

# The Middle Templar

The Honourable Society of the Middle Temple

Issue 46 Spring 2009



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## Introduction



After the momentous events of last year, including the highly successful 2008 celebrations which concluded with the Gala Dinner in the presence of Master Her Majesty Queen Margrethe II of Denmark, and the prominent featuring of Middle Temple in the BBC documentary series “*Barristers*”, it is time for us to concentrate once more on core activities.

This edition of *The Middle Templar* highlights the importance of our Scholarship Appeal with a feature article from Master John Gardiner, Chairman of the Appeal. The Inn is deeply indebted to him for the major contribution he has made to the success of the Appeal over the last six years. Our students are, of course, the lifeblood of the Inn and I know how much they appreciate the generosity of those who have given and continue to give to the Scholarship Fund.

Reinforcing the education theme and support for our students, Master Michael Gledhill writes about the objectives of the Participation Sub-Committee, and there are also interesting articles about mooting, marshalling and the Pupillage Review. Middle Temple is proud of the service and support it provides to its student members and I pay tribute to Christa Richmond and her staff for all their hard work and dedication.

The Inn continues to plan for the future and it is expected that the work of the Strategy Group (now under the Chairmanship of Master Deputy Treasurer Stanley Burnton) will conclude its work this year and make recommendations to the Executive Committee and Parliament. There will be more about this in the autumn issue of *The Middle Templar*.

A handwritten signature in black ink, appearing to read "P.J. Hilling".

**Peter Hilling  
Under Treasurer**

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*Front cover: His Excellency Abhimanyu Kundasamy, High Commissioner Mauritius;  
Donville Johnson, Deputy High Commissioner Barbados; Master Treasurer,  
Sir George Newman; Mrs Masire-Mwamba, Deputy Secretary-General of the Commonwealth;  
His Excellency Paul Farquharson QPM, High Commissioner Bahamas.*

Designed by Kristine McGlothlin and Mike Pearmaine

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**Officers of the Inn 2009****Treasurer**

Sir George Newman



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**Deputy Treasurer**The Rt Hon Lord Justice  
Stanley Burnton

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**2009 Readers****Lent** – The Rt Hon  
Sir Francis Jacobs KCMG QC**Autumn** – Linda Sullivan QC**Director of Middle Temple****Advocacy**

Adrian Whitfield QC



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**Master of the Garden**

Lord Kingsland QC

**Master of the House**

Anthony Boswood QC



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**Master of the Moots**

Richard Wilmot-Smith QC

**Master of the Music**

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

In every year each Treasurer builds on the record of the previous year. For a number of reasons 2008 was remarkable. We received formal and public confirmation from Her Majesty that the Inn had fulfilled its obligations over 400 years and that it was appropriate for new Letters Patent to be issued to reaffirm our future obligations under the 1608 Charter. Further, we experienced an historic degree of cooperation with the Inner Temple. Not only did it result in a successful orchestration of a packed programme of cultural events and serious debate, but it also created a basis for investigating future areas of cooperation which could involve sharing some of our respective resources. We are already in discussions to identify such areas. I am pleased to confirm that each Inn will hold fast to its traditions and separate identity. I believe that the Festival programme has caused us to be seen more clearly as a contributor to cultural development and serious thought and has increased public insight into what we do as a centre for learning, training, education and support for the profession of barrister.



We should continue to foster public awareness of the breadth of the role we perform.

The professions are open to continuous scrutiny in the public interest, but from time to time, particular professions are subject to heightened attention. The issues chosen for attention vary from year to year. Recently Mr Alan Milburn was appointed to review social mobility including access to the professions and to assess the strength of the qualities of openness and diversity in the legal profession. Sometimes these reviews are presented by the media as though the mischief which is under review can be regarded as an established starting point. The best answer to such criticism is to reveal what we do, why we do it, and why we are confident that we know what we are doing. Our Open Weekend proved to be an ideal method of drawing a wide range of people to become familiar with the Inn.

I have devised this year's lectures with some of these thoughts in mind. Our first lecture of the year was delivered by Mrs Masire-Mwamba, Deputy Secretary-General of the Commonwealth. We regarded it as celebratory of the 60th anniversary of the founding of the Commonwealth, and it was attended by a number of High Commissioners and others who have prominent roles in Commonwealth affairs. Our second lecture delivered by Lord Guthrie was

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**Sir George Newman** retired from the High Court Bench in 2007. His practice at the Bar was principally in London, but also took him to many parts of the Commonwealth: he acted as an advocate and adviser in Hong Kong, Singapore, Malaysia, Brunei, Fiji, the Caribbean and Bermuda. He has recently been appointed as Chair of the Security Vetting Appeals Panel.

on “*The Just War*” and it, too, was attended by a number of eminent guests.

We have a busy programme for the year 2009. We are to play a prominent role in an international law conference in Mauritius in September. This opportunity has arisen because of our previous visits to Commonwealth countries and, in particular, the law conference which we shared with the Mauritians in 2007.

*I realise that this is a time of economic hardship, but it is worth remembering that such circumstances are likely to exacerbate the financial risks which students have to take, and in turn makes assistance by way of scholarship even more important*

The conference this year will be much bigger with delegates from a number of African countries. The Inn's contribution to the development of the law and the training of judges and practitioners in Commonwealth countries has been widely recognised and received official approval in the final communiqué issued by Commonwealth Law Ministers at their Conference in Edinburgh in July 2008.

As part of the endeavour to inform a wider section of the public of our activities, I am currently looking at a proposal to create a new status of member called “Fellow”. This new category would allow us to welcome distinguished outsiders to contribute to the Inn and, in return for their contribution, they would receive dining rights.

I have become very conscious that

## The Bahamas Middle Temple Society

by Bertha Cooper-Rousseau



the enthusiastic support of barrister members. It is not just a question of giving time, however, and in recognition of the continuing need for financial support, we are re-launching the Scholarship Fund Appeal. We started some years ago with a target of £5 million. We have raised £2.5 million and we need to raise the balance. I realise that this is a time of economic hardship, but it is worth remembering that such circumstances are likely to exacerbate the financial risks which students have to take, and in turn makes assistance by way of scholarship even more important.

I should like to end by emphasising how proud we can be of the additions which are regularly made to our Bench, both elected and Honorary and which will occur in this year. I should also like to pay tribute to the quality of students we have and to acknowledge the hope that they give us that the traditions of the Inn will be securely placed in the future.

*General the Lord Guthrie of Craigiebank GCB LVO OBE and Master Treasurer*



On the eve of the Privy Council's departure from the Commonwealth of The Bahamas, 2 April 2009, the Treasurer will attend the launching of The Bahamas Middle Temple Society (BMTS). Approximately 150 distinguished Middle Templars in The Bahamas participate in all facets of the legislature, the judiciary and the legal profession.

Building on Middle Temple's optimistic vision to expand "the walls" of the Inn, which encompasses the entrenchment of the rule of law on a solid footing in England and Wales, and throughout the Commonwealth, the BMTS considers the tenure of the present Treasurer an opportune time to embrace and implement such a vision. To this end, the BMTS is committed to Middle Temple's call to members from around the globe to collaborate on continuing educational programmes for practitioners, and the establishment of forums whereby judges and practitioners are able to formulate and submit constructive recommendations to Cabinet Ministers and their respective government.

During this historic visit, the Treasurer will make several courtesy calls on dignitaries and government officials, including HE, The Governor General, The Rt Hon Prime Minister, and The Attorney General. The Treasurer is scheduled to make a presentation to The Bahamas Financial Services Board on "*The Future of The Bahamas as an International Arbitration Centre*"; give a lecture to Senior Officers of The Bahamas Royal Police Force on "*The Privy Council's Position on Human Rights and the Death Penalty*"; and a lecture on "*The Globalisation of the Legal Profession: Middle Temple's Perspective*" followed by a dinner for approximately 100 Middle Temple members and their guests.

4th DECEMBER 2008

# A Danish Gala Evening

by Master Michael Blair



Master Louis Blom-Cooper; Master Her Majesty Queen Margrethe II of Denmark, Master Michael Blair; Master Robert Seabrook, Master Jacqueline Davies, Jette Parr (Allan Heyman's sister), Master Rupert Jackson, Jeremy Bennett

Last year, in 2008, we celebrated, in part with the Inner Temple and also by ourselves, the generosity in 1608 of King James VI and I to the two Inns. But, in a year in which more women than men were called to the Bar, we in the Middle Temple were also able to honour the memory of King James' Queen, Anne of Denmark (1574-1619). The sister of King Christian IV (as in the novel *Music and Silence*), she had married King James in 1589 when he was King of Scotland, and among her children by King James was King Charles I (r.1625-1649).

One of our most valued Honorary Benchers is Master Her Majesty Queen Margrethe II of Denmark. She inherited the Danish throne in January 1972 and was Called to the Bench in 1992, the year when we had a Danish Treasurer in Allan Heyman QC. Through the good offices of the Danish

Ambassador, Her Majesty graciously agreed to come back to the Inn for a Gala Dinner. It was a glittering and enjoyable evening, and was a triumph in relation to Her Majesty doing what Queens do so well.

In the course of the evening Master Her Majesty must have met and conversed with about 40 Benchers, 30 students and members of Hall, and 25 guests of the Inn. Many of the guests were Danish, including Susan, the wife of Master Bruce Blair; or had Icelandic connections, like my own wife, Halldóra, (Iceland was a Danish colony until 1944, and The Queen has an Icelandic Christian name, Þórhildur). Three members of Master Heyman's family, his brother Hans, his sister Jette Parr, and his daughter Marina Dumas, were also present as well as some distinguished members of the London Danish community.



Lady-in-Waiting Camilla Castenskiold and Master George Newman



HM Queen Anne-Marie of the Hellenes and Master John Gardiner



Masters Ros Wright, Charles McCullough, Colonel PT Crowley

The dinner was a brilliant affair in itself. The Hall looked at its very best, with silver every where, and swathes of roses decked with diamonds (red, for Denmark and for the Middle Temple) down the tables. Among those present were The Queen's sister, Her Majesty Queen Anne-Marie of the Hellenes; the Danish Ambassador, His Excellency Birger Riis-Jørgensen and his wife Karin Riis-Jørgensen MEP; and Colonel and Mrs Michael Ball, Colonel and Mrs PT Crowley, and Colonel Stephen Kilpatrick OBE from the Princess of Wales's Royal Regiment, the most senior English regiment of foot in the British Army. Her Majesty, as Colonel-in-Chief of the Regiment, normally visits the Regiment once a year, but this year our dinner took precedence and so three officers came as our guests to dine in the Inn with Her Majesty.

After dinner, the music by *The Frolick* led by Andrew Maginley (lute) and Emma Curtis (contralto), was specially designed to honour and recall Anne of Denmark's time in England, and the Danish Court in the early seventeenth century. Anne had inspired, and indeed performed in, several masques after her arrival from Scotland in 1603, including the *Masque of Beauty* by Ben Jonson and Alberto Ferrabosco. The short programme ended with John Dowland's *The King of Denmark's Galliard*, composed while he was lutinist to King Christian IV.

The evening was a fitting and enjoyable end to a marvellous year for the Inn, and we are grateful for the visit from Master Her Majesty, and her sister, Her Majesty Queen Anne-Marie. We hope to see them both in the Inn again on a future suitable occasion.

