



The Middle Templar

The Honourable Society of the Middle Temple

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As many will already be aware, I have decided to leave the Inn after six years as the Under Treasurer and I expect that my successor will be announced early in the New Year. When I took up the reins back in October 2004, I could not have anticipated what a fulfilling, fascinating and challenging appointment lay ahead of me. The breadth and diversity of the role never ceases to surprise me and the opportunity to meet so many talented and interesting people remains a constant pleasure.

I have experienced many memorable occasions, but the quatercentenary events culminating in the year-long celebrations in 2008 and the three Royal visits including Prince William being Called as our Royal Bencher in 2009, are obvious highlights. I have been fortunate to meet so many students whose enthusiasm and determination to succeed at the Bar despite the many obstacles in their path have been inspirational. I have also been privileged to get to know scores of Benchers who, regardless of the many demands on their time, provide unfailing support to the Inn and contribute so much to making it the special place that it is.

I have witnessed and been involved in a period of significant change in the profession. Students now face aptitude tests, barristers are subject to greater regulatory scrutiny and some may soon be working in 'entities', publicly-funded work is increasingly harder to obtain, and quality assurance for criminal advocates is on the horizon.

During the last two years, the Inn has had to face up to the reality of prevailing economic conditions. Some difficult and tough choices have had to be taken now so that we can invest in our estate in the future. I am confident that by doing so we have built solid foundations for the years ahead. Indeed, there is much for us to celebrate. The Inn's reputation as an open, friendly, diverse and generous organisation is regularly reinforced. We continue to be the Inn of choice for many high quality students from varied backgrounds and from all over the world. We offer an excellent annual programme of events, we continue to improve the quality of our communication with our members, and we are soon to provide much-improved advocacy training facilities.

None of this would be possible without our loyal and dedicated staff to whom I offer my personal appreciation. I have been proud to serve this Honourable Society and have made many friends here. I wish the Inn and all its members every success in the future.

Peter Hilling
Under Treasurer

Front cover: The Treasurers (2010) of the four Inns of Court: John Leighton Williams QC, Gray's Inn; The Rt Hon Lord Justice Stanley Burnton, Middle Temple; The Rt Hon Lord Justice John Laws, Inner Temple; The Rt Hon The Lord Walker of Gestingthorpe, Lincoln's Inn. Middle Temple Parliament Chamber. Photograph courtesy of Christopher Christodoulou.

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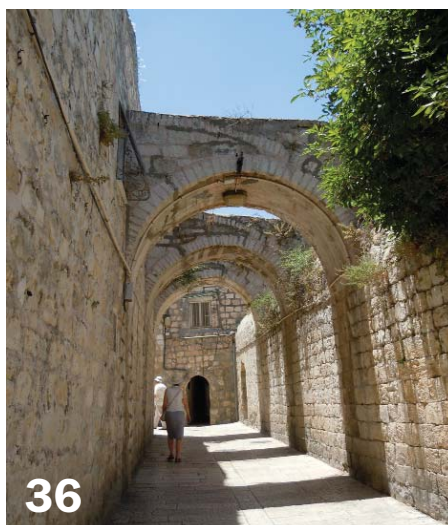
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Master of the Revels

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The Hon Mr Justice Ian Burnett



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Foreword

by Master Treasurer

As I write, my year of office is drawing to a close. It has been a privilege to serve the Inn as Treasurer, and very satisfying to have done so. We have had many memorable events, including illuminating lectures and wonderful music. The timing of Professor Vernon Bogdanor's lecture on "The General Election" was serendipitous, on the Monday after the May 6th election, when we knew the results but not who would form the Government. The Call to the Bench of Simon Russell Beale, one of our greatest actors, will long remain in my memory: a Hall packed with Benchers, students and famous guests, including Fiona Shaw, his co-star in *London Assurance*, the pianist Angela Hewitt, Patricia Hodge and Jemma Redgrave, a loud buzz of excitement and a wonderfully humorous speech by our new Master.

In September, I led a strong delegation of Middle Templars to the conference on the Rule of Law that we organised in Cape Town. Among our number was Master Longmore, our Autumn Reader, whose grandfather,

Chief Justice Centlivres, had been responsible for a famous constitutional law decision striking down apartheid legislation.¹ The South African participants were equally eminent. The Rule of Law in South Africa is vulnerable: politicians are unhappy to see their decisions challenged by independent lawyers and struck down by an independent judiciary, and may prefer a more compliant judiciary and legal profession. We went to South Africa not only to learn from their experiences, under a modern written constitution and a codified law on judicial review, but also to demonstrate our support for their independence and integrity: in other words, to promote the Rule of Law. I should like to think that they learned from us, too, but what struck me most was their courage and candour in our open discussions and their willingness to speak controversially on politically sensitive subjects. Two of the South African papers for the conference, that on the exercise of the prosecutor's discretion and that on the independence of the

legal profession (the latter by Jeremy Gauntlett SC, who has since been elected as a Bencher), have made headlines in the South African press. We have put all the papers, except the most sensitive, on the Middle Temple website. Our discussions were stimulating, and the conference highly enjoyable. At the end of the conference, I asked a number of black South African lawyers to let me know how Middle Temple can help them, in terms of advocacy training or exchange visits or otherwise, and I hope to hear from them.

There have been many other highlights. Every Call Day is a highlight of the year, not just for the students Called to the Bar, their families and friends, but for the Inn itself, as we see and take pride in our new members of the Bar who are the future of the Inn. Bench Call is always entertaining, and also instructive to our students and young barristers, who see examples of the way ahead. The exceedingly well-supported and enjoyable Scholars' Dinner demonstrated how many of our members are committed to the future of the Inn and of the Bar. On Grand Day we entertained a list of eminent guests, who in addition to the Lord Chancellor and the Treasurers of the other Inns included novelists, musicians and physicians. Master Longmore's reading at his Reader's Feast on 9 November on "Edmund Plowden and the Rule of Law" was brilliant: learned, informative and full of humour.

But it would be misleading to ignore the more difficult side of the Inn's affairs. Reductions in legal aid, changes to the structure of the legal

Lady (Gwen) Burnton and Sir Stanley Burnton



1. *Harris v Minister of the Interior* 1952 (2) 428 (AD), [1952] 2 S.A.L.R. 428, referred to in *Jackson v Her Majesty's Attorney General* [2005] UKHL 56, the fox-hunting case. The conference was held at the University of Cape Town, where a building is named after Centlivres CJ.

profession, and proposals for a quality assurance scheme for criminal barristers, are all of great concern to the Inn and our members, and require responses to consultations as we campaign to preserve one of this country's great assets: an independent highly competent advocacy profession.

In a period of international recession, few organisations have escaped financial stringency, and Middle Temple is not one of them. We have had to make a small number of redundancies. Our income this year has been better than budgeted, but we have been unable to make the contribution to our property modernisation fund that we need. In common with so many organisations, our pension fund has not kept pace, and indeed could not have kept pace, with the product of lower investment returns and longer longevity. We shall have to address the consequences so as to minimise the effect on our principal activities, but also to minimise the impact on our staff, who contribute so much to the Inn and whose loyalty we all value.

In October I announced that Peter Hilling, our Under Treasurer, was to leave. The job of the Under Treasurer is very demanding indeed. He is the chief executive officer of an organisation that is principally an educational establishment, but is also a business and which has many social events. Peter has provided essential strategic thinking of the role of the Inn, on its finances and much more. In addition, he has himself performed many of the often under-estimated administrative tasks that in another body would be delegated to others. Due to him, the Royal events of 2008, Prince William's Call to the Bench, and our conference in South Africa went smoothly and successfully. I shall miss him as a colleague and friend, and the

Inn will miss a loyal and hard-working servant.

At the end of the year the Inn will have new advocacy training accommodation to match the excellent advocacy training that we provide. The ground floor of the library building is to be transformed. We shall have a new Under Treasurer. Our new Treasurer,

Master Dawn Oliver, will score a double first: the first woman (apart from our Royal Bencher, The Queen Mother in 1949) and the first academic lawyer to be Treasurer. I shall hand over the reins of office regretfully but optimistically. I hope that Master Oliver has as rewarding a year as it has been my good fortune to enjoy.



Scholars Emma Waldron, Jasmine Fisher, Joe Edwards, James Lowe

Master Harry Thomas, Iyuwa Ogbeide, Natalie McNamee, Amy Fisher, Master Johnston



23rd - 26th SEPTEMBER 2010

South Africa Legal Conference

by Master Treasurer

Why South Africa?

It is a tradition of Middle Temple each year for the Treasurer and Middle Templars to attend a conference abroad.

Normally, we go to a common law jurisdiction, with which our jurisprudence and traditions are likely to have more in common than with civil law jurisdictions. As Treasurer this year, it was my choice to go to South Africa.

There were a number of reasons for my decision. A number of our Benchers and members have links with South Africa: Master Jeffrey Jowell, the Director of the new Bingham Centre for the Rule of Law, Master George Laurence, and Middle Templar Beverly Roberts were brought up and graduated there; Masters Tim Dutton and David Blunt have homes in Cape Town; and Centlivres CJ, a distinguished Chief Justice, was the grandfather of our Autumn Reader, Master Andrew Longmore. South Africa has produced a number of other distinguished lawyers who have greatly contributed to our law: Lords Steyn, Hoffman and Scott and Sir Sidney Kentridge are obvious names.

But there were more important reasons than these. First, there was my admiration at the unexpected peaceful transition from white-dominated bigoted government to a democratically-elected multi-racial constitution: a peaceful revolution that entitled the country to call itself the rainbow nation. Secondly, there was my impression that we, as

lawyers, had much to learn from South Africa's modern constitution and the experience of its courts in addressing problems involving socio-economic rights. Lastly, and importantly, there was my belief that South Africa is at a cross-roads. While its constitution is democratic, its government is dominated by a single party, the African National Congress, and important governmental decisions are made by the party. There have been allegations of serious corruption and concerns about prosecutions and judicial appointments being politically influenced. As we left for South Africa, there was a Parliamentary Bill¹ which, if enacted, could seriously limit press freedom, and proposed legislation that could curb the independence of the legal profession. My impression was that the Rule of Law is not entirely secure in South Africa. Her northern neighbour, Zimbabwe, is a terrible example of what may happen to a once-prosperous country when the Rule of Law is abolished. I felt that sending a strong delegation of judges and lawyers from Middle Temple to a conference on the Rule of Law would be a demonstration of support for the independent judiciary and legal profession there.

The Conference

The theme of the conference, held in the beautiful city of Cape Town at the Faculty of Law of the University of Cape Town, was indeed The Rule of Law under a Written and Unwritten Constitution.

The programme was devised by a Middle Temple quartet of Masters Jowell, Dutton, Cameron (a Justice of the Constitutional Court in South Africa) and myself. We sent a very strong delegation, including Justices of our Supreme Court and Judges of our Court of Appeal and High Court, two Irish Supreme Court Justices, an Irish High Court Judge, the Director of Public Prosecutions, the Director of Liberty, a number of leading counsel, the current and previous Chairs of the Hall Committee, and two distinguished non-Middle Templars, Baroness Ruth Deech DBE, the Chair of the Bar Standards Board, and Mrs Justice Dobbs. The South African participants were equally distinguished, and included the highly respected Deputy Chief Justice Dikgang Moseneke and other Justices of the South African Constitutional Court, Judges of the Supreme Court of Appeal and High Courts, former chairmen of the General Council of the Bar and other leading and junior counsel.

After warm welcomes from the UK High Commissioner, Nicola Brewer, and Professor Corder of UCT, the tone was set

Masters Cameron, Oliver, Burnton, Mance



Speakers and Topics

by the very first paper, on the exercise of the prosecutorial discretion, entitled *The Rule of Law and Prosecutions: to prosecute or not to prosecute?* Master Starmer summarised the considerations he takes into account when making his decisions as DPP, and went on to inform us why he had made his decision not to prosecute in the case of Ian Tomlinson, who died following an assault by a police officer at the G20 demonstration in April 2009², and how he had avoided any appearance of political interference in the case of the MPs prosecuted in relation to alleged expense frauds. He was followed by Advocate William Downer SC, Deputy Director of Public Prosecutions, who spoke with candour and courage about the abortive prosecution of State President Jacob Zuma.

The subjects of the papers delivered and discussed in the following sessions are listed on the right. Every presentation was followed by lively and stimulating discussion, each of which had to be curtailed in order to make time for the following session.

The quality of the conference can be seen in the papers and the article written for *The Advocate*, the magazine of the Cape Bar, by two South African barristers, Jean Meiring and Frank Pelsler. All these documents can be viewed and downloaded from the News & Notices section of the Middle Temple website. At the end of the conference the participants unanimously approved an important statement of principles, which is also on our website. Master Geoghegan and Professor Binchy separately told me that the conference had been the best they had attended. There were also enjoyable social events, including a wine tasting hosted by the Cape Bar and a Middle Temple reception at the beautiful home of the High Commissioner.

The warmth of our welcome by the South African Judiciary and Bar proved to me that the decision to go there had been right. We shall, I hope, maintain our links. To this end, Jeremy Gauntlett SC, a leading member of the South African Bar, who played a major part in organising the conference, is to be Called as a Bencher of the Inn on 22 March 2011.

On the day before I wrote this article, I saw a play about South Africa by the South African playwright Athol Fugard. Entitled *The Train Driver*, it is a metaphor for the condition of the country. It presents a pessimistic forecast of the country going the way of Zimbabwe. I believe one can be more optimistic about the future of this beautiful country whose people, of all races, can be so warm and welcoming. We learned much of legal value from the conference. If, in addition, we gave encouragement to those seeking to uphold the Rule of Law there, then it was all very worthwhile.

1. The Protection of Information Bill.

2. Having heard Master Starmer's exposition, it was clear that any prosecution for manslaughter would have had no prospect of succeeding, and therefore could not properly have been brought.

Keir Starmer QC, DPP of England and Wales
William Downer SC, Deputy DPP, Western Cape
The Rule of Law and Prosecution

Professor Hugh Corder, University of Cape Town
Professor Jeffrey Jowell QC
**Challenging Government Decisions:
Codified and Uncodified Judicial Review**

Dikgang Moseneke, Deputy Chief Justice of South Africa
Professor William Binchy, Trinity College, Dublin, Ireland
**The Role of Comparative and Public International Law
in Domestic Legal Systems**

Lord Justice Rupert Jackson
Judge Malcolm Wallis, High Court of South Africa
Justice Dunstan Mlambo, Chairperson, Legal Aid South Africa
The Reform of the Costs Regime

Justice Edwin Cameron, South Africa Constitutional Court
Lord Mance, UK Supreme Court
Judicial Independence

Lord Clarke of Stone-cum-Ebony, UK Supreme Court;
Judge Dennis Davis, Western Cape High Court and
President of the Competition Appeal Court;
Justice Yvonne Mokgoro, former Justice
of the Constitutional Court;
Judge Louis Harms, Deputy President
of the Supreme Court of Appeal;
Isak Smuts SC
Judicial Appointments

Geoff Budlender SC
Justice Nial Fennelly, Irish Supreme Court
The Judicial Role in Cases Involving Resource Allocation

Bertrand de Speville Esq
Fighting Corruption: The Lessons of Hong Kong

Baroness Ruth Deech DBE,
Chair of the Bar Standards Board of England and Wales
Independence of the Bar

Jeremy Gauntlett SC, former Chair of the
General Council of the Bar of South Africa
**Independent Legal Profession:
The South African Perspective**

Justice Kate O'Regan,
former Justice of the Constitutional Court
Judge Louis Harms
Lord Justice Stanley Burnton
Fashioning Public Law Remedies

6th - 7th APRIL 2010

Teaching Mediation to Judges in Mauritius

by Master Philip Bartle

Middle Temple established strong links with the judges and lawyers in Mauritius during the amity visits and legal conferences held in 2007 and 2009. The strength of these links was increased significantly by a visit in April 2010 when, at the request of the Chief Justice of Mauritius, Master Bernard Yeung Sik Yuen, Master Vivian Ramsey and I conducted a two-day mediation course for the judges of the Supreme Court of Mauritius and two judges from the Seychelles.

The Mauritius Supreme Court has 17 judges, and only a relatively small number of lawyers appear regularly in the higher courts. Also, with a population of 1.3 million, members of the business community will be well known to each other. Regrettably, there is also a considerable backlog of civil work. If unchecked, that backlog will continue to grow as it is inevitable that there will be litigation arising out of the current large building projects and the transactions among the thriving business community. So, there is a pressing need to reduce the case load of

the Supreme Court, and mediating disputes is a sensible way to achieve this reduction given the unique circumstances of Mauritius. It is therefore not surprising that Mauritius has taken the radical decision to appoint three of the Supreme Court judges as full-time mediators and will shortly introduce Supreme Court rules to regulate the mediations.

The judges were keen to be instructed about mediation by experienced mediators. Master Ramsey, the High Court Judge then in charge of the Technology and Construction Court (TCC), was a distinguished mediator and arbitrator at the Bar and has developed the TCC Court Settlement process. I am a commercial mediator.

Good judges do not necessarily make good mediators; therefore, we were anxious to ensure that the judges appreciated not only the principles of mediation, but also the skills that they had to acquire to succeed as mediators, which are very different from those required by judges.

We spent each morning giving talks on various aspects of mediation and each afternoon giving some of the judges the opportunity to try their hand as mediators in mock mediations. We were delighted at their eagerness and willingness to learn and their considerable enthusiasm to change their mindset from judge to facilitator. The Chief Justice threw himself into the spirit of the occasion with his fellow judges and was exceptionally appreciative of the course.

Such was the success of our visit that we returned to Mauritius in September this year to train 40 Mauritian lawyers in mediation and will return again in January 2011 to conduct a further training session.

Philip Bartle QC of Littleton Chambers specialises in professional negligence. He is a leading mediator and has lectured on mediation in the UK, India, China, Mauritius and Italy. He has been a Bencher since 2006 and is an elected member of the Inn's Executive Committee.

Master Bernard Yeung Sik Yuen



Master Vivian Ramsey



Master Philip Bartle



13th - 16th APRIL 2010

Meeting of Registrars of Courts and Tribunals

by Dr Aldo Zammit-Borda

From 13-16 April 2010, the Commonwealth Secretariat organised a Meeting of Registrars of Final/Appellate, Regional and International Courts and Tribunals in Ottawa, Canada, hosted by the Supreme Court of Canada, under the auspices of The Rt Hon Chief Justice of the Supreme Court, Master Beverley McLachlin. The Meeting included a cross-section of Registrars of Final/Appellate, Regional and International Courts and Tribunals (below “Courts and Tribunals”) from the Commonwealth and beyond, and resulted in the production of a Handbook of Best Practice.

The Meeting was led by Mr Akbar Khan, Director of the Legal and Constitutional Affairs Division of the Commonwealth Secretariat. It was organised by Dr Aldo Zammit Borda. Master George Newman was appointed principal consultant on this project, with overall responsibility to develop the Handbook.

The Meeting addressed the areas of organisational structure and management of Courts and Tribunals, and particularly the essential building blocks for the efficient administration of such Courts and Tribunals. The Meeting considered matters of nomenclature, qualifications and competencies of Registrars, headquarters and accommodation, security and infrastructure, recruitment, change management, as well as the representational activities and outreach of Courts and Tribunals.

In the context of information management, the Meeting considered the areas of conducting needs

assessments in the implementation of digital information systems, document security, the role of technology in filing and archiving, library services, translation, interpretation and transcription services, and matters relating to website and email hosting, management and security.

