

The Circuiteer



News from the South Eastern Circuit

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LEADER'S COLUMN

MY WAY

BY STEPHEN LESLIE QC

This, sadly for me, is my final Leader's Column. As the end of my tenure as Leader draws near, I can honestly say that it is has been an honour and privilege to serve the South Eastern Circuit. I hope that I have delivered on my promise to make the Circuit grow and prosper. I have loved every minute of this job (even when, for example, I was bombarded by calls from the same person six times in one day when I was in conference and concerning a matter about something about which I could do nothing). My last six months has been no less rewarding and enjoyable than the preceding ones. It is difficult to pick out the recent highlights but I shall do my best.

This summer, over the first May Bank holiday weekend, four out of the five Leaders of the other Circuits, together with their wives, came to stay with Melissa and I at the home in Spain I have had for over 15 years. Picasso lived nearby in a very beautiful house and we went to visit his house where there is a very large egg into which four of five of the Leaders present climbed for a photograph. This is how close the Leaders are to one another and typifies the good relationship between the Circuits.

The Circuit trip to Malta was fabulously enjoyable and informative. Giles Colin must be singled for special praise for his organisation of many aspects of the trip, including arranging our splendid hotel. One of our number, Melissa Coutinho, knew the Sant family whose father, Victor, had been the Deputy High Commissioner for Malta in London. His daughter, Nadine, who is qualified to practice in this jurisdiction and Malta, was kind enough to arrange for us over the course of our trip to meet the Justice Minister, Attorney General and many judges of varying degrees of seniority.

The Annual Dinner was wonderfully well attended. I felt it was a roaring success. The 'dinner lady', Tracey Ayling QC, and the



rest of the team responsible for organising the event must be heartily congratulated. Lord Neuberger's after dinner speech was absolutely superb. Knowing that my former surname is Shivitza, he teased me in his speech by saying that he felt my wearing the Leslie tartan could give rise to a passing off action! I wish to thank Adaku for her brilliant speech. She plainly has a great future on the Circuit. I hope you enjoy the photographs on the event in these pages, which were taken by my daughter, Lara, who usually works in the production of short films. I was delighted that she and my son Theodore were able to come to the dinner as my guests.

The Keble Advanced Advocacy Course was up to its usual extraordinarily high standard. Having arrived from Spain at 2am on the

Monday, I was at Keble by 5pm the same day, where I stayed for a week until Saturday evening. I, like all the other trainers, was engaged in teaching the whole time. In my case, this included acting up as the criminal during an ethics class saying all manner of disgraceful things to the barristers. I enjoyed that immensely. Experts' day was outstanding, involving conferences with and examination of real expert witnesses, including professors and consultants from Guy's and St. Thomas's Hospital in relation to a medical case and accountants from Deloitte in relation to a financial case. Our guest after dinner speaker for the banquet on the Friday was Lord Grabiner QC. He delivered a fascinating talk of his own advocacy experiences, particularly as a young man. For the criminal case on the final day,



we had real jurors, brought in from Oxford and who comment, amongst others, on the performance of the students. Keble is a truly fantastic course. Enormous thanks must go to the joint directors, Philip Brook Smith QC and Philip Bartle QC.

Congratulations to Fiona Jackson for winning our competition, decided by the Executive, to find a suitable strapline for the Circuit. We needed a succinct and memorable phrase to advertise the Circuit and its work. Fiona's "Your Circuit, Your Voice" perfectly sums up the South Eastern Circuit's *raison d'être*. I am sure it will compliment the work of the Circuit for many years to come.

I would encourage all who can to attend the Bar Conference. There are subsidies for young barristers. It is significant that it is the twenty-fifth anniversary of the conference and I am proud to say that the Circuit has supported the conference in all of those years. The Chair of the conference is Kim Hollis QC, who has been a long time Committee member of the Circuit, and the Vice Chair is our very own Fiona Jackson. She will be Chair in 2011. This year the Circuit is running an advocacy workshop session. The two Keble directors, with others, are arranging it and so it is bound to be of an extremely high quality and well worth attending.

The Crown Prosecution Service payment delays in London, and the financial difficulties that this has caused, have been such that in March this year I persuaded the CPS to make, for the very first time, hardship payments to members of the Bar in real financial difficulty. I am extremely grateful to the Director of Public Prosecutions, Keir Starmer QC, and Alison Saunders, Head of CPS London, for agreeing to this. They have been extremely co-operative in setting this up and ensuring that payments have been expeditiously made. I have spent an enormous amount of time negotiating with the CPS on issues such as delays to fees, grading and individual

difficulties. The outcome of my dealings with the CPS is something I hope has served the Circuit well.

As Leader I am invited to talk to many parts of the Bar about a number of issues. A good example of this was when a couple of weeks ago, I was one of the panel at the plenary session of the Young Bar Conference, sharing the panel with Nick Green QC, the Chairman of the Bar, Baroness Deech, Keir Starmer QC and Belle Turner (Chair of the YBA). The session was moderated by Nicola Higgins, the YBA Vice Chair. I found it invigorating and instructive. To my mind, the whole conference appeared to me to be a fabulous achievement.

I derive satisfaction from many areas of Circuit business I have been involved with in my time as Leader. I restarted the Masters of Advocacy series lectures, which have lately been fortunate to have such distinguished speaker as Andrew Hochauser QC and David Perry QC. I also restarted the regional roadshows to Circuit Messes. They have proved to be extremely useful to the Messes visited and I hope that my successor will continue with them.

Another feature I introduced was an annual dinner for the Mess Chairs and the Circuit Recorder and Junior. At the dinner, every Mess Chair was present. It enabled them to hear how other Mess Chairs around the Circuit dealt with issues and exchange information with one another to the advantage of the individual Messes and the Circuit as a whole. In another innovation, I brought in the bi-annual co-opting of five members of Circuit Committee to the Executive, which has provided a more vibrant communication link between the members of the Executive and the Committee as a whole. I have also started a new practice

of inviting guests to attend Committee meetings to address the meetings and answer questions. During my tenure, we have been fortunate enough to have secured the attendance of all four Presiding Judges, Keir Starmer QC, Nick Green QC, Fergus Randolph, Chair of the European Circuit, Toby Craig, Mr. Justice Fulford and Belle Turner. I hope these ideas continue.

My heartfelt thanks to our very own administrator, Inge Bonner, the two Recorders, Rosina and Fred, and two Juniors, Emily and Adaku. I would also to thank all the Committee and everyone else who has helped, without whom I could not have that done the work that I have. The successes are down to them; any failures are mine alone. My profound thanks, and those of the Circuit, have to go to Oscar, our Treasurer, who does the vital job of keeping control of our spending (and mine in particular). The reality is that he performs his functions with that fine balance of realism and prudence. He is greatly under appreciated.

I am equally grateful to all of the people with whom I have dealt in my time as Leader. I have enjoyed many dealings with persons involved in family and civil law, as well as crime, which has enlarged my knowledge of the Bar as a whole to a level I never thought I would have. This has been a wonderful learning experience for me. Regrets? I've had a few. But, then again, too few to mention...

I hope I have left the Circuit in at least as good a condition as I found it. I will miss being the Leader enormously but rest assured I shall continue to serve the SEC as a loyal servant for many years to come. I wish my successor well.



THE COURT GUIDE

A THIRTIETH ANNIVERSARY NOTE

BY ANDREW GOODMAN



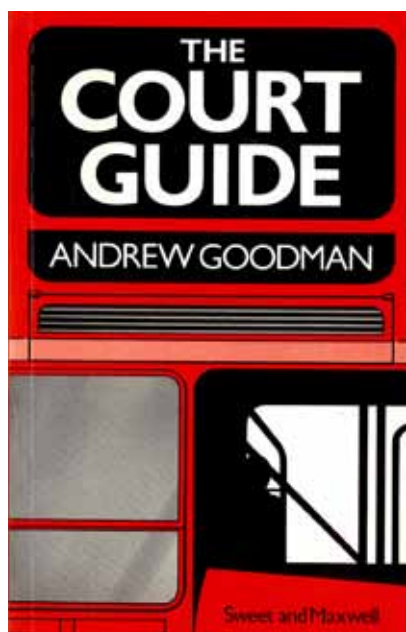
Amazingly, it is now 30 years since the publication of the first edition of The Court Guide and I am grateful to have been given this opportunity to thank members of the South Eastern Circuit for their kind support over that period. I know that some of you have been hampered and frustrated, as well as helped by its contents, but as I come to prepare the 20th edition with a new publisher, and the first since 2006/7, I still believe the idea is sound.

