

TIMETABLE

REGIONAL BAR:

Client referees deadline:
4 February 2022
Editorial submission deadline:
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SCOTTISH BAR:

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LONDON BAR:

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London

Footnotes

Administrative/public law, civil liberties and human rights

(merged): This section is a merger of the previous administrative and public law and civil liberties tables. It covers key constitutional issues and generalised matters of public law not covered in other areas of the UK Bar guide (including matters as diverse as social welfare and prison law), as well as cases turning on use of the European Convention on Human Rights. Please note our separate coverage of a range of other areas such as planning, professional discipline, public procurement, EU law, education, extradition, social housing, court of protection, immigration and similar, which will cover counsel familiar with judicial reviews and convention rights within those specific areas; this section is not per se a “best of the best” of specialists in those areas. Election law is now spun-off into a new area, as is police law (claimants) for those bringing claims for damages against the police.

Agriculture: This section revolves around planning, environmental, and property work relating to farming. Clients include HNW individuals, farmers, and the public sector – primarily DEFRA, district, and county councils. Key issues include rights of way, probate and estates, Village Green designations, and land rights. Leading barristers in this section have a broad range of expertise across key relevant areas, and are generally recognized as experts through court appointments and roles such as Village Green Inspectors. We accept there is a degree of crossover between property, planning and environmental specialists in this area, however we are looking for clearly-demonstrated evidence of a commitment to work involving agriculture rather than specialists in those areas who handle farming work intermittently.

Art and cultural property (renamed): The art and cultural property section covers a range of litigation, such as disputes over the sale, provenance and financing of art work and antiquities/cultural property. Any disputes on the subject of non-fungible tokens would probably included in this space, however we welcome views on how they should be covered in future. We also welcome views as to if we should broaden this section to include more recently-produced high-value collectible properties that would not fall within traditional understandings of the visual

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arts but are commonly sold and traded in a similar manner, such as highly collectible classic cars, ultra-fine wines and similar. This section is fully demerged from “media and entertainment” for clarity and ease of reference.

Aviation: This section covers the full gamut of work relating to the aviation industry, including regulatory and commercial disputes work for airlines, airports, insurers and financiers.

Banking and finance (including consumer credit): This section covers the full spectrum of disputes on financial services, from investment banking through to retail products aimed at the general public.

Business and regulatory crime (including global investigations): The Business and regulatory crime (including global investigations) rankings includes instructions relating to bribery, sanctions, interest-rate rigging, criminal cartel offences, trade union redundancy offences, and similar. It does not cover fraud cases such as land-banking scams and VAT fraud (please see the Fraud: crime section for coverage of this specialism). International crime and extradition and POCA and asset forfeiture are also covered separately. That said, many barristers are likely to have practices that do not neatly fit within these boxes and so may be ranked in more than one practice area.

Charities: This section covers work around the governance, registration, formation and regulation of charities of all sizes.

Children law (including public and private law): This section covers the full range of private and public law child work before the family courts. More complex matters, such as ones with international elements and multiple parties, will be particularly prized.

Clinical negligence: In this section, we are looking for practices demonstrating ability in the most high-value cases (including brain injury, birth injury, wrongful birth claims, paralysis, failure or delay in diagnosis of medical conditions, fatal claims), and those which feature novel issues which have a realistic chance of generating case law. The complexity of injuries is a factor, as is the typical value of the claims handled. This section only covers

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human patients; veterinary negligence matters can be covered in professional negligence.

Commercial litigation: For these sections we are ranking barristers for their work advising corporates, or potentially high net worth individuals, on genuine litigation stemming from commercial contracts. This could include disputes involving M&A-related litigation, IT/outsourcing agreements, and breach of contract matters. Given that we already have distinct sections for international arbitration, competition litigation, tax litigation, banking litigation, professional negligence, construction, corporate crime, property litigation, intellectual property and employment, this work should not be the focus of commercial litigation submissions. The size of the section should be seen as a continued vote of confidence in the wealth of talent at the self-employed Bar, but this should not detract from the fact it is a highly competitive section, in which inclusion is highly selective even by the standards of The Legal 500. Matters where fraud is alleged are often likely better to be suited to fraud:civil.

