That is another more exotic path to take too.

FINANCIAL CONSIDERATIONS CONCERNING BECOMING A BARRISTER

FC: We were talking about how stressful it is to come to the bar, [Emma] you mentioned, which I did not realise, you sold your house. Do you think that was necessary in terms of financial stress?

EF: It was for me. I certainly have friends who have said to me "Why did you do that?" But for me, and it is funny, because there are really high expenses. When you go to the Bar, most people get chambers, I do have some friends who have not done that, I think things are moving. But if you were going to establish your own firm as a solicitor, you could work from home, certainly. But the Bar has not really developed in that way. I knew that I wanted to be able to make the best of it that I possibly could and I was not in a position to maintain our mortgage, pay chambers fees and be able to sleep at night, it just was never going to happen. I only decided that a month, or two months, before I started the course. There are lots of options if you do not have the ability to self-fund. I did not even know and sorry if I am extremely ignorant. There are people who would go and get a business loan or there are lots of different ways that you can look at funding your start at the Bar. You have got to work out how much is it going to cost you for the path you want to choose and how you are going fund that. For me, because I did not have any other person in my house, food, it was my own house, it was just me. I was like "This is an overwhelming stress, be gone". I knew that, eventually, I would go back into the property market. That is not something that ever concerned me. It was the right decision for me and I would make it 100 times over.

SW: I think it is consistent with the general idea of the Bar is a fairly intense thing and if you have things that are going to be distractions, big distractions, either physically in terms of demands or just mentally in terms of demands, it is going to be really hard, not impossible, the more that you can minimise those the better, I think, before you start because the first year is, again, it is an incredibly steep learning curve. Even if you have been in law for a while you are moving into a pretty fundamentally different role and everything, even if it is similar, is kind of coming from a new angle, a new perspective, a new role. The learning curve is pretty steep.

EF: Yeah. And on that note, what you [Stewart] were saying before about making decisions, I don't want to share my weakness here, and I will. One of the first times I was with a with a QC and everything I wanted to be like "Well, is this okay? Can we do this? Is this because...?" you know? Especially for those of you who spend longer in a role as a solicitor. He was like "That's a decision for you, you're running the application". So, even if you are [doing this] in a habitual kind of way, you are managing things. In that sense, you learn really quickly and you have no other option. Even for myself, and for those of you that are questioning "Do I have the capability as an advocate? Am I going to be good at this?" I would say, test it, in really unusual and awesome ways. I did a lot of the comedy debates, where Florence and I met. I have done all these random sorts of things, I challenge myself, and you just get better. You

realise whether or not this is a skill for you. Obviously, there are more than just the advocacy skills. There are barristers who may not command a room but are still exceptionally well respected. So, the skills that you have may not necessarily not be right to the Bar, you just need to work out what your skills are and if you can use them in this role.

TIPS FOR SETTING YOURSELF UP TO BE A BARRISTER

Finances

FC: So, if you are sitting there thinking "The Bar might be the right choice for me" maybe it might be helpful to identify some of our top tips about coming to the Bar. So, what can you be doing right now to set yourself up for success? One thing that was mentioned was finances. Emma has done the exact right thing which was to make sure she had financial stability coming in. I found that when I came to Bar that was really shrouded in a lot of guises as to how much you need. I had one barrister that actually told me "You shouldn't come to the Bar unless you have \$100,000. In the bank." I thought "Holy hell, I don't know if that will ever happen!" But I know that one of the attendees who went through the BPC with me came with nothing. He had zero, he was like "Actually, I came with \$0 in the bank. Hopefully this works out for me". Wow, awesome. Big balls I don't have. In full frankness, I came with about \$20,000 in the bank. I felt like that was enough financial stability. For me, that saw me out for the first year.

What you do not know is that you have got a couple of upfront costs. You should cover things like the BPC, it is \$6,000, the exams are \$250 a pop, you need to account for the fact that you are not earning income for six weeks whilst you are on the BPC, you will start up in chambers, you will have to probably buy some furniture, you will start paying chambers fees immediately - in commercial sets, that is actually about \$2,000 a month that you have to start paying immediately - practicing certificates and the like, your robe set is about \$2,000. But as long as you have accounted for those upfront costs, you have got some money in the bank, just depending on your risk tolerance. Obviously, my risk tolerance was not as high as my friend who was on the BPC. Then I found that I you get money straight away from devils - devils is where you do work for a barrister under their name. You enter into an arrangement and they often pay you quite quickly. A lot of solicitors are very generous to baby barristers. They know you are a reader and they start chasing you for invoices. They are like "We want to pay your invoice, where is it? We want to send you the money". I actually found that I only dipped into that \$20,000 once in that first year and it was just because there was a bit of lag in payment.

