

NLJ career profile

A dual qualified barrister, **Daniel Feetham KC** discusses the siren call of politics and the challenges of working both home and away



What was your route into the profession?

My father is a dyed-in-the-wool trade unionist. He was area officer for the Southwest in the Tailors and Garment Workers' Union and co-ordinating secretary for the Transport and General Workers Union in Gibraltar. For some reason—probably because he wanted to stick two fingers up at the capitalist system by having one of his children become a lawyer—he always wanted me to be a barrister. I resisted, as children do, and my first degree was in history. My younger brother, Nigel, did not resist and ultimately it was he who awoke an interest in the law in me. So, my father ended up with not only two sons as lawyers, but also two King's Counsel, my brother and myself, one for each finger.

My career and that of my brother diverged to start off with. I did my pupillage at South Square and Fountain Court Chambers, and I then became a tenant at a set of chambers in Manchester. My brother returned to Gibraltar where my family is from, and I stayed for the first years of my career at the Bar. After eight years, I also started practising in Gibraltar, but maintained a dual practicing certificate in both jurisdictions. I was appointed one of Her Majesty's Counsel for Gibraltar in 2016 and one His Majesty's Counsel for England and Wales in 2025.

What has been your biggest career challenge so far?

My biggest challenge has been developing a practice in two jurisdictions. In most British Overseas jurisdictions, there is (in practice) a fused legal profession. In Gibraltar, for example, traditionally lawyers have qualified as barristers and then practised as a barrister but also an acting solicitor. The difficulty with doing both jobs is that to be an effective barrister (in court or advising), you need to be able to take a step back and have the intellectual space to be able to think about issues. Dealing with clients on a day-to-day basis, and all the other important things solicitors do, will sometimes not allow you that space. So, the challenge for me has been ensuring that I structure my teams in a way that allows me to do what I do best, which

is identify ways in which the client gets the best chance of succeeding either in court or in its commercial aims.

The type of work that I do (insurance and insurance insolvencies) and the clients I act for (insurance companies and office holders) necessitates teams in both Gibraltar and England, so working closely with juniors in both jurisdictions has been important. Let me give you an example. There is a single market in financial services between the UK and Gibraltar, and 35% of all cars in circulation in the UK are insured through Gibraltar insurance companies. The policies are subject to English law, regulatory issues (eg Solvency II issues) can arise in both jurisdictions, claims handling is done in England and service providers (eg actuaries) are in England. When an insurance company goes bust, policies in the UK may need to be disclaimed, officeholders may issue proceedings against service providers or former directors. The transition from Solvency I to Solvency II in Gibraltar was painful for several insurance companies and that is why several became insolvent. The UK had experienced several insurance collapses in the 1990s and shortly afterwards it changed the law so that the capital requirements for insurance companies became more onerous. That meant that when the EU moved from Solvency I to Solvency II, it did not affect insurance companies in the UK as it did in Gibraltar. So, in short, the challenge has been two-fold—integrating a team here in the UK with a team in Gibraltar, while at the same time ensuring that I see the wood from the trees.

Which person within the legal profession inspires you most?

The juniors I work with at 3 Hare Court inspire me. They are phenomenally hardworking and talented.

If you weren't a lawyer, what would you choose as an alternate career?

The siren calls of politics are difficult to ignore for me. Politics has been a constant in my life from childhood. My father, my brother and I have all been government ministers in Gibraltar. I also formed part of the Gibraltar delegation that negotiated a

new constitution with the UK Government from 2003–07, became Gibraltar's first minister for justice and its leader of the opposition. My father was minister for trade and industry in the 1980s/1990s and my brother, Nigel, is now Minister for justice, financial services and holds the same trade and industry post that my father held. The twist in the tale is that they are members of the Socialist Labour party, and I led the centre-right Social Democratic Party.

Who is your favourite fictional lawyer?

Not a fictional lawyer, but I was always fascinated by George Carman QC. I saw him in court when I was studying, and he was everything I always thought a trial advocate should be. Then, when I was one- or two-years' call, my head of chambers asked me to cover a hearing in Liverpool for him. He said it was a directions hearing and it had nothing to it. Carman turns up and says: 'Hello, George Carman, my skeleton argument, I am asking the judge to strike out part of your claim', and he hands me a skeleton argument. I had to rush to the bathroom with my stomach churning.

What change would you make to the profession?

The Solicitors Regulation Authority has made it a lot easier for lawyers to qualify by qualifying legal work experience. I would like to see the Bar Standards Board explore easier ways in which people can become barristers through wider pathways to qualification.

How do you relax?

I am a genealogist in my spare time. Half my family is DNA tested to allow me trace common ancestors that lived 200 years ago! I also have three White Swiss Shepherds and a Spanish Podenco. Taking them for walks in the countryside around Castle Combe where I live is bliss.

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Daniel Feetham KC specialises in complex and high value, commercial, insolvency and insurance cases, 3 Hare Court. NewLawJournal.co.uk

