

# The Middle Templar

The Honourable Society of the Middle Temple

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*2008 Temple Festival*  
*Celebrating 400 years*

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# Introduction



As everyone knows 2008 has been a special year of commemoration and we have endeavoured to capture the main elements of the 2008 Festival in this colourful special edition of *The Middle Templar*.

We have recently undertaken a survey and review of *The Middle Templar* and I am very grateful to those of you who took the trouble to respond. We had feedback from nearly 300 people and will be putting into practice some of the constructive comments we received. We will continue to produce two publications a year and will try to make the

articles shorter with more photographs. We shall also seek to widen the distribution within the constraints of our budget. I should like to record my thanks to Master Guy Mansfield who was instrumental in carrying out the review and who continues to provide valuable assistance. I am also very grateful to Peter Blair for his technical support to *The Middle Templar* during his time as Deputy Under Treasurer, and to Kristine McGlothlin who now co-ordinates the publication.

As 2008 draws to a close I believe we can reflect on a year of considerable achievement for the Inn. Despite the demands of the 2008 Festival including a huge Open Weekend, a major Royal visit, an ambitious Celebration Ball and a Shakespeare play in Hall, the business of the Inn has continued as usual and the high standards we set have been maintained. I am very grateful to all Benchers, barristers and students who have contributed in so many ways, but single out the staff for special recognition for everything they have done to make this a truly special year.

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

Under Treasurer

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Front cover: Lesley Whitelaw (MT Archivist), Master John Baker (IT), Her Majesty Queen Elizabeth II, and Dr Clare Rider (IT Archivist) study the 1608 Letters Patent which rests on the MT Cupboard in Inner Temple Parliament Chamber. The two silver-gilt chalices were commissioned in 1609 by the Inns for the Church's use in acknowledgement of the Letters Patent.



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# Foreword

by Master Treasurer

**Welcome to this Commemorative Edition of the Middle Templar, looking back over the momentous year of 2008. I am particularly honoured to have been asked to be Treasurer in this year. The 2008 Festival has been even more successful than we dared to hope. There was a very full programme of events, whether set up by the Festival Office, by the individual Inns or by the Church itself.**

The Festival has amply achieved the objectives we and the Inner Temple set for ourselves at the outset. In brief, these were to:

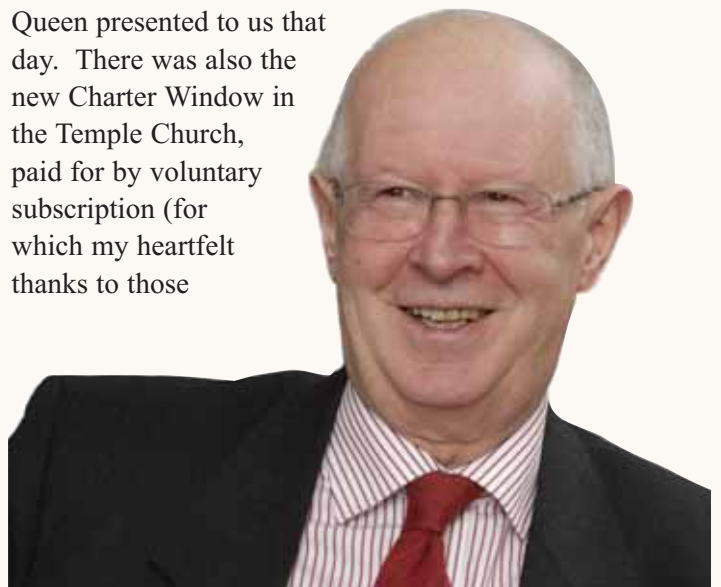
- re-dedicate the Inns to their fundamental duties of legal education, collegiality and sustaining the Temple Church, of working to maintain the rule of law, of contributing to the standards of the legal system, and of fostering the common law worldwide;
- re-invigorate the Temple's profile so as to make the Temple better known, and more accessible, to the world at large; and
- re-connect the Inns with members between their Call to the Bar and Call to the Bench.

