



BAR ASSOCIATION  
OF QUEENSLAND

## CRITERIA FOR APPOINTMENT

The designation of King's Counsel provides a public identification of barristers whose standing and achievements justify an expectation, on the part of those who may need their services as well as on the part of the judiciary and the public, that they can provide outstanding services as advocates and advisers, to the good of the administration of justice.

These Criteria for Appointment and the Appointment and Consultation Process have been approved by the Council of the Bar Association of Queensland after consultation with the Chief Justice of Queensland. The Criteria for Appointment and the Appointment and Consultation Process form the basis for determining who the Chief Justice will recommend for appointment as King's Counsel.

As a recognition based on the opinions of those best placed to judge barristers' qualities, the designation of King's Counsel also provides a goal for the worthy ambition of junior counsel, and should encourage them to improve and maintain their professional qualities.

1. Applicants are expected to have at least twelve years' experience at the Bar before they apply. Applicants with less than this time in practice are unlikely to have sufficient experience to enable them to fulfil the criteria and are therefore unlikely to be successful in their application.
2. The applications for appointment as King's Counsel will be restricted to barristers holding a Queensland practising certificate.
3. The qualities required to a high degree before appointment as King's Counsel are skill and learning, integrity and honesty, independence, diligence and experience.
  - a. King's Counsel must be learned in the law so as to provide sound guidance to their clients and to assist in the judicial interpretation and development of the law.
  - b. King's Counsel must be skilled in the presentation and testing of litigants' cases, so as to enhance the likelihood of just outcomes in adversarial proceedings.
  - c. King's Counsel must be accomplished in the giving of advice: both as to the most appropriate way to conduct litigation, and as to the most appropriate way in which problems might be resolved outside the traditional system, such as through mediation and other non-judicial means of achieving resolution of conflict.



- d. King's Counsel must be worthy of confidence and implicit trust by the judiciary and their colleagues at all times, so as to advance the open, fair and efficient administration of justice. King's Counsel must have a history of honesty, discretion and plain dealing with professional colleagues, lay and professional clients and the courts.
- e. King's Counsel must be committed to the discharge of counsel's duty to the court, especially in cases where that duty may conflict with clients' interests.
- f. King's Counsel who are in private practice must honour the cab-rank rules; namely, the duty to accept briefs to appear for which they are competent and available, regardless of any personal opinions of the parties or the causes, and subject only to exceptions related to appropriate fees and conflicting obligations.
- g. King's Counsel must have the capacity and willingness to devote themselves to the vigorous advancement of their clients' interests and to have demonstrated an independence of mind and moral courage in so doing.
- h. King's Counsel must have the perspective and knowledge of legal practice acquired over a considerable period.
- i. King's Counsel must have demonstrated a commitment to the advancement of justice and the profession.
- j. In order for the foregoing qualities to have been properly developed and tested, it is expected that applicants for appointment as King's Counsel should have practised for a considerable time. During this time it is expected (without being exhaustive) that the applicants' practices will demonstrate some or all of the following: experience in arguing cases on appeal; a position of leadership in a specialist jurisdiction; experience in conducting major cases in which the other party is represented by senior counsel; considerable practice in giving advice in specialist fields of law; and experience in conducting cases with a junior.

(As approved by Council on 17 June 2024)