



# The Middle Templar

The Honourable Society of the Middle Temple

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# The Inn's New Under Treasurer

## Catherine Quinn



Catherine Quinn will join the Middle Temple as Under Treasurer on 3 May 2011.

In her current role, she heads the grant-giving operations of The Wellcome Trust, the world's second largest charitable foundation. As Head of Grants Management, she is responsible for the management and strategic direction of core services for the international biomedical science research community.

Prior to joining the Wellcome Trust in 2007, Catherine held several positions over a period of 15 years at the University of Oxford, many of them bridging the academic-business interface. Most recently, she led the Business Innovation and Consulting Group at Isis Innovation Limited (Oxford's wholly-owned technology transfer company); and from 1999 to 2006, she was the University's Director of Research Services, with a remit encompassing the provision of multi-site academic services, the University's external research funding portfolio, intellectual property and sponsor relations.

In the 1990s, as Assistant Registrar, Catherine managed faculty board business and was Secretary to a number of mainstream strategy and policy committees. In this role, she was often involved in Oxford's ceremonial, from the signing of degree certificates to opening degree ceremonies. The University connection extends to her son, Bartholomew (now 22) who, by the age of 13, had completely outshone his mother as Page to two consecutive Chancellors, The Rt Hon Lord Jenkins of Hillhead and The Rt Hon Lord Patten of Barnes. Her partner, Rodney Phillips, a physician by training, is Professor of Clinical Medicine, Associate Head of Medical Sciences and Fellow of Pembroke College at Oxford.

During her time at Oxford, Catherine co-founded Oxford University Consulting Limited, and was a Director on the board of Oxford Limited, the University's merchandising and trademark licensing company. Following the theme of academic-commercial links, she was invited by Richard Lambert to serve on his eponymous Lambert Working Group on IP — established to improve collaboration between business and academia. These days, she is involved in a number of external organisations: as a Fellow of Wolfson College, Oxford; a Governor of the Contemporary Dance Trust and London School of Contemporary Dance; and a Trustee of London Children's Ballet.

Catherine has a BA (Hons) in German with French (University of Birmingham), an MA in German (The Ohio State University), and an Executive MBA from the University of Oxford, Saïd Business School. She and her family have a house on a farm in rural Oxfordshire, which provides the perfect antidote to city life.

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*Front cover: Treasurer, Professor Dawn Oliver and Under Treasurer, Catherine Quinn.  
Photograph courtesy of Max Toomey.*

Designed by Kristine McGlothlin and Mike Pearmaine

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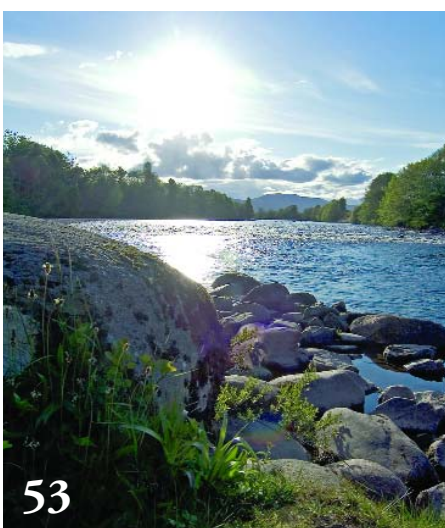
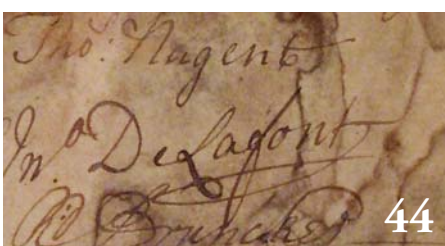
Anthony Arlidge QC

## Master of the Revels

His Honour Judge Peter Cowell

## Master of the Silver

The Hon Mr Justice Ian Burnett



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# Foreword

by Master Treasurer

One of my goals for this year is to promote links between the Middle Temple and other common law jurisdictions, notably the USA and with our colleagues in Scotland, Northern Ireland and Ireland.

It is fortunate that the President of the American Inns of Court for this year is Justice Don Lemons of the Supreme Court of Virginia, one of our Honorary Benchers. At the end of last year we accepted an invitation from the American Inns of Court to send 20 of our members to participate in their first ever Symposium, held in Georgetown from 31 March to 2 April. Their theme was 'Facing the Challenges of the 21st Century' with a focus on professionalism and ethics in legal practice. We have invited the American Inns of Court to send 20 of their members to the Middle Temple from 30 September to 2 October on a return visit. They have indicated that they will be particularly interested to hear about the sources of UK constitutional law, how we survive without a written constitution, parliamentary as opposed to popular sovereignty, and EU/transnational law in the UK.



For some years an annual Four Jurisdictions Law Conference has taken place in May for Middle Temple members and members of the Bars of Scotland, Northern Ireland and Ireland. This year the conference will be held from 6-8 May in Edinburgh, hosted by the Dean of the Faculty of Advocates. The themes of papers and discussions include the treatment of vulnerable witnesses, tribunal reform, and continuing quality assurance of advocates.

Diversity at the Bar is an important matter. The new Middle Temple Access to the Bar Awards are being piloted this year. The Awards are targeted at very able students in their second year of law degree study or taking the conversion course who are from disadvantaged backgrounds and may thus not be considering a career at the Bar. Nine universities are participating. Some of the Middle Temple Fellows have been helping on this. Students will be spending one week with a judge as a mini-marshall and one week in chambers on a mini-pupillage. They will be paid for these two weeks, thus enabling students who would otherwise have to work to support themselves during vacations to take this opportunity. I am extremely grateful to Masters Bean and Hochhauser, who are sponsoring them.

We are extremely proud that a new Advocacy Training Suite has been established on the top floor of the Library building by converting the

American Library to dual use. The suite will be launched in May with a reception for students, trainers and others. It provides first-class accommodation for the training sessions. The conversion has been made possible by a very generous donation.

*The History of the Middle Temple* is to be published by Hart Publishing this year. It has had a long gestation. There will be a launch party on Wednesday, 15 June and everyone interested is welcome to attend; tickets for the reception can be purchased through the Treasury Office.

At a Reception on 15 March, we said farewell to Peter Hilling, who was Under Treasurer from 2004 to 2011. He took us through a difficult period of changes for students and practitioners and of financial pressures. We wish him every success in his next job.

Last, but by no means least, the appointment of our new Under Treasurer, Catherine Quinn is a major event and milestone for the Inn in 2011. Catherine Quinn is the first woman to be appointed as Under or Sub-Treasurer in any of the Inns. And, unusually, she does not come from a career in the forces. Perhaps a tipping point is being reached: I hope that from now on it will not be regarded as particularly newsworthy that such a post should be held by a woman.

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**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 elected a Fellow of the British Academy in 2005 and President of the Study of Parliament Group in 2010. Among her recent publications are the following edited volumes: *Human Rights and the Private Sphere* (2007), *Lessons from the Pitcairn Prosecutions* (2009), *The Regulatory State* (2010), *The Changing Constitution* (7th edition, 2011), and *How Constitutions Change* (2011). She has also published chapters and articles on constitutional reform and psychological constitutionalism.

# 2011 Guest Lecture Programme

Each lecture takes place in Middle Temple Hall at 6.00 for 6.15 pm and is followed by a drinks reception. In keeping with the collegiate spirit of the Inn, those attending are asked to speak to at least three people to whom they have not spoken before. Each lecture is a Qualifying Session for students and is worth 1 CPD point for barristers. Members of other Inns and the profession are welcome to attend. Tickets can be purchased through the Treasury Office on 0207 427 4800 or [members@middletemple.org.uk](mailto:members@middletemple.org.uk).

## Monday, 21 February

Joyce Plotnikoff and Richard Woolfson

**The Challenge of Cross-examining Children in Criminal and Family Courts**



## Monday, 21 March

Professor Jeffrey Jowell QC and Jeremy Gauntlett SC

**The Rule of Law in Southern Africa**



## Monday, 18 April

Harendra de Silva QC, Peter Lodder QC and Mohammed Khamisa QC

**The Future of Legal Aid Work at the Criminal Bar**



## Monday, 16 May

Panel including Murray Hunt, Legal Adviser to the Joint Committee on Human Rights; Professor Richard Rawlings, Legal Adviser to the House of Lords Constitution Committee; and Michael Carpenter, Speaker's Counsel

**Parliament's Legal Advisers**



## Monday, 6 June

The Rt Hon The Lord Saville of Newdigate, The Rt Hon Sir Scott Baker, Professor Carol Harlow QC FBA and Sir Ian Kennedy, IPSA

**Big Public Inquiries**



## Monday, 3 October

Professor Philippe Sands QC

**After Chilcot: War, Law and Legal Advisers**



## Monday, 28 November

The Rt Hon The Lord Phillips of Worth Matravers, Professor Kate Maleson and others

**The Supreme Court Two Years On**



28th FEBRUARY 2011

# Academics' Dinner

The first ever Middle Temple Academics' Dinner was held in Hall and attended by 148 members and their guests, with practitioners, judges and academics all very well represented. We were addressed after dinner by Master Jonathan Mance and Master Francis Jacobs on the ways in which these two aspects of the profession of the law can assist one another. I hope that these contacts will make it possible for the Inns and university law departments to cooperate in many ways in the future; for instance, in joint seminars about substantive areas of law, in discussions of legal education, both pre- and post- the academic stage, and in encouraging the most able students wishing to come to the Bar to do so.



*Master Robert Venables, Pump Court Tax Chambers;  
Dr Ian Roxan, LSE Department of Law*



*Frances Burton, Professor Marilyn Freeman, London Metropolitan  
University; Professor Danny Nicol, University of Westminster*

*Lesley Anderson QC, Kings Chambers, Manchester; Professor Lizzie Barmes, Queen Mary, University of London;  
Master Andrew Burrows, University of Oxford; Colin Crawford Esq, Kings Chambers, Manchester*





*Catherine Dobson, 39 Essex Street; Master Anthony Clarke, Justice of the Supreme Court; Professor Tony Lentin, Author; Master Rodney Stewart Smith, New Square Chambers*



*Professor Richard Hooley, KCL; Master Geoff Gilbert, University of Essex*



*Professor David Feldman, University of Cambridge; Professor Nicholas Bamforth, The Queen's College, Oxford*



*Professor Jeremy Horder, KCL; Professor Rebecca Bailey-Harris, 1 Hare Court; Master Stuart Bridge, Queens' College, Cambridge*

*Professor Anthony Musson, University of Exeter*

*Master Vernon Bodganor, KCL; Professor Stefan Voganauer, University of Oxford; Master Rupert Jackson, LJ; Master Julian Malins, Malins Chambers*



# Public Law in Southern Africa

by Master Louis Blom-Cooper

Given the linked historical background to the legal systems of England and South Africa, it was unsurprising that the meeting of the team from Middle Temple last September with judges and legal practitioners from Southern Africa should focus their discussions on the distribution of powers of government (with a small ‘g’) in a modern democracy, whether their constitutions are codified or uncoded.

The result of the conference covered a wide range of current topics of acute public interest, all of which deserve separate notice, but the one topic of immediate debate to a legally-informed observer has been in its developing role to confront, head-on, governmental decisions through civil action. The



**Sir Louis Blom-Cooper QC** practiced mainly in public law. He taught criminology and penology at Bedford College, University of London from 1961-81. He co-edited *The Judicial House of Lords 1876-2009* (OUP 2009). He first visited South Africa as an observer at the beginning of the Treason Trial in 1956. Thereafter he visited until he was made a prohibited immigrant in 1965. He returned to South Africa only in 2008.

result was certainly not a dialogue of the deaf, but a lively exchange of views (often controversial) in the academic surroundings of the University of Cape Town. The legal inheritance of the discussants reflected a common viewpoint, the divergence of approach emerging only in relation to the post-apartheid era. It was less of an exercise in comparative law than a comparison of shared legal values, fashioned in the Common Law and Roman Dutch systems.

Both countries have recently experienced an unfolding of systems of administrative law that marks out the area of judicial supervision (more commonly called judicial review), both of ministerial decisions and of the legislature (whether it is sovereign or, constitutionally, the primary law-maker). For England, the development took place in the 1960s, and onwards, by a series of cases in appellate courts, and was propelled by the Human Rights Act 1998; for South Africa the development occurred instantaneously under the written constitutions (interim and final — 1994 and 1996). Professor Jeffrey Jowell QC, the first Director of the newly-formed Bingham Centre for the Rule of Law, in a paper to the conference, observed that a modern administrative law emerged in England as a result of pronounced judicial activism (I prefer to describe this, jurisprudentially, as judicial creativity — we surely do not want our judges ever to be inactive!). Judges (at least appellate judges) do make law, if only secondarily to the legislature: it was Justice Cardozo who stated that the judicial process must be a blend of continuity and creativeness.

The principal grounds of the modern public law were described by Lord Diplock in the *GCHQ* case (1984) as illegality, procedural unfairness and

irrationality (with, prospectively, proportionality, which has yet to encompass the *Wednesbury* unreasonableness test). These bases for judicial control over administration and inferior tribunals were mirrored, less emphatically, in South Africa during the apartheid era, from 1948 onwards. As Hugh Corder, Professor of Public Law at Cape Town University, told the conference, the formulation of judicial review pre-1994 would sound comfortably familiar to most administrative lawyers in the British Commonwealth.

In an outstanding book of 1982, *Judges at Work, The Role and Attitudes of the South African Appellate Judiciary 1910-1950*, Professor Corder had aptly analysed the South African judicial scene pre-apartheid as ‘a group of men who saw the dominant role as the protectors of stability in the social foundation of which they formed an integral part. This conception of their task was doubtless influenced by their racial and class backgrounds, education and training. The judges expressed it in terms of a positivist acceptance of the concept of legislative sovereignty, despite a patently racist political structure, out of a desire to preserve the existing order of legal relations, notwithstanding its basis in manifest social inequalities’. Twenty-first century constitutionalism, with its emphasis on the enforcement of human rights and diversity in its judiciary, compels modification, even if the judiciary does not cease to play a dominant role in a society whose values will inevitably be reflected in its judges. Constitutionalism today in the two countries presents a markedly different approach, even if the short lapse of time, since 1994, is insufficient to determine the direction and the outcome.



The principles of judicial review are discernible in our evolving case-law, rather than in a modern constitution and a statute such as the South African Promotion of Administrative Justice Act 2000 (PAJA). If the British uncodified system allows for judicial expansion in areas such as proportionality, PAJA permits ‘other’ grounds of review to develop in addition to the extensive list provided. How much does that provide a margin of appreciation (to adopt the language of the Strasbourg court)? PAJA adopted the three established grounds of review, but does not of itself permit automatic application to an individual case. It was interesting to hear the arguments at the conference as to whether the ground of ‘illegality’ should be interpreted in accordance with international principles. There were echoes of socialism and originalism at work.

The ambit of procedural fairness — natural justice (the English concept of fairness) is disappearing from the legal lexicon — is not fully expended. English law has not taken on board the right of the citizen to a reasoned

decision adverse to an administrative decision (as in South Africa), although the English statutes do provide for reasons however unarticulated they may be. Reasons for decisions as a principle of fair dealing by ministers and administrators as well as judicial tribunals are not yet fully developed. English Common Law has, conversely, not given any clear right to governmental information, which is a constitutional right in South Africa. The UK Freedom of Information Act 2000 has introduced the right, with some exceptions which appear to detract from an overall principle. But the most glaring difference arises from the principle of justiciability. What precisely is the ambit of judicial power over the other arms of government?

Certain areas of government are out of bounds for an unelected judiciary; they are not susceptible to the judicial process because the courts either lack the expertise or because the particular issue is not amenable to objective principles involving government policy. English law in this respect is confined to human rights under the European

Convention; strictly speaking, the Convention, apart from the right to life, involves the protection of civil liberties and fundamental freedoms, and does not encompass socio-economic rights.

At this point the radical English public lawyer may express envy. Professor Hugh Corder, in his conference address, noted that as a result of a new method of appointing judges and the establishment of the Constitutional Court as the highest authority on constitutional matters, among other measures, a distinct change both in the composition of the judiciary and its novel approach to constitutional rights has been hammered out. The first 11 members of the Constitutional Court have now served out their 15 years’ term of office. Its sturdy enforcement of constitutional propriety from the outset has notably aroused conflict with the administration. Professor Corder observes, strangely in a footnote: “The irony is that the courts have arguably become the most effective means of enforcing socio-economic rights”.

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## A State of Suspense: The SADC Tribunal and the Rule of Law

by Masters Jeremy Gauntlett and Jeffrey Jowell

On 17 August 2010 the Secretariat of the Southern African Development Community (SADC) announced the effective suspension of the SADC Tribunal for a period of six months. This new tribunal was created in 2000 to adjudicate disputes in a way similar to that of the European Court of Justice in respect of the European Union. The suspension was for the purposes of a “review” of the Tribunal’s jurisdiction and functioning.

The move had been decided upon by the SADC Summit, its supreme body, comprising the heads of state of the 14 members (which range from Angola across the DRC to Tanzania, and all states south, as well as Mauritius and the Seychelles). The suspension has gone unremarked by the international community.

Why and how this happened starts with a mango farm at Chegutu in Zimbabwe. Mike Campbell is the farmer. His road to the SADC Tribunal

— and joining him, 77 other farmers acting for themselves and their thousands of workers — is the subject of the award-winning documentary, *Mugabe and the White African*. The case arose from the gazetting for seizure without compensation by the Mugabe government of nearly 500 commercial farms.

After unnecessary delays, during which time the Campbell’s farm was invaded, and the family seriously assaulted, the Tribunal upheld the

farmers' challenge to the land seizure measures on all three bases argued. First, it held that the measures affronted the rule of law in the purported ouster of access to the courts. Secondly, it held that the measures were arbitrary in providing for a seizure with no justiciable measure of compensation at all. And thirdly, it held that the measures constituted racial discrimination in conflict with the requirements of the SADC Treaty. This was because, although the race of those affected was never mentioned, the seizure was only from people who were white (and not because they were absentee or bad farmers, or because their land holdings were by some measure excessive). Concomitantly, it was acknowledged that the measures benefitted only a class of political cronies (or chefs, as they are known in Central Africa: the well-connected, or *Wa Benzi* as East Africans express it in KiSwahili). This decision confounded a courtroom of predominantly white farmers, who had told me that they had learned not to expect justice in Africa, yet received it at the dispassionate and adept hands of a team of senior black judges.

The government of Zimbabwe at first ignored the Tribunal's award. Then successively the Minister of Justice and President attacked it. They were followed, unusually, by the Deputy Chief Justice of Zimbabwe, who took the occasion of the official

*Jeremy Gauntlett SC*



opening of the courts in 2009 to deny the jurisdiction of the Tribunal. (Every member of Zimbabwe's Supreme Court, bar one, has accepted at least one confiscated farm from the Government — and continues to sit in land cases).

The Protocol on the Tribunal provides for the registration of its awards by domestic courts so as to make them exigible under local law. We proceeded with such an application. The allocated High Court judge happened to be a former Attorney General and thus (in Zimbabwe) member of Cabinet. He disallowed the application for our *ad hoc* recognition as counsel — although such applications in my instance had been granted a dozen times before. Suspecting that this might happen, we had able Zimbabwean counsel ready and briefed, who thereupon delivered the argument which had been prepared. Interestingly, Patel J rejected the contention by the Zimbabwean government that no jurisdiction of the Tribunal over it existed. But less surprisingly, he dismissed the application for registration. He contrived to do so on the grounds that to do so would be “contrary to public policy” — because it would contradict what the domestic law and courts had authorised. That, of course is Kafkaesque: the whole point of going to the international Tribunal was that the laws and court orders of the country had authorised that which was in conflict with Zimbabwe's international law obligation.

We pressed on. To the consternation of the Government of Zimbabwe we also applied for registration in South Africa. Again, the Government resorted to withdrawal. But we said that was too late, because it had entered opposition and by that act, consented to jurisdiction. In any event, we showed that jurisdiction existed to obtain such an order against a member state of SADC in South Africa. We proceeded to attach Zimbabwean government property in South Africa. Regrettably, the one executable asset for which we had hoped, an aircraft registered in the

name of the Government of Zimbabwe and pressed into service for a state visit to the Ferragamo shop in Johannesburg, has not yet eventuated.

What has now happened is that the government of Zimbabwe has resorted, not unexpectedly, to extra-legal means. It did so on 17 August 2010 by enlisting the support of other SADC members for an effective suspension of the Tribunal while various spurious questions concerning its jurisdiction and the extent of its powers are being investigated. The terms of office of the first appointed judges are being allowed to expire. In more ways than the physical, the lights have been turned off. Of all this there has been far too little scrutiny, let alone the protest to which I believe proper scrutiny should give rise. It is patently in violation of the Treaty and Protocol. They provide (in peremptory terms) for the Tribunal, for its existence from the establishment of SADC itself, and make no provision for its “suspension”.

It is not merely farmers who are affected. The suspension thwarts a challenge by the International Commission of Jurists to the summary removal from office of over 90 judges in the Congo. Other cases have arisen in the region which the Summit has been astute now to impede or bar altogether. One entails the revalorisation of scores of damages awards by Zimbabwe courts arising from security force assaults and torture. The failure of the Zimbabwe government to honour the judgments of its own courts and the effects of hyperinflation resulted in the Tribunal again holding it in breach of the Treaty, and directing that the awards be revalorised and paid without further delay.

Stalin's dismissive response to the effectiveness of the Holy See — “how many divisions does the Pope have?” — elicits the same answer here. The Tribunal has no enforcement mechanisms of its own. It depends on commitment to the rule of law by the region's leaders. That was expressed in their accession to the SADC Treaty but now risks being exposed as a mere matter of words.

