

SENIOR COUNSEL – GUIDELINES FOR CANDIDATES

These Guidelines are issued by the Attorney-General and Chief Justice pursuant to regulation 5 of the Lawyers and Conveyancers Act (Lawyers: Senior Counsel and Queen's Counsel) Regulations 2008. They provide guidance about the qualifications and experience which should be possessed by lawyers seeking appointment as Senior Counsel and the process by which candidates will be recommended for appointment.

Appointments

Appointments of Senior Counsel are made by the Governor-General, by letters patent, under the Royal prerogative. Pursuant to regulation 3 of the Senior Counsel and Queen's Counsel Regulations 2008 appointments are made on the recommendation of the Attorney-General and with the concurrence of the Chief Justice of New Zealand.

Applications

Counsel seeking appointment as Senior Counsel should write to the Solicitor-General, making an application by **15 August 2008**. The letter of application should be accompanied by a completed application form as required by the regulations and attached, for convenience, to these Guidelines. Additional copies of these Guidelines and the application form may be found on Crown Law's website: www.crownlaw.govt.nz

Process by which candidates will be recommended for appointment

Pursuant to regulation 4 the Attorney-General convenes a selection panel to provide advice to him on candidates for appointment as Senior Counsel. The selection panel comprises the Solicitor-General as Chair, the President of the New Zealand Law Society (or nominee) and a member of the Society nominated by the President and the President of the Bar Association (or nominee) and a member of the Association nominated by the President.

The selection panel will consider all applications received and offer advice to the Attorney-General and Chief Justice on candidates for recommendation to the Governor-General.

The selection panel will not conduct interviews. The selection panel will consult as it considers necessary including with referees identified by candidates.

The Chair of the panel will consult with the Chief Justice who will convey such views as the judiciary considers appropriate on applicants for appointment. The selection panel will take these views into consideration for the purposes of its advice to the Attorney-General and Chief Justice.

All applications received and consultations with any person will be treated as being in the strictest confidence.

Qualifications and experience

The criteria for recommendation of candidates for Senior Counsel reflect the position of the office as the top echelon of advocates in New Zealand. Appointment requires in-depth legal knowledge and ability as litigator, as well as personal qualities including maturity of judgement and integrity.

The criteria which the selection panel will be considering in formulating their advice to the Attorney-General and Chief Justice are set out below. Applicants should give serious consideration to these criteria when considering whether to apply for silk.

Candidates are invited to address each of the criteria and set out examples from their practice and experience which demonstrate their attainment of these criteria:

Learning: Senior Counsel must be learned in the law so as to provide sound guidance to their clients and to assist in the judicial interpretation and development of the law.

Skill: Senior Counsel must be skilled in the presentation and testing of litigants' cases, so as to enhance the likelihood of just outcomes in proceedings.

Integrity and honesty: Senior Counsel must be worthy of confidence and implicit trust by the judiciary and their colleagues at all times, so as to advance the open, fair and efficient administration of justice.

Commitment to duty to the courts: Senior Counsel must be committed to the discharge of counsel's duty to the court, especially in cases where that duty may conflict with clients' interests.

Independence: Senior Counsel must have the independence, capacity and willingness to devote him or herself to the vigorous advancement of the client's interests, without taking account of other interests.

Experience and excellence: Senior Counsel must have the perspective and knowledge of legal practice acquired over a considerable period and represent standards of excellence. It is expected (without being exhaustive) that the applicant's practice will demonstrate some or all of the following:

- (a) experience in arguing cases on appeal;
- (b) a position of leadership in a specialist area of the law;
- (c) experience in conducting major cases;
- (d) experience in conducting cases with a junior;
- (e) considerable practice in giving advice in specialist fields of law.

Leadership: Senior Counsel will have demonstrated leadership in advancing the ideals of the profession and in setting and maintaining the standards of the profession.

Notification

The Solicitor-General will by 11 September, in confidence, notify all applicants of the result of their applications.

The Attorney-General will as soon as possible after notification publish a list of counsel appointed to be Senior Counsel. Only the names of successful applicants will be announced.

The panel will determine whether it will provide any feedback to unsuccessful applicants.

Other appointments

Nothing in the regulations or these Guidelines removes the Governor-General's discretion to appoint from time to time other lawyers in recognition of their extraordinary contributions to the field of law outside of advocacy.

Further information

Applicants needing further information should contact Karen de Malmanche (472 1719) at Crown Law.