Everything that we did in the Festival context was designed to achieve one of these aims. For instance, the second aim, to open the Temple up to the public, was the central purpose of the Open Weekend in January when nearly 25,000 people came to visit the Inns, their Halls and Libraries, several sets of Chambers, and events put on in the Royal Courts of Justice. The same was true of the September Royal Horticultural Society show put on in Inner Temple's Garden. Even the two Summer Balls, held by each Inn this year, were not just for fun (though they certainly were that), but were designed to allow members to meet in a new setting, and to allow others to appreciate what the Inns have to offer as a green and historic oasis in the heart of London.

Of the three aims, the hardest one was the third. There is a natural pattern in the life of most professionals, though, I am glad to say, not all. It is very easy, in the middle passage, between the early years in practice and the relative calm of considerable seniority, for the pressures of family, work, career building and other interests to leave the Inn trailing in the wake. I conclude that we in the Inn itself need to reach out somewhat more to overcome this. Under the leadership of Master Paul Darling, we have done something in the last two years to address this by having a "Gaudy" or reunion, the first of which took place in November 2007 for members Called between 1975-85. Nearly 300 members attended the event which proved to be such a success that it is being held this

year, but for members Called between 1986-96. In both years, the Gaudy occurred on the Friday evening prior to the CPD Day on the following Saturday. These two measures show the way ahead. For me, a central conclusion of this year is that this area has been too-long neglected and is in need of some years' imaginative development and leadership from the centre.

What else should I single out as highlights in a most enjoyable year? There was the mountainous preparation for the Royal Visit on June 24. This included, for me in particular, the privilege of involvement in creating the new Letters Patent, which The Queen presented to us that day. There was also the new Charter Window in the Temple Church, paid for by voluntary subscription (for which my heartfelt thanks to those



concerned), which serves as a permanent reminder of the 400 years of stewardship of the Temple by the two Inns.

I also would like to record how pleasant it has been to work with colleagues in the Inner Temple over the preparation and realisation of the year. I do not remember a single rough word or disagreement, and I hope that the strong spirit of amity between us will long persist.



Master Treasurer and Mrs Halldóra Blair enjoy the Celebration Ball

The real highlight, however, has been the privilege to work with (and I suppose, in some measure, to lead) the wonderful staff by which the Middle Temple is so happily served. Their dedication, ability, and positive approach bear eloquent witness to the values of the Inn and its standards. (I include in this the Festival personnel, recruited for the year itself, and the staff in the Church.) I am also immensely indebted to a large number of members of the Inn, Benchers, members of Hall and students, without whose enthusiasm, dedication and support the 2008 Festival and all that surrounded it would not have been the success it was.

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Michael Blair QC is a specialist on financial services and financial services regulation. He joined 3 Verulam Buildings in 2000 after serving as General Counsel to the Board of the Financial Services Authority from 1998-2000, and as head of the legal function in the predecessor Securities and Investments Board from 1987-97. Before that he had served from 1982 to 1987 as an Under Secretary in the Lord Chancellor's Department. He is the non-executive Chairman of SWX Europe Ltd (the Swiss-owned equities exchange in London) and a Board Member of the Dubai Financial Services Authority.

# King James Lecture Series



In the 2008 King James Lectures Series, the Inn sought to relate to the modern day some of the achievements and aspirations of King James VI and I. For example, King James was known for his policy of acting as a peacemaker, directly or indirectly; therefore, the first of the four lectures entitled, "*Aspects of Dispute Resolution in the International World*", was given on 25 February by **Daniel Bethlehem QC**, a Middle Temple member and the recently appointed Legal Adviser to the Foreign and Commonwealth Office.

Similarly, the King James Bible was one of the most lasting consequences of his reign, and, although it was not completed until 1611, it seemed appropriate to commemorate that great project; hence, the second lecture "*The King James Bible of 1611: The Making of a Classic*", was delivered on 7 April by **Professor Alister McGrath** of Oxford University, the author of one of the two leading contemporary works on the King James Bible.