The Court Guide came to fruition in the spring of 1979 when I was a pupil in the chambers of Sir Francis Lowe, in the old 4 New Square. With no computers, internet or other publication to tell you how to get to court, young barristers had to rely on colleagues and clerks, who kept such information, to find their way around. And, of course, there were no mobile telephones. Magistrates' courts were known by their petty divisional title, which could cover a wide geographical area and three or more sitting centres, and there were other curiosities to make life difficult.

I was driven to put together a book that I needed to use myself. I rang Sweet & Maxwell and suggested that surely someone must have had the idea before. They agreed, and said that the proposal had come up several times, but that no one had ever produced a manuscript. Ten weeks later I did so. While squatting after pupillage, I put a large map of the south east on my wall and drew an arbitrary line around London. For the first edition this extended only as far as Uxbridge, Watford, St. Albans, Hatfield, Romford, Dartford, Croydon, Epsom, Kingston and Staines. I put coloured pins in the map identifying every type of court within that area – about 150 – and on those days when I wasn't in court myself, would take a piece of cotton, loop it around 10 or a dozen pins and go off and visit them.

The 1980 first edition had a picture of a London bus on the cover, then the way to travel to the vast majority of the courts listed. At 90 pages it was designed to be sold for about £1.50 although Sweet & Maxwell originally launched it at £5.25. It was dedicated, with great pleasure, to Bill Monier-Williams, a mentor and friend. The

book remained in print until June 1982. In 1985 Alistair MacQueen approached me to write an edition for his new imprint, Financial Training, expanding the contents to cover the whole South Eastern Circuit. This became quite a substantial undertaking since still wanted to visit every place listed but was busy in practice. I recruited a number of helpers, including members of chambers, who kindly completed a pro-forma return, and went to over 400 courts myself. The intention was to create an annual edition. This was during a major capital development of the court system, with new buildings coming into use



between 1985 and 1992. Each annual edition from 1986 until 1989 bore the Financial Training imprint.

In 1989 Financial Training changed its name to Blackstone. During that year it was decided that the Blackstone edition should have a companion volume, The Prison Guide, compiled and edited together with Barbara Mensah, which did the same thing for HM Prisons, but this time throughout the United Kingdom, featuring 132 institutions. We had always intended to expand coverage of the

book to the whole of England and Wales by the addition of further circuits. With the kind assistance of Barbara and a circuit-based volunteer, Susan Down, we added the Western Circuit in 1992 and after that ever since.

At its peak, the book has listed over 800 court venues, with copy extending to over 200 pages, but still keeping its pocket size format. The idea of having all that information portable still appeals, even though I know that many of you will now simply use court or HMCS websites or iPhones. Over the years a number of volunteers have offered to compile other circuits. We have welcomed them with open arms, offered training in the most efficient way of doing it and waited for results. Alas, the enormity of the task has defeated them all. After Blackstone was taken over by OUP in 2002, two further editions were published, relying on James Carter, now of Barlow Lyde & Gilbert, as desk editor and material that was received directly from the court staff as a return to pro-forma questionnaires which OUP sent to every listed court.

Now, after a considerable absence, Wildy Simmonds & Hill are taking up the challenge of producing a new version of The Court Guide despite the inevitably shrinking market. I suspect that many readers will have copies with substantial hand written amendments over the last three years. I would welcome any known amendments or corrections to be sent to me, and any other practical suggestions for the work. For example, I admire greatly the sporadic pages that Fothergill and Davidge have been putting in New Law Journal about individual courts, but the task of doing that for 700 or more courts would be huge. More than that, if any pupil or junior would like to play an active role in the new edition, or in expanding the work to take in the other circuits, I would be only too pleased to hear from them. I can be reached at agoodman@1chancerylane.com. With a little imagination we could produce not only a hard copy of The Court Guide but an e-version, if not an app. I do hope that you will support it.

Andrew Goodman is a barrister at 1 Chancery Lane



ANNUAL DINNER

THE TARTAN ARMY

BY GEORGINA GIBBS



It is hardly customary to spend the final eve of one's honeymoon at a work-related event, following a 24-hour journey with no sleep! But from the Kenyan plains of The Masai Mara and the tropical Seychelles island of Mahe to the South Eastern Circuit Annual Dinner nevertheless I went. And I can honestly say that I am glad that I did. The highlights of

the evening were the speeches, or rather in the case of our tartan (yes again!) Leader, Stephen Leslie QC, a rhyming poem, combining both humour and wit.

We were then addressed by our guest of honour, The Honourable Lord Neuberger of Abbotsbury, Master of The Rolls. And what an honour it was. An aptly pitched and

humorous address, revealing some early memories made it a speech which did not disappoint. We discovered from Stephen Leslie QC's introduction, that Lord Neuberger had studied science at university and was tempted back into a banking career after finding it difficult to obtain tenancy. At the Bar he remained however, seemingly breaking with family tradition, which had

seen his brothers become professors, as his father had been.

Lord Neuberger initially spoke to us of his first ever case and candidly admitted that he had felt physically sick, despite spending hours preparing. In the event, he conceded he had said no more than "I do not oppose." We learnt that he had a criminal practice

"I do not oppose"

early on and regaled us with an occasion when he sat as a new Recorder at Inner London Crown Court. He self-deprecatingly recounted an occasion during the trial when counsel before him suggested that counsel might direct the jury as to the meaning of 'conditionally bound', because they had perceived, quite rightly he said, that it was a term which did not mean anything to

"members of the Bar did not wear a blue suit in my court,"

him. Thereafter, and before he was a High Court Judge in The Chancery Division, Lord Neuberger referred to his many happy years practising out of Falcon Chambers. One memory which stood out as being not quite so happy, however, was when he was told by one Judge Leslie that "members of the



Bar did not wear a blue suit in my court," immediately after he had just spent 2½ hours cross-examining an expert, but no reference to that was made.

Lord Neuberger told us that the Leader of the Bar, Nicholas Green QC, also a guest at the dinner, had appeared before him on several occasions and had on one occasion addressed him at length on the meaning of Article 82 of the EC Treaty. Just when Lord Neuberger informed the advocate before him that he had addressed the Bench more

than sufficiently such that the meaning had already been absorbed, the confident future Leader of the Bar replied "there's no danger of that."

Lord Neuberger concluded his address by emphasising the relationship between judges and the Bar as being an important one, because it was so vital in achieving the smooth passage of cases. Of the advocates of the 47 different countries who appear in Strasbourg, Lord Neuberger told us that advocates from England were considered by the judges there to be the strongest, perhaps because they are not routinely given notice of the questions that a judge will ask in advance. It was interesting to hear from Lord Neuberger that regular interruption of counsel when appearing before the Court in Strasbourg, could see the judge being reported for misconduct. I dare say there are times when counsel appearing in British courts might sometimes wish that were so here...

No article about the dinner would be complete without mentioning the Junior, Adaku Oragwu's speech. I seriously think I had better duck out of doing it next year now. Adaku was resplendent in yellow, and her speech sizzled as much as her evening dress. It was stitch-inducing hilarious and was delivered with precision tempo. The top table gave it the highest praise, which is praise indeed given the quality of those who drank at it.

As ever, Stephen Solley QC chose some excellent wines, upon our treasurer, Oscar Del Fabbro's budgetary generosity, and we





were all (or perhaps just me) unwisely mixing our red, white & port following ever-flowing bubbles on arrival. Inge Bonner, Liz Cox, Hilary and Quinton Newcomb constituted the industrious team behind Stephen, who applied himself tirelessly, as he did last year, to organising this event with Adaku. A considerable amount of hard work and meticulous planning goes into arranging the dinner each year, but is satisfying work when it is seen that so many were enjoying the evening.

