

Fox Scholarship Report

My year at the English Bar

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Being offered the opportunity to spend a year at the English Bar, as a member of the Middle Temple, in London, England seemed pretty much too good to be true. As a newly called lawyer working with one of the big Canadian law firms, I was thrilled when I was awarded the scholarship offered by the Harold G. Fox Education Fund. Yes, Bay Street has its prestige and privileges, but a year working with barristers in London at the place where much of Canadian law was born, who could resist? Not me.

And so I was kindly given a leave of absence from my firm, packed up my apartment (and moved most of it into my parents' basement, bless them), said goodbye to family and friends and made the leap across the water. I vividly remember sitting on the airplane on my way over to London, too excited and nervous to sleep, wondering what the year had in store for me.

When I found out I got the scholarship, I didn't for a second question whether or not I should go. However, I did come across one lawyer who was negative about it. He told me it was a mistake to leave, that I wouldn't gain anything professionally, that I would make less money and would be behind in partnership consideration. He just couldn't see how this would benefit me and how I would certainly return a better lawyer. He was wrong. While there were good-natured jokes about me spending my time abroad drinking tea (or was it Pimms) with judges, most recognized the value of such a unique opportunity.

My time away was such a tremendous experience. And while in some ways the year was less about the work and more about the experience, it amounted to so much more than a year away from my litigation practice. By being able to see my chosen profession from a totally different perspective, I feel that I have gained a rare advantage. I have taken so much back with me, and not in terms of objects or purchases, but all that I learned. For certain I have returned a better lawyer.

While in London I learned about a very different type of practice and a different approach to working. The split legal profession in England lends itself to a unique experience, and one which initially took some getting used to. Barristers' clients were the solicitors who instructed them, but barristers were indeed the ones in charge. And I was a "pupil" who was in the care of my "pupil-master" (but as Fox Scholars, we weren't really pupils in that we weren't being considered for hire-back or 'tenancy' as they call it).

For example, sharing an office with one's pupil-master brought some smiles to my face, especially when I thought of the same thing happening back at a law firm in Toronto. I

was privy to my pupil-master's personal calls but was also silent witness to how he conducted his practice on a daily and hourly basis. This was invaluable experience. And after the initial awkwardness of being in the same room with another person and feeling in the way, you realize the barristers don't give it another thought. In the end it was an enjoyable experience and lent itself to many interesting impromptu conversations.

LONDON

I arrived in London on a day when the tube was on strike. Although I was planning on taking a black cab from Heathrow (because I was weighed down with three bags, one being a hockey bag) I wasn't expecting the ride to take over 2 hours. Traffic was simply stopped and if I didn't have almost the entire contents of my life packed beside me, I would have gotten out and walked. But I couldn't and so I was stuck. Luckily (and thankfully) the Fox Fund covered the cost of the cab fare! But it was definitely not the most stress free way to begin my time in London.

London is such a remarkable city. Some people seem to either love it or hate it. I found that once it grew on me, it was impossible but to adore. There is always so much to do, so many people, so many little villages in the middle of a massive and seemingly cold city. Being back in Toronto I find myself missing London and everything it has to offer. There is no place in the world like it.

ESSEX COURT CHAMBERS

Pupil Master – David Foxtan, QC

I started my year in London at Essex Court Chambers with David Foxtan. David has been a pupil-master to a number of other Fox Scholars over the years and I believe that I was the last one to sit with him as he was made a QC a few months later and at Essex Court pupils and Fox Scholars tend not to sit with QCs. I definitely consider myself privileged to have been given the opportunity to sit with him.

David is a remarkably brilliant barrister (although this characterisation is also true for all the barristers I sat with) who, despite his young age, is very well known and respected amongst the members of the Bar. My day to day time with David was always very interesting. His practice was quite varied during the time I spent with him, which was a good thing. With David, every day was generally fast-paced and we spent a good amount of time away from Chambers. David took me everywhere with him and always made me a part of the team. I attended numerous client conferences, arbitrations, hearings, court attendances etc. Because of the nature of the work, and because of the level of David's involvement in the files, often I was only able to assist in a limited capacity. However I always found myself engaged in the work and found the research to be interesting and challenging.

