

Harold G. Fox Educational Scholarship – Final Report
Lisa Stevenson – 2003-2004

I have found it simplest to organise this report in terms, followed by some general comments at the conclusion. I deal with each term as a whole, whether describing my time with the relevant barrister or my participation in Middle Temple activities. A brief discussion of my time at Goodenough College is included separately at the end.

I. October 2003 – December 2003

I spent my first term at 4 Pump Court working with Michael Douglas, QC. Most of my time was spent doing legal research and preparing research memorandums. It was here that I did the most “administrative” work – helping prepare bundles of documents for trial, photocopying, and other similar work. I also attended a wide variety of legal proceedings, from an international, commercial arbitration (with a Canadian company as clients) to a trial at the High Court, to an appeal to the Privy Council. I was occasionally “loaned” out to other barristers should the need arise. For example, I attended client meetings to assist by taking notes. It was very interesting to see a QC’s practice in such close quarters, especially in comparison to my experiences with the other barristers. Most of the work was commercial in nature, dealing with contract disputes, property claims and the planning act and so on. The Privy Council therefore stood out as raising constitutional issues.

Michael Douglas had arranged to work with one of his juniors on a major case to be heard in January and made plans for me to watch a two-week case in the High Court from beginning to end. It was quite an education to be able to see everything from openings to closings with an experienced QC (David Blunt) leading the charge. It was also interesting to sit in on the “court meetings” between David Blunt, his junior, Kate Livesy and the clients.

Everyone that I interacted with at 4 Pump Court was helpful and very welcoming. Several of the junior barristers and I met for lunches and it was also very nice to see everyone in a more informal setting at the Friday afternoon get-together. It was interesting to start here as it was the most traditional of the three sets of chambers. The scholar is literally across the desk from the barrister and much interaction occurs throughout the day. Michael was great in that he ensured I

was included in everything that happened within his office. Personally, he ensured that I was introduced to his wife and sought out my husband at the Chambers' Christmas party. The facilities were great; I was added to the chambers' computer network within days of my arriving and was given my own e-mail address. The library was a little limited, however almost everything I had to refer to was there and if it was not then the Middle Temple Library was a short walk away.

During the first term I also volunteered as a witness during one of the Middle Temple's weekend courses for new barristers. This is an educational requirement that barristers must satisfy within their first five years of practice. My role over the weekend was essentially to be one of the witnesses in several types of proceedings, both criminal and civil, both claimant and defendant. It was enlightening to see the differences between calls of less than a year and those with three, four or even five years of practice. It was also very instructive to see how the trainers interacted with the barristers – using clearly defined criteria and focusing on single elements of the situation to emphasise for improvement.

II. January 2004 – April 2004

My second term was spent with Paul Stanley at Essex Court Chambers. However I started the term with the two-week long Pupils Advocacy Course organised by the Middle Temple.

This two-week course was an amazing time interacting with pupils and practitioners with various areas of expertise. We covered everything from openings and closings, to examinations, both in chief and in cross, submissions to the jury, questioning experts, dealing with vulnerable witnesses and so on. In fact the Middle Temple even brought in a voice coach who discussed breathing, posture and voice modulation. Two days during the two weeks were spent observing judges in their courtrooms. In my case, I spent a day in both a criminal court and a civil court. This was also very instructive as we performed oral advocacy exercises in front of judges who provided helpful and constructive criticism – in one instance the judge pointed out the way a person's mannerisms can detract from the effect of their words, or indeed how the choice of a single word can alter the tone of the entire submissions.

Another aspect of the advocacy course was emphasised by my volunteering to be a litigant in a family-related manner to be judged by an outsider. Like the weekend I volunteered during the first term, this really brought home how a witness may feel when being questioned and cross-examined. I think I can now better understand how someone whose circumstances may truly be affected by the proceedings can come across as nervous or anxious seeing how affected I was during just an exercise.

Paul Stanley is an exceptionally bright and enthusiastic barrister. Most of my time here was also spent doing legal research and preparing research memorandums. I also tried my hand at drafting submissions, skeletons and opinions. Paul was not in court as much this term as the major trial that he had been junior on during the previous term settled at the end of that term. As a result I was not exposed to as much oral advocacy and courtroom work as I was during the other two terms. It was interesting though as Paul was doing some outside academic work, for example, helping to run a moot at Cambridge that I got to see the preparatory effort for. Most of the work dealt with insurance and re-insurance law.

On a more personal level, Paul was a wonderful barrister to work with. He encouraged my interest in employment law by seeking out barristers with experience in that area for me to talk to and ensuring I was able to do some reading in the area. He invited my husband and I over to dinner and he often took me out to lunch to discuss not only the law but political and economic issues in the news. He ensured that I was connected to the chambers computer system although I was not provided with an internal e-mail so any chambers-wide news was either given to me from Paul or I could get the information from the intra-net message board that Paul had developed.

III. April 2004 – July 2004

My final term was spent with Richard Handyside at Fountain Court Chambers. It was here that I did the most courtroom observation of the three sets. Through luck of the draw Richard was working on several large trials which would not be heard until long after I was gone. In his opinion there was very little that was able to be portioned out in smaller bits although I was given a fair amount of material to read in order to be of assistance in sounding out arguments and

so on. In lieu of his own matters to work on, Richard went out of his way to ensure that I always had something to work on, whether it was doing research for another barrister or simply being given the opportunity to go and watch trial and tribunal work. Because I did work for a number of barristers I had wide exposure to different styles of advocacy and work preparation. Richard noted from my résumé that I had a great interest in employment law and so ensured that I was exposed to as much of it as I could handle. I did a great deal of research and observation with Paul Gott in relation to the national rail and underground unions.

