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A New Approach to Family Finance Practice

'Time for Change'

Introduction:

1. I have just past the seventh anniversary of producing these Family Finance Flyers, the first having followed the decision in the House of Lords of **McFarlane/Miller (2006)**.
2. It is, therefore, apt that this edition, being the 41st, should serve as the announcement of my decision to take an entirely new step within my practise as a barrister.
3. To date I have been proud to be the longest serving Member of Oriel Chambers and for many years the Head of Oriel's Family Group. I have seen the development of my Chambers through the years under various changes and expansions and consistently the ethos of hard work and quality has been the mainstay of Oriel's success.
4. However, the nature of the family barrister's practice, certainly at the senior end has changed considerably from what it was when I began as a pupil under the late John Stannard. I was the first barrister on the Northern Circuit to provide a specialised ancillary relief only practice in 1995 and I acknowledge that today, solicitors want and rightly expect the barrister to be more approachable, available and commercially aware. Clients expect value for money and an early awareness of the cost of the brief. The barrister cannot count on his reputation for work alone and must be prepared to be fully part of and not above the legal team in every case.
5. Accordingly, from **next April (07.04.2014)**, I shall, as a senior independent barrister, with full indemnity insurance approved by the Bar Council, be practising out of my own Chambers, '*Ashley Murray Chambers*'.





supported by a fully professional developed website with a dedicated phone line and direct telephone access available to me and support staff on that number and/or on my personal i Phone number. The website will enable the solicitor before making a booking, if desired, to check whether my diary has any availability on the required date(s) – this facility will be kept automatically up to date by the minute and is being provided in response to requests of some of my solicitors.

6. Until that time, all cases, whether before or after 07.04.14, are to continue to be booked through my Clerks team at Oriel.

7. I will send another Flyer immediately before the changeover date with full details of the new Chambers address, telephone, fax, email and DX information.

The Reasons:

8. It may assist to very briefly set out what has brought about such changes.

9. To set the scene, I recall that some years ago, whilst on a family holiday in Las Vegas, a man who was already an octogenarian and owner of several large industrial plants throughout America advised me as he accompanied his glamorous (and very much younger) girlfriend from the hotel poolside that the secret for a long and successful business life was to change one's career at 50 and change it again at 70.

10. Well having missed the first milestone and still some way off the second, I have finally decided the message (as opposed to the lifestyle) at the heart of that very wealthy businessman's comment was sound advice.

11. The Bar, if it has any independent future, has to continuously offer something different. The barrister cannot be simply a clever professional. There are now very many solicitors who are just that and, in addition and out of commercial necessity, many solicitors have gained an acute business acumen, which the traditional Chambers setting has protected the average barrister from.

12. When I joined the Bar over three decades ago, the young barrister, almost without exception, held the very best of university degrees and would spend very many years appearing and advising in a whole range of often difficult legal work across many areas of the law and, in the process, his or her expertise developed - until an obvious specialism, in effect, arose, choosing the rest of the career path for them.



13. However, in the 80's and 90's the expansion of the Bar numbers became so great that many barristers decided that to stand out they should declare their own specialist practice area long before they had any real experience to match it. In addition, the '*pile em high*' mentality meant that the young and middle level barrister's work became less that of a specialist advocate and adviser in the more difficult and complex cases and more that of providing cover in the general run of legal work. In the process, the Bar generally in the lower and middle ranks and in a number of areas of legal work lost its '*specialist*' identity and this gave rise to the obvious question – why do we need a barrister?

14. I believe every barrister today needs to address that question, urgently. The answer I also believe lies in a mixture of the past, the present and the future.

15. The Bar is today too large.

16. The solicitor can certainly provide much of the service to a similar standard provided by many barristers. Only those at the Bar who want to be the very best specialists in what they do, can and will survive independently. There is a far greater role to be played by the alternative business model now introduced by the Bar Council and many barristers would be better placed employed within individual solicitors' practices providing 'in house' services as part of a cost effective 'one stop' packaged service to the client.

17. Those barristers who remain independent specialists need to provide a far more client and solicitor focused service. This will entail being more accessible and transparently cost effective, which will require changes to the traditional Chambers model if it is to survive. In this regard, it is interesting to note that Michael Mansfield has also recognised this need in preparing to re-launch his own virtual web based Chambers in London.

18. In addition, too, barristers will need to accept some of the burden of the costs of the case in some degree of capping of their fee rates at the outset of their instruction. This will also entail the need to reduce their exposure to unnecessary overheads which presently they reflect through to the client in their fee structure and in this process their need for the traditional City centre presence in an expensive prestigious building when most counsel work from laptops and access national internet legal research resources.

My Changes:

18. **As from 7th April 2014 next year:-**



- a solicitor will, if desired, be able to first check my availability via typing the required date(s) into a window on my '*Ashley Murray Chambers*' website at www.ashleymurraychambers.co.uk.
- I will maintain dedicated contact telephone numbers including my personal iPhone number through which it will be possible for solicitors to contact me immediately for whatever reason if required
- Solicitors will be able to send briefs and instructions to me via DX, email/fax, including to a Chambers address in Liverpool for my collection if required if direct forwarding is not convenient.
- All Conferences will, if the solicitor agrees, be at their offices or otherwise at professional conference rooms in Liverpool or Chester, as desired.
- I will continue to provide as part of the fee after conferences a detailed Note as now.

19. As many of my solicitors will know I have been keen for years to encourage an early introduction of Counsel to the client and the case. Accordingly, I want to offer the prospect of my being able to meet with a client before or immediately upon receipt of the Form E's and in the right case for a modest and standard fixed fee— to include a Note of the matters discussed to be sent to the client. I believe such meetings can be both very cost effective and good PR as well as reassuring to the lay client.

20. I also want to assist in the solicitor and lay client knowing up front what will be the fixed fee rates in the majority of cases. I believe this is an essential part of the provision of future legal services by both barrister and solicitor.

21. Any professional will realise there have to be exceptions and, of course, very high worth or particularly complex cases will still need discrete costing to be negotiated upon enquiry. However, I am also aware, as a senior practitioner, that assumptions can be made about my seniority, which may suggest to solicitors that my start fee range precludes my interest in the more modest case – I hope to dispel that notion and make it apparent that I can be booked in the more modest cases at more modest rates with the advantage of the seniority and experience I can bring to a case and its outcome.

22. Such a fee structure will be all the more possible once I am without the fixed costs of the traditional Chambers model requiring a costly extensive office structure and management. I intend to publish upon my website and provide each of my solicitors with full details of a simplified fee framework which can be provided to clients in advance of their decision to



instruct me. Within the same there will be fixed fee packages and early conference modest standard fixed fees available.

23. Whilst I will miss my colleagues and the great staff at Oriel, I am excited by this new challenge – I trust you will support me. Your frank feedback would be very welcome.

24. Happy Christmas and have a successful New Year.

**Ashley Murray
Liverpool
December 2013**