# The Lent Reader

by Master Colin Mackay

Those who suffered the experience of listening to my reading on 22 February will have spotted that my roots are north of the border. I was brought up and educated in the south, to my eternal regret. I did not read law at university but the notion that I might become a barrister was planted in my mind by a Bencher of this Inn and a predecessor who formerly held office as Lent Reader, Master Leslie Scarman. He was then one of the youngest QCs to have been appointed a High Court Judge, though he looked to me at age 17 to be full of age (I believe he was in his 40s) and wisdom. He came to my school and gave a talk about the life of a barrister and so enthused those who heard him that I and at least six others decided that it was the life for us. I never regretted that decision, or my decision to join the Middle Temple (which I must admit I chose as my Inn for the good reason that it seemed to have more and better scholarships than the others).

*... there is quite simply  
no more enjoyable and rewarding life  
than that of a barrister*

I was a common law barrister in the days when such a practitioner took on every class of work apart from tax and “serious” commercial and chancery cases. Eventually I gave up criminal and family work and by the time I took Silk in 1989 my main areas of practice were medical negligence, as we called it then, personal injury claims and insurance liability disputes — fires, floods and fraudulent claims.

As a Silk I developed those areas of practice, with a sub-specialty involving sporting claims. Though I say it myself, I had rather more success in representing Liverpool FC than some of its recent managerial appointments appear to have done. The club faced the first claim for damages resulting from a premier league tackle by the then Welsh international Dean Saunders. The (Chelsea) claimant lost, and there were other similar claims that found their way onto my desk. From 1993-97 I was Head of Chambers at 39 Essex Street.

From my background as a knockabout common lawyer I developed and still retain a strong belief in the oral tradition in our legal system, a belief which has survived the last ten

years’ experience sitting as a Queen’s Bench Judge. I am also a strong supporter of the jury system and believe we should be jealous of it and suspicious of attempts to undermine it in any way. That said, the future of the profession is, as it has always been, a difficult one and the coming of the “entities” fills me with some concern, particularly when I look back on the help I received from others in chambers and in the Inn in the important early years of practice. Nevertheless, my message to the students of this Inn, over whom I am in this temporary tutelary position, is that there is quite simply no more enjoyable and rewarding life than that of a barrister, in whatever field of practice, and they should hold on to that fact despite all the difficulties that appear in front of them at this stage of their careers.




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**Mr Justice Colin Mackay** was Called in 1967, took Silk in 1989, was appointed a High Court Judge in 2001, and elected a Bencher in 1995. He was Master of the House from 2000-2005.

# 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.



## **Tan Sri Cecil Abraham**

Called in 1969, Cecil has a highly successful dispute resolution practice and is one of the leading litigators in Malaysia. He is also a well-respected arbitrator. He was the Chairman of the Kuala Lumpur Bar, Chairman of the Chartered Institute of Arbitrators (Malaysian Branch), President of the Inter-Pacific Bar Association, and Vice-President of the Asia Pacific Regional Arbitration Group. He is a member of the International Council of Commercial Arbitration. He is Deputy President of the Malaysian Middle Temple Association, and a Door Tenant of 3 Verulam Buildings in London.

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## **His Honour Judge Jeremy McMullen QC**

One of the two permanent judges of the EAT, sitting in London and Edinburgh, Jeremy also sits in the QBD and at Central London County and Southwark Crown Courts. Called in 1971, after law at Brasenose College, Oxford and Industrial Relations at LSE, he worked for 11 years for the GMB union. He started practice in 1985 at Old Square Chambers and 9 St John Street, Manchester, taking Silk in 1994. He has published widely. He was founding Chairman of the Employment Law Bar Association and Chairman of the Industrial Law Society, and is Vice-President of both. He assists in ELBA advocacy training, takes marshals at the EAT and trains Employment Judges.

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## **Her Honour Judge Susan Tapping**

Called in 1975, Susan then practised at the Criminal Bar in London. She was appointed an Assistant Recorder in 1995 and a Recorder in 1999. She became a Circuit Judge in 2001 based at Harrow Crown Court and has recently moved to Kingston-upon-Thames Crown Court. She is probably best known for her roles within the JSB Criminal Seminars, where she acts as a Tutor Judge in criminal law. In the Serious Sexual Offences Seminar she delivers a presentation on the particular difficulties encountered when children give evidence in the Crown Court. She attends educational seminars to promote better advocacy training and practice with regard to questioning children in trials.

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## **Michael Stephens**

A Blackstone Exhibitioner, Michael was member of the MTSA before being Called to the Bar in 1983. He was Secretary of the Midland Circuit from 1993 to 2002. He is a leading junior with a civil practice, sits as a Recorder in the Crown Court, County Court and TCC, and as a Deputy Tribunal Judge in the Tribunals Service. He has been Master of the Worshipful Company of Arbitrators twice. He is a former Secretary of the Bar Golfing Society and has been a long-standing member of the Inn's Golfing Society, leading MT to victory in the Scrutton Cup in his year of captaincy. In 2008 he organised the successful Midland Circuit Dinner in Birmingham and more recently, has arranged social events for practitioners and students, and helped with judging moots.

## Andrew Spink QC

Andrew is a well-regarded leader with a commercial practice focusing on pensions, financial services, various aspects of commercial contract dispute resolution and professional negligence. He has been active in the development of international work at Outer Temple Chambers, both in the USA and in Abu Dhabi, Dubai and other GCC states. He sits as a Recorder and a Deputy High Court Judge. Andrew was a Harmsworth Major Exhibition Scholar, served on the Hall Committee, and is a member of the Church Committee. He helped with the Inn's 2007 involvement in the Jamestown quatercentenary and is a member of the Temple Church Organ Fundraising Committee.



## Stephanie Barwise QC

Stephanie was Called in 1988, having graduated at Downing College, Cambridge. On joining the Inn she was awarded a Harmsworth Entrance Exhibition and bursary. She has been a tenant at Atkin Chambers since 1989 and took Silk in 2006. Her practice is in commercial law with an emphasis on construction projects both internationally and in the UK. Stephanie is a Sponsor, teaches ethics on the NPP, served on the Hall Committee, and now sits on the Estates Committee and Rents, Tenancies & Parking Sub-Committee. In her spare time she is an Ambassador for Opportunity International, a charity providing micro-finance loans to the poor, particularly in Africa.



## Paul Spencer

Called in 1988, Paul practises at 3 Serjeants' Inn specialising predominantly in healthcare and regulatory law. Between 1989 and early 2010 he was a tenant at Master Allen's chambers at Cloisters. Paul co-authored OUP's *Guide to the Care Standards Act* and is a regular contributor to *Bullen, Leake and Jacob*. Paul is dedicated to the work of the Inn; he has worked as a Advocacy Pupil Trainer since 1996. More recently, he has taught the New Practitioners' Programme, worked for the Scholarship and Prizes Committee, and adjudicated in school mooting competitions.



## Roy Martin QC

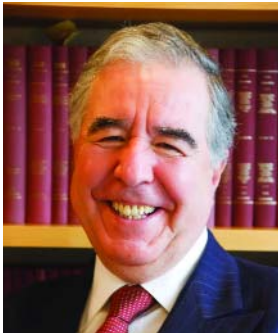
A Silk in Scotland and in England and Wales, Roy is also a member of the Bar of New South Wales and of the Northern Ireland Bar. His practice at the Bar mainly relates to administrative law and to land, planning and the environment. He was Dean of the Faculty of Advocates from 2004-2007. He is a Chairman of the Police Appeals Tribunals and was a member of the Judicial Appointments Board for Scotland. He was a Co-Chair of the Forum for Barristers and Advocates of the International Bar Association and of the International Council of Advocates and Barristers. He is an active participant and supporter of the annual Four Jurisdictions Law Conference.



## Richard Keen QC

Dean of the Faculty of Advocates since 2007, Richard graduated from Edinburgh University and was admitted to the Faculty of Advocates in 1980. He was Standing junior counsel to the DTI in Scotland from 1986-1993, and was appointed Queen's Counsel in 1993. He has served as Chairman of the Appeal Committee of the Institute of Chartered Accountants in Scotland (2000-2004) and as Chairman of the Police Appeals Tribunal. A founding member of the Scottish Public Law Group, he has engaged with JUSTICE, has built links between the Scottish and Irish Bars, and is an active participant in the annual Four Jurisdictions Law Conference. He recently became a member of Blackstone Chambers.





### **Judge Bernardo Sepúlveda-Amor (Hon)**

Judge of the International Court of Justice since 2006, Bernardo is an Honorary Fellow of Queens' College, Cambridge (1990), and Professor of International Law and International Organizations at El Colegio de Mexico since 1967. He was Ambassador of Mexico to the USA (1982), Secretary of Foreign Relations of Mexico (1982-1988), Ambassador of Mexico to the UK and, concurrently, to Ireland (1989-1993), President of the Mexican delegations to the General Assembly of the UN and to the General Assembly of the Organization of American States. He has written widely on the UN, international law, foreign policy, and international economic issues.

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### **The Hon Justice James Allsop (Hon)**

James practised at the Bar in New South Wales from 1981-2000, mainly in commercial law, including insurance and shipping. Appointed SC in 1994 and QC in 1998, he served as a Judge of the Federal Court of Australia from 2001-2008. He was appointed President of the New South Wales Court of Appeal in June 2008. From 1981 he taught part-time at the University of Sydney as a tutor and lecturer in property, equity, bankruptcy, insolvency, corporate finance and maritime law. From 2005-2009, he was a member of the board of the World Maritime University in Malmö, Sweden. Since 2009, he has been a member of the Board of the Australian Maritime College.

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### **Sheilagh Davies**

Sheilagh served as a member of the Hall Committee for 10 years, and as Chair from 2007-2009. She practises at the Criminal Bar and is a member of its association, maintaining a diversified practice at the highest level, both prosecuting and defending. She is actively involved in the South Eastern Circuit and served on its general purposes and executive committees. She is a Middle Temple Advocacy Trainer and is an active participant in the advocacy courses and the Inn's trips to other jurisdictions. She has hosted fundraising events at the Inn for Grange Park Opera and Garsington Opera.

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### **Rhodri Davies QC**

Educated at Winchester College and Downing College, Cambridge, Rhodri has been a tenant at One Essex Court since completing pupillage in 1980. He took Silk in 1999 and has a wide-ranging commercial practice, including banking, derivatives and arbitration work. He became a Recorder (civil) in 2003 and was appointed a Deputy High Court Judge in 2010. He also sits as an arbitrator. He was a Middle Temple Sponsor for many years. Away from the Bar he has a liking for muddy cross-country races.

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### **Richard Jacobs QC**

Educated at Cambridge, and a Harmsworth Scholar (1979), Richard has a distinguished practice at Essex Court Chambers, covering all types of commercial disputes and arbitration. He has taught at Cambridge and LSE, sits as a Recorder in crime, and has written a well-received book on insurance and arbitration, *Liability Insurance in International Arbitration: the Bermuda Form*. In chambers, he was formerly responsible for pupillage and now for staff employment and barrister/staff relations. He ran the MT Mooting Competition in the 1980s. He is a long-time supporter of Arsenal, enjoys tennis and cycling, and has passed Grade 7 piano after starting to learn at aged 40.

## Joanna Glynn QC

An acknowledged leader in professional and disciplinary work, Joanna co-wrote the leading textbook on healthcare regulatory law, and she speaks at and chairs conferences on the subject. She undertakes criminal litigation, usually focussed on medical expert evidence, including non-accidental head injury cases involving expert paediatric scientific evidence. She chaired the board of trustees on Redress, an anti-torture charity, and was involved with the Bar Human Rights Committee from its inception. She has reported on trials in Turkey and Kenya. She is currently an enthusiastic lecturer on the Middle Temple's Pupils' Course.



## Paul Goulding QC

Paul specialises in employment law and sports law at Blackstone Chambers; he took Silk in 2000. Before coming to the Bar, he taught employment law at St Edmund Hall, Oxford. He helped to found the Employment Law Bar Association, was Chairman (1998-2000) and Vice-President (2000-2004) of the Employment Lawyers Association, and is Editor of *Employee Competition: Covenants, Confidentiality, and Garden Leave* (OUP). Since 2008 he has been a Specialist Member of the Football Association Judicial Panel, and in that capacity sits as an arbitrator in disciplinary matters concerning footballers, football managers and clubs. He is a MT Sponsor and Advocacy Trainer.



## Clive Lewis QC

Clive practices in all areas of public law, EU law and human rights law. He took Silk in 2006. He has sat as a Recorder since 2003 and has been authorised to sit as a Deputy High Court Judge since 2010. He has been First Counsel to the Welsh Assembly Government since 2000. Before taking up practice at the Bar, he was an academic lawyer and was formerly a Lecturer at the University of Cambridge and a Fellow of Selwyn College. He has written widely on public law and EU law, including *Judicial Remedies in Public Law* and is the general editor of the Judicial Review title in *Halsbury's Laws of England*.



## Jeremy Gauntlett SC

Commencing practice at the Cape Bar in 1977, Jeremy took Silk in February 1989. He is also a member of the Johannesburg Bar and the Bar of England and Wales. He is a former President of the Cape Bar, Chairman of the General Council of the Bar of South Africa and an IBA Council Member. Appointed to the first post-democratic Law Reform Commission by President Mandela in 1996, he served as a Commissioner for 10 years. He was an adviser to the Constitutional Assembly which produced South Africa's Constitution in 1996. He also sits as an international arbitrator in Mozambique and London.



### Forthcoming Honorary Bench Calls

On Thursday 19 May, **Sir Nigel Sheinwald KCMG**, British Ambassador to the USA, will be Called as an Honorary Bencher. On Thursday, 21 July, **Sir Nicholas Hytner**, Director of the National Theatre in London, will be Called as an Honorary Bencher. Both of these Bench Call ceremonies will take place on Private Guest Nights; therefore, student, barrister and Bencher members of the Inn are welcome to attend and each may bring one guest. After dinner each of the new Benchers will give a short speech. Dress is Black Tie with gown. Drinks Reception at 7.00 for Dinner in Hall at 7.30 pm. Students and Hall members can purchase tickets via the Treasury Office on 020 7427 4800 or [members@middletemple.org.uk](mailto:members@middletemple.org.uk).

# Liberty, equality . . . will this become a revolution?

by Robert-Jan Temmink, Chairman



Unbelievably, it's almost time again for the Annual Hall Dinner. Last year Clive Anderson was our guest of honour, and this year I am absolutely delighted to welcome Shami Chakrabarti CBE as our speaker. Master Chakrabarti is the Director of Liberty, the human rights and civil liberties campaigning organisation, and a very entertaining speaker (which, I appreciate, ups the pressure on her a little!). The Hall Dinner is an opportunity for the employed and self-employed barrister members of the Inn to celebrate the profession, to meet other Middle Templars informally, and to enjoy the friendliness and camaraderie of the Inn over a champagne reception and four-course dinner.

For the first time last year, we were able to offer the first 50 barristers under seven years' Call who applied for tickets a reduced price. I'm pleased to report that this offer is being repeated again this year — I hope that junior members will be quick to take advantage of it. Members of the Hall Committee and I would be delighted to see you at 'our' dinner.

The Hall Committee has been busy over the past year: we've responded to every major consultation emanating from the Bar Council and the Bar Standards Board and we've represented

the views of ordinary barrister members of the Inn on each of the Inn's Standing Committees.

The Hall Committee has reduced in size from 21 members when I took over as Chairman to 15 members when my time as Chairman comes to an end at the end of this year. That reduction in size has entailed a greater amount of work on the part of the committee members, but has increased accountability and responsibility. By Michaelmas Call this year, a Hall Committee project, to produce a welcome pack for all newly-Called members of the Inn, will have been produced, and a deal has been negotiated with a leading accountancy firm which will see £150 donated to the Scholarship Fund Appeal for each member who takes advantage of the services they offer.

Key to everything the Hall Committee does are the goals of representation, integration, retention and participation. Nearly every set of Chambers now has a Middle Temple Representative: a conduit through which the Inn hopes better to communicate with its members. There are plans for a family day later in the year, to be held jointly with Inner Temple, and a number of child-friendly events at which we hope Middle Templars will meet with colleagues, Benchers and students. We hope that the welcome pack, which will explain a little about the Inn, and the Hall Committee will be a useful step in encouraging members of the Inn to stay involved, and for those who benefitted from scholarships as students to give something back as practitioners.

Over the course of the next couple of months, the Committee is engaging in some 'blue sky thinking' about what we should be doing for the next few years. It is easy enough to respond to issues as

they arise — whether the response is to an initiative of the Inn, or to another consultation by the profession's regulators. However, the new Committee is keen to ensure that we are proactive: in seeking greater transparency within the Inn, in promoting equality within the Inn, and in planning for the changes which will inevitably come to the profession as a result of the Legal Services Act.

We are also pursuing the 'small ticket' items on the agenda, for instance, the desire to have some informal social space within the Inn. If you have an issue which you think the Hall Committee should be dealing with, or you have ideas about what works well, or should be changed within the Inn, don't hesitate to get in touch with me, or any member of the Committee, and we'll take your comments into account as part of our discussions.

I've greatly enjoyed my time as Chairman of the Hall Committee. I'm grateful, too, to all the members of the Committee who have served with me and who make committee meetings efficient, effective and enjoyable. I'm particularly grateful to my Vice-Chairman, Gary Blaker, and the Committee Secretary, Rebecca Richardson, for all of the support they've given me so far, and (I hope) will continue to give me over my remaining nine months of office.

If you wish to get in touch with me, or the Hall Committee, please email [hallcomm@middletemple.org.uk](mailto:hallcomm@middletemple.org.uk).

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**Robert-Jan Temmink** practises in construction and general commercial law from Outer Temple Chambers in London and Abu Dhabi. He is an arbitrator at the Dubai International Arbitration Centre and an accredited mediator.



## Hall Representatives on the Inn's Standing Committees

### Executive & Bench Selection Advisory Committees

Robert-Jan Temmink  
Gary Blaker

### Catering Committee

Gary Blaker

### Church Committee (Joint with IT)

Araba Taylor  
Evan Price

### Education Committee

Marie Lewiecki  
Christiane Valansot

### Estates Committee

Jeremy Cousins QC  
Louisa Nye

### Finance Committee

Michael Collard  
Jeremy Cousins QC

### Library & Archive Committee

Dr Juliet Williams  
Dr Rupert Macey-Dare

### Scholarships & Prizes Committee

Evan Price  
Christiane Valansot

### Social Committee

Rebecca Richardson  
Alex di Francesco

### Students' & Barristers' Affairs Committee

Imran Mahmood  
Sam Maginnis

## Annual Hall Dinner

Thursday, 14 April 2011

Middle Temple Hall

7.00 for 7.45 pm

Black Tie (No Gown)

£62 for Barristers and Benchers; £31 for Students

Tickets can be purchased through the Treasury Office at 020 7427 4800  
or by email at [members@middletemple.org.uk](mailto:members@middletemple.org.uk)

### Shami Chakrabarti CBE

Shami Chakrabarti CBE has been Director of Liberty (The National Council for Civil Liberties) since September 2003. Shami first joined Liberty as In-House Counsel in September 2001. She became heavily involved in its engagement with the 'War on Terror' and with the defence and promotion of human rights values in Parliament, the Courts and wider society.

A barrister by background, she was Called to the Bar at Middle Temple in 1994 and worked as a lawyer in the Home Office from 1996 until 2001 for Governments of both persuasions. Since becoming Liberty's Director she has written, spoken, and broadcast widely on the importance of the post-WWII human rights framework as an essential component of democratic society.

She is Chancellor of Oxford-Brookes University, a Governor of the London School of Economics and the British Film Institute, a Visiting Fellow of Nuffield College, Oxford, and a Master of the Bench of Middle Temple.



