

# Innovation at the Bar – Who is leading the way?



## Report

By **Roxanne Selby**, Head of Courts Strategy  
(Thomson Reuters, UK & Ireland)



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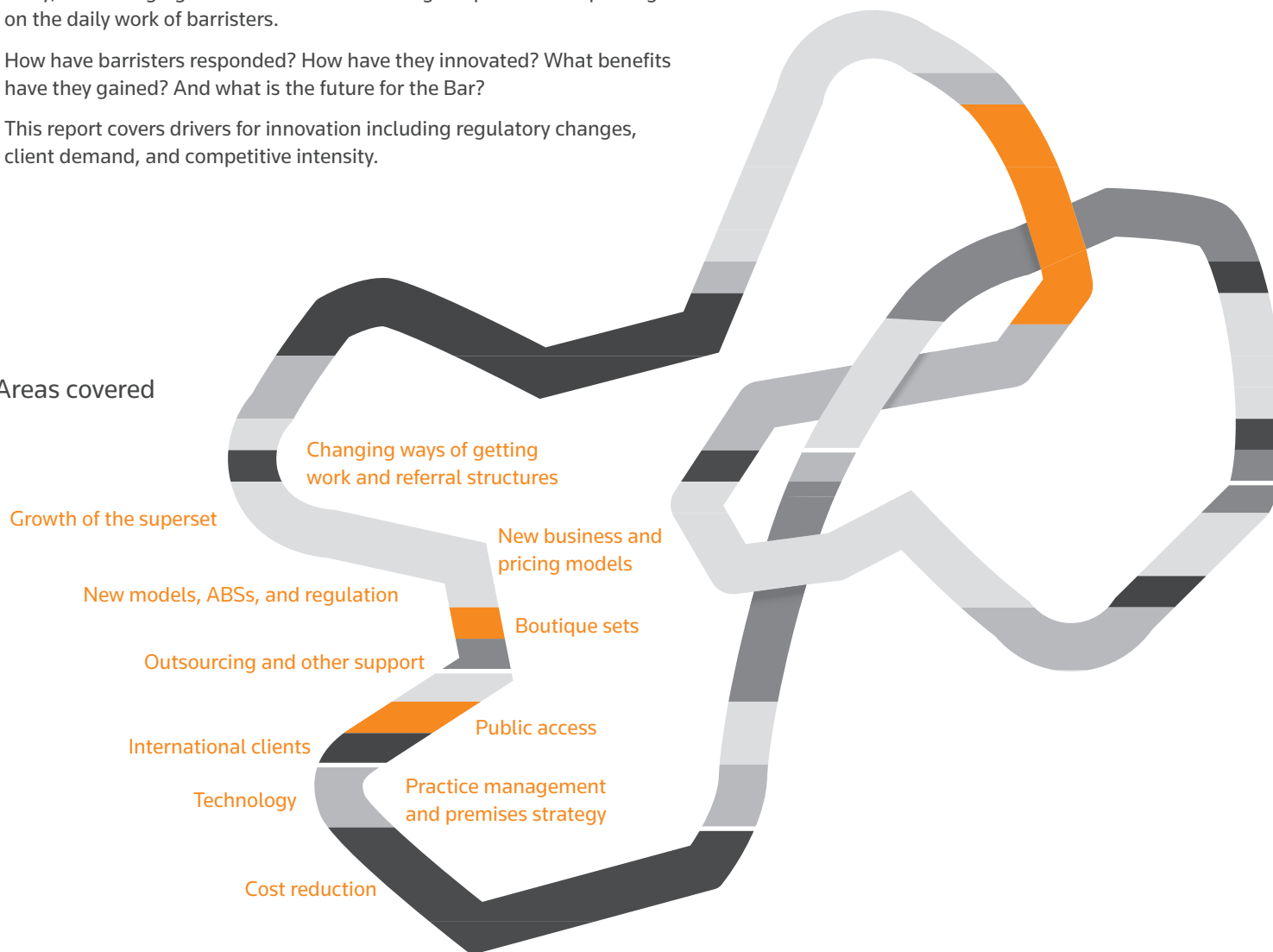
# Introduction

In recent years the Bar has faced rapid and unprecedented change. Funding cuts, new cost regimes, regulatory changes, increased barriers to entry, and changing client demands are among the pressures impacting on the daily work of barristers.

How have barristers responded? How have they innovated? What benefits have they gained? And what is the future for the Bar?

This report covers drivers for innovation including regulatory changes, client demand, and competitive intensity.

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# Background

The Bar is steeped in tradition. Although sometimes considered a dated profession hampered by antiquated structures, the Bar has a history of change dating back to its ejection from the City of London under Henry III.<sup>1</sup>

A strong independent profession vital to the rule of law, the Bar has frequently been in opposition to government and in crisis. In recent years, the Bar and work of barristers has changed immeasurably – due to cuts to legal aid and changing fee and cost regimes, increased barriers to entry, and changing client demand.

There is a Bar of two fortunes. The privately funded Bar thrives, contributing significantly to the UK economy. The commercial Bar continues its growth.

But the publicly-funded Bar remains under pressure. Decline in legal aid funding makes establishing a traditional publicly-funded practice challenging. While for some, innovation is about doing things better, for many 'innovation is something you do to survive' (Stephen Ward, Clerksroom). What is clear is that the profession has changed immeasurably over the last few years, with increased barriers to entry and reduced public funding in areas like crime and family, as well as increased court fees, and the introduction of fees for employment tribunals. All this has affected the volume of work and the market's willingness to pay for it.