So I slept very well that night, a combination of exhaustion, minor (alright, a bit more than minor) inebriation; but really because it was such an enjoyable evening. Nicholas Green QC and Keir Starmer QC might have found it more exhausting still, not only because the Leader of the Bar had to travel to Manchester immediately after his main course ahead of a Saturday morning conference, but also because they were forced to 'talk shop' by one yours truly. According to them, although we are all well aware that it is a time of great change at the Bar, it is not all doom and gloom. Negotiations with the government are by no means exhausted and the Home

Secretary's avowed intention to send fewer people to prison will save millions of pounds, which shows that he is taking the Bar Council's submissions seriously.

Please do all come again to the dinner next year. It is rewarding when so many members of the Bar and judiciary come together and enjoy each other's company despite the daily trials and tribulations, of which we know

there are many. An injection of humour away from the battleground of the courtroom makes for a lively evening of different legal personalities and an immensely enjoyable night.

Georgina Gibbs is a barrister at 1 Paper Buildings and First Assistant Junior of the SEC





CIRCUIT TRIP TO MALTA

BY MELISSA COUTINHO



The South Eastern Circuit trip this year was to Malta; a land renowned for its remarkable political and ecclesiastic history and for its fusion of cultures, combining Western and Eastern influences. For at least half of the group, this was to be our first experience of Malta and so it was that on a rather overcast May but warm Bank Holiday weekend, 18 Circuiteers with their partners and friends met up at Heathrow Airport. The Black Card Lounge was the scene of suppressed revelry as most of us got into the holiday spirit in the traditional way but it was only after a 3-hour flight and a jump of 10 degrees centigrade and considerable humidity that the sense of truly being on holiday was born.

We were very hospitably met at the airport by Nadine and Victor Sant. The former is a prosecutor at the Attorney General's Office in Malta as well as a qualified barrister in England; the latter, now retired, was the Maltese Deputy High Commissioner to the UK during 1987-1993. Both gave up much of their time escorting us on our trips and making our stay so memorable.

Whisked away in smart cars, we were ferried to the Xara Palace Hotel, situated in old Mdina, a medieval walled city and the first capital city of Malta. Our skilful drivers expertly navigated the narrow cobbled roads, romantically lit by torches, but presenting something of a Krypton Factor challenge for the average motorist. Deposited at what looked like a castle from the pages of a fairytale, we explored the hotel, chosen by Giles Colin, as one of Malta's finest. It was an impressive setting, with modern suites retaining many original features and artefacts dating back to the 17th Century. Our Leader generously treated us all to champagne as he retired to read up on the Maltese legal system. So ended our first day in Malta.

The next day, after a champagne breakfast enjoyed overlooking breathtaking landscapes bathed in dazzling sunlight, our party, dressed only as smartly as the heat permitted, met up with Nadine Sant to be introduced to a number of High Court judges and Stipendiary Magistrates. We were permitted a tour of their courts, all situated within the one imposing modern but very sympathetically designed building. Learning

that it was only built in the 1970s explained that while it was perfectly in keeping with neighbouring buildings dating back to the 1500s, it also had every modern feature necessary for a court, including the essential hidden air conditioning.

The Magistrates, whom we would call District Judges, spoke of the convenience of having their courtrooms in the same building as the higher courts in the event that matters needed to be transferred. High Court judges also approved of the system which allowed judges at lower levels to learn from more senior judges. There is no lay magistracy in Malta but lawyers can apply to sit as a Magistrate after 7 years practice or as High Court judge after 12 years.

The judges and magistrates joined us for a seminar chaired by the SEC Leader and Nadine Sant. During the course of this, many similarities and differences between our respective professions and justice systems were revealed. Police inspectors, assisted by lawyers from the Attorney General's office, decide whether a reported matter is within the competence of the police in a system not dissimilar to the UK pre Crown Prosecution Service. There are nearly 2,000 police officers in Malta, for a population of 400,000 citizens spread across a landmass that measures 60 x 15 miles. For offences with penalties of up to 4 years' imprisonment, the police have complete responsibility for case and trial preparation. For more serious offences, the police are assisted by the Attorney General's office. Matters where a maximum penalty is less than 10 years imprisonment are dealt with by Magistrates, which makes their powers considerably more powerful in sentencing terms than our own District Judges.

While there are 2,000 practising lawyers in Malta, with 100 new practitioners joining their ranks each year, there is a criminal team of 6 lawyers in the Attorney General's office responsible for prosecuting all serious criminal cases. With such a compact team responsible for both casework advocacy, it is not uncommon for there to be a 3 year gap between summons and trial. However, the average trial length is 3 days, with even murder and frauds taking no longer than a week on average. Our Maltese friends explained that their courts sit at 9am and can sit as late as 9pm to expedite matters. When they saw our incredulity at the speed with which they conduct proceedings even in cases with penalties of life imprisonment, they shared their own bafflement as to how any trial in the UK could possibly take months!

Qualifying as a lawyer in Malta is done by academic training rather than vocational, with completion of a doctorate in law, earning one the title of 'Lawyer' (which must

be followed by passing a warrant of practice). This explained why all of the hotel staff kept addressing us as 'Doctor'; something which had mystified us before. While the academic work is rigorous, practical training for advocacy is not part of the actual course preparation. Nonetheless, less than six years after completing a Doctorate in Law (LL.D), a young lawyer can technically find themselves prosecuting murders - however, this is not the norm! Maltese lawyers are very impressed by the emphasis the UK put on advocacy training and there are hopes of the SEC bringing the Hampel Method to Malta.

Other differences in our legal systems were highlighted by the fact that Malta does

brought home the extraordinary mix of ancient and Romance languages but even those of us conversant in Arabic or Italian commented on the unique melding of cultures. More prosaically, having been warned that the Maltese favourite three topics of conversation were politics, religion and football, we found that we could, to some extent, hold our own on the first two topics only...

We were privileged to meet the Attorney General, Dr. Silvio Camilleri M.O.M, LL.D who has since taken up the role of the Chief Justice, and the Minister of Justice, Dr. Karmenu Mifsud Bonnici, LL.D, MP. Both were well informed about our system of



not permit divorce; a feature shared only with one other country: the Philippines. If marriage is not annulled, judicial separation can be granted, but re-marriage is then not possible. The right to divorce and re-marry has not been successfully challenged in Malta but a case has determined that divorce is not a human right. Other differences included adoption being barred to unmarried/gay couples or individuals.

Having earned our CPD points, we toured the city, seeing Venetian influences in the many merino glass exhibitions and Moorish influences in the architecture and language. A local police station with the sign "PULIZIJA"

law and shared their thoughts with us on the key differences, as well as their shared acquaintance with our own Chief Justice, Igor Judge, who is of Maltese descent. While there already appear to be the equivalent of multi-disciplinary partnerships in Malta, with other professionals working alongside lawyers without any problem, the vocational training aspect of our system was one they considered had merit and were keen to know more about.

We participated in the organised trips given to us on a complimentary basis, courtesy of the Ministry of Tourism. A guide took us around Hagar Qim and Mnajdar, ancient



freestanding structures carbon-dated as older than the pyramids. We also saw the President's Palace and Chambers as well as the Maltese Parliament and the Valletta Waterfront. We learnt about the Knights of Malta, who continue today, and snuck into St John's Cathedral to see two stunningly beautiful Caravaggio paintings. We were given tours of the country, memorably visiting the Mosta Domed Church, which has the third largest dome in Europe (and stands despite being hit by a bomb, as it never exploded) as well as being treated to traditional Maltese hospitality.

All in all, our impressions of Malta were of a devout country, with some very generous people and beautiful buildings. We spoke to priests who had witnessed miracles and lawyers who saw a time in the next 40 years when many laws would change, despite their political nature and religious implications. The time and effort that our Maltese friends put into entertaining us saw even more friendships blossom and there were promises of return trips. We came back eager to import at least one of their customs: summer hours, in which a working day starts at 7.45am and ends at 1.30pm, allowing non-court work to be done at the beach...

Melissa Coutinho is Chairman of the Employed Bar Committee





FLORIDA CIVIL ADVOCACY COURSE

MAY 2010



A 48-hour overstay at Orlando Airport, delayed by the volcanic ash cloud, seems an ideal opportunity to review the Florida Bar Association's Civil Advocacy Course.