SW: I agree with that. I think many people's experiences is similar to that, it is not quite as bad as you necessarily think it will be. The thing is you are losing the control. You have predictability when you are in a job because your employer has an obligation to pay you. When you are at the Bar, 90% of the time you are probably going to be okay but you just do not have the control of when the solicitor is actually going to pay the invoice. If I do this devilling will the person actually be happy with it and pay you quickly, you just don't know for certain. That is

the thing where it is useful to have some kind of buffer, either savings or a family member who is able to support you for the short term if you needed some sort of arrangement so that you are not super stressed about what is going to happen in the short term financially.

EF: One thing I would add to that is it depends on your practice area. I had a lot more than \$20,000. My practice area is probably 60% speculative work and the type of speculative work I do is long tail so it does not settle quickly. I carry still, to this day, an absolutely astronomical amount that I will get paid some of or I won't get all of it. So, it depends.

I would love to know where you guys fit in because it is really individual. If you do family right now, there is almost a crises, I think, in terms of and having enough barristers. You could walk out the door, and there is a hesitancy I think it when you have six months at the Bar, but once you get past that mark you could essentially do three trials a month and you would start to be doing okay – that is on Legal Aid rates, just to be very clear there. But if do not have a secular practice like I do that is going to take you a lot longer for those invoices to start being paid. If you do commercial, in my experience, because I tend to work with a lot of smaller firms, a lot of them will pay relatively promptly, but then you will have some that you have got to chase, you have got to get your clerk to chase and you have got you know, you might have to get yourself in a position to have somebody to help you. There are so many things that are outside of your control and it is specific to the area that you work in and what kind of work that you are going to take on.

SW: Although if you do it right, you will get a GST refund in your first quarter, so make sure you register for GST before you come to the Bar.

Networking & Profile Building

FC: Some other top tips that I would recommend. Right now, you can begin profile building, you can be networking. So where would you get work once at the Bar? A lot of that actually comes from other barristers. I know Stew devilled something to me, that was very generous of him. You will have these barristers who want you to succeed who flick briefs, who are too busy, asking you to help them out and do work for them. So actually, more senior barristers can be excellent sources of work, especially in your first couple of years. Solicitors, I have received briefs from the most random places. Someone will call me up and go "Do you remember that I met you at the QYL Golden Gavel? We spoke for five minutes. By the way, here's this commercial brief that I have". Because I went so young, because I did not have the networks of being a solicitor, I made sure to get heavily involved in organisations like QYL, but also went to QLS events, went to industry specific events. I attend a lot of the insolvency events, a lot of the tax events as well, to try and start positioning myself. Once I came to the Bar I then had networks of people. What else [Stewart and Emma]?

EF: I had a really similar strategy to Florence. I have met a lot of people, I think I have met more people than I will ever remember.

This is not something that I came up with. I don't know if you guys know James D'Apice who does the Coffee & Case Note thing. I did a podcast. Most events that I go to somebody has either heard the Happy Lawyer Happy Life podcast, my own podcast, read articles about me or whatever. Most events I go to somebody will be like "Hey, I've read this" or "We spoke once" or "I've heard about you". I wanted to be known and the next thing I am working on is I want to be trusted in the three areas that I work across. I have a long-term marketing strategy. Marketing is a secret word barristers only say behind closed doors. I have been marketing to go to the Bar for the last ten years because I knew that was what I was going to do.

SW: Yeah, I agree with that. I think another important thing, is probably obvious, but I think you need to have at least one real supporter who is either at the Bar or is a judge, just because it is a daunting and difficult process. When I say support, it does not have to be somebody like a connection that you have got long standing or something like that, it can be like your senior or junior mentor that you have to have. But I do not think you should underestimate the importance of whoever it is and how long you have known the person. Like harnessing that relationship, not only for work, but just for your kind of transition into the Bar, just sense testing things and somebody that you confide in or ask stupid questions to or whatever. The more the merrier. The more people you get to know at the Bar the better because I think it is a big change and trying to do it yourself and trying to navigate it without support from within the Bar community is pretty hard. I think most people find that, it sounds kind of obvious, but I think it is important.

FC: Absolutely. We are available for coffees. I speak to a number of people who are students or young solicitors who are thinking of coming to the Bar and I am an open book, you can ask me anything. I can talk about finances, all of these are hard questions that you won't read on the website for the BAQ, it is always best to reach out. You will actually find barristers are very generous with their time - love a good coffee, love a good chat.