With the future bringing further reforms to areas such as PI, the introduction of online courts for low value cases, and online dispute resolution, barristers need to adapt to embrace new opportunities and plan how to tackle the market changes. And chambers need to consider all areas of their strategy to prepare for the future.

Compiled from conversations with named and anonymous barristers, clerks, CEOs, and others, this short report focuses on the players 'in a great position to redefine the market' (Simon Gittins, Absolute Barrister). It showcases those at the forefront of barrister innovation.



Innovation is something you do to survive.

Stephen Ward, Clerksroom

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<sup>1</sup> On Henry III's decree that no legal institutes could exist in the City of London, see <https://www.graysinn.org.uk/history>.

# Tradition and innovation

Are there flaws in the traditional chambers structure? The democratic model of governance can precipitate slow decision-making and a lack of agility. Some barristers felt that it was hard to drive through change or to develop specialisms when subsumed within a large set.

The chambers structure in some instances acts as a barrier to broader, more strategic thinking. Simon Gittins, barrister and co-founder with his wife Katy, of Absolute Barrister, commented, 'the typical chambers model – which has y people who need to be in work tomorrow at x rate – does not allow for long term thinking' (Simon Gittins, Absolute Barrister).

Yet from our conversations sluggishness is not always the result of the chambers model. Frequently it is the result of leadership structures that perpetuate mass participation in decision-making – among all sizes of set. Some chambers have moved to counter this. David Barnes, Chief Executive and Director of Clerking at 39 Essex notes that his set has a management committee comprised of representatives from all levels of practice.

Individual barristers thus feel engaged in the decision-making process, without the need to be involved in every decision.

Other chambers, such as Clerksroom, adopt a limited company structure, taking the business of running chambers away from the barristers. This enables swift implementation of

new strategic initiatives, and clear transparent systems for investment and growth. With a clear focus on the changing legal landscape and demand for specific work, Clerksroom support their self-employed barristers in the development – and, where desired, diversification – of their practice.

Many sets combine the best of modern-day practice and business management with the historic structures and traditions of the Bar, and its characteristically fierce defence of the principle of access to justice. David Barnes comments, 'we have a commitment to high quality advocacy in every tribunal and court. Law should not just be about money; it's about providing access to justice, (David Barnes, 39 Essex). This is often evident in the design of the modern chambers: visits to sets find numerous examples of tradition blended with modernity: traditional law books repurposed as furniture, given their redundancy in the modern, paper-free set, historic artefacts combined with modern, state-of-the-art conferencing centres.

What is clear is that chambers will continue to develop: supersets will grow, sets will merge, others will fold, as areas of work wax and wane due to legislative and regulatory changes and the court reform agenda. Some speak of the probable demise of mid-market and middle-sized sets. Yet this kind of change is not driven entirely by financial success or failure. The future of some sets can be precarious. It depends often on the existence of individual high-earners, personalities, and the balance of power and harmony between practice groups.

What is clear from all our conversations is that the Bar must get comfortable with constant change and to learn to capitalise on the opportunities it affords. Those managing chambers need to ruthlessly define what their businesses are to achieve, what their staff and barristers need, and how to serve their clients' ever-changing demands.

We have a commitment to high quality advocacy in every tribunal and court. Law should not just be about money; it's about providing access to justice.

David Barnes, 39 Essex

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# Efficiency of the traditional chambers model

The traditional solicitor–Bar referral model provides efficiency for law firms instructing them. Firms use the Bar to bring in specialised agile resource as and when required. The private practice solicitor market has changed. Solicitors are under increased pressure to demonstrate value for money to savvier than ever in-house clients, often themselves from private practice backgrounds, with their own views on how to transform their legal spend and deliver value to the business. And their own views on the barristers they want to instruct. This drives a need for focus on client satisfaction, increased engagement with the client base, and price competition.

Indeed, while many consider the Bar an old-fashioned, inefficient model, in some ways it is at the cutting-edge of the legal profession, the agile approach emulated by forward-thinking agile law firms. The self-employed model fits well with the current ‘gig’ economy. It combines the efficiencies of self-employment with human skills. Paul Martenstyn, Deputy Senior Clerk at Fountain Court, is a proponent of this view. He notes that the Bar’s model is ‘lean, conflict-free, and cost effective, a QC often costing the same or as much as a senior associate in a law firm’ (Paul Martenstyn, Fountain Court).<sup>2</sup>



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Paul Martenstyn, Fountain Court

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<sup>2</sup> Paul Martynstyn has also shared these views in recent articles, such as ‘Raising the Bar’, New Law Journal, 28 November 2016, and ‘The Modern Clerk in a Modern Bar’, Counsel Magazine, July 2011.

# All change even in traditional sets

Traditional sets engage in innovative behaviour. They put emphasis on client service, international business development and marketing, and premises that physically encapsulate the blend of tradition and modernity. 'I don't see it as innovation. It's a natural extension of the services we offer to clients.' (David Barnes, 39 Essex)

Sets are responding to pressures, such as changing demand, price competition, and court digitisation in a variety of ways. They have a new focus on the kind of strategic, managerial, organisational, and marketing innovation seen in other industries, generating improved cost control, credit management, and client service. Time recording, digital management, and processes are common. As are increased management skills, whether by the introduction of senior managers from outside the Bar, or by increased staff qualifications such as CIM are a factor. Many chambers are considering strategy broadly in the face of changing structures. Some have responded to market feedback to streamline their range of expertise.