As King James had been King of Scotland from 1587- 1603 before he inherited the throne of England, the latter part of his reign started the period which was known as the Union of the Crowns. The two countries were not united, however, until 1707, and even today the legal systems of the two jurisdictions of England and Wales, and of Scotland are still in many ways distinct. In the third lecture on 20 October, **The Rt Hon The Lord Hope of Craighead** touched on this general territory in a lecture intriguingly entitled, "*The Best of Any Law in the World'-was King James right?*".

On 3 November **The Lord Currie of Marylebone** devoted the final lecture in the series to the fascinating modern day topic of "*Regulation and the Media*". He was well placed to do so from his vantage point as the Chairman of Ofcom.



# NEW LETTERS PATENT FOR THE TEMPLE

## The concept, the drafting and the translation

by Master Treasurer

### Confirmation of the old by the new

The Scene is April 2006. Lord Justice Anthony May, by then confirmed as the Inner Temple Treasurer for 2008, and I are considering whether to plan for a Royal Visit to the Temple in 2008. Perhaps there should be a Royal Church Service of rededication, and a reception (if not a dinner) afterwards? But The Queen, if it is indeed The Queen who comes, will want not only to meet students and others, but also to see or do something of interest. Perhaps, therefore, we muse, we should show her the Letters Patent of 1608, which are in any event the reason for the 400 year celebrations? We know she had already seen them at least twice in the course of Her reign, so why not again?

I decide to have a look at the original, kept at that time<sup>1</sup> in the Middle Temple Muniment Room. (It had been kept earlier on for many years<sup>2</sup> in a Chest in the Temple Church, fitted with two locks, each Inn having one key.) The version of the Letters Patent over the fireplace in the Queen's Room, though venerable<sup>3</sup>, is actually only a near-contemporary copy in a very different hand, and with none of the ink-line decoration of the original.

Lesley Whitelaw, the Inn's Archivist, kindly shows the original parchment to me in her room. Out it comes, all rolled up, from a rather home-made<sup>4</sup> round cylindrical casing, and it is spread out before my eyes with weights on the corners. What a sorry sight. Despite the best efforts of conservation in recent years, the parchment has suffered badly from its time in the Church Chest<sup>5</sup>, and is full of worn patches and missing passages<sup>6</sup>. Large gaps with holes the size of pigeons' eggs are dotted round the

text, and the large illustrated initial "J" of *Jacobus* is very hard to discern.

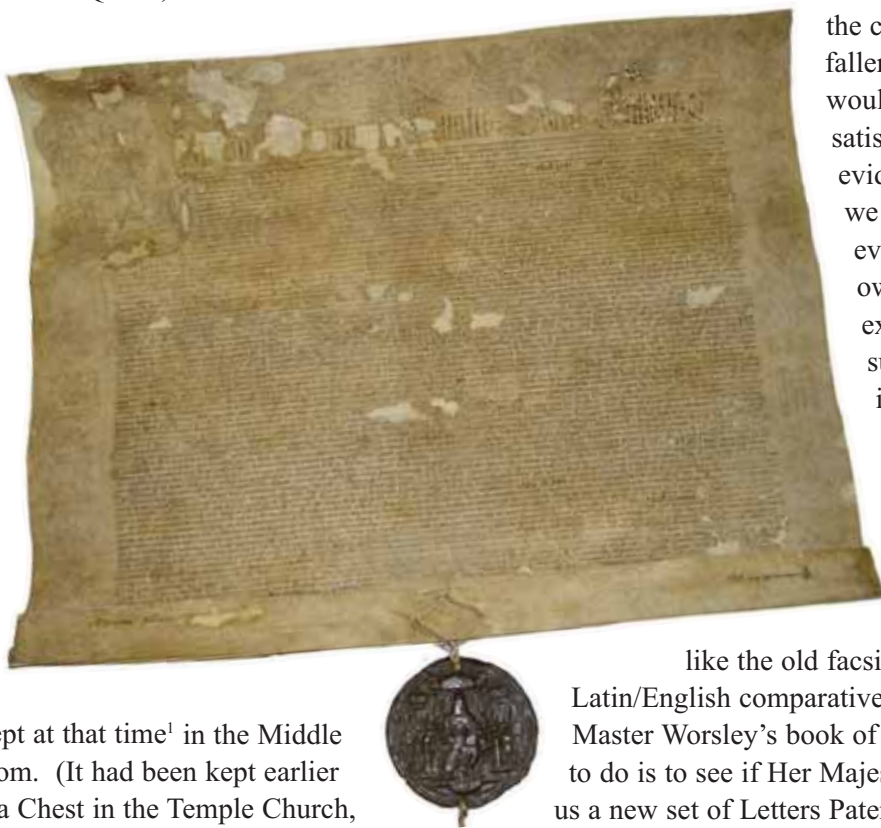
My conclusions: the 1608 document, our root of title, is not really fit to be shown to The Queen just as it is. Nor is it the sort of object that we would be very proud of in any exhibition of our history etc; we would need to be