EF: I will tell you my biggest secret. It is not a big secret, it is something I realised. I had this person, I absolutely adored this barrister. I was like "You're gonna be my mentor". He was this extraordinary person I worked with and then he retired and then I was coming to the Bar and he was gone. What I have had to do was, please don't think I am manipulative in anyway... People want to help you but when people come to me and they just want to talk about themselves, or, and this is my experience, when I tried to do that, the relationship does not build. The best way, this is my secret, the best way to make relationships are in those moments of panic, where you are like "I have to make a decision about this and I am just actually not really sure". You will find that Emma Fitzgerald of counsel has phoned a number of

people from the corridors of the court building to say "Look, please, may you assist me? It's an emergency". I have spoken to Colin Forrest [SC], I have spoken to Kathryn McMillan [QC]...People are extraordinary and they will help you in those moments. You really need that support when you have a moment. I am an infinitely better barrister today because those people supported me. But if I email them to say "Hey, have coffee with me. Be my friend." People love to help. That for me has been the absolute best way to make connections, because I lost my golden connection just before I came to the Bar. People in chambers will do that for you. So, ask people for help, as opposed to just expecting it. Does that make sense?

SW: Yeah, proactivity is such an important part of starting out at the Bar. Exactly the same as my experience. You have people who maybe have a reputation for being difficult or scary or whatever but you find that if you actually engage directly and just ask for tangible help for something real they are more than happy to [help]. My first year, a couple of years, until the present day, I am constantly going to people, a more senior's room and saying "I'm struggling with...what on earth am I supposed to do?" Or "What is this?" or "Can I speak to you for five minutes about something? What do you think of this?" 95% of the time, my experience is the same when people come to me, it is more interesting to kind of engage in that conversation, whatever you are working on. Unless people are sort of up against some crazy deadline, they are always happy to engage and you get so much out of it because one of the skills you are trying to develop as a barrister is trying to work out how to look at and frame issues, how to, and ultimately how is the court going to look at this? You do not naturally get that right from the beginning and talking to more senior people, and you explain something, and nine times out of ten they say "Well, what about x?" and you just never even thought about it because it is like completely outside the sort of circles you have been thinking in. Suddenly you are like "Oh, of course" or "What does that mean?" But every one of those interactions is teaching you to think more like a barrister, more like a person who is actually framing the issues in a way which is ultimately going to help your client and help the court if that is where it ends up. It is a huge resource and you cannot value it too much. But it is unlocked by, as you say [Emma], proactivity.

THE PROCESS OF BECOMING A BARRISTER & THE BAR PRACTICE COURSE

FC: We might now move on to the process of becoming a barrister. Everyone knows that there is a bar exam, there is a BPC [Bar Practice Course] that takes six weeks. My top tip for the Bar exam is speak to someone who recently sat the exam, get an idea of what the questions are like because it is unlike any exam you have sat before. One of the top tips that I got was that the evidence exam was not about what you know, an essay about the hearsay exceptions, which I thought was a pretty obvious thing to do, it was very different. Having spoken to someone who just sat the exam, they said "Stop studying civil procedure, it's very easy. You don't waste too much time with that. Ethics, you've got to read the legislation and rules and

just be very clear on that. But really spend some time with it because that's a bit of a curve". Do you guys [Emma and Stewart] have any good tips for the exam?

EF: I think again it goes back to what your areas of practices are. For me, because I had a personal injury background, and I did litigation about everything that used to settle, evidence is this a really scary thing for me. What I did was, I had this study group which was just me and my one other friend so it was not really a group. We just used to go to the library and we studied together which is awesome because it helped us to kind of do that practical application and we did like all these little fake exams and evidence is really hard and I am so glad that I learned it though because now I can actually be competent. But if you have a family background, you may do a lot of copy work so Commonwealth evidence might be something you are really across, you are just going to have to pick what you know. I can tell you, if you reach out to me and have coffee with me, I am pretty good now, I can tell straight away from the types of questions people ask me if they will fail or not.

SW: No need to spend the money! For the price of a coffee...

EF: This is the golden secret again. If you do not respect the exams you will not pass. If I have coffee with someone who says to me [waves hand] I am like "This is a waste of everybody's time I have got to go". Respect it, it is one of the hardest things I have ever done. If you get a really amazing mark, great, it is going to set you up in an extraordinary place for the Bar. I had a small child, some people can spend all weekend studying for the exam at night, even though you have extremely demanding jobs, it is still a really hard thing to do. You have just got to plan a decent period of time to respect those exams.