Commodities: The top counsel in this section will be handling a diverse range of work, usually encompassing GAFTA/FOSFA and other types of commodity arbitration, as well as taking significant roles in other related disputes, which might include those arising from commodity or trade finance transactions. The key is to be regularly involved in these matters and to be handling the highest-value and most complex disputes across a range of different commodity markets. For the avoidance of doubt, commodities includes “soft” and “hard” commodities. This section does not aim to be a duplication of the shipping section, however it is envisaged that commodities in this section would generally be transported between continents on ships – we do not consider cryptoassets to be commodities.

Company (renamed): This section has been fully demerged from the “company and partnership” section for simplicity of process and to provide a better showcase for the Company law Bar, but is a direct continuation of the company tables under that header. It includes contentious and non-contentious matters focussing on the most intricate points of company law and corporate governance.

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Competition: Work covered here includes litigation concerning cartel investigations, merger control, abuse of dominance, follow-on damages claims and state aid matters. Criminal cartel offences are best submitted for business and regulatory crime.

Construction: This includes work for all participants in the industry, including employers, contractors and subcontractors, handling litigation, arbitration, adjudication and mediation, encompassing claims relating to breach of contract, defects, delay and design liability. This is a section where elite practitioners will have a global focus, and the highest ranked barristers will regularly appear in international arbitrations abroad on the sorts of mega-projects that are few and far between in the United Kingdom: if relevant and you do not already do so, you may wish to consider submitting members active in those areas for the English Bar sections of the EMEA and Asia-Pacific guides in addition; these research processes run separately.

Consumer: This section covers work broadly in the context of consumer protection legislation, representing retailers, manufacturers of products and consumers. Cases involving group litigation orders will be common. However please note that banking and finance (including consumer credit) is the correct section to submit work covering consumer finance work.

Costs: This section covers costs disputes in the wake of the full range of litigation and ADR. This includes all aspects of how litigation is paid for, such as disputes as to CFAs, and post-dispute matters between clients and their representatives over bills.

Court of Protection and community care: This section includes the full spectrum of the type of issues which constitute the Court of Protection's docket, concerning the welfare of people who do or may lack capacity.

Crime: The Crime (general crime) section covers criminal work that would typically come under the banner of violent and sexual offences, such as murder and rape at the most serious end, but also covers all manner of non-financial offending, such as modern slavery offences, the full range of terrorism offences, and organized crime matters both privately and publicly funded, and for the defence and prosecution. The size of the section

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should be seen as a continued vote of confidence in the wealth of talent at the self-employed Bar, noting the size of the criminal Bar, but this should not detract from the fact it is a highly competitive section, in which inclusion is highly selective even by the standards of The Legal 500. It does not cover criminal fraud or corruption and sanctions-type offences: please see the Crime: fraud and Business and regulatory crime sections for coverage of those specialisms. International crime and extradition and POCA and asset forfeiture are also covered separately. That said, many barristers are likely to have practices that do not neatly fit within these boxes and so may be ranked in more than one practice area.

Data protection: This section includes fully contentious and specialist advisory work, primarily focusing on compliance and investigations within this field, as well as litigation on the subject of data breaches, including cases brought by claimants under group litigation orders. Work in a media or journalistic/quasi-journalistic context, including social media commentary, may be better suited to defamation and privacy.

Defamation and privacy: This section includes defamation work in the traditional sense, however also includes data protection and misuse of private information claims within a media/quasi-media context; data protection work concerning large breaches and similar are better suited to the “data protection” section.

Education: This section includes advice to parents, students, academics and institutions at both school and university level. This will include disputes touching on themes such as – non-exhaustively – academic freedom, expulsions, selection policies, litigation over results and grading, mergers of institutions, disability discrimination and similar.

Elections (new): This section covers elections to national, devolved and local government offices, including challenges to their result and litigation concerning the regulation of campaigns. Trade union and other organisational elections are not germane to this section.

Employment: This section includes the full range of employment work for employers, trade unions and individual employees. The top barristers will be involved in heavyweight appeals, alongside

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Employment Tribunal and Employment Appeal Tribunal work, with typical cases concern unfair dismissal, sexual harassment, workplace discrimination, injunctions related to individual and team moves, whistle-blowing matters, and the enforcement of restrictive covenants, internal investigation and worker status, with the application of data protection law to the workplace a notable emerging area and disputes over pay, bonuses, and the National Minimum Wage also germane. Health and safety and pensions are covered separately.