Although I know this is different from the experience of others, this is the only chambers that I was at where I was not able to use my laptop to connect to the internal network. Any electronic research had to be conducted in the library, which was very well laid out and well stocked with the foundational law reporters and texts. I was not provided with an internal e-mail address and any chamber-wide messages were given to me via Richard.

I also spent a weekend during this term at the Middle Temple's law student advocacy weekend at Cumberland Lodge. This was very similar to the two-week advocacy course I attended in January and just as instructive. Exercises were conducted in small groups using the same methodology that I experienced in the volunteer weekend and the pupils training course. By focusing on a single element one could see improvement in the participants even over the course of a weekend. It was also a great social gathering. I was able to meet many wonderful law students as well as practicing barristers and judges. In addition, I had the opportunity to attend matins at the Royal Chapel and met and spoke with Her Majesty, the Queen.

I was also able to marshall on three different occasions during my final term. I spent a short week with Mr. Justice Richard Aikens on circuit in Chelmsford, a short distance from London. This included staying at the Judge's lodgings for an evening, which was an experience like no other. I was able to sit on the bench with Judge Aikens and he included me on what would normally be his internal musings on a case. He was very encouraging and sought out my opinion on the way things were progressing in the case and so on. I was also able to be of assistance towards the end of the case by doing research on sentencing.

I also spent a week at the Old Bailey with Judge Gordon. Again, I was able to sit on the bench with the judge and witness the proceedings from there. The quality of advocacy was simply amazing and I feel very fortunate that I was able to spend some time there.

Finally, I spent another short week with Lord Justice Anthony Clarke at the Court of Appeal. This was something that the other Fox Scholar, Karina Nowak, and I had arranged on our own. While I was unable to physically sit with them on the bench, Lord Justice Clarke and the other judges on the panel, Lord Justice Tuckey and Mr. Justice Jackson, welcomed me and included me in all of their discussions – in fact waiting for me to walk from the back of the court to the judges' hall on several occasions before they even began talking about the prior session. I saw a variety of proceedings before them, an appeal on a judicial review, a straightforward civil appeal and an interesting appeal from the prison appeal board.

IV. Middle Temple Generally

One of the advantages of the Fox Scholarship is that we are invited inside a very special environment. The Middle Temple is steeped in history and tradition and all Fox Scholars should be encouraged to participate. There are several juniors at 4 Pump Court who are quite active musically and it was fun to see them perform at various Middle Temple events. There were also lectures arranged on roughly a monthly basis covering a wide variety of topics, and always including a period of time during which the attendees can meet and discuss the issues.

My husband and I were also fortunate enough to attend several very fine events at the Middle Temple, including Grand Day and the Burns' Night celebrations. The other Fox Scholar and I were also able to attend the two Middle Temple Garden parties, social events designed to introduce members of the Middle Temple to each other in a more informal environment. The past Under-Treasurer, Brig. Charles Wright made me feel welcome whenever he saw me. The same can be said of Lord Justice Rose, the Treasurer of the Middle Temple.

V. Goodenough College

Living in Goodenough College is likewise, an integral part of the Fox Scholarship. As my husband accompanied me to England, I lived in what could be considered the “married quarters”

of the College – Byron Court. As a result, we lived in a one-bedroom flat and so I did not have the adjustment some seem to need in returning to a college environment.

The range of activities that people are able to partake in is quite something. I dove right in and volunteered to be the secretary of the William Goodenough House Executive Committee. (The two “houses” – William Goodenough House and London House – are treated somewhat separately on an administrative level.) I also organised one of the first main events of the year – North American Cultural Week, tried my hand at cricket at Lord’s Cricket Ground, punched and kicked my way through a term of tae kwon doe and still managed to find myself a place to play ice-hockey. I so thoroughly enjoyed my time at the College, and consider it such a worthwhile place that I accepted nomination to the Board of Directors for the London Goodenough Association of Canada.

VI. Conclusion

I had a fantastic year as a Fox Scholar and truly believe that the experience of working and living in London will be a huge benefit to me in my practice in Ontario. The only concern I would express is that as the scholarship is intended to focus on advocacy I do not believe that having the scholars spend time at three commercial sets is the best way to accomplish this. While any barrister can have times when they are not in court or some other tribunal, one of the barristers found it amusing that the scholars were sent to commercial sets at all. While each scholar’s experience will of course be different, I am sure that if it were possible to include a criminal or family set, both practices which traditionally see the most advocacy, both oral and written, it would be of great interest to all.

Finally, I simply cannot say enough about the wonderful opportunity provided to me here as a Fox Scholar. Not only was I able to see some of the best oral advocacy I have ever seen I had the opportunity to take instruction from some of the masters of their craft. The structure of the year was also conducive to travelling and my husband and I availed ourselves of that whenever possible. London is an amazing place in which to live and work and the opportunities for education, entertainment and sheer amusement are never-ending.