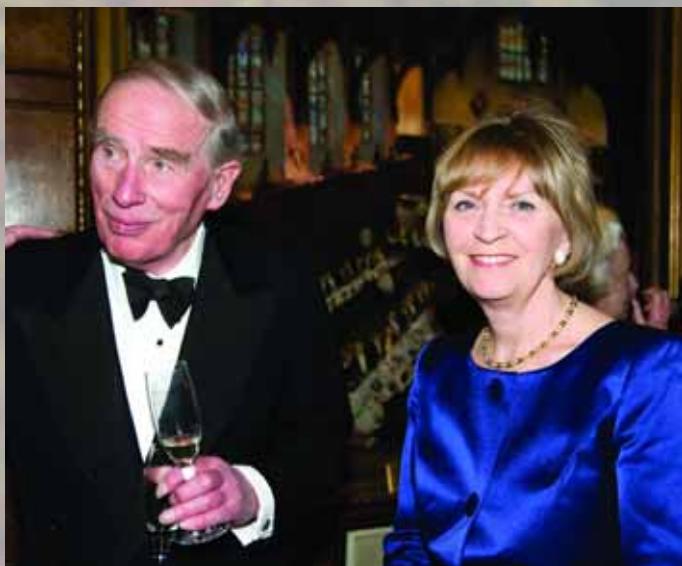


*Master Patrick Milmo, Tine Langkilde Bennett, Master Anthony Artridge*



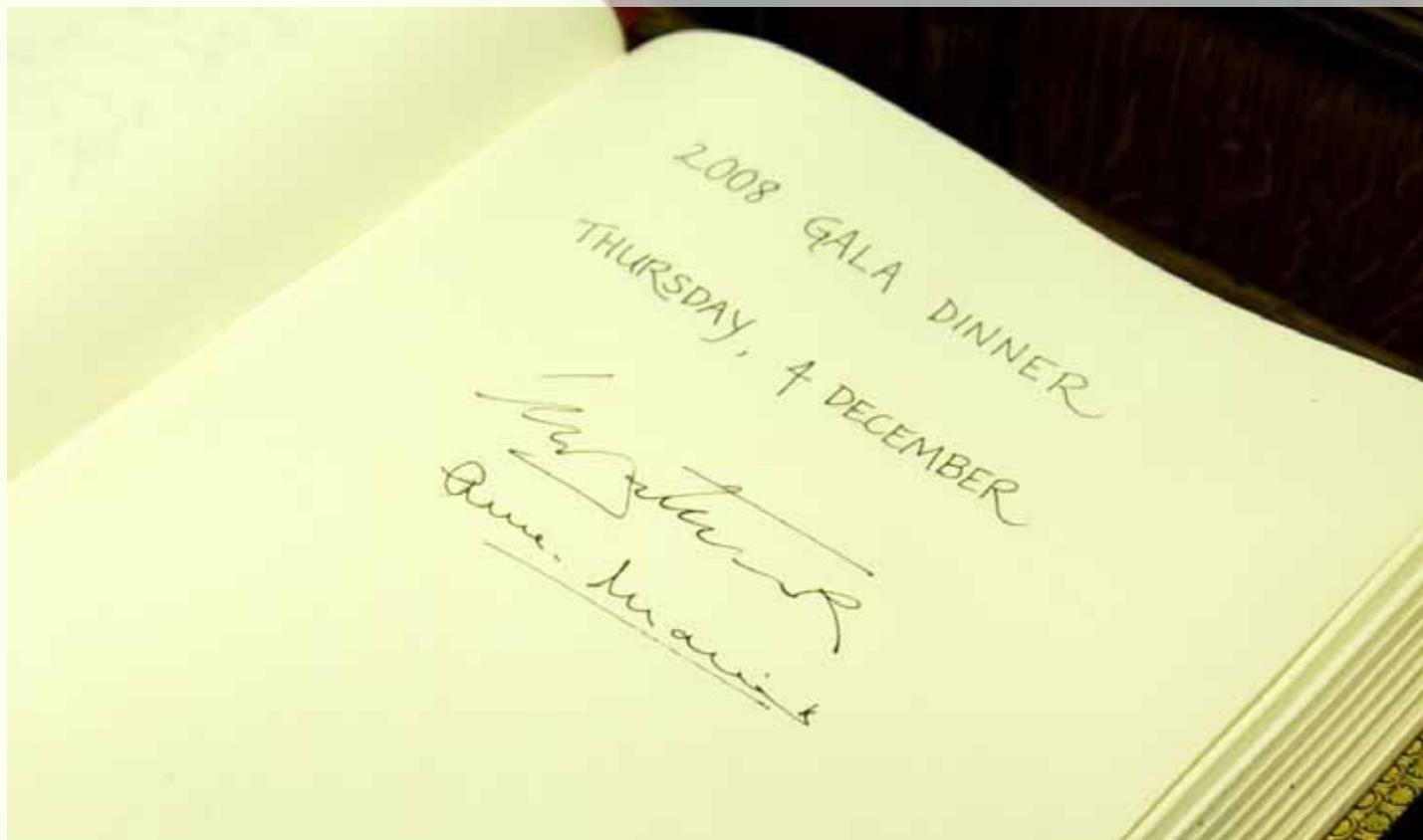
*Marina Dumas and Hans Heyman*

*Master John Hopkins and Master Jacqueline Davies*



*Niels Eilschou-Holm and Master Simon Brown*





*Master Michael Blair; Master Her Majesty Queen Margrethe II of Denmark, His Excellency Birger Riis-Jørgensen*



*Photographs courtesy of MPP Image Creation*

2008 FESTIVAL

22ND NOVEMBER 2008

# Northern Exposure

## Northern Circuit & North Eastern Circuit Dinner

A very successful dinner for Middle Temple members of the Northern and North Eastern Circuits and their guests was held at the Merchant Adventurers' Hall in York on Saturday, 22 November 2008 as part of the 2008 Temple Festival. One of the objectives for the Festival was to re-establish connections between the Inn and its members, and the dinner provided an excellent opportunity for the Middle Templars in the North to participate in the Festival celebrations. The Presiding Judges of the Northern Circuit and the North Eastern Circuit, together with their spouses, and four students from the area were the special guests for the evening. After a delicious dinner, Master Roger Thorn toasted the Northern Circuit and Master Christopher Rose toasted the North Eastern Circuit followed by a short speech by Master Michael Blair. The Inn is especially grateful to Master Andrew Campbell, Sarah Singleton QC, and Nick Worsley for their time and effort in organising such a superb event.



Lady (Indu) Smith, Master Andrew Smith, Master Clem Goldstone,  
Vanessa Goldstone, Felicity Stewart



Sally Lodge, Nicole Myerson, Simon Myerson QC, HHJ John Lodge



DJ Ian Fairwood, Hilary Fairwood, Wendy Robertshaw,  
Rebecca Thornton, John Elvidge, Martin Robertshaw



HHJ Angela Finnerty, HHJ Tom Cracknell, Felicity Davies,  
Trudy Jones, HH Norman Jones QC

# Lent Reader

by Master Francis Jacobs

**It is often said that, for those wishing to practise at the Bar, this is a period of great uncertainty. A look back over the years may suggest that that was always so. We cannot see into the future, and although it helps to have an aim in one's career, chance will often take over – as with other aspects of our lives. My own experience confirms that.**

My main legal interest has been European law – EU law (as it is now called) and the European Convention on Human Rights. When I joined Middle Temple, a mere half-century ago, I applied for a scholarship and mentioned at my interview an interest in international law. That was not well received – but they liked my answer to the next question, “Why have you chosen Middle Temple?” “It seems to offer the most scholarships.”

European law was unknown in England then, but over the years (with encouragement from the Foreign and Commonwealth Office) I had the opportunity to study and practise European law at the Council of Europe in Strasbourg, and at the European Court of Justice in Luxembourg. Later I became an Advocate General at the ECJ, and happily occupied that post from 1988 to 2006. Certainly none of these steps was predictable, and I am sure that many others have followed an equally improbable course.

Far more improbable and infinitely more important have been developments in Europe over the same period. In Strasbourg the ECHR system has evolved beyond recognition. In my period there, the cases were managed by a handful of officials in the Commission secretariat, and virtually no cases went to the Court. Acceptance of the Commission's competence was optional and limited in time, and only Germany and the UK of the larger States had accepted it. Now the impact of the ECHR has spread to almost the whole of Europe, and the Court is a full-time Court with compulsory

jurisdiction, handling vast numbers of cases. The wholly unpredictable fall of the Iron Curtain in 1989 led to many countries in central and eastern Europe joining the Council of Europe, and some of them later the European Union: the Council of Europe's membership has leapt to 47 States, and the EU's to 27.

Freedom and the protection of human rights have spread across Europe. Human rights and the rule of law – values to which English law has made such a huge contribution – are now firmly entrenched across Europe.

*It is often assumed that EU regulation is a burden on individuals. But in fact it is extremely hard to find examples where this is the case*

The EU has realised other freedoms – free movement of persons, the internal market – and other goals which can now only be achieved trans-nationally, notably the protection of the environment, data protection, financial regulation.

It is often assumed that EU regulation is a burden on individuals. But in fact it is extremely hard to find examples where this is the case. It is usually the reverse: it liberates the individual, and confers rights and benefits, in many fields, in work and employment, in travel and medical care, in education and training, and so on. There are of course some resultant



burdens on the State, and on employers, but there are benefits here too: even in the UK, the authorities recognise the great benefits of the European internal market and the free movement of workers.

Human nature being as it is, the benefits of the truly dramatic transformation of Europe quickly become taken for granted. We should not do this too readily, as the future remains unpredictable and nothing should be assumed.

The most recent unexpected step in my own journey was my appointment as Reader, but it reflects my good fortune in having been able to combine the teaching and practice of law. We should all, I think, aim to be adaptable and alert as society and legal thinking constantly evolve in what will no doubt be unforeseeable directions.

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Sir Francis Jacobs KCMG QC is Professor of Law at King's College London. He was Advocate General at the European Court of Justice from 1988 to 2006. His most recent book is *The Sovereignty of Law: The European Way*. He is President of Missing Children Europe.



### Stephen Laws CB

Stephen is the First Parliamentary Counsel and runs the Office of the Parliamentary Counsel (OPC) in the rank of Permanent Secretary. Educated at St Dunstan's College, Catford and Bristol University, he worked as a lecturer in law at Bristol University from 1972 to 1973 and was Called to the Bar in 1973. Stephen joined the general Government Legal Service in the Home Office in 1975 and became a Parliamentary draftsman in the OPC in 1976, becoming a "full" Parliamentary Counsel in 1971. He is currently the Deputy Chairman of the Cabinet Office's Operating Committee and is a member of the Inn's Estates Committee.

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### Nigel Rumfitt QC

Nigel is ranked as a leading Silk for crime by both *The Legal 500* (2007) and *Chambers & Partners* (2008), where he is described as "a fantastic operator who is renowned for his work on complex criminal cases". He has been instructed in some of the most high-profile murder and violence cases of recent years, and is also prominent in the health & safety and corporate manslaughter fields. Nigel is active in the Inn in the fields of advocacy training and legal education.

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### His Honour Judge Anthony Russell QC

Nephew of the late Master Russell, Anthony shares with him all the latter's affection for the traditions of the law in general and for the Inn in particular. He has a passion for music both as a choral performer and listener. After predominantly criminal practice in Manchester, he became a Circuit Judge in 2004, and Recorder of Preston in October 2005. His election to the Bench means that the Middle Temple now has as Benchers the Recorders of Liverpool, Manchester and Preston. He has proved his commitment to the Inn by running, for many years, the Manchester Middle Temple Society.

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### Jeffrey Gruder QC

After education in East London and the City of London School (on a scholarship), Jeffrey went on to read law at Trinity Hall Cambridge (also as a scholar) and was Called in 1977. He was a pupil of Master Stewart Boyd at 4 Essex Court and was a tenant there from 1978 to 1993, when he transferred to 1 Essex Court, where he stayed until 2000. He took Silk in 1997. He now practices at Essex Court Chambers. Between 2000 and 2002 he was secretary of COMBAR, and since last year has been a member of its executive.

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### Neil Garnham QC

A Harmsworth Scholar, Neil was Called in 1982 and took Silk in 2001. He is a member of 1 Crown Office Row where he has a distinguished practice – public law, disciplinary tribunals and health care law – appearing a number of times in the House of Lords and at Strasbourg. He was on the Treasury Solicitor's "A" Panel from 1995-2001 and Junior Counsel to the Ladbrooke Grove Rail Inquiry. A Recorder since 2001, he has recently been appointed a Deputy High Court Judge. He has been a member of the Bar Pro Bono Unit's management committee for 10 years and of the Inn's scholarship interviewing panels for the past few years.

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**Heather Rogers QC**

A media lawyer in Matrix Chambers, Heather is a trustee of ‘Article 19’, described as “a global campaign for freedom of expression”. She appeared recently in the Privy Council in *Harper v Seaga* and for Channel 4 on an application for documents to be disclosed for the Princess Diana/Dodi Fayed inquests. She has appeared on behalf of Gary Lineker, Roman Polanski, George Galloway and Richard Branson. She has written articles on media law and is currently assisting Sir Brian Neill on the new edition of his work on defamation. Heather has been a sponsor for years and now serves as a member of the Inn’s Education Committee.

**Daniel Bethlehem QC**

Legal Adviser to the Foreign & Commonwealth Office, Daniel was educated at Bristol and Cambridge before being Called to the Bar in 1988. He took Silk in 2003. He is also the Director of the Lauterpacht Research Centre for International Law. From 1992 to 1998, he lectured in international law at the LSE. As a barrister, he has advised and acted in matters across the breadth of international law including humanitarian law, refugee law, state and diplomatic immunity, economic sanctions, expropriation of property, territorial disputes and boundary delimitation and environmental law. Daniel gave one of the Middle Temple King James lectures in 2008.

**Nicola Padfield**

One of the Inn’s academic Benchers, Nicky is Director of Studies for the part-time M.Sc. in Prison Studies at Fitzwilliam College, Cambridge, and a senior lecturer in the Institute of Criminology. She supervises undergraduates in criminal law, constitutional law, criminal procedure and evidence, and sentencing and the penal system. She has published widely on criminal law, criminal justice and sentencing. She also sits as a Recorder in the Crown Court, a rare appointment for an academic. She is a strong supporter of the Cambridge Middle Temple Society and was most recently involved with the BSB’s Review of the BVC chaired by Master Derek Wood.

**Mr Justice Gary Hickinbottom**

Appointed a High Court Judge in January 2009, Gary was formerly Chief Social Security, Child Support and Pensions Appeal Commissioner and Designated Civil Judge for Wales from 2003-2007. He is now the first President of the new Administrative Appeals Chamber of the Upper Tribunal. Educated at University College, Oxford, he was admitted as a Solicitor in 1981. He was a Partner at McKenna & Co (subsequently Cameron McKenna) from 1986-2000, and also a lecturer at University College, Oxford from 1987-1989. His wife is also a Middle Temple member.

**Sir Sumantra Chakrabarti KCB (Hon)**

Sir Suma has been the Permanent Secretary in the Ministry of Justice, and Clerk of the Crown in Chancery, since November 2007. Prior to this he was the Permanent Secretary of the Department for International Development (DfID). From 1996 to late 2001 Suma worked in the Treasury and at the Cabinet Office, where he set up and led the Prime Minister’s Performance and Innovation Unit and went on to head the Economic and Domestic Affairs Secretariat at the Cabinet Office. In 2002 he returned to DfID as Permanent Secretary. His Call to the Bench brings to four the number of serving Permanent Secretaries on the Inn’s Bench, alongside Masters Jenkins, Laws and Bethlehem.



## Hall Representatives on the Inn's Standing Committees

### **Executive Committee & Bench Selection Advisory Committee**

Sheilagh Davies  
Michael Collard

### **Social Committee**

Ian Darling  
Sheilagh Davies  
Alex Price-Marmion  
David Lyons  
Rebecca Richardson

### **Scholarships & Prizes Committee**

Helen McCormack  
Robert Jan-Temminck

### **Students' & Barristers' Affairs Committee**

Marie Lewiecki  
David Williams

### **Education Committee**

Tim Godfrey  
Evan Price  
Christiane Valansot

### **Finance Committee**

Jeremy Cousins QC  
Imran Mahmood

### **Estates Committee**

Tim Becker  
Gary Blaker

### **Library & Archive Committee**

Marc Maitland  
Dr Juliet Williams

### **Catering Committee**

Sally Gilbert  
Christiane Valansot

### **Church Committee (Joint with IT)**

Andrew Spink QC

# Hall Committee

by Sheilagh Davies, Chairman

The Hall Committee has been working exceptionally hard to raise its profile over the last two years. The Hall Dinner is one way in which all barrister members of Hall, self-employed or employed, can contribute to the Inn as well as enjoy a very special evening. Traditionally the event is always very well represented by the Bench and by students, for whom it is a qualifying session. All members of Hall are encouraged to attend.

## Annual Hall Dinner

23 April 2009 in Middle Temple Hall

**Guest Speaker: John Rutter CBE**

*"The Confessions of a Composer"*



Master Rutter is a well-known composer whose career has embraced large-scale and small-scale choral works, orchestral and instrumental pieces, a piano concerto, two children's operas, music for television, and specialist writing for such groups as the Philip Jones Brass Ensemble and the King's Singers. His larger choral works, *Gloria* (1974), *Requiem* (1985), *Magnificat* (1990), *Psalmfest* (1993) and *Mass of the Children* (2003) have been performed in several countries.

