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## CORPORATE COUNSEL ENGAGEMENT PROJECT AND PILOT

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Dear Member,

The results of the State of the Bar survey, released last year, revealed many encouraging trends for our Bar in terms of equitable briefing practices, income growth and an increasingly diverse demographic. Much less encouraging were the results relating to our share of the market for legal services, particularly in the context of commercial work. In summary, the survey demonstrated that, over the past decade or so, the time spent on commercial matters has declined, our direct engagement with corporate clients has decreased, and our roles in commercial cases have been diminished (including but not limited to the stage in matters at which Counsel are briefed).

Late last year, we undertook a 'listening tour' of corporate counsel to try to understand better the reasons for these trends and how they might be addressed. We wanted to know how well the Bar's value proposition was understood and how it might be improved and communicated better to corporate counsel.

Amongst other things, we found that:

- the Bar's service offering is, in many cases, poorly understood by corporate counsel and corporate clients;
- many corporate counsel harboured misconceptions about barristers – what we do, how much we cost, and what we can offer;
- our relationship with commercial clients is mediated by other 'trusted advisers' which serves as a significant barrier to establishing deeper and lasting engagement with those clients;
- many in-house counsel who would be interested in 'using the Bar better', including by way of direct briefs in appropriate cases, find it hard to identify barristers who would be suitable for a particular task; and
- we need to be open to 'doing things differently' in order to compete for the market share that has been eroded over time.

That feedback has led to the establishment of a Corporate Counsel Engagement Working Group (**Working Group**). As part of its work, the Working Group has established the Corporate Counsel Engagement Project (**Project**).

The Project will involve a pilot program (**Pilot**) which aims to:

- strengthen relationships between the Bar and in-house corporate counsel;
- promote the direct briefing of the Bar in appropriate matters; and
- ensure that the Bar is used better by commercial clients, both alone and in conjunction with other external legal resources (principally, law firms).

The Working Group will be seeking **expressions of interest** from up to 100 Counsel who wish to participate in the Pilot. The Pilot is open to all members who accept briefs in commercial law, public law, employment law and government and regulatory matters. The Pilot will broadly encompass:

- a 'two-way' education program aimed at:
  - improving understanding amongst barristers of 'what clients want' as well as how to deliver it;
  - improving awareness amongst in-house counsel of what the Bar has to offer and how and when they should use it; and
  - showcasing the subject matter expertise available at the Bar;
- direct engagement with corporate clients through networking, seminars, and other events;
- enhancement of the quality and useability of information available about the Bar and barristers, including:
  - the improvement and standardisation of barrister profiles to enhance searchability and the usefulness of information provided;
  - the development of 'tool kits' for in-house corporate counsel; and
  - the adoption of other measures by individual barristers to ensure ready accessibility for clients and greater 'user-friendliness';
- the establishment of a secondment program for interested barristers; and
- the collection of 'before and after' survey data to facilitate assessment of the success of the Pilot.

The Pilot will require active participation from those involved. Participants will be selected based on criteria including the need for diversity within the Pilot (in terms of seniority, areas of practice, gender, cultural/ethnic background etc) and the content of their EOI.