The extraordinary similarities between the US and English legal systems, which were split over two hundred years ago, make the differences so very stark. The course was based around a mock civil claim for personal injuries and medical negligence before a jury, for virtually all American trials are before a jury.

The American style of opening and closing a case was vastly different to what we were used to in the UK. As the advocacy was directed to a jury it was surprisingly populist, with appropriate quotations from film and song encouraged to grab the attention of jurors. PowerPoint presentations were de rigueur as was dramatically walking around the courtroom or moving the lectern around the room to talk directly to the jury. Each of the English participants attempted to try this, more theatrical, style with varying degrees of success. We were all, despite our best efforts, delighted to be able to return to the safety of a fixed position from which we were able to make submissions and refer to a bundle of documents.

The area in which the English participants found the going easier was in witness handling. As junior barristers, we are all regularly in court whereas our American counterparts would only go to court a handful of times a year, at most. As a result we were more comfortable in the cross-

examination exercises. We all however found the 'back to basics' review of cross-examination style the most useful part of the course.

A fascinating feature of the course was the jury selection and deliberation sessions. The organisers of the course used an employment agency to recruit mock jurors from different sections of the local community to reconstruct the jury selection process known as a *voir dire*. The advocates involved in the selection demonstration very impressively memorised the names and background information of each individual juror in order to connect with them and begin the process of persuasion at the earliest opportunity. The advocates then made the selection and provided tactical reasons for their choices.

Following the demonstration of closing speeches, the mock jury's deliberations were videoed in a 'fly on the wall' manner that was replayed to participants at the end of the course. It was incredibly interesting to observe the hidden camera recording in order to understand what parts of the trial they placed importance on, and those parts they dismissed which was very revealing. It goes without saying that the Great American Public often took different views from the lawyers!

Another significant difference with our home jurisdiction was also revealed during these deliberations. The jury was simply left to calculate quantum of damages with no guidance or indication from the attorneys at all. As a consequence, the hidden camera revealed individual jurors recommending polarised figures for different heads of loss often tens of thousands of dollars apart with a split often being performed somewhere in

the middle. The jury panel did however have on board an economics student which at times lent a more scientific approach to the damages assessment. The jury's deliberations and especially its assessment of damages seemed a particularly alien concept to the English participants, but one in which the American attorneys seemed to place great faith and investment in predicting and trying to control, through the jury selection process, the outcome.

Due to the busy programme, we barely had a chance to explore Gainesville. However the time that was spent afforded us a chance to discover creole cooking such as blackened fish and dirty rice, as well as some local beers. The inhabitants of Gainesville were just as friendly as the participants on the programme, always interested as to where we were from and why we were there.

We received a wonderful welcome from both the faculty and the American participants and had some fun entertaining them with a short demonstration of traditional English advocacy in full court dress (to the evident delight of our hosts). We would highly recommend the course to other junior practitioners. Despite the considerable differences in procedure and stylistic approaches to advocacy, there remained a lot of common ground in terms of the course's objectives to hone and refine the fundamental skills of persuasion. In that regard, it was a privilege to learn and advocate alongside a number of experienced and talented attorneys.

Many of the American participants expressed an interest in similar courses/exchanges in the UK.

Mark Thomas is a barrister at 5 Essex Court and Edward Kemp a barrister at 12 King's Bench Walk

FLORIDA CRIMINAL ADVOCACY COURSE - AUGUST 2010

“SERIOUSLY: YOU PROSECUTE AND DEFEND?”

BY STEPHEN FITZPATRICK



The South Eastern Circuit annually sends four Junior Barristers to take part in the Advanced Prosecutor and Defender Trial Training Programme held at the University of Florida in Gainesville. This was the eighteenth year of the course, which is unique in the United States in that it emphasises joint training between the Public Defenders and State's Attorneys. The joint training is a feature the course openly states is based on the British system.

The course is comprised of approximately 80 newly qualified American lawyers all under three years post qualification experience. The teaching faculty is an outstanding array of senior prosecutors, defenders and judges many of whom have reputations expanding across the Atlantic. The faculty traditionally are also assisted by distinguished Queen's Counsel; on this occasion Sir Geoffrey Nice QC, also returning to take part in the course for the first time in 18 years.

The course was very intensive and immensely beneficial. Each student had to prepare two trials to be presented each day over the course of 7 days. The whole course was videoed with regular feedback from the faculty. It was an amazing experience to observe and learn from the different approaches from the Americans in terms of style, procedure and attitude. It was certainly fun to be able to pace around the courtroom whilst addressing the jury or to become completely engrossed in the American system of objections whilst resisting the urge not to say “objection your Honour” with an American accent.

Probably the most fascinating and difference was jury selection, something which was alien to all of the Barristers attending the course yet seen as one of the most vital components in winning a trial in the States. In explaining the correct approach one of the judges stated that “the whole purpose of jury selection is not to pick a fair jury, it's to pick the most empathetic to your case.” Perhaps from television I had previously thought that the purpose of this procedure was to exclude jurors of a certain race or background. It became clear however that the most



important function was to ask questions which would ingrain the seeds of your case theory into the minds of the jury before the case had started as opposed to excluding particular individuals.

In contrast, many of the American Lawyers were equally surprised to hear of many aspects of the English legal system. They were particularly shocked to hear that in the UK it would be common for a jury to hear about a defendant's previous convictions and that the character of a prosecution witness could not be attacked without the risk of losing your client's shield. But the question most often put to the barristers attending was: “Seriously. You prosecute and defend?”

The American faculty and students were completely enamoured by the performances of the Barristers on the course and positively blown away by a demonstration given by Sir Geoffrey Nice QC at the end of the course. Whilst our British accents certainly played a part in this, it was acknowledged by the senior members of the faculty that the barristerial system allows for this. The American lawyers would conduct the case from beginning to end attending police stations, taking witness statements, depositions and finally conduct the trial. The system there however

simply does not accommodate for a person to become solely a specialist advocate.

Above all they were further impressed by the independence of the UK Bar. Not just the ability to prosecute and defend but the objectivity which can only be given by being truly separate from both the state and the financial objectives of being part of a law firm.

But the course was not all work and law. The Americans were very happy to have us as their guests. They provided accommodation in the local Hilton and took the five barristers to a variety of locations from the springs to local line dancing clubs. We even had several judges teaching us how to ride the rodeo like a true cowboys. As a thank you the Americans were treated to the traditional Pimms Party this year also coupled with a quiz on “all things British.”

It was a true honour to be part of a programme that not only improved our abilities as advocates but further allowed us to be involved in showcasing the English Bar and further increasing international relations. A tradition I hope will continue for other barristers for at least eighteen more years to come.

Stephen Fitzpatrick is a barrister at 2 Pump Court

SEEING JUSTIS BEING DONE

AN INTERVIEW WITH MASOUD GERAMI, MANAGING DIRECTOR OF JUSTIS PUBLISHING

BY ALISTAIR KING



You trained in engineering and are from Iran: legally, a very different place from England. How did you become an expert in electronic common law publishing?

I've picked it up along the way purely as a result of starting my career at Eurolex. Though I initially studied electrical engineering, I graduated from Swansea University as a computer scientist. My Eurolex job followed graduation but the Thomson-owned company was soon sold to Lexis, which retained only its journals. So one of my old professors, another colleague at Eurolex and I got together and started Context, the original name of Justis Publishing. Within a few years we'd broadened its reach from European material to case law from England and beyond.

Tell us about those early years and your rise in the company

It was the tail end of 1985. With a new hardware-based search engine that we wanted to showcase, the three of us

approached some venture capitalists and, with their backing, set up shop in a small building in Maidenhead. By 1986 we'd launched the Justis full-text service, starting with Justis CELEX, and three years later we moved to London when the company was sold to its present owner. I was made technical director in 1990 and managing director in 2001 by the time our databases were on the internet. Like anything else, my success stems from hard work and enthusiasm. To some extent it's been luck because I started doing this by accident but the combination of law and technology has been very, very interesting.

Justis provided the ICLR's first electronic platform. What challenges did that present?