The role of the Registry in providing support services to organisations and users of Courts and Tribunals was also addressed. In particular, the support and protection of witnesses and victims, including those most vulnerable such as children, was considered. The Meeting noted the primary responsibility of States in this regard. The Meeting also addressed the importance of support to the defence and participants, as well as access to legal aid.

The Meeting considered the root causes of backlog as well as delay-reduction strategies. The importance of clear time frames and internal monitoring and accountability mechanisms were underscored. The areas of strengthening State support and cooperation as well as the enforcement of judgements were addressed, as were matters relating to parallel and concurrent jurisdiction, legacy, and the residual functions of Courts and Tribunals.

Dr Aldo Zammit-Borda was Legal Editor for the Legal and Constitutional Affairs Division at the Commonwealth Secretariat from 2007–2010. A Fellow of the Middle Temple, he is currently reading his PhD at the School of Law, Trinity College, Dublin.



Akbar Khan, Director of the Legal and Constitutional Affairs Division, Commonwealth Secretariat



Master George Newman and Middle Templar Mr Justice William Binnie



Aldo Testone, Registrar, Courts of Malta and Master Beverley McLachlin

Dr Aldo Zammit-Borda



Justice in the Round

by Master Claudia Ackner

It might have been designed by James Cameron for one of his sci-fi blockbusters. A huge rectangular 3D object, clad in some alien translucent material, plainly intended as the docking station for the massive flying saucer hovering just above. This was not Hollywood, but rather Foster and Partners' reinterpretation of Singapore's Supreme Court. We Brits had built in classical, dignified style – dome, Corinthian columns, solid and stolid stone – the old Supreme Court. It was opened in August 1939, just in time for World War II. With eleven courts, later expanded to twenty-three, it served the cause of Singapore justice well through the evening years of British administration and into the determined light Lee Kuan Yew's independent city-state.

By 2000 the government decided that the building would be better put to use as an art gallery and so the new

Supreme Court was built, opening in 2005. Built close to the old building and therefore convenient for lunch at the Cricket Club, it is clad in a laminate of glass and pink marble from Italy, a material that permits light to enter during the day, and by night the building emits a warm glow. The effect is striking, an impression reinforced on entry. A huge cathedral-like central nave bisects the building, with the twelve civil courts, eight criminal courts and three appeal courts accessed from either side. Chief Justice Chan Sek Keong sits literally as well as figuratively above all with his court, chambers and reception rooms in the "flying saucer" on the ninth floor. The views from this part of the building are truly spectacular.

If the building is impressive, the provision of electronic aids is even more so. Documents are filed electronically. Lawyers use touch

screens to check in to court, to advise on the duration of their case and to provide their mobile number. They may then return to productive work at their office where they will receive a text message informing them when their case has only two others ahead in the list.

*There is no provision for a jury
as trial by jury was abolished
half a century ago*

The judges have taken to civil case management with gusto, doubtless assisted by our own Bencher, Senior Master and Queen's Remembrancer, Steven Whitaker, who, with commendable public spirit, travels to Singapore each year to lecture the Assistant Registrars on how to be fierce with indolent solicitors.





*Chief Justice Chan Sek Keong
Supreme Court of Singapore*

Although our respective legal systems have much in common, there are important differences. There is no provision for a jury as trial by jury was abolished half a century ago. Criminal legal aid is limited to capital offences. There is, perhaps as a consequence, a high conviction rate and a very low appeal rate. Most of the work done in the new building is civil or family: the work of the Appeal Court has a ratio of 90% civil hearings to 10% crime.

Following a very helpful introduction from Master Ramsay, Inner Temple Bencher, my husband and I received an invitation to visit the Supreme Court, courtesy of Chief Justice Chan Sek Keong. Our questions on a wide range of forensic topics were answered cheerfully before we were given lunch by the Chief Justice in the splendid Singapore Cricket Club.

We were joined by Justice Quentin Loh, the junior High Court judge who provided swift proof that some things are the same the world over. As the judicial new boy, Justice Loh was being sent to attend a judicial conference in Vladivostok. The travel arrangements were a matter of some concern to the administration. Minimising the expense of the hotel stay and time away from sitting meant flying with Vladivostok

Air, doubtless a worthy and well-intentioned airline, but one that flies Tupolevs. The Chief Justice was firm: Justice Loh was not getting into a Tupolev. He was to leave earlier and fly with Korean Air and the administration would have to pay the additional hotel bill. Ministry of Justice, please note.

On the last evening of our visit to Singapore, we were entertained to a sumptuous Chinese banquet at the Ritz Carlton Hotel hosted by Chelva Rajah SC, and Hock Keng Chan, both members of the Middle Temple. I was able to reassure them that since they last dined in the Inn, the catering in Hall had improved beyond all recognition and was now well up to the Ritz Carlton standard. Hopefully they will come to see for themselves.



HHJ Claudia Ackner was Called to the Bar in 1977. She was appointed a Circuit Judge in 2008 and sits at Chichester Crown Court and Guildford Crown Court. She is involved in advocacy training, participates in the judicial shadowing scheme, takes part in the MT Education Open Days for University and Sixth-Form Students, and supports the Cambridge MT Society. She is married to HHJ Iain Hughes QC, a Bencher of Inner Temple who is the Designated Civil Judge for Hampshire and sits at Winchester.

The Inner Temple Book Prize

The Inner Temple Book Prize is awarded every three years.

There are two prizes, one of £10,000 and one for "new authors" of £2,500, to be awarded in December 2011.

The Prize is intended to encourage and reward the writing of books which make an outstanding scholarly contribution to the understanding of the law as administered in England and Wales. The Prize is open to authors of any nationality or domicile, provided their book is published in the English language.

To be eligible for an award, the books must be original works, first published in print between 1 January 2006 and 1 April 2011. Nomination forms together with two copies of the book must be received at the Inner Temple by 1 March 2011.

Lord Woolf of Barnes, who retired in 2005 as Lord Chief Justice of England and Wales, will chair a distinguished panel of Prize judges.

It is intended that the Inner Temple Book Prize, by value and prestige, should become an internationally recognised mark of outstanding excellence in legal scholarship as well as assisting in the public awareness of the role of law in society.

For more details visit www.innertemplebookprize.org

Advocacy Training in the Bahamas

by Master Bertha Cooper-Rosseau and Valentino Moreno Hamilton

History was made in the Bahamas when members of the Middle Temple and members of the Bahamas Middle Temple Society (BMTS) conducted an assessed advocacy training course at the British Colonial Hilton in Nassau. Forty-five individuals participated in the civil and criminal advocacy training programmes. The registrants for the criminal advocacy training course included police officers from the Royal Bahamas Police Force Prosecution Department and attorneys from the Attorney General's Office and the Crown Office in The Turks and Caicos. The civil advocacy training course drew support and participation from leading commercial firms in both countries.

The course was taught by several distinguished members of the Inn: Masters Andrew Hochhauser, Richard de Lacy, Stephen Lloyd, Mark Sutton, Bernard Richmond, and Jeremy Donne QC. Topics included examination in

chief, cross-examination, case analysis, criminal applications, civil applications, opening a case and use of skeleton arguments, closing a case, and witness statements.

The course commenced with a grand opening ceremony attended by Mr Ellison Greenslade, the Commissioner of the Royal Bahamas Police Force; Mr Justice Neville Adderley, Justice of the Supreme Court of the Bahamas; and Mrs Ruth Bowe Darville, President of the Bahamas Bar Association.

The successful three-day course culminated with a cocktail reception with a performance by the Royal Bahamas Police Force Pop Band. A dinner with the Eugene Dupuch Law School provided a wonderful opportunity for the Benchers to interact with Bahamian law students. At the dinner Master Richmond delivered a lively and informative lecture on "The Twelve Tools of Great Advocacy".

The course was covered extensively in the Bahamian media, and Masters Hochhauser and Richmond along with Jeanne Thompson (retired Justice of the Supreme Court of the Bahamas), Darren Bain and Valentino Moreno Hamilton (President and Vice-President of BMTS respectively) appeared live on the Jeff Lloyd Radio Talk Show. The panel discussed advocacy, the judiciary, and the long-established relationship between the Inn and Bahamian lawyers.

The BMTS would like to thank the Treasurer and Benchers of the Inn, Charles Russell Law Firm in London, and the Bahamas Ministry of Tourism for their support and contribution to this major training event, which was endorsed by Sir Michael Barnet, Chief Justice of The Bahamas; Dame Joan Sawyer, President of the Court of Appeal of the Bahamas; and Master George Newman, Justice of Appeal and former Treasurer of Middle Temple.

Visit to Government House. Front row: Masters Andrew Hochhauser and Stephen Lloyd; His Excellency Frank Watson, Deputy Governor General; Masters Bertha Cooper-Rousseau and Richard de Lacy. Back row: Elaine Bullard; Jeremy Donne QC; Masters Mark Sutton and Bernard Richmond. Photograph courtesy of Vincent Vaughan.



Middle Templars in Malaysia

by Sathish Ramachandran

I have such poignant memories of the time I spent at Middle Temple.

I especially remember:

- visiting the four Inns of Court in London, short listing Lincoln's Inn and Middle Temple and deciding on Middle Temple on account of its Library;
- becoming a student member of Middle Temple in the summer holidays after my second year of reading Law at the University of Kent and then dining in Middle Temple Hall;
- thoroughly enjoying the dinners in Middle Temple and that I dined 32 times instead of the mandatory 24;
- attending the special dinners held to commemorate the visit of Her Majesty Queen Margrethe II of Denmark (as Honorary Bencher, in 1992) and Her Royal Highness Diana, Princess of Wales (as Royal Bencher, in 1993);
- meeting Princess Diana and listening to her speak of her visit to the Taj Mahal and her two young children;
- the Council of Legal Education's Trinity Bar Examinations 1993; and
- signing with trepidation the Roll of Barristers on the night of my Call to the Bar as we were each asked to sign the book and when it was my turn, the black ink pen ran somewhat dry.

Over the past five years, Malaysian barristers from Lincoln's Inn, Inner Temple and Gray's Inn have, in that order, each formed a Malaysian Chapter of their Inn. TMMTA (pronounced "tim-ta") is the acronym for "The Malaysia Middle Temple Association", which is, finally, work-in-progress.

The impetus for the formation of TMMTA began in May 2009, when I discussed the idea with The Rt Hon Tun Mohamed Dzaiddin bin Abdullah, a former Chief Justice of the Federal Court of Malaysia and fellow Middle Templar, who also had been contemplating the formation of a Middle Temple Society in Malaysia. With the assistance of the Secretariat of the Bar Council of Malaysia, the Kuala Lumpur Bar Committee and Middle Temple itself, I alerted fellow Middle Templars in Malaysia and to date, 95 of them have registered their interest in becoming members of TMMTA.

In September 2008 Tan Sri Cecil Abraham, a very accomplished litigator and arbitrator in Malaysia and a Door Tenant at 3 Verulam Buildings in London had met with the Under Treasurer and Master Christopher Symons to discuss the formation of a Malaysian Chapter. With Tun Dzaiddin's guidance, I approached Tan Sri Cecil and we decided to combine our efforts to form TMMTA.

On 3 April 2010, 24 Malaysian Middle Templars met in Kuala Lumpur for afternoon tea, hosted by Tun Dzaiddin, and agreed to constitute a Pro-Tem Committee to undertake the formation of TMMTA. The requisite application for the registration of TMMTA as a Society under the Malaysian Societies Act 1966 will be submitted to the Registrar of Societies in Kuala Lumpur before the end of 2010 and we hope to launch TMMTA by mid-2011.

There are approximately 600 Middle Templars in Malaysia. We are privileged to have had three Middle Templars as former heads of the Malaysian Judiciary: Tun Suffian Hashim, Tun Salleh Abbas and Tun Dzaiddin Abdullah.

The most illustrious Middle Templar from Malaysia is the late Tun



Mohamed Suffian bin Hashim. He read Law at Gonville & Caius College Cambridge, was Called to Middle Temple in 1941, and was the Lord President of the Federal Court of Malaysia between 1974 and 1982.

Tun Mohamed Salleh bin Abbas read Law at the University of Wales Aberystwyth, was Called to the Bar in 1955, and served as Lord President of the Supreme Court of Malaysia between 1984 and 1988. Tun Salleh was Solicitor-General of Malaysia between 1966 and 1979, when he was appointed directly to the Federal Court presided over by Tun Suffian.

Datuk Param Kumaraswamy is also an Honorary Bencher of the Inn, and Tan Sri Cecil was Called as a Bencher on 23 November 2010.

If you are a Middle Templar in Malaysia and would like to register your interest in becoming a member of TMMTA, please contact me at sathish@deolgill.com.

Sathish Ramachandran was Called in 1993. He is an advocate and solicitor of the High Court of Malaya and has been a corporate lawyer in private practice in Kuala Lumpur since July 1994.

28th OCTOBER 2010

Grand Day Dinner

Dinner on Grand Day is traditionally the most prestigious event in the Inn's calendar. Master Treasurer invites members of the legal profession and distinguished guests from other walks of life. In 2010, guests included the Lord Chancellor and Secretary of State for Justice, writers, actors, musicians, doctors and a prominent journalist.



The Lord Chancellor, The Rt Hon Kenneth Clarke QC MP, and Master Treasurer

Past Treasurers. Back row: The Rt Hon Sir Christopher Rose (2002); Anthony Arlidge QC (2003); Michael Blair QC (2008); Robert Seabrook QC (2007); The Rt Hon Sir Scott Baker (2004). Front row: Derek Wood CBE QC (2006); Leolin Price CBE QC (1990); The Rt Hon Lord Justice Stanley Burnton (2010); The Rt Hon The Lord Nicholls of Birkenhead (1997)





Harriet Walter CBE and Master Treasurer



Kate Adie OBE



*The Rt Hon The Lord Clarke of Stone-cum-Ebony, Deputy Treasurer Elect;
Master Treasurer; Professor Dawn Oliver, Deputy Treasurer*

Students dining in Middle Temple Hall



Natalie Clein

Sir Ronald Harwood CBE



Photographs courtesy of Christopher Christodoulou



New Benchers

New Benchers are Called in a ceremony held in Hall attended by their guests, Benchers, barristers and students. After dinner, each of the new Benchers is introduced by Master Treasurer and then gives a brief address which is usually a light-hearted autobiographical account revealing some amusing career anecdotes and highlighting his/her links with the Inn. Three Bench Calls and two Honorary Bench Calls are normally held per year and each is a Qualifying Session.



Peter Lodder QC

Peter is a successful Silk in the leading criminal and regulatory chambers at 2 Bedford Row. He received a Blackstone Entrance Exhibition and a Jules Thorn Open Scholarship. Called in 1981, he took Silk in 2001 and was appointed a Recorder in 2000. Peter has been a member of the Bar Council since 1994. He was Chairman of the Criminal Bar Association 2008-2009, is one of the Inn's representatives on the Bar Council, was elected as Vice-Chairman of the Bar Council for 2010, and he is Chairman elect for 2011. In his various offices Peter has been a regular media commentator on matters affecting the profession.



Martin Forde QC

Martin has a hugely successful practice in clinical negligence, NHS employment law and healthcare regulation. After reading law at Oxford, he was Called to the Bar in 1984, and was pupil to Master David Latham. He took Silk in 2006 and became a Recorder in 2008. Martin has served on the Bar Race Relations and Pupillage Award Waiver Committees of the Bar Council. He is the recently-appointed chair of the South Eastern Circuit's Minorities Committee. He is also a role model for young ethnic minority barristers and is committed to helping them get the most out of the Bar. He is a Middle Temple Advocacy Trainer.



Mohammed Khamisa QC

Called to the Bar in 1985, Mohammed is a specialist criminal practitioner with particular expertise in fraud and regulatory offences, and is Head of Old Bailey Chambers. He is a Leading Special Advocate to the Security Immigration and Asylum Tribunal, frequently instructed in relation to Control Order appeals in the Administrative Court. He took Silk in 2006, and is currently on the SFO's panel of Queen's Counsel, having been Standing Counsel to the Department of Business, Innovation and Skills as a junior. He is the former Equality and Diversity Officer of the South Eastern Circuit, and Chairman of Procedures Panel (Disciplinary) of the BSB.



Ben Emmerson QC

Ben has had a meteoric career at the Bar in the field of human rights and criminal law. He took Silk at the age of 37 in 2000 on the basis of a very considerable practice, a great deal of writing, and an intense period of assisting the JSB and the criminal Bar in understanding the new challenges of the Human Rights Act. A former member of Master Robertson's chambers, Ben is a founder member of Matrix Chambers. His numerous visits to Strasbourg have resulted in the decisions on criminal trial, public interest immunity, prison disciplinary proceedings, inquest law, and sexual orientation discrimination that have played a prominent part in the re-shaping of law.

Professor Andrew Le Sueur

Andrew has been Professor of Public Law at Queen Mary, University of London since 2006. Prior to this he held academic posts in the University of Birmingham and UCL. From 2006-2009 he was legal adviser to the House of Lords Constitution Committee. He is editor of the journal *Public Law*. His research interests include judicial review and the operation of top-level courts. More recently he has developed interests in the challenges faced by small legal systems; he is Director of Studies at the Institute of Law in Jersey, a jurisdiction which has strong links to the Inn. He is a member of the Inn's Library & Archive Committee.



Master Steven Whitaker

Steven was appointed the Senior Master and Queen's Remembrancer in 2007. Early on, he established a specialist list at the RCJ for mesothelioma claims which has attracted claims from throughout the jurisdiction. The practice he introduced has been followed internationally and is now embodied in the CPR. In 2006, he helped in drafting the amendments to the Compensation Bill to reverse the House of Lords decision *Barker v Corus*. He was a member of the Civil Procedure Rule Committee from 2002 to 2008. He recently chaired a working party set up by the CPRC to recommend procedures in relation to e-disclosure which are now embodied in a practice direction.



Rt Reverend John Arnold

After being Called to the Bar, John entered the Institute of Charity as a novice in 1976 and transferred to the Diocese of Westminster in 1981, being ordained priest in 1983. He received a doctorate in Canon Law from the Gregorian University, Rome, in 1985. He was appointed to Westminster Cathedral where he became Sub-Administrator, before being appointed as Parish Priest in Enfield. He became Vicar General and Chancellor of the Diocese in 2001, Moderator of the Curia in 2004 and ordained auxiliary bishop in Westminster in 2006. Among his responsibilities is a role as Trustee of Cafod, for overseas development.



HHJ Nicholas Cooke QC

Resident Judge at Cardiff Crown Court and Honorary Recorder of Cardiff, Nick spent his practising life at the Bar with his family in Cardiff near where he still lives. He is Deputy President, Mental Health Review Tribunal for Wales; Chancellor of the Diocese of St David's; and Chairman, Governing Body of the Church in Wales. He was Leader of the Wales and Chester Circuit (elected 2007 but appointed to the bench in the same year), contributed to the *Wales Law Journal* and Welsh Legal History Society, lectured on ethics at the BVC in Cardiff, and, on a variety of legal subjects, to the professions. He was appointed a Deputy High Court Judge (QBD) in 2010.



Graham Wood QC

A member of Exchange Chambers in Liverpool, and also 3 Paper Buildings in London, Graham's practice since taking Silk in 2002 has been predominantly in crime, serious personal injury and public law. Among his wider experience he can count co-editing the 4th and 5th editions of *Bingham's Negligence Cases*, sitting as a Recorder in Civil and Crime, and a section 9 Deputy in the Administrative Court, a Legal Assessor to the General Dental Council and the General Medical Council, a Mental Health Tribunal Judge and Deputy Chancellor to the dioceses of Liverpool and Chester.