Others have expanded their offering in response to wider client demands, or the aim to service a wider range of their client firms' departments. Fountain Court, for example, has expanded due to the phenomenal growth at the commercial Bar, with an additional white-collar crime specialism, led by Richard Lissack QC. 39 Essex has expanded widely beyond its original core areas, partly organically, as well as by specialist lateral hires.

Changing fee structures mean that some practice areas continue to earn the same but with worse cashflow and payment periods. Profitability is changing by areas of law, fee type, and likely payment terms. This has driven a need to flex and consider different areas of work, such as mediation and public access (with its attractive pre-

payment model). In some cases, this has not been easy and continued agility remains key. Common law sets which had attempted to diversify away from contracting areas such as crime or family have seen reduction in demand due to the introduction of employment tribunal fees, and yet further reform to personal injury is on the cards. Ongoing creativity is needed.

Individual barristers are diversifying their practice away from areas that have been badly hit by funding cuts. They need to be open to new areas of specialisation and adept at skilling themselves up and marketing themselves.

Premises strategy is increasingly under scrutiny. Clients expect modern facilities and state-of-the-art technology combined with the historical tradition of the Bar. Fountain Court's recent premises expansion perfectly epitomises this trend. With an elegant blend of tradition and innovation, its new facilities transform the space and were created directly to provide more efficient service for the set's premier client base. Some sets have forsaken the inns for new, more cost-efficient locations, reducing barrister contribution. Some acknowledge that they have too much space for the changing face of the Bar, in which paper is less common, electronic-only libraries standard, and barristers increasingly work remotely. Others feel the location in or near the Inns remains important for them and their clients. However, they are finding ways to do this in a more cost-efficient fashion, whether by size and economies of scale, or by adopting small offices, with serviced offices or conferencing facilities in regional centres. Clerking operations do not need to be in the centre of London, but, as for Clerksroom, can be run from elsewhere. For paperless sets the dearth of paper provides the ability to reduce footprint.

Likewise business development activity has changed. A new breed of chief executives and superclerks work with →

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# Client service

their barristers to provide a full panoply of sophisticated client development initiatives far beyond the traditional beer and football.<sup>3</sup> Digital marketing is common. Digital marketing tools and perceptions surveys are used. Qualifications such as those awarded by the Chartered Institute of Marketing (CIM) and Institute of Leadership and Management (ILM) formalise business knowledge and provide strategic tools to create sophisticated clerking operations.



I don't see it as innovation. It's a natural extension of the services we offer to clients.

**David Barnes, 39 Essex**

The Bar's key aim is the better service of their clients. 'What matters is high quality client service' (David Barnes, 39 Essex) and client service is 'part of the DNA of Fountain Court' (Paul Martenstyn, Fountain Court). Consistent superior service was repeatedly cited as key to all sorts of chambers. Sets also need to understand what their clients see as good service. They engage in a range of initiatives to tap into the changing market, to deliver in accordance with the changing private practice and increasingly sophisticated in-house market. These include client surveys, formalised feedback gathering, and practice reviews for barristers. Sets are increasingly responding to the need for alternative billing structures, to the need to serve a range of practice areas, and to work in pan-practice area teams with internal and external colleagues.

Clerksroom have written an operations manual for the barristers, including service levels. Systems enable them to collect the management information data to manage barristers' performance and timeliness and to report on this to clients, demonstrating commitment to excellence of service. Sets such as Richmond Chambers place service at the heart of their business, with client reviews integrated via Google into the website and forming an important component of the marketing activity.

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<sup>3</sup> See Paul Martynstyn, 'The Modern Clerk in a Modern Bar', Counsel Magazine, July 2011 and 'Adding Value and Investment', PSMG Magazine, February 2013.