An issue we always had in the early years was persuading our data partners that electronic products wouldn't harm their print revenue but would contribute to an overall gain. Though we had – and have – a strong relationship with the Incorporated Council of Law Reporting, which started very early, and we were determined to host the Law Reports, they needed a lot of convincing that the authoritative series should be digitized.

We made a successful case but because of the type of organization the ICLR is, they had to go out to tender. But our hard work paid off and we won. We then set to work on two goals: developing a sophisticated frontend, which was guided by a user interface study carried out by researchers at Warwick University; and creating a specific tagging structure for the content, for which we designed a markup language very similar to XML before XML was released.

Were there other technical hurdles?

As this was nearly 20 years ago, PDFs didn't exist and scanning technology wasn't very advanced. So we had to capture the data from scratch. This meant 700 volumes of the Law Reports had to be keyed manually. And we insisted they were keyed twice to ensure accuracy, a process we project managed. But despite initial scepticism, the outcome was brilliant. We created a superb product and fostered an even better relationship with the Council, whose reports are now widely available electronically elsewhere.

So what sets Justis Publishing apart, helping it attract new business and retain existing subscribers in this competitive market?

We've always offered choice and flexibility, as demonstrated by our planning, by our business models and by our promotions. People could and still can pick and choose what they need rather than being forced into taking whole packages, both here and overseas. Go to Australia, go to Canada and look at the big players in those domains. Westlaw and Lexis are available but Justis is also a prominent name because of the choice we offer, along with the sophistication of our technology. Our popular platform is quite different from the competition and is the result of very conscious decisions to make it so. If you look at our interfaces, what everyone comments on is how simple to use and intuitive they are without lacking any features. So very advanced users can use them as well as novices, whether they're librarians, academics, students, solicitors or indeed barristers, the group that our services were first aimed at.

So what's the company's relationship with barristers like?

The barrister market has always been important to us. It comprises individuals who are their own bosses so, because of the small, friendly, proactive nature of our business, we enjoy close communication with this audience. We've learnt a lot from them over the years in terms of what they need and how they want to access it. So the benefit has been mutual, I think. Our having such a low staff turnover helps with this – the average length of service for our managers, for example, is eight or nine years, which is

far higher than elsewhere. We're also very well represented in the sector – the majority of chambers not only have access to Justis, many have signed up to our provider-neutral JustCite citator. Released in 2002, it now has over 20,000 worldwide users, who use it to see how laws from the UK, Ireland, Canada, Australia and elsewhere in the common law relate to each other.

Are those other common law jurisdictions relevant to English practitioners?

Absolutely. Now that decisions and journal articles from other countries are readily available – not just on JustCite but increasingly on Justis too – they can be put to very effective use in case preparation. A judge I met at a conference in South Africa recently said she now follows journals and key rulings in the UK and Australia comprehensively to see what's going on, not necessarily to be cited but so she can get a feel for the persuasiveness of their arguments. And the same is true of users in this country.

So do you feel that barristers were crying out for this overseas precedent?

Yes, and JustCite plays an important part in its delivery. When we index a new set of law reports from, say, South Africa and link them to UK cases, which already have links to Australian cases, which already have links to Canadian cases and so on, you can see this wonderful map of relationships between legal information documents. It's not just case law, we offer journal commentaries and the like, which wasn't visible to practitioners before but is now just a click away. You can

look at a case and it tells you exactly how it's been cited and mentioned in journals and other cases across the world, a facet of our services that has real appeal for certain subject areas like patent and intellectual property law.

Access to overseas material is one important part of the changing picture of legal research provision. What else is significant and what challenges do they present?

The competition is as strong as ever. But user sophistication and changing technology have also had a major effect. Though the raw data is almost identical to how it was 20 years ago, the way users access it is unbelievably different and more sophisticated. Because people use the internet for so many aspects of their lives, any advancement influences them. So if a user sees a great new feature on Amazon, say, they'll subconsciously expect it on our services too. Speed of access is crucial too. Today you can get the text of a judgment in hours, then act on it and make a decision well before it's reported six months or a year later. There are now volumes of information available through secondary material – commentary, blogs, journals and so on – which users need ways of filtering. That's an issue that we and other providers are grappling with and which some of our services are beginning to provide a solution to.

Where's the company going?

We'll continue to innovate and offer high quality products and services. We've started to create and commission new data collections. We'll index more material from around the world on JustCite. And we'll work even more closely with other publishers and service providers to improve user experience.

Have you got any final words for readers?

One big ambition and aspiration is that in the future when a barrister wants to find the leading authority on a point of law or check the latest status of a case rather than use a text book or other old fashioned method instead they will "JustCite it" and get their answers more quickly.

Alistair King has been with Justis for 3 years, where his chief role is copywriting



DOUBLE SHIFT SITTINGS

TWICE THE TROUBLE OR SECOND HELPINGS?

BY SARAH FORSHAW QC



On 23 June 2010, a double shift sittings pilot scheme went live at Croydon Crown Court. It is, we are told, an HMCS initiative to increase capacity and so improve 'court timeliness' by doubling the use of courtrooms currently available. The pilot is set to run for 6 months in two courtrooms at Croydon (Courts 3 and 5). An earlier plan to introduce the pilot concurrently at Blackfriars Crown Court was postponed pending evaluation of the Croydon experiment. The court sits from 9am to 1.30pm for the morning session with one case (or a series of short hearings) and then from 2pm to 6.30pm for the afternoon session (different judge/different case[s]). There is a mid-session 20-minute break.

Who is overseeing it?

At Project Board meeting level, HMCS has roped in representatives from just about every interested party, including the prison service, SERCO, CPS, defence solicitors, probation, victim support, CJB, the judiciary (Bean J, Presider) and the Bar (Stephen Leslie QC; oh, and muggins). HHJ Warwick McKinnon (resident judge at Croydon) is the man on the ground, keeping a quiet, sensible steer on things. There is a 'Local Implementation Team' on which John Black QC sits. Feedback either to him or to me is welcome. We shall be sure to pass it on.

Has the Circuit been supporting the initiative?

Not as such. The pilot was introduced in an attempt to clear delays and maximise use of each courtroom. Naturally, that objective is fully supported by the Bar. Double shift sitting as a mechanism for tackling it was going to be tried anyway. The most

hardened cynic would probably agree that we are better to be involved, to feed back experiences (good or bad) from the Bar and point out problems as we see them, i.e. To have some constructive input rather than to dismiss it out of hand. Some recognise possible up-sides for the Bar, leaving aside any potential for reducing delay / backlog within the criminal justice system:

- With clever clerking and a dollop of luck, it is possible that the industrious could find themselves working both shifts. Not to be dismissed lightly given the current situation at the criminal bar.
- An early finish or a late start is attractive to some.
- If there is a cost saving to be made within the criminal justice system through any route other than yet further swingeing cuts in legal aid fees (and we have yet to see from the evaluation whether the DSS scheme may help in that regard), then let's consider it.

Initial Feedback: Brainwave or Barmy?

It depends who you talk to. A mid-way evaluation has been timetabled for the end of this month. From an administrative point of view, the very early stages of the pilot do not seem to have thrown up any showstoppers. However, a useful 'Comments Book' was left in the Croydon Mess to encourage feedback from the Bar. Bald, one-word entries, while amusing, cannot be repeated here, but it would be fair to say that the pilot has proved controversial. Of course it must be observed that an invitation to comment generally promotes criticism from those who feel strongly enough to contribute rather than positive feedback from those who do not. But it is noteworthy that the

written comments have been, in all but one entry, negative. More formal evaluation forms have now been introduced. Counsel in SS cases are encouraged to complete them.

Recurring themes centre around delay (particularly where a defendant in custody is brought not from Highdown but from some other prison not in the loop), interference with family life (childcare issues), facilities (cafeteria opening times – although now coffee-making facilities have been provided in the robing room) and problems with communication once an afternoon sitting comes to an end at 6.30pm (securing work for the next day where a case goes short late in the evening/speaking to instructing solicitors who have already left the office/time in the cells with lay clients convicted at the eleventh hour, etc).

A document summarising all feedback received from the Bar so far has gone to the Project Board. The views of those at the coalface will be taken into account.

The Future?

