



Note on Marketing the Bar outside England and Wales

This Note has been prepared by the International Committee (“IC”) of the Bar Council of England and Wales to assist and inform self-employed barristers who wish to market their services abroad. It should also be of assistance to those who might wish to take part in foreign missions organised by the Bar Council or Specialist Bar Associations (SBAs). Finally it should also be of use to those undertaking their own overseas marketing to a new or unfamiliar place.

There are a number of issues which barristers ought to have in mind when marketing abroad, depending on the particular jurisdiction which is being visited. It pays to undertake some research, or speak to other barristers more familiar with the country in question before travelling. It is also a good idea to prepare what you want to say and sell before you travel.

This note is aimed principally at self employed barristers, but it is hoped that it will also be of interest to the employed bar.

We will update this paper from time to time and welcome feedback. Readers may also find helpful (i) the Note which the IC has produced summarising the changes to the rules on international practice contained within the new [BSB Handbook](#) and (ii) [booklets](#) produced by the IC on international legal services, international arbitration and crime and regulatory work – these market the Bar to overseas lawyers but the text provides helpful information about how to market the bar.

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Lawyers abroad

The lawyers you encounter overseas are likely to be highly educated, and quite often form part of a local elite class. However, it is worth researching the level of sophistication which the local lawyers have in dealing with foreign matters, foreign lawyers and international legal issues. Try to find out in advance how experienced the lawyers you will meet are in such matters.

In many offshore jurisdictions, the local lawyers are expatriates from England or other English-speaking countries, who may have practised in England before moving abroad. In other countries you may find lawyers who are dual-qualified or have considerable experience studying or working in the UK, the US or another English-speaking or European country. However, in yet other places such lawyers may be relatively rare and you may find yourself dealing with lawyers who have rarely any experience of international disputes or liaising with lawyers from outside their own country. It is worthwhile knowing in advance the sophistication of the lawyers you are likely to meet, and modifying your approach accordingly.

Local lawyers may also have a very different approach or attitude to client care and professional ethics. In many countries, lawyers are held in high regard and they are not used to the level of cut-throat competition that we have become used to in this jurisdiction. They may well not understand, or want to emulate, the 24-hour service culture that UK lawyers now live with.

Law firms abroad

In many countries there is a mix of purely local law firms and branches of large UK and/or US law firms. The larger UK/US firms have moved rapidly into many foreign countries, but they do not all operate in the same way: some follow a strategy of buying up a promising, small local firm (often after establishing a 'best friend' relationship); others build up their own offices by flying out or recruiting ex-pats from London or elsewhere. Many countries outside the EU have restrictions on the type of work which foreign lawyers can carry out, and/or the type of law offices which can be established, if they are not locally qualified or licensed. It is vital to understand such issues before visiting.



Foreign local offices of even the larger UK/US law firms often have considerable local autonomy, so do not assume that they will follow the lead of, or stick to the panel approved by, the head office in London or New York.

It is also useful to understand about the local law firm structures, as they do not all operate as do English solicitors firms. Some have structures more akin to a set of chambers, with each lawyer or partner earning only from their own cases. Others pass profits back only to the partner who introduced the work to the firm, regardless of who did the work or where it was done. Do not assume that the training and career path for a foreign lawyer mirrors that of an English solicitor.

Code of conduct rules

Bear in mind the long-standing rule, now at rC14 in [Part 2 of the BSB Handbook](#), that soliciting work outside England and Wales must not be done in any manner which would be prohibited if done by a member of the local bar. Also local rules on confidentiality/privilege, conflict of interest and other conduct rule may differ, which could become a real issue when accepting instructions from local lawyers. You will therefore have to find out what the local rules are.

It is also worth remembering that a barrister undertaking foreign work (as defined in Part VI of the BSB Handbook) is required as a matter of professional conduct to comply with the applicable rules of the foreign place in question, subject always to the overriding Core Duties of a barrister - see rC13 in [Part 2 of the Handbook](#).

