

Press release

30 January 2013

Guidance for the Supply of Services by a Barrister in a Commercial Case

The City of London Law Society (“CLLS”) and the Commercial Bar Association (“COMBAR”) have published specimen terms of business for the supply of services by a barrister in a commercial case, together with a guidance note on those terms.

The CLLS and COMBAR have agreed a standard form of contract for use in commercial cases by solicitors and barristers. This form of contract is the product of more than two years of constructive discussions between CLLS and COMBAR, both of whom recognised the benefits to both barristers and solicitors of having a form of contract agreed by representatives of the two sides of legal profession rather than one imposed unilaterally or that needed to be negotiated from scratch on each occasion a barrister is instructed.

Use of the terms is voluntary, and the terms will need adaption for individual cases. The terms were negotiated with a view to saving individual parties from either drafting their own terms or having to start from a clean sheet of paper each time a barrister is instructed.

Simon James, Chair of the CLLS Litigation Committee, said:

“Formal contractual arrangements between barristers and solicitors will be more common with the changes to the Bar’s Code of Conduct.

“The specimen terms, created by mutual agreement by the CLLS and Combar, offer a useful starting point to negotiate contracts between an individual barrister and a firm of solicitors, and have been created specifically with commercial cases in mind.”

Stephen Moriarty Q.C., Chair of COMBAR, said:

“London attracts legal business from all around the world in part due to the expertise of commercial barristers and solicitors, who work together for a wide range of clients on a daily basis.

“Long standing and close working relationships between the Commercial Bar and solicitors in the City of London helped us to reach agreement on these specimen terms, which we hope will be welcomed by barristers and solicitors.”

David Hobart, Chief Executive of the CLLS, added:

“I welcome the initiative of the CLLS’ Litigation Committee and COMBAR in working together to create a useful document which addresses the particular interests of legal professionals in commercial cases.

“Commercial cases include the major actions brought by international litigants who come to London to make their claims under English law, accessing the world-leading

legal services provided by our City lawyers and barristers. One can quite understand the preference for a contract when such substantial sums are involved.”

The terms and accompanying guidance note can be accessed from the website of the CLLS.

- [Combar/CLLS specimen Agreement for the Supply of Services by a Barrister in a Commercial Case](#)
- [Combar/CLLS Guidance note on the Agreement for the Supply of Services by a Barrister in a Commercial Case](#)

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Notes to editors:

1. From 31 January, changes to the Bar’s Code of Conduct mean that barristers will be entering into contracts with their instructing solicitors more frequently than has traditionally been the case. The **Bar Council** responded to the change by issuing [standard contractual terms of business](#) to cover a wide range of the possible work by a barrister. Last week, the **Law Society** issued [guidance for their members](#) as to how those terms might be amended.
2. Independently of the Bar Standards Board and the Law Society, Combar and the CLLS have been negotiating for over two years with a view to agreeing terms of business for barristers designed specifically for commercial cases. Combar and the CLLS have reached agreement, and those terms, together with a guidance note, have now been published.
3. The terms have not been agreed by the chambers or firms which are members of Combar or the CLLS. No barrister, from any chambers, and no solicitor, from any firm, has agreed to be bound by these terms if proffered in any particular case.
4. The specimen terms are not binding on anyone, and it remains the responsibility of all solicitors entering into contracts with barristers to ensure that any terms agreed (whether these, based on these or otherwise) are appropriate for the particular case in question.
5. **The City of London Law Society** (“CLLS”) represents approximately 15,000 City lawyers through individual and corporate membership including some of the largest international law firms in the world. These law firms advise a variety of clients from multinational companies and financial institutions to Government departments, often in relation to complex, multi jurisdictional legal issues. www.citysolicitors.org.uk
6. **The Commercial Bar Association (“COMBAR”)** is the Specialist Bar Association representing barristers in England and Wales who practise in the field of international and commercial law. Just over 1,300 barristers are members of COMBAR, comprising thirty-eight sets of chambers, mainly in London, from which barristers practise in this field, together with a number of individual self-employed and employed barristers. The great majority of practitioners at the Commercial Bar of England and Wales are members of COMBAR. www.combar.com

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