Caroline Harry Thomas QC

Caroline is a Silk at Littleton Chambers. She is a leading practitioner in medical law, specialising in clinical negligence, healthcare and medical ethics. Caroline is a contributor to *Heywood and Massey Court of Protection Practice* and has been a Recorder since 2003. She is particularly interested in education; she has served as Vice-Chairman of the Council of Malvern College since 2007 and is a frequent lecturer to schools about the Bar. She represented Middle Temple on a joint Inn working party on pupillage and education at the Bar and she has been a Middle Temple sponsor for many years.



Brian Altman QC

Brian Altman took Silk in 2008. Prior to this he was appointed Junior Treasury Counsel at the Central Criminal Court in 1997, Senior Treasury Counsel in 2002, and First Senior Treasury Counsel in 2010. He is a tenant in 2 Bedford Row and has in the past been an active member of the Criminal Bar Association. His practice is exclusively in serious criminal cases. Brian was graduated from King's College London and has a post graduate degree from the University of Amsterdam. He has served on the MT Ball Committee, written for *The Middle Templar*, and given lectures for students. He is a regular participant in the Inn's advocacy training.



Lucy Stone QC

After Cambridge, Lucy Stone was Called in 1983 and took Silk in 2003. She recently stepped down as Head of one of the foremost family law chambers, Queen Elizabeth Building. Lucy practises predominantly in matrimonial finance, frequently representing high profile and high net worth individuals, and third party entities. She also undertakes difficult child law cases. Lucy has always been involved with the education of chambers' pupils, in particular in drafting and advocacy. She is keen to assist with advocacy training at the Inn.



Richard Clayton QC

Richard is a leading practitioner in public law. He has also made a number of distinguished academic contributions to the law including *The Law of Human Rights* (2nd Edition 2009). He is currently Chairman of the Constitutional and Administrative Law Bar Association. He served as a member of the Bar Council from 2004-2007 and Vice-Chairman of its Remuneration Committee in 2006-2007. He is currently Chairman of its Committee on Civil Legal Aid. Richard was Vice-Chair of Liberty from 2004-2007 and he is now on the Council of Justice.



Chantal-Aimée Doerries QC

Called in 1992, Chantal-Aimée is a construction Silk practising from Atkin Chambers. She was a Diplock Scholar and a Harmsworth Exhibitioner. She is currently Chairman of TECBAR and serves on the Bar Council (2001-2007, 2010). She is Vice-Chair of the Bar Council's International Committee, chairs its International Business Development Group and sits on the Access Committee. She chairs the IBA's Forum for Barristers and Advocates and has recently become a Fellow of the American Bar Foundation. Chantal-Aimée also co-edits *Building Law Reports* and is a promoter of the annual concert for the Bar Pro Bono Group.

Fionnuala McCredie

A former pupil of Master Paul Darling, Fionnuala is a specialist construction and engineering barrister practising in Keating Chambers. She was a geography graduate with a Master's Degree in public and social administration. She worked for a while for a housing association, qualified for the Bar and was Called in 1992. She has been interviewing candidates for scholarships for the Inn for nearly ten years, and she is a member of the Inn's Scholarships & Prizes and Finance Committees. She was for a short while also a member of the Estates Committee and served on the Inn's 2009 Strategy Committee.



Malcolm Gammie CBE QC

Malcolm started his career as a solicitor and was a partner at Linklaters before moving to the Bar in 1997. At One Essex Court he quickly built a substantial client base, taking Silk in 2002. He has held the office of President of the Chartered Institute of Taxation and has worked on tax policy for many years with the Institute for Fiscal Studies, where he continues to act as Research Director of the IFS' Tax Law Review Committee. He is a professor at the LSE and Queen Mary, London University and also at the Universities of Leiden and Sydney. He sits part-time as a Judge of the First-Tier and Upper Tax Tribunals.



Professor Sarah Worthington QC

Sarah has just finished her term as Pro-Director for Research and External Relations at the London School of Economics, where she remains Professor of Law, and an academic member of 3/4 South Square. She works primarily in the fields of commercial equity and secured financing, and holds visiting appointments in Melbourne, Leuven and Hong Kong. She was President of the Society of Legal Scholars in 2008-09, and is currently a member of the LSE's Court of Governors and Council. She was elected a Fellow of the British Academy in 2009, and awarded QC (*Honoris Causa*) in 2010. She intends to contribute to Middle Temple's efforts in student education.



Donations to the Library

We are extremely grateful to the following members for their generous donations. Our appreciation goes to: Jamestown 400th Commemoration Commission for *America's 400th Anniversary*; Richard Mayne for *European Monetary Integration, European Anarchy, Britain in Western Europe, Policy Making in the European Community, Electing the European Parliament, Eight European Central Banks*; Master Vernon Bogdanor for *The British Constitution*; Jennefer Parry Davies for *Cannabis: Reclassification*; Master Louis Blom-Cooper for *Capital Punishment in Britain*; Master Michael Ashe for *Cardozo*; Mark Brealey for *Competition Litigation*; Council of Europe for *Effectiveness of Punishment*; Simon Cheetham for *Equality and Discrimination*; Sir Robert Worcester for *The First Code of English Law*; Professor Antony Lentin for *General Smuts*; Peter Eggers for *Good Faith and Insurance Contracts*; Robert Sigmon for *The Legal 500*; Sir Ivan Lawrence for *My Life of Crime*; Master Bertrand de Speville for *Overcoming Corruption*; Dr Rupert Macey-Dare for *Practitioner Problems for Derivatives Lawyers*; Master John Bowers for *Procedure in Civil Courts and Tribunals, Termination of Employment*; Mark Cannon for *Professional Indemnity Insurance*; Master Jan Luba for *Repairs: Tenants' Rights, Housing Allocation and Homelessness*; Mark Loveday for *Services Charges*; Sir James Mancham for *Seychelles: Global Citizen*; David Wolchover for *Silence and Guilt*; The General Council of the Bar of South Africa for *Views of Africa*; Harold Caplan for *Worldwide Safety of Civil Aviation*; Ruth Jones for *The Information Society, Essential Law for Information Professionals, Copyright and Teaching Information Skills*; and Professor Kenneth Broun for *Black Lawyers, White Courts: The Soul of South African Law*.

Honorary Benchers



Professor Vernon Bogdanor CBE

Professor of Government at Oxford University, and a Visiting Professor of Constitutional History at King's College, London, Vernon is a Fellow of the British Academy, Honorary Fellow of the IALS, and a Fellow of the Academy of the Social Sciences. He has been an adviser to a number of governments. His books include *The People and the Party System: The Referendum and Electoral Reform in British Politics*; *Multi-Party Politics and the Constitution*; *Power and the People: A Guide to Constitutional Reform and Devolution in the United Kingdom*, and *The New British Constitution*. In 2008, he was awarded the Sir Isaiah Berlin Award by the Political Studies Association for Lifetime Contribution to Political Studies. In 2009 he was made a Chevalier de la Légion d'Honneur by President Sarkozy.



Simon Russell Beale CBE

Simon first came to the attention of theatre-goers in the late 1980s. It was at the RSC that he first worked with Sam Mendes. Since 1995 he has been a regular at the National Theatre. In 1997 he portrayed the pivotal role of Kenneth Widmerpool in a television adaptation of Anthony Powell's *A Dance to the Music of Time*, for which he won the Best Actor award at the British Academy Television Awards in 1998. In 2008 he made his début as a television presenter, fronting the BBC Four series *Sacred Music* about Western church music. Most recently he has performed in *London Assurance* and *Deathtrap*. Last year, Simon revived his role as Hamlet in a charity theatre production in aid of the Kalisher Trust in Peter Moffat's *Dunsinane Two: The Trial of Lord and Lady Macbeth* at the Royal Courts of Justice.



Ruth Bird

Ruth has been the Bodleian Law Librarian at the University of Oxford since 2004. She is a history/politics graduate from Melbourne University, and began her career in teaching. After postgraduate studies in librarianship she worked as a teacher librarian, before moving into law librarianship. She managed libraries and taught legal research at Australian law firms Arthur Robinson & Hedderwicks and Phillips Fox, and was Law Librarian at the University of Melbourne. Her professional involvement includes having been National Convenor of ALLA (Australian Law Librarians Association), currently a Council member of BIALL (British & Irish Association of Law Librarians) and a Board member of IALL (International Association of Law Libraries), and writing for professional journals and blogs.



Clive Stafford Smith OBE

As the founder and Director of Reprieve, Clive is responsible for overseeing Reprieve's Casework Programme. After graduating from Columbia Law School in New York, Clive spent nine years as a lawyer with the Southern Center for Human Rights working on death penalty cases and other civil rights issues. In 1993, Clive moved to New Orleans and launched the Louisiana Crisis Assistance Center, a non-profit law office specialising in representation of poor people in death penalty cases. Since 2004, he has focused on achieving due process for the prisoners being held by the US in Guantánamo Bay and in the countless secret prisons around the world that were established in the wake of the terrorist attack on the World Trade Center.

15th JULY 2010

Private Guest Night/Bench Call

Master Simon Russell Beale was Called as an Honorary Bencher on the same evening as a Private Guest Night. After a champagne reception in the splendid Middle Temple garden, members and their guests enjoyed a delicious dinner in Hall. In keeping with tradition, after dinner Master Beale addressed his fellow Benchers and members of the Inn.



David Constantine MBE, Eva Anderson, Master Michael Bowes



Lt General Sir Peter Beale, Lady Beale, Miss Susie Fairfax



Jenny Rowe, Master Paul Jenkins



Master Andrew Hochhauser, Zenaïda Yanovsky, Master Treasurer

Master Philip Bartle, Jemma Redgrave, Fiona Shaw CBE, Master Simon Russell Beale, Master Treasurer, Lady Burnton, Angela Hewitt OBE



The Inn and Its Academics

by Master Dawn Oliver

It has been a busy year, being the Deputy Treasurer; indeed, last year was, too, as there is in effect a two-year apprenticeship before one becomes Treasurer. You attend as many of the Inn's events as you can, which is an excellent way of getting to know colleagues and students. You learn how the Inn works by attending committee meetings. For someone like me, who retired from practice at the Bar 42 years ago (yes, really!) and has been in academia for 34 years, getting to understand how the professional bodies function is not easy.

There is a strong academic contingent among our Benchers. The Middle Temple and the other Inns have



Dawn Oliver is Emeritus Professor of Constitutional Law at UCL. She served as Dean of the Faculty from 1993-98 and again in 2007. She was Chair of the UK Constitutional Law Group 2005-2010, and a member of the Executive Committee of the International Association of Constitutional Law 2007-2010. She has been a member of the Study of Parliament Group since 1991, and its President since 2010. She was elected a Fellow of the British Academy in 2005. She will be the Inn's first academic Treasurer.

made a point of benching academics, realising perhaps that links between the practising Bar and academia are weaker than they used to be, say, 25 years ago. Then, most university law teachers had been Called to the Bar, done a pupillage, and then been appointed university lecturers or fellows in Oxbridge colleges. Now, universities commonly expect their academic staff to have followed the LLB with an LLM, and the LLM with a PhD and lots of good published work. Not much time for the Bar exams in that programme, and not much point in them if you plan an academic career. And so fewer academics now than then join an Inn, are Called to the Bar, do pupillage, or have any contact at all with practice. This is a pity.

Our academic Benchers make significant contributions to the Inn's activities. Master Kate Malleon has written a paper containing advice and information about further academic study, e.g. LLMs, for students and practitioners looking for new specialisms or deepening of their expertise. At one of the pre-dinner events this autumn, Master Nicky Padfield spoke to students about how and why sentencing law needs reform. Master Vernon Bogdanor spoke about hung parliaments to a packed audience on the Monday after the May General Election. Next year Master Jeffrey Jowell will be lecturing on the rule of law in Southern Africa and white farmers in Zimbabwe, and Master Philippe Sands will give a talk entitled, *After Chilcot: War, Law and Legal Advisers*.

The Inn has appointed four academic Fellows of the Middle Temple in the last year. They are helping us in different ways: by setting and judging moots and by encouraging exceptionally able students, especially

from disadvantaged backgrounds, to consider the Bar and to join Middle Temple. They have helped to set up the new Access to the Bar Awards that are being piloted this academic year. Our Fellows appreciate the opportunity to come to the Inn, meet practitioners, bring guests to lunch, and attend events in Hall.

I have no truck with people who say that you should not read law at university, but some other subject, and then take the GDL and the Bar Professional Training Course. Perhaps the teaching of law that senior colleagues who commit this solecism in my presence received was rather black letter and boring. My experience of being taught law was mixed. A number of my teachers were young barristers who have ended up holding high judicial office. At the time they were part-time weekend teachers only a couple of years older than we were and they remembered what it was like to be a baffled student. That was positive. ('We' were the four women reading law in my year at the time. We were taught in supervisions/tutorials separately from the men for some unexplained reason. I can only surmise that if we had been taught in mixed tutorial groups the men would have been distracted by us and this would have been thought unacceptable.)

But in most law schools now – and certainly at UCL – law is taught 'in context', and never as a journey or struggle, depending upon one's aptitude, through mountains and forests of cases and tricky statutory provisions. That tended to be the case in my day. We consider that we are giving our students a liberal education as good as, if not better than, that delivered in history, English, languages, politics, or science degrees. So in public law, my subject, we discuss politics and

constitutional reform alongside the principles of legality and parliamentary sovereignty and the technicalities of judicial review. We discuss whether the House of Lords should be elected: what is good about election? Would elected members of the House of Lords perform their functions of scrutiny of bills and public policy in the same way as current members, or better or worse? Does it matter?

Quite apart from the intellectual fun of teaching and researching law in context, academics have opportunities to be involved in very interesting policy-related projects and organisations. One of the best, for me, was being a member of the Royal Commission on House of Lords Reform, which reported in 2000 to unanimous condemnation that we were not recommending a fully or substantially-elected second chamber.

Another highlight was my membership of the Fabian Society Commission on the Future of the Monarchy, chaired by Master David Bean, which produced an excellent report in 2002-2003, which was full of hard-to-come-by information about the monarchy and made sensible proposals about modernising the institution.

Neither report, I am afraid, has been acted upon, but no doubt copies are in the relevant libraries in the Lords and Buckingham Palace and in university

libraries, where they provide useful teaching materials. They may be dusted off and read from time to time.

Other projects in which I have been involved include drafting a written constitution for the UK with a team of academics and practitioners under the auspices of the Institute of Public Policy Research in 1991. Of course the

*Only academics . . . and officials
working in the two Houses of
Parliament can be members of the
Study of Parliament Group*

exercise of constitution writing was all fantasy and made little or no impact on the world out there; but it showed that it could be done, it provided material for those teaching constitutional law and politics, it gave us wonderful insights into how constitutions work, and it made us feel influential – an unusual experience for academics.

Only academics – mostly political scientists and lawyers – and officials working in the two Houses of Parliament can be members of the Study of Parliament Group, of which I am honoured to be President. That is a very stimulating combination of people with shared interests in Parliament. We discuss and research matters such as the operation of the new expenses regime

in the House of Commons, how new MPs are inducted into the House, the working of select committees, standards of conduct in Parliament, the law and Parliament, and so on. Academics appreciate the real-world knowledge that parliamentary officials have about things which would never appear on the parliamentary website, on TV or radio, or in journals or textbooks. And officials, who normally have to be faceless and invisible, are pleased to have a ‘voice’, even if it is an indirect one, in the research we publish.

And my own research? My most recent publication is an article on *Psychological Constitutionalism*. In 2009 I edited a collection of essays on *Justice, Legality and the Rule of Law: Lessons from the Pitcairn Prosecutions*. Master Jowell and I are currently editing the seventh edition of *The Changing Constitution* – a particularly lively subject just now. Comparative studies of how constitutions change and human rights and the private sphere are in the pipeline. As you will no doubt have realised, these are not subjects on which paying clients would ever seek advice from a practitioner. Doing this kind of work is a luxury: much academic work is far removed from practice. But being involved in the Inn keeps me in touch with the practicalities of law and legal practice. And I appreciate that enormously.

New Fellow

Professor Danny Nicol

Professor of Public Law at the University of Westminster, Danny holds a BA in Jurisprudence from Wadham College, Oxford and an LLM in European Law from UCL. He was awarded a City Solicitors’ Educational Trust studentship in order to pursue his doctoral studies at Brunel University, and in 2000 obtained his PhD for a thesis investigating the understandings of British MPs of the constitutional law implications of membership of the European Economic Community. He is the author of *EC Membership and the Judicialization of British Politics* and *The Constitutional Protection of Capitalism*. He has taught public law and EU law at all levels. Danny is keen to use his role as Fellow of Middle Temple as an opportunity to encourage students from underprivileged backgrounds to join the profession.



Employed Bar Reception

by Master Michael Gledhill and Christiane Valansot



The Inn held an extraordinarily well-attended reception for the employed Bar at the end of April. A risk, yes, but the weather was glorious, we moved into the garden and it became what may well be the regular season opener. At any rate, another reception for the Inn's members of the employed Bar is planned for 2011 – so put the date of 15 June in your year planner.

We have been told *ad nauseum* that the Bar is entering an era of dramatic change, in an uncertain political and economic climate. True, but plus ça change. We have been here before.

What has been changing gradually and inexorably over the last 20 years has been the percentage of barristers choosing, at the beginning, end or middle of their careers, to become employed rather than joining or remaining in chambers. This can be a move prompted by economics, but the reason is as likely to be the need for flexible working patterns, the desire to have influence beyond “the last case”, to work in a supportive team or simply to tackle legal work of a higher standard and complexity than one's clerk can obtain.

Many company legal departments employ barristers who work alongside solicitors. Although barristers and solicitors tend to do the same type of work, barristers bring different skills (particularly analytical and presentation abilities) and many general counsel like to have a mix of barristers and solicitors because of this. Such departments range from a sole lawyer to very large departments in multi-national and financial firms, which may employ many hundreds of lawyers and

operate like a law firm. Some barristers in this sector may have started their career in chambers and others will have been employed for the whole of their career.

There is more movement now between chambers and the private sector and vice-versa than in the past. Generally, these barristers do not carry out any advocacy work and would instruct counsel for such work. Increasingly legal departments are instructing the Bar direct rather than via solicitors and therefore this sector is a valuable source of work for the self-employed Bar. BACFI (the Bar Association for Commerce, Finance and Industry) is a Specialist Bar Association representing principally barristers in this sector.

Both the employed and self-employed Bar represent a unique combination of skills, talent and experience, devoted to the service of the public and the maintenance of the rule of law. Barristers in business may work for an individual company or group, owing the loyalties of any employee; but they are principally hired for the link they provide to the ethical world of the law, and the Bar in particular, with its enviable and justifiable reputation for integrity, honesty and plain speaking.

Outside the cosy world of chambers, you may feel that the employed Barrister operates as one of a lonely diaspora. Dining in Hall, or standing at the top of the steps to the garden surveying the crowd, employed Barristers may find it difficult to recognise anyone, or to see a friendly face and can feel excluded from the Inn community. Middle Temple is making a real effort to re-connect with its employed members, and for this we can be both grateful and hopeful. There are skills and experiences that employed

Middle Temple members at the Employed Bar Reception



barristers, working as they do in commercial and industrial firms with broader knowledge and understanding of the world outside the law can bring to Inn committees and Inn life.

