

# QC declares bar open for cheaper counsel

For Wendy Harris, QC, it's a case of biting the hand that no longer feeds you.

The senior vice-president of the Victorian Bar is spearheading a push to get back some of the work that law firms have been taking from the bar for the past 20 years.



Selling the bar's "value proposition": Wendy Harris, QC. *Alina Gozin'a*

For Ms Harris, it's a matter of survival, and she isn't afraid to take out the opposition.

"If you get in contact with your trusted adviser law firm and you say 'I want advice on X', the person who's going to do the lion's share of the work on X will be someone who is not that long out of law school," she says.

"Their pyramid business model depends upon most of the work being done down the bottom of the pyramid – by the people who are the least experienced.

"There will be some level of value-add from the senior associate level and then the partner will sprinkle the holy water on the top.

"It's a beautifully packaged demo that has been at least triple handled internally, and the cost will reflect it."

## **Charging \$800 v \$250**

Ms Harris says a senior junior with about 10 years' post-bar admission experience after a stint in a commercial law firm could do that job for at least 50 per cent less.

She cites the example of a senior associate who transitions to the bar. One day he or she will be charged out at \$800 an hour; at the bar it will be around \$250 an hour.

Part of the push is a pilot program involving 150 young barristers who are learning how to market the bar – and themselves.

"We're all little taxi cabs, you know, waiting for someone to get into the back," she says.

Ms Harris, a leading commercial silk with a national practice, went on a listening tour of general counsel and industry bodies after a bar study last year highlighted the problem. The results were "confronting", she says.

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"For the most part, they didn't know us at all. It's largely because the relationship with clients is being mediated by others – and that's not a very good business model."

She says instructing solicitors and their firms "have needed for their own commercial survival" to move into areas that were traditionally the domain of barristers, such as advice work and trial preparations.

"They saw an opportunity, and basically as barristers we let them have that opportunity."

The bar survey indicated barristers were spending about half as much time with commercial clients compared with a decade ago.

"We've been sort of manoeuvred into this corner of the market, I guess, whereby we were seen as the court specialist."

It is imperative to act now, she says. "What I fear is that for all these brilliant people who are coming to the bar, in 10 years the market for barristers will be much smaller."

## 'Confidence indicators'

One aim of the pilot program is to learn more about what general counsel want and deliver the product accordingly. The Victorian Bar even hosted a networking event at the 2019 General Counsel Summit in May,

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Barristers are also being encouraged to enhance their profiles, with branding experts being called in for seminars. It's about providing "confidence indicators", apparently.

Ms Harris says it is "all a bit 21st century" for some of the more conservative members.

"When I came to the bar 22 years ago we couldn't even have business cards. You couldn't go to a solicitor's office, because that was touting.

"You weren't allowed to sort of advertise the fact you were a cab for hire. You just had to wait for the market to come to you.

"We can't wait for the market to come to us any more. We've got to start coming to the market."