SW: It is basically closed book. It is hard to cram for. It is definitely an advantage if you are familiar with civil procedure because you can kind of make that exam easier, certainly, if you are familiar with civil procedure and the UCPR is already a familiar document to you because you get to take it in an unmarked version. Then you can spend a bit more time on the others.

I totally agree, I think the same attitude you bring to the exam is the same attitude you need to bring to the Bar as a whole, which is you need to balance a degree of competence in your abilities and not be absolutely petrified to do it because you also got to have a healthy awareness of your own shortcomings and the fact that it is a challenge. You actually have to kind of struggle to meet that challenge. I totally agree, do not treat it lightly. By the same token, if you are practicing law and you want to do it and you are going to put in the work, then they is nothing to be afraid of.

EF: And you get there. If you fail once you get there eventually. Just go for it.

FC: My top tip for the BPC is that that is when your reputation as a barrister starts. I found that some attendees did not treat it very respectfully and everyone thought "Well, I'm never gonna refer work to you. I'm never going to recommend you as a barrister for family, crime, commercial, whatever it is". On the flip side, you identify who is really good. I have two friends, one of them practices crime, one of them does family, anytime I get any referrals for that kind of work I ship it straight to them and they do the reverse. Anytime they get commercial work, they flip it straight back. It is actually not as intense probably as full-time work in a solicitors' firm because it is all nicely set out - tomorrow you will have a moot, in a week you will have to prepare an advice. It is all fairly nicely structured. But, you got to treat it sensibly and actually act like you are already a barrister. Any tips from you guys [Emma and Stewart]?

EF: I found it really hard. Correct me if I am wrong, we are all type-A personalities, we want to do a really good job. But you are doing seven trials in six weeks, I had a 4-year-old kid. It goes back to setting yourself up. What I did was I organised with my ex-husband to help more with Henry because he had gone surfing for three weeks. If you can find support in some way to help you manage what you have outside then it is going to be easier for you. But, it is a lot of time, it is a lot of spending time in the library. Their printing is free but somebody is going to steal your printing. You make really amazing connections. I 100% agree with Florence that the way you treat people, it matters everywhere. It matters in your career now, it matters at the Bar Practice Course.

SW: There used to be a prize for the best performer. I think it is good that they got rid of that because I think it should be approached as a collaborative endeavour. And yeah, assisting your and seeking assistance from other people in the course is definitely a good way to go into it.

My other tip is do as much of the prep before day one as you can. A lot of the stuff, or at least some of the early stuff is released online, or it used to be, before things start off. You are going to be in a much better place to survive it with a bit more of your sanity intact if you try to do a bit of work beforehand. It might be that you also, depending on what you are doing with work, try to take some leave or finish up your job a couple of weeks before you start the course. I think if you are going to try and start the course on the Monday after finishing up at work Friday and the Monday morning is the first you are going over the materials that is going to be a huge challenge. Not impossible, but I would not set yourself up like that if you can at all avoid it.

Another thing some people try to do is schedule a little bit of a break between finishing the course and starting practice, a two-week holiday or go back to work for a bit. There are a variety of approaches, you should give that some thought. Are you going to try be in chambers on the Monday morning straight after you finish the course - you won't have your

your practising certificate so you got to be devilling - or arranging your room? Do you want to take a bit of a break before you get going? Not a bad idea at all if you want to do that, even if it is just a week, I think there would be a lot of sense in doing that.

We have covered a lot of ground already and we have a bit more to say but are there any questions up until here on anything that anybody wants to jump in with? We are more than happy to take them.

BUILDING CONFIDENCE IN YOUR ABILITIES

Audience: I think you touched on this a little bit earlier. Just with regards to starting to back yourself when you start, like double checking yourself and asking other people if [your work] is okay. Suddenly, you are adjusting that skillset to verbal and you cannot fix your verbal typos and you cannot check those references and double check what you are thinking. How do you go about that learning curve and back yourself and what you are saying or why?

EF: I don't know if it is something that is wrong with me but something happened to me. I don't know what it is but once upon a time I was like that. I have very good friends at the same place as me at the Bar, we talk about it all the time. She's like "I don't understand how you can do that". For my other friend, the more times that she gets feedback... This particular friend had lunch with her opponent. She was like "What did you think of my cross?" They said "It was great". The more time she gets that she is building her confidence. I decided to do that early. I started to do that at uni because I was doing mootings and the more times you do it, the more times you think "Actually, I'm pretty good at this". Just practice. I had a podcast, I was like, keep on talking. People were like "This podcast is great". Just find ways to test and challenge yourself and you will be so shocked. For instance, one of the solicitors that briefs me has been briefing me since the day I got out the door, she said "Emma, the way you talk, where you've come in twelve months, it's amazing". I did not even realise, you do grow. People know that you are less expensive, you take on things for negotiated rates or take on pro bono things or take on a lot of things more senior barristers won't and your skills will just develop. Does that answer your question?