Middle Temple has for over two years successfully run a New Practitioner's Programme which is adapted more closely to the professional needs of the employed Bar than any other. The feedback from participants has been very positive and we are glad to be spearheading this initiative. It is now spreading to the other Inns. We want to introduce an employed Bar network to Middle Temple, to draw out volunteers to help with Inn activities, students and committees.

We don't want each employed Bar function to be a one-off. The events are obviously fun, and employed members certainly voted with their feet at the April drinks party. The Inn is above all a collegiate institution. Members should be using it as they would any other club, and participating in all its activities. It is a place to meet and train



Master Andrew Clarke (second left) and members of the employed Bar

and debate and learn with other barristers, those in chambers, the government legal service, solicitors' firms, and the whole refreshingly diverse spectrum of the profession.

And yes, we party, too, at Middle Temple! So this is our thank you to the Treasurer, the Benchers, and the Inn's

staff for a really enjoyable 2010 drinks party. We look forward to the Employed Bar Reception on 15 June 2011, but before that we all need to come back into the Inn many, many times: for lunch, for student evenings, for events and for education. The Inn is here for all of us!

From second left: David West, Christiane Valansot, Sheila Richardson



HHJ Michael Geldhill QC sits as a judge at Southwark Crown Court. He was Head of Chambers at 2 Dyers Buildings from 2003–2008 and also served as a member of the Professional Conduct and Complaints Committee of the Bar Council from 2005–2008. He is the Deputy Chancellor of the Diocese of Salisbury, and currently serves as a tutor judge on the Judicial Studies Board New Recorders Induction Course.

Christiane Valansot is the General Counsel at the Investment Management Association. She is the Chairman of BACFI, and also is a member of the Inn's Education Committee as a representative of the Hall Committee.

CPD: A Benefit or A Curse?

by Master Derek Wood

For many practising barristers November and December are the worst of months. It is the time for filling in That Form. By the end of the year we must score 12 points of CPD (Continuing Professional Development) to comply with the Code of Conduct. Already the end-of-the-year seminars and webinars are filling up. Articles are being finished for publication. The Bar Conference (7.5 CPD hours if you get there early) is at hand. Failure to comply will trigger an unpleasant process of enforcement.

What is it all for? In the most general terms the answer is obvious. The Bar Standards Board (BSB), our regulator, defines CPD as work which “develops the skills, knowledge and professional standards of practitioners in areas relevant to their present or proposed area of practice”. Its object is to keep barristers up to date and maintain the highest standards of professional practice. Requirements for CPD – variously entitled – are universal among all professions in the United Kingdom. They are widely accepted, at least for doctors and lawyers, throughout Europe and the

USA, and in many other countries.

But when you go beneath this persuasive surface and get into the detail the system becomes more confused. I am chairing a small working party, as the third and final part of the BSB’s review of education and training for the Bar, which is scrutinising the present system of CPD and will recommend any needful changes.

There are difficult circles which have to be squared or, to change the metaphor, difficult balances which have to be struck. Underlying the review are some tough questions. How much can you trust barristers to decide for themselves what training they need? And how at the same time can you assure the public that we have a system in place which is effective, properly monitored and enforced? How much CPD should be prescribed by the BSB? How much should be left to the judgment of each practitioner?

The first requirement of any CPD is that it is “relevant” to each practitioner’s present or proposed area of practice. One person’s relevance is another person’s waste of time. The latest developments in black letter law in your field of practice are obviously relevant. But the circle cannot sensibly be drawn that tight. Don’t all civil practitioners, and some criminal advocates, have to have a general knowledge about company law and insolvency, even though they are not company law or insolvency specialists? Advocates in medical negligence cases

have to know a good deal about medicine. Specialists in shipping cases have to know about ships and the international maritime market. Tax and property people have to understand valuation. And so on. There is no central administration which can define what is “relevant” for each and every one of us. We have to decide that for ourselves.

The BSB identifies activities which do and do not count. Research into CPD in the medical profession shows that the most effective place for learning is the workplace. By contrast attendees at lectures and seminars retain little of what they have heard, beyond a general awareness that there has been a new development in the field, or that a fresh problem has recently been identified. That is nothing compared with the value of practical work with a patient or client. But the work we do for our clients does not count. If you argue a case in the Supreme Court on an important legal problem in your field of practice you get no points for it. But when the case is reported, you can go to someone else’s seminar on it and fill in your form. Attending courses, watching approved DVDs, participating in on-line instruction, teaching, and publishing articles and books, all count. Personal and time management courses count. Stress management and voice coaching courses do not. Do these distinctions make any sense at all? Barristers who conscientiously read the weekly issues of *The Weekly* or *All England Law Reports*, or even



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diligently receive a daily on-line service, get no credit for that. But isn't that one of the best ways of keeping up to date?

Outside observers of our profession are staggered that we only have to do 12 hours. That is one hour a month. Doctors by contrast have to do 50 hours or more. That is at least one hour a week. The explanation for our very low number may be that for a long time the Bar rejected the whole idea of CPD, beyond training for new practitioners. When the Lord Chancellor's Advisory Committee consulted on CPD for lawyers in 1991 the Bar Council replied that it was unnecessary. The modest figure of 12 may be what was thought to be acceptable (just) at the time.

The present system is encumbered by excessive bureaucracy. Out of the 12 hours, four have to be "accredited", i.e. delivered by providers or consisting

of courses which have been authorised by the BSB. Courses or events on the borderline are solemnly considered by a committee. Providers like to be accredited. Accreditation attracts customers. So, unless you are an Inn, a Circuit or a Specialist Bar Association, a high price is set on accreditation. It yields a substantial income for the BSB. There is however no quality assurance of accredited courses. The quality of many of them is regarded as poor. But they tick the boxes.

At the end of each year 15,000 barristers send in completed forms for scrutiny. The process is carried out by temporary staff and takes three months. On current figures about 200 holders of practising certificates are identified as either not having sent in a form at all or having sent in a form which for various reasons may be non-compliant. A drawn-out disciplinary process ensues.

The usual outcome is a fine and an order to make up the shortfall by additional training.

The question for the working group is, can we do better than this? The Bar is an honourable profession. Overwhelmingly its members want to provide the best service that they can for their clients. They know that they cannot do so unless they keep themselves properly and relevantly up to date, and continually work at the development of their skills. But the outside world is watching us. A formal requirement of CPD focuses the mind and reassures the public. Attending CPD events contributes to the professional collegiality of the Bar. Nevertheless, a sympathetic and constructive re-think is overdue. The working group hopes that its report, to be published in early 2011, will give the debate some momentum.

Post-Call Mooting Competition

With large numbers of top students aiming for the Bar and fewer pupillages being offered than ever before, it has become remarkably difficult to obtain pupillage. As a result, there are lots of talented Middle Temple recent Callees without pupillage who are keen to find ways to improve their pupillage prospects. Mooting success is one obvious way, but opportunities to moot for those no longer at university or law school are few. With this in mind, for the first time ever, this year Middle Temple offered a mooting competition to those who have finished law school and have been Called to the Bar. Of the 36 Middle Templars who took part, the vast majority were on the pupillage quest, although the competition was open to anyone Called in 2008 or 2009. Unlike the main Rosamund Smith Cup, this moot was an individual rather than team competition, collaboration with a fellow participant being more difficult to arrange post-law school.

With the very generous support of 14 experienced practitioners and judges of Middle Temple who gave up their time to judge moots, the competition went off smoothly, taking place in May, June and July of this year. Master Andrew Longmore judged the final and in the end, selected Clare Kissin as a very worthy winner. We would like to thank Master Richard Wilmot-Smith (Master of the Moots), Christa Richmond (DUT Education) and Richard Chapman (Students' Officer) for being so helpful in the organisation of the moot. Hopefully, given how well it seemed to be received this year, the post-Call mooting competition might become an annual fixture.



Will Bell, Organiser

Clare Kissin, Winner



Spare a Thought for Our Indebted Baby Barristers

by Aiden Maxwell-Brindley

I remember thinking when the personal banker told me that my loan repayments would be £350 per month that I would barely notice such an amount once I had finished the course. I would be a lawyer; lawyers are rich. £25,000 loan? No problem. I may have been particularly naive, but it was understandable in a way; even now it is unclear to most people the status of those graduating from the BVC. Officially I'm a barrister, but I can't work as one. I'm a "lawyer", but I can only work as a paralegal or legal assistant. So pupillage is the real stumbling block. Good job the banker didn't know that...

This, too, is hardly surprising though. The law schools make good money from BVC students, so it makes sense for them to get as many through their doors as possible. It would therefore be foolish to dissuade potential applicants by fully informing them of the difficulties likely to be encountered further along their chosen career path. This approach also makes good business sense for the banks, which, by supplying PSL loans, lock



Aiden Maxwell-Brindley is a Bar graduate and Managing Director of Baby Barrister Recruitment Limited.

individuals into their repayment schemes for many years to come, safe in the knowledge that the borrower is forbidden by the rules of their profession from escaping the debt through bankruptcy.

So far then, everyone is happy. The law schools are happy, the banks are happy and the successful entrant to the BVC looks in expectation to a glittering career. Unfortunately for most, this will never happen. The numbers speak for themselves. According to Bar Standards Board statistics, the number of first-six pupillages has been in steady decline since 2008 with only 326 taking up pupillage between 1 October and 16 May of this year.

Based on the figures of previous years, the number of successful Bar graduates from the same year is likely to be roughly 1500. If only these individuals applied for pupillage then it would mean that about 1 in 5 graduates would be successful; however, when the unsuccessful applicants from the previous four years are factored into the equation, the ratio is closer to 1 in 13.

There are many factors that contribute to this disparity, but foremost among them is the ease with which students are accepted onto the BVC (now BPTC) courses. It is arguable that a good proportion of entrants should not be admitted to the course simply because they have no real prospect of progressing in a career at the Bar after they graduate. Indeed, there is a real concern that the inherent conflict of interest that the law schools face is setting many thousands of young people up for a fall.

Changes are happening: the BPTC has replaced the BVC from this year and part of the purpose of Master

Wood's review of the old system was to address the problem of the number of BVC graduates unable to secure pupillage. An obvious way to do this was to make the entry requirements to the course more rigorous, but applicants still only need a 2.2 to be accepted.

The situation may be improved further if the aptitude test is introduced following this year's pilot scheme, but even so, the reforms look worryingly insubstantial and it is likely that there will remain many graduates foundering in the doldrums of the legal employment market, unable to take the next career step. What happens to these people, the many that remain after the lucky few have taken up their pupillages?

The answer is that Bar graduates work as paralegals and legal assistants. This in itself is an extremely competitive field of employment where Bar graduates are in direct competition with LPC graduates for jobs, and often come out second best. It is imperative that Bar graduates do find paid work as most of them emerge from law school with huge debts, and contrary to what is believed, no obvious way of paying them.

Unfortunately, Bar graduates suffer from a lack of accessible identity. Employers are comfortable with LPC graduates and aware of how they will fit into their business structure, but they feel less comfortable with Bar graduates. This is partly because of the unusual qualification structure of the Bar. Although many BVC graduates have been Called to the Bar, and are therefore "barristers", they are unable to practise as such, which causes initial confusion for employers who are sometimes at a loss as to why barristers

are applying for junior support roles. It is also because the traditional perception of the role of a barrister as an advocate means that employers often judge Bar graduates as unsuitable for paralegal positions.

I speak from personal experience. I completed the BVC at ICSL in 2007-2008 and even with a Very Competent grade and an LLB from UCL, I am yet to secure pupillage. I worked as a paralegal in the City at various levels for about a year and started my recruitment agency, Baby Barristers, early this year. That there was a need for a dedicated agency for Bar graduates is unquestionable; almost every candidate that I speak to confirms it. The question is, how can we help?

The first and most obvious thing to do is to give Bar graduates an identity. “Baby Barrister” may not be a particularly flattering designation, but it is memorable and succinct and these qualities are important. By categorising Bar graduates in this fashion, it makes them a known quantity to employers, and consequently makes them more employable.

Second, it is important that Bar graduates learn that a CV needs to look very different from a pupillage application and should emphasise different qualities and experiences. It is surprising how few are aware of this.

Third, graduates need to be made aware of the other careers that are available to them. Bar graduates’ unique combination of taught skills and natural attributes make them a valuable staffing resource in many different business areas and they possess transferrable skills that are certainly applicable outside of the Law. Abandoning dreams of practice may be

a wrench, but it can lead to great success in previously unforeseen areas. The unhappy truth is that most Bar graduates will eventually have to consider other careers in the absence of pupillage.

Fortunately, acting as a buffer against the difficulty of securing pupillage, Bar graduates have historically had the option of cross-qualifying under the provisions of the QLTR to become a solicitor. Unfortunately, recent changes to the arrangements for cross-qualification implemented by the SRA, which has replaced the Qualified Lawyers Transfer Test (QLTT) with the Qualified Lawyers Transfer Scheme (QLTS), have removed this alternative route and now require Bar graduates to follow the full domestic route to qualification as a solicitor, regardless of their previous qualification at the Bar.

Earlier this year, I wrote another article laying out the various disadvantages of the new Scheme which came into force this September. One of the primary objections that I raised was the apparent disregard with which work experience is treated by both arms of the profession. The QLTS does away with experience requirements for transferring lawyers, replacing them with tests and interviews. It was, and still is, my opinion that employers at all levels are primarily concerned with the work experience of their prospective staff members.

The fact that Baby Barristers will no longer be able to cross-qualify using their Bar qualification should be a matter of concern for the profession as a whole, and there is a worrying lack of awareness with regard to the likely

effect of the new scheme. The reality of the situation is that in the very near future there will be even more pressure placed on the paralegal and legal support employment market. This is particularly worrying as it coincides with a period of economic fragility and a corresponding recruitment downturn.

Comment from Master Derek Wood

Aiden’s experience is an example of the problems for Bar students discussed extensively in my Reports to the BSB on the BVC and Pupillage. There are far too many students chasing too few pupillages, just as there are too many LPC students chasing too few training contracts. The recommended aptitude test, which is still being piloted, and has not yet been approved by the Legal Services Board, should eliminate students who simply don’t have the ability to succeed at the Bar at all, and will never make it into pupillage. But that will not solve the whole problem. The difficulty in obtaining pupillage, even for the most able students, is not publicised as it should be. It’s only when students have signed up to the course that they appreciate the size of the problem. We have a very good profile of who actually gets pupillage (see Chapter 3 of the Pupillage Report) and have stressed that it is the duty of the Inns and the BPTC providers to give stark and clear health warnings to students, well before they commit themselves, about the problems which lie ahead, backed with the statistics which the BSB has in abundance. If students want to choose to compete for a place at the Bar, it should be an informed choice.

An Anglo-American Exchange

by Jonathan Moffat

As a BVC graduate looking to combine work experience with adventure during a year out, the Anglo-American Exchange offered a thrilling opportunity to undertake a short internship with the Critelli law firm in Des Moines, Iowa and observe a fused legal practice as an attorney. Any nerves were soon calmed on being introduced to Nick Critelli who looked me up and down, bellowed, “Is this what Middle Temple sent me!” and stormed out of the office. Fortunately, this was good-natured American humour and I was soon struck by the hospitality and time that Nick and his son/partner Tre provided to me in the form of education and discussion.

My activities ranged from producing skeleton arguments, commenting on trial strategy and presenting the educational path of a barrister to law schools, to sitting in on mediations,

conferences, and argument over jury instructions. I was also fortunate to give a short speech at an American Inn of Court dinner. The experience was tailored around my preferences and focused on observing the practical differences between our systems. Equally, the chance to work within a firm at the cutting edge of modern legal practice and communication was invaluable. I also learnt enough American-English to appear as if I understood what was being said most of the time.

The nature of a fused profession was of particular interest to an intending barrister hoping to practice advocacy within a legal structure undergoing significant change. My first questions to the Critellis concerned why they chose to undertake the England and Wales barrister qualification for the benefit of practising in America. Their

answer was that the quality of advocacy in our courts, nurtured by a specialist profession on its feet at great frequency, is the highest in existence and provides them with a cutting edge. It appears that our split profession also offers a more ethical package to the client. The American system appears designed to favour litigation and paper advocacy and, without an objective advocate, there is a risk that the vested interest of an attorney in the build-up of a case can result in the lack of an objective assessment of the merits. It is much harder for an American attorney to advise a long-standing client who has invested large sums of money that “this case will lose at trial” or “bin discovery on that issue and focus on the main one alone.” A barrister is more disposed to view the evolution and value of a case through a trial lens. The Critellis also illustrated the positive influence of having an advocate on board during a negotiation which supplies the carry-through factor of being prepared to present the case in court tomorrow. Finally, American law students undertake comparatively little advocacy training before being unleashed into practice without taking a pupillage.

Other significant differences include jury trials in civil cases and the *voir dire* procedure which involves the questioning and de-selection of jurors by exercising “strikes” by each attorney. This process can be very tactical in testing the reaction of others by reference to the opinions of a specific juror. The determination of jurisdiction is also complex as the individual states maintain legal sovereignty over most legal issues. For example, the law on fraudulent non-disclosure in Iowa is different from that of the other 49 states. Of course, the federal courts might contest jurisdiction over an area and interesting battles can

Iowa State Capitol Building, Des Moines





ensue, as seen with the Commerce clause within the US Constitution which has been utilised in contentious circumstances to exercise influence

over offences that have fallen traditionally within state jurisdiction.

The exchange also provided a glimpse of the socio-political environment of a divided superpower during the passing of the controversial Healthcare Bill at a time of growing opposition to a perceived expansion of government. Iowa certainly feels part of the heartland of American culture and has been granted progressive status as a result of its particular role as an early indicator of the key candidates for president, and innovative state legislation such as one of the first recognitions of same-sex marriage in the US in 2009.

The comparison of two different systems sharing the same common law

roots has certainly provided a deeper insight into a barrister profession placed under increasing scrutiny as one perceived as regulated against the interest of the legal market and social mobility. My experience of the fused alternative and working with two successful American lawyers who spent time, money and effort in order to gain a foreign wig suggests that such criticism appears unwarranted. Different models of legal system require different professional structures, both of which are perfectly legitimate. Our adaptable split profession should be revered as one that breeds objectivity and reaches towards the highest international standard of specialist advocacy.

Malibu – Seriously Easy Going...

by Tom Bird and Tom Corby

For most, Malibu is the quintessential Californian experience. Large beachfront condos line the Pacific Coast Highway, the ocean laps against white sand beaches, and celebrities sip their skinny lattes in farmhouse coffee shops. But that is not all that Malibu has to offer. It is also home to Pepperdine University, a towering campus perched on a hill. Pepperdine is one of America's leading law schools and in September it hosted a trans-Atlantic moot at which Malibu's finest were pitched against the finalists of the Inn's Rosamund Smith Mooting Cup.

Pepperdine generously provided accommodation for the four finalists in the Casa Malibu Inn on the Beach. The hotel lived up to its name and every day involved a swim or a beach-front beer, or both. Bernard and Christa Richmond formed the remainder of the delegation from Middle Temple. But to allow Master Richmond to best prepare for his role presiding in the Court of Appeal for the forthcoming moots, Pepperdine thought it best to keep him away from the beer and beach, so put

him up on campus where, in accordance with the founder George Pepperdine's wishes, it is forbidden to drink.

The moots took place in a replica of an American courtroom, the Star Spangled Banner fluttering as Richmond LJ and his judicial colleagues took their seats to hear an appeal concerning the correct interpretation of section 6 of the Theft Act 1968, as well as the effect of a judge falling asleep during a criminal trial.