# How to become involved in the Inn

Members are encouraged to become more involved in the Inn by participating in any of the areas listed below. Please contact the designated person for further information about any of the following:

**Judging a moot.** Contact Richard Chapman, Students' Officer, at [r.chapman@middletemple.org.uk](mailto:r.chapman@middletemple.org.uk) or 020 7427 4869

**Becoming a Sponsor to a student.** Contact Melissa Tucker, Records Officer, at [m.tucker@middletemple.org.uk](mailto:m.tucker@middletemple.org.uk) or 020 7427 4800

**Taking a marshal.** Contact Sarah Hankinson, Assistant Students' Officer, at [s.hankinson@middletemple.org.uk](mailto:s.hankinson@middletemple.org.uk) or 020 7427 4800

**Helping with advocacy training.** Contact Stacey Brown, Education Officer, at [s.brown@middletemple.org.uk](mailto:s.brown@middletemple.org.uk) or 020 7427 4800

**Giving an educational talk/lecture.** Contact Christa Richmond, DUT (Education), at [c.richmond@middletemple.org.uk](mailto:c.richmond@middletemple.org.uk) or 020 7427 4800

**Interviewing students for scholarships.** Contact Christa Richmond, DUT (Education), at [c.richmond@middletemple.org.uk](mailto:c.richmond@middletemple.org.uk) or 020 7427 4800

**Helping with the annual Education Open Day for University and Sixth-Form Students.** Contact Christa Richmond, DUT (Education), at [c.richmond@middletemple.org.uk](mailto:c.richmond@middletemple.org.uk) or 020 7427 4800

**Attending the Inn's CPD Day** held annually in November. Contact Stacey Brown, Education Officer, at [s.brown@middletemple.org.uk](mailto:s.brown@middletemple.org.uk) or 020 7427 4800

**Using the Library.** Contact Renae Satterley, Senior Librarian, for a tour of the Library facilities at [r.satterley@middletemple.org.uk](mailto:r.satterley@middletemple.org.uk) or 020 7427 4830

**Sponsoring a rare book.** Contact Renae Satterley, Senior Librarian, at [r.satterley@middletemple.org.uk](mailto:r.satterley@middletemple.org.uk) or 020 7427 4830

**Donating a book to the Library.** Contact Vanessa Hayward, Keeper of the Library, at [v.hayward@middletemple.org.uk](mailto:v.hayward@middletemple.org.uk) or 020 7427 4830

**Writing an article for *The Middle Templar*.** Contact Kristine McGlothlin, Head of Bench Administration, at [k.mcglathlin@middletemple.org.uk](mailto:k.mcglathlin@middletemple.org.uk) or 020 7427 4804

**Contributing to the Scholarship Fund Appeal.** Contact Master Catherine Newman, Chairman, at [cnewman@maitlandchambers.com](mailto:cnewman@maitlandchambers.com) or 020 7406 1200

**Serving as a Chambers Representative.** Contact Maria Aristidou, Alumni Officer, at [m.aristidou@middletemple.org.uk](mailto:m.aristidou@middletemple.org.uk) or 020 7427 4816

**Establishing a Middle Temple Society in your jurisdiction/country.** Contact Maria Aristidou, Alumni Officer, at [m.aristidou@middletemple.org.uk](mailto:m.aristidou@middletemple.org.uk) or 020 7427 4816

**Lunching in Hall.** Lunch is served Monday to Friday between 12.30 – 2 pm. No need to book, but appropriate dress is required. Email [banqueting@middletemple.org.uk](mailto:banqueting@middletemple.org.uk) or 020 7427 4820

**Attending Inn events,** eg the annual Hall Dinner, Reception for Employed Barristers, Garden Party. Contact the Treasury Office on 020 7427 4800 or [members@middletemple.org.uk](mailto:members@middletemple.org.uk)

**Inviting a guest(s) to attend a weekend Inn event,** eg Ordinary Dining Night, Sunday Lunch. Contact the Treasury Office at [members@middletemple.org.uk](mailto:members@middletemple.org.uk) or 020 7427 4800

**Joining the MT Historical Society.** Contact Paola Kovacz at [paolakovacz@uk2.net](mailto:paolakovacz@uk2.net) or via the Treasury Office at [members@middletemple.org.uk](mailto:members@middletemple.org.uk) or 020 7427 4800

**Volunteering to help in the Middle Temple Garden.** Contact Kate Jenrick, Head Gardener, at [k.jenrick@middletemple.org.uk](mailto:k.jenrick@middletemple.org.uk) or 020 7427 4840

**Attending Church events,** eg lunchtime Organ Concerts and Choral Mattins. Visit [www.templechurch.com](http://www.templechurch.com) or contact Catherine de Satgé at [catherine@templechurch.com](mailto:catherine@templechurch.com) or 020 7353 8559

**Contributing to the Organ Fund Appeal.** Contact Penny Jonas, Development Consultant, at [penny@pennyjonas.com](mailto:penny@pennyjonas.com) or 07778 799 842

**Auditioning for Revels.** Auditions take place in late September for the two performances in December. Contact Rebecca Richardson, Director of Revels, at [rebecca.richardson@hardwicke.co.uk](mailto:rebecca.richardson@hardwicke.co.uk)

# The Middle Temple Young Barristers' Association

by Emily Rayner



Following their Call, some new Middle Temple barristers will start pupillage straight away, some will start in a year or so, some others will have a year to wait before taking up a place, and still others will continue to hunt for that all-important pupillage. This can be a challenging and, sometimes, stressful period when, caught in a limbo, individuals can feel cut off from Middle Temple and the life of other barrister members. The Middle Temple Young Barristers' Association (MTYBA) has been set up by a committee of young barristers to help ease the transition from being a Middle Temple student to becoming a successful Middle Temple barrister.

MTYBA's first aim is to assist those who have been Called to obtain a pupillage. On Saturday, 26 March the MTYBA organised a three-hour pre-pupillage event. The morning began with an open discussion with a panel of senior practitioners who are members of their chambers' pupillage committees and young barristers who took a few years following Call before obtaining pupillage. In the afternoon participants had the opportunity to mingle with representatives from a number of experience-building organisations such as JUSTICE and the Law Commission, both which have previously offered interesting and OLPAS-enhancing jobs and internships to junior barristers.

MTYBA's second aim is to encourage and inform members during pupillage. Knowing the particular concerns of most pupils in their first few court appearances, MTYBA organised an event on 24 March for pupils about to start their second-six. A panel of first-year tenants and third-sixers discussed, under Chatham House rules, "What I wish I'd known this time last year". The mixed panel gave short talks on potential pitfalls and provided a few pearls of wisdom. This was an excellent opportunity for young barristers to ask those niggling questions which they may have not wanted to ask their pupil supervisor.

We held this event last year and it was a huge success with over 50 pupils coming to ask questions and take away advice and a spot of Dutch courage from the drinks reception following the discussion. We hope to hold a similar third-six event later in the year.

MTYBA's third aim is to support young barristers as they start out in the profession, be that through giving away free Green Books (kindly donated by LexisNexis) or organising all-important social events and receptions where MTYBA members can meet new friends and share experiences. We held a very successful drinks reception in December and we hope to hold another similar summer event.

MT young barrister members are always welcome. Please email **MTYBA2010@gmail.com** for more information.

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Educated at Cambridge and Called in 2009, **Emily Rayner** was a Harmsworth Entrance Exhibitioner and Astbury Scholar in 2008. She completed her pupillage at Harcourt Chambers, became a tenant in 2010 and specialises in Family Law. She is a Sponsor and one of the founding members of the MT Young Barristers' Association.

## Keep Inn-formed

During the past three years, the Inn has updated the records of over 9000 of its Members. We are grateful to those who have provided their contact details, and would encourage all Members who have not yet done so to provide their most recent contact details to ensure that they receive information about the Inn and future events. Please complete the Member Update Form on the Inn's website at [www.middletemple.org.uk](http://www.middletemple.org.uk) or send an email to the Alumni Officer, Maria Aristidou, at [m.aristidou@middletemple.org.uk](mailto:m.aristidou@middletemple.org.uk).

# Quality Assurance for Advocates

by Master David Wurtzel

**I**t began with a broken promise. In July 2006 Lord Carter of Coles' Review of Legal Aid Procurement recommended amongst other things a long-overdue rise in the payment to be received by barristers doing legal aid defence work. There was however a trade-off. In paragraphs 27-29 he further recommended, 'It is essential that clients have confidence in their legal service and that the professional quality of that service is assured...the responsibility of quality assurance should pass to the legal professions, through their relevant professional bodies,' preferably by April 2007.

In 2007, the then Chairman of the Bar Council, Geoffrey Vos QC, agreed that 'we must be able to produce evidence for our oft-repeated assertion that we provide the highest quality advocacy and advice available anywhere'. In the event, the Bar accepted the extra money but did not deliver on quality assurance.



**David Wurtzel** is consultant editor of *Counsel* magazine. He practised at the criminal Bar for 27 years before becoming a legal skills trainer. He has helped to devise and deliver a good deal of the training in respect of the intermediary scheme which assists vulnerable witnesses.

Geoffrey Vos did manage, after two debates in the Bar Council, to establish the Bar Quality Advisory Panel (BQAP). Its operating principles, dated 16 October 2007, were to allow judges, instructing solicitors and co-defending counsel to refer to the panel 'an issue concerning a barrister's performance to a non-disciplinary body, which can advise or assist that barrister to improve his/her conduct or service for the future'. If one Googles BQAP one will find the operating principles, a list of the distinguished panel members as of 2009, and a copy of the referral form. BQAP however died on its feet. Less than ten barristers were referred including any — if there were any-barristers who referred themselves (which was allowable) assuming they had sufficient insight into their own performances in court. We know that judges deal with inadequate advocacy as part of the job ('I try to level the playing field without entering the arena' as one put it to me), but there appeared to be no appetite for referring the miscreants. Another idea of this era was that barristers of four to six years' Call should undertake some advocacy training as part of their CPD.

The void left by the Bar was filled by the Legal Services Commission, who, wanting to know if the £2 billion they spent on legal aid produced value for money, commissioned Cardiff Law School to devise a pilot scheme. The pilot was not a success, but it did produce a detailed and fascinating report which analysed the different methods one could use in assessment: presenting portfolios of one's work, a closed book MCT to see how much one knew without having to look it up in Archbold, assessment centres where the volunteers could take part in a challenging case study, observation in court, and judicial evaluation. In the

end, the LSC passed the baton to the Joint Advocacy Group (JAG).

The JAG understood that if change is going to happen, it is best to be in charge of it, a simple insight which had eluded us so far. Things were driven forward by last year's Chairman of the Bar, Nick Green QC; the Chair of the BSB, Baroness Deech; and the Chairman of the Advocacy Training Council, Charles Haddon-Cave QC. They brought on board the Law Society, ILEX and the CPS. If one was going to assess criminal advocates then it was right to assess all of them. After all, the Bar has complained for years about the quality of higher court advocates (HCAs) without managing to compile empirical evidence. The JAG devised somewhat generalised common standards of good advocacy. The consultation paper on the QAA scheme was in due course issued last August. The actual scheme will be up and running by July. That is what the Legal Services Board requires.

Meanwhile, the CPS under Master Keir Starmer got ahead of the game by instituting quality assurance in-house. CPS crown advocates are observed in court by in-house and external assessors (the latter are all Inns' Advocacy trained barristers) who in turn produce a detailed feedback sheet with headlines and examples. It is admittedly expensive, not least in time, since an assessor could arrive at court to discover that the trial has just been aborted. As an employer, the CPS can impose standards and sanctions on its advocates which the Bar cannot. Crucial to all this was consistency between assessors. I devised and delivered the consistency training and which appeared to achieve its aim.

All this has been in the public domain of the Bar for a long time. Those who were not keeping up may have assumed

that it arose from a belief that advocacy at the Bar is not good enough. They missed the point. The purpose of the scheme being proposed is to demonstrate that standards are high. A scheme to assess civil or family advocates will need to be very different, but let us cross that bridge when we come to it.

So how will it work for criminal advocates? The scheme goes back to what Lord Carter first recommended, that is, that advocates should be graded in four levels. Level 1 is magistrates' court work; level 4 is the most serious crown court work. It poses the question: has this advocate demonstrated the skills necessary to do work at this particular level? Something like this already exists for barristers who prosecute. The CPS maintains their list of counsel on this basis; when someone is ready to take on more serious/complex cases, then they apply to move up.

All barristers would enter at level 1 by virtue of being Called, completing a pupillage and getting a tenancy (or at least being in one's second-six months). Standards here are maintained by the Bar Standards Board. Of course, one still has to get a tenancy in chambers. Apart from the Bar's anti-discrimination code, there are no particular standards here. We have always assumed that individual chambers know how to pick talent.

Entry to level 2, that is, the right to appear in the crown court, will depend on passing the New Practitioners' Course. This will place a new and large burden on Middle Temple Advocacy, and they will soon have to decide how they are going to cope. What we deliver now needs to be adapted into something which reliably assesses one's readiness for being a crown court advocate. This means reviewing the case studies we use, making provision for assuring the trainers are properly trained for this new role, setting

criteria, monitoring, providing for appeals, and ensuring consistency between our own trainers and consistency between what we do and every other provider. This will be a new experience for us.

*No one judge will take the decision but rather a sample of judges before whom the advocate appears*

What has attracted the most debate is the method by which those in level 2 may be allowed to move up to level 3 and then level 4. Such an assessment will only happen to an advocate every five years. The method of assessment will be carried out by the judiciary through 'judicial assessment' (JA). This is not about the judges deciding who has the rights of audience (which they had for 700 years until 1990), but of promotion within the system. The exact mechanics have not yet been worked out. At the least, fuller criteria are needed and a form (perhaps more likely a tick box rather than the full CPS form?) must be devised. No one judge will take the decision but rather a sample of judges before whom the advocate appears. Here as elsewhere, consistency of approach needs to be achieved. Monitoring will also need to be done carefully — are there judges who consistently come down on one side or another and is there a correlation between their assessments and the advocate's gender, race or whether they are barristers or HCAs? And the day may come when a convicted defendant will ask to see what the judge thought about his brief.

Since it will take some time to assess 5000 or so advocates, in the short term people will be able to declare themselves to be on levels 3 or 4 until such time as the system confirms this or not. Hubris will presumably be suitably

punished, and careers may well be affected, for the better as well as for the worse. If, however, the assessment is valid, do we really want to see defendants represented by advocates who, however confident they feel about themselves, have been assessed as not ready to take on that kind of case?

Proponents point out that judges are the consumers of advocacy and so best placed to know what is good. Judges indeed form an important element of MT Advocacy trainers. JA is the cheapest method. Perhaps using the judges is something of a compromise, but in a world of finite resources we are used to that. Opponents say that it is invidious for a judge to have a say in their career prospects; that barristers will prefer sucking up to judges over doing the best for their client, and that since judges are not allowed to read counsels' instructions, they may be unable to tell the difference between a poor advocate and one struggling to cope with a difficult client.

I will only point out that judges have been deciding who gets promotion within the system — who becomes a QC and who becomes a Recorder — for a very long time. Particularly under the old system of secret soundings, ambitious barristers appeared in front of judges knowing very well that the Lord Chancellor would be asking them whether this barrister was good enough to get Silk or to become a Recorder and applications were taken forward or rejected accordingly. Judicial assessment has always influenced a barrister's career. Others will have to say whether they or their colleagues abandoned their lay clients' best interests in the process.

Perhaps because I spend much of my working life teaching and assessing advocacy, I am less fussed about all this. Quite a lot of people are deemed to know promising barristers when they see them: BPTC tutors, MT Advocacy — maybe even judges. Time will tell.

# Why Fear the Assessment of Advocacy?

by Master Peter Lodder

**L**ike it or not we live in a regulatory age, and in this respect a barrister is the same as any other professional person. Perhaps the only significant difference at the Bar is that, for some, regulation is a benefit as a source of income, as well as a burden. So if you live by the sword....

In August 2010 the JAG, which consists of our regulator, the BSB, the Solicitors Regulatory Authority (SRA) and the Institute of Legal Executives (ILEX), consulted on their proposal for a system for the assessment of advocacy. Responses were required by the end of last year. What a fuss it caused! Outraged members of the Bar claimed never to have been so insulted in all their lives: “been doing the job this way for 30 years, don’t need someone to check how I am doing it now”. At the heart of the consultation was the proposition that the principal method for the assessment of advocacy should be judicial evaluation. In a few judicial dining rooms, it was declared to compromise the integrity and balance of the courtroom. Some even suggested that the constitutional position of judges was at stake; as if judges never comment over lunch on the quality of advocates?

I challenge anyone to say that they have not, on occasions, witnessed poor advocacy in our courts. Such advocates give all (barristers or solicitors) a bad name, but more pertinently they do not provide proper representation for their clients. Why should that be tolerated? When payment comes from a diminishing public purse, it is all the more important that reasonable standards are maintained. The market in publicly funded work does not always operate on a fair and open basis. There are instances when it appears that economic rather than quality considerations govern the choice of

advocate for a case. So it is necessary for a system of quality assessment to be introduced.

The JAG recognises that the whole system cannot rest solely on judicial evaluation and so proposes three key methods of assessing advocates:

1. **Judicial Evaluation (JE):** permits live assessment of advocates in their workplace. It provides the most cost-effective means of assessing advocates (measured in hundreds rather than thousands of pounds) and it will impact least upon advocates’ time. Importantly, it is “real” assessment. Given the large number of judges who will play a part, it will be vital to achieve consistency. JAG is working on a programme for training those judges. There will be common documentation (the Advocacy Evaluation Form or AEF) to assist with that objective. The process will require the views of a range of judges, and a system for appeal will be available. There may be some teething problems and the status of a report in an application to the Court of Appeal, particularly where incompetence by an advocate is alleged, is being considered.

2. **Approved Assessment Organisation:** there may be circumstances when judicial evaluation is not an option, for example a practitioner returning after a long period of maternity leave. This method is expected to provide independent assessment by an organisation which has significant experience in the training and assessment of advocates using simulated methods. It is likely to be the most expensive method of assessment. The organisation will need to have or develop systems to ensure that candidates are being tested to the correct level across all of the standards and it will need to use specialist assessors to rate and mark the advocate’s work. This method will also involve the advocate in having to take timeout from work, which will add to the real cost. JAG will have to authorise and approve the organisations which will be appointed.

3. **Assessment by an External Assessor:** this will also allow live assessment of advocates in the work place. External assessors will

be recruited, appointed and trained by JAG and will be used in specific instances such as where an advocate is on a small circuit with limited opportunity to appear before a range of different judges or for JAG-initiated review of an advocate’s performance. JAG intends to recruit a small pool of external assessors to assist with consistency and scheme reliability. This method of assessment will be more expensive than JE but should be considerably less than assessment by an assessment organisation.

In my view, it is appropriate that as the primary consumers of advocacy, the judges should be at the core of this process. Any system of assessment must be both effective and proportionate; judicial evaluation is the method which most closely meets those objectives. I believe that good advocates will not find these assessments difficult to pass; they look for minimum standards which most members of the Bar can easily achieve. Undoubtedly, taking full advantage of the training provided by the Inns and the Specialist Bar Associations will assist.

This is an initiative which will not go away: it is often referred to by the Ministry of Justice; the Legal Services Board are taking a close interest, and it has been spoken of with strong approval by the Lord Chief Justice and the Master of the Rolls. Thomas LJ chairs an implementation group which is working to finalise the scheme by July. Philip Mott QC represents the Bar on that group.

Excellence should be at the heart of everything we do. QAA is in our best interests. The Bar’s pre-eminent position in advocacy has been justified by reference to the high quality of our work. This is an opportunity to demonstrate it.

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**Peter Lodder QC** is Chairman of the Bar.

# A Judge's Perspective

by HHJ Anthony Leonard QC

The judiciary has long had a responsibility for maintaining and enforcing high standards of advocacy. The way in which that has been done has changed over the centuries and some of the methods that were adopted in the past would now be considered wholly objectionable. Quality Assurance is coming in — the Regulators have said so — and no one, least of all the judiciary, can ignore its inevitable arrival. Whilst some of the minutiae have yet to be resolved, the scheme proposed by the Joint Advocacy Group is the least objectionable option available to assess advocates. Indeed, through the substantial efforts of Charles Haddon-Cave QC, the Advocacy Training Council, and through consultation with the Inns, a simple and very workable scheme has been developed.

Alternative schemes involving portfolios, moots, role play and other artificial tests would be expensive, bureaucratic and provide little, or a potentially misleading, test of advocacy skills. Such schemes would still require panels of assessors to be available, but out of court hours. Are these to be comprised of other members of the Bar, the public, academics or the judiciary, or a combination of all four? Presumably an advocate would be entitled to present him or herself before more than one such assessment panel. A moment's consideration of the logistics involved in providing mock trials suitable for advocates applying for different grades and who may have different specialties within the criminal field on which a panel of assessors, either involving or excluding the judiciary, would assess an advocate is enough to identify why such a system would be unsuitable.

Whilst it is possible to think of arguments against the use of the judiciary to provide references which

may affect the advocates' ability to move on to conduct more complex trials, they are largely illusory. By way of example, there is a concern that it might discourage advocates, to the detriment of their client, from standing up to judges. Any advocate who took such a course would be displaying his or her unsuitability to handle more complex cases. In addition, it would be sad to think that it would ever be the case that a judge would penalise an advocate for showing fearless independence and appropriate robustness to the tribunal before whom he or she was appearing.

*... the judicial assessment of an advocate's forensic skills is an essential component in safeguarding standards*

It is also feared that some judges may be identified as rather more generous assessors than others. Guidance and JSB training on how to apply the standards, together with the requirement for the advocate to provide a number of assessments, will prevent any unfairness arising. In addition there ought to be a requirement for the judge to state whether they know the advocate personally.

Advocacy is a matter for individual style and there are fears that a judge might be prejudiced against an advocate who displays a style different to that which he or she favoured when in practice. The 'Dutton' criteria by which a judge is going to be asked to assess an advocate are broad, objective and hardly susceptible to over- or under-marking based on the particular style of advocacy which may or may not be favoured by the judge. Further, judges are used to being objective. And, again, the provision of a number

of references from different judges will ensure a broad consensus as to the advocate's true ability. The completion of the paperwork is very simple and should not take the judge more than a few minutes.

The government through the regulatory body, the Legal Services Board, has decided that the public should be protected from poor standards of advocacy by the imposition of an assessment scheme. At a time when the proper use of public money is under greater scrutiny than ever before, there are good reasons why the Bar and bench should be seen to support this initiative. The judges are the main consumers of advocacy. It is in their specific interest, as well as that of the public as a whole, to ensure that the quality of advocacy does not fall and that the right advocates are identified as being capable of doing the more difficult cases.

Together with the advocacy training conducted by the Inns, which will be extended beyond the present New Practitioner courses, and the enhanced role of the Advocacy Training Council to assist the Inns and other bodies to provide good training, the judicial assessment of an advocate's forensic skills is an essential component in safeguarding standards. In accordance with the Overriding Principle in the Civil and Criminal Procedure Rules, the judiciary has a responsibility for ensuring that cases are dealt with "justly", which includes ensuring that cases are dealt with "expeditiously and fairly". This can only be achieved by advocates who display good advocacy skills. In my view, the judiciary should embrace the challenge of maintaining the quality of advocacy in a way which

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**HHJ Leonard QC** is a member of the Advocacy Training Council.

