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Stars at the Bar 2014 – profiling this year's most promising junior barristers



Author: Ben Rigby | 21 Nov 2014 | 00:05 |

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Ben Rigby talks to 10 up-and-coming commercial and Chancery barristers recognised for their exceptional abilities

More than ever, today's younger barristers recognise that a place in chambers – a traditionally independent and self-employed gig – is part of an increasingly interdependent and demanding world.

The support given by fellow members of chambers was singled out by many of this year's Stars at the Bar as a positive in launching their careers at the Bar. Fountain Court Chambers' Alex Milner says his set stood out in that "everyone I came into contact with was so friendly". Likewise, Matrix Chambers' Nicholas Gibson found members to be "down to earth and very approachable – I thought it was a place where I would enjoy working and excel, and so it has proved".

Success at the Bar, says Brick Court Chambers' Richard Eschwege, "requires determination, resilience, usually intellectual rigour, but always common sense". To which add communication skills, 20 Essex Street's Charlotte Tan points out.

"Litigation can be stressful at the best of times," she says. "But I find that if you can establish a good, supportive relationship with your solicitors, if they feel they can just pick up the phone and talk something through with you, then it makes the process much smoother and you get better results for the lay client."

11 King's Bench Walk's Amy Rogers agrees. Having spent "a good part of the last few years in long trials, in which I have worked very closely with my solicitors – often over several years and late into the night – I've always found that communication is key. The best strategies are born when talking points through."

One attribute of achievement mentioned by all was teamwork. "Commercial disputes are best resolved where counsel and solicitors combine as a single unit, all implementing the same strategy, to achieve the same objective," comments Blackstone Chambers' Andrew Scott.

Alex Wright, from 4 Pump Court, agrees that such cooperation will only get closer. "I went on secondment to two solicitors' firms a few years ago, and it is increasingly common for junior commercial barristers to gain that experience," he says. "A generation ago that would have been unheard of."

Another key factor in the development of juniors is their relationship with supervisors, clerks and colleagues. Wilberforce Chambers' Emer Murphy says her success is not down to one individual having helped her, as "these days it takes a village".

For his part, One Essex Court's Douglas Paine cites his head of chambers, Lord Grabiner QC, for his influence. "He has an incredible range of experience and judgement in all kinds of matters, which can be daunting, but there is no better way to learn," he reflects.

Nor are the clerks forgotten: Murphy singles out Wilberforce's senior managers Nick Luckman

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and Mark Rushton for "helping me develop my practice in line with my aspirations".

Quadrant Chambers' David Walsh, however, cites a different influence: Tony Kersey, the recently retired head of global marine claims at RSA. Kersey, Walsh explains, instructed him as a junior barrister in his first year of practice. "Shortly after that case he let me spend some time with him at RSA, getting to know the way the London market works and how claims are handled," he recalls.

"This was invaluable experience for someone just starting out at the Bar. It helped me understand some of the pressures that the lay client can be under when it comes to litigation and to learn some of the things that they are looking for in a barrister."

That relationship continued until Kersey's retirement this summer. "He remained a huge supporter, recommending me to others in the market and to solicitors he knew and had worked with," says Walsh. "Without this, and his regular encouragement and advice over a glass of red wine, I would not have the practice I do today."

Emer Murphy, Wilberforce Chambers, called: 2009

Intelligence, tenacity and commercial acumen are just three of the reasons Wilberforce Chambers' Emer Murphy is regarded as a star at the Bar. With a developing practice in pensions, property and commercial disputes, the popular Chancery junior has acted on several high-profile cases that have attracted both legal and mainstream media interest.



Murphy acted as junior to Wilberforce's rated property silk, Jonathan Seidler QC, in *Clutterbuck v Al Amoudi*, labelled the 'vamp in the veil' case by the press, in which she advised the defendant. The case, which involved allegations of fraud, saw Murphy assist Seidler over a four-week trial in a case involving more than 30 witnesses. Such proceedings would test many junior barristers, but those who know Murphy suggest such work is well within her abilities.