Selling the Bar

The core services provided by the Bar are very attractive to many foreign lawyers and in-house counsel. Some lawyers will be familiar with the way in which the Bar traditionally operates but most lawyers are not. Expect to spend quite a bit of time explaining the split profession and its advantages. Although recent rule changes have blurred the line between the Bar and the solicitor's side of the profession, with a largely ignorant audience it is worth starting any explanation with the traditional roles, before explaining (if needed) what barristers can do with a public access licence, or permission to conduct litigation. This is so even if you have wider rights than a traditional barrister, as you will otherwise be unable to distinguish yourself from a solicitor who might be competing with you for the work and the distinction will be a mystery to the audience. Try to keep the message simple and focus on what you are able to do to work with and assist your audience.



The distinction is important to bring out because the Bar has a well-deserved reputation for excellence in the UK and around the world. It is worth putting the Bar into context for a foreign audience. We are a specialist profession, with a reputation for greater skill and knowledge than solicitors in dispute resolution and advocacy. Why not explain that the vast majority of lawyers in England are solicitors who consult and defer to counsel when facing a tricky problem? Despite a handful of solicitors now having rights of audience (and a few even having QC after their names), barristers still conduct almost every difficult case in court in England and Wales, especially in the higher courts. We can and should sell ourselves as specialists in areas of law and specialist advocates on whom the general body of lawyers rely for advice and advocacy services. Clients are better served by having a specialist profession; the simplistic notion that two lawyers always cost more than one is just plain wrong, and can be demolished very easily. Emphasise that, however unusual the system seems to your listener, it evidently works, and works to the benefit of the client.

Any foreign lawyer can instruct any barrister to advise and to appear in any arbitration or other form of ADR. The only restriction concerns appearance in court in England or Wales once you come to the point of issuing proceedings. So if you are marketing yourself primarily as a specialist advisor or as an advocate for international arbitration, there is no need to introduce or discuss the rule changes permitting barristers to conduct litigation, which may confuse your audience. Similarly an audience of foreign lawyers is unlikely to be much interested in the plans (or your predictions) for alternative business structures or direct access work. Keep the message simple - the Bar, in its traditional, simplest and most common form, is already sufficiently attractive to foreign lawyers as a very high quality, flexible provider of specialist legal services. The analogy with surgeons or other specialist medics or consultants in other fields is apt and readily understood worldwide.

Self-employed barristers also have the huge advantage over law firms that we are generally not interested in forming a long-term relationship with lay clients. You can stress that there is little risk that the local lawyer will lose its clients to us; we are interested in building relationships with the lawyer and her firm, not the lay client. That is very different to the position with many solicitors' firms.

You might also emphasise the inherent flexibility in working arrangements that a self-employed barrister can offer. Unlike solicitors in a large law firm, we are not tied to any particular rate or way of billing. We can offer fixed rates, if we choose, or reduced hourly rates because we are self-employed. We can also be contacted very easily - an email or call to us or our clerks will do.



If you are a junior barrister, you may wish to emphasise how cost effective your services are compared to your contemporary at a law firm. However be wary of competing solely on cost; as a specialist, it will enhance your reputation to be seen as good before cheap. If you are a silk or senior barrister, you may wish to emphasise the unrivalled experience which you will have gained as an English specialist advocate.

If you are from outside London, do not be surprised that foreign lawyers will often equate England and Wales with London. Rightly or wrongly, London is often viewed as the hub for law in our country and it is inevitable that foreigners see London barristers as being at the heart of the system, particularly when considering commercial law or dispute resolution. Conversely, the London bar should not be timid in emphasising that they work in a booming city renowned for its international connections, in law as much as other fields.

Foreign lawyers are often interested in what English barristers can offer their own profession, particular in the way of training. Common areas of interest include advocacy and ethics training. The Advocacy Training Council (ATC) is inundated with requests for training from round the world, and although it tries to accommodate as many requests as possible, please do not offer their services or indicate that they can be provided in response to each and every request. Foreign lawyers, particularly those early in their career, can also show interest in exchanges, or extended visits. The Bar Council runs some exchange or placement programmes (currently with China, Russia, South Korea and soon with Brazil), which you should know about if you are visiting a country benefitting from such a programme. But be wary of suggesting that a new exchange scheme could be set up as they need considerable planning and support. However, your chambers may wish offer an individual mini-pupillage style placement in which case the Bar Council's international team can assist with immigration sponsorship.