Too early to say. Is it popular? Overall, probably not. Does it work efficiently in enough cases to create any real extra sitting time? Someone is working on the records as we speak. Even if the final evaluation concludes that the scheme broadly does eek more sitting time out of a court room, it is not suggested that the double shift sittings scheme should become the norm in every metropolitan court, or that it is suitable for every case. On one thing I suspect we can all agree: Croydon Crown Court at 6.30pm on a Friday night is not the longest of straws.

Sarah Forshaw QC is joint head of chambers at 5 King's Bench Walk

RESTAURANT REVIEW

THE BETJEMAN ARMS, ST. PANCRAS STATION

BY TETTEH TURKSON

It is early days yet but I think I have a new favourite. Sometimes things just work and in The Betjeman Arms I think I've found somewhere which is a perfect fit. I am not saying it is the best restaurant in the world – it's really a gastropub – but in almost every respect it fulfils what I want and expect.

Named after Sir John Betjeman in recognition of his instrumental role in preserving St Pancras Station, The Betjeman Arms can be found at the station's Euston Road end on the first floor. It is what every train terminus should aspire to have: a pub with good food at reasonable prices – most main courses between £9 and £13 – nice surroundings, a relaxed attitude to loitering and even a departure board inside. It is perfect if you've had an exasperating day in the northern reaches of the circuit or in foreign territory in the Midlands.

It is best that I get the negative out of the way first. Service is pretty slow and if I had a one-hour lunch break, I don't think I'd be able to say with confidence that I would be out in time. It seems to me The Betjeman Arms could do with more waiting staff. The staff are very pleasant and helpful so it is only the speed of service that is lacking.

As with any eatery it is the food which in the end determines whether you go back. I have in fact already gone back once. I visited it for lunch with JC and then a few days later decided to meet a couple of friends there for drinks which turned into dinner. Over the two occasions and about six different dishes I can say that I didn't taste anything that was less than good. The chef has a keen sense of flavour and particularly texture. A few dishes used nuts to provide a bit of contrast and the flavours were generally enhanced as well. The menu on both occasions contained a mix of pub staples, such as burgers and



fish and chips, all elegantly presented, and more refined dishes. However there were so many dishes that sounded interesting that it seemed a waste to play so safe.

On my first visit I chose the crispy pork belly and watermelon salad whilst JC chose the dill smoked salmon, gin and tonic sorbet and cucumber and lime dressing. There was



ample pork belly, crispy as promised but not hard. The watermelon was a great idea I have not seen elsewhere and took away some of the saltiness of the belly without being cloyingly sweet. It was finished with some leaves and sesame seeds for texture more than taste. Although I would say it was superior to the salmon, the gin and tonic sorbet was the single best element in either dish. Served appropriately in a shot glass, it cut through the sweetness and smokiness of the salmon and, unusually for many savoury sorbets, one could actually taste what it was supposed to be.

I will not even try to find fault with our main courses. On the first occasion I had a special: whole roast mackerel on a bed of penne

pasta and crab. When trying this first, JC said that her dish would have to go some to beat it. It was not overwhelmingly fishy, the penne and crab was creamy and buttery and combined beautifully with the clean taste of mackerel. The fish was fresh, firm and delicious. Its salted skin was a treat itself. JC chose the roast duck special. She was warned that it would take a little longer, that "chef is quite particular about it" and that it would come medium rare to rare. It came with an orange and hazelnut salad, which comprised leaves in a not-too-sweet light orange dressing. The hazelnuts did the job again of providing a bit of crunch but the flavour was an excellent contribution. JC wasn't initially sure about the lack of carbohydrates but conceded that it would have turned what

was a surprising light dish into something altogether different and unbalanced. The duck was perfect, which is just as well since chef had determined how it would be served. The fat was crispy and the meat was a very tender pink. The colours on the plate looked as attractive as the dish tasted.

We forced ourselves to share a dessert; not merely in the spirit of journalistic enquiry but the other dishes were so good it seemed a shame not to try it. The squidgy bread pudding did not disappoint. Nor did the toffee fudge which came with coffee.

I do have a worry about the Betjeman. I worry that the chef may go on to another more exclusive place. That is the lot of chains – even those as good as Geronimo Inns, to whom The Betjeman belongs. Maybe an acknowledgement somewhere on the daily menu or the website would suffice in persuading the chef that he's not just a corporate employee.

Cost: £25 per head

Verdict: A perfect gastropub

Tetteh Turkson is a barrister at 23 Essex Street

THE NUTS AND BOLTS OF TRIAL ADVOCACY

MASTERS OF ADVOCACY LECTURE BY ANDREW HOCHHAUSER QC

BY PRIYA MALHOTRA



On 23 March 2010, the SEC was privileged to have Andrew Hochhauser QC present a Masters of Advocacy lecture, modestly entitled: 'The Nuts and Bolts of Trial Advocacy'. The lecture did much more than merely present the nuts and bolts as the presenter, with 32 years experience at the Bar, treated a packed Inner Temple Hall to an absolute masterclass on the essentials of advocacy. The lecture was broken into three parts: preparation, the opening and cross-examination.

The importance of preparation was summed up in this cautionary note: "Good advocacy begins well in advance of any trial." Are your pleadings in order? Identify the issues. What are the documents or witnesses of fact going to establish? ("Documents win cases.") Have disclosure obligations been complied with? If not, why not? "Never forget the

"Good advocacy begins well in advance of any trial."

value of emails." Who are you going to call as witnesses and in what order? ("Remember: quality not quantity.") Are they essential? Are they going to be cooperative? Get witness orders in good time. Avoid drafting long witness statements and multiple statements. Avoid putting words into the witness's mouth. Get your trial bundles ready as soon as possible and know them back to front and inside out. Identify, flag and highlight the most important documents. Mark your files clearly on the spine and inside cover.

("Organisation is everything.") Know your opponent's case better than he or she does. Look up and ask others about your judge.

The purpose of the written opening is to educate the judge. Prepare a reading list. State realistically how long it is going to take him or her to read. Keep it simple. The written opening should be pleasing on the eye. Identify the issues and summarise briefly the rival cases. Avoid putting your case too high. ("It may come back to haunt you.") Identify the relevant principals and authority. Don't do a thesis on the law. After you've prepared your written opening or closing, even a skeleton argument, put them to one side and come back to them. ("You cease to get snow blind.") Send it your solicitor. ("Two heads are better than one.") The oral opening is another opportunity to bring the judge up to speed. Establish what he or she has read. Draw attention to the most important documents and keep it concise.

Ask yourself in preparing and conducting your cross-examination: When this witness leaves the box, what is it that I want to have established with the minimum of effort, minimum of questions? Prepare "a route map rather than a script." There is no need to take cross-examination in chronological order. Find a style that suits you and is appropriate for the case. Listen to the answers; they are what matter. Put that part of your case that is relevant to that witness's evidence. Use leading questions. If a witness avoids answering a question, keep putting it until he does. ("Three strikes and you're out.") Don't ask multiple questions. Be firm and persistent but don't hector or bully. Do not interrupt a witness. Let a good answer hang in the air. Watch the judge's pen. Never put questions on a false premise. Don't make speeches or insert commentary.

Following the lecture, John Hendy QC, a regular opponent of Hochhauser, had an opportunity to cross-examine this master of advocacy. How did he deal with difficult judges? Avoid full on confrontations but if it is necessary, do it ("keeping one eye on the Court of Appeal"). How physically does he prepare his cross-examination? By plotting out areas that need to be explored on a sheet of paper and then boiling it down. What was his style of cross-examination? In general, you can catch more flies with honey than vinegar. The style will depend on the case and the witness but find your own style and one you are comfortable with. Which advocate had most influenced his forensic style? John Wilmers QC and the advocates in the Blue Arrow trial. Did he ever wonder whether he was in the wrong job? Once he advised strongly in favour of applying to strike out and was told by the judge that the application was hopeless. Happily, he won eventually in the Court of Appeal. Did he still get nervous? Absolutely. The day before a big case, he gets no more than three hours sleep. ("The day you stop feeling nervous, is the day you are no longer at the top of your game.")

Hochhauser imparted so many gems of wisdom that it is impossible to do justice in this short piece to all of them. One piece of advice stood out in particular: "Focus on what is important and paint in primary colours." This lecture did just that.