"She is extremely bright and quick and couples that with an incisive attention to detail," notes one partner, who observes that she works "very long hours to ensure all our preparation is covered." In addition to supporting her solicitors and her leader, Murphy is "approachable, down to earth and very client-friendly".

Murphy's advocacy is also singled out by some observers as "far beyond what might be the norm for her level of call", while the skill with which she handles both interlocutory applications and cross-examination at trial is done "with great effect".

Contract and trusts were the areas of law she enjoyed most at university, so Murphy chose Wilberforce because of the variety of work. "Once I had made that decision, Wilberforce was an obvious choice," she explains, praising "the quality of the work and the friendliness of the people."

Murphy says she enjoys "doing different types of cases for different types of clients". Of her three chosen subjects, she says "a mix helps you develop all the skills you will need". A diversity of approach, perhaps, that will see her remain in demand.

Alex Milner, Fountain Court Chambers, called: 2006

Fluency marks out Alex Milner from his peers, among whom he is highly respected. A fluent Russian speaker, who was involved in both the *Berezovsky v Abramovich* and Tajik Aluminium litigations, Milner's familiarity with complex Russian and CIS litigation extends beyond oligarch or natural resources disputes to cases in the aviation, banking and finance and offshore sectors.



Solicitors praise Milner for being "calm and very considered – his instinct is spot on". His response time is "superb and he always gets to the heart of the matter", and he is "the cool head while those around him may be losing theirs".

Another adds: "He is very good with clients, particularly those

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from the CIS region who invariably bring him into the 'inner sanctum', as a trusted adviser very quickly. The speed and quality of his response to requests for review, drafts or opinion is genuinely market-leading."

One partner notes that Milner "is enthusiastic and happy to provide assistance even at short notice and after hours".

For his part, the personable junior admits that he tries to make himself "available for all things at all times. That often means late nights and lost weekends, but I find it very difficult saying 'no' or even 'later!'"

Milner says he is now closer to the 'engine' of the cases he works on, with greater strategic responsibility – added demands that he welcomes. His appellate practice is growing, as is his solo trial work at first instance, while he remains well led inside and outside Fountain Court.

Milner has built a successful practice, thanks in part to his senior clerks, Paul Martenstyn and Alex Taylor. He impressed in the Arkhangelsky litigation, which involved seeking the second-ever anti-enforcement injunction – and the first since 1928 – noting "the appellate courts are prepared to now at least consider restraining the enforcement of arguably corrupt Russian judgments", a trend he sees emerging.

Alex Wright, 4 Pump Court, called: 2007

"Absolutely outstanding" is just one of the accolades given to 4 Pump Court's Alex Wright, who has been led both within and outside his set, including by top commercial silks Nigel Tozzi QC of 4 Pump Court, Richard Lord QC of Brick Court Chambers, 7KBW's Alistair Schaff QC and Philip Edey QC of 20 Essex Street.



His popularity with such leaders owes much to the support he gives them, as "he is able to assimilate information very quickly, and then to craft written or oral submissions that are precise and just what a leader is looking for", in the words of one observer. "He is able to adapt his style to that of any leader so that his work is easy to adopt and saves the silk a great deal of time."

Solicitors praise Wright for being "incredibly hard-working and utterly reliable", noting "his advice is absolutely on the button: clear, succinct and easy to follow". On advocacy, watchers say "he holds his own with silks, something rarely seen at his level of call".

Wright says he enjoys advocacy, but alongside "the strategising involved in commercial dispute resolution, [and] the intellectual rigour and challenge of legal practice", all of which led him to the Bar. Having cut his teeth in pupillage and thereafter on smaller county court matters, he has now developed a practice largely beyond irascible district judges, specialising in shipping and trading disputes where the complexities of law and practice, and a strong international element, give him the legal variety he seeks.

Feedback suggests Wright may be easily marketable. One clerk notes: "He never lets you down, works extraordinarily hard and once you recommend him to a solicitor they always come back and recommend him to colleagues." Indeed, Wright's recognition sees him singled out by clerks of numerous sets, as well as partners and associates. Expect him to remain in demand for some time yet.