somewhat apologetic about the condition into which it had fallen. Finally, the original would not be a wholly satisfactory way of providing evidence to a court of law if we and the Inner Temple ever had to prove that we own what we own or the extent to which we are subject to the conditions imposed on that ownership by King James VI and I. The courts would have to supplement the remaining text with the secondary sources,

like the old facsimile or for instance the Latin/English comparative text in what is known as Master Worsley's book of 1910<sup>7</sup>. So the best thing to do is to see if Her Majesty will be willing to give us a new set of Letters Patent to confirm the effect of the original and to provide us with a new constitutional base, albeit one that does not remove the validity of the old base.

Off therefore to the Privy Council Office, to see the Clerk of the Council, Mr Alex Galloway. My reason for starting with him was that the 1608 Charter bears the subscription (in the bottom left corner) "*By writ of privy seal etc*"<sup>8</sup>. As it happened, the day of my meeting with Mr Galloway was on the very first day that Jack Straw MP took up office as Lord Privy Seal, and he asked me in the corridor what I was doing. Little could he have guessed then that he would later become Lord Chancellor and thus play a major role in this story later on!

The Privy Council Office, alas, could not help directly.



They were in the business of charters, but, although their charters do pass under the Great Seal they are normally used only for the purposes of making the applicant into a (chartered) body corporate, which of course we would not want. Alex Galloway was, however, very willing to effect an introduction to the Head of the Crown Office in Chancery, who, he hoped, might be able to take the project on.

So off I go to the House of Lords, to the Crown Office<sup>9</sup> and find that the Head of it, Ian Denyer, is an old colleague. “Of course,” he says, “we would be very glad to assist you”. I suspect that this is in part to have some historical interest to set against the continuous flow of new Letters Patent for new life peerages. So, the first green light; however, there are two more lights that still need to turn green. One is the “law” and relevant legal issues, and the other is the need for a new translation of the 1608 Letters. Both these sets of issues to be resolved emerged at the meeting I had with the Crown Office in June 2006<sup>10</sup>.

## The legal issues

The second light (legal problems) was long in turning green, and might never have turned green had I not had immediate and helpful advice from Ted Nugee QC, a former Treasurer of the Inner Temple. The issues covered, over some months of frequent exchanges with him, were:

1. Confirmation was preferable to a Supplemental Charter, so that the new document did not change the legal position, but merely stated the present position;
2. To assist in this aim of mere confirmation, agreement was therefore required (and was indeed duly obtained) from HM Revenue and Customs that they accepted our new Letters Patent, would not change anything, and this would not impose any charge whether to stamp duty or any other form of revenue.
3. Was it proper (“Yes it was”, said Ted Nugee) for the new Letters Patent to ignore the fact that, by a Deed of Partition of November 1732, the two Inns had given legal force to the actual division of the Temple into their present respective shares? The 1608 grant had been to the Benchers of the two Inns together, without any legal subdivision, even though, in practice, even before 1608, the two Inns were occupying the premises or territory which they now own. For instance, when the Middle Temple Hall was built in the 1560s, it was built by the Middle Temple on The Queen’s land, without any help from the Inner Temple. The partition in the 1732 Deed thus established in legal form the present core of each of the Inns’ estates. For instance, it allocated to

each Inn much of what they now own, including their respective Halls<sup>11</sup>. It also made clear that the Inner Temple had title to the South side of the Church and the Middle Temple to the North side, and settled the ownership of the respective gardens<sup>12</sup>. None of this, in Ted Nugee’s view, needed to be mentioned in any Letters of Confirmation.

