

How I Spent my Year in London

Vasuda Sinha

When people ask me to describe my year as a Fox Scholar, my response, without fail, is that it was my best year yet. This was perhaps the inevitable result of the combination of the brilliant barristers with whom I was seated, the chambers to which I was assigned, the cases I was able to work on and attend at in court, and the experiences of living in central London and at Goodenough College.

Essex Court Chambers

The first chamber set to which I was assigned was 'Essex Court Chambers'. Essex Court is known as one of the best commercial litigation and international arbitration chambers in London. While I had no idea of this going into my term there, it became quite clear after only a few conversations with law students and aspiring barristers when I first arrived at Goodenough College

My 'pupil supervisor' (what used to be known as a 'pupil master') at Essex Court was Nathan Pillow. A few days before I started in chambers, I met with David Grief, the head clerk, who informed me that Nathan was due to start a six week trial shortly after I was to start with him. Having gone through a year of articles without having seen a trial, I was very excited by the prospect of being involved with one as my first legal experience in London.

At its simplest, the case was one of a contractual dispute between an individual who had been hired to provide business strategy for the company for which Nathan and Joe Smouha (the QC who was 'leading' him) were advocating. The specific facts of this case, however, made it much more interesting than a simple matter of contract. The company was one of the world's largest media and advertising conglomerates, the individual was an Italian businessman and their relationship had deteriorated into mutual allegations of scandal and fraud. Given the intrigue of the case and the fact that we were in one of the old courtrooms of the Royal Courts of Justice, I was beyond happy that this was my introduction to the Fox experience. However, this particular experience was not to last.

After the first week, at the conclusion of our opening statement and right before our main witness was up for cross-examination, the parties settled. I remember walking into chambers that Monday looking forward to seeing what was sure to be a most entertaining cross-examination only to be told by Nathan and Joe that the trial was no more. I was, perhaps, the only disappointed person on the whole legal team. Joe told me not to be too disappointed, however, as the best part of a morning settlement is the settlement lunch that follows. And surely enough, as soon as the settlement papers were delivered to the Court, the lot of us, including, the 4 solicitors on the case, the company's general counsel, and even the company CEO sat down to a 4 hour lunch. If this is the barrister's life, I thought to myself, I could certainly get used to it!

It became clear quite quickly though, that four hour lunches were not a barristerial norm, and there was plenty of work to be done over the next three months.

It was at this point that I was made aware of how the pervasiveness of Russian oligarchs in English legal system. The other major case that Nathan had on the go was a significant fraud case involving the sale and leaseback of ships. The commercial complexities of the case, the number of plaintiffs and defendants involved, the fraud allegations at issue and the conflict of laws questions raised made it very near impossible to understand; however, Nathan was very good about piecing out work in discrete assignments that did not require me to master the whole case, which would have surely taken three months on its own.

What started to become quite apparent as I went through my time at Essex Court was how commonplace conflicts of laws issues were in commercial litigation. Certainly it is not a surprise that in the context of the global commercial center that is London, that commercial disputes would raise any number of jurisdictional issues. That said, prior to starting in chambers, I had no idea just how important resolving conflicts of law was for the development and progress of commercial law in this ever-integrating global reality.

One of my most memorable experiences from Essex Court is the House of Lords case I was able to attend. As it is everywhere, national security continues to be an exceptionally hot area of public law in the UK. The case, involved two individuals against who were declared national security risks and had control orders (the UK equivalent to national security certificates) issued against them. Investigations conducted under the control orders led the Crown to order their deportation, and the individuals were contesting this deportation on procedural and substantive human rights grounds. The substantive issues in the case were obviously interesting and extremely complex. What sticks with me most, however, was the reliance that the arguments presented relied on Canadian administrative and security-related jurisprudence. Having spent so much time in law school learning about the way in which English jurisprudence had shaped and crafted Canadian law, it was both refreshing and intriguing to see that that Brits placed such weight on Canadian jurisprudence in this ever important area of law.