You may want to consider explaining very briefly the chambers' system, how the self-employed bar practises and is administered in this system and the role of the senior clerk or practice manager. Be conscious that phrases will not easily translate – “clerk” being a good example of a word which frequently confuses foreign lawyers unfamiliar with the system.

International issues for an international audience

It almost goes without saying that you should try to steer clear of discussing purely domestic issues when marketing abroad. Even if your practice is currently predominantly domestic, consider how you might 'internationalise' it for the foreign audience, even if that means expanding your field of practice. So, for example, if you have a mainly criminal practice,



consider what regulatory issues might be relevant to those seeking to export to England, or whether you could expand your practice to deal with bribery or money laundering issues. Most areas of practice have an international potential, although in some areas the international aspect will be more obvious and voluminous.

There is little worse than telling a foreign audience that your practice is purely domestic and they can call you if they have a problem in England when on a visit: you will come across as a lawyer on a holiday rather than on a marketing mission. Plan to explain how you might be of use to the foreign lawyers you are going to encounter.

Read up on issues relevant to the particular region that you are visiting, and this should not be limited to the legal system and the legal market. It will help if you can demonstrate some general knowledge of the culture and of current affairs of that region.

Language

Obviously you may be dealing with potential clients and foreign lawyers whose first language is not English. If you do not speak their language, it is worth bearing in mind that you will have to modify your mode and speed of speech. If you are going to use translators, you should expect things to take at least twice as long to cater for the translation (unless using simultaneous translation, which is expensive). If you are responsible for identifying a translator take references if at all possible from other lawyers. Many translators will not be familiar with legal terms let alone terms relevant to the Bar and its practice (e.g. barrister, QC, chambers, senior clerk). It is best to provide copies of slides or handouts to translators in advance if you can.

As well as avoiding slang and expressions, try to avoid complex language, common lawyers' phrases ("*it seems to me*", "*notwithstanding*", "*for the avoidance of doubt*") and composite or modal verbs (such "*take up*", "*talk over*", "*walk off*", "*made up*"), as few non-English speakers will have learnt them - many will be more used to dealing with written legal English, particularly in contracts, which is invariably more formal than speech. Speak more slowly than usual, even for translators.

Presenting and talking

If you are invited to speak at a seminar, a conference or a meeting with local lawyers, enquire whether you are expected to present slides and know how long you are being given to talk. Depending on how long you are talking and how technical the subject, consider using Microsoft Powerpoint, which is a powerful tool for getting across a message especially to those



who might be more comfortable reading than listening, or providing a user friendly handout. Consider whether your Powerpoint should be translated into the local language in advance.

Do not overfill your slides and do not read them out. They should have no more than half a dozen lines on each, and probably no more than about 30 words, ideally in bullet points not blocks of text. Use them as headlines or pointers rather than narrative. If you know how, or can work it out, use some pictures, charts, or tables to break up the monotony of text. But do not use photos which are copyrighted or plagiarise! Also be careful not to descend to stereotyping or cultural insensitivities in your talk.

Although we pride ourselves in talking for a living, the skills required to make an effective presentation at a seminar are different from those you deploy in court. You may benefit from practising any talk in front of a colleague in Chambers, or another barrister on the mission, or your clerk - seek feedback and improve the talk accordingly, or running through your talk in front of a mirror in advance. Time yourself and make sure your talk is going to last only as long as you are given. Long-winded, overrunning, under-prepared talks without slides (or with overfilled, dull slides) will earn you a reputation which is exactly the opposite of how you wish to come across. Generally speaking our experience is that short, well organised and engaging talks go down well. Bear in mind what is said above about language – in addition jokes rarely translate well.

Always consider who your audience is when preparing your talk e.g. (i) will it include English solicitors, foreign clients or foreign lawyers (ii) will it include lawyers / clients familiar with my topic or not (iii) will it include local press.

Cultural issues and socialising

Business cards are expected and used by almost every lawyer other than the English barrister. If you do not have any, get plenty before you travel. If you are travelling to a country where English is not a language used by the lawyers, consider investing in cards translated into the local language, preferably double-sided. If you are going on a planned mission or to a conference, take more than you imagine you will need: count them in the hundreds. Glossy cards may look smart but prevent your contact writing anything on them.