Amy Rogers, 11 King's Bench Walk, called: 2007

Amy Rogers stands out among her peers for the sheer level of acclamation she receives for her work and her standing as "a talented silk in the making, who will dominate the employment Bar in years to come".



Partners at major City practices, as well as leading employment boutiques, are effusive in their praise, calling Rogers "incredibly bright, responsive and with an impressively wide range of experience".

Fellow barristers across the sets share that opinion. Rogers, comments one leader, "has excellent judgement, works furiously hard and is a pleasure to work with", while another says "she produces superb written work under extreme time

pressures. Her legal analysis is inevitably faultless, but most striking is the judgement she exercises: bad points are never laboured."

Nor are her skills limited to employment law; one public law silk calls Rogers "my first choice for public law cases, particularly if they involve a commercial element".

With a growing number of Supreme Court instances under her belt, including being led by Michael Brindle QC of Fountain Court Chambers to victory in the Bank Mellat litigation, it is clear Rogers is building a formidable forensic CV. Other current cases of importance include the construction industry 'blacklisting' group litigation, in which Rogers stood out among the numerous juniors involved.

Advocacy, and in particular cross-examination, was one of the key motivations for Rogers in joining the Bar, she says: "Friends described learning to cross-examine, and I thought 'that is the career for me'."

While she acknowledges she has carried out her fair share of long trials, the range of public, employment and commercial law she does in that context helps make Rogers, in her words, both "a flexible advocate and a creative lawyer".

She is an articulate and confident speaker, one silk says: "Amy is adept at reducing the most complex facts to a simple, persuasive narrative." Her own narrative is compelling, and will continue to be so. Amy Rogers "is the real deal".

Andrew Scott, Blackstone Chambers, called: 2010

With impressive intellectual credentials Andrew Scott's arrival at the Bar has seen him quickly build a formidable reputation for commercial litigation and international arbitration, far above his 2010 call.



A specialist in private international law, Scott's familiarity with jurisdiction and choice of law issues informs both his current practice and those of his leaders; in turn, his knowledge of court craft has been shaped by the likes of Andrew Green QC and Andrew Hunter QC, a debt he freely acknowledges.

"Coming to the Bar as an academic, you have a sense of what is a good argument in principle, but practice requires that you pick the winning point in a particular case, and that so often turns on the detail," he says, thanking Green and Hunter "for teaching me that lesson".

Observers at other sets praise Scott's "outstanding" contribution to Blackstones' pure commercial work, saying he has enhanced what was already "an excellent set of chambers". One solicitor was "greatly impressed by his tactical awareness, his ability to get straight to the heart of the issue and the very high quality of his written work" on a recent matter.

Scott has worked on cases that have delivered commercial outcomes, as well as shaping the development of the law. He identifies the recent *Sabbagh v Khoury* litigation as doing both. Here Scott helped successfully dispute jurisdiction over the major part of the claims brought against his client worth \$520m (£332m), on the grounds that they had no real prospect of success against him.

This, he says, "was particularly hard-fought, involving masses of foreign law and expert evidence, various novel private international law issues and many of the luminaries of the commercial Bar". The five-day hearing led to a 300-paragraph judgment, illustrating its complexity.

With two Court of Appeal appearances lined up for 2015 on jurisdiction points, Scott seems set to impress further.

David Walsh, Quadrant Chambers, called: 2007

In a profession that welcomes specialisation, David Walsh is rapidly becoming a standout junior, particularly at the insurance and shipping Bar.



One partner tells *Legal Week*: "In the field of marine insurance he is the go-to junior, building a level of expertise in this narrow but important sector that is unmatched by his peers."

Other juniors dabble in marine insurance; David is fast becoming the genuine specialist of his generation."



Others praised his "experience beyond his call, especially in complex insurance and reinsurance disputes", noting that "his judgement is sound, and his advocacy measured and precise". For one senior partner, Walsh is "the archetypal safe pair of hands", with "quiet confidence and intellectual rigour that belie his young age".

Walsh – variously described as "fun", "energetic", "a good listener" and "popular" – is also the first port of call for a growing number of silks, such as Simon Rainey QC and Luke Parsons QC, and has also been led by Essex Court Chambers' Mark Templeman QC.

