

# BRIEF ENCOUNTERS



*Harry Smith gives his thoughts on life as a junior tenant and the opportunities and challenges at the modern commercial Bar.*

## **What attracted you to a career at the commercial Bar?**

I never seriously considered any career other than the Bar, though I didn't decide that it was to be the commercial Bar until I was at university. There were two key attractions for me at that stage, namely (1) the opportunities for oral advocacy, and (2) the constant variety which one finds in disputes about commercial law. Three years into tenancy, I would add a third attraction, which is the high level of personal autonomy and responsibility for one's own work which one has even at a very junior level at the commercial Bar.

## **What kind of work have you been exposed to in Chambers?**

I am involved in a large number of international arbitrations with seats variously in the Middle East, Switzerland, Singapore, and London, together with a number of domestic arbitrations. I often advise and appear for parties in UK adjudications, and I appear regularly in the County Court and High Court (TCC and Commercial Court). In terms of subject-matter, I have been involved in a diverse range of commercial work: whilst the bulk of my caseload has been construction, energy, and insurance disputes, I am presently instructed in an auditor's negligence case about overpaid tax in the Commercial Court; last year I appeared for residential leaseholders in a complex service charge dispute in the First-Tier Tribunal; and in 2016 I appeared in the Divisional Court in the Legal Aid Agency procurement litigation.

## **What has been the most enjoyable experience of your career thus far?**

My favourite part of the job is the oral advocacy, which I invariably enjoy, and my highlight so far has been my appearance for

the claimant in *Jonjohnstone Construction Limited v Eagle Building Services Limited* [2017] EWHC 2225 (TCC). Having said that, I have just spent five weeks working on a very interesting case in Singapore (with time for a quick weekend trip to Bali in the middle), so that ranks pretty high on the list too!

## **Are there any aspects of your job that you didn't expect?**

I have been pleasantly surprised by two things since joining Chambers: first, the amount and quality of court work available to baby juniors, which compares favourably with what is available at many other commercial sets; and second, the variety and interest of Chambers' marketing events which have included, amongst many other things, annual trips to the Varsity rugby match and visits to escape rooms, ping pong and social darts.

## **What do you think are the biggest challenges facing the commercial Bar?**

At present the commercial Bar is in excellent health. However, looking ahead, it seems inevitable that the fast pace of technological developments will bring changes to the way barristers work and, in due course, to the nature of the work they do and the role that they play. Legal research has become very much quicker and easier over the last two decades as a result of the development of online databases and that trend is likely to continue. Computers do not yet play any very significant role in the process of legal analysis itself, but that too seems likely to change with time. How best to respond to this development, as and when it arrives, may prove to be the defining challenge of the next few decades for the commercial Bar and, for that matter, the legal profession more broadly.

## **What is the best professional advice you've been given?**

The best piece of advice I have received is to always assume the worst when preparing a case. Doing this forces you to take your opponent's best points into account right from the start of your analysis, and to structure your case in a way which anticipates (and hopefully undermines or subverts) their lines of attack. It also helps you to filter out points run by your own side which will not withstand close scrutiny as early as possible.

## **What advice would you give to aspiring barristers?**

Anyone considering the Bar should, first, have a realistic look at what the job involves. As a barrister, you work very long hours, often under considerable pressure, and almost always in circumstances where you (and only you) are answerable for the work you produce. You owe a heavy duty to your client, who may suffer serious and irremediable injustice if you fail to do your job properly. You are also self-employed, with no guaranteed income and in direct competition with your colleagues at the Bar in and out of Chambers. Notwithstanding all of that, it is an absolutely brilliant job and I would encourage anyone who is really determined to be a barrister to just go for it.

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*Harry Smith was called to the Bar in 2014 and became a tenant at Keating Chambers on the successful completion of his pupillage in 2015. Harry has a broad and busy commercial practice in line with Chambers' profile, including construction & engineering, procurement, professional negligence, utilities, and insurance matters.*