I found myself in awe of almost everything I was exposed to during my attendance on this case. As barristers, we entered Westminster through a dedicated entrance—the ‘Black Rod’s Entrance’ and had a special security pass that allowed us some degree of freedom to move about the halls without too much scrutiny from Westminster security. To say the least, I was totally blown away by the fact that I ‘belonged’ in this scenario. It was difficult to not be overwhelmed by the smallest details: the stunning room in which the Appellate Committee of the House of Lords had sat since sometime after World War II; the charm of the fact that the head clerk to the Law Lords was always dressed in a morning suit; the oddness of the fact that the Lords themselves dressed in business suits while the barristers who appeared before them were fully wigged and gowned.

Essex Court was the one chambers in which I had the chance to get to know the other pupils. There were four other pupils in total, only three of whom were ‘tenancy

seeking’—i.e. who sought to be ‘taken on’ at Essex Court at the completion of their pupilages. Through speaking with them I realised just how lucky I was to be Fox Scholar. While I was in the middle of spending a year dedicated to learning the ways of litigation from some of the best commercial litigators in London, I had the luxury of doing it relatively free of the pressures and responsibilities of ‘real life’ barristering. The other pupils, however, were slaves to the law in a manner similar to what is expected of articling students with the hope of getting taken on at one of the most prestigious commercial sets in England.

4 Pump Court

After Christmas I started at 4 Pump Court, where Fox Scholars are always seated with Anthony (Tony) Temple QC. Tony is a British Trustee of the Fox Fund. He is the very model of what one expects of a senior barrister who has been in practice for over 40 years and much of my time with Tony was spent learning from the many stories and tales of practice that are characteristic of a barrister of his vintage.

The time I spent with Tony was very different from my time at Essex Court. Every day Tony would assign specific tasks for me to complete as the day went on. At the end of the day, I would be free of any thought of work until I arrived in Chambers the next morning. Much of my time was spent helping Tony draft correspondence to opposing counsel, or taking notes at meetings with the instructing solicitors on the trial for which he was then preparing. As Tony was not in court much himself during this time, he went out of his way to get me into court with some of the other barristers in chambers. As such, half my time at 4 Pump Court was spent watching trials and motions in a variety of Courts in and around London. Two cases I attended while at 4 Pump Court stand out in particular.

The first involved a motion at the County Court in Luton. Luton is arguably one of the least exciting places in Britain, and its grim courthouse made of concrete certainly does not do much to brighten up the city. Nor did our reason for being there, which was one of the and perhaps most common, manifestations of the fallout of the financial crisis of 2008-2009, enliven the scenario. The barrister I was there with represented a large bank that had foreclosed on an individual’s house and was seeking to secure payment for outstanding debts. The law was clear and on the bank’s side, so the order we sought was granted easily enough. The rather dreary context of the case certainly prevented us from relishing the victory and I was reminded of the very real personal implications that commercial law can hold for individuals.

The other case that stands out from my time at 4 Pump Court was a ‘gaming commission’ hearing, in which the applicant was seeking to get a new high-end casino approved for London. A recent change in the administrative structure surrounding the licensing of casinos made this the last hearing of its kind ever, and there were often wistful references to ‘the end of the era’ that this case represented. As one would imagine, the roster of barristers who actually engaged in this kind of advocacy was rather small. Almost everyone in the room had advocated against and with each other at some point, and the environment was predictably collegial and chummy. It was quite the experience to hear

all about the underworkings and characters involved in London's ultra-high-end gambling world.

One of the most memorable aspects of my time with Tony was the daily lunches we would have. Tony and some of the other senior members of chambers, in the most old school of ways, were committed to having a proper lunch every day. As such, almost like clockwork, every day at 12.30 a group of the senior barristers in chambers, all of whom had been practicing together for 30-40 years, would walk down to Inner Temple Hall, where they would lunch at the same table at which they had sat since their days of pupillage. I spent most of my lunches at 4 Pump Court sitting at that table and marvelling to myself about just how lucky I was to have this opportunity.