English humour, whilst admittedly great, does not always export well, even amongst the English speaking world. Try not to rib your fellow barristers openly, as it may be seen as denigration or just rudeness. Self-deprecation might also be mistaken for under-confidence or a candid admission of uselessness. Modesty, by contrast, is wise. An easy way to sell is to talk up your fellow barristers; if a whole team does this (evenly), everyone is made to look



good. Express admiration for the more senior members on the trip, however little you may know of their individual qualities.

Try to learn a little about the history of the country you are visiting, and particularly the historic relationship it has had with the UK. You may discover that the locals have an ingrained image of what the English are like, based upon an historic event about which you know very little, sometimes from the last century or the one before when Britain's approach to overseas trade was more one-sided than it is today. Remember that Britain waged some enduringly unpopular wars and foreigners might not see us as plucky, liberal freedom fighters. Some foreigners have preconceptions about us based upon Dickens, BBC costume dramas, James Bond or Mr Bean; be prepared to challenge them, appropriately and in good humour of course.

You might try to learn what the locals are likely to be proud of in their history and take care to praise that; you will win friends for knowing a bit about them in advance. Also find out what locals will not wish to discuss with you. Some things we take for granted are controversial abroad. Tread very carefully in espousing political views if you cannot avoid them altogether.

You will socialise with foreign lawyers when abroad. This may be no more than a coffee after a seminar or it might be an invitation to a boozy meal hosted by a local firm. These are valuable marketing times too and you might try to steer the conversation to work topics rather than reverting to discussing your family or personal life. You may also find that certain cultures do not have the same level of openness (or secrecy) as you encounter at home. In some countries, it is usual to exchange information about salaries, for example. Think of a way of politely skirting such matters if you think you will be embarrassed (for example, you could volunteer average earnings of barristers in your field, or hourly rates). Conversely, some foreigners may not wish to discuss their family or personal circumstances with you. For these reasons, we suggest you keep discussions to work topics until you know the person or place pretty well.

If you have particular dietary requirements or preferences, check before you travel whether they are likely to be easily and politely accommodated. If you are particularly fussy or squeamish, you may find yourself going hungry at banquets in the Far East; your choices may even be interpreted as rudeness if you reject offered items without an appropriate level of politeness. If you do not know what you are being offered to eat, ask what it is with (if necessary, feigned) polite interest, and receive the information with delight, regardless of how disgusting you find the food.



Lawyers in some countries will expect you, particularly if you are male, to drink alcohol, sometimes copiously, to seal a relationship. Lawyers in others frown upon drinking altogether. Try to know what is likely to be expected of you before travelling so that you are prepared and if necessary are able to decline politely. Of course, it is rarely a good idea to get drunk with relative strangers in an unfamiliar place.

Bar Council and third party support

If you are taking part in a mission with the Chair of the Bar and/or Chair of the International Committee, take the time to understand what they do in that role before you meet them. There is a lot of work undertaken by the Bar Council, much by volunteers and overworked staff, with which you may be unfamiliar. There may well be a history of bilateral engagement preceding the trip you are taking.

The officers of the Bar Council may have particular meetings scheduled to which you are invited, and others which will not be open to the delegation as a whole, depending on the trip. Showing respect to the officers when in public view on the trip will enhance the image of the Bar abroad as a well-organised and functioning profession. If attending a mission organised by the Bar Council please check in advance which events you are required to attend and which are optional, and please respect this.

Bar Council missions usually include written and verbal briefings in London and abroad which can enlighten you on some of the issues raised in this Note. Attendance at the pre-mission briefing meeting is expected. This is a good venue to ask any questions you may have about the jurisdiction you are visiting, the Bar Council, the trip or indeed anything else.

On foreign missions organised by the Bar Council, there is often support provided by British embassies, consulates, the UKTI and the Lord Mayor of London. If you are at an event with an English dignitary, again it is polite to show a degree of respect

If you have any questions in relation to this Note or wish to receive further information, please contact the International Team: intevents@barcouncil.org.uk.

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