

# Marketing the bar to in-house Counsel

By Elizabeth Cheeseman SC

The Practice Development Committee's primary focus is the promotion and marketing of the Bar's services to in-house counsel, both corporate and government, in two principal areas, direct briefing and early briefing.

The Committee has been active in developing new ways to promote the services of the Bar to the growing ranks of the in-house community as a way of supplementing the Bar's traditional, and still core, market of instructing solicitors.

## **rise November 2018: Triage of Multi-faceted Disputes**

At the ABA Conference, Liz Cheeseman SC (Committee Chair) moderated a panel on 'Effective Triage of Major Multi-faceted Disputes: Positioning Clients to Survive the Feeding Frenzy'.

The panellists, all leaders in their fields, were Caroline Cox (Group General Counsel, BHP), Neil Young QC (New Chambers) and Reay McGuiness (Webb Henderson).

The panel examined the role of the Bar in providing critical strategic advice at each stage of multi-dimensional (and often multi-jurisdictional) disputes.

## **ACC National Conference November 2018**

In November 2018 David Thomas SC (a member of the Committee) and Zoë Hillman (Alinea Chambers) presented a NSW



Bar Association-sponsored session on direct briefing at the Association of Corporate Counsel (ACC) National Conference on the Gold Coast.

David and Zoë were joined on the panel by Marion Hemphill, General Counsel Australian Red Cross Blood Service. Coming as it did towards the end of the public hearings of the Banking Royal Commission, the session was timely in addressing the role the Bar can play in assisting in-house counsel in the context of intense and immediate media scrutiny, via traditional and new media platforms including Twitter and blogs.

Issues examined included devising strategies to control legal and reputational risk in the face of trial by social media, steps to promote procedural fairness in the face of intense public engagement and the legal responses that can be adopted in these circumstances.

The panel presentation generated lively discussion with many of the delegates

sharing their own positive experiences of direct briefing.

The Association sponsored the ACC Corporate Responsibility Award at the Conference dinner which was presented to Shannon Landers of the Cotton On Group by Committee member Victoria O'Halloran.

The popular New South Wales Bar Association Barista Station was staffed by volunteer clerks (Michele Kearns, Martin Place Chambers, Angela Noakes, Ground Floor Wentworth and Paul Walker, 13th Floor Wentworth Selborne) and ran throughout the conference to provide practical advice to in-house counsel regarding briefing the Bar.

The clerks were able to engage on a one to one basis with delegates providing practical advice on briefing the Bar. Clerk representatives have attended the ACC National Conference under the umbrella of the Association's sponsorship for the past few years.

The role played by the clerks in demystifying and making the Bar more accessible to the in-house community has been an essential part of developing the relationship between the Association and the ACC.

## **Toolkit for briefing barristers**

Victoria O'Halloran, who before coming to the Bar had extensive experience as in-house counsel developed the Briefing Toolkit to assist in-house counsel and junior solicitors in the compilation of a brief.

The Briefing Toolkit was promoted at the ACC National Conference and is available on the Association's website <https://www.nswbar.asn.au/briefing-barristers/in-house-counsel>.

The Toolkit has been promoted to members via In Brief and all members are encouraged to recommend the precedents to clients, solicitors and in-house counsel.

Chambers are encouraged to link to the Toolkit from their own websites if so desired.

## **Direct Briefing in-house roadshow**

The Committee also presented the first of a series of direct briefing roadshows for in-house teams which focus on practical guidance for in-house lawyers on briefing the Bar.

The first presentation was to the Wool-



rise 2018: Triage of Multifaceted Disputes. Liz Cheeseman SC, Neil Young QC, Caroline Cox, Reay McGuiness



ACC National conference – Barista station: Michele Kearns and delegates



ACC National conference: Zoë Hillman, Marion Hemphill, David Thomas SC

worths in-house team at Bella Vista in September 2018 by Victoria O'Halloran, Michele Kearns, Paul Walker and Robert Yezerski (Banco).

The Committee is planning to take the roadshow to a variety of in-house teams, corporate and government, in 2019.

**Skills for future practice**

In July 2018, Ian Hemming SC (a Committee member) presented a CPD on Paperless Trials drawing on his experience of running fully electronic trials in the Land

and Environment Court.


The session was extremely practical. It provided a forum for members to exchange information about the evolving landscape of technology in the courtroom. The Committee plans to repeat a CPD on this topic in 2019.

Geoff Farland was the driving force behind the March 2019 CPD session looking at business skills to 'future proof' practice in the changing legal services landscape. The session 'I didn't see that coming... Future proofing your practice - thinking differently about business at the Bar' was presented by Dr Rose-

mary Howell, Chairman Strategic Action Pty Ltd and Professorial Visiting Fellow of the University of New South Wales and Sue-Ella Prodonovich, Prodonovich Advisory and was followed by networking drinks (kindly sponsored by Jade Professional).

The Committee wishes to thank all those who have given their time to promote the services of the NSW Bar in 2018.

Any suggestions from members for future initiatives/events are most welcome and should be submitted to Alastair McConachie, Deputy Executive Director, New South Wales Bar Association.




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