Kit Burden and Joseph Woodworth represented Middle Temple in the first of two moots. Their calm and measured style contrasted with the punchy rhetoric of their Pepperdine opponents. Neither team was spared the judicial intervention of Richmond LJ, whose ruthless interrogation of counsel aimed to show our hosts what life was like in an English Court of Appeal 'on a good day'. Thankfully, Christa was on hand to lend moral support to those next in the firing line. Tom Bird and Tom Corby appeared for Middle Temple in the second moot, for which the public gallery was almost full, the

audience keen to witness another legal dressing down from the bench. Master Richmond, as ever, delivered.

The trip was, however, about more than just mooting. It provided an opportunity to learn about the different approach taken to legal education in California, which is a longer and, in many respects, a more taxing process than it is in England. The Californians were as baffled by our concept of the GDL as we were by their frightening capacity for hard work in a climate so suited to none.

Tom Bird, Tom Corby



An All-American Adventure

by John Brinsmead-Stockham

It had seemed like such a good idea on New Year's Eve, two years earlier. My school friend, Fred Parkes and I had decided, in a moment of particularly high spirits, that we would attempt to cycle across the USA from the West to the East Coast. Our chosen route was the TransAmerica Trail which runs from Astoria, Oregon to Yorktown, Virginia. Our aim was to raise £10,000 for the Meningitis Research Foundation and to have some fun in the process. Sat in a motel room in Astoria, on the evening of 3 August 2010, however, the ride presented a far more daunting prospect.

Fred and I are not really cyclists. In 2007 we rode from John O'Groats to Land's End, but between completing that ride and setting off from Astoria, neither of us had climbed back onto our bikes on more than ten occasions. Our training had also been less than perfect, with my efforts limited to frequent spin classes in the gym. We were (fairly) fit, but we had no idea whether we would be able to complete the ride, which at just under 4,300 miles, was unlike anything that we had attempted before.

Fortunately for us, during the vast majority of the time that we spent on our bikes, the enormity of the distance that we had to travel was thrust firmly to the back of our minds by all that we were experiencing out on the road. The TransAmerica Trail, a cycle-friendly route planned by the American Adventure Cycling Association, passes through some of the most spectacular parts of America and there can be no better way to see them than on a bike.

The scenery varied on an almost daily basis, from rugged coastline in Oregon and the scorched, rocky outcrops of Idaho, to the seemingly endless plains of Kansas and the lush green hills of the Appalachian



Mountains. As we had expected, we were amazed by the well-known places that we travelled through: Yellowstone National Park, the Rocky Mountains, and crossing the Mississippi River. The true delight of the trip, however, was discovering places that we would never otherwise have visited.

Lest we might become overwhelmed by the scenery, we also indulged in a few helpings of culture, managing to fit in visits to Thomas Jefferson's home at Monticello, Virginia, and Abraham Lincoln's birthplace in Kentucky.

One of the highlights of the trip was reaching the summit of the McKenzie Pass at 5,300 feet after 26 miles of continual climbing. Another was finally crossing the Rockies at the Hoosier Pass, which, at 11,539 feet, was the highest point on the route. Off the bikes, our rest day in Riggins, Idaho, spent white-water rafting down the Salmon River, was the ideal tonic for two saddle-weary adventurers.

Inevitably, not everything went according to plan and we had our fair share of punctures, worn-out tyres and broken spokes. We also had one serious crash, on a main road in the middle of Montana. Fortunately, our injuries were limited to cuts and bruises

and the bikes survived in reasonable shape; it was, nonetheless, a somewhat harrowing experience.

On 28 September 2010, after 54 days, and having travelled over 4,200 miles, through ten states, Fred and I rode up to the Yorktown Memorial, our final destination. The memorial commemorates the surrender of the British in one of the final battles of the American War of Independence, however, on this particular evening it was draped in Union Flags and red, white and blue bunting as we were greeted by our families and friends. It was a triumphantly surreal end to the trip of a lifetime.

The USA is an incredibly beautiful country with welcoming and friendly people. It is also far larger in real life than it appears to be on a map. For anyone looking for a trip that is both challenging and breathtaking in equal measure, they need look no further than the TransAmerica Trail.

If you would like to make a donation in support of the Meningitis Research Foundation, visit our link at www.justgiving.com/biketransam.

John Brinsmead-Stockham specialises in taxation law at 11 New Square.

Marston's Returning Home!

by Perry Mills, Assistant Head

It is just over four hundred years since John Marston embarked on his short but sensational career as a commercial dramatist for the boys' companies. These "little eyases" were so popular at the end of Elizabeth's reign that Shakespeare allows himself to deride them in *Hamlet*. Marston's first play, *Histrionomastix* (1598), was written, not for a boys' company at all, but for his peers at Middle Temple. His father, a member before him, was severely disconcerted by his son's dalliance with the theatricals. It had been his intention to say in his will, "my law books... I bequeath them [to him that deserveth them not, that is my wilfull disobedient son, who I think will sell them rather than use them, although I took pains and had delight therein. God bless him and give him true knowledge of himself, and to forgo his delight in plays, vain studies, and fooleries]."

It is likely that Marston's first real theatrical success, *Antonio and Mellida* (1599), performed by "Paul's Boys" just along the river at St Paul's Cathedral, was the play which kick-started the second wave of interest in boys' companies. And now Middle Temple Hall will host their 21st century

equivalents, "Edward's Boys", a company from King Edward VI School, Stratford-upon-Avon, otherwise known as "Shakespeare's School".

A few years ago when Michael Wood was preparing his series *In Search of Shakespeare* for the BBC, he asked me to produce a selection of scenes featuring the boys in all the roles, female as well as male. Since then, with the encouragement and guidance of Professor Carol Rutter at the University of Warwick, I have developed The Boy Player Project and the work is attracting serious attention from the academic world. As Professor Rutter says, "We know almost nothing about this topic. We know something of the composition of the companies – who some of the boys were, their ages, the parts they probably played. We know something about the playing venues. But the experience of watching boys perform Marston, Lyly, Middleton and the rest? Or the experiences of the lads themselves playing these plays – what they thought about the material, how they rose to the challenge of the language, how they negotiated the fiendishly complicated plots, what they thought of the dirty jokes or the

business of playing women? Nothing. So that's where you come in. You're currently the world's leading authorities on the performance of boys' plays".

High praise indeed. Over the years Edward's Boys have created a sense of continuity, an ensemble, a kind of apprenticeship whereby skills are passed on from older to younger boys. And the results have been widely applauded. When she saw them perform Middleton's *A Mad World My Masters* on tour, Professor Laurie Maguire of Magdalen College, Oxford asserted, "It was a total triumph and I am still on a high from the experience. This was without doubt one of my best nights out in the theatre."

The following year I produced Middleton's *A Chaste Maid in Cheapside* and Dr Emma Smith of Hertford College, Oxford wrote, "Your work is the most sustained attempt to re-imagine what we think boy companies could do – and it will really rewrite the academic theatre history books."

Edward's Boys have performed at Shakespeare's Globe and King's College London to universal acclaim, and are delighted to have been invited by Anthony Arlidge QC, Master of the Music, to stage their next major production on the dramatist's home turf, as it were. In recent years the company has concentrated largely on City Comedies, but Marston's *Antonio's Revenge* is a very different kind of play. It is a revenge tragedy from the most bloody end of the spectrum. Some doubt whether young boys are capable of conveying such unremitting cruelty and violence. Others know better...

Edward's Boys in Marston's The Dutch Courtesan



Antonio's Revenge: Sunday, 13 March 2011 at 6.30 pm in Middle Temple Hall. Tickets can be purchased from the Treasury Office after 10 January.

Autumn Reader and the Day Job

by Master Andrew Longmore



I am the Autumn Reader and my main official duty is to present qualifying students to the Treasurer so that he can Call them to the Bar. My duties in fact began in Trinity Term when 512 new barristers were were Called. A further 92 will be Called during the course of Michaelmas Term. I also assist the Treasurer in his day-to-day contact with student members of the Inn.

There is the day job as well which, in my case, is being a member of the Court of Appeal. There are 44 of us in all if you include the Heads of Division and we hear all the criminal and civil appeals from England and Wales so we are kept busy. Last year we heard 2,317 criminal appeals and 1,183 civil appeals and that does not include the

The Rt Hon Sir Andrew Longmore was educated at Winchester College and Lincoln College, Oxford. He was Called to the Bar in 1966 and took Silk in 1983. A Judge of the High Court from 1993, he was appointed a Lord Justice of Appeal in 2001. Master Longmore delivered his Reading, “Edmund Plowden and the Rule of Law” at his Reader’s Feast in Middle Temple Hall on Tuesday, 9 November 2010.

many applications for permission to appeal, which come first on paper and then, if refused and the litigant wishes to pursue the matter, on an oral renewal application.

When I was a junior, I used to think that being a Silk was comparatively straightforward because Silks could concentrate on one case at a time and only had to deploy the material which the junior had already prepared. When I became a Silk, I realised that presenting complex cases was actually quite difficult but I thought that the job of a judge must be really quite easy because a judge never had to argue a case. All he had to do was to decide cases or (even better) explain them to a jury without even having to decide them. When I became a judge, I realised how different being a judge actually was. You had to set out all the facts of a case and be absolutely sure that you had got them all correct; that often meant choosing between conflicting accounts and giving real and sensible reasons for preferring one version to another. You might occasionally even have to find out what the law was all on one’s own because counsel, however helpful, could never quite predict what facts you would find proved. But I thought it must be really easy to be in the Court of Appeal because there all the facts would have been found and all the appellate judge had to do was to apply whatever law the winning counsel told them to apply. Now that I am in the Court of Appeal, I realise that it is not like that at all. Sometimes counsel (sometimes justifiably) think that the judge has got the facts all wrong and want you to retry the case; sometimes the law turns out to be quite complex. But the main thing is the sheer volume of work. In the Criminal Division you often find that nine or ten cases have been listed

in a single day; even in the Civil Division you may have two or three cases listed for a single day’s hearing. As against that the work is undeniably absorbing because you have to become an instant expert on many areas of law you never encountered in practice at the Bar.

It is probably impertinent for me to offer any words of advice to those of you who appear in the Court of Appeal, but my strong plea is to keep your paperwork as short as you reasonably can. Each case generates a large amount of paper and there is a limit to



the amount of pre-reading the judges can reasonably be expected to do. As a good working rule, a notice of appeal (which is intended to set out the grounds of appeal, not the arguments supporting the grounds) should be no more than three pages. The skeleton argument (which does set out the arguments) is supposed to be a skeleton not a written brief and should not be more than about 12 pages – and it can often be much less. It is still oral advocacy that wins a case.

Qualifying Sessions

Many of our Qualifying Sessions (QS) have an explicit educational content, such as for example moots, debates, or of course the guest lectures. Others have placed greater emphasis on the collegiate aspect of students' induction into the profession. As of the current academic year, all QS which fall into the second category will follow a new format so they comply with the requirement for educational (as well as collegiate) content.

Typically, this will involve a short lecture at 6.15 pm, followed by dinner and whatever the programme had

intended, for example music or other performances. Students who wish the evening to count as a QS will have to attend the full programme. The lectures take about half an hour and are very much intended to be seen as a useful and enjoyable part of the evening.

Occasionally, other events of educational value will take the place of the lecture. After dinner on Saturday, 2 October 2010, which was part of the introductory weekend for Out of London students, the "added value" element consisted in a performance by The Grassmarket Project.

The Grassmarket Project

The Grassmarket Project is a theatre company that started out in Edinburgh's Grassmarket in 1990. Its plays have won six consecutive Fringe First Awards. People tell their stories and we listen. We then we place the narrative in a fictional context. The results are engrossing, sometimes shocking, and always original. We deal in issues and states of being that are not often brought out into the open. The series of three monologues performed on 2 October formed the kernel of a stage production, *The Girls*, which is currently in development.

Violence toward women is one of several subjects that we are exploring in this and other projects. *Limboland* (2010), a film commissioned by Lars Von Trier at Zentropa Films, examines, amongst other issues, the treatment of women in migrant Muslim communities in Copenhagen. *Ana*, a film featuring street girls in Recife, Brazil is a project that goes into test filming later this year. Actress Susan Sarandon supports the work and will play a leading role in the piece.

Recently we have been working in collaboration with Sussex University School of Psychology on a study to

identify the reasons behind destructive behaviour displayed by many of our young participants. We will create an educational resource pack out of this work which will provide reasons for and solutions to the dangers faced by society from this violence.

We are a charitable organisation and depend almost entirely on donations from benevolent foundations and members of the public. Next year we will take the momentous step of establishing a permanent home in London for the company; we are negotiating the lease of part of Peckham Rye rail station, the old waiting room on Platform 3.

If you would like to share your ideas of how to raise money to support the broad range of performance pieces we are planning for 2011, or would like to make a donation, please contact us at info@grassmarketproject.org.



MTSA Officers 2010-2011

Christopher Stringer read Politics and Eastern European Studies at UCL then studied the GDL at BPP College of Law.



Last year he worked in Parliament as an intern for an MP and Shadow Secretary of State. He is currently studying the BPTC at City Law School.

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3rd OCTOBER 2010

Opening Service of the Legal Year

by Rabbi Dr Tony Bayfield

Lord Sacks, the Chief Rabbi of Britain's Orthodox Jewish community, read a subject at Cambridge that was decidedly suspect for a nice Jewish boy – philosophy. I read a much more respectable subject: – law. Sadly, I strayed. I was lured away from the right path by the temptation of post-graduate work at the Cambridge Institute of Criminology. From criminology to the rabbinate was such an imperceptible step that nobody noticed. However, people still occasionally ask me why I gave up the law for religion. My answer is unequivocal, because of my interest in justice. Before you think that's a side-swipe at the Bar (which it isn't), I would ask you to suspend sentencing – if not judgment – whilst I do my best to explain.

I regard the Hebrew Bible – I don't use the term Old Testament because 'old' as opposed to 'new' carries pejorative overtones – as the joint possession of Judaism and Christianity. It's both of ours put together before the parting of the ways and the separate development of Rabbinic Judaism and Christianity.

One of the many remarkable things about this shared inheritance is that it gave us a concept of God very different from the arbitrary, autocratic conceptions of God all around. God, for our ancestors, was the embodiment of justice. "You shall be holy for I, the Eternal your God, am holy," declares the first verse of the nineteenth chapter of the book of Leviticus. Holiness is then defined by a broad swathe of particular laws, a seeming hodge-podge, designed to express justice in the unpoetic, messy details of daily life.

There's a remarkable *midrash* – *midrash* is the word for the way in which classical Rabbinic

Judaism interrogated the text of the Hebrew Bible – which says that 'God is not like a king of flesh and blood': an arbitrary, autocratic ruler of the kind with which we were, and still are, familiar. 'When an earthly ruler enacts legislation he may or may not think that it applies to himself', says the *midrash*. 'But when it comes to divine legislation, God

is the first to carry out God's own command'. The *midrash* is not trying to represent God as an abstract idea, as the concept of justice. But the *midrash* is saying that God is the embodiment of justice and we should enthusiastically pursue justice in *imitatio dei*.

In the Hebrew Bible there is a continuum which begins with God and continues through holiness, righteousness, justice and law. They're synonyms. One of my favourite biblical quotations – perhaps even my absolute favourite – is the prophet Amos' thunderous couplet, "Let justice roll down like (life-giving) water and righteousness as an everlasting torrent". Justice and righteousness, like life-giving water and everlasting torrent, are one and the same thing.

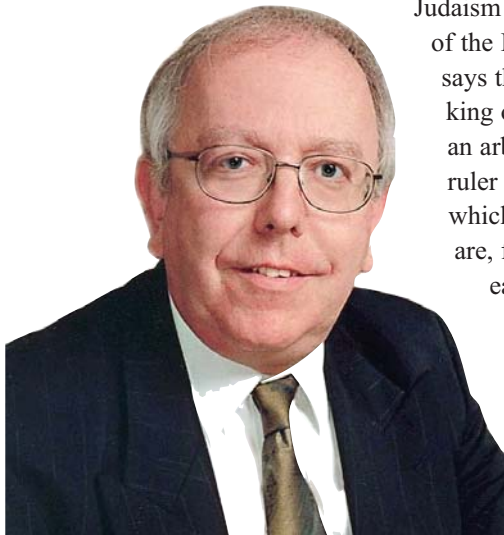
But before I get carried away with wonderful, sonorous prophetic language, let me repeat: wonderful, sonorous language is not characteristic of much of the Hebrew Bible, particularly the first five books – the Pentateuch, the Torah – which is the foundation of Judaism. It is much more characteristic to have statements like, "You shall be holy for I, the Eternal your God am holy" followed by a patchwork of specific applications which appear to have little to do with each other beyond the pursuit of economic and social justice in everyday life.

Later on in Jewish history the term *tikkun olam* emerged. It means the repair of the world. With characteristic, vivid insight Rabbi Lionel Blue describes *tikkun olam* and the Jewish contribution to the pursuit of social justice as "patching up the world and making it work". Mending, repairing as best we can. Once again, the sonorous, the overarching, the majestic gives way to the detailed prose of the everyday.

I should just add at this point – because, sadly, Jews and Christians are more used to competitive comparisons than sharing – that the Hebrew Bible invariably couples justice with compassion. Central to rabbinic thought is the conviction that strict justice, untempered by compassion, by love, would put paid to all of us.

One of my present areas of interest is the place of religion and religions in the modern, western, secular democracy. If democracy means, as Bagehot put it, government by discussion and debate rather than crude majoritarianism, then the public square, so sadly under illegal occupation by religious and secular fundamentalists alike, needs to resound with the debate about the good society, the just society, which is so important to Christians and Jews, to lawyers and to other citizens of Britain.

That's why I was so taken with Michael Sandel's 2009



Reith Lectures and his recent book called simply *Justice*, [Allen Lane 2009]. Michael Sandel – for the person sitting next to you – is Professor of Government at Harvard and up to 1,000 students a year enrol in his justice course. Distressing, isn't it!

What Sandel shows is the extent to which American public life – I'll leave you to judge the extent to which the American experience is applicable to Britain – is under the continuing domination of Jeremy Bentham, utilitarianism and the principle of the greatest happiness of the greatest number. The task of government and public institutions – including the law – is not to get side tracked into allegedly subjective, irrational discussions about values but simply to achieve the greatest happiness for the greatest number.

Sandel goes on to describe the major competing view of the last half of the 20th century that the aim of government, public institutions, the law, is to maximise not happiness but individual freedom. By which is meant, very largely, economic freedom. For many decades the guru of this view was John Rawls, Professor of Moral and Political Philosophy, once again at Harvard. Rawls tempers the absolute of maximising freedom with the need to ameliorate the situation of the economically underprivileged. So he couples liberty with economic justice.

Sandel is critical of both Bentham and Rawls and invokes Aristotle and the view that in the good society, a full range of values is utterly essential to the implementation of justice. He concludes his chapter on Aristotle by saying: "Debates about justice and rights are often, unavoidably, debates about the purpose of social institutions, the goods they allocate, and the virtues they honour and reward. Despite our best attempts to make law neutral on such questions, it may not be possible to say what's just without arguing about the nature of the good life".

Too right it isn't possible. Justice and law are central and integral to the creation of the good life for the individual and the society we strive to create. 'Good life' is not a reference to a 1970 sit-com about returning to the soil in rural south west London. Jewish mystics, the Kabbalists, had the notion that in every situation and relationship there are sparks of goodness waiting to be released. Our task in life is to release those sparks, to increase the fund of good in the world. Life is not merely the product of liberty and the pursuit of happiness. It has at its core the realisation of the good.

