



Aspiring to Silk during COVID Times

During the long lockdown hours with only members of my household for company, I started thinking about my career. I lurched between leaving the bar and lofty ambition. When in the latter mood, I started to consider whether I could be an applicant for senior counsel.

I studied as many sources as I could find for guidance as to whether I would commend myself to the Selection Committee. There were many legitimate and informative resources, but I was relieved when I came across the additional helpful guidance provided by the Anonymous Barrister's 'Real Senior Counsel Selection Criteria' in a recent edition of *Bar News*.¹

I earnestly set about studying the 'real selection criteria', which included skills such as poor document management; miscommunication of arrangements and research tasks; and the appropriate use of the 'Royal we'. The paper was oddly specific, almost as though it had been written by a resentful and somewhat traumatised junior rather than a mole from the Selection Committee. In that sense it was very instructive, but for one flaw, namely that some of the suggestions overlooked the intermittently prevailing pandemic conditions.

For example, the predominantly online environment in which we were operating during lockdown meant that it was much more difficult than usual for an aspiring silk to demonstrate the requirements of criterion 1a (**poor document management**). One could readily lose emails of course, but it was all too easy for one's solicitor to resend them in an instant. It therefore lacked the visual pantomime of deploying multiple staff to make urgent additional copies mid cross-examination to replace the three that counsel had previously misplaced.

I summoned some creativity and decided I could substitute some qualities arising from the AVL environment (amended criterion 1a, **poor online skills**). When appearing remotely, I ensured that either I was placed so far away from the camera that I was a

barely discernible figure, or alternatively utilised a posture that gave a close up focus to the crown of my head only. I felt that I was really adding gravitas when I remembered to stand up to greet the judge, removing my face from view while failing to appreciate that this would place my crotch area front and centre to the camera. I made sure to arrive at online conferences late and unreasonably irritated, having invariably selected the incorrect microphone settings for the platform being used. I felt I had satisfied this criterion to a high standard when the entire conference once had to be conducted ventriloquist style via mobile phones in addition to Zoom, because I was incapable of adjusting my settings.

During lockdown, it was also difficult for me to give noticeable misdirections with respect to courtrooms and conference locations, to satisfy criterion 1d (**poor communication skills**). Not being able to eat out was a particularly significant roadblock. In the absence of lunching, I was struggling to adequately demonstrate that I can be as punctilious about restaurant choices and food orders as is expected of an aspiring member of the inner bar (criterion 1h – **general high maintenance needs**). I did what I could. I maintained a tone of derision towards those who referred to Australian sparkling wine as champagne. I made as much effort as possible to complicate my formerly straightforward coffee order. However, given that I was only ordering one takeaway per day from a café within 5km of home (not to mention fetching it myself!), I had significant concerns that these important qualities would not be conveyed to the Philip St based selection committee.

Finally, I had a stroke of unexpected good fortune. I had developed a sore shoulder, no doubt a function of advanced age and computer posture. I consulted a physiotherapist. I was recommended to undergo a series of (likely unnecessary) investigative scans, carry out very simple but time-consuming daily exercises, attend the physio for twice-weekly massages, spend considerably less time at the laptop,

and reduce my overall stress. This prescription reminded me why I had not attended to my mild shoulder injury earlier. Such a treatment plan is completely incompatible with a barrister's practice. On the other hand, the combination of these requirements was perfect for implementing the final critical parts of my pathway to silk. It enabled me to satisfy criteria 1c (**poor time management**); 1e (**promoting my work-life balance needs over those of anyone I worked with**); and 1h (**general high maintenance needs**) with ease.

I took to advising solicitors and the occasional junior that I was unavailable for any conference proposed to be held during ordinary working hours due to a 'medical appointment' and would, accordingly, need to confer between 5-7 p.m. (selected if junior had young children) or 8 p.m. onwards (selected if solicitor had, say, a wedding anniversary dinner). On the premise that I had been medically advised not to type at any length, I started sending very short, even curt, communications, which I occasionally dictated to Siri while the heat pack was on my shoulder. This had the added benefit that my instructions became unclear due to brevity and typographical errors, for example 'please return draft with comparative research and asap do no track changes' (criteria 1b, **internal inconsistency** and 1d, **poor communication skills**). I really felt like I was making progress. One day, I received a message asking whether I was able to schedule some time that day for a discussion about our draft submissions. I proudly responded with the time-honoured silk response: 'Please call at a convenient time.'

With my shoulder on the mend, I decided to consult a senior silk about whether he thought I was ready. I described all of my recent progress. He paused for quite a long time, then suggested I consider getting myself a spoodle puppy, and wished me all the best. BN

ENDNOTES

¹ 'The Real Senior Counsel Selection Criteria' [2021] (Winter) *Bar News* 126.