



ONE TO WATCH: 60 SECONDS WITH KATY HANDLEY

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Interviewee: Katy Handley, Barrister, 4 Pump Court

Each quarter we handpick a rising star in the legal world. Katy Handley is very much One to Watch... after taking the challenging two year senior status law degree at Cambridge she went on to win numerous scholarships from her university and Inn of Court. She completed her pupillage at 4 Pump Court, securing tenancy in 2022.

As a junior practitioner, she has experience across a broad range of practice areas, in both domestic and international disputes, including commercial, construction, IT and shipping. Aspiring barrister Jennifer White took a twenty minute tea break with Katy to get her view on their early career at the Bar....

Q1. How long have you been at 4 Pump Court, and how was your experience being a pupil?

I'm in my first year of tenancy and 4PC, having been taken on as a tenant in October 2022. I completed my pupillage here October 2021 to October 2022, but myself and my co-pupil were informed about our tenancy decision in July 2022. This was a real relief and made the end of my pupillage a lot more enjoyable!

Pupillage is always going to be a stressful process. It's essentially a year-long (or in my case, nine-month long) interview, and there's not a great deal your chambers can do to change that. One thing that I found particularly beneficial was the regular feedback at 4PC. We not only had feedback throughout from our supervisors but also had separate sessions at the end of each "seat" (we changed supervisors every three months) with the Head of Pupillage. We were assessed against transparent marking criteria evaluating our performance over the course of the previous three months, based on both our work with our supervisors and assessments.

I'd advise other pupils to keep asking for regular feedback and, if your supervisor isn't being forthcoming, have a word with the person in charge of pupillage. This will also help put your mind at ease as you get closer to that all important decision day (at least you will know you did everything you could).

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I also really enjoyed having a practising second six. From April 2022 onwards, I was in court two or three times a week as well as taking on written work and devilling for other members of chambers. Although going to court after six months of training was initially quite daunting, it made the transition from pupil to tenant much easier as I already had a developing practice.

Q2. What is the best thing about your set? And is there anything that has taken you by surprise about life at the Bar?

I'd say one of the best things about 4PC is definitely the people – we have an incredibly supportive network of juniors (including a very useful WhatsApp group, which I frequently utilise).

This also extends to the clerks room and other staff, who have all been helpful during my first year of self-employment - particularly with some of the tricky administrative matters, such as time management and tax!

My answer to the first question ties in well with something that surprised me about the Bar, which is the importance of having a good network around you. This is not something I focused on when applying for pupillage. By sheer luck, I ended up at a chambers with a genuinely collegiate atmosphere. I've had friends who have not been so fortunate and have chosen to move sets, even after receiving an offer of tenancy. It's definitely something I'd advise candidates to consider when applying.

Q3 What do you see as being the biggest trends of 2023 across your practice areas?

First, I'd say that AI is an obvious hot topic at the moment (although, really, it has been for some years now). A huge number of decisions in all areas of society are now being made by machine learning. This creates numerous potential legal issues which will only become more prevalent, as increasingly important decisions are made using the discretion of machines. Real-world AI systems have huge numbers of parts and participants, which makes accountability a real challenge.

I think we will see an increase in the number of disputes between large corporations using AI and individuals in 2023 and beyond.

Secondly, the development of the global regulation of cryptocurrency is likely to be significant. Some nations such as Russia and China even looking to ban crypto-assets. The UK government has recently set out plans to further regulate crypto and protect consumers, including strengthening rules for crypto trading platforms and a more robust regime for crypto lending. In the UAE, the rapid growth of the crypto market has also prompted new regulations. Last year, Dubai's Virtual Assets Regulatory Authority ("VARA") was introduced, which has since passed administrative orders regulating the marketing of virtual assets. Notably there is no globally accepted definition of a crypto-asset, but I think this is something we can expect in the near future. Once individual states have their crypto regulations in place, cross-border regulation and reciprocity are the logical next step.

Finally, I recently attended a seminar on the energy transition as part of the London International Disputes Week, hosted by my chambers in conjunction with CMS and Fenwick Elliot. The seminar discussed the current energy landscape, the impact of recent transitions. One element I found particularly interesting was the impact of Russia's invasion of Ukraine on energy supply chains. As Europe depended on Russian imports to meet its energy needs, there is now a need to import LNG as a substitute, creating a structural shift in pricing. Connected to this is the creation of new technologies to obtain LNG, and other energy resources, with a lower carbon footprint. New legal issues are likely to arise where standard contracts and regulatory regimes are not properly adapted to new technologies, causing delays, price increases and uncertainty.

Q4. What was your most memorable experience/case so far?

During my second six of pupillage, I was instructed to attend a hearing in the Upper Lands Tribunal considering whether expert evidence was required to resolve a valuation dispute under the Electronic Communications Code between a national mobile network operator and the owner of a site where electronic communications apparatus was installed.

I was brought in last minute, only hours before the hearing started, as the client (the telephone operator) had not obtained counsel in time for the hearing. The client's only specification for counsel was "someone with higher rights of audience". Imagine my horror on discovering that my opponent, who called chambers to speak to me prior to the hearing, was a silk!

Wearing a jacket borrowed last minute from someone else in chambers, I sought an adjournment to buy more time for the client to make a case on the requirement for expert evidence. This was a bit of an uphill struggle, given that the recent case law (which I, of course, had only seen for the first time that morning) indicated that expert evidence was not required for these types of disputes.

The adjournment was granted, so I can say that my fairly stressful and, thankfully brief, foray into the Upper Lands Tribunal was at least a success!



