Queen's Counsel

Good afternoon! My name is Michelle and today I will give a short presentation on Queen’s Counsel. The purpose of this presentation is to learn more about the role of this privileged office in the English legal system. My presentation is divided into three parts. Firstly, I will talk about the historical background of this role, secondly, I will give you some general information on who Queen’s Counsel is and what his main tasks are.
Lastly, I would like to briefly talk about the needed to become Queen’s Counsel and the privileges connected with this status.

First of all, the rank of Queen's Counsel dates back to 400 years; the existence of a position as high as Queen’s Counsel can be traced back to 1597 when Sir Francis Bacon was granted precedence at the bar; it was a political artifice to prevent him from acting against the Crown.
The status of QC was connected with some disadvantages such as the prohibition to appear in Court against the Crown without special licence; furthermore, they (QCs) were prohibited from drafting pleadings without the assistance of a junior counsel.
Moreover, they were not permitted/allowed to appear in Court without a junior barrister and they had to have chambers in London; on the other hand, the appointment meant that the lawyer could greatly increase his compensation for legal services (fees). The new rank of King's Counsel contributed to the gradual elimination of the formerly more senior serjeant-at-law. However, it wasn’t until the 1800s that numbers really began to grow in the King’s Counsel, with the award growing in importance from then onwards.

I’d like to introduce the second point of my presentation: who Queen’s Counsel is and what he does. Queen's Counsel is an eminent lawyer, a barrister or an advocate, who is appointed by the monarch, on the recommendation of the Lord Chancellor, to be one of "Her Majesty's Counsel learned in the law." Traditionally, this was restricted to barristers, but in 1996 the system was changed and solicitors became entitled to be appointed Queen’s Counsels; even though the rules on private instruction became less restrictive, QCs continued to be selected from barristers, who had the sole right of audience in the higher courts. As for requirements, there are not specific qualifications for the applicants, but it is important to mention that candidates who aspire to this position have to practice law for at least ten years; on the other hand, those who want to become QCs have to achieve excellence in five key areas: understanding and using the law, written and oral advocacy, working with others and, last but not least, they must have consistently exhibited a high standard of professional integrity. With regards to QC’s functions, they are senior lawyers - barristers or solicitors - who are recognised experts in a particular field of law. Many of them are also experienced and accomplished advocates, despite this not being a prerequisite for selection. QCs will lead their legal team in and out of Court and may also be appointed to head government inquiries or take on other quasi-judicial roles that require the skills of an impartial arbiter. Big and complex cases often require a QC (or "silk") who is then supported by at least one junior barrister.

Lastly, I’d like to talk about the Queen’s Counsel’s privileges. As I mentioned before, QC status is connected with formal privileges and fees charged. Three formal privileges can be distinguished.
Firstly, QCs wear a distinctive uniform; they wear a short wig, wing collar and bands and a silk gown over a special court coat; it is worth adding that Queen’s Counsel gowns gave rise to the colloquial reference to them as “silks” and to the phrase “taking silk” referring to their appointment.
Secondly, the judiciary have traditionally given QCs a formal right to address the court with preference to any other advocates.
Thirdly, QCs sit in a particular part of the court. Silks are entitled to sit in the front row. This is also a matter of professional etiquette rather than a serious advantage. The consequence of appointment is the exemption of the Silks in the Code of Conduct for the Bar of England and Wales from the so called “cab-rank rule”; this rule stipulates that barristers (contrary to solicitors) cannot pick and choose their clients. In other words, personal preference cannot decide which case a barrister takes. In addition, a barrister cannot decide to refuse to take briefs from companies that trade with a particular Country because his personal ethics infringes the rule.

I’d like to conclude by adding that although Queen's Counsel was suspended in 2003, (and it was widely expected that the system would be abolished), his role in the English legal system is really significant. Not only is the quality mark recognised internationally, but it is also a way to encourage the advocates to maintain high standards of their work.

I hope you enjoyed my presentation and I thank you very much for your attention.