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# Commercial

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**The commercial Bar covers a broad range of practice areas, including banking and financial services, sale of goods and shipping, insolvency, professional negligence and civil fraud, insurance/reinsurance and oil and gas law. Barristers also handle matters for commercial clients that overlap with discrete areas of law such as employment, intellectual property and competition. Although advocacy is an important skill for commercial barristers, there is also a heavy emphasis throughout pupillage on developing a full understanding of commercial law principles and improving drafting skills.**

Thomas Munby was keen on law from an early age, but was just as certain that he didn't want to study it: "I wanted to be at the Bar because I wanted to have a job with independent working conditions and varied and intellectually taxing work. But I was also interested in studying other things at university and undergraduate law just wasn't for me. Obviously, I am in chambers with plenty of law graduates who have a fantastic time making a career out of their original academic interests. But personally, I think in some ways it can be helpful to have a non-law background and I've certainly never found myself at a disadvantage because of it. The range of law you practise at the commercial Bar is so wide that nobody will have studied it all before they start. So you have to be good at picking things up quickly as you go along, regardless of whether you've done law at undergraduate level."

Thomas did his CPE (now the GDL) at City University. It was a tough year, "where you're required to learn a lot in a hurry – although in a way that sets you up for the Bar, where you need to have mastered that particular skill". The BVC at the Inns of Court School of Law and pupillage at Maitland Chambers followed: "Pupillage is an intense year, but I

learnt a huge amount and every pupil supervisor I had took a real interest in helping me learn and develop. I still do quite a lot of cases with my former supervisors, which is a really nice feeling." He was taken on as a tenant in 2007.

While there is no real daily routine, Thomas describes how things might run week to week: "At the moment, I would say that I'm in court on one thing or another two days out of five. When I'm not there, I enjoy a good balance of working on documents, advising and conferences. I often have to pick up cases during the course of the day, which keeps me on my toes! About half the time I do cases on my own, while the other half I'm being led. I like that balance – it's great working by yourself because you get a sense of responsibility and independence; but it's also good to work as part of a team, as that keeps you sociable and you learn from the more senior barristers."

A diverse mix of commercial and chancery work is one of the best parts of the job, says Thomas: "I thoroughly enjoy the variety of law and factual situations I get to deal with, extending from plain old contract disputes about goods and bailment through civil fraud and international disputes to company and corporate law. I also do quite a lot of insolvency and real property work, and the spread of industries you end up considering is a real attraction. One day I'm working on a pharmaceutical dispute about royalty payments, and the next I'm doing an international corporate fraud case, analysing the movement of money through holding companies in Panama, or a case about gardening magazines or hair loss products."

He quickly refutes a common misapprehension that commercial law can be dry: "Some people think that you're just working with words and numbers. Some disputes are like that, but more often you



Name: **Thomas Munby**  
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work on cases with real human interest – for example, when you’re doing boardroom disputes. Business is carried out by people, and they are often quite colourful people.”

Over and above “the great feeling when you get a really good result for a client”, Thomas particularly enjoys the freedom of the job: “I really like the independent lifestyle that you get from the moment you’re taken on as a tenant. It compares very favourably with most professional jobs, and I think it’s especially so at commercial sets where you’re not in court every day and you can come in in jeans. It’s also really nice to be part of a democratic community, which is what most sets are.” As for variety, Thomas says he’s still challenged every day: “I find myself opening different textbooks all the time. There’s also great variety in terms of the people you meet and the commercial circumstances you deal with. You find out quite a lot about how the world works. I know more about the wheel systems of London Underground trains than I ever thought I would!”

But although this has much to recommend it, Thomas reminds us that at the end of the day, “you’re still a lawyer, and as for all lawyers everywhere, the work flow doesn’t always run smoothly. So you do find yourself from time to time in very intense work patches, especially immediately before a big trial”.

Life at the commercial Bar is largely immune to the vagaries of legal aid reforms and economic crises affecting other sectors of the profession. Thomas explains: “Touch wood, we’ve been very lucky in our commercial and chancery practice, compared to colleagues in other areas who are dependent on legal aid. Equally, commercial work is such that you tend to find yourself working in harmony with solicitors, rather than in an increasingly competitive way. In economic terms, sometimes the work runs with the cycle,

while sometimes it’s countercyclical, so we’re comparatively shielded. For example, with the economy hitting a bad patch, there has been a peak in fraud, professional negligence and insolvency work. But we still need to stay competitive and provide a good service, so that London remains an attractive place for people to litigate or arbitrate.”

The skills and strengths that make a successful commercial barrister are those that apply across the whole Bar, says Thomas: “You need to have a degree of confidence and robustness, although many people find that it comes to them with time, so don’t be deterred if you don’t feel instantly confident. You also need to have a fair amount of patience and attention to detail, and a readiness to sit down and read documents carefully and with a sceptical eye, and form an independent view.” He notes that successful barristers are a diverse bunch: “There are lots of different personalities and styles. You see that during pupillage – there are different ways to run your practice, give advice and appear in court. Over time, you work out what suits you best.”

Mini-pupilages are the key to getting ahead, reckons Thomas: “I strongly recommend doing several of them if possible, and in an area of practice that you think you might want to get into. Put simply, it is the best way to see the work, meet those who are already doing it and get a feel for things.”

He has some reassurance for those who can’t imagine ever reaching the lofty heights of the courtroom titans they see in action: “When I was just starting out, I wish I’d known how much easier it gets as you carry on. Everyone wonders, ‘How on earth will I ever be able to do that?’ But the answer is that you just pick it up as you go along.”