Audience: Certainly, in a way. It is not so much geared towards public speaking in general but more about making sure that your opinion feels accurate, that you do not have to check your work.

EF: Find people to reality check it. I do this all the time. I do not know if you guys [Stewart and Florence] still have to. A barrister in my chambers, I was asking him something, he said "This is what I think".

SW: I think when you are talking about being on your feet in court and saying things on the fly that are not fully scripted, that is a challenge, it is one of the main challenges of the job. Going along to court as much as you can, seeing what other people do is really useful. Working as a junior with Silks and seeing how they do it is really useful. Paying attention when you are instructing as a solicitor to that sort of thing, see examples of it. Basic tips are, take a breath, take a sip of water if you need to. If you really need to, you can ask the judge for more time, particularly when you are starting out. 90+%, if you have been asked a reasonably difficult question, not a very basic thing, and you say "I'd like some more time to think about that" most judges will completely accommodate that. Silks do it all the time. If they want to, they will say "Can I come back to that?" or "Can I think about that?" Being able to recognise and not cover up things like that, weaknesses or tricky things or gaps in your knowledge, is actually a real skill you develop and when you say that you think you cannot show any weakness or any lack of knowledge because that is a sign that you are not good enough. But everyone, nobody has a complete knowledge of everything and actually fessing up to "I don't know what the answer to that is. I have to check that". In a conference saying "What does this even mean?" You know, a word that you think you should know rather than just pretending you know what it is and hoping nobody notices. All these things, which I certainly did when I started out because I thought I cannot show that I do not know this, you realise with time that it is actually fine to admit you do not know, particularly in a court case, if you have done the work, you have done the preparation and you know the facts that are in your brief as well as you can know them. If you have got the main authorities, as far as you can help find them, then if you got a curveball or something you do not know, it is okay to say "My understanding of the law is X but could I have a bit more time to think about it? Can I come back to it after lunch Your Honour?" or whatever it is. You do not have to always rush to an answer, and hope that it is right.

Then there are those sorts of tricks which, I will give you one, which is, sometimes you get asked "What's your authority for that?" Sometimes you can say "Well, it's really a case of you having to find the authority for the converse because that's a basic idea". There are things like that that you see other people deploy. My main tip is, do not be afraid to admit, acknowledge and ask for another chance to deal with it.

FC: Any other questions at this point?

BUILDING YOUR NETWORK WITH SENIOR BARRISTERS

Audience: You discuss how much work you get from other barristers as opposed to solicitors in the early stage, where you put your energy into building your communities. When should you focus on building your network with counsel or solicitors?

FC: At the early stage, I would focus my attention on other barristers. My top tip is busy barristers because if they are busy, more likely they have got too much on their plate and they will just say "Oh, you're the last person I had coffee with, come in, help me out with this document." You can also be doing that before you come to the Bar. Start having coffees with these barristers, get them invested in your career. Then, as soon as you come to the Bar, say "Oh, by the way, you know how we spoke twelve months ago about coming to the Bar, I'm finally at the Bar". Then they will say "Oh, well come in, help me out with this document". I found in the first two years more work came from other barristers and especially Silks. Like I was in Santos when I first started and I was in a lift and one of the Silks turns to me and was like "You look familiar, you were a judge's associate. Why don't you come help me with this advice that I don't have time for?"

SW: Hope in the lift all day.

FC: Be at the coffee shop, be seen. We call it calling on the Silks. That is an excellent way to get work as well. It is expected that when you first come to the Bar you call on all of the Silks.

SW: Some of the Silks.

FC: There are 110, there are too many. Focus on the ones who are in the area that you want to work in. They often will have something on their desk, literally. "Oh, yeah. Could you just take this week away and help me.

SW: It is the power of being in front of mind. If you are in the lift, if you go have a coffee, then if something comes in you are front of mind. I think it does depend on the area and I think it depends on you and where you have come from. I would not necessarily want to lay down a rule. My experience was more work came through barristers early on, certainly, as well. I did not have that many established networks of solicitors who had any briefing authority because we were all first or second year solicitors so I was not likely get any briefs that way. But I think if you are more senior in your field and you have got more years under your belt then maybe it is different. I would not lay down a prescriptive rule but you do need to be thoughtful and conscious of who you are engaging with and spending some time in those early months engaging with people.