Energy: This section includes disputes over energy-related disputes and regulatory disputes. A prime example of the sort of work that would be included in scope of this is Energy Charter Treaty arbitrations.

Environment: This section covers the full range of environmentally-related work, including environmental crime, and environmental law-related planning matters. That said, it is by no stretch of the definition intended to be a duplicate of the planning section and work highlights should be explicit as to the specific environmental law issues of law over and above the capabilities clients are entitled to expect of a planning barrister.

European Union law: We would typically expect counsel in this section to be active in cases before the Luxembourg court system as well as EU/retained law matters in London.

Family (including divorce and financial remedy): This section focuses on financial provision after divorce/dissolution of civil partnerships primarily, but also includes contested divorces and similar. International cases and other particularly complex work, such as those with enforcement challenges, are particularly prized. Child law work is a separate practice area and should be submitted for that area.

Financial services regulation: This ranking covers investigations by the FCA and PRA into banks, building societies, credit unions, insurers and major investment firms. We would expect submissions to include internal investigations, as well as external investigations, into allegations of market misconduct and corruption such as money-laundering. This section is roughly analogous to the financial services: contentious ranking in our

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solicitors coverage; the division between this and licencing for higher risk CFD/spread betting products is that this section covers those regulated by the FCA; anything covered by gambling regulators.

Fraud: civil: This covers the full gamut of commercial disputes, often similar to the sort of work that is mentioned in commercial litigation, in which fraud is alleged.

Fraud: crime: Work taken into account in the Fraud: crime section concerns criminal prosecutions of Ponzi schemes, land-banking scams, VAT frauds, confidence frauds, and boiler rooms, among others. It does not cover regulatory investigations or business crime, such as interest rate manipulation, bribery, and trade union law offences; please see Business and regulatory crime for coverage of those specialisms. POCA and asset forfeiture expertise is also ranked separately, as is violent crime, which is covered in the Crime: general section. That said, many barristers have practices that do not neatly fit within these boxes and so may be ranked in more than one practice area. Civil fraud is also covered separately.

Group litigation (new): This section covers group litigation order cases and representative actions; in other words work that would be referred to as “class actions” in a number of foreign jurisdictions. As this is a new section we are not being highly prescriptive at this stage, but work we are looking for in this section is primarily about the mechanics of bringing cases on a collective basis, not the substantive issues about what the damages being sought for are.

Health and safety: This section covers criminal health and safety prosecutions in the criminal courts, whether prosecuted by the HSE, local authorities or the CPS. Inquests and inquiries are covered separately, as are the potential civil claims arising from the underlying facts of a criminal health and safety prosecution.

Immigration (including business immigration): This section includes the full range of immigration and citizenship matters for the Home Office and claimants both privately and publicly funded. This section includes the full range of interaction with the borders system in the United Kingdom: not just assessing refugee

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claims, but matters concerning immigration detention (including conditions in it and bail from it), and migrants' access to state support. Business immigration work in this space will also include sponsor licencing matters.

Inquests and inquiries: This section includes work concerning statutory and similar inquiries and the representation of parties at inquests, as well as judicial reviews of inquests and inquiries. What it does not include, however, is other matters such as clinical negligence claims which run in parallel to inquests but are not themselves germane to this section.

Insolvency: This section covers the full spectrum of personal and business insolvency work.

Insurance and reinsurance: This section covers litigation which concerns insurance as insurance – coverage disputes, for instance – as well as disputes concerning re-insurance. What is not relevant in this section is other areas of work – professional negligence or personal injury for instance – where the insurance is not an active point of dispute but a part of the funding structure of one party or the other.

Intellectual property: All work of the Bar concerning copyright, trade marks, and patents, as well as the full gamut of more exotic forms of IP including plant breeding rights and heraldic symbols are covered here.

International arbitration: arbitrators: Full-time arbitrators and those who also practice as counsel are listed in separate tables. There are few arbitrators in both groups, however issues of availability and potential conflicts of interest could, however, be of greater relevance for those who also act as counsel.