He formed the Cambridge Singers as a professional chamber choir primarily dedicated to recording, and he now divides his time between composition and conducting. He has guest-conducted or lectured at many concert halls, universities, churches, music festivals, and conferences in Europe, Africa, North and Central America and Australasia.

In 1980 he was made an honorary Fellow of Westminster Choir College, Princeton, and in 1988 a Fellow of the Guild of Church Musicians. In 1996 the Archbishop of Canterbury conferred a Lambeth Doctorate of Music upon him in recognition of his contribution to church music. He was made an Honorary Bencher of the Inn in 2008 and wrote a fanfare especially for the Service of Thanksgiving.

<b>Hall and Bench Tickets</b>	<b>£60.00</b>	<b>7 pm for 7:45 pm</b>
<b>Student Tickets</b>	<b>£30.00</b>	<b>Black Tie</b>

To purchase a ticket, students and Hall members should contact the Treasury Office on 020 7427 4800 or email [members@middletemple.org.uk](mailto:members@middletemple.org.uk)

Benchers book on 020 7427 4803/4 or by email to [k.mcglathlin@middletemple.org.uk](mailto:k.mcglathlin@middletemple.org.uk)

# MTSA News

by Joanna Tomkin, President

In October 2008, I was elected as President of the Middle Temple Students' Association (MTSA) to represent the students and their interests. I am currently enrolled on the BVC at City Law School, formerly ICSL.

I always knew I would become a barrister, or work within the legal field, because of my family's strong social work ties. I went to Teesside University where I gained my LLB (Hons) in Law, and a wealth of experience in student relations. During my time at Teesside, I was fortunate enough to be awarded the Volunteer of the Year Award, and the Sweet and Maxwell Prize for Law. I then went on to Leeds University and completed an LLM in International Law.

The 2008-2009 MTSA Committee exists of nine females and two men. This very female-dominated arena demonstrates the new makeup of those entering the Bar. Our Committee demonstrates the more diverse and egalitarian nature of the profession and will be able to empathise with and encourage the abilities of the modern multicultural student community.

The Vice-President, Ellie Cumbo, and I hope to establish stronger communication links with members past and present in an attempt to open up opportunities for Middle Temple students and also to keep them informed on a regular basis about the events within the Temple.

The previous MTSA Committee did a fantastic job organising their social events and introducing pupillage seminars, the latter which will be continuing very shortly under the leadership of Laura McGinty, the MTSA Education and Welfare Officer.

As for social activities, the MTSA have hit the ground running with the success of the James Bond *Quantum of Solace* Night. Over 300 students

attended and we received excellent reviews.

According to Justine Wharton, the Social Secretary, social activities will be continuing in this vein for the remainder of the Committee's tenure. This will of course depend on what cars Richard Main, Treasurer, can secure for future events!

In March the MTSA hopes to host a Debating I.V and a Speed Moot. In April we will be sending the two students who win the Oxford Debating I.V, and top both the individual and

team speaker tabs at Oxford, to the very prestigious Idea Debate in New York, which is an invitation-only event (only 16 teams in the world are invited to this event).

Finally, I would like to remind everyone that the MTSA is here for the students to enjoy and participate within as much as possible. I will do my best to ensure that we never forget whose interests we represent and why.

Excellence is what the new MTSA strives for and we as a team hope we can deliver.



Will Haggard, Justine Wharton, Joanna Tomkin, Richard Main, Beverley Cottrell, Ellie Cumbo, Laura McGinty, Mared Evans

## WANTED!

Time-keepers for Mooting

### REWARD:

The opportunity to observe a moot and to learn from the judge's advice.

(Please note: if you are in the competition yourself, you can only time-keep in any particular round once you have completed your own moot in that round.)

To offer your services or find out more, please contact  
[mooting.mtsa@middletemple.org.uk](mailto:mooting.mtsa@middletemple.org.uk)

# Library News

by Ruth Jones, Senior Librarian

Hilary Woodard, Government Publications Librarian  
and Julian Reckert, IT Librarian

## New Library IT Network

The library's computers have once again been upgraded; we now have larger, wide-screen, flat-panel monitors and the computers themselves are all loaded with the complete Microsoft Office suite, enabling members to use word-processing and spreadsheets, as well as Powerpoint and Access. All work stations will allow uploading and downloading from the Internet and via members' own USB memory sticks, which can also be purchased at the library enquiry desk. The work stations are also spread out around the library giving more room for working and spreading out books (yes, we still need those as well!).

We also now have the long awaited library Wi-Fi network, which covers an area to the rear of the main library floor and allows members' access to the Internet with their own laptops.

## HeinOnline

The Library now subscribes to *HeinOnline*, a relatively new database offering access to a wide range of older legal periodicals not otherwise readily available either in hard copy or in any other online format. Over 1,000 journals are included, mainly American, but also some international and non-US titles, all from the first issue of the series. Users can access the online edition of *The English Reports* (1220-1865) and over 1,300 historic classic legal works. There is also complete coverage of the *United States Code*, the *US Statutes at Large* and the official US Reports from the Supreme Court.

All texts are in PDF format (ie a copy of the original printed version)

and are fully searchable. This new product considerably enhances and complements the library's physical resources and should be a valuable tool for members wishing to pursue any historical legal research.

## Major Stock Move 2007 - 2008

This project began with the conversion of the loft into an archive and rare books storage area. With the transfer of the rare books from the basement into the loft, the pressing problem of lack of space on the open access floors was then addressed. Beginning on the American floor, 10,000 volumes of older stock were removed to the basement, and the International and Commonwealth law collections added to that floor. The plan, formulated by Hilary was to totally change the layout, not only to make best use of the available space, but also to arrange the stock in a more logical order over all three floors.

Weeks of mathematical acrobatics followed – counting books, shelves, lengths and widths until the new floor plans were met with approval. Moving virtually every book in the library, changing location numbers inside the books, changing the catalogue records and updating the library guides to reflect the changes, was another matter altogether. Most of the physical shifting was carried out during the August period when the Library was closed, but by the end of September all records and updating had also been completed. We hope it has created an easy to use, more logical layout for both members and staff: textbooks, law reports, and the European collection are

located on the first floor, periodicals run alphabetically down the left side of the gallery, and all statutory material down the right side, and the International section is on the third floor.

Consequently, the basement was piled high with boxes of books relocated from other parts of the library which needing shelving. Hilary then devised a more logical layout plan for the basement; however this has been done at a slightly more leisurely pace beginning in January 2008 with a thorough weed of the stock followed by shifting, numbering, labelling, guiding and finally changing catalogue entries. This process was completed in time for the new term in October and, with the provision of tables for members' use, the result is another two floors of workable space with room for growth.

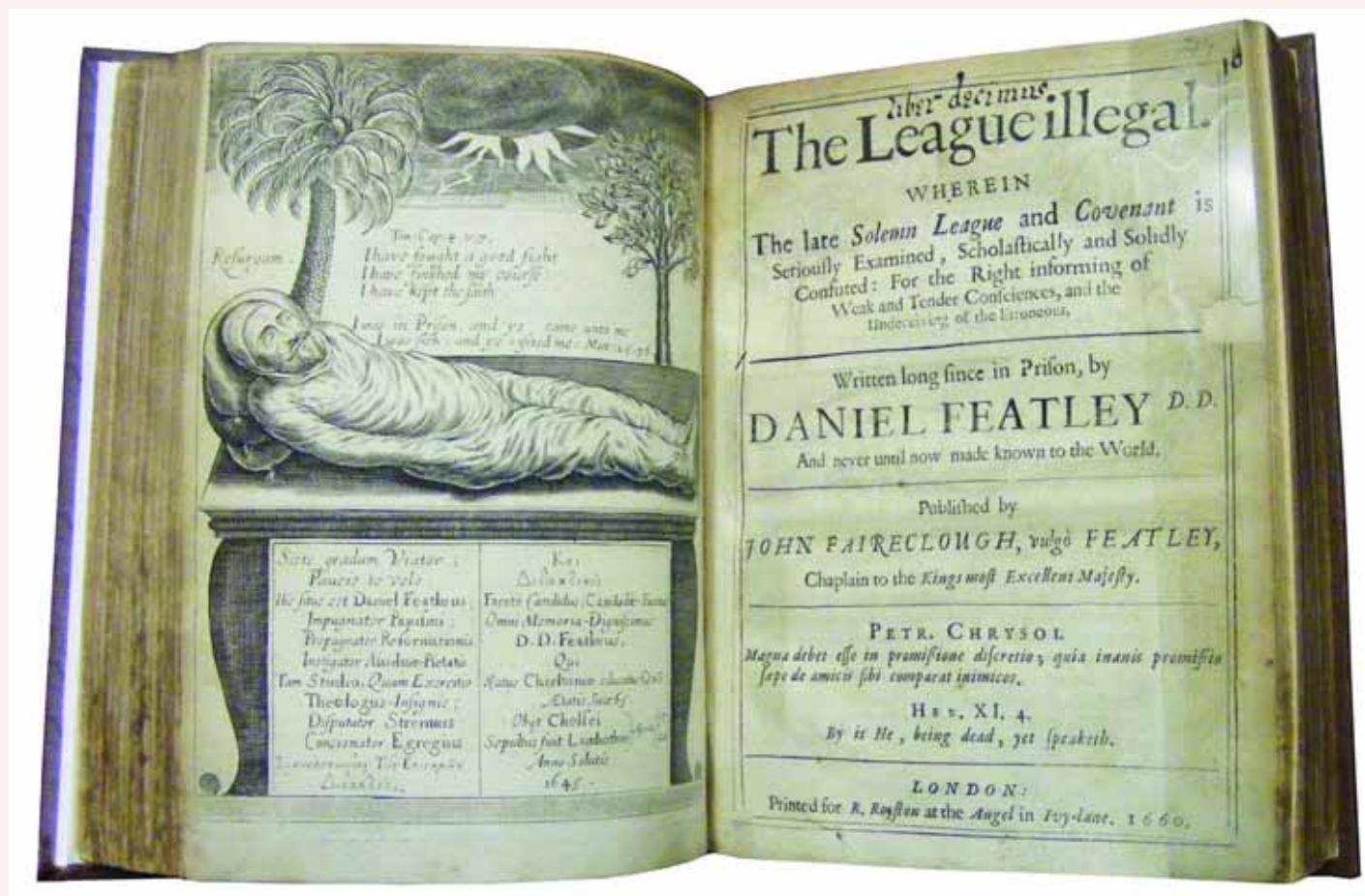
## Manuscripts and Rare Books

Working in conjunction with IDC Publishers, the library has had its collection of legal manuscripts microfilmed, which resulted in 1400 microfiches. The microfiches will be available for consultation in the library later this year.

The Rare Books Sponsorship Programme is still in need of support. So far this year we have had four books sponsored, which include a 1602 book on Portugal, and a 1546 book on horses and recipes. Books still in need of conservation include a 1618 book about giants, and a 1616 book on canon law. Please contact the Rare Books Librarian, Renae Satterley, for further information or email [r.satterley@middletemple.org.uk](mailto:r.satterley@middletemple.org.uk).

## Politics and religion in seventeenth century Britain

Among the antiquarian books in Middle Temple Library are a large number of tracts, many from the seventeenth century. Tracts, or pamphlets, were mass-produced short treatises on a single subject. After the invention of the printing press they were cheap to produce, easily available, and a very effective means of contributing to religious or political debate. The current exhibition in the Library showcases some tracts from the English Civil War period.



*The League illegal: Wherein the late Solemn League and Covenant is seriously examined, scholastically and solidly confuted: for the right informing of weak and tender consciences, and the undeceiving of the erroneous. Written long since in prison, by Daniel Featley, D. D. and never until now made known to the world; Published by John Faireclough, vulgo Featley, Chaplin to the Kings most Excellent Majesty.*

*Printed for R. Royston at the Angel in Ivy-lane, 1660.*

### New Acquisitions

We wish to acknowledge with thanks the generosity of the following who have recently presented books to the library: Master Blom-Cooper for *The Penalty of Imprisonment*; Alisdair Gillespie for *Sexual Offences*, co-authored with Richard Card & Michael Hirst, and his *Sexual Exploitation of Children: Law and Punishment*; Judge Goodman for *The Story of St Stephen's Church, South Dulwich*; Patrick Green and Adam Heppinstall for their *Manual of Employment Appeals*; Clive Newton for *Jackson's Matrimonial Finance & Taxation* (8th edition); Thomas Raphael for *The Anti-suit Injunction*; and Grahame Aldous QC and his Chambers, 9 Gough Square, for *Asbestos Claims: Law Practice and Procedure*, *Clinical Negligence Claims: a Practical Guide*, *Manual Handling Claims and Work Accidents at Sea*.

Other recent additions to stock include *Chitty on Contracts* (30th edition); *Immigration Law and Practice* (4th edition); *MacGillivray on Insurance Law* (11th edition); Wilfred Prest's *William Blackstone: Law and Letters of the Eighteenth Century*; *Shakespeare and the Law*, edited by Paul Raffield & Gary Watt; *Whiteman & Sherry on Capital Gains Tax* (5th edition).

# Book Review

by Master Adrian Whitfield

## *Mary Magdalene: The Woman Whom Jesus Loved*

The Reverend Robin Griffith-Jones, Canterbury Press 2008

If one were to ask a typical twenty-first century Christian, with a general but no scholarly knowledge of the four synoptic Gospels, what they said about Mary Magdalene, the answer would perhaps be as follows. First, seven devils were cast out of her by Jesus. Next, she was present at the crucifixion. Third, early in the morning of the first day on the following week she went to

Jesus' tomb with  
some sweet  
spices, found it  
empty and  
fetched Peter  
and John,  
stayed



behind weeping when they left, and mistook Jesus for a gardener when he first appeared. Then, when he had called her by name, she greeted him as "Rabboni", which is to say, "Master" in the authorised version. (The Greek New Testament gives the vocative *didaskale*, which actually means "teacher"). That broad summary would, so far as it goes, be reasonably accurate.

What, then, our modern Christian might ask, is the basis for the suggestion that Mary Magdalene was a reformed prostitute, the ravaged penitent of the Donatello statue in Florence? Was she the wife, or lover, of Jesus, as *The Da Vinci Code* asserts? Above all, why is she so powerful an icon in western Christian culture?