EF: I can confidently say I know a lot of solicitors, you just never know who is going to brief you. I do not think you should ever really be worried about that because the right people will find you. I do nearly no devils at all. I am one year at the Bar and I probably have not been doing devils for three or four months. I will do those if I need money because the barristers I work for pretty much pay me the day that I invoice which is a saving grace because you never know when any of your other invoices are going to get paid. For me, again it depends, with family

law, because that is about 40% of my practice, maybe 30%, I would say 20% of that comes from people that I knew and 10% comes from barristers at my level because there is so much work it is "Who can do this? Who can do this trial?" Relationships are really important, no matter who they are with.

FC: Do people have questions about readership or is that too much detail? Would you prefer to hear a day in the life of myself as a probably a medium junior barrister? We have this whole tierage system of baby barristers, junior junior, senior juniors, junior Silks and senior Silks.

APPLYING FOR READERSHIP IN A BARRISTERS' CHAMBERS

Audience: I have a question about readership. For example, in this chambers, how many applicants do you get a year? The second part of that is, what sort of things do the people who read the applications actually want to know?

FC: Good question. There is a list actually on the Bar that identifies all the chambers that have readers rooms, group specific rooms that are at discounted rates that are for usually between 1-2 years and specifically for readers, Level Twenty Seven Chambers is one of them. We have probably...

SW: ...probably 7-10 for each Bar Practice Course, maybe something like that.

FC: When you think about it, there are probably about what thirty attending the BPC but not all of them do commercial. Those are the people you are competing with for a particular room. For us, it is about 7-10. We usually interview everyone. We try and both look at the CV but also want to see if you are a good person and are very personable. We are looking for really a good fit for our chambers. Whether or not the experience you have had at a solicitors' firm, the work that you are doing would actually work well with our chambers. We are predominantly a commercial set but people do have specialty expertise. I have an expertise in tax. Some people do P & E [planning & environment], some people dabble in succession law. It is really about whether or not your practice would fit well here.

SW: It is the same in a sense with any CV competition in a competitive environment, you are looking at something that kind of stands out a bit from the other applicants, whether it is a sort of work history or something in their letter. I would write a covering letter. Some people do, some people don't. So it was like emails "Here's my CV", I think is less effective than a covering letter but ultimately the things we are looking for are something in the CV that stands out to make you a more outstanding candidate than other people. Then when we meet on the interview, that you come across as the sort of person who we can get on with, and we think who would be able to fit the chambers. That is kind of our basic outlook. I think most commercial sets who do that sort of interview process would be similar. But one of the nice

things about the Bar is that variety and different sizes of chambers and even areas of law. I am sure there is variety across that as well. I think you want to get to know as many different chamber groups as you can, find out about them, everyone's got a website. You can go and have a look at them.

FC: Some people talk about whether or not to have their mentor in the chambers that you will go to because you get a senior mentor and junior mentor. We all have different views about that. I think it is good sometimes to have one mentor in your chamber set because then at least you know...it might actually help you to get into the chambers. Also, then you know that there is someone in the chambers who will feed you work. The flip side is, some people say have your mentors in different sets from you because that will build your network in your chambers, you will build your network in your Silk's chambers, you will do that networking with your junior mentor's chambers. Then you grow your network that way. Do you [Emma] have a view on that?

EF: I do not know if you want me to share with you how I got my chambers.

SW: Sounds like it is a good story.

EF: I think what I am about to say is really a reflection of what I have done throughout my career to build my network. Are you still going to talk to me? I promise you, this is exactly what I did. Because I did not know what my financial position was going to be, I did not know if I was going to have money. I did not know if I was going to be able to afford chambers. I had no frickin' idea what was going to happen in my life. I posted on LinkedIn. I had learned a lot about social media and using it. I literally posted on there with a picture of me saying "Hello, I need chambers", I think it was 5th March or something "Is anyone, you know...If anyone knows anything, can you tell me". The Silk from my chamber group got somebody to call me and then lo and behold, here I am. It is actually, strangely, he might have already known this is the perfect fit for my experience. The people are awesome. There probably won't be room for me after my readership but magic happens, here I am. So, there are so many ways that you can go to the Bar.

FC: Some people squat.

SW: I thought you were going to say you posted on Facebook, LinkedIn is fine.