4. What should be done about the rent charge (known then as a “fee farm rent”) of £10 “for” the Inner Temple and £10 “for” the Middle Temple, payable jointly by the two Inns to the Exchequer under the 1608 Letters Patent? I knew we were not paying these sums any more, but did not know why. Lesley Whitelaw’s researches in July 2006 showed, however, that in the time of King Charles II the obligations were extinguished. The King had included the fee farm rent in the jointure for His Wife, Queen Catherine of Braganza, for her life, and the Inns were duly required in 1666 to pay the money over to the Queen’s Receiver. Seven years later, in November 1673, when the Treasurer of the Inner Temple was the Attorney General<sup>13</sup> and a senior Bencher of the Middle Temple was the King’s Solicitor<sup>14</sup>, a deed (technically an indenture of bargain and sale) was entered into whereby the Middle Temple purchased the reversion of the fee farm rent from the Royal authorities for the sum of £80. The purchase was for cash down, but did not of course extinguish the obligation to pay the annual

1 This was in the days before the completion of the new Archive Floor above the Library in 2007.

2 It was moved from the Temple Church to the new Muniment Room in the rebuilt Middle Temple Library in 1967. It had also been sent to mid-Wales in 1939 for the duration of the war for safe(r) keeping than would have been possible in London; the actual place was in the gun room of the home of a then Middle Temple Bencher, Master Winttingham Stable, at Plas Llwyn Owen, Llanbrynmair, Montgomeryshire.

3 It is dated 15 November 1611, and was authenticated by the then Clerk of the Pells. He was an officer in the Exchequer responsible for accounts and records (“pellis” meaning parchment or skin). It is described as an “inspeximus” confirmation, though the actual term used in the framing in the Queen’s Room is an “exemplification”.

4 It appears to have been made for the purpose by the Public Record Office in 1967 in place of something less satisfactory.

5 It was conserved in 1967 by the Keeper of Public Records, who described it as having suffered from mildew while kept in the chest under the altar and as “already in a poor state.”

6 On 24 June 2008, HRH the Duke of Edinburgh described it as “moth-eaten”, and he was right. He, and indeed The Queen, apparently had been puzzled as to why there was to be a new set of Letters Patent, but when he saw the old one he saw why it was appropriate.

7 Master Worsley’s Book on the History and Constitution of the Honourable Society of the Middle Temple, edited by Albert Ingpen KC: Chiswick Press: 1910

8 From the 14th century onwards, one consequence of the long struggle to control the Monarch’s own Royal Prerogative was that, before Letters could be passed under the Great Seal, there had to be authorisation by use of the Privy Seal. This was held by the Lord Keeper of the Privy Seal who was one of the King’s Council, with the Lord Chancellor and the Treasurer. The requirement, which had fallen into disuse during the 17th and 18th centuries, was finally abolished by the Great Seal Act 1884.

9 I actually used to advise the Crown Office in Chancery in the old days when I was in the Lord Chancellor’s Department, and to help with the issue of writs of summons whenever a general election was called.

10 22 June 2006, to be precise, and thus just over two years before the final presentation of the completed letters patent to the two Inns on 24 June 2008. A two year project it truly was.

11 The Hall of the Inner Temple was of course a much earlier version; the replacement for the Hall in place in 1732 was itself destroyed in the Second World War.