Robin Griffith-Jones has no difficulty in answering the first question. The suggestion that Mary Magdalene had been a prostitute was a calumny based upon confusion. The evangelists give different accounts of Jesus' feet being anointed by different women. In Luke, this was performed in-house of Simon, a pharisee, by an unnamed "woman in the city which was a sinner" when Jesus was still in Galilee in the north of the country.

In John, a similar incident happened in Bethany, in the south of the country, when Jesus was dining not with Simon but with Mary and her siblings Martha and Lazarus. It was Mary who anointed. However, in early medieval times Mary of Bethany was identified with the sinful woman, and so was Mary Magdalene because devils had been driven out of her. This appears in a sermon by Pope Gregory the Great in

591 CE: "*She whom Luke calls the sinful woman, whom John calls Mary, we believe to be the Mary from whom seven devils were ejected according to Mark, and what did these seven devils signify, if not all the vices?*"

So Mary Magdalene, as a result of a mistaken identification, became an icon of penitence. This was so embedded in Christian belief that Bishop John Fisher, in the 16th century, recoiled from the suggestion that there was nothing to identify the sinful woman with either Mary of Bethany or Mary Magdalene: if that were right, he wrote:

*"How many books would have to be changed, how many sermons preached to the people would have to be revoked."*

However satisfying to some might be the image of Mary Magdalene "fallen, penitent, forgiven, restored" in the author's phrase, Gregory's case is unsupported by the evidence to which he refers.

Next, there is the relationship of Jesus and Mary Magdalene. The evangelists record that some of the women accompanying him were married, and husbands are named. One disciple, John, is "beloved". John himself records that "Jesus loved Martha, and her sister, and Lazarus." Yet by contrast there is no express reference to the relationship between Mary Magdalene and Jesus, and as I have noted she addressed him at the resurrection as "teacher": not a typical wifely greeting. There are no express assertions of a loving relationship.

But that cold analysis is incomplete. The scene in the garden of the resurrection, as described by John, is seen by Robin Griffith-Jones as one of the greatest tenderness at the dawn of the redeemed world: "the garden of

*Mary Magdalene, ca. 1460, by Donatello  
Museo dell' Opera del Duomo, Florence*

death has become the garden of love.” (My *Self-Explanatory Teacher’s Bible* movingly, and aptly, cross-references from John’s account of her greeting to the Song of Songs: “*The voice of my beloved: he cometh leaping upon the mountains, skipping upon the hills*”.) Then, saying, “touch me not”, Jesus sends Mary away, almost as an apostle, to spread the message of the resurrection. If Donatello got it wrong, Titian, in his painting *Noli Me Tangere* in the National Gallery, got it precisely right.

The central section of the book explores the status of Mary Magdalene as she appears in the texts of the Gnostic Christianity of the second and third centuries. The Gnostics (the “Knowers” in English) were steeped in Platonic, Egyptian and Jewish learning, students of Genesis and John the Evangelist who, hoped to make sense of our humanity through interpretation and assimilation of those texts. But the different ways in which their various communities fused mythology and mysticism are so alien to the modern reader that, despite the directness and clarity of Robin Griffith-Jones’ explanations, one is reminded of the fallen angels philosophising in Paradise Lost who “*Found no end in wand’ring mazes lost .. Vain wisdom all, and false Philosophy*”.

The texts differ in their accounts of the role and status of women. At one extreme, in the Gospel of Thomas (which precedes Gnosticism proper) a woman must “make herself male” to enter heaven. But a recurrent theme is the significance of Mary Magdalene, loved by Jesus, one who taught the disciples, a visionary, a guide, and the model for the Gnostic in an androcentric world. Thus in the gospel of Mary, Peter querulously enquires:

“Did he [Jesus] prefer her to us?” and was rebuked by his fellow disciple Levi as follows: “*I see you contending against the woman like the adversaries. But if the Saviour made her worthy,*

*who are you to reject her? The Saviour certainly knows her without faltering. That is why he loved her more than us.*”

The significance of Mary Magdalene in the medieval world is plain. Churches were dedicated to her. University colleges were named after her. Today, despite limited evidence to be derived from the four synoptic gospels, she stands as many things to different people: the redeemed penitent, the lover of Christ and thus the Christian soul, the wise woman, and a symbol of women’s escape from exploitation and of female leadership.

This is a rich and thoughtful book. It would be an error to assume that it is of

interest only to committed Christians: it is a guide to many strands of western thought and culture, visual as well as literary. Its author modestly describes it as a book “of more questions than answers”. He refers, I suspect, not only to difficulties in studying the synoptic and Gnostic gospels, which he addresses so clearly, nor just to the psychological import of those texts. Delicately but persuasively, he makes out the case that Christianity can be enriched by the greater acceptance of the characteristics and insights of women, apparent in the portrayal of Mary Magdalene but so long belittled by the patriarchal churches of the West.

*Noli Me Tangere, ca. 1514, by Titian. ©The National Gallery, London*



# The Scholarship Fund Appeal

by Master John Gardiner, Chairman



## Scholarship Dinner

To mark completion of the first six years of the Appeal and the raising of some £3m, there will be a Scholarship Dinner on Tuesday, 23rd June. All existing scholars of the Inn (of whatever vintage) are invited to this event which is hoped will be an opportunity for our new scholars to learn something from the experiences of their predecessors. Master Phillips, the Appeal's Patron and two students will make very short speeches before dinner.

I know that the Inn will put on a good meal and although it will not be particularly cheap for those attending, other than the new scholars (they will be subsidised by the existing scholars) it should be an occasion for many to renew old acquaintances and to appreciate the quality of the students for whom this whole exercise is dedicated. Please, if you can, sign up for this event with the Under Treasurer's Office and make it the success it deserves.

## Named Scholarships

We now have ten new named scholarships (four sets of Chambers and otherwise individuals) each for donations under the Appeal worth in excess of £50,000. We would particularly welcome contributions from sets of Chambers to name further such scholarships. Apart from the satisfaction of giving to the Appeal this has the added benefit of the public at large seeing the result of such generosity (by a particular set of Chambers) when we publish our list of awards each year in the national press.

This year there will be a number of new named Scholarships of which I would particularly note the following:

## The Lowry Scholarship

Owing to an extremely generous gift from Master Calvert we now have a scholarship named after Master Lowry, the former Lord Chief Justice of Northern Ireland, and are some way towards the founding of a second scholarship in his name. I would particularly ask those with fond memories of Master Lowry or otherwise having Irish connections to contribute in this name so that we can achieve two such scholarships. There will be a preference in the award of these scholarships to those with an Irish connection.



## The Pumfrey Scholarship

We were all very saddened by the sudden death of Master Pumfrey just over a year ago. His family have very generously founded a scholarship in his name with a preference for those wishing to practice at the intellectual property Bar. We have some moneys towards a second such scholarship started with the collection at his memorial service and we would very much appreciate further contributions in his memory or from those with a particular interest in intellectual property.



### The Rose Scholarship

This is named after Master Rose who initiated the Appeal, when Treasurer, and has a preference for those with a Northern Circuit connection. We hope to create further named scholarships with particular circuit connections.



### Other Scholarships

The **Luboshez Scholarship** is a very generous bequest from the estate of an American friend of the Inn. We have also founded the **Jamestown Scholarship** to mark the quatercentenary celebrations of the Jamestown Settlement and Master Bingham's inaugural lecture.

### Administration and the Future

The Appeal has raised moneys so far at virtually no cost to the Inn or the fund. We lost our only (part-time) worker (Penny Jonas) to the Temple Festival for over a year but I am glad to say that she is now back and we have also recruited (again on a part-time basis) Carol Butler. They will be taking the Appeal forward and if they contact you I hope that you will give them a fair hearing. We believe them to be the right people for doing this job.

We wish to make more progress within the circuits and the employed Bar, and thereafter into the outside world. I believe that all those who have been Called by the Inn have a respect and affection for the place and what it is trying to do. We all believe in a strong independent Bar (in self-employment or employment) and that those of real ability should not be deterred from entering the profession through a lack of means. That is what all this is about.

The Scholarship Fund is the Inn's only charity and I would like to think that it and its purpose lie and should lie at the heart of what we do even in these financially difficult times. Our profession is very often criticised. People, ignorant of the facts, often suggest that we are a profession open only to the privileged. That is not true and the Inn has been at the forefront of helping those who

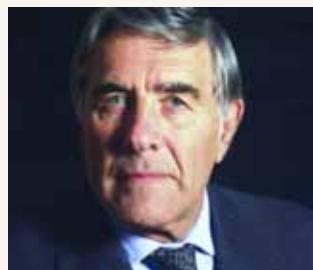
could not otherwise afford to come to the Bar, to do so (originally with Harmsworth, Astbury, Diplock, and Queen Mother Scholarships and now more). I could not have come to the Bar without the Harmsworth Scholarship that the Inn awarded me back in 1968 and there are very many others like me. Through no fault of ours it is now more difficult for those from financially disadvantaged backgrounds to come to the Bar than when I did in 1968.

By the Appeal we are trying to do something concrete about the above problem. That is why we seek your support. If you do feel able to make a contribution to this cause, please use the gift aid/standing order form attached and return it to Andrew Hopkin, Director of Finance & Administration, at the Inn. That will give pleasure to us and, possibly to your surprise, may well give pleasure to you. Short forms as to the aims of the Appeal are otherwise available in Middle Temple Hall or from the Treasury on request.

Having been responsible for the Appeal for the last six years I am very happily passing that task on to Master Catherine Newman and wish her every success in that task. I would also like to thank Master Phillips, and all the other members of my committee and Penny Jonas for all the support they have given me over the last six years.



Catherine Newman QC practises in commercial chancery work from Maitland Chambers in Lincoln's Inn. She is an elected member of the Executive Committee, a co-opted member of the Finance Committee and is the Chairman of the Inns of Court Bar Educational Trust (ICBET), see page 34 of this issue.



The Rt Hon The Lord Phillips of Worth Matravers PC was the Lord Chief Justice from 2005 to October 2008. He is the Senior Law Lord and will be the first President of the Supreme Court of the United Kingdom when it comes into existence in October 2009. He has been Patron of the Appeal since its foundation in 2003.

## Administration of the Scholarship Fund Appeal

Penny Jonas



Penny has been working in arts, music and charitable fundraising for many years. She was the Chairman of Blackheath Halls during the period of its final restoration leading to stabilisation through the Arts Council of England. Penny joined the Temple Music Foundation (TMF) as Development Director in 2002 to raise the funds for the performances of the world premiere of *The Veil of the Temple* in the Temple Church and a subsequent performance at the Lincoln Center Festival in New York.

She continues to work as Fundraising Consultant with the TMF, the Middle Temple Scholarship Fund and other organisations. She is on the Board of the London Sinfonietta, Endymion Ensemble and Exaudi and has served on the Boards of the Blackheath Historic Buildings Trust, The Vitiligo Society and Adventures in Motion Pictures.

Carol Butler



Carol has recently joined the Middle Temple Scholarship Fund Appeal but has worked in the Temple for the past two years as Events and Box Office Manager for the TMF. Currently she is also the administrator of the Winchester Festival and fundraiser and finance manager for Endymion Ensemble. Carol has extensive experience in multi-faceted arts administration, having worked in opera and in classical and contemporary chamber music administration for the past thirty years.

# What a difference . . .

by Master Neil Garnham



Middle Temple does many good things. At the very top of the list, in my view, is the provision of scholarships and awards. Of course, they have a value in marking and rewarding excellence. But even more important is the fact that, for many aspiring barristers, they make a career at the Bar possible when otherwise it would not be. For a surprisingly large percentage of applicants, an award pays the rent and meets the Tesco's bill.

I speak as one who has had the privilege of sitting on the Scholarship Interviewing Committee on a couple of occasions in recent years. But I also speak as one for whom Middle Temple awards made a career I have come to love a possibility. I received a Harmsworth Entrance Exhibition in 1981 and a Jules Thorn Scholarship in 1982. By that time I had pretty well exhausted any other source of funds.

It had been a real struggle for my parents to provide even a modest contribution to my living expenses during Bar finals or pupillage. I had spent several summers working on the docks in Ipswich and saved some money from that and had some irregular employment writing short articles for a legal magazine (£50 a throw). But even in combination, this was not going to keep wolf and door apart. In those days, there were no pupillage awards and earnings in the second sixth month were laughable (I

received gross fees of about £200, which even in 1982 was not a fat lot). You couldn't claim unemployment benefit (I know, I tried) because you were not available for work during the week. I couldn't live at my parents' home because the cost of commuting between there and London where I had pupillage would have been too expensive. So without a Middle Temple award, I would have probably have had to give up the attempt.

As it was, I could keep going. A pupillage at 1 Temple Garden led to a tenancy there and 14 happy years of practice doing common law and administrative law, then a move to 1 Crown Office Row and Silk four years later. I became a Bencher last November. I still wake up thinking how fortunate I am to be getting paid for doing a job I love.

By comparison with many who apply for Middle Temple awards nowadays, I had it easy when I was trying to come to the Bar. Whilst I had no income during pupillage and no immediate prospect of one, at least I had no debts. Local Authorities paid university and Bar final fees and for those whose parents were of modest means they also paid a grant for living expenses. Today, a debt of £25,000 at the end of university is commonplace. True, many pupillages are now funded so that life becomes easier for those who have secured a pupillage, especially if it is at one of the bigger sets who are able to make the more generous wards. But by then many have had to abandon plans to practice at the Bar simply because they cannot afford to see their overdraft rise any further.

It ought not be only the children of the rich or those marked out from university for success at the commercial Bar or those willing to gamble the reality of massive debts

# a Scholarship makes

against the chance of modest success who join this profession. The Bar will only continue to prosper if we continue to attract the best. Since the best are found amongst the ranks of the poorer sections of our community as well as

amongst the better off, there has to be a mechanism to help the former through the rough years. Middle Temple scholarships provide such a mechanism.

The Inn already has substantial funds available for this purpose. But those

funds fall well short of what is needed which is why the Inn is campaigning to raise more. I signed a standing order for the Scholarship Appeal last week. I wonder if there is any chance of you doing the same this week?

## by Mohinderpal Sethi

I am grateful to Middle Temple for giving me this opportunity to write a few words about the Scholarship Fund Appeal. On a personal level, it also means that I can formally say thank you to all those involved for the benefits that it has bestowed on my own life and career.