I do think it is good to try and start to engage with the process early. We do get some applicants surprisingly late. I do not know why that is necessarily but I think if you can start with engagement earlier, certainly do that. Contact the head of chambers or look at the application process on the website, register your interest. It is really as soon as you have

decided what you want to do, as soon as you have put your name to enter the exam or something like that, I would start trying to canvas the application process and chambers process and work out what the potential options are. You want to also get as much of a sense of the chamber groups yourself as they need to get a sense of you, you don't want to end up in a place where your first year is an unenjoyable place to work because you have gone into chambers you actually realise you do not really like. Start early would be my main suggestion there.

FC: Maybe five minutes for some more questions then we might end it. We will hang around for a little bit so you can come ask us more questions. But does anyone have any other questions?

SW: No bad questions and no question is too broad or too specific, feel free to ask anything.

JOINING ORGANISATIONS AS A STUDENT TO HELP YOUR CAREER

Audience: You talked about building your skills set as a student based on moot competitions. Are there any groups that you suggest joining and building a sense?

EM: Looking at...Florence, I think for a while you were at QYL before the Bar? You know some sort of organisation. Kiarah had the opportunity to speak in front of you all, and I am sure that anyone who has been in any of those organisations that you can network. I have known Florence since before she recognised who I was. It hits multiple things on the head. You get the experience of speaking, you get other people to know who you are which is half the battle. I have all these videos, you can look at them on LinkedIn. I have not had enough time, I need to do some more but you know, it has a case summary when I was in my first six months in my three areas that I want to practice in. Is there anything else that you would recommend [Stewart and Florence]?

SW: Mooting is obviously the best kind of activity to do in law school to give you some kind of exposure to barrister work. The other competitions, negotiation, mediation ones, to ones around various places and times, do as much of that as you can. It is hard. Trying to get some sort of part time role in a litigation focused practice serving in a law firm somewhere that would probably be another thing you can try to do. It will give you some exposure to that process. I used to push the trolleys up George Street in the middle of summer and drop them off at people's chambers and hope to catch a glimpse of the barrister when I was doing it. I remember those days really well. You just got to be patient and hang in there. You will get that experience over time.

FC: For students, we do a Bar work experience program. Any student can contact our clerk and come in for a couple of days, getting a sense of what it is like to be a barrister. I wish this was available when I came to the Bar. The first time I came to the Bar, when I came into a

barristers' chambers, was when I was interviewing for a spot. Definitely come in, become comfortable with it, familiarise yourself. If you are a young lawyer, ask to come for a meeting in chambers, call for coffee with a barrister in a set of chambers. Come in, familiarise yourself with it, get comfortable, maybe even write articles or undertake seminars with a barrister in a particular area of law that you are keen to get into so that you have a start building those professional connections with people.

SW: Busy barristers would often be happy to parachute in and off the back of your hard work. So yeah, if you want to write an article and ask a barrister to co-author with you or present with you, that could definitely work.

LEARNING FROM MISTAKES EARLY IN YOUR BARRISTER CAREER

Audience: I have heard the advice that you should try to, as early as you can, make mistakes and that you should try to make those mistakes as lowdown and far away as possible.

SW: That is a good question. I have heard that advice too. How do you do that? It is a bit hard to engineer that yourself. I think if you come to the Bar just be ready to work and take anything. You will probably find it in the early years you do get a lot of crap to do. My first trial came in a plastic bag, one of those old, now illegal, plastic shopping bags, which was just a solicitor's file of loose paper in no particular order and they told me they could not pay for six months. That was it, that was my first trial. We settled it on the doorstep of the court. That experience...The solicitors on the other side subsequently briefed me and still brief me to this day. This is more than a story about taking work that does not seem very appetising. It is worth doing and doing as well as you can because you do not know where it is going to lead. I literally got an email today from that law firm about a new matter, still, ten years later. I think having an attitude of being prepared to take anything when you start is a big part of it. Then mistakes will happen, not in front of the Supreme Court. But my first trial in the Supreme Court was pretty early on, a two-day trial. At the end of my cross-examination of the first witness, I did the thing that they teach very clearly at the Bar Practice Course not to do which is to ask that one extra question. I asked it, it did not lose the case for me, but I did get this comment from the judge "Mr. Webster, I have no idea why you would possibly ask that question. Do you still want to ask it?" So I sat down, I thought I was terrible. I am now more careful when I ask the last question. So yeah, you are going to make mistakes and they might be in the Magistrates or Supreme Court. But, if you are learning, if people see that you are working and learning, I do not think it matters too much where you make the mistakes.