He is open about his approach to teamwork, saying that he tries "to make an effort to build good working relationships. That doesn't just mean consistently delivering work on time and to a high level but also being approachable, user-friendly, contactable and as positive and 'can do' as possible."

Walsh adds: "I like to get to the point where my solicitors feel comfortable enough to pick up the phone and run ideas by me whether there is a formal instruction or not."

Part of what makes Walsh so popular is his willingness to understand and appreciate the solicitor or insurer perspective, and respond to it. Having worked as a paralegal at legacy Herbert Smith and spent time on secondment at insurer RSA, he notes: "When you see first-hand the stresses and strains that partners face from their clients, and associates face from their partners, you can tailor the service you provide accordingly."

Charlotte Tan, 20 Essex Street, called: 2008

Charlotte Tan's enthusiasm for advocacy started at a young age: after taking part in the Bar Council's National Mock Trial Competition during school, she caught "the advocacy bug". Having been mentored by teachers, tutors and barristers alike, she joined 20 Essex Street, which she describes "as an exceptionally friendly and down-to-earth set".



Tan's faith in 20 Essex Street, "a happy and collegiate place to work", and a place to develop a good practice, has been rewarded by a stream of instructions.

She is a popular junior among the set's leaders, including chambers co-head and former Commercial Bar Association chairman Chris Hancock QC and Duncan Matthews QC, who is best known for his work in the long-running and hard-fought Ablyazov litigation.

Tan is also well-regarded by the set's departing senior clerk, Brian Lee, the current chairman of the Institute of Barristers' Clerks.

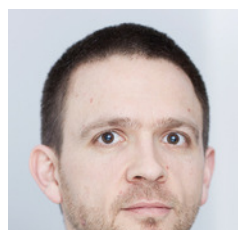
She knows she is in good hands and says her practice has developed considerably: "I've been on my feet more and more, acting unled against silks and juniors more senior than me. In terms of practice areas, my instructions have become more diverse, covering not only shipping and commodities but also insurance, fraud and general commercial work."

With the upcoming Supreme Court outing for Ablyazov, which in March will consider the law on the standard form of freezing injunctions, Tan's future looks bright. Her ability in big cases stands out, not just for her intellect in researching the law "reliably and rapidly", but also in case management: she can "turn work around with very little notice... of a consistently high quality and with little need for amendment".

One leader describes Tan as "unflappable and always manages to maintain a calm, clear head and a sense of perspective", while a senior clerk calls her a "real star coming through the ranks and highly sought after".

Nicholas Gibson, Matrix Chambers, called: 2009

While the commercial Bar sources much of its junior talent from Bar school, it also welcomes those with prior legal experience at commercial law firms.



Barristers such as Fountain Court Chambers' Patrick Goodall QC and Brick Court Chambers' Tim Lord QC are former solicitors. Later in life, Carl Garvie, a star at the Bar in 2011,

joined St Philips Chambers, having previously headed litigation teams at Pinsent Masons.



Nicholas Gibson has followed a similar path. He spent seven years at Freshfields Bruckhaus Deringer, where he is still well-regarded. Five years on, neither Gibson nor his instructing solicitors regret the change.

Lawyers say Gibson is "switched on", "accessible and immensely hard-working", as well as "intellectually outstanding". One solicitor calls him "phenomenally hard-working and conscientious, with great attention to detail; very bright and friendly".

He tells *Legal Week* that a secondment as a judicial assistant to the late Lord Bingham at the House of Lords rekindled his interest in the Bar.

Gibson has subsequently found himself enjoying a rich diet of competition law claims, with appearances in *Lafarge Tarmac and Hope v CMA*, a test case under part 4 of the Enterprise Act 2002, and *Recall v Secretary of State for DCMS*, a successful defence of a very substantial damages claim by telecoms operators.

Of more general note is his work in the Coventry City EU litigation, in which he is acting for the club's owners in an appeal from a judicial review claim of Coventry City Council's decision to lend £14.4m to the company managing the club's home ground, which was alleged to be unlawful state aid.