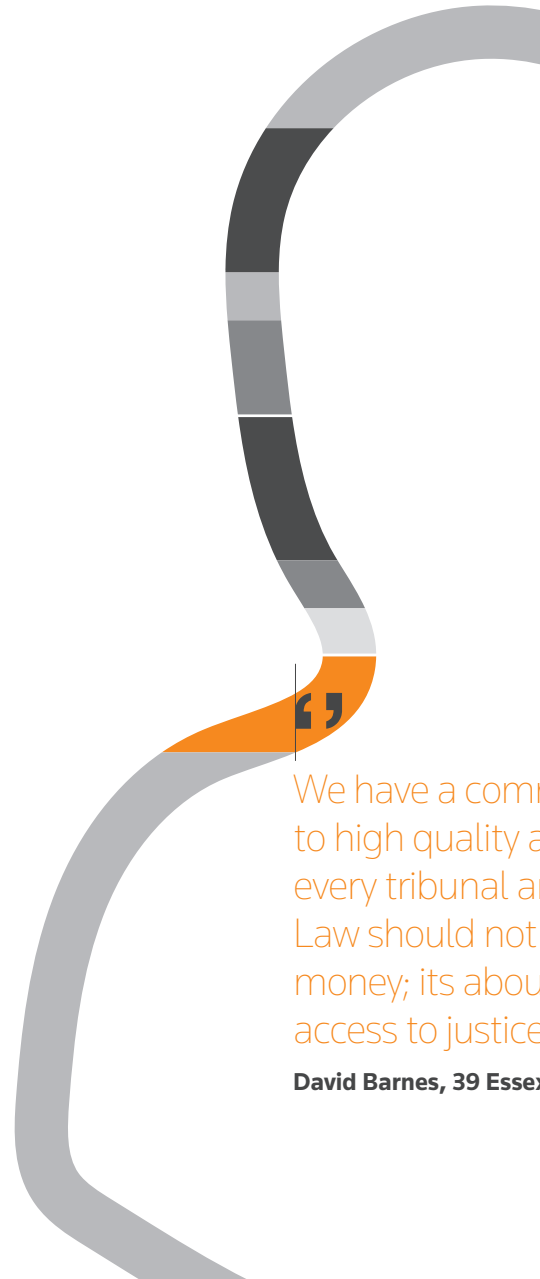
# Growth of the superset

The growth of the superset has been a defining feature of the changing landscape of the Bar over the last decade, especially in areas of commoditised work where volume brings economies of scale. Chambers in family, crime, civil, and chancery are becoming larger. For some this model works well.

Changing client needs place the need for delivery of efficiencies at the centre of Chambers' work. With a changing in-house market of savvy lawyers from private practice, delivery of a more linked up and rounded service becomes critical. Firms likewise want top level consistent access, with good service delivery models, and supersets are well placed to address work from a full range of departments in a firm, connecting different skills on the same team. 'Our ability to provide a team of barristers across different areas, environmental, energy, PI, commercial, distinguishes and differentiates us' (David Barnes, 39 Essex). And an efficient, strong clerking operation is needed to provide this as well.

The size of these sets can also render cost efficiency and reduce contribution to the individual barrister, as well as leading to less need to press clients for fee increases, and enable continued commitment to legal aid work. 'We have a commitment to high quality advocacy in every tribunal and court. Law should not just be about money; its about providing access to justice.' (David Barnes, 39 Essex).

Yet this is not the way for all sets. Some prefer to serve only 'premier league' clients. Growth in numbers may necessitate a more diversified client base. Where sets are smaller, clerks may feasibly possess deep knowledge of a wider proportion of their barristers' practices. Smaller size may enhance collegiality – which can be challenging to maintain in a digital era.



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**David Barnes, 39 Essex**

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## Growth of boutique sets

There is consensus that larger sets have a prominent place in an increasingly competitive market. However, the liberalisation of the profession and, in some instances, perceived structural barriers to building a specialist practice within traditional common law or wider sets, combined with changing client demands, an existing boutique law firm market, and increased client sensitivity to conflicts of interests has led to the growth of specialist boutique sets run by established practitioners with stellar reputations and established client followings.

For some of these, the large chambers structure and supersettification have been a push factor: decision making by committee making it difficult to access funding for marketing and development of specialist practice groups, in an age where potential clients expect to access a barrister's website and immediately glean the specialism they desire. Some felt that the structure of chambers no longer worked. Some even queried the future of the self-employed Bar. But for most the most significant factor was the self-sufficiency of their own practice, the thrill of building their own brand, and the flexibility to develop their own business. Development of more creative revenue streams or business models is also a draw.

Boutique sets typically fill a clearly identified niche. Forum Chambers was founded to fill a gap in the market for the go-to set acting against the banks. While there were a number of chambers known for acting for banks and other financial institutions, there was no set with a reputation for acting for the users of financial services against such clients. Likewise, Richmond Chambers had as its genesis the difficulty of serving immigration direct access clients directly from within the traditional chambers structure. Common to these niche sets is their importance of greater team working to better serve clients, both between individual barristers, and between staff and barristers.

## Changing client needs

Barristers innovate to meet the need of their changing client base. The need for a more efficient and rounded service is a key imperative.

In the traditional referral market, solicitors are under increased pressure to deliver cost-effective service from a growing sophisticated in-house clientele. They want increased value for money, with improved service delivery.

Some in-house solicitors expect to recruit their own panels of barristers with significant knowledge of their business as well as sectoral experiences. Some want to use barristers with whom they are familiar from private practice. They then get them to work with their panel solicitors. While not all barristers will have contact with the end client directly, some clients conduct joint reviews with barristers and panel solicitors.

Many chambers have contracts with a range of in-house clients, including insurers, local authorities, banks, and regulators, conducting work directly for these.

International clients represent a new wealth of opportunity many sets are capitalising on. Many sets see this as critical and are opening satellite offices overseas, investing significant business development resource, and recruiting overseas practitioners. Centres like the Middle East and Caribbean as well as the Far East represent phenomenal growth opportunities. Some of these clients do not understand the division between barristers and solicitors. As a result, sets are behaving more like firms, or adopting different structures to cater for clients who want to deal with a regulated entity. Sets are also looking to technology to support international expansion, with diary management, and practice management software,

Elsewhere consumers bring new challenges. Daniel J. ShenSmith, entrepreneur and co-founder of →

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# Regulation

ShenSmith Barristers, notes that public access clients are used to the 'live feed lifestyle, where they expect responses in minutes not days' (Daniel ShenSmith, ShenSmith Barristers).<sup>4</sup> This provides challenges to the barrister with a court-based practice. How to juggle the inaccessibility of the courtroom with the client expecting 24/7 phone and email access? How to find the mental space and lack of interruption to digest lengthy and complex materials and to formulate sophisticated arguments? The volume of work and the different needs of consumers, including their lack of basic legal system knowledge, and the tendency to dump carrier bags of material, adds to the unpredictability and volume of a public access clerking operation or of a barristers' practice.

