

L.A. BAR ASSOCIATION - Outline Scenario

Characters

Lucy - a stellar senior clerk at 11KBW

Andrew - a fussy solicitor at the London office of a global law firm

Chris - a bad tempered KC at 11KBW

"Learning points" indicated by italics

SCENE 1

Andrew is instructed by a UK Company with a Head Office in LA on the defence of a sex discrimination case brought by a senior woman employee.

The directors are furious about being accused of discrimination.

The clients want Sean Jones KC (but failing him Chris) at 11KBW to be the barrister to defend the case but are also wondering "whether it looks better to have a woman as counsel"

SCENE 2

Andrew contacts Lucy and relays the clients' thinking about counsel.

Lucy points out that counsel cannot be chosen on the basis of gender.

Andrew asks for Sean Jones KC (or failing him, Chris). Lucy says she will call back.

SCENE 3

Lucy rings Andrew and reports that Sean Jones is not available, but that Chris is available.

Lucy cannot tell Andrew the reason why Sean is unavailable.

SCENE 4

Andrew rings the solicitor on the other side, who gleefully tells him that they have already instructed Sean Jones.

SCENE 5

Andrew, who hates Chris (not least because Chris supports a rival soccer team), suggests to Lucy the clients might be unhappy about instructing someone who is in the same chambers as the barrister on the other side

Lucy explains the protocols involved where barristers in the same chambers are instructed on opposite sides.

SCENE 6

Andrew is disappointed to find that, despite his own reservations and in the light of Lucy's assurances, the individual giving instructions at the clients still wants to instruct Chris. Andrew reluctantly rings Lucy and books Chris for the trial.

SCENE 7

Lucy rings Chris to relay the good news that he is being instructed by Andrew on a two-week discrimination trial.

Chris is furious. He hates Andrew and the trial dates clash with a key soccer match which Chris was hoping to attend. He wants to refuse the instructions.

Lucy "reminds" Chris of the "cab rank rule" whereby Chris is obliged (in common with a London "taxi cab") to accept a booking within his area when available.

Chris agrees he has no choice.

SCENE 8

Chris rings Andrew to thank him for the instructions and to say how thrilled he is to be working with him again and how much he is looking forward to the trial. With a matching show of sincerity, Andrew tells Chris he also is delighted that they will be working together again and says he is sorry Chris won't be able to attend the "big" match.

SCENE 9

Andrew tells Lucy that the clients are unhappy with a "*skeleton argument*" (*written submission*) Chris has drafted in advance of the trial. They are also concerned that his written Opinion (which they had sought at Andrew's suggestion) offers them "only" a 60 per cent chance of successfully defending the case when they had "understood" Andrew to have "a more positive view". They want a Conference with Chris to discuss these matters

The LA Head office is involved. So Andrew tells Lucy that the Conference will need to be booked for 7pm-9pm UK time.

SCENE 10

Lucy rings Chris to check that he is willing to have a zoom conference at 7pm UK time about "why the draft skeleton argument is not more aggressive" and his "disappointing" assessment of the prospects of successfully defending the case.

Chris explodes with fury (1) *because he regards the drafting as his function alone and certainly not that of the clients*; and (2) *because he sees nothing surprising in having a marginally less optimistic view of the case than his instructing solicitor* (3) *because of the timing (which also means missing another big soccer match)*. But he agrees.

SCENE 11

Having discussed with Chris the complexity of the case and the work involved, Lucy rings Andrew to discuss Chris's fees for the trial.

Andrew says the clients are being difficult about legal costs. He and Lucy ultimately agree a fee at a "compromise" level.

SCENE 12

In answer to a “casual inquiry” from Chris, Lucy reports back to Chris on the fee agreed, explaining how difficult Andrew has been.

Chris is incandescent but understands that (1) *he is bound by the fee which has been negotiated with Andrew; and (2) as a barrister he may not discuss fees with Andrew.*

SCENE 13

Andrew rings Lucy. Judgment has arrived. We won. Andrew, who is not looking forward to spending any more time with Chris, gives her the date of the celebratory dinner with the clients for which the LA head office team is flying over.

SCENE 14

Lucy relays the date of the dinner to Chris. He is angry because, again, the date clashes with yet another key soccer match he was planning to attend. He suspects Andrew has deliberately fixed the dates of the dinner out of spite.

She tells him that *he is not under a professional obligation to attend* but would be *letting down chambers* if he did not go, stressing the value of 11KBW's relationship with his firm: we want them to instruct members of chambers in future!

Chris agrees and submits, acknowledging the *practical reality that Lucy is the boss.*

SCENE 15

At the celebratory dinner Chris gives a short speech, saying what fun it has been to work with Andrew and such supportive clients (a real “team” atmosphere and the clients’ contribution to the skeleton argument was “so appreciated”). He says how much he is looking forward to next time.