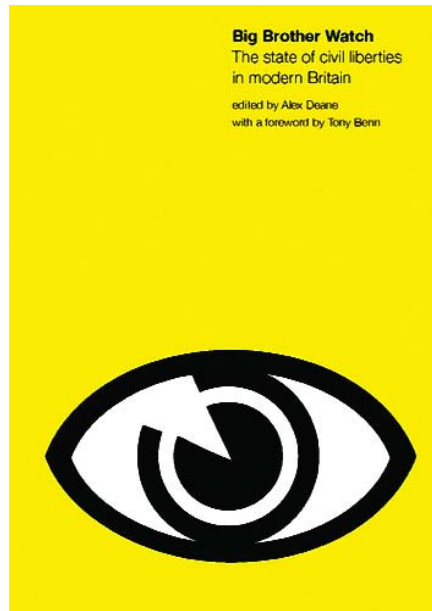
# Big Brother Watch

## The State of Civil Liberties in Modern Britain

Review by Adam King

Anyone who has set foot in a Crown Court in recent years and been subjected to the increasingly time-consuming and humiliating process of “going through security” is likely to have found themselves asking: Is this really necessary? Is it even effective? How much is this costing? And of course — Cui bono? Alex Deane, barrister turned Freedom Vigilante, would answer these questions with No, No, Far too much, and Certainly not us, in response to the many recent efforts to stop us going about our business unhindered and unobserved, and this new collection of essays offers much satisfying analysis and argument in that regard.

The right to trial by jury, control orders and European arrest warrants are obviously matters of international importance, while councils abusing anti-terrorist legislation in their petty persecution of wheelie-bin owners might sometimes be considered to be a relatively minor sort of issue, only of enduring interest to die-hard *Daily Mail* readers. But the harm done by the infringement of civil liberties will ultimately always operate on the level



of the individual, and it is with this in mind that Big Brother Watch picks its targets big and small, and it is this pragmatic approach to the debate that makes so many of these essays so readable and so persuasive.

Thus we have Simon Richards, Director of the Freedom Association, arguing the case against European arrest warrants with detailed reference to the appalling treatment of David Birkinshaw and Matthew Neale (the “Derby Two”), while other highlights include Martin Howe QC setting out the benefits of a British Bill of Rights, and Michael Harris’s discussion of the case for Libel Reform. The balance between freedom and security should be settled case-by-case, with careful

consideration of measurable consequences and real-world outcomes rather than by a battle of abstract principles, and these essays thankfully avoid the latter approach.

Internet Privacy — in particular the consequences of the Digital Economy Act 2010 and Google’s controversial Street View data capture (and the Information Commissioner’s limp response to it) — is of increasing concern to us all, and these issues are exceedingly well-explained and well dealt with in these pages.

And while we may have Conservative MPs David Davis and Damian Green excoriating New Labour for their Gollum-esque obsession with shiny new national databases, this is certainly no apologia for the Coalition: they may not be the u-turns recently causing Westminster traffic to grind to a halt on Saturday afternoons, but the government’s reinstatement of the NHS database and their continued plans for the development of the Intercept Modernisation Programme are shocking, and Deane does not pull his punches.

Big Brother Watch has done a great deal for public awareness of privacy issues in the relatively short time since its foundation in 2009 and this timely book — timely if only because the government’s need to save money might just temper its enthusiasm for expensive mechanisms for control — deserves to be widely read.

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Called in 2005, **Alex Deane** is the Director of Big Brother Watch, an organisation that campaigns to protect civil liberties and personal freedoms. A former Chief of Staff to David Cameron, he is a door tenant at Farringdon Chambers. His work at the Bar has included landlord and tenant law, prison law and immigration law. He has appeared a number of times in the High Court on election law cases, and has appeared successfully in the Court of Appeal for appeals against both conviction and sentence.





# The Harold G. Fox Alumni Association

by Gareth Price, Fox Scholar 2009-2010

The Harold G. Fox Scholarship is now a longstanding institution between the Bars of England & Wales and Ontario, Canada. It is a fund set up to foster relations between the two jurisdictions and, each year, a group of young lawyers from the UK and Canada swap places to experience the others' systems of law. While UK Scholars either study at the University of Toronto or work at one of Toronto's law firms, Canadian Scholars spend a period in London undertaking work equating to pupillage. The aim of this article is to encourage those connected with the Scholarship, on both sides of the Atlantic, to support the establishment of an alumni association for the Scholarship.

On 27 January, the Middle Temple held a reception for all those connected to the Scholarship. The event was attended by many of the Trustees of the trust that funds the Scholarship, including, on the UK side, Lord Justice Aikens, Mr Justice Christopher Clarke and Anthony Temple QC. Particular recognition goes to David Fuller and Joseph Markson, Canadian Trustees, who were able to travel from Toronto to enjoy the event and, indeed, without the efforts and generous contributions from

all the Trustees, the Scholarship would not be possible. At this event, Lord Justice Aikens raised the suggestion that an alumni association could do much to further the aims of the trust in fostering relations between the Bars of the two jurisdictions. Taking up that suggestion, this article asks those connected with the Scholarship to become part of the Harold G. Fox Alumni Association.

A quick look at the alumni of this Scholarship shows a wealth of talent and the work places of such members are diverse. On the UK side, past Scholars are now tenants of many prestigious chambers, including 39 Essex Street, Littleton Chambers, Serle Court, and Hardwicke Buildings (to name only a few). Others have gone on to work at the Crown Prosecution Service, international law firms and local government. The Canadian side is no less impressive; past scholars are now associates and partners at some of Bay Street's most prominent firms, as well as positions having been held at the Supreme Court and other public legal offices. These individuals have their past experiences in common with each other and have their own small place in the history of this Scholarship.

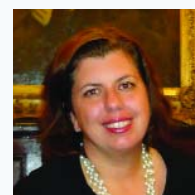
It is a vast resource of contacts that ought to be integrated and utilised. Such a group would be a useful conduit for establishing professional legal relationships, an invaluable resource for future Scholars and, of course, furthers the wishes of the Harold G. Fox Trust.

Those whose details are currently with the Middle Temple will be invited in the near future to join the Alumni Association. Those who wish to join and do not have their details with the Inn should contact Gareth Price at [garethdavidprice@gmail.com](mailto:garethdavidprice@gmail.com).

*Maria Karaiskos  
1999-2000*



*Lisa-Marie Tomas  
2002-2003*



*Rebecca Major  
2004-2005*



*Kerry-Anne Currie  
2007-2008*



*Anna Dowuona-Kludze  
2008-2009*



*Charlene Hawkins  
2008-2009*



*Laura Feldman  
2009-2010*



*Valerie Quintal  
2010-2011*



*Trustees David Fuller, Masters Clarke, Aikens and Temple with Master Treasurer*



# New Advocacy Training Suite

by Master Adrian Whitfield, Director of Middle Temple Advocacy

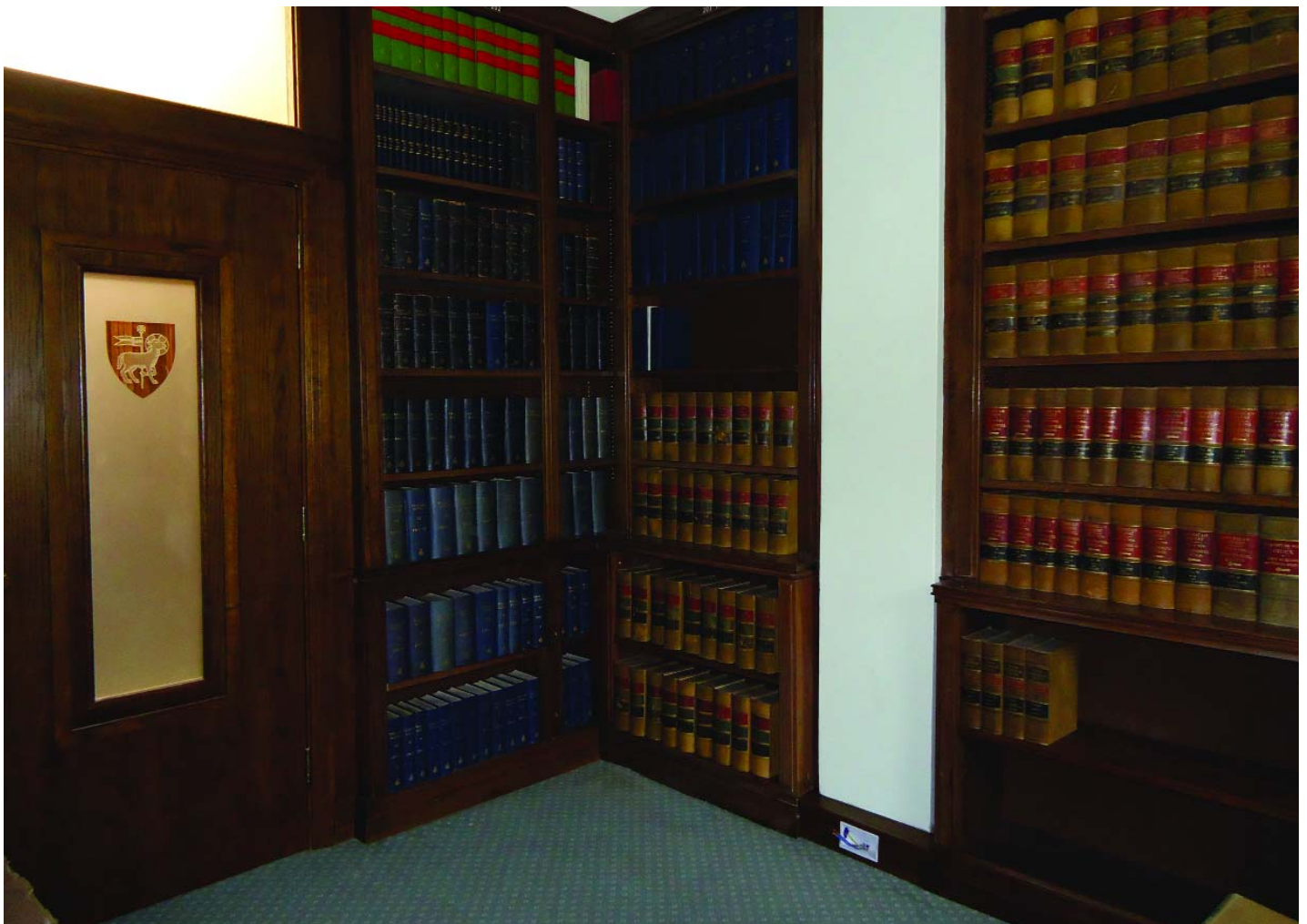
There is, in the Inn, general acceptance that education, and in particular advocacy training, is an increasingly important part of our support for students, pupils and young barristers. Its scope may well have to expand if more senior barristers require training, either because the “new practitioner” training requirement is extended, or because the Quality Assurance Scheme for criminal advocates requires certain practitioners to refresh their skills. All that can be said with confidence is that the Inn's training role will not decrease, is more likely to expand than to remain static, and that our regulator the Bar Standards Board will take an active interest in what we do and how we do it.

To train advocacy one needs sizeable training rooms so that people can move and around and learn to project their voice. A lecture theatre, preferably equipped to display DVDs and Powerpoint, and facilities for video review of workshop performances, are also required. The other three Inns,

realising this but lacking in-house facilities, have concentrated a lot of their training in weekend courses at well-equipped but expensive locations out of London.

Our experience is that an incremental approach to advocacy training is of value, so we provide a number of two-week courses for our pupils, with lectures or court visits in the daytime and advocacy workshops in the weekday evenings. Such is the popularity of our courses that pupils from other Inns not infrequently apply to join them: we accept them if we can. However, until now our training premises have been, in the words of a member of the Advocacy Training Council, “appalling”: small cramped rooms in Plowden Buildings, no facility for DVD and no facility for video training. The constraints, and indeed the strain, on our devoted trainers have been considerable.

Over the last two years some of us, and in particular our Director of Estates, Ian Garwood, have been developing ideas

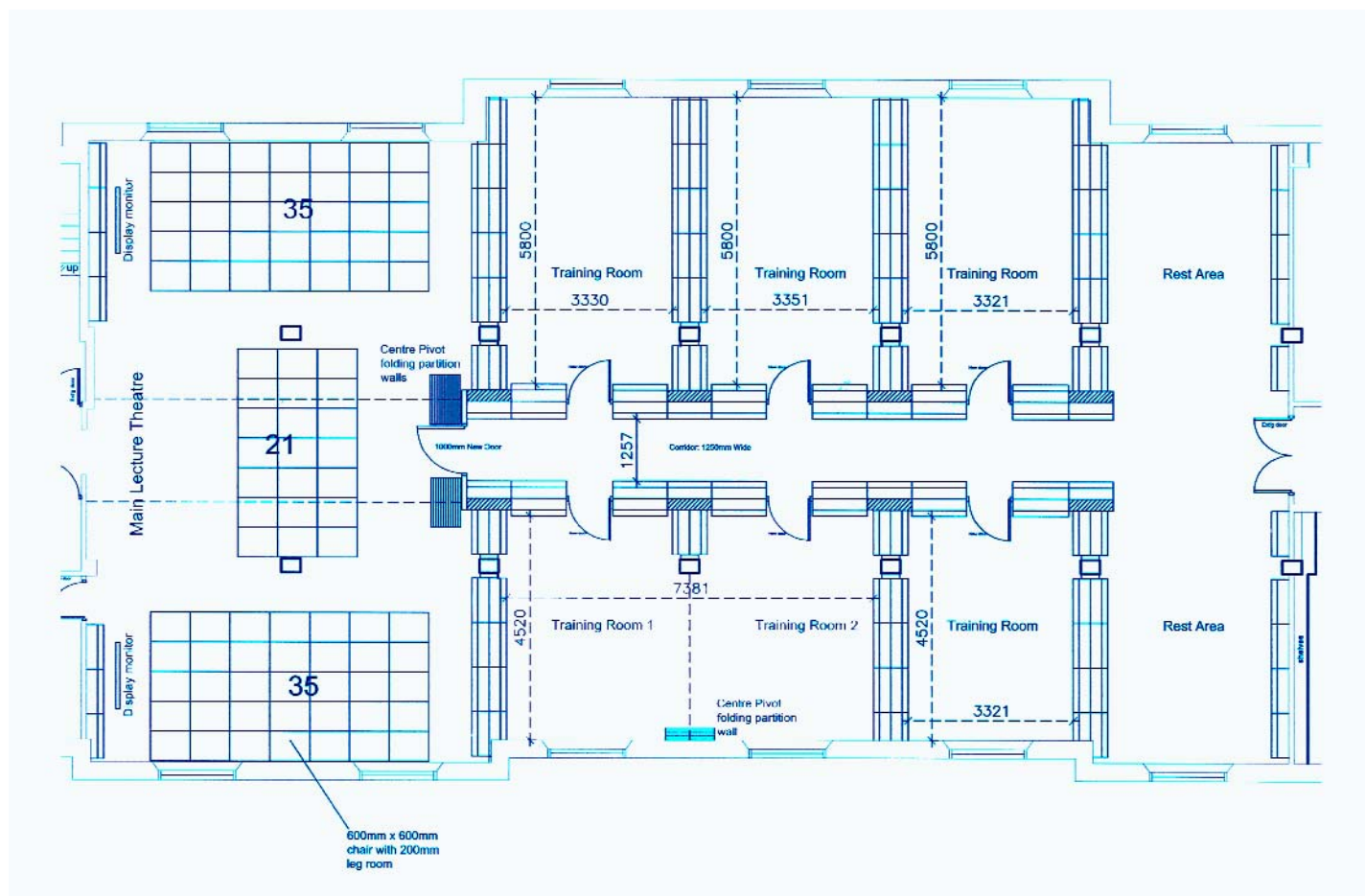


for converting the American floor of our library for use as an advocacy training suite. It was realised that if some of the bays were blocked off with bookshelves to form training rooms, shelf space would not be lost and we could create reasonably-sized training rooms, sufficiently soundproofed and equipped with video training equipment. If four bays were amalgamated, that would create a large 'theatre' and still leave six training rooms and a reception area. The theatre could be sub-divided if necessary by sliding partitions to provide even more training space. Vacating Plowden Buildings and letting the training rooms as chambers would generate income which would cover the conversion cost in a few years and thereafter provide income for the Inn. It is hoped that disruption for users of the American Collection will be minimal.

The work is almost completed, and once it is, we will have a purpose-built advocacy suite with no loss of shelf space, to the long-term financial benefit to the Inn. I encourage you to see it.

I also make a plea. We now have better training premises than any of the other Inns, but we must live up to them. We always, and indeed increasingly, need experienced practitioners to join the ranks of trainers. If you have never trained, and feel that it might be an interesting way of giving something back to the Inn, at a time when the profession is under pressure, why not at least find out what training involves? You might, like us, enjoy it.

To established trainers, I send several messages. We must, of course, continue to maintain and indeed improve our skills. Indeed, a number of trainers have asked why there are no "refresher" courses, and I am putting these in hand. It is to be hoped — I certainly believe — that the new premises will make training less stressful and more enjoyable and stimulating. But my main message is this: you do not seek recognition, and you do not get enough recognition, but without you the existence of the Inn would be very much harder to justify, and the Bar and the public would be the poorer — thank you!



# Results from the MTSA

by Christopher Stringer, President

Last October the MTSA held its first meeting as a newly formed committee. From the outset we were determined not to become a ‘talking shop’ and instead to roll up our sleeves and deliver results for the students of Middle Temple. Now at the half-way mark, there is no doubt that this has indeed been the case. Throughout 2010 and now in 2011 we have carried out a programme of action with the whole team showing dedication and commitment to the student body.

We began with a shake-up of the representation for students studying the BPTC at providers outside of London. We felt with so many students at these law schools it was important for them to have a voice at the table. The MTSA now has a dedicated Out of London Student’s Chair with responsibility for the other Out of London representatives at providers across the country. Our communications have already brought about changes including better access to

the Inn’s activities for those on the course outside of London. We are confident that progress on these issues will continue over the coming months.

*MTSA officers sitting on these committees have played a crucial part in advising, encouraging and challenging issues of importance to students*

By November the committee was busy organising the Winter Wonderland Ball. From the outset the MTSA pulled together and helped to make this such a memorable event. The Ball saw a record turnout, with nearly 400 in attendance. The whole evening was a huge success with positive feedback from both staff and students. With this spring in our step, we have started making plans for the Summer Ball.

We will also continue to be a voice

for students through our representation on the Standing Committees of the Inn. The MTSA officers sitting on these committees have played a crucial part in advising, encouraging and challenging issues of importance to students. Our representation on these committees allows MTSA officers to report back to the MTSA on what was discussed, allowing the team to be kept informed and arrive at an agreement on the best ways to support students on a given issue.

As we look to the coming months the team are already busy planning more events. We had a Pupillage Workshop on 9 March for Middle Temple students to come along and meet barristers, affording them an opportunity to ask questions about applying for pupillage, filling in OLPAS forms and mastering interview techniques. This was a unique opportunity for students to interact with practitioners ahead of the pupillage season.

*Left to right: Jaison Patel, Sophie Wood, Peter Kumar, Joe Edwards, Christopher Stringer, Matthew Allen, Sam Williams, Hannah Lane, Andrew Barnes, Abby Brindley, Sarah Hunwick, Oliver Carson, Charlotte Gage. Photo courtesy of Cosmic Photography.*



Alongside all of this, we have held regular mooting and debating workshops. The expertise and commitment of those running the sessions is reflected in the interest students have shown. Middle Temple now has mooting teams for Willem Vis, Phillip C Jessup and over 90 teams

entered for the Rosamond Smith Moot. Likewise, debating has also been a success with Middle Temple teams entered into an international competition in Botswana as well as teams now being finalised for the Inner Temple IV and the Monroe Cup.

All of the MTSA's achievements so

far and prospects ahead have been, and will only be, possible due to the time and commitment put in from the whole of the MTSA committee as well as members of the Inn's staff. It is a privilege to work alongside a team who are so dedicated to serving Middle Temple and its student constituency.

## Mooting Competition

Last October Middle Temple held interviews to select a team to represent the Inn at the Phillip C Jessup International Mooting Competition. After a long evening of interviews a team was chosen and the first meeting was arranged.

It soon became apparent that the interviews were merely the first hurdle. Our team advisor, Jaison Patel, informed us that a weighty *Compromis* and batch of Basic Materials were heading our way and that we would be required to submit two 15,000 word memorials in three months' time. The grounds we would be researching ranged from targeted killings and the laws of war to the banning of religious headwear and bribery allegations.

During our subsequent weekly meetings, we waded through the *Compromis* whilst consuming a plantation's worth of cups of tea! As one would expect, these meetings were lively and heated as we thrashed out our arguments and legal reasoning.

As we approached December we divided up our work and spent the holidays in and out of libraries and downloading pages of online cases and articles. Emails were sent back and forth followed by hour-long phone calls to clarify arguments and reassure one another.

In January, we finalised drawing up the Grounds for our Memorials. It was by this stage quite normal to not only be using up the Inn's tea reserves, but also to be bringing supper along to the meetings — indeed at one meeting even ordering take-away pizzas. After painstakingly checking and double-checking our footnoting and referencing, we finally submitted our Grounds.

Friday, 18 February arrived and the first round began. We waited anxiously in the International Court of Justice (well, the Gray's Inn mock version) for their Excellencies to arrive. "Please rise"...came the call and the proceedings began. Despite it being an

intense and pressurised atmosphere, we all thoroughly enjoyed making our submissions before the bench and engaging with them after each judicial interventions. Indeed, the whole of the team received very positive feedback and the judges appreciated the level of research and preparation we had undertaken.

The Jessup Moot has been a huge amount of work and long hours, but at the same time has been a huge amount of fun and a unique experience to not only learn whole new areas of law but also to make new friends. I wholeheartedly recommend it — with lots of tea and even some pizzas!

*Freya Danby, Sophie Wood, Christopher Stringer, Sahib Sodhi, Lia Moses*





# Scholarship Fund Appeal

by Master Catherine Newman, Chairman

Scholarship Fund Appeal events are proving a great addition to the Inn's calendar. On 1 November last year we had a sell-out Quiz Night, the brainchild of Master Brendan Finucane, who persuaded an experienced Quiz Master, Kate Leonard (who has a day job at the CPS) to donate her services for free. She and her assistants, Tim and Margaret Griggs, gave us an evening of teasing and sometimes perplexing questions. Unfortunately, my team got the losers' prize but as the Inn had donated rather smart Middle Temple bios as a consolation prize, they went home happy.