He says: "The case has aroused significant media interest, not only because it involves the financing and ownership of football clubs and the introduction of 'financial fair play' rules, but also because of the growing interest in the application of EU state aid rules in sport."

Richard Eschwege, Brick Court Chambers, called: 2008

Having first come to prominence in the Abramovich litigation, Brick Court Chambers' Richard Eschwege has continued to impress. His familiarity with oligarch-led cases saw him instructed in the massive *Bank of St Petersburg v Arkhangelsky* litigation, in which he teamed up with star silk Tim Lord QC.



Eschwege showed similar acumen when he appeared in *Georgian American Alloys v White & Case LLP*, which generated an important precedent on solicitors' duties, barring the US law firm from acting in this oligarch litigation.

Eschwege – who impresses solicitors by being "immensely hard-working, extremely bright and tactically astute" – is also seen as "a real team player who makes a fundamental difference to any case he is involved in".

He says: "It is hugely rewarding to work in a team with solicitors, because they bring different perspectives on the case, whether in terms of practicalities, client priorities or their own previous experiences, all of which are a step removed from the more hard-edged legal analysis."

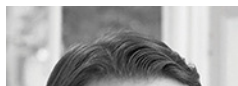
That collaborative process is one he welcomes. "My work always improves when solicitors add their contributions, test the arguments I run and suggest different ways to approach a problem," he adds.

His CV shows genuine diversity outside oligarch cases; he successfully appeared for the defendants in the mammoth *Excalibur v Texas Keystone* litigation, one of the largest oil and gas cases of recent years. Diversity is a source of strength to Eschwege, who says the set's "huge variety of cases" are "highly demanding and intellectually stimulating", and were a big attraction for choosing the Bar as a career.

"Very few other professions offer that opportunity," he notes. "Each new case brings its own interest, whether it be on the facts or on the law. It is this constant variety that keeps life at the Bar so appealing."

Douglas Paine, One Essex Court, call: 2009

Chief among the attractions of the Bar for One Essex Court's Douglas Paine were its unique mix of work and clientele.



"We're asked to deal with complex legal and factual problems for often very sophisticated clients who expect the best," he says.



Indeed, that diversity of work really appeals to him. "One of the best parts of the job is getting to grips with new fields – the matters I'm currently working on include disputes about financial derivatives, oil and gas supplies and an African airline," Paine explains.

The mix of work has been made possible by a supportive but demanding environment. Paine says he chose One Essex Court for two reasons: "Its reputation and its people."

"I'm surrounded by barristers who are at the top of their fields, but who are also down to earth and easy to get on with," he comments, acknowledging the support given by "an excellent team of clerks and support staff".

Teamwork is important to Paine, who notes that "developing a close working relationship with associates and partners makes everyone more efficient and gets the best result for clients." The days when matters were 'sent to counsel' are over, he says: "A junior barrister is always on call!"

While accessibility is a key facet of Paine's generation of juniors, his personal characteristics also flag his promise as an advocate. Solicitors call him "charming and hard-working", saying he is intellectually strong, but in an understated way; he is "both really clever and very good with clients". One magic circle partner simply says: "Douglas is incredibly thorough, very sensible and a really nice guy to work with. He is someone you can rely on".

Indeed, the set's head of chambers, Lord Grabiner QC, did so himself, in the case of *Grupo Hotelero Urvasco v Carey Value Added*, which saw both a five-week and a nine-week trial. Paine is now one of a small band of Grabiner's 'go to' juniors.

Also highly recommended

- Alex Barden, Erskine Chambers, 2005
- Tom Ford, Essex Court Chambers, 2008
- Rose Grogan, 39 Essex Street, 2010
- Watson Pringle, New Square Chambers, 2005
- Daniel Saoul, 4 New Square, 2008

Methodology

Legal Week spoke to more than 150 solicitors, barristers, silks and senior clerks to ascertain their views over a four-week period.

The top 10 were selected from more than 350 recommended junior barristers of 10 years' call or less, from all circuits across England and Wales.

Ben Rigby is the editor of Commercial Dispute Resolution magazine.

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