Q5. How do manage your work life balance?

With difficulty. I think this is a common challenge for anyone who is self-employed, and a balance is something that many barristers never quite achieve. It's made more difficult by unpredictable timings, usually caused by matters out of your control.

Another barrister once described it to me as the choice between being risk-taking or cautious. You could choose to accept more instructions than you can physically complete in the timescale, knowing that some of them at least will settle. Alternatively, you can take the cautious approach and accept that you will have quiet periods if instructions don't come through, or cases settle. Often, I think, people end up with a combination of both, which can also work as you have periods of rest which helps avoid burnout.

Personally, I'm trying to make sure that working very late on evenings and for entire weekends is not the norm, but something I only do during a particularly busy period, during trial or for an urgent matter. I hope to have a long career as a barrister so want to develop a career pattern that is sustainable, and also enjoyable. For me, this means still having evenings and weekends with my partner and friends. That said, if a client or a leader needs something done urgently or unexpectedly, I'll always try and make it work. Reliability and commitment are crucial to success at the Bar.

Q6. What challenges do you think the Bar (and the bench) face in the next few years?

AI is always raised as a potential threat for lawyers. Around a year ago, I was instructed to assist an insurance broker with "teaching" AI to pull out and analyse certain clauses from insurance policies, with the idea that this would eventually be automated. This is becoming more common across the legal sphere, in both disclosure review and contract analysis. However, such tasks are more commonly associated with the role of a solicitor. In reality, the role of the barrister is far harder to replicate with AI, so I think we are safe for the time-being.

I'd suggest that the bigger threat to the Bar is the increasing disconnect with tradition prevalent in the UK in 2023. The backlash against the flamboyance of the coronation has revealed that the country is wearied by backwards customs that serve no real purpose.



However, leaving behind tradition which are the fundamental core of the Bar is highly problematic and would leave us with a complete lack of direction or purpose. It will be a real challenge to let go of archaic customs that only serve to prevent progress, whilst maintaining the essential principles that make the Bar what it is.

I'd also suggest that we are still feeling the impacts of Brexit. In my work, I've noticed this particularly in the context of international disputes where many practitioners are now forced to rely on the Hague Service Convention (and its uncertain and unpredictable timescales) to serve defendants out of the jurisdiction. It may be that the CPR will be reformed to include a longer timescale for service out of the jurisdiction (currently 6 months), given the number of applications to extend time that have arisen over the past two years.

In the arbitration sphere, Brexit threatens to reduce the appeal of a London arbitration seat, as it is more difficult to bring across witnesses, experts or even foreign lawyers to this jurisdiction. With other regions developing their arbitral institutions (such as DIAC), it may be that a London seat become less popular. Of course, lawyers can (and do) travel - but for London it may become a commercial necessity to introduce post-Brexit arbitration provisions.

Q7. and what advice would you give to aspiring commercial barristers?

When I was applying for commercial law pupillages, I was always advised to consider "commercial common sense" and was never quite sure what it meant. It's much easier to understand as a practitioner, and essentially means considering the practical and economic implications for your client, rather than just viewing the case from an "academic" legal perspective.

I think another, sometimes overlooked, but crucial skill is reliability, i.e. getting something done (to a quality standard) when you've said you will. This is challenging at the start of practice, as it's hard to predict how long things will take, but I think it's important not to miss deadlines and, if you're asked to do something sooner, try and make it work.

Finally, make sure you have the patience, and attention-span, to read and digest large amounts of information. This is a crucial part of a career as a commercial barrister, I think, at all levels.

Q8. If you could invite any high profile person (dead or alive) for tea to pick their brain, who would it be?

I'd love to meet Jesus. Whether you are religious or not, there is a general consensus among scholars that he existed and must have been, whatever your views, one of the most persuasive orators in history. He is the central figure in the world's largest religion and recognised by numerous other religions. There is also a huge historical debate regarding the correct accounts of his life so it would be fascinating to discover which, if any, are accurate.

I'd also like to get some tips on persuasive oral advocacy – particularly among those who have a natural tendency to dislike you (I imagine this would be very useful when facing impatient judges).

Q9. In fifty years, where do you (or where do you hope your set / your practice area/ the future of the legal profession) to be?

I'm currently trying to develop an international practice – it's something that has always appealed to me since studying "Conflicts" during my law degree, as I find the interplay between different jurisdictions fascinating. Obviously, arbitration is an excellent area of practice for these interests and I'm lucky to be at 4PC, which has recently been awarded "International Arbitration Set of the Year".

Whilst expanding my practice, I intend to keep up my advocacy. I'm currently in court two-three times a week, and whilst I realise that court appearances are likely to decrease in frequency as I become more senior, I'm hoping that I can get on my feet fairly regularly. Advocacy, and in particular cross-examination, is something that you can only become exceptional at through experience and practice. Again, arbitration, particularly in the Middle East, is particularly attractive to me as it provides greater opportunity for advocacy.

Q10. Best (or most recent) book (legal or non-legal) you would recommend.

As a former English literature student, I'd have to go with one of my favourite novels, Cold Comfort Farm by Stella Gibson. It's a satire, with a hint of romance, set in the 1940s. It's hilarious but also touches on some very poignant and serious topics, such as class divisions, the position of women in society and the immediate impact of the second world war. The heroine, Flora, is strong in one of the few ways it was possible for a woman to be during that period – by essentially being a busy body. She somehow still manages somehow to be admirable and heroic and is one of my favourite fictional characters.