The evening raised nearly £30,000 for the Appeal which is a very good result. Some £13,000 of that came from an auction of holidays and items donated by members of the Inn and a number of shops and businesses including Browns of South Molton Street and Nicky Clarke (Master John Cone's wife has been sporting a great new haircut as a result).

Susie Freeman Travel kindly donated a week in a five-star resort in Mauritius and several Benchers and members generously gave a week in a range of beautiful continental villas. A raffle and a ludicrous and noisy party game called Heads and Tails also contributed well to the funds raised. The Catering Department provided a delicious curry to mop up copious quantities of wine and it was an evening of laughter and fun all for a very good cause.

2010 was a very good year for the Scholarship Fund with the Appeal raising well over £100,000 from the fundraising

events, new donations and new named scholarships. Our needs still outstrip our growth and we are very keen to receive any ideas which members may have for raising funds. If you have any ideas to offer, please do not hesitate to get in touch with me at [cnewman@maitlandchambers.com](mailto:cnewman@maitlandchambers.com).

We hope that our million pound donor is out there somewhere, but in the meantime we are discussing the idea of adding a small charge to the bills for commercial events held in the Inn as a contribution to the Fund, and dreaming up a new fun evening for the coming autumn.

The next fundraising event is a Concert and Dinner in Hall on Tuesday, 10 May. The evening is open to everyone: Benchers, judges, barristers, staff, clerks, solicitors, friends and family. There is no limit on the number of guests you can bring or who can buy tickets. So when you receive the flyer, please forward it to all your clients, colleagues and friends who might be interested in coming. It will be a wonderful way to do a bit of business entertaining. This is an extremely unusual feature of this dinner and one which, we hope, will be a great attraction. Anyone who visits our Hall comes away enchanted by its great beauty.

The fundraising concert will be given by cellist Natalie Clein. She is a performer who has won a number of prizes for her playing including the Classical Brit Award for Young British Performer of 2005, the Ingrid zu Solms Cultur Preis at the 2003 Kronberg Academie and in 2008, she was nominated in the Classical Brits' Best Female Artist category.

She first came to the world's attention when, aged 16 she won the BBC's Young Musician of the Year and in the same year (1994) was the first ever British winner of the Eurovision Competition for Young Musicians.

Natalie will play a Bach suite and Kodaly solo op 8.

Tickets cost £60 each with a suggested donation of £90, for a total price of £150 per ticket. To purchase tickets and for further information, contact Maria Aristidou, Alumni Officer, on 020 7427 4816 or email [m.aristidou@middletemple.org.uk](mailto:m.aristidou@middletemple.org.uk).

*Natalie Clein. Photograph courtesy of Sussie Ahlburg.*



# 2010-2011 Scholarship Recipients

## BPTC Scholars

### Queen Mother

Fiona Alexander, Joanne Box, Alice Bricogne, Alexandra Cole, Kieran Coleman, Thomas Doble, Pia Dutton, Kevin Farquharson, James Hamerton-Stove, Shiv Haria-Shah, Dominic Hockley, Anthony Jones, Stephen Kosmin, James Lowe, Ian Marshall, Thomas Owen, Jack Pailing, Jason Robinson, Nathan Scott, Melissa Shipley, Charlotte Thomas, Hannah Tildesley, (James) Calder Walton, Harry Warner, Sophie Weber

### Diplock

Isra Black, Matthew Barnes, Thomas Bradfield, Nicholas Brookes, John Dowlman, Elizabeth Evans, Christopher Monk, Charles Newington-Bridges, Joshua Normanton, Ifeanyi Odogwu, Francesca Perselli, Genevieve Reed, Rachael Robinson, Peter Ryman, David Sanderson, Thomas Steward, Sam Thomas, Grace Tolley, Cecily White

### Harmsworth

Benjamin Bundock, Chloe Campbell, Natalie Carless, Matthew Champ, Katherine Clarkson, Stuart Dingle, Hannah Fulcher, Charlotte Gessey, Rebecca Gore, David Guillou, Alexander Hood, Abu Islam, Stephen Knight, Iryna Lysenko, Tasmin Malcolm, Marie-Claire O'Kane, Lloyd Owen, Merry Neal, Michael Polak, Gemma Read, Amy Rollings, Simon Rowbotham, Lauren Seager, Matthew Shaw, Chloe Themistocleous, Emma Waldron, Ruihua Wang, Robert Weatherley, Charlotte Webster, Robert York

### Astbury

Modupe Alatise, Zahra Al-Rikabi, Tom Bird, Matthew Brown, Thomas Corby, Jonathan Darby, Joseph Edwards, Lisa Feng, Emma Fitzsimons, Jasmine Fisher, Samantha Haines-Nutt, Christopher Langley, Natalie McNamee, George Matthews, Daisy Monahan, Dominic Palma, Antony Whittaker

## Jules Thorn

Suhail Ahmed, Navin Bheeroo, Irvine Chiwara, Charlotte Dowson, Tommy Dutton, Amy Fisher, Charlotte Gage, Alexis Glazer, George Harley, Matthew Jope, Emily Johnson, Miranda Mourby, Benjamin Plant, Eleanor Purkis, Kirsty Schneeberger, Thomas Seamer, Sarah Shaw, Emily Stanley, Kelly Wilson, Sophie Wood, Eliana Zur-Szpiro

## Benefactors

Ariagni Adam, Eva-Marie Anderson, Sian Bannister, Jessica Bernstein, Daniel Berger, Stuart Brady, Ralph Cairns, Naomi Callender, Francesca Davies, Marie De Redman, Joy Douglas, Christopher Evans, Emma-Jayne Fryatt, Emma Harris, Lorraine Harris, Ruth Jones, Stella Joseph, Daniel Layne, Bernard Lazar, Ellen Lim, Michael Masson, Lia Moses, Chloe Murray, Victoria Norman, Henry Oliver, Jonathen Rose, Barry Solaiman, Emerald Southern-Darbar, David Weeks, Alexander West, Angela Willis, Miriam Yafai, Jane Zacharzewski

## Individual Awards

**Princess Diana**, Miriam Yafai; **Sir Robert Micklethwaite Memorial Award**, Rachael Agnew; **Connor Scholarship**, Paul Allam; **Winston Churchill Prize**, Emily Bates; **Pump Court Tax Chambers**, Barbara Belgrano-Operto; **R.E. & Florence Cooper Award**, Leah Brown; **Sir Joseph Cantley Prize**, Fay Collinson; **HR Light Award**, Sharlene Croucher; **Quatercentenary Scholarship**, Chenara Edgill-Peart; **B Montagu Award**, Sarah Griffin; **State School Award**, Melanie Harris-Clarke; **Brick Court Chambers Scholarship**, William Jennings; **Gardiner Scholarship**, Andrew Johnson; **Jamieson Award**, Alisa Logvinenko; **Luboshez Award**, Nazia Malik; **Safford Award**, Gemma McGungle; **The Lord Lowry Scholarship**, Caoimhe McKearney; **Stanley Levy Memorial Award**, Henry Mostyn; **Joseph**

**Jackson Award**, Iyuwa Ogbeide; **Cunningham Award**, Lauren Prentice; **Terence Fitzgerald Award**, Matthew Roper; **3-4 South Square Chambers Award**, Michael Ryan; **Robert Garraway Rice Award**, Sahib Sodhi; **Nicholas Pumfrey Memorial Award**, Diego Teixeira; **Mona de Piro Prize**, Alessia Thomas; **Geoffrey Heilpern Award**, Emily Ward; **Rose Scholarship**, Adam Willoughby; **De Lancey Entrance Exhibition**, Allana Binnie, David Guillou

## GDL Scholars

### Queen Mother

Frances Aldson, Ayesha Christie, Rosalind Earis, Daniel Isenberg, Edward Jones, Eirwen-Jane Pierrot, Katarina Sydow

### Diplock

Tamar Burton, Nargees Choudhury, Sophie Conway, Martha Gray, John Greany

### Astbury

Nicola Atkins, Rory Clarke, Benedict Elliott, Natasha Partos, Anthony Wilks

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# MT Access to the Bar Awards

by Masters David Bean and Andrew Hochhauser

Consider two hypothetical candidates for pupillage, both women (so that we don't have to keep writing "he or she") and with the same class of degree. A has spent her university vacations doing mini-pupillage, placements in solicitors' firms or voluntary organisations with a legal connection, or marshalling for High Court judges. B, meanwhile, was working in a shop or behind a bar.

*The awards will consist of one week's mini-pupillage in a set of chambers and one week sitting in court with a judge, each paid £250*

Anyone involved with the selection of pupils will have come across these two types of candidate. It is tempting to prefer A on the grounds that she has "shown an interest in the law" or "acquired relevant experience". But it is potentially unfair. A may have prosperous parents who live in Central London and subsidise their daughter's vacations. Perhaps one of them is a successful member of the legal profession who can arrange marshalling or mini-pupillages by picking up the phone.

B, on the other hand, has no such subsidy or networks. She needs to earn whatever she can in vacation to make ends meet. She may, for all you know, have greater potential than A. She is disadvantaged particularly by not having done mini-pupillages since they operate both to tell chambers about the mini-pupil and the other way round. Her choice of chambers to which to apply is likely to be less informed than A's.

The Bar has taken great strides in improving diversity in recent years, yet this is still a worrying gap, hence the new Middle Temple Access to the Bar awards. With the help of our Fellows and other academic members of the Inn at nine different universities or colleges of the University of London, the Inn has invited applications for awards from students who satisfy each of the following criteria: having achieved or being likely to achieve a first or good 2:1 degree; success in mooted or debating; references evidencing intellectual ability, strong communication skills and the motivation and determination to succeed at the Bar; secondary education in a state school; neither parent with professional qualifications; and little or no family history of higher education.

The awards will consist of one week's mini-pupillage in a set of chambers and one week sitting in court with a judge, each paid £250. To get the scheme started the two of us have provided sufficient funds for eight awards per year for five years. We hope that other Benchers and members of Hall will contribute, either in cash or by offering sponsored placements, to enable the Inn to expand the project in future years.

At a time of increasing financial hardship for many students we are keen not to lose sight of the great importance of diversity to the future health and strength of the profession. The sums involved are not enormous. We are confident that it will be money very well spent.

If you would like to know more about the Middle Temple Access to the Bar Awards, please contact Christa Richmond, Deputy Under Treasurer (Education), on 0207 427 4800 or [c.richmond@middletemple.org.uk](mailto:c.richmond@middletemple.org.uk).



**Mr Justice David Bean** was Called to the Bar and awarded an Astbury Scholarship in 1976. He was elected a Bencher in 2001 and the following year was Chairman of the Bar, before becoming a High Court judge (Queen's Bench Division) in 2004 and a Judicial Appointments Commissioner in 2010. He has been Chairman of the Inn's Education Committee since 2008.



A member of Essex Court Chambers, **Andrew Hochhauser QC** was Called to the Bar and awarded a Harmsworth Scholarship in 1977. He has been the Chairman of the Inn's Scholarships & Prizes Committee since 2008 and runs the Middle Temple Civil New Practitioners' Programme together with Master Colin Edelman.



# Rumpole for Kalisher

by HHJ Stephen Kramer QC

**M**any of you will know of the Kalisher Trust and the work we have done and continue to do in helping talented and aspiring members of the Criminal Bar who, without the benefit of our awards, would fall by the wayside.

The Trust was founded in memory of Michael Kalisher QC who died of cancer in 1996 aged 55. He was at the top of the Premier Division and had been Chairman of the Criminal Bar. His intellect was complemented by an ever-present sense of humour and of the true imperatives of life.

Some weeks before he died, he was told about the idea of a scholarship to be set up in his name. He warmed to the idea and approved of the fact that, as the awards were to be given in his memory, winners would have to possess not only cerebral ability but also have something about them of the irreverent.

We have been making awards for some 14 years. Our role is even more important now, at a time when the future of the Criminal Bar is uncertain. We want to ensure, so far as it is in our power to do so, that quality new entrants to the Criminal Bar are able to fulfil their dreams.

For some years, we have held a fundraising event in the late spring. Those fortunate enough to have obtained tickets and to have come to events we have staged will know that our shows are of a stellar quality. This year will, we hope, be no exception.

We have been lucky enough to have been given permission to put on two episodes of *Rumpole of the Bailey*. Although we can't confirm who the cast members will be this year, we hope to have the services of our Trustee, Martin Shaw, and a galaxy of well-known names to perform for us.



*Martin Shaw in "Bardell vs Pickwick"  
Middle Temple Hall, 2008*

*Rumpole of the Bailey* will take place on Sunday, 15 May 2011 at 6.30 pm in Middle Temple Hall. Tickets cost £50 each and are available now from the Treasury Office on 0207 427 4800 or [members@middletemple.org.uk](mailto:members@middletemple.org.uk).

*Master Anthony Arlidge, Christopher James, Martin Shaw, Maxine Peake, Matthew Macfadyen, Kevin McKidd in "The Dunsinane Two: The Trial of Lord and Lady Macbeth". The Great Hall, The Royal Courts of Justice, 2010*



# Hidden Changes

by Kate Jenrick, Head Gardener

As Head Gardener I have responsibility for horticultural practices and techniques and sourcing plants; how I approach these matters can make an impact. My philosophy is to approach my work with sensitivity to the area and in as sustainable manner as possible. As you read this, the spring bulbs may be showing off, and other areas revealing promising signs of life, but not all of the changes that we have made in the garden are immediately noticeable.

One of the first changes I made when I took on the position a little over two years ago was to reduce the use of pesticide around the garden. Pesticide use is now completely eliminated from all of the flower beds. I have found that the common problem of black spot on roses seems to be little improved by spraying. Removing affected leaves is time consuming, but is effective and, like many tasks in the garden, justifies the time spent. Fortunately, we have a minimal problem with slugs and snails, perhaps due to a very healthy bird population. Last year I also tried sprinkling leftover coffee granules around the hostas and it seemed to work!

There is one exception to the no-spraying policy — and that is the lawn.

The Assistant Gardener, Geoff, will keep on top of weeding by hand, treating the moss by scarifying, aerating and applying lawn sand, but fungal problems, which can break out suddenly and with devastating effect, and creeping buttercup are problems that can be treated effectively and efficiently by spraying.

Our latest recycling initiative is almost entirely hidden from view. Under the main lawn at the far eastern end, is buried a 20,000 litre tank into which rainwater from the roof of the Queen Elizabeth Building is fed and stored. This water is then used in an automatic watering system in the lawns and terrace beds. The automatic system is in itself a major contributor to saving water as it operates at night and so ensures that water gets to the roots of plants rather than being lost through evaporation, as would be the case on a hot summer's day.

Choosing what to plant is not just a question of colour or what looks good now. The main terrace has changing planting schemes to provide year-round colour. A traditional bedding scheme relies on annuals, or plants which are treated as annuals, such as the winter polyanthas and primroses. Annuals are raised under glass then put in the

ground to do their bit before being disposed of after one season. The plants barely grow in their short life span! It is very wasteful. So I choose perennials, which can be re-planted elsewhere after their first season. For my first summer I planted Eucalyptus — they are still being used around the garden — about to enter their third season. Helychrysum plants are into their second season, and so on. Some perennials, such as last year's Salvia, are not hardy, but they went onto our own compost heap at the end of the garden and will be returned to the garden as a valuable mulch and soil improver. This summer I've chosen Gaura as the mainstay for the summer display. Gaura is a hardy perennial. When I take them out to make way for the winter bedding, they will be potted up and available for planting elsewhere.

I have had two big bulb-planting sessions to significantly improve spring colour. Last November a small party came in on a Sunday morning to plant bulbs; they managed 2000, which left only 7000 for Geoff and I to plant. Many of the bulbs, particularly the Narcissus, snowdrops and Muscari, will naturalise, returning year after year, hopefully in ever-increasing numbers — a long term investment.

As with many new initiatives to improve sustainability and reduce waste, collaboration with other organisations can help. The City of London is one of the few local authorities still growing its own plants for its parks and open spaces. Middle Temple is the City's first outside customer. The horticultural team based at West Ham Park raise all the plants in peat-free compost, pesticide free and in recyclable plastic pots and trays. They even offer the assistance of their apprentice to help plant up. It's good to be able to source our plants so locally.

*Christa Richmond, Kate Jenrick, Masters Stephen Lloyd, Judith Parker, Carol Harlow*



Another driver behind the way that we manage the garden is to encourage wildlife. Bird numbers and diversity are being monitored and on 28 January we had eight volunteers count birds as part of a nationwide RSPB survey. Pruning tasks are timed with a careful watch on nesting activities. Last summer a wren made her nest in the *Echium pinneana* — this very tall flower spike does not need cutting in the summer, so provides a very safe place for a nest. I wish I had seen the young birds fledge—they had a three-metre sheer drop from nest to ground!

Already mentioned in the last issue of the magazine is the colony of honey bees now residing in the Temple. Bees will fly up to three miles for pollen and nectar, but our bees do not have to travel very far at all. To see the lavender walkway above the terrace covered with bees in the summer months is quite a sight.

Sadly, a large plane tree in the northwest corner of Fountain Court has reached the end of its life. There were some signs above ground that the tree was in difficulty (fungal bracts and reduced leaf coverage), however, a testing of the roots by collecting resistance readings indicated that the problems were underground in decayed roots. A new tree will be re-planted.

Over the coming years as I continue to improve the planting and enhance the visual appeal of the gardens for everyone's immediate enjoyment, I will be striving to create a garden which is friendly to our wildlife and of long term benefit to our environment.



# Library News

by Vanessa Hayward, Keeper of the Library

Following the recent library review, the library service will hopefully now enjoy a period of stability in both the services offered and its budget. This has enabled us to negotiate some longer term arrangements with publishers which in turn have allowed the reinstatement of some of the titles that were cancelled in 2009-2010 including *The Digest*, *Halsbury's Statutes* and the following looseleaf services: *Arbitration Law*, *The Law of Education*, *Product Liability and Safety*, *Oil and Gas Law*, *Water and Drainage*, *Employment Law*, *Information Technology*.

On behalf of the department I would like to welcome Master Colin Edelman as the new Chairman of the Library and Archive Committee and thank Master

Ashe for his four years of hard work, help and advice, and for seeing us safely through some very difficult times. It is also Middle Temple's turn to host and chair the Inter-Inn Libraries Liaison Committee this year; the Committee helps to achieve greater co-operation between the four Inn libraries.

It is hoped that some more improvements to the IT network will shortly be carried out including a stronger and more reliable wifi link. Other improvements include the installation of a small relaxation area on the gallery floor and also a new scanner which has revolutionised our document delivery service. It is now much simpler to request material: email [documentdelivery@middletemple.org.uk](mailto:documentdelivery@middletemple.org.uk) with your request which comes with a

pdf form that can be completed and returned to us. Although we cannot guarantee it, we hope to achieve a two-hour turn around for material. This is much faster and will be more reliable than waiting for the fax machine to grind into life.

The Rare Books Sponsorship Project achieved a further £6,000 in 2010 for a total of over £17,000 since it began in 2007. I would like to thank all donors who have given our wonderful collection such a boost.

Finally, we said farewell to Angela Knox, Deputy Keeper of the Library, who retired after more than 28 years of service. We wish her well in her retirement. Her expertise with the American Collection will be sorely missed.

## Alchemy and Chemistry Books Display



The International Year of Chemistry was officially launched in the UK on 24 January. UNESCO has dedicated 2011 as a year of global celebration of the value and achievements of chemistry; it also marks the centenary anniversary of Marie Curie being awarded the Nobel Prize for Chemistry. To mark the occasion, Middle Temple Library will have on display some of the books on alchemy and chemistry in the Inn's collection.

The symbolic engraving (left), from Michael Maier's *Symbola Aureae Mensae* published in 1617, depicts Maria la Profetisa, a female alchemist. The emblem shows encircling smoke creating white grass to rise on the mountain top. Her name inspired the cooking instrument known as a bain-marie.

# A Rare Viewing

with Renae Satterley, Senior Librarian

On the 23rd of February, Renae Satterley, Senior Librarian, invited staff members to a viewing session of some of the treasures of the Rare Books collection. This was offered in order to allow staff members to have a closer look at some of the books so that they might learn more about the collection. She also gave a short talk about the collection, and allowed staff to handle and photograph the books.

Books were chosen that she felt would be of interest to staff members. For example, for Camino Eguren, the Inn's Management Accountant who is Spanish, she chose Bernardo José Aldrete's *Varias antiguedades de España Africa y otras provincias*, printed in Antwerp in 1614. This is an early work about Spanish history and the antiquities of Northern Africa. For Chris Suckling, Deputy Under Treasurer, she chose Jacques Besson's *Theatre des instrumens mathematiques et mechaniques*, printed in Lyon in 1596. This is an early work about mechanical engineering and inventions.

One of the most popular books on display was Pietro Andrea Mattioli's *Commentarii secundo aucti, in libros sex Pedacii Dioscoridis, Anazarbei de medica*, printed in Venice in 1560. This medical botany book was chosen for



*In the foreground Gardener Kate Jenrick examines a book on medical botany*

Head Gardener, Kate Jenrick. This fascinating book is desperately in need of sponsorship, at a cost of approximately £1200.

If you would be interested in helping

to preserve this book for future generations, or for more information on the Inn's Rare Books Collection, contact Renae on 020 7427 4830 or [r.satterley@middletemple.org.uk](mailto:r.satterley@middletemple.org.uk).