Across the market, there is a need for commerciality, access, and value for money. Flexibility on fees is also key. Barristers are using a variety of fee models, hourly, daily, and fixed fees, all in the regular arsenal, as are hybrid fees, legal aid payments, and DBAs. Sets such as Richmond Chambers have built Google Reviews into their website, enabling accountability of all barristers, ensuring the team's relentless focus on client service, as well as acting as excellent and very efficient marketing. Regulation has been liberalised to enable the development of different models, such as BSB-authorized bodies and the recently launched and much-heralded BSB-licensed Alternative Business Structure models.<sup>5</sup> But change has not been fast enough for many.

<sup>4</sup> See, for more on this, Daniel J. ShenSmith, 'Law of the Land, Lawyer of the Times, Solicitors Journal, 26 April 2016.

<sup>5</sup> The Bar Standards Board has information on entities, including Alternative Business Structures, on its site at [www.barstandardsboard.org.uk/regulatory-requirements/entities](http://www.barstandardsboard.org.uk/regulatory-requirements/entities) (accessed 10 March 2017).

And that more change needs to happen to enable a future including AI and automation that is inevitable.

Simon Gittins of Absolute Barrister has long noted that regulation is too prescriptive: it has departed from general and fair principles which allow innovation, and, crucially, access to justice. Regulatory prescriptiveness needs to move away from the typical chambers model, which has itself led to fewer barristers coming through than previously.

Simon notes that the resulting tight control of the Bar structure also means not enough work for pupils. He also contrasts the legal profession – which has had a similar ratio of barristers to solicitors over the last few years, with professions such as medicine, which have seen increases in the proportion of experts.

Has the tight regulatory control stymied the number entering the Bar? If the legal market were to be created now, it is true that it probably would not have the structure and control enabled by the current regulation.

And others note that regulators are too slow to keep up with new developments such as AI. Law and the legal market is too slow and regulation has stymied barrister innovation.

“  
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Daniel ShenSmith

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# Public access

Public access frequently emerged as an area of phenomenal opportunity. It can also benefit the consumer, who can significantly reduce their legal costs. As Dr. Yuri Rapoport, Founder and Chairman of the Kohen Rapoport Group, highlighted, 'Public access is a response for the need for more accessible consumer services. And it benefits the consumer because there is greater competition' (Yuri Rapoport, Kohen Rapoport).

The relaxation of the public access rules in 2004 opened the market, allowing barristers to take work directly from businesses and consumers, rather than through a solicitor.<sup>6</sup> While growth of this work has been gradual – in part due to sets not wanting to alienate traditional solicitor clients, as well as due to uncertainties surrounding dealing with the lay client, and an initial lack of public awareness – it is now a rich seam of prepaid work to many. Along with it, barristers have needed to focus on client care, approachability, while often needing to be firm with the demanding needy client. They have also needed to get to grips with new approaches, such as being prepared to talk to someone before they are formally instructed and paid.

A range of innovation has supported the growth of this work. Prudence Beever, of St John's Buildings, and Mike Whyatt, of 15 Winckley Square, were early to realise the opportunity of public access at a time when the decline of legal aid was likely to pose significant challenges. Awareness of this opportunity, combined with the challenge of marketing this expertise in traditional sets, whose core solicitor client base may feel threatened, led to their foundation of the Bar Council Direct Access Portal, with which they are now in equal partnership with the

<sup>6</sup> Bar Standards Board Public Access Rules is on its site at [www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/public-access/](http://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/public-access/) (accessed 10 March 2017).

Bar Council. A defining principle of the site was that it is free to join (barristers need only pay their Bar Council Representation fee) and free for the public to access. Between 3,500 and 4,000 barristers have now joined the site, with further growth likely now that more than a third of the Bar are registered for public access work.<sup>7</sup> It has already been a source of high-quality instructions for many barristers, as have associations such as the Public Access Bar Association (PABA).

The biggest opportunity of public access is that of prepayment, in an era when fees are declining and when cash flow delays are a regular occurrence. But it also opens up a vast new market to the Bar, opening up the wider £32bn wider legal market.

The public access Bar also provides a cost-effective route that may appeal to those who may previously have been deterred from pursuing their case. This provides important access to justice, along with new competition and new ways of achieving value for money. While barristers such as Tim Becker, an early mover in the public access work acknowledge that 'the carrier bag mentality can overwhelm' (Tim Becker, Murbeck Law), the rewards can be strong.

Barristers are currently split on public access. Evangelists note the benefits of money upfront and potential to serve latent unmet need. Others flee, fearing excessive client expectations, or believing some clients to be best served by solicitors. Although BSB research shows only a small proportion of barristers to be generating a high proportion of their income from public access work,<sup>8</sup> for those with the connections and creativity and prepared

<sup>7</sup> BSB research into the public access scheme showed 5,695 out of 15,915 barristers registered for public access when the research for the April 2016 research was conducted: [www.barstandardsboard.org.uk/media/1754315/public-access-final-report.pdf](http://www.barstandardsboard.org.uk/media/1754315/public-access-final-report.pdf)

<sup>8</sup> BSB Research into the public access scheme, April 2016, [www.barstandardsboard.org.uk/media/1754315/public-access-final-report.pdf](http://www.barstandardsboard.org.uk/media/1754315/public-access-final-report.pdf) (accessed 10 March 2017).