As a child of the welfare state, I was brought up in the east end of London and attended the local state comprehensive. My father passed away when I was 12 years old. Naturally, this was devastating enough, but then to lose my mother as well at the age of 17 (and just a month before sitting my A-levels), I felt as if I had been thrown into the deep end and left with little choice but to sink or swim. I became responsible for my dependent younger brother and was quickly introduced to even harsher financial realities. In an effort to overcome quite considerable financial hardship, my late teens were spent working weekends and full time during academic vacations, and also taking a year out to undertake paid legal work experience and to fund a university education.

I was one of the first pupils from my comprehensive school to obtain a place at Oxford University where I read Jurisprudence – but this achievement (involving as it did being physically away from my domestic responsibilities) rather ironically only served to increase my financial problems yet further. I am not sure

how to describe the sense of conviction that possessed me, but somehow I maintained a long-term view. Given such dire financial straits, I was either crazy or just plain bloody minded to want to become a barrister. Whichever of these two traits it was, I am glad I persevered – but I could only ultimately have done so with the Inn's assistance. Drive and determination was obviously not going to be enough in my case.

Scholarships are awarded on merit. The criterion includes motivation, ability to get on with a wide range of people, strength of character, and self-confidence. Again, rather ironically, my difficult circumstances had necessarily forced me to quickly develop such characteristics. I applied for and was awarded a Queen Mother's Scholarship (the premier Inn scholarship), a Harmsworth Major Entrance Exhibition, and the Malcolm Wright Memorial Prize. By the time I had successfully persuaded a panel of Benchers sitting in an Inn of Court to exercise its discretion in favour of granting my application for such a prestigious list of scholarships, I suppose a career as an advocate was somewhat inevitable.

These scholarships were instrumental in my being able to pursue a career at the Bar. I have no doubt that I would not be relishing the daily challenges and sharing in the privileges that a life at the Bar brings, but for the Inn's help. Sadly, we all know far too many candidates who have been put off a life at the Bar because of the financial

difficulties at the point of entry. I believe that scholarships really do make a tremendous difference: they help individual lives and they also help to ensure that we have a modern progressive Bar which is meritocratic and reflective of the people it serves. Each one of us brings our own unique experiences to the job.

Given the challenges faced by today's aspiring barristers, it is vital that the Inn is able to provide not just a higher number of scholarships, but also scholarships of higher value. No candidate of sufficient merit should be prevented from coming to the Bar simply due to lack of funds. Without these scholarships, we will surely be missing out on a large pool of available talent. On that note, I would like to thank again donors past, present and future for the very real impact their contributions make to the success of the profession as a whole.



# Chambers Benefactors

## 3-4 South Square Chambers

"The profession is the poorer if money is allowed to be a barrier to training or entry. The public interest is also ill-served. This is why members of Master Crystal's Chambers at 3-4 South Square donate. We are proud to see Gemma set out with the 3-4 South Square Chambers Scholarship. She hopes for a career at the criminal Bar, and now has a chance to strive for that on merit."

**Robin Knowles CBE QC**



Gemma Delaney, Master Robin Knowles

After studying for her law degree at the University of Kent, **Gemma Delaney** spent a year gaining legal work experience before enrolling at the College of Law, Bloomsbury, in 2008. Gemma hopes to be Called to the Bar in summer 2009 to pursue a career at the criminal Bar.

## Pump Court Tax Chambers

"Pump Court Tax Chambers is very pleased to be associated with the Middle Temple's unique scholarship programme and to help to fund the training of those starting out at the Bar. We recognise how important it is that highly-deserving students are encouraged through scholarships to come to the Bar and take up pupillages."

**William Massey QC**



David Nicholas, Master William Massey

**David Nicholas**, from Morden in South London, studied at Nottingham and London Universities before going on to the Bar Vocational Course at City Law School. He hopes to be Called to the Bar in summer 2009 and would like to practise criminal and public law.

## Brick Court Chambers

"Brick Court Chambers is delighted to celebrate its strong Middle Temple connections with this scholarship. Students in Amanda's position are inevitably under considerable financial pressure and it is vital for all of us that this kind of talent is not discouraged from the Bar."

**William Wood QC**



Master William Wood, Amanda Minto,  
Master George Leggatt

Having started her legal career as a litigation clerk for Shoosmiths Solicitors, **Amanda Minto** went on to gain her LLB Law degree from Oxford Brookes University. Currently enrolled on the BVC at City Law School, she hopes to be Called in summer 2009 and pursue a career in a common law set of chambers.

# Chance of a Lifetime

by Cath Howdle

## **When I applied for the 2006 Sir Peter Bristow Scholarship I could never have expected what happened as a result.**

It was at the Middle Temple's welcome session that I first heard about a scholarship offering young barristers two internships in the European Institutions. A successful applicant would work first for six months in the Legal Service of the European Commission, then for another three in the Chambers of the UK Advocate General at the European Court of Justice. Having taken every available opportunity to study European law as an undergraduate, the chance to gain solid practical experience in European law seemed too good to pass up.

It only took a few seconds to look up the details on the Middle Temple's website and my application was in the post soon after. Following a short interview, I learned – to my delight – that I had been awarded the Scholarship. Three months later I was unloading an unfeasibly large amount of stuff into a flat in north Brussels, eager to throw myself into working at the Commission's Legal Service.

The Legal Service is divided into Teams, each of which is linked to a particular Directorate General. The Bristow Scholar is assigned to one of these Teams. When I arrived I was told I would be with the Institutions Team, which, as its name suggests, is concerned with the relationships between the different institutions within the European Union. As the Institutions Team works closely with other Legal Service Teams and Directorates, this also gave me the opportunity to contribute to a diverse set of Commission projects, ranging from communications and data protection law to questions surrounding environmental impact assessment.

The Commission acts as the guardian of the Treaties, so its lawyers' work often revolves around complaints and

infringement proceedings brought against Member States. During my internship I was given the chance to roll up my sleeves and make a contribution to the resolution of these proceedings. A significant amount of my work involved assessing complaints alleging the infringement of Article 234 EC, under which Member State courts are (subject to certain limitations) obliged to refer questions of Community law to the European Court. The rest of my day-to-day tasks involved working with members of the other European Institutions on access to information and data protection (two areas of law which are becoming increasingly important) and undertaking legislative interpretation projects.

As the lawyers who work in the Legal Service represent the Commission before the Court of Justice, I also had the opportunity to assist in the preparation of a number of cases and travel to Luxembourg for the hearings. After seeing the Court from the floor of the courtroom, I was eager

to get a look behind the scenes when I moved to Luxembourg for my second internship at the Chambers of Advocate General Sharpston, herself a former Bristow Scholar.

My internship with the Advocate General proved to be just as interesting an experience as I had hoped for. The Advocate General's role is to provide open, impartial and independent advice to the Court on the resolution of its cases, and during my time as an intern I had the chance to follow a number of cases as they progressed through the various stages of the Court's procedure. This involved reading and commenting on preliminary reports, attending hearings and researching and drafting opinions, all in tandem with the other members of the Advocate General's legal team. And at the end of my internship, I was asked to join that team.

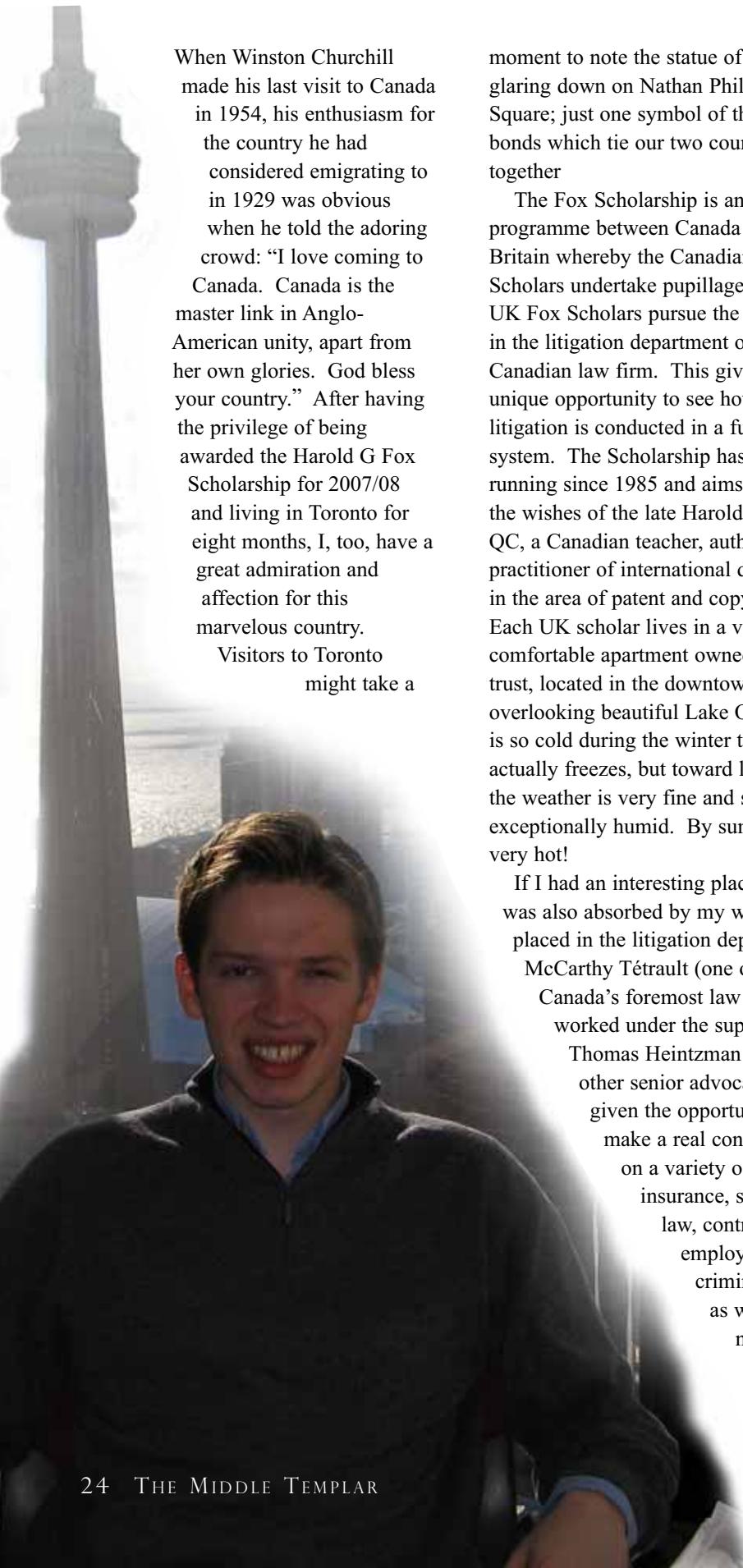
Once in a while an opportunity comes along which changes the course of your life. The Bristow Scholarship has changed mine.

*Catherine Howdle and Master Eleanor Sharpston, Advocate General*



# A Canadian Exchange

by Paul Wilmshurst



When Winston Churchill made his last visit to Canada in 1954, his enthusiasm for the country he had considered emigrating to in 1929 was obvious when he told the adoring crowd: "I love coming to Canada. Canada is the master link in Anglo-American unity, apart from her own glories. God bless your country." After having the privilege of being awarded the Harold G Fox Scholarship for 2007/08 and living in Toronto for eight months, I, too, have a great admiration and affection for this marvelous country.

Visitors to Toronto might take a

moment to note the statue of Churchill glaring down on Nathan Phillips Square; just one symbol of the common bonds which tie our two countries together

The Fox Scholarship is an exchange programme between Canada and Britain whereby the Canadian Fox Scholars undertake pupillage and the UK Fox Scholars pursue the equivalent in the litigation department of a leading Canadian law firm. This gives a unique opportunity to see how litigation is conducted in a fused system. The Scholarship has been running since 1985 and aims to fulfill the wishes of the late Harold G Fox QC, a Canadian teacher, author and practitioner of international distinction in the area of patent and copyright law. Each UK scholar lives in a very comfortable apartment owned by the trust, located in the downtown area, overlooking beautiful Lake Ontario. It is so cold during the winter the lake actually freezes, but toward late spring the weather is very fine and sometimes exceptionally humid. By summer it is very hot!

If I had an interesting place to live, I was also absorbed by my work. I was placed in the litigation department of McCarthy Tétrault (one of Canada's foremost law firms) and worked under the supervision of Thomas Heintzman QC and other senior advocates. I was given the opportunity to make a real contribution on a variety of insurance, securities law, contractual, employment and criminal matters as well as one notable

competition law class action. My role involved research, opinion writing, drafting, fact management and assisting at court. The cases were very often amongst the most high profile in Canada and involved complex legal points. The work was challenging but completely enjoyable. My fellow scholar, Kerry-Anne Curry, was placed at WeirFoulds LLP and had a similarly outstanding experience.

The Canadian legal system is an interesting environment within which to work. While American cases from some states, such as Delaware, are of course persuasive, there are stronger ties to the English common law. I often found myself writing research opinions based on Canadian, American, English, as well as New Zealand and Australian jurisprudence. Canadian cases and textbooks often contain very useful critiques of the English law, as a starting point for discussing why it is the same in Canada, or why they have decided to differ. There are some interesting differences in procedure: for example, there are oral examinations for discovery as a prelude to trial (and answers given can be used at trial). In the criminal sphere, a defendant to a criminal indictment can elect between trial by jury or by judge alone.

I also spent two weeks with the judges of the Ontario Court of Appeal, which allowed me to discuss the cases with them and observe advocates in court; however, my time at the court did not pass without incident. Invited "out the back" for tea and biscuits during the afternoon break, I returned to the court ahead of the judges back through the door I had arrived through and out on to the raised platform to the abrupt cry of, "All rise!" The packed court duly obliged, swiftly followed by a look of bemusement and confusion. I did not anticipate such a literal insight into the life of an appellate judge! An

understanding of the difficulties judges face can only make someone a better lawyer and advocate. In Canada this is given recognition in that the equivalent to pupillage can be served by marshalling or “clerking” with a judge. These clerks are then highly sought after by law firms as litigators in their own right.

One major difference between England and Canada is the process of qualifying to become a litigator and advocate. Law is not available as an undergraduate degree and all must study another subject for four years and then complete their three-year law degree. After graduation from law they

pass an intensive three-month Bar Admission Course (which teaches all the procedure and advocacy they need to know) and then begin an eight-month period of paid traineeship as an “articling student.”