## Donations to the Library

Our thanks go to the following Members who have donated new books to the library: Raffia Arshad for *Islamic Family Law*; Master Robin Griffith-Jones for *The Temple Church in London: History, Architecture, Art*; Sir Ivan Lawrence QC for *My Life of Crime: Cases and Causes*; Master David Bean for *Seth Stern, Justice Brennan: Liberal Champion*; Master Andrew Burrows for *The Law of Restitution*; Alex Deane for *Big Brother Watch: The State of Civil Liberties in Modern Britain*; Master Ian Macdonald for *Macdonald's Immigration Law and Practice*; Lynne McCafferty, James Leadbeater, Sean O'Sullivan and James Purchas for *Civil Appeals: Principle and Procedure*; Keith Azopardi for *Sovereignty and the Stateless Nation: Gibraltar in the Modern Legal Context* by Keith Azopardi; Master Dawn Oliver for *The Regulatory State: Constitutional Implications* edited by Dawn Oliver, Tony Prossert, & Richard Rawlings; Lady Justice Heather Hallett DBE for *Dr Johnson and the Law and Other Essays on Johnson* by Tom Bingham; Paul Ozin for *PACE: A Practical Guide to the Police and Criminal Evidence Act 1984, 2nd Edition* by Paul Ozin, Heather Norton and Perry Spivey.

# Corpses, County Courts and the Cab-rank Principle

by HHJ John Mitchell

What links a small piece of human tissue found in a cellar in 1909, two restaurants, one in East London and another in St Martin's Lane, the cab-rank principle, and Bedlam? The answer is four entertaining talks, which were given in 2010 to the members of the Middle Temple Historical Society.

At the first meeting, Andrew Rose, author of a recent biography of Sir Bernard Spilsbury, gave an illustrated talk which examined the life of the pathologist whose forensic career began in 1909 with the trial of a hairdresser charged with the manslaughter of a client who died when her hair was washed with a highly toxic shampoo and ended in 1947 when he gave evidence against three young men who shot dead a jeweller during a robbery.

Rose demonstrated that Spilsbury's high reputation during most of his career was in part owed to his competency as a witness and the failure of advocates to challenge his absolute confidence

that he had the right answer in every case. Among the many famous trials in which he gave evidence (mainly for the Crown) was that of Dr Crippen in 1909. It was Spilsbury's evidence that skin found in the cellar of Crippen's house showed scar tissue, thereby linking the skin to Crippen's missing wife, which secured Crippen's conviction and execution. It has recently been argued that mitochondrial DNA proves that the tissue could not have been that of Cora Crippen. Others are not so sure. Later in the year, His Honour Anthony Bradbury spoke about his researches into the history of the early London County Courts. Bow was the first, on 15 March 1847, to open its doors, followed by the Bloomsbury County Court the following day. The first complaint was issued by a tradesman acting in person for 'goods sold and delivered'. Judgment was obtained in default. Other early judgments included charges for the livery of

ponies and 'the value of pigs, geese and ducks sold to the defendant'. Judge Bradbury also discussed the eccentricities of the early judges one of whom would wear his hat and great coat in court. In the beginning a few judges paid scant respect to rules of procedure, one judge notoriously telling counsel who were attempting to cross-examine to 'hold their tongues'. None of the original buildings are still used as courts, but Whitechapel and Westminster are now restaurants, Café Spice Namaste and Brown's respectively. In contrast, the first sittings of Wandsworth County Court were held on the upper floor of the Ram Inn (now The Brewery Tap in Wandsworth High Street).

In October Master Eric Stockdale gave a talk on the life and career of Thomas Erskine. Having served in the Navy for some years as a midshipman followed by a commission in the Army, Erskine became a student in Lincoln's Inn and was Called to the Bar in 1778. His naval connections may have brought him his first brief when, as the junior of four counsel, he brilliantly and successfully defended the Lieutenant Governor of Greenwich Hospital against charges of libel. Success at the Bar was assured. In 1792 Erskine accepted a brief to defend Thomas Paine, the author of *The Rights of Man*. The Prince of Wales told him that if he did so, he would lose his post as his Attorney General, a threat that was later carried out. It was Erskine's response, "From the moment that any Advocate can be permitted to say that he will or he will not stand between the crown and the subject arraigned in the Court where he daily sits to practice, from that moment the liberties of England are at an end", which established the cab-rank principle.

The speaker at the last meeting was

*Lady Nursaw, Master Michael Rich, Paola Kovacz (MTHS Treasurer)*



## 2011 MTHS Supper Talks



Master James Nursaw, MTHS President

Sir Robert Crawford CBE, a military historian and the former Director General of the Imperial War Museum, whose London site was formerly the Bethlehem Royal Hospital, otherwise known as Bedlam. He discussed the changing role of museums whilst emphasising their continuing educational functions. Regimental museums are independent of the IWM and are important both in their traditional recruiting areas and nationally. As regiments are merged, their museums are amalgamated but hopefully will continue to be able to draw on their volunteer workers.

The Middle Temple Historical Society meets four times a year at the Inn. The talks are preceded by drinks and an excellent buffet supper. Members of the Inn and their friends are warmly welcome and are invited to join the Society for a £5 annual subscription. There is a charge of £25 (students, £15) for each meeting, which includes drinks and supper. Cheques should be sent to Paola Kovacz c/o the Treasury Office at least seven days before the meeting.

For enquiries about membership contact Paola Kovacz at [paolakovacz@uk2.net](mailto:paolakovacz@uk2.net).

### Wednesday, 2 March

Michael Ashe QC, Master of the Archive, gave an informative and entertaining talk entitled, **The Decadent 1890s in Fountain Court**, about famous writers who resided in the Inn at the end of the 19th century.



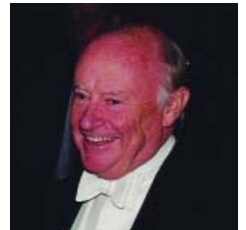
### Wednesday, 4 May

HH Richard Havery QC, Editor of *A History of the Middle Temple*, will talk about the **Publication of the Comprehensive History of the Inn**.



### Thursday, 6 October

Brigadier Charles Wright will speak on **Courage and the Inn's VCs**. Our much-admired former Under Treasurer (1994-2004) will tell us about the members of the Inn whose names are proudly recorded on the wall opposite the doors into Middle Temple Hall.



### Monday, 7 November

HH Judge Patrick Clyne will give a perspective on legal life in Ireland in his talk entitled, **A View from an Irish Courthouse**.



### Book Launch of *A History of The Middle Temple*

Wednesday, 15 June 2011

6.30 - 8.00 pm

The book launch will be held at a Drinks Reception in the Middle Temple Library. Members and guests are welcome to attend. Tickets cost £10 each and can be purchased from the Treasury Office on 020 7427 4800 or [members@middletemple.org.uk](mailto:members@middletemple.org.uk).

The book will be available from Hart Publishing for £30.



# Middle Temple and Chuo University

by Masters Claire Miskin and Adrian Whitfield

There is, in our library, a portrait of a man of gentle and scholarly appearance.



Beneath it appears the following inscription:

*Rokuichiro Masujima  
1857 – 1948*

*Called to the Bar by the Honourable  
Society of Middle Temple 1883.  
Honoured at the American Bar.  
Founder of the Common Law Library  
of Sei-Kiu-Do and benefactor  
of this Library.*

This portrait is the key to understanding the long-standing connection between Middle Temple and Chuo University in Japan, a thriving institution with 30,000 students, a campus in Tokyo and one outside the city at Tama.

The story starts in 1867-8, when the long years of the Shogunate came to an end, to be replaced by imperial rule as a result of the Meiji restoration. Japan looked west, to see if western practices could enhance its traditional values. Young lawyers visited Europe, and the youthful Masujima, with three of his companions, was Called to the Bar at Middle Temple. He fell in love with the common law. On his return to Tokyo, with his fellow Middle Templars and others, he founded the English Law College in 1885. He was its first president, and it is this institution which has blossomed into Chuo University.







Masujima's love for the Inn remained undimmed by World War II. Following the destruction by bombing of the Sei-Kiu-Do Library which he had founded, while "old and in ill-health, unfitted to cope with life in a country being destroyed by a war in which he had no belief" (in the words of a distinguished American friend), he sold up the shattered remnants. Shortly before his death, in an act of graceful generosity, he gave all the proceeds, the sum of \$65, to the Inn to buy more books.

2010 was the 125th anniversary of the foundation of the University, and fittingly a cause for celebration. As representatives of Middle Temple we were invited to Japan to participate.

*Claire Miskin writes:*

The weekend before the main celebrations of which Adrian writes below, Chuo University held a symposium also to mark the occasion, to which Middle Temple was invited to send a representative, so I was duly sent. Apart from saying a few words about Masujima and his connection to the Middle Temple, it was hoped that I could make some contribution to the burning issue of the day for Chuo, which is the structure of their legal training for lawyers.

I arrived on Thursday evening. The seminar was due to take place over the following Saturday and Sunday, so I had Friday to make my brief acquaintance with Tokyo. I had the impression of a very modern city, of immaculate cleanliness, in which the interior of every building was enhanced by the most spectacular flower arrangements. It will come as no surprise that flower arranging is one of the most popular professions. It did come as a surprise, however, to discover a life-size model of a giraffe

standing on one of the main streets.

On Friday evening as the saki circulated at the end of a welcome dinner, the question of Japanese legal education was discussed with some intensity. The system is that the Bar students first do an undergraduate degree, which if they pass, entitles them to proceed in the same university to do their Bar exams. Unlike common law-based jurisdictions, the mere obtaining of a law degree does not equip the holder to leave university and use it as he wishes. Once the law degree has been obtained, the graduates are in practical terms tied in to proceeding to their Bar exams. These consist of a further group of academic exams, and if the graduates pass, they can start work in a law office the next day.

Unsurprisingly, many such law offices then complain that the young lawyers are at that point of no use to them, having received no vocational training.

Whether the would-be lawyers pass this second group of exams is entirely dependent on the quota of lawyers the government has said it requires for the following year. If it requires a thousand, then if you are number 1001 in the exam results you will fail. Added to this the Japanese government is now substantially reducing funding for the law courses. Very few students obtain the title of "Bengoshi" (lawyer). Whether as a result of these policies or not, it is difficult to say. Japan must be one of the very few countries in the world which is concerned about the paucity of lawyers! During the session when the system was discussed, I suggested that the Bar exams should included a substantial element of vocational training rather than being purely academic. It was difficult to know what the Japanese professors thought of this. They would, I think, have been too polite to disagree.



*Master Claire Miskin and others*

There was a particularly intriguing talk on Sunday morning entitled, “Chinese Spirits and Human Rights Culture”. This was given by Professor Qi, Dean of the Law School at Shandong University. The burden of his song was that the western view of human rights was self-centred and not conducive to a harmonious society. In China by contrast because of the traditions of Confucianism and the principles established by the ancestors, human rights were seen in the context of the avoidance of conflict and the establishment of harmony. I avoided the temptation to ask about the persecution of the peace-loving Falun Gong! After the seminar I spoke to a number of Japanese professors about the Chinese view of human rights. I did not get the impression they were in sympathy with it either!

I came away from Chuo struck by the great kindness, generosity and exquisite manners of the Japanese people in general and our hosts in particular. They greatly value their ties with Middle Temple, and I hope our visits did something to help strengthen them.

*Adrian Whitfield writes:*

My role was more social than intellectually demanding. Principally, it was to speak at the anniversary celebrations about our connection with

the University. At its expense the Under Treasurer Peter Hilling, his wife Anne, and I flew to Japan where we were entertained in considerable style. The celebration took place at Tama campus. Peter and I were each provided with delightful student guides with excellent English who took us round. We were introduced to the highly formal tea ceremony, taken round the library, and lunched with the British Ambassador and a former Japanese Ambassador to the UK.

The ceremony itself took place in an auditorium which easily accommodated the 1,500 or so distinguished guests and alumni. Performances of Elgar and William Walton by the university choir and orchestra were followed by speeches. What became increasingly clear was the value attached by Chuo University to the Middle Temple connection, and in my own address I attempted to express our appreciation of our long-standing bond.

Then came what was for us a high point, a re-enactment of the history of the University from its foundation. To

begin with, against the background of a virtual reality film of Middle Temple, professional actors re-enacted Rokuichiro Masujima’s Call to the Bar and the Inn, and continued from there up to date. Later in the day, we were spirited away to a hotel in the hills, where the festivities continued.

We were both aware that Chuo University wishes to maintain and foster a relationship with the Inn. How this will develop, we do not know. Discussion with staff members at the university indicated possible interest in, for example, our developing a programme of ethical training for employed lawyers, but as yet we do not know what the future holds.

We had two overriding impressions of Japan. First, our visit brought home to us the significance which is attached to the Inns of Court overseas. Second, in Japan we found immense courtesy, not just formal social niceties, but generous, sensitive and successful efforts, both in Chuo University and indeed wherever we went, to make our visit enjoyable and rewarding.



*Front row: Kazuyuki Nagai, Chancellor and President, Chuo University; David Warren, British Ambassador to Japan; Shuji Hisano, Chair, Board of Directors, Chuo University; Back row: Masaki Orita, former Japanese Ambassador to the UK, Professor, Chuo University; Master Adrian Whitfield; Peter Hilling; Nobuyuki Okubo, Chairman, Executive Committee for 125th Anniversary Ceremony and Events, Executive Director, Chuo University*

# Edmund Plowden and the Rule of Law

Reading by Master Andrew Longmore, Autumn Reader 2010

We all know Edmund Plowden built Middle Temple Hall in the reign of Queen Elizabeth I but not all of us know much more than that. I think it might be instructive to find out a bit more about him and see whether we can learn anything about the emergence of the rule of law from his career.

He was born in 1518 into a family in the county of Shropshire which must have seemed even further from London that it does now. About the age of 20 he decided to become a lawyer and so had to enrol in one of the many Inns of Court that instructed students to become barristers. In those days the rule was that a junior Bencher would, at the beginning of dinner, state a case which was to be argued by the four students of a Mess throughout the meal. The students were not allowed to leave until the point had been thoroughly debated and if anyone was caught slinking out they were fined 12 pence. The students were not allowed to wear any light colour except scarlet or crimson, nor could they wear velvet caps or scarlet shoes or double cuffs on their shirts. Anyone caught disobeying the dress rule was fined 3/4d for a first offence. But since, if they could not wear velvet caps or scarlet shoes, they could presumably wear velvet shoes and scarlet caps, dinner must have been much more colourful than it is now. Perhaps the rules should change.

For reasons that are a little obscure the great series of medieval law reports known as the Year Books which started in the reign of Edward I were coming to an end just as Plowden was starting his career. Might that, perhaps have had something to do with the fact that King Henry VIII's tyranny was at its height and that that autocratic King did not want any record made of the way he dominated the judges and the law

courts? Nobody knows. But the King died in 1547 and the boy King Edward VI came to the throne. Plowden began to make reports of cases in the new reign for his own instruction but they became known and other barristers would borrow them and they began to be cited in court and unauthorised copies circulated round the profession. This was so unsatisfactory that the judges got together and begged Plowden to publish his reports. Needless to say the judges did not offer to pay for them and Plowden had to publish them at his own expense. But they were reprinted five times between 1579 and 1599 and have set the pattern for modern law reporting. He was the first person to give a full heading to each report which included the names of the parties and thus provided the method which common lawyers have used to identify cases ever since. Not for nothing has he been called the Father of Law Reporting.

But all that was in the future. In 1557 Plowden was elected Autumn Reader at Middle Temple and 453 years later I am privileged to be Autumn Reader in his very distant footsteps. He was making good progress in his career and in October 1558 he received the welcome news that Queen Mary, who had succeeded her brother on the throne, intended to advance him to the degree of Serjeant-at-law at Easter of the following year. This was the equivalent of what is today Queen's Counsel and then as now marked a very significant moment in the career of any barrister. However, since there was a separate Inn of court for Serjeants, Plowden would have had to leave Middle Temple and go to Serjeants' Inn. But on 17 November of that year the Catholic Queen Mary died and was succeeded by her sister Elizabeth, a staunch Protestant. She did not regard

herself as bound by any list of Serjeants who had been chosen by her sister and although, when she issued her list, most of the names were the same, Edmund Plowden's name was not on it. As a Roman Catholic, he had become the victim of religious discrimination. He was not the only one; the Chief Justices of the Court of Queen's Bench and the Court of Common Pleas found themselves demoted to the position of ordinary judges in their own courts, while one of their brother judges was promoted to the top job. It would be a brave monarch or Prime Minister who would try the same expedient today.

But the Queen's decision has operated to our immense benefit. No doubt Plowden himself was disappointed and displeased. But it meant that he never went to Serjeants' Inn; he remained at Middle Temple with no prospect of advancement while the Queen remained alive. He was not to know that she was to reign for another 45 years and easily outlive him. So, disappointed as he must have been, the Inn became very fond of him and he returned that affection. In 1561 he became Treasurer and began the building of the Inn's magnificent Hall. He remained Treasurer for nine years and, even when he retired to make way for a younger man, he still remained the Master of Works. No one now remembers the name of Elizabeth's first Serjeants, but we all remember the name of Edmund Plowden.

So things were done in those days in the name of religion which we would nowadays regard as quite unacceptably contrary to the Rule of Law, and Plowden was inevitably in the forefront of some of those religious battles. But he was no martyr, just a cautious lawyer. Two examples must suffice. One of Elizabeth's first statutes was the Act of Supremacy which established

the monarch as the Head of the Church of England and the Church of England as the state religion. All persons were required to attend their local church on Sunday and anybody could be asked to take an oath recognising the monarch as the head of the one true church and it would be a criminal offence if they refused. Every statute then, as (usually) now, declared that the Act had been passed “by and with the advice and consent of the Lords Spiritual and Temporal and the Commons in this present Parliament assembled”.

But the statute had, of course, been opposed by the Spiritual Lords in the House of Lords because they had been appointed by the Catholic Queen Mary and were all good Catholics. Once they had voted against the Bill, they were all deprived of office and more pliable bishops were appointed. But could a statute be a valid statute if all the Lords Spiritual had voted against it and it had, therefore, been passed without their advice and

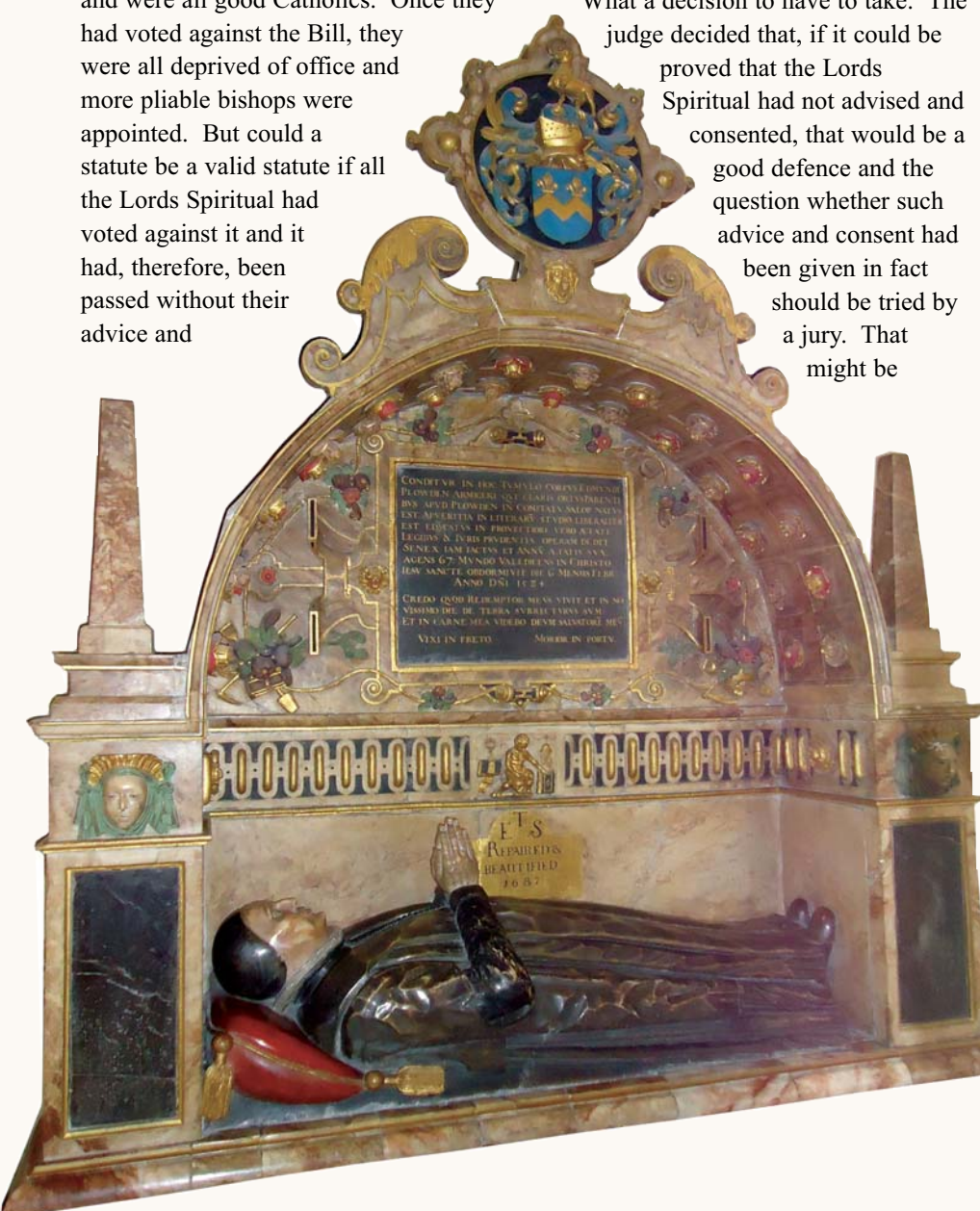
consent? The new Protestant Bishop of Winchester decided to test the matter by requiring the deprived Bishop of London to subscribe to the Oath of Supremacy. The ex-Bishop of London refused and was criminally charged for so refusing. He instructed Plowden who advised him to plead first that the Act of Supremacy was not a valid statute and second that the Bishop of Winchester had not been validly consecrated and was not, therefore, entitled to require the ex-Bishop of London to take the oath. A judge had to decide whether the Bishop of London should be allowed to allege and prove that none of the Lords Spiritual had advised or consented to the statute.