FC: Put your hand up now. Tell people that you are interested in advocacy. If there is a consent order, instead of briefing it to a barrister, say "I'll go down to the court and hand up justice in the form of a consent order" or "I'll run the application. I know the file inside out, it'll be cheaper for the client. You can look at the subs, I'll be well prepared" so you can start

putting your foot forward in the firm that you are in. But also yes, when you are a junior at the Bar, take anything and everything. I have cut my teeth on QCAT matters, I have driven all the way to Southport Magistrates Court for a crash and bash. Those kinds of little matters will come, you will get a variety. You get a variety of matters that you run yourself and then matters where you are being led. Both of them have pros and cons. Great to learn from other people.

EF: Yeah, touching on two points there, take everything but if you get briefed to run a Supreme Court trial in your first year at the Bar without a leader do really consider and question why you are doing it. That is the nature of it. Work that is appropriate for you will usually be what is offered to you. And if it seems inappropriate, there is a reason. It may be that the last barrister did not get paid. There may be some other much more significant issues and you need to learn what sorts of questions to ask to work out whether or not something is appropriate for you. I have done my own appeal decision at Holland Park Magistrates Court.

SW: They do not have a great track record.

WHAT DOES A TYPICAL DAY FOR A BARRISTER LOOK LIKE?

Audience: What does a typical day look like?

SW: We debated this when we were preparing. I suggested we could give you a sense of a good day and a bad day, there is a lot in between. Do you want to do a good day [Flo]?

FC: A good day is going to court and winning. There are not many professions where you actually get to beat someone. You have got to ride that high because inevitably, the next day, you lose something. I think a good day is actually being able to achieve something for your client, maybe doing something you are interested in, whether it is going to court on an application that you like doing...People actually pay you to research things and provide advice. Sometimes that can be a really interesting area of law so you just enjoy that moment.

SW: I think challenging days are the days where you feel like you are overloaded, you have a 'to do' list which is long and by the end of the day it is longer rather than shorter, like in many jobs, and you do not feel like you have the time to do the very thing which you identified was so critical for the job, which is to give sufficient consideration to the real questions you will be asked to resolve. You have this lingering doubt that you have missed things and you do not have the time to do it properly and you have only got yourself to blame because you have taken on too much work or you have not organised your time properly and by the end of the day you feel like you have achieved nothing. You have not given any good advice and you have probably stuffed something up. That is a bad day I think. Hopefully, that is not frequent but I have certainly had days like that. Then you find out you lost a case which you should

have won, all those things can happen. The biggest consolation in having bad days, and bad losses, is colleagues. Nothing better than going to have a whinge to a colleague about how the judge stuffed it up or how, or how your client did not take your advice. That is just what you need to do.

EF: The learned Magistrate erred.

SW: That is exactly what we say.

FC: Anything else to add [Emma] to a bad day?

EF: I think for me, like an actual day, being a barrister...So for example, today was day two of a trial, I do family, it ended up settling, but I was on my computer at home at 0530 working, got my son to school, arrive and doing more work on prepping cross, arrive at court 1000 thinking you are going to consent, looks like everything is going great. 1130 becomes 1730. Then another day, I might spend a whole week, two weeks, three weeks writing advices because that is the other part of my practice. I might be doing mediation. There are lots of things and then it depends on the practice area. But usually, it is always pretty fun. I do not know if I am going to feel like that forever but it is pretty fun for me.

FC: I think we probably should call it. We have run out of time. But we will hang around for more questions.

FURTHER RESOURCES ABOUT BECOMING A BARRISTER

FC: I will just leave you with some good resources that I would always recommend to junior solicitors who are thinking of coming to the Bar.

'Back to Basics' is a document produced by the QLS written by Kylie Downes [QC] and a number of other barristers. It gives you the absolute basics of everyday applications you could possibly run in the Supreme Court. So that is really, really good for grounding you before coming to the Bar.

I wrote a legal companion article. That is the booklet you would have gotten at admissions. It gives you the finances of how to come to the Bar. So how much are the upfront costs? How much is needed for setting up chambers? If you did not get that book on admission, because you are as old as I am, please feel free to email me, I can send you a copy.

BAQ [Bar Association of Queensland] have a lot of articles and a lot of information, so go there. Find out which chambers have readers rooms, how much it all costs to get practicing certificates and the like.

The last few things I would recommend is just email a barrister for a coffee chat and get some mentoring. Just be upfront. I have had a number of people come up to me and say "Will you be my mentor? I'm thinking of coming to the Bar. It might not be tomorrow, might not be in a year, or 10 years. But I'd love some guidance". Those resources would put you in good stead.

Thank you so much for your time.

Liability limited by a scheme approved under professional standards legislation