12 Both gardens were of course in 1732, before the Embankment enlarged them, much smaller than they are today.

13 Sir Heneage Finch.

14 Sir Francis North.

rent, which had to continue for the life of Queen Catherine. A London goldsmith/banker, John Lindsey or Lindsay, appears to have acted as go-between on commission<sup>15</sup>. On the purchase of the fee farm rent by the freeholder, and the subsequent dropping of the Queen's life, the obligation to pay the rent was of course extinguished. Similar arrangements were entered into by Inner Temple, through the same intermediary, slightly later on<sup>16</sup>. In the result, therefore, the £20 a year ceased to be payable by the Inns, on the death of Catherine of Braganza, apparently a very wealthy woman because of her financial aptitude, in Lisbon on 31 December 1705. The question for Ted Nugee was what to do about this. If the purpose was to confirm the 1608 disposition, could the 2008 Letters just remain silent<sup>17</sup> about the fee farm rent? Two alternatives to that might be to set out as little as possible of the history just recounted, or else to insert a saving provision to specify that the fee farm rent did not revive. None of these three seemed attractive, and Ted Nugee came up with an elegant, fourth, solution. His amendments to my draft for the 2008 Letters Patent put into The Queen's mouth Her Royal Wish that the substantive elements of the 1608 grant should be confirmed<sup>18</sup>, but using words that made it plain, by omission, that the £10 fee farm rents were not included in Her list of remaining obligations. The result can be seen in the translation on the next page<sup>19</sup>.

5. Charity. Another question resolved by Ted Nugee was whether the new Letters Patent would have any consequences in relation to charitable law and to the present status of the two Inns as educational institutions. The policy of confirmation without substantive change was, in his view, the complete answer to this issue.
6. The same answer was given to another question, namely the annual stipend of the Master of the Temple. This amounts to £17 6s 8d<sup>20</sup> from the Inns, and £20 from the Crown. In Ted Nugee's view, it was desirable to keep this exactly as it was despite the fall in the value of money and the change through decimalisation.<sup>21</sup>
7. The correct grantees. The original charter did not confer any rights on or impose any obligations on the Inns themselves<sup>22</sup>. The original grantees were the full list of the Benchers of the two Inns in 1608, in a list which was repeated in full several times in the course of the manuscript. The legal consequence of this was that, until 1926, the land of each Inn was vested in the Treasurer and all the Benchers as

trustees on the charitable trusts set out in the 1608 Letters Patent. At some point not long after 1925, Inner Temple's land became vested in four Benchers as trustees for the whole body of Benchers, in a capacity similar to that of custodian trustees; and the same course was also taken with Middle Temple's land<sup>23</sup>. On Ted Nugee's advice, therefore, the drafting of the 2008 confirmation took the simple course of confirming that the two Inns "do continue to hold the land in manner heretofore accustomed". This wording is designed to bring in whatever form of landholding was actually in use on 2 June 2008, that is at the date of the confirmatory Letters Patent. In law this was a confirmation that the present Trustees held the land for the benefit of the two Inns<sup>24</sup>. It therefore followed that the confirmation could be "addressed" to the Inns and not to the Benchers for the time being.

8. Incorporation. A final question raised by Sir John Baker and answered in part by him and in part by Ted Nugee, late in the day, was whether it was desirable to make it plain that, in referring to the two Inns as institutions, Her Majesty did not intend thereby to confer corporate status upon them. Also relevant was the legal point that if property or privileges are granted to an unincorporated body, the body would have to be impliedly incorporated in order for the grant to take effect. These two issues pointed to the need for an express clause rebutting the implication, and this was the result. Her Majesty stated clearly at the end of the new Letters Patent that the Inns were not to be incorporated by virtue of them, and the Inns thus remain unincorporated associations to this day.

In the result, therefore, all the legal issues were resolved, and the second green light went on.

### **A new translation of the King James grant**

The third light that had to turn green was the obtaining of an authentic translation of the Letters Patent of 1608. The style of drafting recommended by the Crown Office was to make the new Letters Patent a confirmation of the old ones, summarising their essential content, but also that they should not only refer to, but also attach a copy in English of, the 1608 document. The Crown Office practice for verification of old facts, eg when old ancestry is in question, is to call for a statutory declaration from a suitable expert. The Office recommended this as a precedent, though the circumstances were novel even to it.

So, we needed an expert on the true wording of the



tattered 1608 parchment. On Ted Nugee's suggestion, I wrote to Sir John Baker QC, the Downing Professor of the Laws of England in Cambridge and an honorary Bencher of the Inner Temple. He readily agreed to help with the project. He looked at all the available sources, including an old photogravure of the 1608 parchment before it really began to decay, and he carried out an inspection of the Patent Roll<sup>25</sup> at the Public Record Office now administered by the body known as The National Archives.