International arbitration: counsel: This section covers counsel in international arbitrations, across the full spectrum of the arena. It includes work that would also be covered as construction, shipping and similar, but is not a duplicate of these rankings. If relevant and you do not already do so, you may wish to consider submitting members active in those areas for the English Bar sections of the EMEA and Asia-Pacific guides too; these research processes run separately.

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International crime and extradition: This section covers the full range of extradition work, for both requested persons and states, as well as similar matters concerning international arrest warrants, mutual legal assistance and other tools of cross-border law enforcement. It also includes the significantly rarer work before international criminal tribunals and domestic court cases concerning International Criminal Court Act and similar offences. Not included are more general criminal cases before the English courts, even if they involved cross-border investigations, or criminal appeals from other jurisdictions to the Privy Council within the ambit of the general crime section.

IT and telecoms (infrastructure and contracts) (renamed):

This section covers disputes primarily concerning IT outsourcing and projects of a type in which there will be a heavy degree of cross-over with construction and outsourcing-related work. The regulatory tables are continued, but for clarity and simplicity will appear under separate cover as “telecoms regulation”.

Licensing: This section includes the full range of licensing activity, mostly governed by local authorities. The delineation between gambling and higher-risk financial services is whether the service is regulated by the Gambling Commission or the Financial Conduct Authority.

Local government (including rating law): Local government (including rating law) includes a range of matters concerning local governance, as well as actions undertaken by local government against central government. The second prong of this area is rating disputes.

Media and entertainment (renamed): This section covers disputes in the media and cultural sphere, including disputes over authorship, finance, copyright and regulatory matters (such as compliance with the Ofcom broadcasting code, for instance). Defamation work is no longer covered in this section, and should be submitted for “defamation and privacy”. This section now includes the full range of cultural matters, with the exception of the art market, which are now in a fully separate “art and cultural property” section.

Partnership (renamed): This section has been fully demerged from the “company and partnership” section for simplicity of process

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and as a better showcase for the partnership Bar, but is a direct continuation of the partnership table previously under that header. This section covers both contentious and non-contentious matters. This ranking will be focused on partnership practitioners advising on the mechanics of partnerships, as opposed to employment-focused lawyers who also handle some partnership work. Key areas of focus include work relating to partner investigations and allegations of wrongdoing, partner and team moves and work around restrictive covenants, and advice to clients reviewing their partnership constitutions, including disputes resolved via arbitration.

Pensions: The Pensions section covers all manner of pension-related disputes typical for the practice area. Typical work in this section includes Environmental, Social, and Government (ESG), Guaranteed Minimum Pension (GMP) Equalisation, and Master Trusts issues. Court work is a focus of this section, but it will also include some advisory matters as well. It does not include matters of fraud, or substantive criminal prosecutions brought forward in light of the new Pensions Schemes Act 2021; these are instead included within the Fraud and Business and Regulatory crime sections of the guide.

Personal injury (including industrial disease and insurance fraud) (renamed): This section covers the gamut of personal injury work. Industrial disease cases, and cases in which the defendant is making an allegation of fraud, will now be included as more complex personal injury work rather than in separate tables. Clinical negligence is also researched separately.

Planning: The planning section includes work for all stakeholders in this space. It includes work concerning both infrastructure projects (airports for instance) and large residential developments, as well as smaller disputes of the variety that can often be of particular importance to individual private clients.

Police law (claimant) (new): This section covers the full gamut of civil litigation against the police for those from outside the policing community (work for constables against forces should still be submitted in “police law (forces and constables)”, as that section has been renamed). It is a spinout from the civil liberties and human rights (including actions against the police) section in previous years.

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Police law (forces and constables) (renamed): The name change is for clarity, rather than any shift in the work we are looking for in this section. This section focuses on work for police forces and officers in areas including the defence of civil claims and disciplinary matters – in the latter, it includes representation of forces and officers of all ranks. Some weight will also be given to representation of forces and officers in personal injury and employment tribunal claims in the policing context.

Private client: personal tax: This section covers advice to individuals and families on the UK's system of personal taxation. It is anticipated that a lot of this work will be advisory rather than contentious matters that reach trial, although work that involves fully-formed litigation against HMRC is most welcome.

Private client: trusts and probate: This section covers both contentious advice and drafting matters, concerning both onshore and offshore trusts. Offshore specialists should also consider submitting for the English Bar section of the Caribbean guide too.