Many articling students became good friends. Much time was happily spent touring round Toronto’s main attractions. The firm also organized a number of events, such as a ski day, and I participated in a number of charity events, including beach volleyball and a “ball hockey” (ice hockey sticks but played on concrete) competition.

The Fox Scholarship is one of the best things I have ever done. I would

recommend it to anyone as a stimulating and fulfilling experience. I would like to thank David Fuller (and all the trustees) for his generosity and hospitality; Associate Chief Justice O’Connor QC and Justice Sharpe who enlightened me during my marshalling; everyone at McCarthy Tétrault and, in particular, Thomas Heintzman QC, Helen Salihagic, Junior Sirvar, Sarah Corman, Brian Wasyliv, Ari Blicker, Michael Barrack and the ever helpful librarian Barbara Fingerote who always found the obscure texts I was looking for. Together they gave me an outstanding training and introduction to life as a lawyer.

## Allocating Scholarships

by Master Andrew Hochhauser, Chairman of the Scholarships & Prizes Committee



The Middle Temple has long taken pride in interviewing every student who applies for a scholarship, as long as he or she has been offered a place on the BVC or the conversion course. The rationale behind this is that if we are trying to select the most promising future advocates, it makes sense for students to be given a chance to

perform some advocacy on their own behalf, regardless of whether or not their application looks persuasive on paper.

In practice this means that, for the BVC scholarships, six panels of practitioners and judges will spend three days during the Easter week interviewing approximately 350 candidates between them. This is a formidable task, which depends on the goodwill and generosity of 18 members of the Inn who expend time and considerable effort to make this process run smoothly and fairly.

Panels decide who should receive an award on merit, and merit alone. This is assessed on the basis of four criteria, namely intellectual ability, motivation to succeed at the Bar, potential as an advocate, and personal qualities. The size of the award will then be determined by individual need. Of

course this is not an exact science, but panels endeavour to take all material circumstances into account. These can often be explored more fully in interview than they could on paper.

It is worth noting that the sum of approximately £800,000 allocated for BVC scholarships cannot begin to cover the entirety of successful applicants’ financial needs. In most cases, an award will ease the burden, but there will still be a gap which has to be bridged by other means. The Inn’s policy of supporting and encouraging a broad range of students, rather than concentrating resources on a comparatively small number, tends to be met with approval by scholars who appreciate the award not only as a financial benefit, but also as a “seal of approval” which will stand them in good stead when applying for pupillages.

# UNC meets the RCJ

by Leah Crockett and Katrina Orme

Entering a Moot Court competition is probably one of the most useful things an intending barrister can do to bolster their chances of securing an interview and ultimately pupillage. The Inn has numerous outlets to gain such experiences and develop the skills that come from competition from mooting and advocacy in general, not least the Rosamund Smith Mooting Competition. A small group of students, the writers included, were fortunate enough to compete in the University of North Carolina at Chapel Hill Moot Court Competition, which took place in the Royal Courts of Justice and Old Bailey over three days in September 2008. The Middle Temple teams were selected owing to their performances in the Rosamund Smith competition.

The problem was one unlikely to arise in English Courts: the law was that of fraudulent misrepresentation in North Carolina, a concept largely superseded by that of negligent misstatement in English law, under the case of *Hedley Byrne v Heller*. The facts in brief involved the purchase of a painting by an 'ignorant' buyer, on the assurance that the artist was Andrew Wyeth (who, it was pointed out on the second day of events, is a real live artist, much to the embarrassment

of the competing students!). The vendor was a man of considerable artistic knowledge and the owner of a gallery. Consideration of \$5,000 was applied, no second opinion was sought, and inevitably, proceedings were brought when the painting was uncovered as a 'dud'. The vendor was granted a motion for judgment on the law in the State Court of North Carolina and appeal was to the NC Court of Appeals. It is from this motion being granted that the test to which we worked was formed; a motion on the law is granted where, viewing all the evidence in the light most favourable to the non-moving party (that is the party resisting judgment), there is no possibility that a jury would find in favour of the non-mover. Essentially therefore, the appellant need only succeed in showing that the lower court was wrong to hold that there was no evidence to go to the jury, and indeed each team was questioned on their knowledge of the test and its application to the proceedings.

The logistics of the UNC Competition was quite different from the Rosamund Smith Competition, which is run on a knock-out basis. Moot one in the RCJ was between Stephen McIntyre & Lauren Newton of UNC (Appellant), and Alexa

*Caroline Meek, Matthew Modell, Professor Kenneth Broun, Lauren Newton, Master Parker, Stephen McIntyre*



Segal & Christopher Williams of Middle Temple (Appellee - terminology which was rather confusing to get to grips with!). The second moot, also in the RCJ, was between Leah Crockett & Katrina Orme of Middle Temple (Appellant and writers of this article), and Matthew Modell & Caroline Meek of UNC (Appellee).

Each team had 25 minutes for submissions, to be split however the team wished, the Appellants being afforded the chance for rebuttal where enough time was saved to do so. Professor Kenneth Broun of UNC was kind enough to preside over both moots one and two, alongside then Master Treasurer Michael Blair for moot one and Master Judith Parker for moot two. The third moot was essentially a role reversal, each team representing the other side, in a shorter moot of 15 minutes per side with no rebuttal, which was heard in the Old Bailey by Master Martin Stephens and Master Tim Pontius.

Whilst the first two rounds were not overly different to the previous competitions held by Middle Temple, the final moot involved a very different and much more succinct approach to the problem. I am sure I speak on behalf of all competitors when I thank Master Bernard Richmond for his advice – offered to both UNC and Middle Temple competitors – during the generously provided dinner on Wednesday evening of the week, which was essentially 'make only one point but make it very well'.

A lot was gained from the mooting which took place against UNC, not least of all the opportunity to develop contacts in a truly international manner. To moot in the RCJ and Old Bailey before almost all of our peers have done, indicates how truly special this event was. Furthermore, to moot North Carolina law, use American cases and hear submissions in an amalgam of American and English styles further adds to the uniqueness. Interestingly, Master Blair noted after the first moot how different the styles of submissions were, the UNC teams delved straight into the evidence, whereas the Middle Temple teams adopted a more legal approach to the problem.

Finally, to moot in front of an audience of varying capacities, ranging from students completing possibly their first qualifying session of the term or indeed ever, Masters of the Bench, fellow competitors and notably judges for the next day's competition, was certainly not something experienced during the earlier stages of the Rosamund Smith Cup. Certainly, it is the educational element of qualifying sessions that the Bar Standards Board is keen to maintain, and it cannot be doubted that those students who did attend and had contemplated entering the 2008 competition at Middle Temple had picked a truly informative session.

A great many thanks must be offered to Christa Richmond, Deputy Under Treasurer (Education) for the integral role that she played in the week in which we hosted our guests from UNC. Further thanks must also be offered to the judges of each competition, the catering team, and Master Richard Wilmot-Smith, without whose educational ties with UNC at Chapel Hill the event could never have taken place.

## The Rosamund Smith Mooting Competition

Students are increasingly aware of the importance of mooting, the perfect exercise for building up the kind of experience which will improve not only their CV, but many of the skills which they will need in practice later on, such as thorough analysis of a problem, legal research, and of course arguing a case before a judge.

It will come as no surprise therefore that the Inn's internal moot competition, open to Middle Temple students on the BVC and the CPE/GDL, has seen a significant rise in student interest over recent years. In the current round, 80 teams set out to compete for the Rosamund Smith Mooting Cup. The semi-finals on 1 and 8 June will determine which of those teams reach the final, to be held in Hall on 21 October 2009. And reaching the final is well worth the effort: all four finalists will receive a wig and gown as well as a moot trip to America. Mooting visits alternate between the University of North Carolina at Chapel Hill and Pepperdine University in Malibu – this year it will be North Carolina.

Of course, the people who reach that stage will have worked hard for their success. By the time they moot in the semi-finals, teams will have survived at least four heats, which means that, in addition to their course work, they will have researched four problems, have put together four skeleton arguments and persuaded four judges of the superiority of their case or at least of their performance.

Behind the scenes, the work that goes into organising the competition is pretty impressive, too: not far short of 80 moots will have had to be arranged for the heats, the same number of mooting judges will have given up a good part of their evening, some will have had to be replaced at the last minute if unforeseen developments kept them in court, and bundles will have been ferried to them. But somehow, it always works...

If all this has got you interested, please think about getting involved: we work on the basis that you can never have too many practitioners willing to join the pool of mooting judges.

To find out more, please contact Marion Howard at [m.howard@middletemple.org.uk](mailto:m.howard@middletemple.org.uk) or Richard Chapman on [r.chapman@middletemple.org.uk](mailto:r.chapman@middletemple.org.uk) or ring 020 7427 4800.

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Congratulations to Daniel Berger and Beverley Cottrell, who won the 2008 English Speaking Union/Essex Court Chambers National Mooting Competition, and will be representing the UK at the Commonwealth Moot in April in Hong Kong.



# California Mootin'

by Craig Morrison and Oliver Phillips

Mooting, they say, is good for you. It hones your advocacy, enhances your CV, and—just occasionally—takes you to California. Such, at any rate, was the experience of six Middle Temple mooters who in autumn 2008 took part in the biennial visit to Pepperdine University, Malibu.

The unusual prospect of travelling six thousand miles in order to debate the finer points of the rule in *Rylands v. Fletcher* was a welcome benefit of the Inn's Rosamund Smith Mooting Competition. Four of us (Rachel Greenwood & Craig Morrison, Sarah Tandy & Nigel Urban) had reached the final of the tournament while the other two (Oliver Phillips & Sarah Tresman) had been knocked out in the semi-finals back in June. We were the fortunate beneficiaries of Middle Temple's long-standing involvement with Pepperdine Law School's London campus. The links between the Inn and the University are a great asset to both institutions, and were celebrated at a dinner last July hosted by Master Wilmot-Smith where the Dean of Pepperdine Law School, Kenneth Starr, and his wife, Alice, were the guests of honour.

In Pepperdine itself, Professor Anthony Miller acted as our host with grand style, and we were exceedingly impressed upon arrival at our luxurious hotel just over the mountains from Malibu. The temptation of a sun-bathed pool and hot tub just outside our windows made it sometimes painful to remember that we were there to work on a moot problem, but we soon realised that these distractions were nothing compared to what students at Pepperdine have to contend with. The University's home atop a gentle hill boasts mesmerising views of the Pacific Ocean from almost everywhere on the large campus (with the notable exception of the library; a wise move). With Malibu's famed beaches only a short trip away, it is easy to see why Pepperdine's campus is often considered to be the most beautiful in the USA: it is rather harder to see how anybody gets any work done!

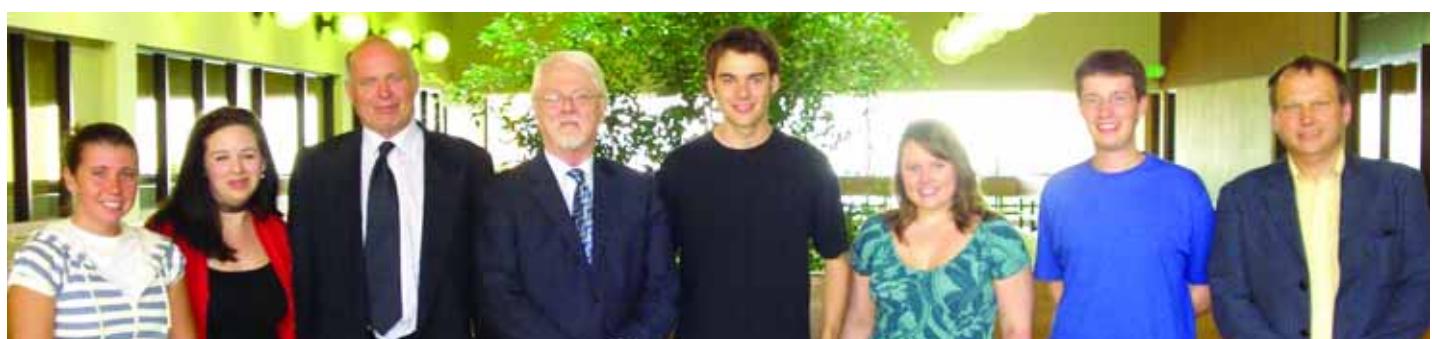
Travelling with us was the ever-amiable Master Blunt, who demonstrated the versatility required of the modern-day Silk

by acting as moot drafter, moot judge, and mooters' chauffeur! The claim stemmed from a fracas at a major popular music festival somewhere in England, when a horde of rampaging fans running amok in the locality had damaged the claimant's house and injured both him and his guest, the question for the House of Lords being whether their claims could be allowed under the rule in *Rylands v. Fletcher*. The mooters were vexed by such challenges as demonstrating why pop fans could be considered analogous to beasts under *Rylands*, while nonetheless affirming that classical music fans were really quite different (picking up on the subtle hints from the judging panel that they were perhaps rather more sympathetic to the latter class of festival-goer).

Though the moots were non-competitive, they were very well attended by classes from the law school keen to hear and (hopefully) learn from what we had to say. The impressively intensive questioning of the American judges kept us on our toes, while the strict time limits ensured that each day's moot brought something new. The voluminous and valuable feedback was particularly memorable for its praise of our impeccable English accents, which one judge found so beguiling that she claimed to have focused on our voices rather than our submissions! A recipe for success in the Court of Appeal? Only time will tell.

The Pepperdine staff, students and mooters were exceptionally gracious hosts, and our thanks go out to them for their efforts. Particular thanks must go to Professor Miller and Jeudi Curtis for organising (with Christa Richmond and Marion Howard) a truly memorable experience, as well as, of course, Master Blunt, whose generosity throughout the trip was something to behold. There was something for everyone to take away from a week that featured fantastic mooting, visits to Santa Monica and the Getty Museum, superb Italian food, and amusing confusions over the meaning of the word 'pants'. The finalists of 2009's Rosamund Smith Competition will be going to North Carolina: if new students needed further incentive to get involved in mooting, look no further!

*Sarah Tresman, Sarah Tandy, Master David Blunt, Professor Anthony Miller, Craig Morrison, Rachel Greenwood, Oliver Phillips, Nigel Urban*



# Marshalling at the Old Bailey

by Ellis Sareen

British institutional buildings run to faded grandeur. A glance cast up catches oak, wrought iron, and sun through leaded glass. Cast down it falls on nylon carpet tiles. The balance changes according to the status of the building, and so it is fitting that the Old Bailey majors in grandeur. But it also has its carpet tiles (though they are newer than most, and greener), its Formica tea trays, and its mugs on hooks. The effect is of a pragmatic seriousness, a steely calm.