Fountain Court Chambers

After Easter, I started at my third set—Fountain Court Chambers, where I sat with Adam Zellick. By this time I had gotten quite used to the barristerial practice whereby pupils sit at a desk in the same room as their pupil masters. At Fountain Court, however, I was initially given my own room, as Adam's room at the time was unable to accommodate an extra person. I remember at first finding it very odd to have to work for someone while not constantly being in the same room as them, and subsequently finding it odd that I had grown so accustomed to that practice after such a short period of time.

Sitting with Adam was both great fun and a lot more work that I had been used to thus far! I spent much of my time with him doing proper litigation work, such as preparing research notes that could go straight into written submissions, and drafting pleadings. It was a steep learning curve, but one I greatly appreciated. Adam was also keen on giving me a variety of experiences by assigning me to other barristers for particular pieces of work. In this way two memorable experiences emerged.

First, I had the opportunity to do some work for an inspiring woman called Anesta Weekes QC, who was at a different chambers where she practiced primarily public and criminal law. One of the few black women silks, Anesta uses her skills and position to effect positive social change. She is accordingly very involved in the broader aspects of the bar, and asked me to help her with some research for a class she was teaching for the Bar Vocational Course. When I had completed the task Anesta insisted on taking me out by way of thanks and we spent an evening standing outside a wine bar on Essex Street with a bottle of pink champagne talking about one of our shared interests—diversity in the legal profession. It was a simple enough evening, but I remember then being very grateful to have met this woman who had broken so many boundaries in a profession so often accused of being stuffy and antiquated.

Second, I was asked by Charles Béar QC, of Fountain Court, to do some research on a case he had going to the House of Lords. Being able to attend a House of Lords hearing in the fall had excited me enough—the prospect of being able to actually work on such case had me a bit giddy. In late July I accompanied Charles to the House of Lords hearing. It turned out that some of my research memo ended up constituting a significant portion of our argument and the law nerd in me was excited beyond words to hear some

of my ideas being advocated in front of the Law Lords. Unfortunately, it later turned out that the case was not decided in our favour, and my mark on English jurisprudence was more fleeting than I had hoped it would be.

A very neat aspect of the case was that it was the last case ever to be heard by the Appellate Committee of the House of Lords. In 2005 the UK had enacted certain constitutional reforms, which included replacing the House of Lords with a Supreme Court of a fashion similar to the ones in the US and Canada. The British legal system has been very keen of late in modernising both its appearance and functioning, and it was thought that doing away with the Law Lords was critical for this modernisation. Not unexpectedly, there was an air of nostalgia floating through the committee room through the course of the hearing. At one point the hearing took a break so that the Law Lords could be in attendance in the Upper Chamber while the Peers bid an official farewell to their judicial colleagues. As I listened to the speeches of the Lords that were damp with nostalgia over the loss of their ancient judicial function and yet hopeful of the new era to be ushered in by the Supreme Court I couldn't help but wonder if the change in forum to a Supreme Court would actually effect the kind of social and legal progress that was expected of it.

Life in London

No discussion of my year on the Fox would be complete without mention of the brilliant opportunities that are afforded by spending a year in central London and at Goodenough College. I was originally quite apprehensive about the idea of living in a student residence, but soon realised that it would make a great home for the upcoming year.

The College provided any number of intellectual, social and cultural opportunities. Every year it is allotted a certain number of tickets for Wimbledon, and I was lucky enough to have had to opportunity to attend at this most British of events. The College also has access to a box at Royal Albert Hall, which tickets are allotted for use by college members for most of the events it hosts throughout the year

Through Goodenough I met some of the most interesting, intelligent and inspiring people from all over the world and I established friendships that I am certain will be lifelong. Indeed, leaving Goodenough behind proved to be one of the most difficult parts of having to leave London at the end of the Fox term.

Conclusion

My year on the Fox was formative for me personally and professionally. I developed further appreciation of the idea of advocacy as an art unto itself and developed a better understanding of what the litigation process should be about. I will be forever grateful for my year at the English bar.