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to put in the legwork, significant rewards await. →

Public access is also generating creative new business models, as shown by organisations such as Absolute Barrister, Clerksroom Direct, ShenSmith Barristers, and P[X] Direct, as well as sets such as Richmond Chambers, Brightline Law, PI Law Direct, and others. Some organisations are even taking on the high street, using their litigation rights to provide a full style service.

Many of these spring from the realisation that, as Stephen Ward, Managing Director Clerksroom, comments, 'the traditional chambers is not set up for public access' (Stephen Ward, Clerksroom). Clerksroom developed its separate Clerksroom Direct brand to cater for this market, adapting its business model to cater for the different needs of the clientele. Stephen Ward noted that, while the period from telephone call to instruction is just eight minutes for solicitors, for public access clients, it is 30 minutes. As such, Clerksroom adapted the traditional clerking model and skills to reflect the shifting cost base, with specifically trained public access clerks. Clerksroom also noted that the stalwart chambers practice management systems such as Lex and MLC did not cater for this developing work. Their response was to build their own software system to manage this process. This covers the full workflow, including POCA, conflict checking, credit checking via Experian, and card processing within the payment system so that searches can be tracked from Google through payment, which is now sold to other chambers.

Marketing has been a frequently mentioned issue in relation to public access work. This is despite initiatives such as the growing Bar Direct Access portal, created by Prudence Beever and Mike Whyatt. As Prudence Beever notes, 'clients need to be made aware of the choices they have and the options available to them in the legal

market.' (Prudence Beever, St John's Buildings). Simon Gittins, of Absolute Barrister, notes the need to educate the market.

Barristers need additional support reaching the public. Businesses like David Allen's City Leads helps barristers use social media, such as LinkedIn, to identify and nurture new specialist prospects. Daniel J. ShenSmith, of ShenSmith Barristers, has used the entrepreneurial skills honed in areas as diverse as martial arts and skirting boards, to market ShenSmith's barristers to grow work in this area. ShenSmith's unique videos of their leading barristers such as Stephen Harvey QC help potential clients know and trust the barristers prior to instructing. Videos help make the law and legal process look approachable. Daniel J. ShenSmith points out how unique this has been: 'ShenSmith are innovating not just the Bar but are innovating the entire legal industry' (Daniel J. ShenSmith, ShenSmith Barristers). For Clerksroom, Stephen Ward notes that their public access clients are increasingly savvy. They know what the Bar does and that they can use them directly. However, they are still only part of a small proportion of consumers and small businesses with this awareness.

Many public access businesses focus on the core provision of advocacy and advice services. Others are conducting litigation on behalf of clients. The lines between law firms and the Bar are becoming increasingly blurred in some areas, a development that will only increase with the maturity of public access, the recent introduction of licensed-entity ABSs, as well as parallel developments in the solicitors' market, such as the rise of solicitor advocates. Convergence may become closer to the norm, a response to structural issues with the current legal market. Simon Gittins of Absolute Barrister notes the inevitability of this, 'if you draw a map of legal services now, it doesn't work

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# New models and ABSs

structurally' (Simon Gittins, Absolute Barrister).

'We are on the cusp of big change' (Daniel ShenSmith, ShenSmith Barristers). Barristers are increasingly looking at different business models and structures. While the take-up of BSB-authorized bodies has been modest, feedback shows that BSB-licensed ABSs have been awaited eagerly by many.

Many of those we spoke to had already explored or ventured down the ABS route. Richmond Chambers, an award-winning barrister-led law firm, for example, set up an SRA regulated ABS. Paul Richmond and Sarah Giddens say that this provided the ability to engage in strategic decision-making about the capacity and direction of the work, as well as enabling a non-lawyer partner to enter the business. It also reflected the international client base of the set's clients: their international clients preferred dealing with a regulated entity. Further, the ABS structure and use of legal associates enable the running of a public access practice in a way the traditional chambers structure does not. Richmond Chambers is a perfect example of the blend of a new structure with the traditional, familiar way of working of the self-employed Bar, delivering services true to the way in which classic public access practice was designed.

Many, such as ShenSmith Barristers and Absolute Barrister, have been waiting for BSB-licensed entities to adopt ABS status. ShenSmith Law is one of the first to become a BSB Licensed entity. Many more are watching the space with interest. In these new structures non-lawyers and clerks can share the success of the business, serve a specialist client base. Crucially for innovative technology providers such as Absolute Barrister,

external investment can fund technological innovation such as innovative client tools or AI to revolutionise the legal workflow. ShenSmith Barristers, already considered a chambers in any other sense of the word, is adopting a model that will be 'a hybrid between the typical law firm and the Bar' (Daniel ShenSmith, ShenSmith Barristers). With a license to instruct and led by litigation authorised barristers, they will be able to do solicitor work, instruct counsel, although the requirement will retain to either use escrow services such as BarCo or to take up front fees. Tim Becker and Peter Murray will look at an ABS to formalise their unique barrister-professional collaboration, Murbeck Law LLP. What is clear is that the introduction of ABSs will lead to further fragmentation of the Bar market, with increasing flavours of services, some remaining static, others adopting a range of models.