One of the things that I find interesting about Sandel is that, although he's Jewish, I don't think that the word religion, let alone Judaism, appears in the book at all. The nature of justice and its contribution to society is purely an objective secular philosophical exercise to which Judaism and Christianity appear to have nothing to contribute.

Something similar is true of a huge new book *The Idea of Justice* by Amartya Sen [Allen Lane, 2009], one of the great polymaths of our times. Indian by cultural inheritance, Oxbridge by employment, Sen won the Nobel prize for economics in 1998, is a master of philosophy and, last year,

published a *magnum opus* on justice and the principles by which public life and public institutions should be governed.

He is more forthright even than Sandel in dismissing the greatest happiness of the greatest number as the governing principal. He is extremely complimentary about his friend, now dead, John Rawls and then demolishes the man's life's work with unfailingly polite but ruthless forensic skill. With friends like that ... His Aristotle is Adam Smith and his core point, which shook me at first, is to condemn Bentham and Rawls and their followers for, in Sen's words, "looking for a metaphysic". Instead he looks again and again for ways in which a broad range of values and perspectives can be injected into a much more pragmatic and down-to-earth enterprise, making an unjust society and an unjust world that little bit more just. Gradually, I came to see that what Sen was dismissing as metaphysic was the pursuit of a Platonic ideal, a huge overarching principal from which everything else logically descends. Sen urges us to get on with the daily work which Judaism describes as *tikkun olam*, the repair of the world and Rabbi Lionel Blue makes even more graphic "patching up our world and making it work" a little better.

Justice is about small acts even more than huge principles. It is pragmatic provisional, incremental. It's not simply about the greatest happiness of the greatest number. In fact, I don't think it's about that at all. It's not just about freedom, though liberty is unarguably precious. Nor is it even exclusively about economic fairness.

Justice demands a notion of the good life of which the hedonist will have one view, the secular humanist a different view and Christians and Jews yet a different perspective again. It's the product of the debate and discussion in the public square between all of those groups, out of which public policy can and should emerge. It supplies the framework, within which we are all, not the least lawyers and renegade lawyers-become-rabbis, obliged to think and act for ourselves, to make our own daily contribution to compassionate justice and the repair of society and the globe.

Who knows why anyone chooses the path they do! I'm still surprised that I ended up as a rabbi rather than a lawyer. I think it had something to do with a nagging worry about meaning and purpose of our individual and social lives. It certainly had something to do with the vindication of the good and the just. Something which members of the legal profession, Christians and the occasional Jew who is not a lawyer, are all equally and centrally committed.

Never was there a better time to rededicate ourselves to that task than at the beginning of the legal and, by happy coincidence, Jewish year. As Psalm 90, another shared text, declares: "May the favour of the eternal our God be upon us to support us in the work we do – for the sake of justice and the good life of our fellow citizens". Amen.

Rabbi Dr Tony Bayfield is the Head of the Movement for Reform Judaism. He trained as a lawyer and flirted with criminology before entering the rabbinate.

30th MAY - 5th JUNE 2010

The Temple Pilgrimage

by Master Christopher Clarke

A happy band of over two dozen Middle and Inner Templars embarked on an El Al flight to Tel Aviv on Sunday, 30 May under the leadership of Robin Griffith-Jones, the Master of the Temple, and Lady Laws. The party included (from Inner Temple) the Treasurer and Lady Laws, Masters Butler-Sloss, Sells, Pittaway, Ter Haar, and their spouses; (from Middle Temple) Masters Christopher Clarke, Toulmin, Hill and their spouses; the Reader of the Temple, Reverend Hugh Meade and Mrs Meade, and several others including two students sponsored by a generous benefactor.

From Tel Aviv we were driven to Jerusalem where we stayed for five nights at the Golden Walls Hotel located just outside the walls of Jerusalem and run by Arab Christians. Whilst there, we had the good fortune

Abu Ghosh



to hear from the British Consul in Jerusalem together with the European Union's representative to the Occupied Territories, who gave some idea of the complexities of diplomatic engagement in the region.

The programme in Jerusalem started on Monday with a visit to the Mount of Olives, past the Dominus Flevit chapel, built to commemorate Christ's weeping over Jerusalem, and through what is reputed to be the Garden of Gethsemane, where the olive trees really are about two 2,000 old. Tuesday took us to the Temple Mount, with the Dome of the Rock, containing the stone from which the Prophet ascended to heaven, the Via Dolorosa and the Church of the Holy Sepulchre, the reputed site of the Crucifixion and of the Empty Tomb. The round of the Temple Church was built as a replica of the rotunda of the Holy Sepulchre. We also visited what is known as the "Garden Tomb", believed by some to be the tomb of Christ, although highly likely to be of a much later date.

The Wailing Wall, Jerusalem



On Wednesday we visited Bethlehem, now disfigured by the hideous wall that surrounds it and with its Christian population sadly depleted. On Thursday we had the great privilege of not only visiting the Israeli Supreme Court, a masterpiece of design (it helped to have a Rothschild to finance it), but meeting, through the good offices of Master Treasurer, the President of the Israeli Supreme Court. She has the awesome job of presiding over a Court which not only has an appellate jurisdiction from the equivalent of our High Court but also an original administrative law jurisdiction covering an enormous range of sometimes potentially explosive disputes, the resolution of which does not always commend itself to vociferous interest groups. At the time that we were there the Israelis had stormed the convoy bringing supplies to Gaza, and the Supreme Court had had several petitions seeking contradictory relief in consequence. It was possible to see a chamber of the Court in session; and, for those of us who do not speak Hebrew, it was refreshing to see what looked like very familiar features of Bar and Bench. Later we visited Yad

Communion on the Mount of Olives



Veshem, the unbearably moving memorial to the victims of the Holocaust and its world-renowned Museum.

On Friday we left Jerusalem to visit Masada, the mountain fortress where Jewish soldiers, realising that they were about to be overwhelmed by Roman soldiers who had besieged them, killed their families and then themselves rather than fall into their hands. We also saw Qumran, the site of the Dead Sea Scrolls. Photographs exist of many of the party floating in the salt which are not reproduced here lest they produce undue mirth.

We then stayed at Tiberius by the Sea of Galilee. The view across the sea from our lakeside hotel towards what are now the Golan Heights cannot have been very much different in the time of Christ. Whilst at Tiberius we visited Capernaum and were able to experience something of what it must have been like to be a Galilean at that time.

As befits a pilgrimage, each day was marked by morning and evening prayer and, on most days, Holy Communion. The presence of the Reverends Griffith-Jones, Mead, Ter Haar and Caroline Clarke provided ample clerical support which was combined with the active participation in the services of all members of the party. To celebrate communion by the lake side on the Sea of Galilee was an immensely uplifting experience.

It is almost impossible to convey the wondrous character of Jerusalem, which amazed all of us: the stone which is

golden in the sun, the hotchpotch of different quarters (Christian, Jewish and Muslim), the labyrinthine streets, the air of tension in a divided city, and the marvellous heritage of reputed locations. There is quite a lot of "This might be the place where..." There are, for instance, at least four reputed sites of Emmaus, although the one to which we went has a Templar Church which combines great beauty with a good claim to be the true site. The other Templar Church which we visited in Jerusalem itself was the Church of St Anne, a beautiful 12th-century Crusader church, erected over the traditional site of the birthplace of Anne (Hannah), the mother of Mary. Next door to the church is the Bethesda Pool, believed to be the site where Jesus healed a paralytic (John 5:1-15).

Our visit was not without its own drama. On our second day in Jerusalem one of our number became unwell and had to be taken to a hospital for some cardiac surgery, which (the Israelis being excellent in this field) was fortunately successful. At Tiberius we went on a boat ride on the Sea of Galilee, singing hymns lustily and displaying a Union Jack (the owner having a selection of national flags for this purpose). From the boat we waved to a man on a jet ski who was pulling a rubber ring with two youths attached. As his waving became more frantic, we

realised that it was not just because he was pleased to see us but because his rope had furled itself round the propeller rendering the jet ski immobile. As the Gospels vouch, the sea can become stormy quite quickly. So we turned into rescue mode and picked him and his rather frightened nephews out of the water, and felt rather good about it.

What made the pilgrimage so rewarding was the quality of the preparation, guidance, and instruction and the good fellowship. The Master of the Temple deserves the highest praise for putting the programme together and fashioning the services so that the readings fitted wherever we were. We had an excellent guide, who spoke French, English, Hebrew and Arabic. Our major source of elucidation was from Lady Laws and the Master, whose combined knowledge and erudition was a source of delight. No group ever looked forward more keenly to a tutorial.

Lastly, and above all, pilgrims are rewarding companions, however disparate they may initially be, and all of us found our journey invigorating in more senses than one.

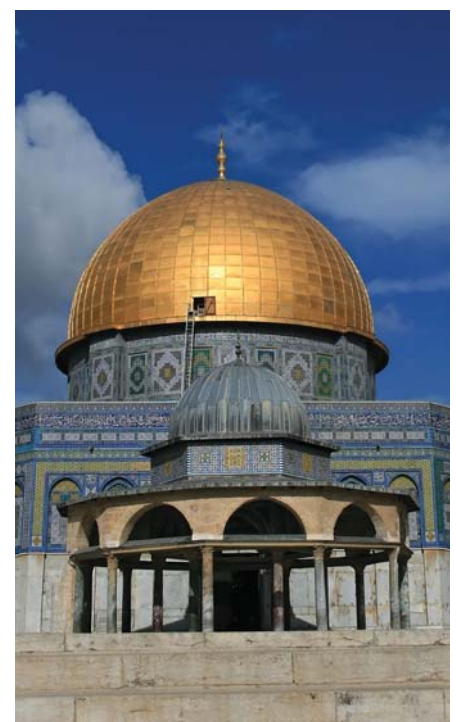
Sea of Galilee



Temple Pilgrims



The Dome of the Rock, Temple Mount



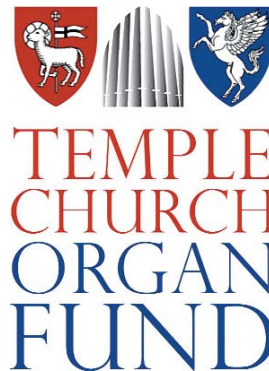
Organ Fund Appeal

We are entering the second year of the Organ Appeal, opened in the summer of 2009 and publicly launched at the marvellous recital by Dame Gillian Weir last November.

It is gratifying to report that there has been a strong initial response to the call for support for the restoration work. This immense job, which must take place over the period between July 2011 and Easter 2013, will ensure that the Temple Church's massive Harrison & Harrison organ will be restored to international standard. Already a fine instrument, it promises to continue to complement and enhance the high level of music-making in the Church, both in its Services and celebrations, and also in public and non-liturgical concerts and events.

The Appeal is being led with great effect by Master Michael Blair and Master Anthony May, (Treasurers of Middle Temple and Inner Temple respectively in 2008). Other members are Master Andrew Spink (MT) and Guy Beringer (IT) together with the Under Treasurer of Middle Temple and

the Sub-Treasurer of Inner Temple. The present Treasurers are also invited to join the meetings. Penny Jonas is the fundraising consultant for this work.



Of the total requirement of £750,000, the Fund at present stands at a promising total of £242,399 of pledges and donations.

The period of the Appeal is five years, and a number of generous supporters have pledged to give a monthly payment by Standing Order

over the period through the tax-efficient Gift Aid Scheme. This is an extremely welcome way of supporting the Fund whilst at the same time taking advantage of the tax-relief offered. For example, as the table below shows, a monthly donation of £166 over five years offers the Fund the staggering sum of £12,500. For a higher-level tax payer at the new rate of 50%, the actual cost to the donor is £6,500, or £1,300 a year. As may be agreed, it offers a comparatively painless way to make a truly significant contribution to the Organ Fund Appeal.

We would be completely delighted if you would consider joining those who have already generously supported the Fund. If you would like more information and the appropriate forms, please contact Penny Jonas, Development Consultant, on penny@pennyjonas.com or phone on 07778 799842. You can also write to her at the Master's House in the Temple. Further information and the Appeal brochure may be found at www.templechurch.com.

Temple Church Organ Fund - Staged Giving through the Gift Aid Scheme

In Year one	Annually over 5 years	Monthly over 5 years	Weekly over 5 years	total with Gift Aid reclaimed by fund (note 1)	Actual Cost donation to 50% tax payer	Higher rate tax payer reclaim total (note 2)
£50,000	£10,000	£833.33	£208.33	£62,500.00	£31,250.00	£18,750.00
£25,000	£5,000	£416.67	£104.17	£31,250.00	£15,625.00	£9,375.00
£10,000	£2,000	£166.67	£38.46	£12,500.00	£6,250.00	£3,750.00
£5,000	£1,000	£83.33	£19.23	£6,250.00	£3,125.00	£1,875.00
£1,000	£200	£16.67	£4.17	£1,250.00	£625.00	£375.00

Notes on the Gift Aid Scheme

1. With the benefit of the Gift Aid, the Fund will be able to reclaim the basic rate of income tax paid by donors.
2. Higher-level taxpayers will be able to reclaim this total over the period of five years in their tax returns. It represents the difference between the basic and the higher rate of income tax paid after April 2010.

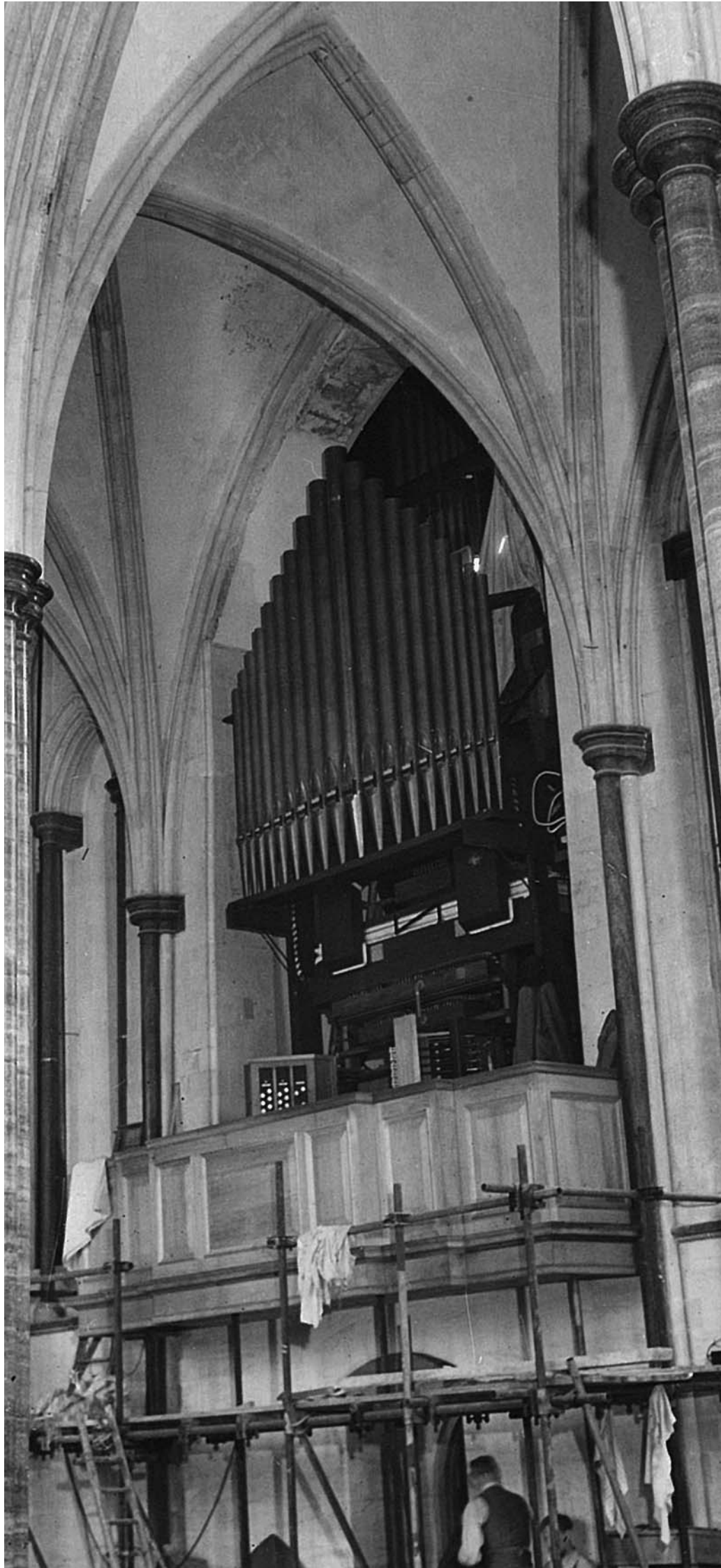
Donors at November 2010

The Estate of the late
Lord and Lady Ackner
Sir Richard Aikens
The Allchurches Trust
Dr Simon Bailey
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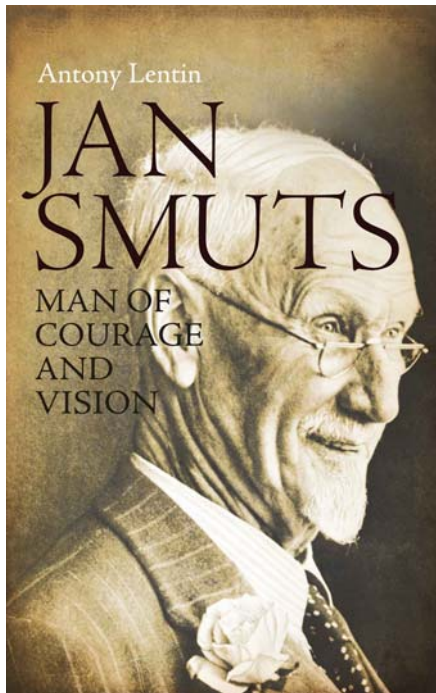
We are also most grateful to those
donors who wish to remain anonymous



General Smuts

World Statesman and Middle Templar

by Tony Lentin



The life of Jan Christian Smuts (1870-1950) was so many-sided and so adventurous that he might have stepped out of the pages of Plutarch. Rebel freedom-fighter in the Boer war against the British (who offered £1,000 for his capture dead or alive), inspirational British commander in both world wars (a Field Marshal in the second), South African politician and Commonwealth and world statesman, a founding father of the League of Nations, philosopher and creator of ‘holism’, scholar, scientist, Fellow of the Royal Society and Chancellor of Cambridge University, Smuts, as he said, “touched life at many points”. But first and foremost, he was a man of law.

An outstanding law student at Christ’s College, Cambridge, he took both parts of the Law Tripos simultaneously – an unprecedented achievement – and gained a double first. His tutor, the great legal scholar Frederick Maitland, rated him the best

student he ever taught. Smuts was admitted as a student of the Middle Temple in 1892. He was certainly conscientious: when friends took him to London to see the boat race, he gave them the slip and spent the day in the Middle Temple Library!

Smuts practised as a barrister in South Africa and became Attorney-General of the Transvaal Republic at the early age of 28. After the Boer War, reconciled to Britain by the Government’s generosity to the defeated Boer republics, it was he, now a King’s Counsel, who drew up and negotiated the constitution of the Union of South Africa, still today essentially the same constitution as that drafted by him a century ago in 1910.

