

## **STANDING COUNSEL TO THE COMPETITION AND MARKETS AUTHORITY**

The Competition and Markets Authority (CMA) is the United Kingdom's primary competition and consumer authority. It is an independent non-ministerial government department with responsibility for carrying out investigations into mergers and markets, regulatory appeals and enforcing competition and consumer law. The CMA also has additional responsibilities following the end of the transition period from 1 January 2021.

### **Proposed Arrangement**

The CMA first established its Standing Counsel arrangements in 2015 and expanded its Standing Counsel panel in 2018. In light of the success of these arrangements, the rapid growth in the volume and breadth of litigation that the CMA undertakes (including in relation to consumer law enforcement and director disqualification) and the expected increase in the CMA's merger control and competition enforcement activity following the end of the transition period, the CMA wishes to appoint up to four additional QCs and at least two additional junior counsel to its Standing Counsel panel.

In combination we expect these appointments to bring expertise in public law, competition law, consumer law and director disqualification. Individual applicants may specialise in one or more of these areas. In addition to expanding the number of Standing Counsel supporting the CMA's competition and public law challenges, the CMA is particularly keen to appoint a single QC to lead its consumer law litigation and its director disqualification litigation respectively (with the remaining QCs leading the CMA's competition and public law challenges).

Appointments will be made under the following arrangement:

- appointments will be for an initial period of three years, with the possibility of an extension for up to a further three years;
- Standing Counsel will not act against the CMA for the period of their appointment;
- Standing Counsel will agree to an average and indicative commitment of time to be allocated to CMA work. This will be determined individually and reflected in the retainer; and

- Standing Counsel will devote five days a year to training events for CMA staff for no additional payment.

## **Eligibility**

The appointment is open to counsel, and solicitors with a higher court advocacy qualification practising in England and Wales, Scotland or Northern Ireland.

Applicants are expected to meet the following criteria:

- for junior counsel, at least 8 years' experience (usually from the end of the successful completion of pupillage for counsel/advocates and from the date admitted to the roll for solicitors);
- an extensive and proven track record advising and litigating in one or more of the following practice areas: competition law, consumer law; public law and/or director disqualification, and a willingness to advise the CMA and develop expertise across these areas;
- proven record as an advocate in the Competition Appeal Tribunal or other relevant courts/tribunals in the UK; and
- demonstrate an appreciation of the special demands of litigating for public bodies.

Refer to the application pack for further information on the proposed arrangement and eligibility criteria.

## **Application Process**

The appointment will be made following this open advertisement and the application process described below. Applications close at 12pm on 5 February 2021.

All applicants will be required to complete a standard application form and provide written examples of their work. The application pack is available online at [Working for CMA](#) or by emailing [standingcounsel2021@cma.gov.uk](mailto:standingcounsel2021@cma.gov.uk). Completed application forms must be returned by 12pm on 5 February 2021.

A Selection Board comprising senior representatives from the CMA and an external member will consider the applications and select applicants for interview.

Applicants shortlisted for interview will be required to provide references. We expect at least one referee to be a judge or tribunal chair. The CMA may wish to approach judges or tribunal chairs for a view of the applicant's merits as an advocate.

Interviews are expected to take place during the weeks commencing 8 March and 15 March. The hourly rate and annual retainer that the CMA is prepared to pay individuals will be notified to them in advance of the interview.

If you wish to discuss this role before applying, please contact Sarah Cardell, General Counsel at [sarah.cardell@cma.gov.uk](mailto:sarah.cardell@cma.gov.uk), or Jessica Radke or John McInnes, Directors of Litigation at [jessica.radke@cma.gov.uk](mailto:jessica.radke@cma.gov.uk) or [john.mcinnnes@cma.gov.uk](mailto:john.mcinnnes@cma.gov.uk).

For administrative queries about the application process etc, please contact Alexandra Baird, Legal Advisor at [alexandra.baird@cma.gov.uk](mailto:alexandra.baird@cma.gov.uk).