Can ABSs also address the issue of the challenges of the aging Bar in an era when the number of pupillages has declined to around 400 per year? The structural unwillingness to take on more pupils than a chambers can support? Fierce competition to get into traditional chambers is likely to mean a healthy appetite for ABSs to provide alternative training to secure the future of the profession.



We are on the cusp of big change.

Daniel ShenSmith, ShenSmith Barristers



If you draw a map of legal services now, it doesn't work structurally.

Simon Gittins, Absolute Barrister

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# Changing referral structures

The way in which clients access legal services is changing. There is a move away from the traditional solicitor–barrister referral structure to a new web or matrix in which the Bar might be as likely to face competition from in-house solicitor advocates or to refer work to solicitors as to receive traditional referrals. It is no longer always the case that solicitors recommend barristers suitable for a matter to their clients. Public access means that, even where barristers are not directly conducting litigation, they may secure clients directly and refer work back to their preferred solicitors. Likewise, increasingly clients might come first to a barrister who might refer them to solicitors for support with documents and the litigation process. Or the in-house client selects its own barrister.

Further, barristers are increasingly presented to clients as part of a team, engaging in joint business development initiatives with firms or other professionals. The Bar is moving away from an individualistic focus, with many sets only recruiting those who can operate as team players, working closely with colleagues and prepared to market chambers rather than just themselves.



...barristers will work more frequently with non-lawyers and other professionals.

Tim Becker, Piccadilly Chambers

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# Working with other professionals

As the referral structure has changed, 'barristers will work more frequently with non-lawyers and other professionals' (Tim Becker, Piccadilly Chambers), using these new routes to gain reliable new high-quality work. Tim Becker, of Piccadilly Chambers, one of the first barristers to embrace public access work, has set up a unique close collaboration with Peter Murray, an experienced company and insolvency consultant, of [insolvencyandlaw.co.uk](http://insolvencyandlaw.co.uk). Peter refers all his legal work to Tim in a unique model that is one of the most sophisticated at the Bar, which does not replicate the traditional solicitor-barrister relationship. Tim says, 'Traditionally, barristers have been a bit sniffy about working with non-legal professionals. But it opens up a whole new range of work' (Tim Becker, Piccadilly Chambers). It has also been another route to cost efficiency: Peter Murray acts as an administrative support interface between the barrister and client. While the cost of a combined solicitor-barrister team might be £15k, the same service can typically be offered for around £10k. Combined with a fixed fee to the client, based on a guideline hourly rate, this delivers excellent value for money while providing a reliable stream of work to the barrister. Coupled further with paralegal support for any necessary bundling and Legal Cost Finance provided by the Kohen Rapoport Group for clients who want this, the offering to the client is very powerful.



Traditionally, barristers have been a bit sniffy about working with non-legal professionals. But it opens up a whole new range of work.

**Tim Becker, Piccadilly Chambers**

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# Technology

For many, technology is synonymous with innovation. And it is increasingly used as a way of delivering cost effective solutions to increasingly demanding and savvy clients accustomed to technology in all other areas of their life. 'Consumer demand is driving the use of technology to change the practice of law' (Dr. Yuri Rapoport, Kohen Rapoport Group).

In addition to software such as MLC and Lex to power chambers, sets are introducing software such as time and billing to measure efficiency of barristers and improve billing systems. Barristers are increasingly embracing technology such as cloud-based working, or matter, case, and practice management solutions such as Briefed and Hyperlaw to improve their work. Forum Chambers, for example, use Apple technology, to streamline processes. They are constantly looking out for ways to improve efficiency.

Technology and cloud-based solutions are also used for communications, conferences, and client interaction, especially in chambers' pursuit of increased international work. Paul Richmond and Sarah Giddens of Richmond Chambers note that clients increasingly submit applications and have conferences online, meeting barristers only at court – if then. In areas such as crime, the Digital Case System has forced barristers to adapt. eBundling is common in areas such as family. The Commercial Court expects techsavviness.

Barristers have also embraced tech innovation, drawing on their experience to transform the barrister experience, and provide solutions that address particular painpoints in the barrister workflow. Orlagh Kelly's Briefed is one such innovation. Generated out of her experience as a barrister working in child cases in the family courts of Northern Ireland, Briefed was the first mobile practice management platform for barristers. It reduces time spent on managing the small business demands of running a practice rather →



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than on practising law. While developed in the different system of Northern Ireland, many of the painpoints addressed persist even with the support of the chambers structure and clerks. Barristers still need to manage their tax and VAT, draft and store documents, find ways of working while waiting at courts or in transit, and look after their CPD. Those working with public access clients especially need the ability to store documents and maintain a paper trail. The platform limits the burden of dealing with the end client, also offering a marketing and networking platform to those using it.

Initiatives such as DigitalBar.co.uk, a forthcoming initiative from ShenSmith Barristers, which will provide the ability to work on the move and store documents and email via Google, are likely to transform the way that more barristers work.

For Clerksroom, the creation of its unique own public access software, which it sells to other public access sets, has had the added benefit of shifting it from being purely a chambers to being a hub – a competitor to other chambers, a supplier, and a provider to the wider market. Over 200 chambers now use this software. And Clerksroom have also recently announced the development of Billy.Bot, a robot clerk sitting on top of their services, and with access to information via APIs, social media, and databases. Using natural language processing, Billy.Bot can find potential answers to basic questions. He can be replicated and plugged into any major website where someone is looking for a legal answer and will be on five major sites at launch. He will also be able to directly create cases and diary bookings, without clerk involvement, book mediations and reviews to the appointment stage, and signpost people to the relevant service.