A calm much needed by all those having business at the Bailey in the week commencing 23 June 2008, when I was marshal to Master Paul Worsley in his judicial capacity. The House of Lords had given judgment in the case of *R v Davis* [2008] UKHL 36 the Wednesday before. It was suddenly clear that the giving of anonymous evidence by witnesses in criminal cases was all but prohibited. Jack Straw had promised, with almost indecent haste, an emergency bill to reverse this. The newspapers debated the rights and wrongs of Davis, and of the government's response. But it was the courts that, in the meantime, had to cope.

Bearing the heaviest burden was the Central Criminal Court, accustomed to seasoning some of its diet of serious, often gang-related, crime with witness anonymity orders. Had their presence in public not been counter-productive, the corridors would have near thronged with witnesses waiting to give evidence in the expectation that they could do so anonymously. Prosecuting counsel, CPS lawyers, and the police considered, with varying degrees of composure, how best to tell them that this would no longer be possible. I had arrived at an interesting time.

Such times – as Master Worsley explained whilst expertly manipulating a cafetière – demand a measure of

patience. A wrong decision to deny an application for more time could wreak severe injustice. On the other hand – he continued whilst pouring out the coffee – it was vital to make such progress as could be made, and the key to that was flexibility. This was a quality I saw in abundance as counsel abandoned settled plans in response to the question: “What can we deal with next?” I sat quietly and busied myself taking notes, glad that I wouldn't be on this particular spot for some time to come.

My marshalling had been arranged through the kindness of the Under Treasurer Peter Hilling, after a conversation in the bar of Cumberland Lodge. The word marshalling is antiquated, but the meaning is simple – it is shadowing a judge. What that involves depends on the judge, the court and the time of year. Thanks to Master Worsley, I got to pass through the padded green door, to sit (briefly) on the bench, to see the private backstage chambers and corridors, and, most importantly, to clarify my understanding of a decision with the man who had just made it.

I had, of course, already acquired some experience of our criminal courts. Mini-pupillages; compulsory visits as part of the BVC; voluntary visits to remind myself why I was doing the BVC; even, some years ago, as a witness; and as a defendant. But nothing compares to the view from the bench. As a witness, as the accused, as mini-pupil to an advocate, it is clear that most people know far better than you what is occurring, and that the person who knows best is probably the judge. As sidekick to the judge you realise that you were right, but also that judicial perspicacity does not extend to omniscience. Though the Old Bailey had seen many thousands of miscreants and innocents pass through its doors in



its long history, somehow new problems crop up every day. Some, apparently intractable when looked at from the public gallery or from behind counsels' row, pull neatly apart when seen from the altitude of the bench. Some, but not all. This is an encouraging realisation for those just starting out.

I left Master Worsley's chambers, knowing that it would be a few years at least before I would return to the private corridors of the Old Bailey. Walking slowly, I tried to imprint the atmosphere of oak and soft carpet on my memory, so that it might sustain me over the innumerable low moments in magistrates' courts that lie ahead of me. I entered the lift. It travelled one floor down, and then stopped. The doors opened and a figure came in, unwigged but strangely dressed, weighed down with a heavy metal chain and the evidence of several excellent dinners. Was this some new species of judge of which I had been formerly ignorant? Or a bailiff, a tipstaff or the like in ceremonial dress? Only as I crossed Holborn viaduct did I realise that it was an Alderman, sporting the effects of his office in the Corporation of London. You don't see that at the RCJ.

# The Participation Sub-Committee

by Master Michael Gledhill

**For a wide variety of reasons, following Call, contact with many barristers with their Inn becomes either sporadic or non-existent. The brief of the Participation Sub-Committee is to re-engage as many Middle Temple members as possible.**



The primary purpose of the Inn has always been the education and training of the next generation of barristers. In the 21st century, that means not only self-employed practitioners, but also those employed in a wide variety of fields. In order to do that the Inn needs the help of all its members. Education and advocacy training are invaluable to the student and to the profession in the long term. But to be able to organise mock trials and moots, Cumberland Lodge weekends, and run the Inn's courses, we need willing and able practitioners from all disciplines of the law.

The Committee's first initiative is to appoint a Middle Temple representative in every set of Chambers in England and Wales. Once in place, the representative will be asked to identify all Middle Temple members in his or her chambers and to ensure our database is as accurate as possible. The representative will be the Inn's first line of communication with members who will be encouraged to volunteer as Sponsors.

Everyone is familiar with the Sponsorship Scheme from their student days. Due to some lack of commitment in the past from sponsors and students, the current scheme is only available on application by students. The aim is that by September 2009, every student will be allocated a sponsor. When a student joins the Inn whilst still at university, it is hoped that a sponsor practising near the university will be allocated. A new sponsor would or could be put in place when the student moves to London. The

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potential benefits to students are obvious. The potential benefits to the sponsor include putting a little back into the profession and the possibility of identifying a future star. The success of the scheme depends on enough barristers being willing to give a small amount of their time.

The Sub-Committee's future plans include appointing a Middle Temple Representative Judge in every Court Centre. This will greatly assist the Education staff to find placements for

marshalls and court visits. Did you know, for example, that Middle Temple judges often put students through their paces in applications for bail or for an injunction – in a real court before a real judge?

The Sub-Committee also hopes to enlist the help of those at the employed Bar. It is well known that the system is producing far more barristers than the self-employed Bar needs. Of course, this is not new, but finding pupillages and tenancies in chambers certainly becomes harder each year. There is, however, a wealth of attractive careers outside chambers. Countless Middle Templars work in the City and in industry, in the Civil Service, the CPS, HM Revenue and Customs, and other branches of the Government Legal Service. We aim to provide a link between our employed members and our students – to mutual advantage. Work placements and careers advice are but the tip of the iceberg.

I encourage all of you who may have lost touch with the Inn to help us with these initiatives. I am sure you will find it rewarding and fulfilling.

To update your contact details with the Inn, please contact Alumni Officer, Georgina Wright, on 020 7427 4803 or email [g.wright@middletemple.org.uk](mailto:g.wright@middletemple.org.uk).

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HHJ Michael Gledhill QC was Called in 1976 and took Silk in 2001. He was Head of Chambers at 2 Dyers Buildings from 2002-2008. He served as a Recorder before being appointed a Judge on the South-Eastern Circuit. He has been a member of the Inn's Scholarship Interviewing Panel since 2002 and has been a Sponsor for over 20 years.

# New Practitioners' Programme

## Advocacy Training

by Lowri Mai Griffiths

On Saturday 20 March 2009 a number of bleary eyed new practitioners arrived at Middle Temple Hall for the NPP advocacy training. Amongst those desperately seeking coffee were the first ever individuals to attend the Middle Temple NPP Advocacy Course for the employed Bar.

A select group of six, three of us working in the private sector and three working in the public sector, we had first met two weeks previously at the case preparation session. As one of the six, I was nervous about the course, but I was grateful that I would not be assessed attempting more traditional court advocacy alongside fellow new practitioners who are regularly on their feet.

A great deal of time and effort had been put into devising a course that would give us the opportunity to practise some of the key written and oral advocacy skills utilised by employed barristers in public and private practice. Both the private and public sector exercises that were set provided an opportunity for us to practice our written advocacy skills, and also our oral advocacy skills in a manner relevant to all those at the employed Bar. The course focussed on the key advocacy skills required of the employed barrister, persuading senior colleagues and those leading an organisation to follow our legal advice on a given topic.

The private practice advocacy exercise took place in the morning. This required us to prepare a minute advising the Board of an investment management firm on a legal problem, attend a meeting with the General Counsel of the firm to discuss the

minute, and present the minute to the Board. I will admit that the finer points of the financial world are alien to me. Luckily for me, Christiane Valansot of the Investment Management Association and Julian Burling, General Counsel of Lloyds, who had devised the private practice course, did not probe my knowledge of the financial sector too deeply. Instead, along with Master Colin Edelman, they provided helpful feedback and advice to improve our presentation.

All in all, by the end of the morning session, I was feeling more comfortable and ready to tackle the public sector exercise. My newfound comfort level took a knock, however, when I returned to the training room. The Treasury Solicitor himself, Master Paul Jenkins, had joined Master Jonathan Jones, Director General of the Attorney General's Office, who had devised the public sector course, to assess our performance. As a very junior lawyer at the Treasury Solicitor's Department, I was a little terrified at the possibility of making a hash of things in front of

*Master Jonathan Jones, Director General*



my top boss.

The exercise required us to prepare a submission to a Minister setting out our advice on a legal issue. In the advocacy session we first presented our advice to our legal manager before going to present it to the Minister. As with the private sector exercise, this exercise focussed on core advocacy skills relevant to all employed barristers. At the end of the afternoon, there was a general discussion as to how both the trainers and the trainees felt that the day had gone. There was some discussion as to possible restructuring of the exercises, but the general consensus was that it had been an extremely useful day. Personally, the fact that the exercises were tailored to the employed Bar meant that the exercises and the feedback were more meaningful than they would have been had I participated in the equivalent session for the self-employed Bar. It also brought home to me the fact that the Inn is interested in and concerned about those of us who choose to practice at the employed Bar.

*Master Paul Jenkins, Treasury Solicitor*



# The Review of Pupillage

By Dr Valerie Shrimplin

**The Review of Pupillage is now well underway, building on the review of the Bar Vocational Course as the second part of what is effectively a single two-stage process.**

The recommendations made by the BVC Working Group (the changes in content in the new Bar Professional Training Course, the accreditation of the new course, and the implementation of an Entry to the Bar Aptitude Test) are now being implemented. Continuity in the process is being assured by having the same Chairman as for the BVC Review, Derek Wood CBE QC, and the Pupillage Working Group itself similarly represents a wide range of experience and expertise, including Silks, members of the employed and young Bar, representatives of the Specialist Bar Associations and very recently appointed tenants. The lay perspective, that of clerks and other professionals, is also represented.

## The Task

The task is to ensure that pupils acquire the skills, knowledge and competence needed to practise at the Bar of England and Wales, and the Working Group is taking a 'root and branch' approach to the review, in order to consider whether the current methods of delivering the one-year pupillage are the most appropriate. Taking into account work that has already been done in this key area (for example the Neuberger Report on Access to the Bar), the Review group has been concentrating so far on the recruitment and selection of pupils, and the number of pupillages available at the self-employed and employed Bar – particularly in relation to the number of applicants and the number of tenancies available. The balance of the curriculum that pupils should follow is being carefully considered, with the possibility of greater input into the specialist areas from the SBAs.

The way in which pupillage placements are provided is also very much under discussion, as are procedures for supervision of pupils and how supervisors are themselves trained and accredited for their key role. Supervisors act not only as teachers, assessors and guides for pupils, but are also involved in the process of assessment and final certification; they are also effectively the 'guardians' of the practising certificate – the most vital element of the whole

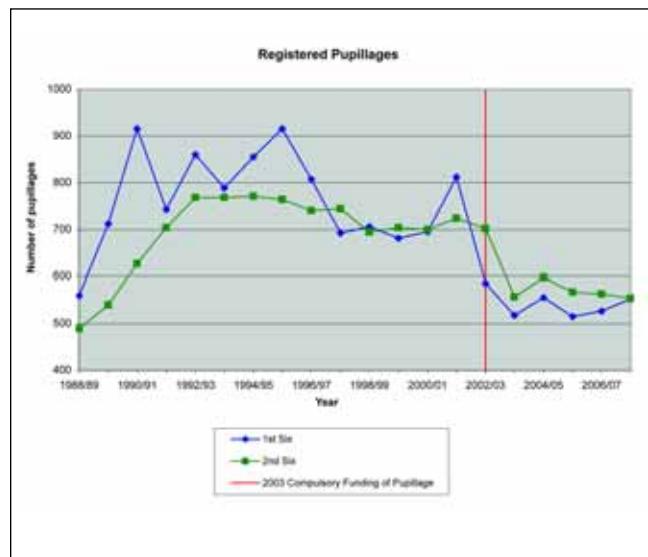
process. Whilst training, accreditation and support for supervisors clearly needs to be robust, it is also important, as the Chairman has himself pointed out, to recognize the enormous amount of time and money put into the process on a pro-bono basis, and not to 'kill the goose that lays the golden egg.' Other areas of concern that have yet to be examined in depth by the group include the issue of compulsory funding (and advertising) of pupillages, and whether options for unfunded pupillages should be considered. Lastly, the whole area of support for pupils and dealing with complaints either on behalf of or against pupils will also be addressed.

## Some Facts and Figures

In all the above, a great amount of work has been carried out in order to ensure that the findings and recommendations of the Working Group are properly evidence based. An extensive amount of statistical information has been gathered and is currently being analysed, looking at the profiles of those who are successful in obtaining pupillage (in terms of academic performance, gender, background and ethnicity, etc), the ratio of applicants to places, and any regional differences. Some of the data necessary for analysis of the way in which pupillage currently operates is difficult to obtain because information, for example on ethnicity, socio-economic background, etc of pupils, was simply not collected in the past.

Extensive analysis is also needed to assess such matters as the relation between performance on the BVC and the likelihood of obtaining pupillage with a 2:2, and whether equality and diversity issues appear to affect the ability to gain pupillage. The majority of pupils hold first class or 2:1 honours degrees and do well at the BVC; however, some candidates with a 2:2 do obtain pupillage but the number is falling (just 48 individuals or 9% for the last year for which information is available).