While the English bar is still very traditional and somewhat old fashioned (for example, I was often the only female at trials, arbitrations or conferences full of men) I never felt uncomfortable or out of place. The sense of professionalism and decorum is, to put it mildly, high. For example, David and I were in a meeting with the solicitors and the solicitors did not want some fact or information disclosed to the other side during the hearing. David was uncomfortable with this and made it known. (But remember, the solicitors are essentially his clients, as they are the ones who retain and instruct him.) David said, "I always believe that if you find that you are tiptoeing around the truth, that is the biggest sign that you have to be telling it." Imagine. I'll never forget that advice.

The other barristers at Essex Court were equally impressive. David was involved in a file with Andrew Hochhauser, QC and I really enjoyed the experience. Once, we were in a very important meeting and I was asked by Andrew to have some copies made, 'P.D.Q.'. When I gave the documents to the copy people in Chambers I asked, "what does 'P.D.Q.' mean?" "Who said it?", I was asked. When I told them it was Andrew Hochhauser the answer was clear to them: "Pretty darn quick".

Essex Court was the only Chambers I was in to have a CLE type program for its pupils. And as there was only 1 other official pupil there when I was there and 2 other unofficial pupils like me, it was a most beneficial and informative opportunity. Not only was I able to meet other members of Chambers, I was also able to learn more about specific areas of law that I had little previous knowledge of. For example, I was able to attend a lecture on arbitration given by Toby Landau, one on shipping by Bernard Eder, QC and a series of seminars on how to prepare a case by Geraldine Andrews, QC. All are leading barristers in their fields and to have them talk to us about the law and their practice was invaluable.

Another great thing about Essex Court Chambers was that Lord Mustill was still a member there. Lord Mustill, quite literally, wrote the book on arbitration and he was also the main arbitrator in a large arbitration David had. It was fascinating to be able to read the text and then watch the arbitration, where, at the breaks Lord Mustill would occasionally ask me what I thought about the case and tell me colourful stories about his career.

Also, Essex Court is the only Chambers I sat with to have a Chambers lunch every Friday. There I was able to sit and chat with all the different members of Chambers over a hot lunch, which I found to be an enjoyable tradition.

FOUNTAIN COURT CHAMBERS

Pupil Master – Marcus Smith

At Fountain Court I sat with Marcus Smith, again a very nice man and clearly an excellent barrister. During my time with Marcus he was immersed in only one massive file - a very large reinsurance/film-finance matter which took up all his work time. It was

interesting to get to know one file closely and to learn about the specifics of an area of practice I knew nothing about previously. It was also a little limiting as I wasn't able to assist much beyond some research. But in situations like this the Fox Scholars need only spread the word around Chambers that they are looking for interesting hearings/work. As a result I was able to attend some interesting trials, such as one concerning a dispute about a banker's bonus of 10 million pounds. I was also able to meet some other members of Chambers and did some interesting research on pay equity for Paul Gott.

4 PUMP COURT CHAMBERS

Pupil Master – Nigel Tozzi, QC

Nigel is a wonderful man and a great barrister. Of all the barristers I sat with I found that he had mastered the work/life balance the most successfully. He made me feel so welcome and was always so interested and interesting. Nigel was the only QC I sat with and a down-side of this is that the level of work they are involved in means that there might not be much for a pupil to do. Often I read the pleadings and accompanied Nigel on his various trials, conferences etc. But as with Fountain Court, when things with Nigel were quiet, he would ask around Chambers and arrange for me to attend interesting hearings or to work with some of the other barristers. And as a result, I was exposed to a wide variety of files. For example, I was involved in some research for and attended at a trial dealing with intellectual property and the issues of creation and control of the information on a web site. At this trial I was able to witness the impressive advocacy skills of Anthony Speaight, QC.