What a decision to have to take. The judge decided that, if it could be proved that the Lords Spiritual had not advised and consented, that would be a good defence and the question whether such advice and consent had been given in fact should be tried by a jury. That might be

described as quite a “brave decision” for an Elizabethan judge to have made and it threw the Government into a great deal of consternation.

However, an unfortunate problem arose because, when the relevant evidence was sought, it was found that a mysterious silence had fallen on the official journal of the House of Lords so that there was no official record that the Bishops had voted against the Bill. It seems that a typically English compromise was engineered. A subsequent Act of Parliament was passed declaring the consecration of the new Elizabethan Bishops to be lawful and the criminal proceedings against the ex-Bishop of London were allowed to lapse. So Plowden achieved a notable victory for his client. One might also reflect that there was here a muted triumph for the rule of law. The judge had declared that a statute stating that it had been enacted with the advice and consent of the Lords Spiritual when it had not been, was no valid statute. Of course, the doctrine of the sovereignty of Parliament has now advanced so far that we consider the House of Lords to be a single chamber and no judge could make such a declaration nowadays. But it could be said that the decision of the Elizabethan judge shows that they were as conscious of the rule of law as (we hope) any judge would nowadays be.

Plowden continued to dabble with fire. An acute question during Elizabeth’s reign was who was to inherit the Crown if she died (as we know she eventually did) without children? So acute was the question that it was a criminal offence even to discuss it, let alone commit any views to writing. The leading candidate was Mary Queen of Scots but she had been born in Scotland and it was hotly debated whether being born in Scotland made her an alien in English law and whether an alien could inherit the English Crown. Plowden considered



this to be an important matter and wrote a document of 160 folio pages called “A Treatise of Succession written in the lifetime of the most renowned Lady Mary, Queen of Scots, wherein is sufficiently proved that neither foreign birth nor the last will and testament of King Henry VIII could debar her from her true and lawful title to the Crown of England”.

Needless to say he did not publish this treatise since it would have been a criminal offence to do so but kept it safely in Shropshire. It came into its own years later after his death and the death of the Queen because his son Francis Plowden unearthed it from the family archive and dedicated the manuscript to King James VI of Scotland who had by then become King James I of England as well as Scotland and was, not unnaturally, pleased to receive proof that his inheritance through his mother was lawful and secure.

Now Plowden became so well known that he was himself, while sitting as a Justice of the Peace at Abingdon in Berkshire, confronted with a demand from his fellow justices that he should take the Oath of Supremacy. This was in 1569 only 11 years after Elizabeth had come to the throne. He asked for time to consider and, having taken that time, he told his brother justices that he could not subscribe to the Oath. In words it is impossible not to admire he said, “he could not subscribe but belief must precede his subscription and therefore great impiety would be in him if he should subscribe in full affirmance or belief in those things in which he was scrupulous in belief”. This dogged answer seemed to satisfy his fellow justices because they only required him to enter into recognisance of 200 marks for his good behaviour.

Plowden was a modest and unassuming man. It is evident that the Elizabethan Establishment did not want

to cross swords with him more than absolutely necessary; nor did he wish unnecessarily to antagonise that Establishment, but he was definite that he was going to maintain his faith. His reputation for learning and wisdom became universally recognised. He once advised one of his clients who was arraigned for an offence before the unpopular Court of Star Chamber to argue that the case was outside their jurisdiction. Now, no court likes to be told it has no jurisdiction to decide something and the court berated the Serjeant who appeared at the trial for appearing to be making a very obvious error in arguing that the Star Chamber had no jurisdiction. It was enough for the Serjeant to say of the pleading: “Mr Plowden’s hand was first unto it and that he supposed he might in anything follow St Augustine”. That seems to have calmed the court down. Just as St Augustine was the oracle of the church, so Plowden had become the oracle of the law.

Not only was the Queen not disposed to make an enemy of Plowden but it seems that, when her first Lord Chancellor died, she may even have asked Plowden to become Lord Chancellor, if he would change his religion. Although this offer cannot be certain, there is a strong tradition to this effect both here in the Inn and in the family which cannot easily be set aside because Plowden’s reply was apparently extant in late Victorian times. It has now been lost, but it was printed in a book published in 1869 and the reply was in these words: “Hold me, dread Sovereign, excused ... I should not have in charge your Majesty’s conscience one week before I should incur your displeasure”. There is only one person in England who has charge of the monarch’s conscience and that is the Lord Chancellor. In the times when we had a traditional Lord Chancellor, he always recognised that as one of his most important obligations.

Plowden has even entered the quotation books. “The case is altered” is now a common phrase. It supposedly originated in a case where his client was accused of having attended a Catholic Mass contrary to the statutory provisions prohibiting such Masses. Plowden had to advise his client to plead guilty. But when the client was asked who had celebrated the Mass he said that it had been celebrated by an agent provocateur and not a true priest. Plowden paused and said, “The case is altered. No priest, no Mass”. The phrase passed into common currency, was used by Shakespeare [see 3 HEN 6.4.3] and taken as a title by Ben Jonson for one of his plays. As the old Queen Elizabeth lay dying in 1603 her last words to her Admiral of the Fleet were, “My Lord. I am tied with a chain of iron about my feet ... I am tied, tied and the case is altered with me”. Was she perhaps consciously or unconsciously echoing the words of her old opponent 18 years after he had died himself?

The great and wise Queen is portrayed on the wall behind me and a bust of the modest junior stands prominently at the end of Hall, greeting one another across the ages. We revere the Queen but we all know it is Edmund, the Master Builder of our House, who never took Silk and never sold out to the Establishment, that we hold in the greater affection.

#### Acknowledgments

Richard O’Sullivan QC’s Autumn Reading, *Edmund Plowden* (1952).  
Geoffrey de C. Parmiter, *Edmund Plowden and the Woolsack: A Query* (1972); *Edmund Plowden as Advocate for Mary Queen of Scots* (1979).  
*Edmund Plowden, Catholic Record Society* (1987).  
Peter Glazebrook s.v. *Plowden, Biographical Dictionary of the Common Law* ed A.W.B. Simpson (1984).

# Middle Temple Communion Books

by Lesley Whitelaw, Clare Prince, Amelia Rampton and Siobhan Woodgate

Recently extensive conservation work has been carried out on the Inn’s four volumes of Communion Books signed by Middle Templars attending Temple Church to receive Communion in the 17th and 18th centuries. Prior to conservation they had been too severely damaged to handle.

The Communion Books date back to an era when conformity to the teachings of the Established Church in England was a requirement for holding public office and, theoretically at least, for membership of the Inn. In 1580 Middle Temple’s Parliament ordered that every member of the Inn should receive Holy Communion three times each year. One of the butlers was to report which gentlemen were absent on Sundays and Holy Days. From 1583 the form of words in the bonds of admission of new members was altered pledging them to conformity. In 1588 (significantly, the year of the Armada) during the Mastership of Richard Hooker, several members of the Middle Temple were expelled — though some were later readmitted — for refusing to communicate at the Temple Church at a time appointed by the Masters of the Bench. Clearly these injunctions were not uniformly enforced and many Catholics and non-Conformists were members of the Inn. At times of heightened political tension there was a tendency to enforce the rules more rigorously. In the 17th century following the Gunpowder Plot and due to the influence of puritanical elements, there was increased hostility towards

recusancy, which resulted in the passing of further resolutions governing attendance at Communion. A Middle Temple Parliament of 30 June 1609 notes that the book of Communion attendances kept by the Master of the

come to the church and specially to the Communion Yt ys therefore thought fitt and so ordered by all the Masters of the Bench at this Parliament that from henceforth all such gentlemen of this howse that shall refuse or neglect to

receave the Communion in the Temple Church twice within the compas of everye yeare shall be expulsed owt of this howse and fellowship, except sicknes or extraordinary lets and hindrances made knowne to the Masters of the Bench and by them allowed shall cause the contrarye”.

The conserved volumes cover a period of religious controversy. The Test Act of 1673 required holders of public office to accept Communion in the Protestant form and to swear an oath of allegiance. In 1678 Titus Oates’s “Popish Plot” and the 2nd Test Act further exacerbated religious tensions as did the Catholicism of James II and his attempt to introduce religious toleration. In January 1694 Middle Temple’s Parliament decreed “no barrister shal bee published for compleating his said degree” without presenting the Treasurer with a certificate signed by the minister of a Protestant congregation as to when he had last received the

sacrament. To what extent these injunctions to conformity were actually observed or enforced is unclear, but an analysis of Middle Templars receiving Communion at Temple Church will now be made possible by the meticulous conservation of these books.



*Photograph 1 (Vol 3) 1698 - 1719  
First full page of signatures in Communion Book before treatment. The paper has been affected by water, and this has caused the paper to become soft and powdery, with areas of loss.*

Temple records that only 120 gentleman out of the 260 in Commons received Communion and fines of 10s were introduced for failure to do so at least once a year. An order of Parliament of 8 July 1614 stated: “For as much as divers gentlemen of this howse have of late tyme neglected to

The Communion Books were bound in functional leather bindings in a long thin format. Three of the four volumes had metal clasps at the fore-edge and the volumes were decorated with blind-tooled panels on the boards and spine. Blank stationery books of this type were traditionally produced for account books and registers and were made up relatively cheaply from narrow off-cuts of linen rag paper, folded and sewn into gatherings, and then covered with rough scraps of sheepskin or calf leather. The earliest volume (1668-1678) is notable as it is made up of gatherings of blank paper reused from a previous book. When formed into new sections, the paper was turned at 90 degrees and refolded — as can be seen from the old spine-fold creases and sewing holes which run horizontally across the centre of each page (see Photograph 2). The leaves were also creased with vertical columns — presumably for bookkeeping entries, .

Before conservation, the four volumes were in very poor condition. The bindings were dirty, abraded and stained with patches of white bloom and there were large tears and losses on the leather covers. Some of the poor-quality boards underneath the leather were chipped, broken or missing (see Photograph 5) and three of the volumes had the remnants of corroded metal clasps which no longer functioned. The sewing in most of the volumes was breaking down. The most recent volume (1736-1771) was in an extremely poor state. The boards and leather covers were in several pieces and the entire text-block was so badly affected by water damage and mould that the paper had almost disintegrated and it was difficult to separate the pages without fragments of paper detaching.

Before conservation work began, the bindings were photographed and full documentation written up. A collation chart was drawn up to record the sewing structure and the precise make-up of the gatherings. The manuscript leaves were numbered in pencil. In the most fragile volume numbering in pencil proved impossible, so each loose

leaf, or bifolium, was inserted into an individual paper folder which was annotated. Numbering was essential to preserve the order of the leaves when the books were dis-bound for treatment, particularly as the manuscript date headings were often illegible or missing and thus could not be relied upon. The text-block of the earliest volume (1668 – 1678) was relatively intact, and this remained with Clare Prince for in-situ paper conservation (see Photograph 2). The other three disbound volumes were then passed on to Amelia Rampton for more in depth paper conservation.

The paper in each of the volumes is a typical handmade ‘chain & laid’ paper. A *Pro Patria* watermark used by English and continental papermakers was found on some of the leaves in the 1736–1777 volume. The paper would originally have been gelatine sized. Handmade papers of this kind are usually very robust, with a long life expectancy. However, due to the extensive damage caused by water ingress and environmentally unstable conditions, the paper was now much weaker; the gelatine size had been washed away, and the substrate,

affected by mould, had caused paper loss particularly around the margins.

Before further conservation work began, it was necessary to make a photographic record of the pages, especially of the areas with loose fragments. Preliminary testing confirmed that the paper pH was low (acidic), as expected, and the ink was, in fact, iron gall ink, which was not fugitive in water. Iron gall ink was the most popular writing material in the west from the Middle Ages up to the early 20th century. Individuals made their own ink and numerous recipes exist for iron gall ink so one can assume that different ink recipes, and a variance in proportions and purity of ingredients would have been used by the numerous hands signing and dating the Communion books. Iron gall ink is known to be chemically unstable and ink corrosion is thought to be catalysed and possibly accelerated by exposure to humid conditions or water ingress. Each ink variant has the potential to become corrosive in the future, and reactions may differ depending on the raw materials of the ink and its exposure to humidity. Hence a

*Photograph 2 (Vol 1) 1668 – 1678 being worked on in-situ.  
The old spine-fold on the blank page shows how the paper was used in a previous binding.  
Two holes are also visible in this crease. These were the original sewing holes.*



traditional wet lining or repair could catalyse currently stable inks to become unstable, so corrosive. Any wet treatment therefore would have to stabilise the ink, arrest further paper degradation, and only then move onto necessary repair.

The Netherlands Institute of Cultural Heritage<sup>1</sup> has done extensive research into the problems and treatment of iron gall ink and are leading researchers in this field. Guided by their work, the papers were first washed in water to remove acid degradation in the paper. This was followed by placing the papers in another bath with a stabilising agent Calcium Phytate (see Photograph 3) that neutralises the unstable component of the ink (the iron ions). This was followed by a bath which leaves an alkaline reserve in the paper. To strengthen the paper further, each leaf was then gelatine sized. After humidification and pressing, the paper was ready for repairs. Japanese repair papers were toned slightly before they were applied using gelatine adhesive.

*Photograph 3 (Vol 4) 1736 - 1771  
Folios humidifying before immersion  
in Calcium Phytate bath*



As there was so much physical damage, repair was the most time-consuming part of the treatment, sometimes taking about a working day for two pages. Each page was positioned in its correct location within each section with the help of the collation chart put together by the book conservator. Finally, a digital photo of every repaired page was taken, which could be used to make microfilm copies, so reducing later handling. The leaves, now in sections were ready to be sewn together, and the binding repaired by Clare Prince, Book Conservator.

The repaired gatherings were re-sewn following the original sewing patterns. Loose spine linings of moulded Japanese paper were constructed to allow the books to open as flat as possible for digitisation and exhibition purposes. The leather covers were lifted off so that the boards underneath could be built up with moulded paper fibres, or replaced with new boards if broken. The remaining metal clasps were stabilised and secured, and the losses in the old leather patched with calfskin or alum-tawed goatskin, dyed to match the original. The old leather covers were then replaced and gaps in the blind tooling filled in. The books are now safe to handle and have been preserved for many years to come.

1. For information about The Netherlands Institute of Cultural Heritage and their research on iron gall ink, visit [www.irongallink.org](http://www.irongallink.org).

Archivist, **Lesley Whitelaw** and Book and Paper Conservator, **Siobhan Woodgate** work in the Middle Temple Archive. **Clare Prince ACR** is an independent Book Conservator and **Amelia Rampton ACR** is an independent Conservator of Works of Art on Paper. Contact them at [Clare.Prince@BookConservation.net](mailto:Clare.Prince@BookConservation.net) and [ameliamrampton@aol.co.uk](mailto:ameliamrampton@aol.co.uk).





Middle Temple Communion Book 1698  
 Temple Whitsunday

Wm. Treby  
 Wm. Nassell  
 M. Amory  
 Jos. and J.  
 John Radford  
 Mth. Nolle  
 Tho. Dickins  
 Tho. Gresham  
 Tho. Roche  
 E. Jauncy.  
 Tho. Amory  
 of Clifton  
 Fran. Drowd  
 Jo. Morris  
 Ga. Sh. Broughton  
 P. Wilkinson  
 Wm. Penyelly  
 Wm. Smyth  
 Bigg  
 Wm. J.  
 Wm. J.  
 Wm. J.  
 Wm. J.  
 Tho. Edwards  
 John Blyth



Photograph 5 (Vol 3) 1698 - 1719  
 Front board before treatment shown above.

Photograph 6. Front board after treatment (below), showing consolidation of existing leather; the 'building up' of the boards with moulded paper fibres, and the new leather toned to match original. (Photographs 5 and 6 not true to colour).



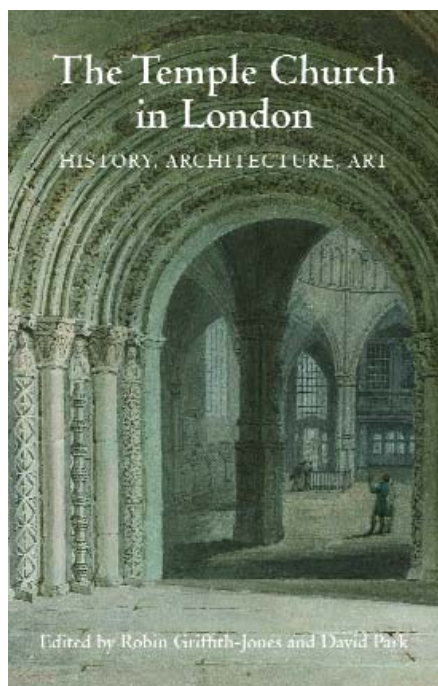
Left: Photograph 4 (Vol 3) 1698 - 1719. First full page of signatures repaired. See 'before' image, Photograph 1.

# The Temple Church Explained

Book Review by Master Eric Stockdale

Most members of the Inn will recall their first visit to the Temple Church and how awe-struck they were by its beauty and serenity. Many will have wondered about its origins: how was it that the Round nave, which bore no resemblance to an upturned navis or ship, was linked to a much larger rectangular chancel or choir? Why had the Templars chosen to build it near the river, when they had a perfectly good church nearby? Who had designed the Round and when? What makes the chancel so beautiful? These and other questions were answered at a conference of experts from different disciplines, held at the nearby Courtauld Institute of Art in June 2008. Fortunately, their papers have now been published in a most satisfying volume edited by Master Robin Griffith-Jones, Master of the Temple, and Professor David Park of the Institute, with the

*The front cover of the book shows the Church Round after Christopher Wren's alterations*



title *The Temple Church in London: History, Architecture, Art* (published in 2010 by the Boydell Press of Woodbridge at £40). The publishers have helpfully included twelve colour plates and over a hundred black-and-white ones.

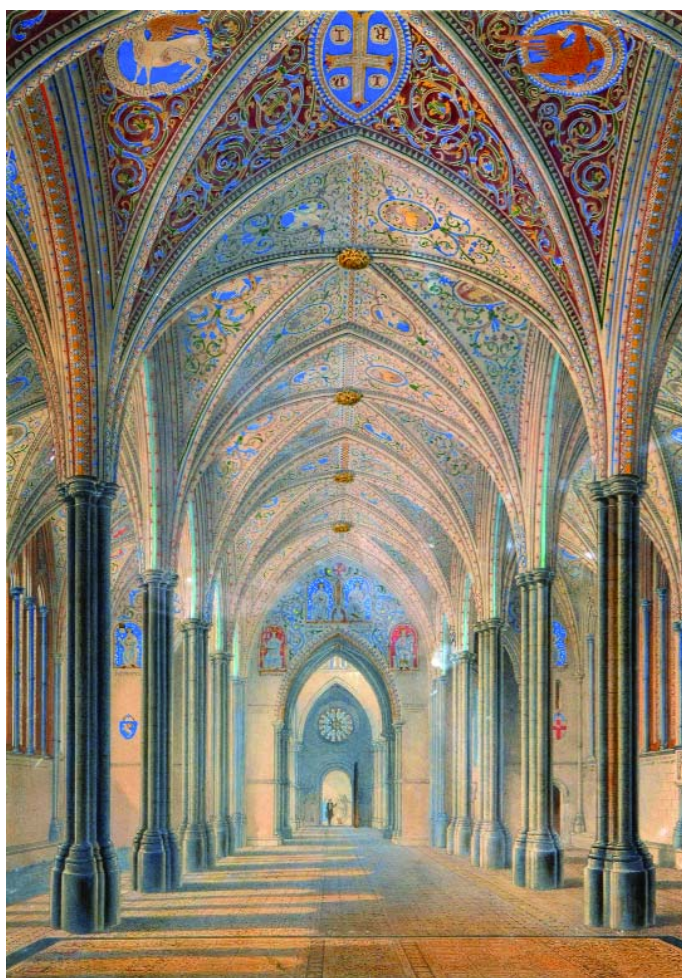
Helen Nicholson and Christopher Wilson give an account of the earliest days. The Templars took possession of their first London site in 1144 or earlier and on it they built a round church with a small chancel, inspired by the Church of the Holy Sepulchre in Jerusalem. It was to the east of the top of Chancery Lane, in the angle formed by the old Roman road, Holborn, and the present-day Southampton Buildings. Quite why they moved soon afterwards to the site by the Thames is not clear; possibly because it was larger and because water transport was preferable to the alternative. In any event, they soon built a second church there to a similar plan. Wilson shows in his paper that the new Round was probably built shortly before 1160, in the Gothic style of latest ecclesiastic buildings in northern France, about 25 years earlier than the date traditionally given, 1185. He bases himself not only architectural grounds but also on strong documentary support, including a deed transferring the Old Temple site to the Bishop of Lincoln in May 1161, which refers to the New Temple.

Virginia Jansen explains why and how the chancel came to be built in its beautiful form. In 1231 Henry III decided that he would like to be buried in the Temple Church, where his friend and brother-in-law William Marshal the Younger lay buried, like his father before him. It was doubtless because the original chancel was both short and narrow that the Templars decided to build a replacement large and imposing enough for a royal tomb. The present

chancel was consecrated in the presence of the king in 1240, but a mere six years later Henry decided that he would rather be buried in Westminster Abbey, which had been rebuilt on his orders — and who can blame him? The Templars were indignant about his change of mind but could hardly raise the doctrine of promissory estoppel against their monarch. The king's loss proved our gain as we can now enjoy the enlarged chancel, with its 'qualities of openness and spaciousness', as it is not overpowered by the tombs of Henry and his wife.

