

Harold G. Fox Education Fund Scholarship Report Devin Doyle, Fox Scholar 2012-2013

The year I spent as a Fox Scholar was immensely rewarding both personally and professionally. If you're debating on whether or not you should apply, the answer is an unequivocal "absolutely".

Introduction to the Fox Scholarship

Unlike Canada, the UK has a split legal profession where solicitors and barristers are separate occupations. At a very high-level, barristers are (typically) the lawyers that go to Court. Barristers usually take instructions from a solicitor who has worked up the file for some time and who engages a barrister to prepare for, and advocate at, the hearing or trial.

The Fox Scholarship allows newly called Canadian lawyers to spend a year working as a "pupil" in three barristers' chambers in London, England. A pupillage is similar to articling in Ontario insofar as it is a year-long training program that one must complete to become a barrister. However, it is a wildly different experience and one that is very worthy of your time. Pupils are paired with a barrister and literally sit in their office. They shadow and work alongside the barrister on their files, participating in client calls, conducting research, drafting, attending hearings, and doing everything in between. A pupil's legal education comes not only from direct instruction and feedback, but through an osmotic process resulting from continuous, in-depth exposure to all aspects of litigation.

A pupil pairs with one barrister within a single set of chambers, however, Fox Scholars typically split their time between three of London's top chambers: 4 Pump Court, Essex Court Chambers, and Fountain Court Chambers. The barristers at these chambers are second to none and the Fox Scholarship's approach allows exposure to a variety of brilliant legal minds, advocacy styles, and interesting cases.

The Work

Each of the barristers I worked with taught me invaluable lessons about the practice of law and how to effectively advocate for one's clients. They were, without fail, extraordinary advocates and superb mentors (as well as great people to meet for a meal or for a pint).

My first placement was at 4 Pump Court where I sat with Nicholas Vineall, one of the trustees of the Fox Scholarship. Nick is an esteemed Queen's Counsel with extensive experience and a diverse commercial litigation practice. Working with Nick quickly demonstrated the benefits of learning through continuous exposure and involvement. I was fortunate to work on a wide array of complex cases, including everything from breach of shipping contracts to international fraud.

At Essex Court Chambers, I sat with Iain Quirk, a young barrister with an extraordinary level of skill and experience. Iain has a diverse practice but a particular interest in commercial arbitration. A highlight of my time with Iain was actually one of his smaller files, where I assisted on a zealously-fought arbitration regarding the breakdown of a business partnership between groups of physicians.

I worked with a number of barristers at Fountain Court Chambers, but primarily with Craig Ulyatt. Craig is an expat from New Zealand whose enthusiasm for litigation and cross-examination have propelled him to the forefront of commercial litigation in the UK. The days seemed to fly by sitting in Craig's office debating the merits of his cases over one too many espressos.

During my time at Fountain Court Chambers, an opportunity arose to assist Anthony Temple (revered Q.C. at 4 Pump Court and a Scholarship Trustee) on a pharmaceutical arbitration in Zurich. The experience was one of the highlights of my year. The arbitration was effectively a full trial held in a conference room before a panel of arbitrators rather than in a courtroom before a judge. Tony, James Purchas (another extremely skilled barrister at 4 Pump Court), and I spent 10 days in Zurich devising strategies, preparing complex cross-examinations, and advocating for our client's interests. Tony's renowned ability to deftly cut to the heart of an issue and obtain seemingly impossible admissions from witnesses was a sight to behold.

Litigation in London often entails international elements not routinely found in Canadian cases. Parties around the world seek out, and depend upon, the strength and reliability of the UK common law and legal systems. Numerous files arise from agreements wherein the parties attorn to the jurisdiction or which require arbitration pursuant to UK law. The result is that Fox Scholars become deeply involved in unique files that are unlikely to cross their desks upon returning to Canada.

Marshalling and Other Legal Experiences

The organizers of the Fox Scholarship on both sides of the pond work to ensure that Scholars obtain meaningful and diverse experiences during the year. On two occasions, they arranged for me to "marshal" with a judge. Somewhat akin to clerking in Canadian courts, marshalling involves shadowing a judge for a period of time, sitting in on cases, and discussing their merits and outcomes.

I spent a week marshalling with His Honour Judge Gerald Gordon at the famed criminal court, the Old Bailey. After reading up on the case, I sat on the bench during a murder trial. Overseeing counsel from the bench and discussing the merits of the case with the Judge gave me a firm appreciation for the significance of oral advocacy.

I spent another week marshalling with Lord Justice Aikens at the Royal Courts of Justice. In that time, there were multiple hearings on varied topics. One case that stands out was an immigration matter where the family wept when the ruling was read aloud in Court. Unlike the commercial litigation I was accustomed to, which is generally "just" about money, this decision had an immediate and real impact on an individual and their family.

At one point I mentioned my interest in intellectual property law and was quickly offered a week at one of the most renowned IP chambers in the UK, 8 New Square. I shadowed James Mellor during a patent trial involving the use of Java on microcontrollers. My week with James was only a snippet of the overall case but viewing the UK approach to IP law was invaluable.

I also attended a weekend advocacy retreat at Cumberland Lodge, a gorgeous country estate in Windsor Great Park. The weekend involved a program of advocacy workshops for Middle

Temple students and the two Fox Scholars who tagged along. We learned advocacy techniques from top-tier barristers, including receiving critiques on our mock legal submissions and cross-examinations.

Goodenough College and Non-Legal Life

Fox Scholars are guaranteed admission to Goodenough College, a coveted residence for international graduate students. I could not have asked for a better home during my stay. Goodenough is located in Bloomsbury in central London. The college is less than a kilometre from the British Museum and walking distance to each set of chambers. The area is gorgeous. You would pay a small fortune to live there under any other circumstances (rent at Goodenough isn't cheap by Canadian standards but is quite reasonable for London). There are countless local spots to recommend, but my life quickly involved regular stops for meringues at Bea's bakery, Italian food at Ciao Bella, and a pint at The Lamb.

My wife and I stayed in a one-bedroom flat, but Goodenough has flats to accommodate everyone from singles to large families (there are even playgroups and other activities for families with children). The buildings received major renovations just before my arrival and are nicely up-to-date.

But it's the people that make Goodenough such an amazing place. I made lifelong friends who had no connection to the Fox Scholarship. Some of them are now scattered across the globe and some I'm fortunate to see on a regular basis back in Canada. You needn't worry about being lonely abroad: Goodenough constantly hosts events in the beautiful common areas and offers clubs of all sorts. I had never fenced in my life but joined the fencing club (which was extremely inexpensive), had a blast, and met some great people. I also like to think I became rather proficient by the end of the year.

To make the obvious (and bad) joke: Goodenough is much more than just "good enough".

Living in London also offers a great chance to travel. The Fox Scholarship can be demanding but there is more than enough time to hop around Europe. My wife and I were able to visit nine other countries during the year. I highly recommend taking advantage of the cheap flights and other travel options available.

Conclusion

On the professional side, the Fox Scholarship allowed me to gain unique insight into what constitutes good advocacy. I went to London an inexperienced lawyer shortly after I finished articling in Ontario. I'm writing this report a number of years after returning to Canada and having now represented clients before various Canadian courts and tribunals. I can say with certainty, and the benefit of hindsight, that my time as a Fox Scholar has shaped my practice and molded me into a better lawyer than I otherwise would have been.

On the personal side, my year as a Fox Scholar was one of the best experiences of my life. It was a once-in-a-lifetime opportunity that gave me indelible memories and lifelong friends. I am forever grateful.