Absolute Barrister, the brainchild of husband and wife team Simon and Katy Gittins, is looking at ways to deliver the best, most cost-effective advice to clients via technologically enabled

delivery and automated processes. Absolute Barrister delivers all existing legal functions with technology. Clients can access their case on any device at any time. Crucially, their system is also AI ready in a world when many are still debating what AI means for them and in which many barristers regard as something that applies to their clients. As Simon Gittins states, 'Absolute Barrister is AI ready', and they are not going where the market is but are themselves going to make the market.

Barristers also need to understand the opportunities and pitfalls of this new digital world. In building Briefed, Orlagh Kelly realised the complexity of data protection requirements and the risk posed by this area to the barrister, creating a bundle of data protection compliance tools that are delivered online to barristers, helping them meet regulatory requirements fast and cost effectively.



Absolute Barrister is AI ready.

Simon Gittins, Absolute Barrister

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## Support

As barristers face the challenge of delivering more for less, an industry has sprung up around the provision of support enabling them to focus on their core practice. With many businesses aiming to support the growing public access movement and changing face of the Bar.

The raison d'être of the Kohen Rapoport Group, for example is to free up the lawyer to provide access to justice to the consumer. Its flagship brand Legal Cost Finance provides innovative cost-neutral plans for cases too low value for the litigation funding market, but where people would prefer not to fund a case from their savings. For the barrister, there is then the substantial benefit of prompt payment – and of high quality work that may previously not have been pursued. The group also provides lawyers with Legal Process Outsourcing (LPO) via its UK-based, highly skilled paralegal service P[X] Paralegal. Its Catalist Bar service enables barristers to get fully funded cases with properly prepared papers. Further barristers can engage P[X] Paralegal's services on complex, paper-heavy cases.

The group has also drawn on these brands to launch two exciting new services: P[X] Direct connects clients with the right barrister, offers paralegal support with preparatory steps, and provides clients with access to barristers. Legal Cost Finance. P[X] chambers services combines traditional services such as clerking, administration, and IT, with supplementary resources for 'direct access'.

Solutions like paralegal services, offered by the Kohen Rapoport Group's brands, provide invaluable support, especially in areas such as disclosure, 'where the wheels of the bus can fall off' (Tim Becker, Piccadilly Chambers). Paralegals are used to do bundles and areas which are otherwise an expensive chargeback for the public access client.

Aiming to innovate every area of the legal process, Kohen Rapoport also provide training via their Catapult brand and now also marketing for the Bar.

## Talent

Other areas are driving innovation at the Bar. The innovators spoken to all displayed commitment to encouraging diversity at the Bar. They expressed concern about the high barriers to entry and the need to attract the widest possible intake of new pupils. Several also noted changes to the way they seek out talent. While the focus on excellence remains first and foremost, chambers are looking at outreach to attract the brightest wherever they are. They are also inviting students to think, 'Is the Bar right for you?' In contrast to the traditional question of whether they are right for a particular Chambers.

## Mental health

Other areas are driving innovation at the Bar. In the self-reliant, often individualistic nature of the barristers' profession, loneliness and isolation are common. This has been recognised in the April 2015 Wellbeing at the Bar Report, which led to the Bar Wellbeing initiative.<sup>9</sup> In response, chambers are realising that they have to provide more recognition of the pressures on the modern Bar, and increased support for these.

<sup>9</sup> See the Bar Council's Well Being at the Bar Report, [www.barcouncil.org.uk/media/348371/wellbeing\\_at\\_the\\_Bar\\_report\\_april\\_2015\\_final\\_.pdf](http://www.barcouncil.org.uk/media/348371/wellbeing_at_the_Bar_report_april_2015_final_.pdf) (accessed 10 March 2017).

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## Conclusion

So what will be the Bar of the future? A range of models will develop and endure, serving different markets and client needs. Sets will continue to grow, to form, to merge. Barristers will continue to form new initiatives to address the changing landscape. All our interviewees felt that their vision would enable them to continue to see more work and more clients and client referrals.

### Further links

Bar Council: [barcouncil.org.uk](http://barcouncil.org.uk)

Bar Standard Board: [barstandardsboard.org.uk](http://barstandardsboard.org.uk)

Direct Access Portal: [barcouncil.org.uk](http://barcouncil.org.uk)

BSB Research into the public access scheme, April 2016: [barstandardsboard.org.uk/media/1754315/public-access-final-report.pdf](http://barstandardsboard.org.uk/media/1754315/public-access-final-report.pdf) (accessed 10 March 2017)

Thomson Reuters Public Access Seminar: [info.legalsolutions.thomsonreuters.co.uk](http://info.legalsolutions.thomsonreuters.co.uk)

Thomson Reuters AI guide: [blogs.thomsonreuters.com/Legal-AI-a-beginners-guide-web.pdf](http://blogs.thomsonreuters.com/Legal-AI-a-beginners-guide-web.pdf)

## The future is bright

The Bar marries tradition and innovation. Its flexibility, cost efficiency, and unparalleled depth of legal expertise will forge the future of the changing legal landscape. This will benefit the many varied businesses and consumers instructing it. Today's enterprising barristers are 'changing the provision of legal services' (Tim Becker, Piccadilly Chambers) and 'not even the most successful sets can afford to be complacent.' (Paul Martenstyn, Fountain Court).

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