Early on, 4 Pump Court had a cocktail reception for the new pupils and Lisa and I were invited. As I wasn't sitting at those Chambers yet, it was nice to meet people ahead of time and it was a much appreciated gesture to have us there and formally introduce us to everyone.

Although we had had lunch at the Inner Temple dining hall, on my very last day in Chambers Nigel took me to lunch at the Savoy, which was a very special way to end off my Fox year.

MARSHALLING

Court of Appeal – Lord Justice Rose

I spent a week with Lord Justice Rose at the Court of Appeal, Criminal Appeals. It was an enjoyable week spent reading all the materials beforehand, discussing them with Justice Rose, and then watching the appeals in court. I thought it was a particularly interesting week because, having little exposure to criminal law, it was fascinating to see the appeals and witness the different styles of the barristers and then the decision

of the bench. Justice Rose is a terribly nice man who was very engaging to talk with. We had many interesting chats in the afternoon, over tea. Also, I happened to be there when the new Lord Chancellor, Lord Falconer was being sworn in and all the members of the Court of Appeal had to be there for the ceremony. Justice Rose made sure I was able to sit in Court and watch it all. Also, he had to wear his formal robes for the event. When he took out his red and gold gown he showed it to me and let me hold it - he also asked if I wanted to try it on but I declined, something I am kicking myself for now! Justice Rose also took me to have lunch at the judges' dining room at the Middle Temple Hall, another remarkable experience where I sat next to the judge who was hearing the Michael Douglas and Catherine Zeta-Jones case.

Old Bailey – Judge Gordon

I also sat with Judge Gordon at the Old Bailey for a week. Again, this was a fascinating experience. A murder trial was starting on my first day so I was able to be there for the whole process. Similar to my time with Lord Justice Rose, my time consisted of sitting with Judge Gordon and reading materials and discussing the cases with him and then sitting in court and watching the proceedings. At the Old Bailey, the marshal sits up beside the judge on the bench and that was a very unique position to watch the proceedings from. I also had many interesting chats with Judge Gordon about his career, about the details of the trial and, when the jury found the defendant guilty, about the sentencing.

Administrative Court – Judge McCombe

I also spent a few interesting days with Judge McCombe in Administrative Court. Again, it was valuable to see a different side of the legal practice and a different part to the Royal Courts of Justice. Also, Judge McCombe took me to lunch at Lincoln's Inn dining hall, which is always a treat.

LONDON HOUSE

London House is a great place to be, in that it is walking distance to the Inns of Court and really central to other places in London. While I did find it an adjustment being back in a little residence room, it is certainly manageable. And I spent so much of my weekends travelling that it wouldn't have been worth it having my own flat.

To sum up, I had a most memorable year during my time in London and I am very grateful to the trustees of the Fox Education Fund for giving me such an opportunity. As I sit in my office tower in Toronto and look out at the other towers around me, I become very nostalgic for my little desk back in my pupil-master's office. And now, looking back, it all went by so quickly. I wish I could do it all over again.

Other Highlights:

- Having tea and biscuits in Chambers.
- Having lunch at one of the Inns of Court.
- Dinner at Tony Temple's – a wonderful host and storyteller.
- The advocacy weekend at Cumberland Lodge. A great combination of skilled teachers, beautiful surroundings.
- Wandering the red carpet of the judges' corridors at the Royal Courts of Justice.
- Watching the new QCs sworn in in their formal robes (and it was likely the last time).
- Going to the House of Commons with Professor Greenwood (of Essex Court Chambers) to see him speak on the decision to support the US in Iraq, before the Foreign Affairs committee.
- 4 Pump Court's Christmas drinks held in the Middle Temple Hall. As well as Essex Court's, which were held in a very fancy private club, the likes of which I doubt I'll ever have the occasion to attend again.