Proceeds of crime (POCA) and asset forfeiture: The Proceeds Of Crime Act And Asset Forfeiture section has a particular focus on individual lawyers who specialise in post-conviction litigation. In addition, it includes other asset forfeiture proceedings, unexplained wealth orders, and other criminal financial issues. That said, many barristers are likely to have practices that do not neatly fit within these boxes and so may be ranked in more than one practice area.

Product liability: This section covers work concerning liability for defective products, spanning from medication and medical devices, through to consumer goods.

Professional disciplinary and regulatory law: This section covers all types of professional disciplinary work, including in the medical, veterinary, audit, teaching and the full range of professions supervised by an independent regulator. Work for both regulators and the regulated is covered. Advice to solicitors on fee arrangements is best covered in costs, and work in the financial services space should be submitted for financial services regulation. Likewise, police law is featured in a pair of standalone sections.

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Professional negligence: This section covers all types of professional negligence work, including in the construction, legal, financial, pensions, veterinary and tax contexts. The rankings include both claimant and defendant work. Clinical negligence and professional disciplinary work are covered separately.

Property litigation (see notes as to scope): This section covers the full range of property-related disputes, ranging from landlord-tenant (1954 Act) disputes to real property work, including easements, restrictive covenants, transactional disputes, rights to light, right of way, and development issues. Other notable legislation includes Land Registration Act 2002, 1989 Laws of Property Act, Trusts of Land Act 1996. Ranked barristers in this section are regularly trusted in major precedent-setting or high value cases and display a clear specialism in several areas of property law. This section includes both residential and commercial property work, and the research this year will be seeking to recognise residential property practitioners who may have been overlooked in the past. Social housing law – matters including allocations and social tenancies, for instance – is its own standalone section, however.

Public international law: Public international law (PIL) covers a wide variety of disciplines, but for the purpose of this section, the rankings are primarily identifying those barristers with a strong focus on state v state disputes, state immunity, sanctions, and investment treaty arbitrations. There is inevitably some overlap with other categories such as public law and international human rights law, but for a more exhaustive review of experts in those fields, please see the separate civil liberties and human rights and administrative and public law chapters.

Public procurement: Public procurement work includes the full range of matters concerning the procurement of goods and services by local, devolved and national governments.

Shipping: Work covered by this section includes claims concerning collisions, damage, loss and cargo, charterparty and bills of lading disputes, as well as shipbuilding, ship sale and purchase. Shipping finance disputes are covered owing to the specialist nature of the shipping industry. Work will include matters related to casualties, ship arrests, sanctions and insurance claims, with lay clients

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including shipping companies and P&I clubs. If relevant and you do not already do so, you may wish to consider submitting members active in those areas for the English Bar sections of the Asia-Pacific guide in addition; that research process runs separately.

Social housing: Work in this section includes possession claims, anti-social behaviour matters, housing allocation and disrepair claims and similar, specifically within the traditional social housing sector. Work elsewhere in the housing market – including rent repayment orders, and the full range of landlord and tenant matters – is a part of the property litigation section.

Sport: This section covers a broad range of work concerning sport at the professional/elite level, including regulatory, disciplinary, anti-doping, governance and safeguarding matters, as well as commercial disputes firmly embedded in the context of elite sport. Personal injury matters involving recreational sport are not covered in this section, but cases involving professional athletes will be considered to the extent that there are specific issues of liability and quantum in that context. Without committing ourselves to follow their boundaries exactly, most sports would be likely to fall under the established systems of governance and doping control, and note that we include sports involving animals such as horse and greyhound racing. Matters concerning to hunting and field sports (as distinct from, for instance, British Shooting events) are better considered as agriculture and estates.

Tax: corporate (renamed): This section concerns the full range of contentious tax matters outside of the private client and VAT/excise context for both taxpayers and the HMRC. Corporation tax matters will constitute a large proportion of work in this space. This section will involve a degree of public law expertise, including relevant judicial reviews, but submissions should not be based on public law cases with secondary connections to tax. Currently this exists as combined editorials but separate ranking tables as part of “Tax: corporate and VAT/indirect tax”, this change is not a substantive shift in our expectations but a separation for simplicity, clarity and for a better showcase for the Tax Bar.