One of the few successful Allied commanders in World War I, who conquered the German colonies of South-West Africa (Namibia) and East Africa (Tanzania), Smuts was invited to London in 1917 and became a key member of Lloyd George’s War Cabinet. Among many honours, he was made an Honorary Bencher of the Middle Temple. Shortly before this he dined as a guest of a fellow Honorary Bencher, Lord Shaw of Dunfermline, then at work on his judgment in the constitutional case of *R v Halliday*, ex parte *Zadig* (in which Shaw’s dissenting speech prefigured that of Lord Atkin in *Liversidge v Anderson*). Over the table Shaw aired the case with Smuts, who immediately pointed out a telling precedent, which Shaw took up and incorporated in his judgment. Smuts even cited from memory the reference and page number!

In 1919 Smuts represented South Africa as a member of the British Empire delegation at the Paris Peace Conference. In *Jan Smuts*, [2010],

I argue that Smuts was ‘the most principled, level-headed and far-sighted’ of all the delegates. Though often in the background, he continually urged sense and moderation. His plan for a League of Nations impressed Woodrow Wilson and inspired the Covenant of the League. Insisting that the Treaty of Versailles was out of kilter with its juridical basis, Smuts pleaded tirelessly to obtain more generous terms for Germany and to avoid her gratuitous humiliation. Though militarily defeated, Germany would remain, he warned, ‘the dominant factor’ in Europe. As South Africa’s Prime Minister, Smuts brought his country into the Second World War and again fought unstintingly on Britain’s side as a British Field Marshal. In 1945 he drafted the preamble to the Charter of the United Nations. Smuts, said Churchill, was “one of the most enlightened, courageous and noble-minded men of the twentieth century”.

Reopening “our lovely (Middle Temple) Hall” in 1949 after its restoration, Queen Elizabeth The Queen Mother, the Inn’s Royal Bencher, voiced her pride in “a tradition which finds Drake and Hawkins among its earliest examples and General Smuts among its more recent.”

Antony Lentin, formerly a Professor of History at the Open University, is a Senior Member of Wolfson College, Cambridge, and a member of the Inn. He is the author of *Guilt at Versailles: Lloyd George and the Pre-History of Appeasement* (1985); *Lloyd George and the Lost Peace* (2001); and *The Last Political Law Lord: Lord Sumner* (2009). He will be talking on Lord Sumner at the LSE New Academic Building, on Tuesday, 18 January 2011 at 6.30 pm.

Rare Book Sponsorship

A means of remembering

by Master Christopher Compston

In my legal career, I am particularly grateful to three people: my great grandfather John Albert Compston KC, my Pupil Master, Judge John Murchie; and the High Court Judge for whom I marshalled, The Rt Hon Mr Justice Stable PC. Compston, son of an impoverished Baptist minister, began life as a messenger boy, aged 14, in a solicitor's office but ultimately became a partner, then a barrister, finally a commercial Silk and a Bencher of this Inn. He died, as Recorder of Leeds in 1928. John Murchie was not a Bencher although he should have been. For many years he helped all and sundry in this Inn and elsewhere, always supportive, always kind. I owe him a great deal. As for Stable, my three months as his marshal were memorable, making an indelible impression on me both as barrister and judge. How to remember them? After all, if I didn't no one else would. And then I met Renae Satterley, the Senior Librarian at the Middle Temple Library and organiser of the Book Sponsorship Programme.

The Middle Temple Library contains an important collection of early printed books and manuscripts dating from about 1270 to 1850 – a fascinating collection. The early printed books (i.e. those printed before 1800) are not strictly legal in nature. Instead, we hold a wide variety printed in various languages, on geography, religion, medicine, science, astronomy and history. We also have significant holdings on witchcraft, alchemy and magic. Many of these books belonged to important men of the early modern period, including John Donne, John Dee, and Ben Jonson.

The problem is that the books have been used (and abused) throughout the

centuries and have suffered wear and tear to the point where they are in urgent need of repair. While they are now housed in the loft of the Library, under ideal temperature and humidity controls, and we have stemmed their further deterioration, many are still in urgent need of restoration.

It is not cheap. The cost of restoring a book ranges from £175 for a simple book repair to £1,000 for full conservation treatment. Any contribution will be welcome but donations of £175 or over will be commemorated by a personalised

bookplate with, if you so wish, a suitable dedication. My next aim is to commemorate my two dead sons and my remaining four children, but the choice is entirely yours so why not explore it?

One final point, in one sense, the Scholarship Fund is more important and deserves all the support we can give. On the other hand, we are custodians of our history so surely we can support both. Why not contact Renae at r.satterley@middletemple.org.uk to see the Rare Books Collection and choose a book?

The book shown below consists of two works bound together, both by Václav Budovec z Budovan (1551-1621): *Circulus horologI lunaris et solaris*; and *Gnomon apologeticus circuli horologii historici, typici et mystici*. Both were printed in Hanover, in 1616 and 1618, respectively. The front and back boards are missing and the textblock has become unhinged.

Sponsorship would allow us to have the book rebound, repair the badly damaged spine, clean, de-acidify, and repair tears to the fragile paper. The cost would be approximately £250. Other books awaiting restoration include a 1506 vellum and wood-bound book on civil law, a 1555 book on oak trees, a 1600 book on wine, and a 1787 book on Shakespeare.



Best Large Garden

by Master Stephen Lloyd

A rather dreary day in August (autumn had decided to give us a preview of things to come) was greatly brightened by the news that Middle Temple had won the “Best Large Garden” trophy awarded by the Worshipful Company of Gardeners as part of their Flowers in the City Campaign for the third year in succession.

The Flowers in the City Campaign was launched over 40 years ago by this ancient City Livery Company to encourage efforts to improve the environment in the City of London. It is supported by the Corporation of London. Best Large Garden is one of twelve categories in the summer competition.

This award is a testament to the skill and dedication of our Head Gardener, Kate Jenrick, and those who have helped in the gardens and to the outdoor staff of the Inn who keep the surroundings clean and tidy so the gardens show to their best. It is particularly pleasing to be honoured by



this award this year which has not been an easy one given the prolonged drought and, in our particular case, the upheaval of the installation of the underground tank for the new automatic watering system. The cup was presented on 1 October at Mansion House followed by lunch hosted by the Worshipful Company of Gardeners.

Another notable event during the year was the arrival of a colony of bees courtesy of the Festival of London. The Festival this year had a bee-related theme to highlight the importance of bees. It is well known that bees are going through a difficult time and so we welcomed the opportunity to do our bit to help. There is a strong tradition of urban bees with hives sited on buildings throughout the capital including the City and West End. Bees will fly miles to forage so if in the summer you were entertained by watching a bee it might have been one of ours, but equally it might have been a fat cat from the City or an elegant visitor from Jermyn Street.

Our bees were a little late arriving but quickly settled in and seem to have thrived in their new home. No honey was produced this year but we hope the bees will come through the winter intact and get an early start in 2011. If you manage to spot the hive, you will be subjected to a disciplinary enquiry as to why you were in a part of the Inn where you had no right to be. Photographs can be viewed on the pictures section of www.urbanbees.co.uk.

The storage tank for the new irrigation system is in and ready to use. This required the excavation of a large hole in the lawn at the south end of Queen Elizabeth Building. As with all building operations within the Inn, an archaeologist had to be on site during the excavations and there was some

excitement when the footing of a wall was unearthed. This was quickly identified as being Victorian and the remnants of the end wall of the old library which was badly damaged in the war and demolished. It does, however, mark the point to where the Thames reached before the Embankment was built prior to which a copy of Archbold dropped out of the end wall window at high tide would produce a satisfactory splash.

We are continuing to improve the garden in Elm Court. The defunct cherry tree has been replaced with an *Acer griseum*, which at the time of writing is beginning to colour up nicely, and there will be further changes to the planting in the autumn. The lead lining of the fountain will be heightened so the water will conceal the lights. The water continues to flow green as a result of algae. We are reluctant to use chemicals to improve the situation and we cannot use salt water as this would corrode the pump mechanism; however, we will continue to try to find a solution.

On a broader note, a few thousand bulbs were to be planted in early November. If all goes well these will multiply year on year and give us ever-improving early spring colour.

Finally, we said goodbye to Willie to this spring and welcome Geoff Collis as the new Assistant Gardner.

Stephen Lloyd Esq is a member of 13 Old Square Chambers, where he has a practice in general Chancery with a strong emphasis on litigation. He was Called to the Bar in 1971, and made a Bencher in 1996. He is a member of the Middle Temple Advocacy Faculty and became Joint Master of the Garden with Master Judith Parker in 2009.

A Man for All Seasons

by Master Paul Worsley



Following in the footsteps of Master Charles Wright, who held the position of Under Treasurer for ten years with such charm and distinction, was going to be a hard act to follow. But follow it Peter Hilling has. One new Bencher told me that the Under Treasurer was so courteous when he recently showed him round the Inn that signing the cheque for the Bench fee seemed quite painless!

Even Peter Hilling, armed with a Cambridge Law degree, rank of Air Commodore by the age of 45 and a golf handicap that even Master Tony Clarke envies, was struck by the sheer breadth of a job which has ranged from organising Royal visits, helping to formulate policy and strategy for the Inn, sitting on every Inn Committee, attending virtually every social event, to dealing with complex pension issues, assisting with fundraising initiatives, advising and disciplining students and liaising over the BBC documentary series, *The Barristers*.

For over six years he has kept a finger on the pulse of every activity in the Inn. He has had a staff of 85 to manage. He has been the right hand man to Treasurers Scott Baker, Adrian Whitfield, Derek Wood, Robert Seabrook, Michael Blair, George Newman and Stanley Burnton. He has

managed to charm Master Janice Brennan, coax Master Tony Arlidge out of his shell and persuade Master Paul Darling not to hide his light under a bushel.

He arranged and oversaw the celebrations for the 400th Anniversary of the Virginia Charter in 2006. In 2008 he brought together the arrangements for the Festival, which celebrated the granting of the Charter to the Middle and the Inner Temple by James I, and included an Open Weekend which attracted a staggering 25,000 visitors and which culminated in the Service of Thanksgiving in the presence of HM The Queen and HRH the Duke of Edinburgh.

He has maintained the high profile of the Inn outside as well as inside its walls as Secretary to the Council of the Inns of Court and has provided strong and positive links with the Bar Council, Bar Standards Board, and Advocacy Training Council. He has also been instrumental in forging ever-closer links with the Inner Temple and maintaining the Inn's obligations to the Temple Church. In short, he has been an excellent ambassador for the Inn.

During his tenure he has welcomed over 3,000 new students who have been Called to the Degree of the Utter Bar. He has briefed over 170 new Benchers and was the key player in organising the Call of our Royal Bencher, Prince William in 2009, followed later in the year by the attendance of HM The Queen at a luncheon to celebrate the 60th anniversary of the Treasurership of The Queen Mother.

When I first arrived as a judge at the Old Bailey, I said to my experienced usher, "You must have seen many changes here in your time," to which she replied, "Aye, and I've opposed them all." The Under Treasurer has

not opposed, but led change. He has had to cope with difficult days of financial rigour, redundancies and constant reviews. He has done so with integrity and calm equilibrium.

He has relied on the unfailing support of his wife, Anne. Not everyone has her warmth and wit, nor would have been prepared to give up evenings to attend student functions in the Inn, weekends at Cumberland Lodge or York, or to accompany her husband and the Benchers on the Inn's overseas visits. They sound wonderful relaxing breaks but are high-profile occasions involving detailed planning and close liaison with politicians and senior members of the judiciary and Bar in the host country. The success of the 2010 South African conference, like those in the preceding years, owed much to the Under Treasurer's industry and attention to detail.

In the wake of his many achievements he leaves the Inn in good heart and with our sincere appreciation. Domus will be hard pushed to find a servant so dedicated or keenly missed as Peter Hilling.

*Anne and Peter Hilling
Jenny and Master Paul Worsley*



Yeats, Fleet Street and Fountain Court

by Master Michael Ashe

William Butler Yeats, born in 1865 in Dublin, had a profound effect on English poetry. While Ireland, which he regarded with a passion as home, coloured and influenced his poetry, he lived for many years in London from early childhood and he only gave up his London residence in 1918.

In the autumn of 1895 Yeats moved out of his parental home near Chiswick and for five months lived in rooms in Middle Temple before moving to Woburn Buildings near Euston. This was a time of great peace and happiness for the struggling poet who had fallen in love with a beautiful married woman and had also formed one of the few close male friendships in his life.

Yeats knew the streets around the Temple quite well. In 1890, he, with Edward Rhys, a Welsh poet, founded the Rhymers' Club. This was a group of ten or so poets which, for some years, met regularly in "The Olde Cheshire Cheese" in Fleet Street. There they ate supper, drank a glass or two of ale or wine, smoked pipes and read their poems to each other. Yeats, apparently, intoned his verse with a drawn-out haunting cadence.¹

It was in effect a mutual admiration society and a cartel of reviewers. Yeats' reason for founding the Club was, he said: "I am growing jealous of other poets and we will all grow jealous of each other unless we know each other and so feel a share in each other's triumph."²

A member of the Club was Arthur Symons who introduced the work of the French symbolists to the gathering and who also became a close friend and confidante of Yeats. Symons lived at Fountain Court Temple on the top floor in a four room set. He records that he found the flat through an advertisement and moved there in March 1891.³ He appears to have been a louche young man given to entertaining ballet

girls and others at drugs parties in his flat as well as being an habitu  of low bars and music halls.⁴ Symons sublet two self-contained rooms to Henry Havelock Ellis, the sexologist, who stayed for a few days at a time when he came up from Cornwall.⁵

A couple of years previously it was in Fleet Street where inspiration came for Yeats' most popular poem. He later recounted, ". . . when walking through Fleet Street very homesick I heard a little tinkle of water and saw a fountain in a shop window which balanced a little ball upon its jet and began to remember lake water. From the sudden remembrance came my poem *Innisfree*."⁶

*"I will arise and go now, and go to Innisfree,
And a small cabin build there, of clay and wattles made:
Nine bean rows will I have there, a hive for the honey-bee,
And live alone in the bee-loud glade."*

This is the first verse of that beautiful lyric poem, *The Lake Isle of Innisfree* which Robert Louis Stevenson described as "quaint and airy, simple, artful and eloquent to the heart."⁷ What Yeats heard from the fountain appears in the last verse in that atmospheric line: "I hear lake waters lapping with low sounds by the shore".

A significant number of Yeats' poems are concerned not only with Ireland but with Maud Gonne, a debutante who had deserted society to become an Irish nationalist. Yeats' lifelong but unrequited love of her and the inspiration it gave him can hardly have been surpassed in literary history. However a brief but more fulfilling relationship physically was conducted by the poet with Olivia Shakespear, an unhappily married novelist with a young daughter, whom he first met in 1894. By mid-1895 he was smitten, Olivia seeming to have made most of the running. Later he wrote:⁸ "Her beauty, dark and still, had the nobility of defeated things, and how could it help but wring my heart?" The problem was that Maude Gonne was still in his mind for he said later, "if I could not get the woman I loved, it would be a comfort even but for a little while to devote myself to another."⁹

Yeats decided to leave his parental home in early October 1895 and for about five months moved in with Arthur Symons at Fountain Court. His father John, not knowing of the developing relationship with Olivia, was concerned that his son would get involved with a chorus girl.¹⁰ A mutual friend of both Symons and Yeats was George Moore, the writer, who lived in King's Bench Walk. He said of the Temple that it "combined the silence of the cloister with the licence of the brothel."¹¹ Perhaps John Butler Yeats had something to worry about in addition to Symons' reputation!

Fountain Court, 1896



Yeats took the two self-contained small rooms that were used by Havelock Ellis. He left a brief description of the place: "If anybody rang at either door, one or other would look through a window in the connecting passage and report. We would then decide whether one or both should receive the visitor, whether his door or mine should be opened or whether both doors were to remain closed. I have never liked London, but London seemed less disagreeable when one could walk in quiet empty spaces after dark, and upon a Sunday morning sit upon the margin of a fountain almost alone as if in the country."¹²

The few months in the Temple seem to have been a happy time for Yeats. Even though he was private and proud and was closer to women than to men, he confided about his lover to Arthur Symons and they became close friends. He experimented with mescaline with Havelock Ellis and concluded that cannabis was his preferred choice of drug.¹³ His relationship with Olivia was developing. He recounted later that when she and a friend were about to visit him for tea at Fountain Court, he went out to buy cake but forgot to take the key and had to be let in by a man climbing onto the roof and getting inside by an attic window¹⁴. There is more than a hint that his absent mindedness was due to having Maude Gonne on his mind.

Yeats was also on Maud Gonne's mind and she seems to have been concerned about the poet's new found love interest. On 14th November 1895, she wrote at 1 am from the Charing Cross Hotel, "Be true to yourself & let nothing interfere with your literary work. This is surely your first duty. Do not let your life be tied down with other lesser ones."¹⁵

WBY wrote some elaborate poems at this time for Olivia that showed that his literary work far from suffering from his amorous adventure was enhanced by it.¹⁶ The last verse of the poem *He gives his Beloved certain Rhymes* shows his fascination for the beautiful woman who walked across Fountain Court for tea:

*You need but lift a pearl-pale hand,
And bind up your long hair and sigh;
And all men's hearts must burn and bear;
And candle-like foam on the dim sand,
And stars climbing the dew dropping sky,
Live but to light your passing feet.*

Yeats moved out of the Temple in March 1896 and the affair petered out less than a year later. His poem *The Lover mourns for the Loss of Love* suggests that his unrequited love for Maud Gonne had not helped the relationship!

*Pale brows, still hands and dim hair,
I had a beautiful friend
And dreamed that the old despair
Would end in love in the end:
She looked in my heart one day
And saw that your image was there:
She has gone weeping away.*

He wrote that he "could not give the love that was her beauty's right but she was too near my soul, too salutary and wholesome to my inmost being."¹⁷ In a poem written in the 1920s called *The Mermaid* he casts her in the title role:

*"A mermaid found a swimming lad,
Picked him for her own,
Pressed her body to his body,
Laughed; and plunged down
Forgot in cruel happiness
That even lovers drown."*

Yeats kept in touch with Olivia throughout his life. She died in 1938 and he in 1939. In 1917 he married Georgie Hyde-Lees, whose best friend was Olivia's daughter, Dorothy.