The east and partial west wall of the new chancel were built with the same measurement as the diameter of the original round nave, some 60 feet internally. The north and south walls were built about 90 feet long, giving a ratio of close to 2:3. The internal height was something under 40 feet, or two-thirds the width. Both these figures, as Jansen points out, are close to the classic golden ratio. The form of the chancel was built in the style of the Trinity Chapel of Salisbury Cathedral (1225), in hall church form. That form involves the three aisles being built to roughly equal height, unlike the traditional Basilican church, which has a central aisle considerable higher than the two side aisles. Such extra height provides an opportunity for clerestory windows to bring light in from above. The Temple Church does not suffer from the absence of a clerestory in the chancel, as the windows in the sides provide ample light.

Inevitably during its 850 years of existence the church has required maintenance and refurbishment from time to time. Any proposed change would seem to have been opposed by someone. On each occasion when significant work was required there were at least two schools of thought on



*The Chancel, looking west, after Victorian changes*



*The post-War Chancel looking east. Architect Walter Godfrey*

the part of the architects and builders, and a further two on the part of the ecclesiastical experts. As a result, one man's improvement was another's idea of vandalism. Master Griffiths-Jones points out that even Christopher Wren's refurbishment of the church was open to criticism for mixing the gothic and classical styles. Furthermore, he provided for an organ to be built across the main link between the round nave and the rectangular chancel. It is true that he provided a door under the organ, but he seems to have regarded the use of two separate doors appropriate for the Benchers of the two Inns. One was on the northeast of the Round, so that Middle Templars could have direct access to their side of the church (the north), while a matching southeast one provided for the Inner Templars. As a result Wren managed to demote the Round to being a mere narthex or vestibule, much like the one

he designed for his first model for St Paul's Cathedral.

The greatest changes were executed by the Victorians with their customary zeal, and are well described by William Whyte. The improvers were determined to eradicate the 'desecration and disfigurement' of the past. The fires in the church started in the air raid of 10 May 1941 destroyed all the work of the Victorians and left the shell — or two shells — of the church standing, and not much else. That gave ample scope for Walter Godfrey, the post-war architect, to design the present interior while keeping to the essentials of the original. One of his changes was to provide for unimpeded access for a glorious processional entry of clergy and singing choir, from the west door of the Round and straight up a widened central aisle of the chancel with its unpainted walls.

One man who would have

appreciated Godfrey's work was Lord Justice MacKinnon, Treasurer of the Inner Temple for 1945, who, as Whyte reminds, wrote: "Seeing how dreadfully the Church had been despoiled by its pretended friends a century before, I do not grieve so very acutely for the havoc wrought by its avowed enemies...If the Church is now once again truly restored, it can hardly fail to be more beautiful than the Victorian vandals made it for us."

The Treasurer did not live to see the results of Godfrey's inspired work, as he died only 23 days after the end of his year of office, but it is there for all of us to see and enjoy, a pleasure that can be enhanced by reading this fascinating collection of essays.

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*The Temple Church in London: History, Architecture, Art* is available from the Temple Church at £40.00.

**'No free man shall be taken or imprisoned or disseized or outlawed or exiled or in any way ruined, nor will we go or send against him, except by the lawful judgement of his peers or by the law of the land. To no one will we sell, to no one will we deny or delay right or justice.'**

**— Magna Carta, 15 June 1215, clauses 39-40**

# Magna Carta

by Master Robin Griffith-Jones

**B**y December 1214 King John was faced with a co-ordinated demand for the confirmation of the laws of Edward the Confessor and the Charter of Henry I. On 6 January 1215, here in the Temple, John was forced to enter into formal negotiations with his opponents: 'this was the voice of all and every one' of them, we hear from the Barnwell Chronicler, 'that they would pledge themselves to sustain the house of the Lord and stand fast for the liberty of the church and the realm.' John prevaricated, gave the barons a safe conduct until after Easter and appealed to Rome.

William Marshal, Earl of Pembroke, held the balance of power in England, and through the spring mediated between king and barons. The country

was on the brink of civil war; and when the barons captured London on 17 May the king knew that he must yield to the barons' demands. On 15 June he put his seal to the Great Charter at Runnymede. William Marshal and Brother Aymeric, Master of the Temple, were two of the magnates on whose advice, as the preamble makes clear, King John granted the Charter.

William Marshal's eldest son was one of the surety barons.

William Marshal and Aymeric died within days of each other in 1219; they were buried next to each other in the Temple Church. William's effigy still lies in the Round; beside it is the effigy of his eldest son. Four centuries before the Inns' Letters Patent from James I, the Temple was already at the centre of

England's constitutional and legal life.

We look forward, this year and through to the Charter's Octingentenary in 1215, to celebrating the Charter in the Inns. We hope that members, as they walk through Church Court and think back to that foundational moment in English life, are heartened by the presence, at the Temple's heart, of the mother-church of the Common Law.

On 14 June Choral Evensong will be sung in the Church at 6.15 pm. It will be followed by dinner in Inner Temple, to which the Inns are inviting distinguished guests from other Common Law jurisdictions.

Enquiries for the dinner from Benchers to Kate Peters on 0207 7797 8183 or email at [kpeters@innertemple.org.uk](mailto:kpeters@innertemple.org.uk).



# From The Choir Stalls...

by Simon Wall

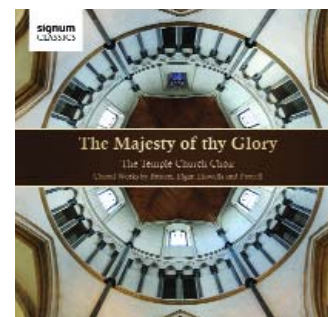
An out-of-the-blue phone call from James Vivian in 1999 seems already to have led to a decade of singing at the Temple Church: *The Veil of The Temple* in the Church itself, at the Proms and at Lincoln Centre NYC, a solo cantata concert, services for The Queen, Prince Philip and Prince William (I'm surprised we haven't yet been invited to Westminster Abbey for the Royal nuptials...) as well as the weekly and seasonal concerts and services beloved of so many in our congregation have all been memorable.

Over recent years the singing of our boy choristers has undeniably improved so we've been able to enjoy and look forward to more exciting projects. The most recent is our CD *The Majesty of*

*Thy Glory*, soon to be joined by a second, a CD of music inspired by the psalms. I like to think that it isn't just *The Da Vinci Code* that has swelled our congregations and audiences in recent times!

For the men of the choir, most of whom were either cathedral choristers or Oxbridge choral scholars or both, Temple Church Choir is about more than just the exciting times. Some of us are solo singers, some lawyers; the Choir is a backbone, which allows us the freedom to pursue our careers. It's a place of friendship and reunion where we can see a future generation of choristers enjoying something close to our hearts. It's a place where our history stretches forward into and beyond our own future.

*James Vivian, Director of Music. Photograph courtesy of Nina Large.*



**The Majesty of Thy Glory**  
*'Many choirs (and organists) could learn much from this jubilant release, which proves that the Temple Church Choir is among the very best. Strongly recommended.'*  
— *Gramophone*, April 2011

*'The solo voices are all of pleasingly high quality... a fine piece of choral direction.'*  
— *The Organ*, February 2011



**English Organ Music from the Temple Church**  
*'...a well-balanced collection which will repay careful listening.'*  
— *The Organ*, February 2011

Both CDs are available from the Temple Church or Treasury Office. All profits go to the Temple Church Organ Fund.



# Pulling Out All the Stops

by Penny Jonas

In the heart of the Temple, enriching the aesthetic, cultural and spiritual lives of those who work within and those who visit, is the Temple Church, where the Templars made their London headquarters over eight hundred years ago. Those who have governed and led the two Inns have taken seriously and to the letter their responsibility as laid down by the Royal Charter from 1608.

The Church, steeped in history, stands proud, serene and perfect. Within, its music rings out for those present, as it has done for those in the long past and will for those who will follow in the future. The mammoth task of the restoration of the

magnificent organ in the Church needs £750,000 by April 2013. We have been working towards this goal now for just over 18 months and have funds pledged and given of about £260,000.

Stepping-stones of a great variety of memorable events are taking us through the period of the fundraising in support of the Appeal. It was launched with sparkle and virtuosity by the legendary Dame Gillian Weir, in November 2009. Summer and Christmas Fairs in the Temple have given hundreds of folk the chance to play and to shop, to be face-painted as angels and devils, to shy at coconuts, to eat and to drink, and support the cause.

The first concert of 2011 had the Temple's Assistant Organist Ian le Grice and Trumpeter Crispian Steel-Perkins entertaining with erudite brilliance. Crispian brought a variety of instruments — trumpets of all sizes and dynamics, a post-horn, an ancient cornett, a piece of garden hosepipe (offering, of course, Handel's *Water Music*); all were partnered with panache and verve by the organ.

Artist and Calligrapher Donald Jackson gave an illustrated talk on his commission in 1998 by the Benedictines of St John's Abbey and University in Minnesota; the

realisation of his astonishingly beautiful illuminated *St John's Bible*, creative dedication spanning some twelve years.

Michael Bruce, the present incumbent of Glen Tanar and grandson of Lord Glentanar, who gave the organ to the Temple in the 1950s, has offered an amazing fishing holiday of one week's accommodation in Butler's Lodge for up to six people from 9-16 May 2012. Available is fishing for two rods on the River Dee, Waterside & Ferrar beat for three days from 10-12 May, with shared ghillie, and four-star cottage accommodation, lunches and three-course dinners. There

is a reserve price on bids for this superb holiday.

On 13 July, we will have the distinguished organist

Thomas Trotter with us to wave off the organ at the start of its journey back to its birthplace, the workshops of Harrison & Harrison, organ builders that created the instrument in the 1920s. The organ will remain there for extensive and thorough restoration before its return to sing for Easter services in 2013.

We have already received very generous support from a gratifying number of contributors, for which we give thanks. We still have a way to go and if you feel moved to help further to achieve the goal (or to bid to fish), please get in touch. Making a donation through the Gift Aid scheme will ensure the maximum benefit from the taxman both for the donor and for the Appeal. For further information contact Penny Jonas, Development Consultant, on 07778 799832 or email at [penny@templechurch.com](mailto:penny@templechurch.com).



Organist Ian le Grice and Trumpeter Crispian Steel-Perkins





*Butler's Lodge at Glen Tanar*



*Butler's Lodge kitchen*

*The River Dee in the Cairngorms National Park. Photographs taken by Jim Henderson and courtesy of The Glen Tanar Estate, Royal Deeside, Aberdeenshire. For more information visit [www.glentamar.co.uk](http://www.glentamar.co.uk)*



# Church Christmas Fair

by Liz Clarke



Despite freezing snow, student protests and a burst water main, the Temple Church's first-ever Christmas Fair in Inner Temple was a triumph.

At 7 am that morning, I was greeted outside Hall by a bevy of (very cold) stall-holders queuing to set up their wares in Inner Temple Hall. The Sub-Treasurer was most obliging and let everyone in for cups of tea!

Vicky Portinari, General Manager, and her team swung unto action and in no time at all, as the 38 stallholders set up, Inner Temple's Hall, Luncheon Room and Parliament Chamber were filled with a sparkling array of gifts to suit all tastes and budgets: hand-made jewellery, zany presents for the home, beautiful cushions (hand-made in 30 British prisons), cheese and wine, leather goods, radio-controlled toys, skiing and cycling accessories, soaps and bath oils, cufflinks, silverware, cashmere shawls and wool rugs — the list could go on.

Once the Fair opened at 12 noon, a steady stream of visitors flowed into the Inner Temple throughout the afternoon and early evening. We were joined by the Temple Singers in the late afternoon who entertained us from the gallery



*Photographs courtesy of*





with a lovely selection of a cappella carols. Enthusiastic volunteers had for weeks been selling raffle tickets; we are very grateful to Original Travel ([www.originaltravel.co.uk](http://www.originaltravel.co.uk)) for an immensely generous first prize of flights and three nights in Istanbul for two.

When energy (and funds!) were exhausted, visitors could walk across to the Round Church for mulled wine and mince pies round the Christmas tree. Ian le Grice played the organ, the windows glowed from the snow outside — and a good many visitors, reinvigorated, headed back to the Fair for more purchases. Perfect!

We are hugely grateful to all those who made the Fair possible: to the Treasurer and Benchers of Inner Temple for allowing the use of their rooms; to Inner Temple's Catering Department; to all members of chambers who sold raffle tickets and encouraged colleagues to come.

£7,000 was raised for the Organ Fund at the Fair in 2010. Can we double this in 2011? We hope so.

The date for this year's Christmas Fair is Thursday, 8 December in Middle Temple Hall. Put the date in your diary now!



*Christopher Christodoulou*





# Raising Gardens with the Bloomsbury Art Fair

by Eva Anderson and Master Michael Bowes

From 14-16 July the inaugural Bloomsbury Art Fair will be held in the beautiful grounds of Goodenough College. The exhibit will include an exciting range of artwork from contemporary legends such as Damien Hirst, Banksy, and Olivia Musgrave to classical artists, photographers, mouth painters and sculptors working in figurative, wildlife and abstract forms. Organised in conjunction with the Helium Foundation, one of London's leading contemporary art dealerships, 40 artists and galleries will exhibit one of London's widest ranges of artwork. Come and enjoy a relaxing lunch time or spend a pleasant evening strolling around the Art Fair's beautiful Courtyard Sculpture Garden.

The event is entirely not-for-profit and all of the proceeds will be donated to a coalition of charities that support people who have suffered from a catastrophic injury. The charities involved are the Southern Spinal Injuries Trust, the Parachute Regiment Charity, the Spinal Injuries Association and Motivation. Complimentary tickets, sponsored by Outer Temple Chambers, are available to all Middle Temple members. Those interested should contact Eva Anderson at [eva@bloomsburyartfair.com](mailto:eva@bloomsburyartfair.com).

The inspiration for the Art Fair began with a tragic horse-riding accident and the willpower to overcome it. It left Annie Maw paralysed from the shoulders down and confined to a wheelchair. Annie spent nine-months at the Duke of Cornwall Spinal Treatment Centre, in Salisbury. Before her accident, Annie had been an avid gardener; now even reaching her plants, let alone caring for them, was difficult. Nonetheless, she was determined to continue gardening in any way possible.



*Annie Maw, winner of the Garden of Merit Award in the Sunday Telegraph's Gardening Against the Odds Competition*

Using the small enclosed patio next to her ward, Annie learned to garden from her wheelchair with long-handled tools. But the patio only gave Annie enough space for a few potted plants, and the only other outdoor space at the hospital was a car park. She longed to escape outside to a garden where she could put her hands in the soil and feel the breeze on her face. When she left the Spinal Centre, Annie built an accessible garden with raised beds at her Somerset home, winning an award in the *Sunday Telegraph's* Gardening Against the Odds Competition.

Today Annie is determined to provide an accessible garden to others experiencing the devastating effects of a spinal cord injury. As a trustee of the Southern Spinal Injuries Trust (SSIT), she plans to build a specially designed rehabilitation garden at the Duke of Cornwall Spinal Treatment Centre. As a reprieve from the hospital

environment, the new accessible garden will change the lives of patients undergoing many months of rehabilitation. It will allow patients to grow their own vegetables and enjoy the outdoors, while improving their fine motor skills and balance. Annie hopes that other Spinal Centres will emulate this visionary approach.

To complete the garden, the SSIT needs to raise £100,000. In 2008, Annie met Middle Temple student Eva Anderson, who was also rehabilitated at the Duke of Cornwall Spinal Treatment Centre, following a riding accident. Last year, while Eva was working for Master Bowes, the three hatched a plan to raise funds for the garden in an innovative way and launched the Bloomsbury Art Fair.

Please come visit and support this fantastic event from 14-16 July. For more information, visit [www.bloomsburyartfair.com](http://www.bloomsburyartfair.com).

## Four Jurisdictions Law Conference Edinburgh, Scotland

**Friday to Sunday, 6 - 8 May**

The Conference will be held at the Advocates Library, Parliament House with a Dinner on Friday hosted by the Dean of Advocates, Richard Keen QC, in the Long Room at New Club. Speakers include Ian Armstrong QC, The Hon Lord Woolman, The Rt Hon Lord Justice Carnwath, The Hon Lord Hodge, Paul O'Higgins SC and others. Topics include Continuing Professional Assessment, Tribunals and Vulnerable Witnesses. For more information and registration details, contact Ms Irene Cumming, Faculty Superintendent at [irene.cumming@advocates.org.uk](mailto:irene.cumming@advocates.org.uk)

## Middle Temple Employed Bar Reception

**Wednesday, 15 June**

Middle Temple employed barrister members, which include academics and law lecturers, are encouraged to attend this reception and are welcome to bring as guests employed barristers from other Inns. This event will give employed barristers an opportunity to meet and socialise with other employed barristers and discuss common interests and professional issues. The Reception will take place at Middle Temple from 6.30 pm – 8.30 pm. Dress is Lounge Suit. Tickets cost £17 each and can be purchased through the Treasury Office on 020 7427 4800 or [members@middletemple.org.uk](mailto:members@middletemple.org.uk)

## Middle Temple Garden Party

**Tuesday, 5 July**

Members and their guests are invited to this popular annual event, which is held from 6.00 - 8.30 pm in the splendid Middle Temple Garden. Champagne and Pimms, canapes, strawberries and cream will be served. Live music. Dress is lounge suit. Tickets cost £30 each and will be on sale from May. Hall members and students book through the Treasury Office on 020 7427 4800 or email at [members@middletemple.org.uk](mailto:members@middletemple.org.uk).

## Scholars' Dinner Middle Temple Hall

**Thursday, 6 October**

Members of the Inn (Bench and Hall) are encouraged to attend this dinner and to host/pay for one of the Scholars. Members will be matched with a Scholar nearer to the date of the dinner. Tickets will be £65 each, for a total price of £130 per Member. Dress is lounge suit. The purpose is to celebrate the Inn's Scholars (this is not a fundraising dinner). Further details will be available in Michaelmas Term from Maria Aristidou at [m.aristidou@middletemple.org.uk](mailto:m.aristidou@middletemple.org.uk).

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very much!"*

# INN EVENTS

<b>April</b>		<b>September</b>	
Tuesday, 12	<b>Music Night:</b> <i>Guarneri Trio</i>	Monday, 5	Hall re-opens for Lunch
Thursday, 14	<b>Annual Hall Dinner</b>	Friday, 30	<b>Music Night:</b> <i>King Masco</i>
Monday, 18	<b>Guest Lecture</b>	<b>October</b>	
Thursday, 21	Hall closes after Lunch for Easter Hilary Term Ends	Saturday, 1	<b>Ordinary Dining Night</b>
<b>May</b>		Sunday, 2	<b>Sunday Lunch</b>
Tuesday, 3	Hall re-opens for Lunch	Monday, 3	Michaelmas Term Begins <b>Guest Lecture</b>
Wednesday, 4	Easter Term Begins	Thursday, 6	Scholars' Dinner MT Historical Society Talk
Tuesday, 10	Scholarship Fund Appeal Concert	Tuesday, 11	<b>Bench Call</b>
Friday, 13-15	<b>Cumberland Lodge</b>	Thursday, 13	<b>Call Day</b>
Monday, 16	<b>Guest Lecture</b> Oxford Middle Temple Society Dinner	Thursday, 20	<b>Private Guest Night</b>
Thursday, 19	<b>Private Guest Night/ Hon Bench Call</b> for Sir Nigel Sheinwald	Tuesday, 25	<b>Moot Final</b>
Tuesday, 24	<b>Music Night:</b> <i>Humphrey Lyttelton Tribute Band</i>	Thursday, 27	<b>Grand Day</b> (Black Tie with Decorations)
Friday, 27	Hall closes after Lunch Easter Term Ends	<b>November</b>	
<b>June</b>		Tuesday, 1	<b>All Inn Dining</b>
Monday, 6	Hall re-opens for Lunch <b>Guest Lecture</b>	Monday, 7	MT Historical Society Talk
Tuesday, 7	Trinity Term Begins	Tuesday, 8	<b>Reader's Feast</b>
Tuesday, 14	<b>Moot Semi-Final</b>	Tuesday, 15	<b>Music Night</b>
Wednesday, 15	Employed Bar Reception Book Launch of <i>A History of the Middle Temple</i>	Saturday, 21	CPD Day
Tuesday, 28	<b>Moot Semi-Final</b>	Tuesday, 22	<b>Bench Call</b>
<b>July</b>		Thursday, 24	<b>Call Day</b>
Tuesday, 5	Middle Temple Garden Party	Sunday, 27	Children's Music Concerts
Monday, 11	<b>All Inn Dining</b>	Monday, 28	<b>Guest Lecture</b>
Thursday, 21	<b>Private Guest Night/ Hon Bench Call</b> for Sir Nicholas Hytner	Wednesday, 30	<b>Private Guest Night</b>
Tuesday, 26	<b>Bench Call</b>	<b>December</b>	
Thursday, 27	<b>Call Day:</b> Trinity A 1 pm Trinity B 6 pm	Thursday, 8	Church Fair in Middle Temple Hall
Friday, 29	Hall closes after Lunch Trinity Term Ends	Thursday, 15 Friday, 16	Revels
		Sunday, 18	Carol Service Lunch
		Wednesday, 21	Hall Closes for Lunch Michaelmas Term Ends

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

[www.middletemple.org.uk](http://www.middletemple.org.uk)

To book Church events contact Catherine de Satgé 020 7353 8559 or email [catherine@templechurch.com](mailto:catherine@templechurch.com)

Hall Members and Students contact the Treasury Office on 020 7427 4800 or email [members@middletemple.org.uk](mailto:members@middletemple.org.uk)

Bencher's contact the Under Treasurer's Office 020 7427 4803/4804 or email [r.pydiah@middletemple.org.uk](mailto:r.pydiah@middletemple.org.uk)