



## How you can appeal if you were convicted in a Magistrates' Court.

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### Choosing a barrister for your case

For cases in the Crown Court and often for regulatory/professional discipline cases, we will instruct a barrister as your advocate. Barristers are experts in particular areas of law and the rules of evidence. They are independent from your solicitor and will form their own view of the evidence against you.

Once we have chosen a barrister, we will instruct them by providing instructions (called a 'brief'), containing all the evidence, our view of the evidence and details of what you say about it.

We will have conferences with the barrister and with you so they can provide their views on the case.

Any barrister who is not a QC is a 'junior barrister'. A barrister who is not a QC but has been at the Bar for 30 years would still be called a junior, though they would be considered a 'senior junior' by their peers. Equally a barrister who has been at the Bar for 5 years is a junior. There are many barristers who are not Queen's Counsel as they have never applied, preferring to spend more time in court doing the cases they love. Some of these barristers are formidable advocates with many years of experience.

A QC, to put it somewhat grandly, is 'one of Her Majesty's Counsel, learned in the law.'

The first thing to know is that there is no actual connection to Her Majesty, as QCs, while appointed with the final authority of the Queen, are in fact selected by an independent appointments commission.

In practical terms, QCs are barristers or solicitors who have been able to evidence the highest courtroom skills; it is an award for consistent excellence in advocacy and knowledge of the law in their chosen specialism.

There are some things to consider. The first is that the QC may not be the best person for the job. In many cases, before the magistrates' court, it is often better to instruct a highly experienced solicitor who knows the court and this type of court procedure. It may be that a QC who is accustomed to defending fraud cases at the Old Bailey may not be best appearing on a drink-driving accusation at Warrington Magistrates' Court. It can also give an

impression of a defendant using wealth to achieve a positive result (which is of course not guaranteed by hiring a QC).

But, generally speaking, in a perfect world, it makes sense to have the best available advocate, if you can. The 'best' may not always mean a QC though.

If the case is not the most complex, it may well be that a highly experienced junior advocate can more than adequately deal with it. There are also some specialist areas where a junior advocate may be more experienced; we often see this in regulatory work for example or in defending motoring cases.

It is also essential that the advocate works seamlessly as a team with your solicitor to ensure the best case preparation possible; this is something that we value particularly highly as it can significantly affect the overall outcome.

Where liberty is at risk, it is, however, understandable that some people will wish to leave nothing to chance, and will feel a particular level of comfort in instructing a QC.

In particularly large or complex cases, such as fraud, it may be sensible to instruct a QC and a junior barrister. This allows the workload to be shared with tasks such as research and drafting being carried out by the junior and approved by the QC. Not only can this reduce the costs but also allows the workload to be shared (critical in cases where the evidence is voluminous) and to exchange and test ideas.

Whichever barrister is instructed, it is important to ensure that they have significant experience in the appropriate area of law. A barrister who is very experienced in defending health and safety cases, may have very little experience in serious fraud cases.

If you are funding your defence costs, a crucial question is whether you can afford to instruct a QC. In some instances, it may be possible to instruct a QC alone to defend, but in others, a QC and junior advocate will be needed (and ironically might be more cost-effective).

It is impossible to give indicative costs as this will vary greatly depending on the type of case, the volume of papers, whether it is a guilty plea or contested trial, and if a trial, the likely length.

As a firm, we are immensely proud of the strong working relationship that we have with all of the advocates we regularly instruct. This is key to ensuring that you are given the best advocate for your case.

We get to know you, your case, your aims and work to ensure that the barrister who represents you is the best for your circumstances.

When choosing a barrister we will work with you, drawing on our experience, research, assessment of your cases and means and will discuss options with you so you are fully involved.



**If you have any questions,  
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