References

1. Recollections of Ernest Rhys in WBY Interviews and Recollections Vol 1 p. 36 (ed. E.H. Mikhail, Macmillan, London 1977).
2. WBY Autobiographies p. 164. (Macmillan, London 1955)
3. The Memoirs of Arthur Symons Life and Art in the 1890s (ed Karl Beckson Pennsylvania State University 1977) p. 57. He also says that he could look down on "a wide open court with a stone fountain in the middle." This building, originally 33, Essex Street, was purchased by the Inn in 1871 and renamed "Fountain Court" in 1880. The Library Vaults were in the basement.
4. The Origins of the English Drug Scene 1890 - 1930; Virginia Berridge (1988) 32 Medical History 51. The drugs used included cannabis and opium. Symons wrote the poem "Haschisch" and also "The Opium Smoker". The latter ends on a delightfully "high" note: "I drain a million ages of delight. I hold the future in my memory." In an article in The Boston Pilot on 23rd April 1892 on The Rhymers' Club Yeats speaks of Symons being a "scholar in music halls as another might be a Greek scholar or an authority on the age of Chaucer".
5. Some of the commentators on Yeats say that Havelock Ellis was the tenant and others Symons. In fact neither was a tenant of the Inn. In the 1891 census Arthur Symons (described as "engaged in Library work") is shown as living in the flat on 5th April 1891. However, the tenant under a lease dated 25th March 1891 is Ernest Radford and there is no record in the Inn's Archive of the required permission to sublet. Radford was a barrister and poet and was also involved with the arts and crafts movement and the Socialist League. He was one of the original members of the Rhymers' Club and would have been well known to Symons. It is not beyond the bounds of possibility that Symons got Radford to front the tenancy of the rooms for him. Ernest Radford was called to the Bar by Middle Temple on 26th January 1880 and his address as recorded in the Law List annually from 1892 until 1901 is Fountain Court.
6. WBY Autobiographies p. 153. (Macmillan, London 1955). This was written in 1914. In his contemporary and semi autobiographical novelette, "John Sherman" published in 1891 he locates the fountain in the shop window in The Strand and he attributes the memory of the island of Innisfree to "the osier-covered Chiswick eyot." The poem was first published in December 1890 after much revision of a draft penned in December 1888: The Collected Letters of WBY Vol 1 p. 120 (Clarendon Oxford 1986).
7. WBY The Critical Heritage p. 85 (ed. A. Norman Jeffares, Routledge London 1977).
8. WBY Memoirs p.85 (ed Denis Donohue, Macmillan, London 1972). Olivia is given the name Diana Vernon, presumably after Scott's heroine in Rob Roy.
9. WBY Memoirs p. 85.
10. W.B. Yeats 1865-1939; Joseph Hone (Macmillan, London 1943) p.123.
11. Yeats; Frank Tuohy (Macmillan, London 1976) p.84.
12. WBY Autobiographies p. 322. In a letter to his sister Lilly dated 1st January 1896 WBY said he was very content with his rooms at Fountain Court. Havelock Ellis in My Life (1940) says that the two rooms overlooked Essex Street and that it was part of his arrangement with Symons that when he was not there others could stay.
13. See Berridge op cit; Mescal: A New Artificial Paradise; Havelock Ellis, The Contemporary Review Jan 1898 where Yeats' reactions are described anonymously; WBY Autobiographies p. 347.
14. WBY Memoirs p. 86.
15. The Gonne-Yeats Letters 1893-1938 Always Your Friend (ed White and Jeffares, Hutchinson London 1992).
16. He bids his Beloved be at Peace (originally called The Shadowy Horses); He gives his Beloved certain Rhymes (originally called Aedh gives his Beloved certain Rhymes); A Poet to his Beloved and The Travail of Passion.
17. WBY Memoirs p. 88.

I wish to thank Lesley Whitelaw and Ian Garwood, respectively the Archivist and Director of Estates of the Middle Temple, for their assistance.

Michael Ashe QC of 9 Stone Buildings is Master of the Archive.



Coutts A 'Fleeting' History

by Martin Young

Coutts has many links with members of the legal profession and with Fleet Street itself. We are proud of these links and the traditions of which we are a part, some of which are explained in this article.

Temple Bar

Temple Bar was originally at the west end of Fleet Street and was one of the best known bars, or gates, to the City. Its final incarnation was reputedly designed by Sir Christopher Wren but had to be dismantled in 1878 to widen the road. It was carefully dismantled stone by stone and was reconstructed in 1880 when purchased by Sir Henry Meux. Meux reconstructed Temple Bar as an entrance to his Hertfordshire Estate, Theobolds. It gradually fell into disrepair and great efforts were made to return it to the city in the 1970s. This was achieved finally in 2004 and you can now see the old Temple Bar in its

new home, forming an entrance to Paternoster Square near St Paul's Cathedral. The new Temple Bar was constructed on a smaller scale, surmounted by a Griffin (the badge of the City of London) and displays statues of Queen Victoria and her heir, Prince Edward. The sculptures are by Sir Joseph Boehm, who was a customer of Coutts from 1866.

The Fleet Prison

The Fleet Prison is first referenced in the 12th century. It became a place for the confinement of debtors where an interesting hierarchy existed: the more a prisoner could pay, the better the accommodation they would receive. It was closed in 1842 following failed attempts to reform it. There is one reference to the Fleet in our archives – a letter dated 1880 from Thomas Coutts & Co to a Mr Harvey, which tells how a bill drawn on a certain gentleman

could not be paid as the acceptor was detained in the Fleet!

Turbulent London

One of Coutts' customers, Lord George Gordon, born in 1751 and a younger son of the 3rd Duke of Gordon, wanted the restrictions on Roman Catholics reinstated. As a result, violence broke out in London in 1785. The rioters reached Fleet Street and attacked a guard's detachment and later returned to set fire to the Fleet Prison. Gordon continued with outspoken behaviour and was imprisoned in Newgate. From there he wrote to Thomas Coutts, addressing his letter from "Fellon's side, Newgate".

A famous radical who was based on Fleet Street was the writer, Thomas Hardy (1752-1832). Hardy was a shoemaker and a Coutts' customer from 1816 and was the founder of the London Corresponding Society, which aimed to bolster political reform through correspondence with like-minded individuals. Despite the Society gathering a following of only a few hundred, Hardy and others were arrested for high treason and sent to the Tower. He was acquitted but lost everything and returned to Fleet Street. He was a close friend of Thomas Coutts' son-in-law, the radical politician, Sir Francis Burdett. When Hardy fell on hard times, Burdett paid him a pension of £100 a year.

Charles Dickens

Perhaps our most literary customer was Charles Dickens, who knew Fleet Street well. Dickens banked with Coutts from 1837 until his death in 1870 and worked with Thomas Coutts' granddaughter, Angela Burdett Coutts, on many philanthropic projects. He understood what it was like to be poor

Temple Bar and Middle Temple Gate, 1800



in London and brought many worthy causes to Angela's attention. Dickens was a Court Reporter in his youth and came to understand the sometimes ponderous legal workings that existed at the time. These featured in many of his novels, but most famously *Bleak House*, where the case of Jarndyce v Jarndyce was heard. Johnson's Court housed the offices of the monthly magazine where Dickens delivered his first published work. He became the Editor of *The Daily News* which opened in 1845 in Bouverie Street and wrote part of *David Copperfield* at the Bell Inn in Bell Yard. Dickens became a member of the Middle Temple, but resigned his membership in 1855 once his writing career was assured.

With Fleet Street fast becoming the centre for newspaper production, the best readers and correctors in the business were drawn to the area. In 1854 they formed the London Association of Correctors of the Press to protect their interests, and persuaded Dickens to chair a public meeting to support their pay claims.

A number of Dickens' novels contain references to Fleet Street including *Barnaby Rudge*, *Pickwick Papers*, *A Tale of Two Cities* and *Our Mutual Friend*. Tom Pinch in *Martin Chuzzlewit* worked in Pump Court, and it was in Garden Court where Pip in *Great Expectations* resided with convict, Abel Magwitch, who reveals the truth about Pip's fortune. David Copperfield of course visited Mrs Solomon's Waxworks, which were housed on what is now Prince Henry's Room, and observed the chime of the clock on St Dunstan's Church.

Legal Fleet Street and Coutts

Many notable barristers have been customers of Coutts. Among these were Sir Jonathan Frederick Pollock (1783-1870), who opened a Coutts account in 1811. A son of a sadler to George III, Pollock studied at the Middle Temple and rose to become Lord Chief Baron of the Exchequer. A number of his family distinguished themselves in the law: his brother,

David, became Chief Justice of the Supreme Court in Bombay, Pollock's son became an Exchequer Baron, and two of his daughters married judges. Two of his grandsons also had legal careers, and all had Coutts accounts.

Henry Cowper (circa 1753-1840) joined the Middle Temple in 1770. He played a major role in the trial of Warren Hastings, the former Governor General of Bengal, from 1788. He earned himself the nickname "Father of the Poor" due to his involvement in charitable work.

Sir Edward Smirke (1795-1875) was a customer of Coutts from 1841. He studied at the Middle Temple and became the first Solicitor General and then Attorney General to the Prince of Wales, later Edward VII. Smirke's brother was the famous architect, Sir Robert Smirke.

Sir William Webb Follett (1796-1845) studied at the Inner Temple and established a practice which, within its first few years, exceeded all on the western circuit with exception of the leader, Wild. The huge volume of work damaged Follett's health and he died in 1845 and is buried in the Temple Church. His best known case was his successful defence of Lord Cardigan for his duel with Captain Tucker in 1841. An account at Coutts was opened in 1845 for subscriptions to fund a memorial to Follett which can be seen in Westminster Abbey.

James Robert Hope-Scott (1812-1873) was a Coutts' customer from 1853. He studied at the Inner Temple and made a name for himself with a three-hour speech before the House of Lords on the Ecclesiastical Duties and Revenues Bill. He specialised in railway company legislation and became standing counsel to almost every railway company in the country. His marriage to Sir Walter Scott's granddaughter in 1847 saw him inherit the poet's home, Abbotsford, where he entertained Queen Victoria in 1867.

Sir Robert Porrett Collier, Baron Monkswell (1817-1886) studied at the Inner Temple and after only 11 years at the Bar, took Silk. He suggested the abolition of barristers wigs in 1868

when he told counsel to remove theirs during a case of hot August weather!

There is a rich history of Coutts' customers who have studied at the Inns and whose careers took a non-legal path including the writers Charles Reade and Wilkie Collins, who were members of Lincoln's Inn. The playwright and Coutts' customer, Richard Brinsley Sheridan, was a member of the Middle Temple, and the writer and theatre manager, Bram Stoker (famous of course for *Dracula*) also studied at the Inner Temple.

Coutts Fleet Street Branch

Coutts Fleet Street Branch was opened on 2 October 1967. Its circular windows have become a feature of the area, surviving many refurbishment schemes.

In another century or two we will no doubt look back upon the current tenants of Middle Temple and write about the rich history they have provided for the area and their achievements.

The Coutts Fleet Street Private Bankers specialise in looking after members of the legal profession. We have a dedicated team focusing on looking after the wealth of many high profile members from the legal world. If you would like to meet one of our Private Bankers and be a part of tomorrow's history, please contact Martin Young, Managing Partner, on 020 7453 8005 or email martin.young@coutts.com.



Beating the Bounds around the Savoy Estate

The Duchy of Lancaster has revived an ancient custom by Beating the Bounds around London’s historic Savoy Estate. In the middle ages it was customary for landowners to walk around the parish boundary, beating particular landmarks with willow-wands or sticks so that local communities knew exactly where the boundaries lay. Sometimes, local children might even have their heads bumped on a marker stone as it was believed that this would help them remember its location. Traditionally, The Duchy of Lancaster processed around the twelve historic markers which denote the Manor boundary, but this custom was abandoned in 1969.

On 11 May, the Chairman of the Duchy Council Lord Shuttleworth; Lord Lieutenant of Greater London, Sir David Brewer; Lord Mayor of Westminster, Duncan Sandys; and Lord Lieutenant of Northamptonshire, Lady Juliet Townsend, joined other members of the Duchy Council, the Chaplain of the Queen’s Chapel of the Savoy, several choristers and invited guests in a restoration of that historic procession.

The route covered twelve boundary



markers spread along the Strand, through the Middle Temple and along the Embankment. Steward, Paul Clarke CVO, Chief Executive of the Duchy of Lancaster and Clerk of the Council, carried out the traditional beating of each landmark along the way. Speaking about the event, he said, “Reinstating the Beating of the Bounds this year helped to commemorate our historic relationship with the Savoy Estate and this historic area of London. The walk provided us all with a highly visual reminder of the scope of our Manor, while reminding us of many of the key landmarks that form part of the area. Some of the markers we visited and acknowledged included parts of the Embankment, the interiors of various buildings and even a former tramway tunnel. We were particularly grateful, this year, to the managers of the Lyceum Theatre for locating and reinstating the boundary marker, which originally hung above the stage.”

The Savoy Estate, which includes the beautifully restored Queen’s Chapel of the Savoy, is the Duchy of Lancaster’s main urban holding. It is bounded by the Strand and the Embankment, but does not include the Savoy Hotel. The various buildings

within the Estate are let, predominantly as shops and/or offices. The Duchy of Lancaster office is also located within the Savoy precinct, as it has been for many centuries.



DUCHY of LANCASTER

Founded in the 13th century, The Duchy of Lancaster is a private portfolio of land, property and assets held for the Sovereign in His or Her role as Duke of Lancaster. Today, The Duchy of Lancaster is custodian of 18,700 hectares across England and Wales, including key urban developments, historic buildings, high-quality farm land and areas of great natural beauty. As a private landed estate, The Duchy provides the Sovereign of the day with a source of income independent from Government and the public purse. The Sovereign does not, however, have the right to any capital or capital gains deriving from The Duchy. In all aspects of its work, The Duchy is guided by respect for the past, commitment to effective present-day management and an imaginative vision of the future.



Burns' Night

Saturday, 29 January 2011

Middle Temple Hall

Champagne Reception, four-course Dinner, and Reeling. Dining ticket prices from £85.50 per person (groups of 10) and non-dining tickets from £40.50 per person (groups of 10). Discounted prices for Middle Temple students. Reception at 7 pm, non-diners 9.30 pm, carriages 1 am. Highland Dress or Black Tie. Purchase tickets from the Treasury Office on 020 7427 4800 or email members@middletemple.org.uk.

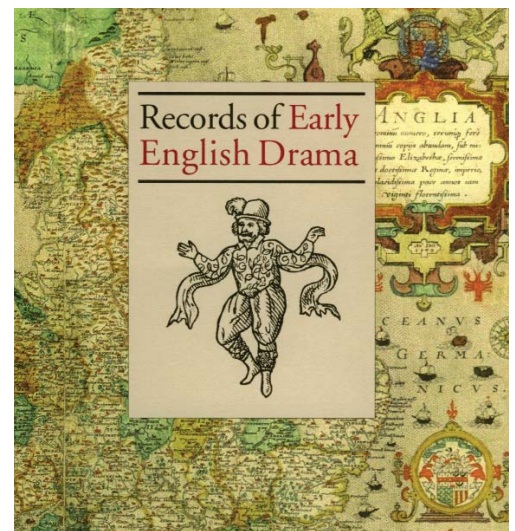


REED Book Launch

Wednesday, 2 February 2011

Middle Temple Hall

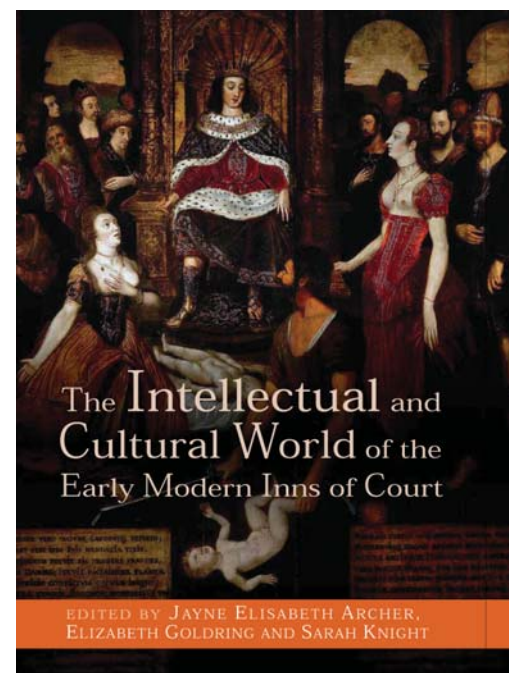
Sponsored by Master Andrew Thornhill, a book launch accompanied by performances of excerpts from *Twelfth Night* and contemporary Middle Temple Revels will take place in the Hall on Candlemas Day. The book launch marks the publication of another volume of Records of Early English Drama (REED), this one concerned with drama in the Inns of Court. There will also be an exhibition of relevant Inn records. All are welcome. Drinks 6.15 pm, speeches 7.00 pm followed by performance. Day dress. Tickets are essential and are free to students and £10 to all others. Please apply to Paula Gouveia on 0207 414 8080 or email pgouveia@pumptax.com.



The Intellectual and Cultural World of the Early Modern Inns of Court

The Intellectual and Cultural World of the Early Modern Inns of Court (ISBN 978-0-7190-8236-8) is a lavishly illustrated collection of essays on the artistic and intellectual patronage of the Inns of Court from the late fifteenth through the early eighteenth centuries. Edited by Drs Jayne Elisabeth Archer, Elizabeth Goldring, and Sarah Knight, this is the first interdisciplinary publication on the early modern Inns and brings together contributions from experts in the fields of legal history, art history, literature, and drama.

The 336 page hard-backed volume with 30 black-and-white illustrations and four colour illustrations, is scheduled for publication in February 2011 for £60. It is available for pre-order online at www.amazon.co.uk and www.manchesteruniversitypress.co.uk.



INN EVENTS

December 2010

Monday, 13	Christmas Evening Carol Service
Tuesday, 14	Christmas Lunchtime Carol Sing-Along in Temple Church
Wednesday, 15	Christmas Celebration: Evening Service of Carols and Readings
Thursday, 16	Revels
Friday, 17	Lunchtime Carol Service in Temple Church Revels
Tuesday, 21	Hall closes after Lunch Michaelmas Term Ends

January 2011

Tuesday, 4	Hall re-opens for Lunch
Monday, 10	Hilary Term Begins
Thursday, 13	Treasurer's Reception
Thursday, 20	Private Guest Night
Tuesday, 25	All Inn Dining
Saturday, 29	Burns' Night in Hall Cambridge Middle Temple Society Dinner at Clare College

February

Wednesday, 2	REED Book Launch in Hall
Friday, 4-6	Advocacy Weekend in York
Tuesday, 8	Bench Call
Monday, 14	Organ Fundraising Concert in Temple Church
Friday, 18	Music Night: <i>Jazz Band from The Royal Academy of Music</i>
Saturday, 19	Ordinary Dining Night
Sunday, 20	Choral Mattins and Sunday Lunch in Hall
Monday, 21	Education Day and Guest Lecture
Tuesday, 22	Reader's Feast
Monday, 28	Academics' Dinner

March

Thursday, 3	Private Guest Night
Tuesday, 8	Music Night: <i>Piano/Opera with Jonathan Papp and Matthew Rose</i>
Thursday, 10	Call Day (Dinner following ceremony)
Sunday, 13	<i>Antonio's Revenge</i> by Edward's Boys in Hall
Wednesday, 16	Bench Night for Benchers and Partners
Friday, 18-20	Cumberland Lodge
Sunday, 20	Choral Mattins and Sunday Lunch in Hall
Monday, 21	Education Day and Guest Lecture
Tuesday, 22	Bench Call
Saturday, 26	Education Open Day for Sixth-Form and University Students

April

Tuesday, 12	Music Night: <i>Guarneri Trio</i>
Thursday, 14	Annual Hall Dinner
Monday, 18	Guest Lecture
Thursday, 21	Hall closes after Lunch for Easter Hilary Term Ends

May

Tuesday, 3	Hall re-opens for Lunch
Wednesday, 4	Easter Term Begins
Friday, 6-8	Four Jurisdictions Law Conference in Edinburgh
Friday, 13-15	Cumberland Lodge
Monday, 16	Guest Lecture and Oxford Middle Temple Society Dinner
Thursday, 19	Private Guest Night
Tuesday, 24	Music Night: <i>Humphrey Lyttelton Tribute Band</i>
Friday, 27	Hall closes after Lunch Easter Term Ends

Events in Bold are Qualifying Sessions. Events and dates may change. For the latest information, please check the Inn's website at

www.middletemple.org.uk

To book Church events contact Catherine de Satgé 020 7353 8559 or email catherine@templechurch.com
Hall Members and Students contact the Treasury Office on 020 7427 4800 or email members@middletemple.org.uk
Benchers contact the Under Treasurer's Office 020 7427 4803/4804 or email r.pydiah@middletemple.org.uk