Priya Malhotra is a barrister at 25 Bedford Row




KEBLE ADVANCED INTERNATIONAL ADVOCACY COURSE

BY CHARLENE HAWKINS

Sponsored by



 "You'll come back a reformed advocate," members of chambers said. They were not wrong. Not only can I now open a case with 'loaded neutrality', cross-examine with precision, focus, control and grapple with technical issues usually best left to experts but I can also peel a banana like the experts...

It would be a lie to say that the five days on the Keble Advanced International Advocacy Course were easy. The course is highly intense, tightly timetabled and hugely demanding (but, hey, if you don't like challenges, don't come to the Bar). A large set of papers landed in my pigeonhole six weeks ago suggesting at least three days preparation time and setting out a dense schedule. Proper preparation is the key to really getting the most out of the course. It is the only way of truly identifying where one's weaknesses lie and, thus, receiving appropriate and relevant feedback for the future.

Participants and trainers attend from all over the common law world, including Australia, South Africa, the Caribbean, Ireland and Pakistan. Although the course mainly comprises junior barristers from the Bar of England and Wales, there are also barristers from the CPS and foreign jurisdictions with whom priceless cross-border and cross-discipline insights can be shared whilst eating, drinking and conversing together.

The course is split into two streams - civil and criminal - with the objective of closely scrutinising each element of the trial process, including opening and closing speeches, witness handling and appellate advocacy. Participants also choose a medical or financial focus for handling expert witnesses. There is a unique opportunity to hold conferences with real life experts (leading endocrinologists for the medical problem and accountants from Deloitte for the financial problem), followed by the chance to examine and cross-examine them in an arena where your client's interests are not actually at stake.

Each part of the course is preceded by a 'master class' relaying practical pointers and tips from the trainers and an exemplary demonstration giving the participants a chance to learn from the best. Patricia Lynch



QC gave an entertaining presentation on how to handle vulnerable witnesses and Charles Haddon-Cave QC explained that we must not be afraid to learn from our expert; for example, a monkey would teach us the correct way to peel a banana.

Breakout sessions in groups of 8-10 follow the demonstrations. Each group is allocated a group tutor (who remains with the group all week) and two guest trainers who move between groups. Every participant is filmed and critiqued, and then benefits from a one-on-one video review on each piece of work. This is followed by a chance to replay the exercise later in the day to put the feedback into practice. Although senior members of chambers may be your trainers and Lord Grabiner may pop by to observe your performance, do not panic; the objective is to offer you practical advice and assistance.

Nerves aside, there is a real sense of camaraderie, with both faculty and participants rooting for you. It is incredible that eminent judges and QCs give up their valuable time to guide, encourage and support junior advocates of today by offering invaluable feedback. Faculty members include experienced trainers such as Lord Justice Munby, Mr Justice Langstaff, HHJ Hooper QC, Sir Geoffrey Nice QC, Geraldine Andrews QC, Edwin Glasgow QC, Philip Bartle QC, Philip Brook Smith QC, Anesta Weekes QC, Tim Dutton QC, Peter Harrison QC and many trainers from abroad. As well

as their formal feedback, their advice and war stories over coffee and dinner are particularly reassuring.

The course is rounded up by a Friday night banquet, with beautiful musical renditions from Pia Dutton and Geraldine Andrews QC. Participants then face their final challenge in the form of mock trials on the Saturday. The trials are presided over by distinguished figures including Sir Gordon Langley, Mr Justice Burton, Paul Darling QC, HHJ Rivlin QC, HHJ Browne QC, HHJ Warner and HHJ Shanks. The trials give participants the chance to exhibit all of the talents learnt and developed over the course of the week (despite perhaps having had one too many glasses of wine the night before). The criminal trials are carried out in front of a mock jury from Oxford and the advocates are blessed with the one and only chance of getting inside information on the jury's deliberations and finding out the psychology over what does and doesn't work in practice.

The Keble Advanced Advocacy Course is a combination of hard work, passion and unique opportunities, coupled with good humour and friendships, all of which fills me with confidence for my career at the Bar. Keep up the good work SEC

Charlene Hawkins is a pupil barrister at Littleton Chambers



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THE SIXTH DAME ANN EBSWORTH MEMORIAL LECTURE

Mr. Justice Hardiman

Gray's Inn Hall

Tuesday 8 February 2011

17.30 - 20.00

Inge Bonner, SEC, 289-293 High Holborn, London WC1V 7HZ. DX 240 LDE CH LANE
Tel: 020 7242 1289, Fax: 020 7831 7144, Email: ibonner@barcouncil.org.uk



CIRCUIT TOWN

ST. ALBANS

BY WILL NOBLE



St. Albans is Hertfordshire's oldest settlement, a modern city shaped by over 2,000 years of human occupation. The town first appeared as Verlamion, a Celtic Iron Age settlement whose name means 'the settlement above the Marsh'. After the Roman conquest of Britain in AD 43, it developed as Verulamium and became one of the largest towns in Roman Britain. Verulamium was destroyed during the revolt of Boudicca in AD 61 but was rebuilt and remained occupied by the Romans until between AD 400 and 450. Roman ruins remain, as do numerous artefacts housed in a museum in Verulam Park.

St. Albans' bloody history includes the scene of two battles fought during the Wars of the Roses. The First Battle of St. Albans in 1455 saw Richard, Duke of York defeat the Lancastrians and capture Henry VI. The Lancastrians had their revenge in 1461 at the Second Battle of St. Albans in which the Yorkist faction under the Earl of Warwick was defeated. The victors released King Henry, who had been Warwick's prisoner. However, the Lancastrians ultimately failed to take advantage of their victory.

St. Albans sided with parliament during the English Civil War (1642-45). A minor skirmish took place in 1643, when the royalist High Sheriff proclaimed for the King outside the Clock Tower, at the same time Cromwell and a detachment of men rode into the city. The unfortunate Sheriff was chased, captured and dispatched to the Tower of London (although I suspect a delay in Group 4 van meant he didn't get there for some time).

The city took its modern name from Saint Alban, the first British Christian martyr, who was beheaded in the city sometime before 324 AD. The city's cathedral now stands on

the site where he was executed. It was, at one time, the principal abbey in England and became a cathedral in 1877 when the City Charter was granted. The first draft of the Magna Carta was drawn up within the abbey and just to prove that pro bono at the Bar isn't a modern concept, Sir Edmund Beckett QC (1816-1905) rebuilt the west front, roof, and transept windows of the cathedral at his own expense (obviously a long time before graduated fees!). St. Albans School, a public school which occupies a site to the west of the abbey (founded in AD 948) is the only school in the English-speaking world to have educated a Pope (Adrian IV). Other notable pupils include Professor Stephen Hawking and Sir Tim Rice. Samuel Ryder, the then captain of the Verulam Golf Club, which can be seen from the train as you approach the City Station, founded the Ryder Cup competition in 1927. Also of note is that the Campaign For Real Ale has their headquarters in the city, which is noted for having the most pubs per square mile in Britain.

St. Albans is now a sought-after residence within the London commuter belt with easy access to the M25, M1 and A1. Fast trains running to and through the centre of London from the City Station leave every 15 minutes with journey times to St. Pancras taking approximately 20 minutes. Additionally the Abbey Station at the bottom of Holywell Hill runs a regular service between St. Albans and Watford Junction. St. Albans' excellent transport links and its proximity to London have led to property prices spiralling making it one of the most expensive places in the UK to live.