Over the past three years, the number of pupillages offered has risen very slightly (to 553), but still remains significantly lower than in the past (with peak years in

*Figure 1*

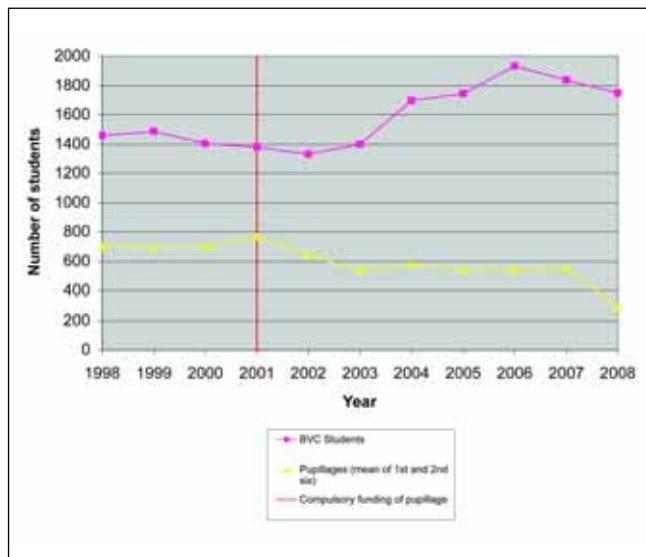
NB the vertical line denotes the date of the introduction of compulsory funding

1990 and 1995). The graph (*Figure 1*) significantly shows that, apart from a bulge just before funding became obligatory, the number of pupillages was falling before compulsory funding was introduced in 2002-03.

The ratio of applicants to pupillage places should also be considered. As can be seen from the graph, (*Figure 2*), the numbers graduating from the BVC each year has actually declined over the past three years (from 1932 in 2006-07 to 1746 in the current year). It would be misleading, however, to think that the success rate is therefore approximately 1 in 4. Although some BVC graduates do return overseas or choose not to seek pupillage, they may seek pupillage for up to five years, so the ratio of individual applicants to places is far higher, and indeed can run into hundreds of applicants for pupillages in some of the more popular chambers.

### Consultation Process

As with the Review of the Bar Vocational Course, rather than issuing a lengthy written consultation document and inviting detailed written responses, the Working Group is carrying out extensive consultation with the Inns, Circuits, Bar Council Committees, SBAs, pupils and other bodies by means of face to face meetings and discussion. Opportunities are being provided for all interested parties to indicate their views and concerns about pupillage, but also to highlight areas of satisfaction where things are working well. The views of the current cohort of pupils are being sought by means of an online chat ‘forum’ where pupils can comment (anonymously) about their current

*Figure 2*

NB the figures for 2008-09 do not include second 6 numbers since they are not yet available

experiences. It is hoped to obtain further views of recent and ‘prospective’ pupils by means of a questionnaire later in the year. An open meeting with pupils is also planned, for July.

Views have also been expressed by pupillage supervisors and all written comment received is passed on to the group at their monthly meetings. It is planned to hold an open meeting with supervisors in July as well. Action has already been taken to review the training of supervisors and how they should be accredited and registered with the BSB, taking care, of course, not to make the system too complex, but to ensure high quality of supervision of pupils. All existing guidance provided to pupils and supervisors is being reviewed and revised and will be reissued in what, it is hoped, will be a more ‘user-friendly’ format, designed to make life easier for everyone.

The Working Group is scheduled to last for approximately one year and to report to the BSB in October or November 2009. Education and Training for the Bar at all levels is crucial for the maintenance of quality and standards in the profession, hence, the importance of a review of pupillage to follow on from the review of the BVC. The main aim is to define, adopt, adapt and maintain the gold standard.

Comments on the scope of the review, or views about the pupillage stage of training more generally may be sent to:

Valerie Shrimplin, Head of Education Standards,  
Bar Standards Board  
[vshrimplin@BarStandardsBoard.org.uk](mailto:vshrimplin@BarStandardsBoard.org.uk)

# The Inns of Court and Bar Educational Trust

by Master Catherine Newman, Chairman

**The Inns of Court and Bar Educational Trust (ICBET) has the delightful task of looking after and spending money on supporting advocacy training in England & Wales. It is the principal funder of the Advocacy Training Council and gives annual grants to other advocacy trainers such as the Circuits, the Inns and FRU.**

ICBET is a registered charity which was formed in 1997 when the Council of Legal Education was dissolved and its resources divided between the Inns of Court School of Law (ICSL) as a validated provider of legal education and ICBET. It has eight trustees, four of whom are nominated by the Bar Council and four by the Inns of Court, one from each Inn. The office of Chairman of the Trustees rotates between the four Inns and I currently hold that post.

We are a small charity and manage about £2.5 million. It was more, indeed it had gone over £3 million, but like so many others, our portfolio took a bit of a hit in the recent market upheavals. We had no exposure to Bernie Madoff, I am glad to say. However, we believe that our money is ably managed by Blackrock, who have a number of charity fund clients, and Master Jenkins and I, who form the Investment Sub-Committee, enjoy our twice yearly meetings with super-urbane Andrew Hunter Johnson of Blackrock who keeps us up to date with the performance of our portfolio giving clear explanations and excellent documentation. He was rather impressed to hear, at our last meeting, that Master Jenkins owns Northern Rock (in a purely professional capacity of course). I also get weekly market updates from Blackrock by email, which are attractively presented in audio and streaming video; much easier to take in than a long market report in writing.

All the Trustees give their time free

of charge. We meet in plenary session twice a year and there are also two meetings a year between the Investment Sub-Committee and Blackrock, when we travel down to their offices in King William Street and admire the fantastic British art collection on the walls. ICBET has no permanent staff and the Inns supply a secretariat, again in rotation, for which they do charge ICBET. How I should

*ICBET remains the first and only standing pan-Bar body, comprising members from all parts of the profession... it is now acknowledged to be the primary source of experience and expertise on advocacy training*

like to persuade them not to! But proper management of the Inns' finances is no easy task, and I quite understand that it may not be possible for these services to be given without charge. The administration is ably run by Julia Hawkins and the management accounting function rests with Middle Temple's top finance man, Andrew Hopkin.

ICBET's funding of advocacy teaching in the Inns and Circuits performs a valuable support function; but for the ATC we are the primary source of funding. The ATC was set up in 2004 in response to the Dutton reports on advocacy training. It

remains the first and only standing pan-Bar body, comprising members from all parts of the profession – including the Inns and Circuits, the SBAs, the Bar Council and the Employed Bar – together with representatives from the judiciary, the academic world, and the solicitors' profession. It is now acknowledged to be the primary source of experience and expertise on advocacy training, supporting the Inns and Circuits and BVC Providers in developing and enhancing their advocacy training provision. ATC members visit advocacy training courses (often at their own expense) producing detailed visit reports presented for consideration and adoption by the ATC.

These visits are essential to the Council's supporting and monitoring role, and serve a dual purpose: (1) driving good practice and helping to ensure that advocacy training provision is consistently developed; and (2) collecting and disseminating examples of best practice to help inform the former. It also provides advice, support and encouragement to trainers who teach advocacy as part of the BVC. This role includes running a series of workshops throughout the year for the accreditation of BVC tutors in order to teach advocacy skills, and participation in their annual conference. It is run on a shoestring, and relies heavily on the work and expertise of practitioners, who give their time for nothing. It is an ornament to our profession. ICBET is glad to be able to support its work, and that of all other training providers.

# Visit to Wood Green Crown Court

by Gillian Kalitsi, European Librarian

Our visit to Wood Green Crown Court began with an introduction from Jacki Childs, Customer Service Officer, our escort for the morning. She had previously worked as a custody officer so was extremely knowledgeable and her years spent working with the legal profession and the court service enabled her to give us a very positive view about the court process.

We first met Master Lyons who immediately put us at ease. He went through the Daily List, which details what is happening in each court. As we pored over the list provided by Helen, Case Progression Officer, we learned that Wood Green deals mainly with criminal cases in its ten courts. These cases come from Haringey, Enfield and Edmonton magistrates. Wood Green is the only court in the UK to have resident translators: last year 120 different languages were heard at Wood Green. Judge Lyons is the Resident Judge.

Judge Lyons' list consisted mainly of plea case and management where a plea is given by the defendant and a date for trial is set. We were in court for an hour and a half in which time Judge Lyons went through 14 of 20 cases. For me it was physically very draining having to listen to each case, with the barristers setting out the major points. Judge Lyons, however, was able to quickly deal with any raised points and make decisions which will impact on people's lives. Hearings ranged from the supply of class C drugs to the more popular assault involving a bank cashier whose lack of training would be used by her barrister as a defence on what appeared to be an open and shut case of theft. The hearings were interspersed with incredulity, laughter and sarcasm as the barristers defended their clients.

*John Smith, Estates; Richard Chapman, Education; Master Lyons; Andrew Clarkson, Catering; Stacey Brown, Education*



After our time in court we were shown around the building by Jacki. The Court, Woodhall House, was originally a Masonic school for boys and has a sweeping circular staircase with five floors plus the cells in the basement.

The highlight of the visit for me was a chance to look at the cells and imagine what it must be like for the defendants who arrive for court at 0830 and will remain in the cells until 1800. It really wasn't as bad as I imagined although the men's section is more secure. The defendants certainly cannot complain about the food (which is microwaved), but they get quite a choice from an All Day breakfast, to Lamb Khena and Tuna Italianne. They are not given silver service cutlery though, instead only plastic spoons, which are taken away as soon as they finish eating since the spoons when sharpened can be used as deadly weapons.

On our tour we also visited Stephen Okofor who is responsible for the care of court witnesses and for the training of all Witness Service personnel in the London area. We finished off the visit by again meeting with Judge Lyons who was happy to answer my long list of questions on those court practices I didn't understand, such as oath proofing and court acronyms including DDR and DCS. Before we left, there was a photo shoot with Judge Lyons taken by Jim who described himself as a lowly usher, but with a long career in the court service, I think he was being modest.

On behalf of all the staff who attended the two sessions organised, I would like to thank Master Lyons, Jacki, Jim, Stephen and Helen for a very enjoyable and informative day.

*Gillian Kalitsi, Library; Frances Andrews, Accounts; Sarah Hankinson, Education; Pauline Folkes, Catering*



# Rowathon for Children in Need

by Barry Homer, Head Porter

**They say charity begins at home so, having checked the tide tables, Thames traffic, and a metrological update from the BBC, what better place than Middle Temple's Smoking Room to stage the staff contribution to the 2008 appeal for Children in Need.**

Volunteers were sorts from all departments, each pledging £5 to complete a mile on a Concept II indoor rowing machine similar to the one used by Sir Steve Redgrave. The Smoking Room was set up with a plastic sheet (for all those who raised a sweat); refreshments were organised for all competitors (who finished); and four large buckets were on hand to hold the contributions from onlookers.

The Under Treasurer, encouraged on by his wife, Anne, started the marathon with a time that set a standard to which we all subsequently aspired. With contributions from the Porters, and staff from the Estates, Treasury, Library, Human Resources, IT, Catering and Education departments, the miles started to drop off and the coffers began to swell.

It would not be prudent for me to mention individual times, but I will say that all who competed finished and contributed to a worthwhile cause. I know from the many comments I received that everybody enjoyed the day and were especially pleased at having raised a total of £ 461.94.

On a personal note I would like to congratulate Master Whitfield who came out of retirement to row a magnificent leg. When he finally got his breath back he enquired as to whether he had reached Mortlake! And finally, we've managed to locate Ruth's water wings and we have them in the Porters' Lodge.

Thank you to everyone for your contribution and stand by for the next extravaganza.



Thomas Slowikowski, Catering



Mrs Anne Hilling



Above: Ian Smith, Surveyor Below: Master Adrian Whitfield and Barry Homer





*Photo: Temple Church Fete, June 2006*

# TEMPLE CHURCH FETE 2009

Wednesday 17 June, 5.00-9.00 p.m.  
Middle Temple Garden

In Aid of  
The Temple Church Organ Fund

*Following the success of the first-ever Fete in June 2006,  
the Church is grateful to all our sponsors for making the 2009  
Fete possible. Several stalls/entertainments/games  
still available for sponsorship.*

*Raffle prizes and raffle-ticket-sellers urgently needed!*

*If you can help, please contact Liz Clarke in the Master's House,  
tel: 020 7427 5650, email: liz@templechurch.com*

## INN EVENTS

### April

15 - 17	BVC Scholarship Interviews
Monday, 20	Hall re-opens for Lunch
Tuesday, 21	Easter Term Begins <b>Music Night: Schubert Ensemble</b>
Thursday, 23	<b>Hall Dinner</b>

### May

Friday, 1	Hall closes after Lunch
Monday, 4	May Bank Holiday
Tuesday, 5	Hall re-opens for Lunch
Wednesday, 6	<b>Music Night: Jonathan Papp &amp; Sir Thomas Allen</b>
8 - 10	Four Jurisdictions Law Conference, Dublin
Monday, 11	Oxford MT Society Dinner in MT Hall
Thursday, 14	<b>Private Guest Night</b>
15 - 17	<b>Cumberland Lodge</b>
Tuesday, 19	<b>All Inn Dining</b>
Friday, 20	Easter Term Ends Hall closes after Lunch
Monday, 25	Spring Bank Holiday
30 - 31	New Practitioners' Programme Weekend

### June

Monday, 1	Hall re-opens for Lunch <b>Moot Semi-Final</b>
Tuesday, 2	Trinity Term Begins
Monday, 8	<b>Moot Semi-Final</b>
Wednesday, 17	Temple Church Fete in MT Garden
Tuesday, 23	Scholarship Fund Appeal Dinner
Wednesday, 24	<b>All Inn Dining</b>
Tuesday, 30	<b>Bench Call</b>
29 - 30	CPE/GDL Scholarship Interviews
29 June - 10 July	Pupils' Course

### July

13 - 15	Pupils' Short Course
Thursday, 16	Garden Party
Tuesday, 21	<b>Private Guest Night</b>
Thursday, 23	<b>Call Day</b> (Trinity A: 1 pm) (Trinity B: 6 pm)

Friday, 24      MTS defence

Friday, 31      Hall closes after Lunch  
Trinity Term Ends

### September

Tuesday, 1	Hall re-opens for Lunch
19 - 26	Legal Conference in Mauritius
Tuesday, 22	<b>Introduction for London Students</b>
Monday, 28	<b>MTSA Elections</b>

### October

Thursday, 1	Michaelmas Term Begins Bench Night (for Benchers and partners)
2 - 4	Out of London Students' Weekend
Friday, 2	<b>Music Night: King Masco tbc</b>
Saturday, 3	<b>Monroe Debating Cup</b>
Sunday, 4	<b>Sunday Lunch</b>
Thursday, 8	<b>Call Day</b>
Monday, 12	<b>Guest Lecture</b>
Tuesday, 13	<b>Bench Call</b>
Thursday, 15	<b>Private Guest Night</b>
Wednesday, 21	<b>Moot Final</b>
Thursday, 29	<b>Grand Day</b> (White Tie)

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

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

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

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