Tax: VAT and excise (renamed): This section covers the representation of the HMRC and taxpayers in disputes concerning VAT and excise duties, including classification disputes and similar.

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VAT tribunal cases, in which the HMRC alleges MTIC fraud, may be submitted here, but outside of the tax tribunal this work is considered to be criminal or civil fraud, and should be submitted in the relevant area area. Currently this exists as combined editorials but separate ranking tables as part of “Tax: corporate and VAT/indirect tax”; this change is not a substantive shift in our expectations but a separation for simplicity, clarity and a better showcase for the Tax Bar.

Telecoms regulation (renamed): This section concerns the regulation of telecommunications services, including telecommunications code matters concerning the physical sites of infrastructure. It has been fully demerged from the IT and Telecoms section for simplicity and clarity.

Travel law (including jurisdictional issues): This section covers representation of travel sector clients such as tour operators, airlines, travel agents and regulators concerning the regulation of their industry and sector-specific consumer protection legislation, as well as matters concerning overseas-related personal injuries and injuries suffered by foreign visitors while in the United Kingdom. Please note the separate aviation section, which is a better fit for issues concerning aircraft leasing, for instance.

Regions

Footnotes

Family and children law include separate ranking tables for divorce and financial remedy and child law (public and private)

Personal injury and **Clinical negligence** are separate sections. Chambers must provide separate submissions for these sections

Scottish Bar

Footnotes

Administrative and public law: This section includes a very broad range of work involving the relationship between individuals and elements of the state. A deliberately broader scope in this

TIMETABLE

REGIONAL BAR:

Client referees deadline:

4 February 2022

Editorial submission deadline:

4 February 2022

SCOTTISH BAR:

Client referees deadline:

11 February 2022

Editorial submission deadline:

11 February 2022

LONDON BAR:

Client referees deadline:

14 April 2022

Editorial submission deadline:

14 April 2022

Details of the researchers responsible for individual practice areas will be posted on our website shortly after the submission deadlines at:

legal500.com/the-legal-500-submission-information/united-kingdom-the-bar-submissions

LONDON, REGIONAL AND SCOTTISH BAR FOOTNOTES

area is taken than in England and Wales – notably, those in tax, immigration, social housing, public international law, EU law, professional regulation and civil actions against the police to name but a few would be included here, on top of the full range of work for local, devolved and Westminster government. Planning, however, is covered in “property, construction and planning”.

Commercial disputes: This section includes commercial disputes in the broadest sense of the term. This would include all manner of commercial litigation, including intellectual property, technology, shipping, media law and other matters, commercial Chancery work, professional negligence, international arbitration, competition law and much more.

Crime and regulatory (new): This section includes the full range of criminal and quasi-criminal work. This includes everything from both violent and white-collar criminal law work, health and safety offenses and criminal fraud, as well as professional regulation and contentious financial services regulation.

Employment: This section includes the full range of employment work for employers, trade unions and individual employees. The top advocates will be involved in heavyweight appeals, alongside Employment Tribunal and Employment Appeal Tribunal work, with typical cases concern unfair dismissal, sexual harassment, workplace discrimination, injunctions related to individual and team moves, whistle-blowing matters, and the enforcement of restrictive covenants, internal investigation and worker status, with the application of data protection law to the workplace a notable emerging area and disputes over pay, bonuses, and the National Minimum Wage also germane.

Family and private client (new): This includes the full range of family law, both financial remedy and child law, matters concerning the Public Guardian (the sort of work that in England would be considered Court of Protection), trusts matters, confirmation disputes (work along the lines of what would be referred to as “contentious probate” in England and Wales) and similar.

Medical negligence and personal injury: In this section, we are looking for practices demonstrating ability in the most high value cases (including brain injury, birth injury, wrongful birth claims,

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paralysis, failure or delay in diagnosis of medical conditions, fatal claims). Unlike in England and Wales, product liability cases concerning drugs and medical devices, or any other product which is alleged to have caused physical injuries to its users, is best categorised in this area.

Property, construction and planning: This section covers all manner of work concerning the use of land, from the planning process through building to the full spectrum of disputes around the use of buildings. Work concerning agricultural land should be included here.