The Crown and County Court is situated in the city centre a 5-minute walk from the City Station. The main building houses 4 court

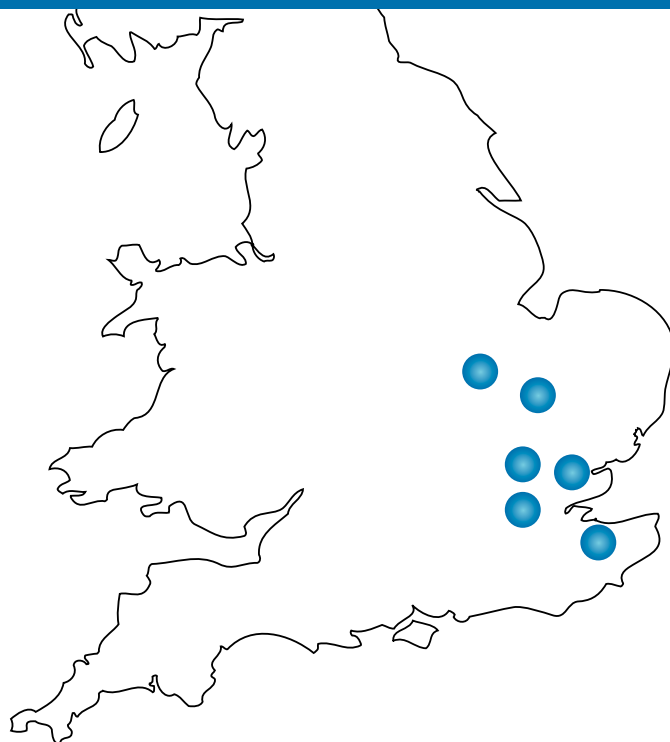
rooms with a further 3 court rooms on the upper levels of the Magistrates' Court which is a stones throw away. Given St. Albans' proximity to Elstree Studios, those avid soap watchers amongst you will have seen the Court feature in numerous episodes of EastEnders and other television programmes.

The Court benefits from being situated in the city centre with easy access to shops, bars and cafés. Unsurprisingly perhaps, the city has its fair share of well-known chain restaurants such as Carluccios, Côte, Café Rouge, Loch Fyne, Pizza Express etc. For the more discerning pallet, Darcys on Hatfield Road is a pricey but unpretentious bistro very popular with locals. There is a plethora of pubs in the centre but local favourites include the Red Lion on Fishpool Street and Ye Olde Fighting Cocks on Abbey Mill Lane (which lays claim to being the oldest pub in England). Great places for a sandwich include Barrissimo Caffè Italiano on St. Peter's Street and The Bread Shop in the Maltings. If you are heading back to the City Station pop into Buongiorno Italia a friendly Italian deli on Lattimore Road where they are always happy to make up sandwiches from their array of Italian delicacies.

Will Noble is a barrister at 9 Bedford Row and Junior to the Herts & Beds Bar Mess



BAR MESS REPORTS



CENTRAL LONDON

Like the calm before the latest legal aid storm, all is fairly quiet in Central London. Getting out just before the next round of cuts, the Mess would like to send its best wishes and thanks to firm favourite (and stalwart of all drinks parties) David Tomlinson. His Honour Judge Tomlinson, as he is now, said goodbye to Bar and friends at a glittering party in Inner Temple, attended by those of the highest and lowest standing and stature. We can only assume his partiality to the Circuit is the reason he has been appointed to sit in Birmingham.

On another note, we continue to keep an eye on courts where large number of floaters are listed with little or no prospect of them being called - always a difficult balance for Resident Judges and Court Managers, but they are listening.

Hot off the press: Building works at Woolwich Crown Court dictate that, for the next 8 months, car parking facilities at the rather remote Belmarsh will be severely restricted. We are invited to use public transport. Or walk. Joy...

Prendergast

KENT

It's been all change in Kent with a number of retirements and arrivals since our last report. So in Canterbury it's farewell to HHJ Nash. We shall miss his cheerful good

humour and references to "Over the hill slappers", the failings of the Home Office and Canterbury's inadequate heating/cooling systems. Farewell too to HHJ Webb. There are several individuals at the Bar and on the Bench who still can't sleep properly because of His Honour's striptease during his leaving ceremony...

On the plus side, HHJ James has joined us, to

"... she'll never be far away"

remind us all what we could have achieved if we had applied ourselves when younger! By the time you read this we will have said goodbye to HHJ Patience QC as Resident Judge at Maidstone. Our best wishes to HHJ Carey assuming the role of Resident. We also bid a fond farewell to Caroline Knight, a valued supporter of the Mess, who has decided to retire from the hurly burly to enjoy a more peaceful and, we hope, relaxing lifestyle, although we know she'll never be far away.

In these days of Continuing Professional Development we are pleased to thank HHJ St John Stevens for his illuminating seminar and demonstration on the use of technology in the courtroom (quite an eye-opener for those of us still struggling with using a mobile phone!). We hope that the Mess will, with the assistance of the Bench and others, be able to continue to educate, inform and entertain; as well as chalking up some free CPD points and sharing some wine and nibbles!

The inaugural Kent Bar Mess v Court Cavaliers cricket match at Lenham Cricket Club resulted in a close-run game, with victory to the Mess. It was a useful warm up for the forthcoming match against our brothers (and sisters) in law of the Sussex Mess on the 5th September.

Finally, we are all waiting, with some trepidation, for the formal launch of the Kent Bar Mess website (www.kentbarmess.org) and the dawn of a brave new world of email and the information superhighway. To infinity and beyond!

Ian Victa

CAMBRIDGE & PETERBOROUGH

We understand Cambridgeshire's Chief Crown Prosecutor, Richard Crowley, is off to Leicester: congratulations. Frank Ferguson is replacing him, but we understand his title won't be so grand, yet. Massive cuts in CPS budgets suggest there will be a general reduction of senior posts through "natural wastage" as departing staff are not replaced. We expect huge stresses on those who remain.

HHJ Neil McKittrick retires at the end of the year; the Bar will be sorry to see him go. We await his successor with bated breath.

Procure Co is beginning to emerge as a real topic of discussion between the Bar and Solicitors, our correspondent suggests there

may be significant developments in the next 6 months.

On a less portentous note, our second mock trial for local schools in Cambridge Crown Court was a great success. Thanks go to all members of the Bar who acted as mentors for the Marshall Halls of tomorrow and particularly to Sally Hobson the instigator of the event.

Drained Fen

ESSEX

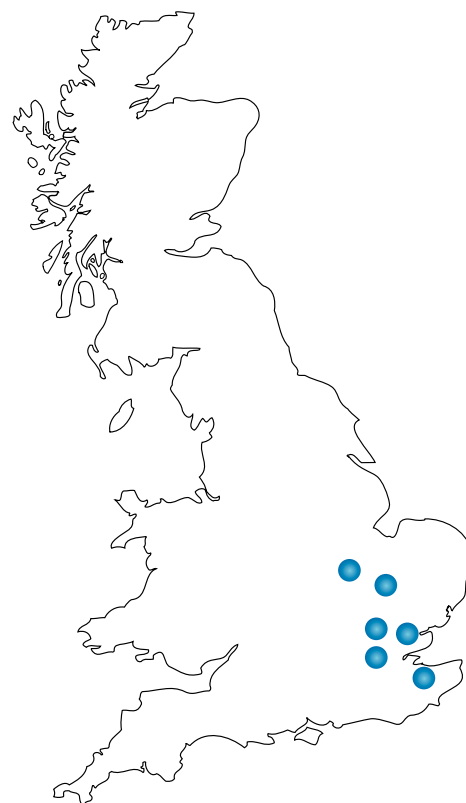
Laureen Fleischman died in June. She fought cancer with enormous courage but had to concede in the end. She was a formidable character, both in court and out, she never missed a Mess dinner and was always the best of companions. We who knew her will miss her dreadfully and the courts in Chelmsford and Basildon will forever seem a little duller following her passing. The Mess was able to send her flowers and words of support and love during her last days and she responded

in typically feisty fashion. May she rest in peace.

We raised a number of glasses to Laureen's memory at a wonderful dinner held later in June to mark the retirement of two Essex Judges – Michael Brooke and Peter Dedman. We met at the Haberdasher's Hall in Smithfield – an inspired choice by Jackie Carey, where the food and fellowship was first class. It was a particular pleasure to welcome Mr Justice Bean, the senior President who is coming to end of a distinguished spell in that role. We also welcomed our splendid Leader who again displayed the Leslie tartan with his usual aplomb. We wish both retirees the happiest of times ahead.

What those times hold for the Essex Bar and Bench is a matter of some speculation what with threatened cuts and new business structures, but we can depend upon the usual suspects to keep the courts busy and who better to prosecute and defend the Essex reprobates than the members of this fine Mess that we have got ourselves into. Onward and upward!

Billericay Dickie



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