One of the problems which he had to confront was the best way to translate the fundamental trust on which the freehold land of the Temple is held by the two Inns. There was no real difficulty about the secondary trusts which were to maintain the Temple Church for the purpose of divine worship in the manner that “has until now” (viz 1608) “been accustomed”; and to pay a stipend for, and maintain a House for, the Master of the Temple; however, the central obligation, as to the use of the land in the Temple, was in Latin which had been the subject of critical consideration in the Court of Appeal in 1972. The case was Incorporated Council for Law Reporting in England and Wales v. Attorney General [1972] Ch 72. In the course of it, Lord Justice Sachs referred to the central obligation in the Letters Patent as an illustration of what was regarded in 1608 as beneficial to the ‘Commonwealth’ and ‘Realm of England’, and approved a revised translation of the Latin. The question for Sir John Baker was whether to follow the Sachs formula, or to find an even better one of his own.

In the end, the words he chose received universal support from those who were involved in the project. The

King's command in this translation was “*we will and by these presents for us, our heirs and successors do strictly command [that the land] shall serve for the accommodation and education of those studying and following the profession of the aforesaid laws, abiding in the same Inns for all time to come*”.

Sir John Baker was also very helpful with some of the legal problems discussed above, and, in particular, with the seventh question of avoiding accidental incorporation. Indeed it was he who was the first to raise this issue after a search through the Squire Law Library in Cambridge for the ancient and modern law of implied incorporation. I was also very grateful to him, and to Ted Nugee, for their helpful comments on my wording of successive drafts of the proposed Letters Patent of 2008.

### The result of this process

Once all three lights had turned green, I had in my hands a finalised draft of the text of the proposed new Letters Patent, and Sir John Baker had in his hands his draft statutory declaration verifying that his translation of the 1608 Letters was a true and accurate translation of the original text, and explaining the basis on which he had arrived at the translation. These three documents had been shown to and discussed with the Crown Office in Chancery, and their helpful suggestions had been taken into account.

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- 15 Of around 2% (£1 18s 1d). In the result therefore the Crown received £78. 1s. 11d.
- 16 The Inner Temple purchase was in February 1675-6. The Inner Temple records suggest that the reason for the purchase was “the King's necessities”. A major reason for the 1608 Letter was to transfer the obligation to maintain the Temple Church from the King to the Inns. Like King James VI and I, his grandson Charles II was often in need of money.
- 17 If the new Letters said nothing, would the obligation to pay the Crown £10 a year arise afresh and thus place a new burden on the each of the Inns in the Temple?
- 18 They are described in the rest of the Letters Patent as a Command, an Exception, Covenants and Undertakings.
- 19 The key words in the new Letters Patent are “do continue to hold the land and other property . . . in manner heretofore accustomed and subject to the same Command, Exception, Covenants and Undertakings”.
- 20 £17.33 in new money. This figure is arrived at as follows: The Master earned a mark each fortnight, or half a mark each week. The mark, deriving its name from the Danish occupation, was never a coin in England, unlike in Scotland, but a unit of value, and was taken to be worth 13s 4d (67p nowadays) after the Norman Conquest. 52 x 6s 8d comes to £17 6s 8d.
- 21 Indeed, the low legal entitlement to stipend has in the past been useful. The Inns have supplemented the £17 6s 8d for many years. When it was suggested in the course of the last century that the new Master of the Temple should be a candidate preferred by politicians and not the one preferred by the Inns, the fact that the Inns could legally pay only the small sum was helpful in resolving the difference of view in favour of the Inns' candidate.
- 22 King James VI and I had referred to the Inns by name, but only when describing them as geographical places.
- 23 The Middle Temple trustees are now Lord Mance, Lord Justice Timothy Lloyd, Mr Justice David Eady and Rodney Stewart Smith. For the Inner Temple, the trustees are Lord Justice Rix, Mr Justice Tugendhat, Mr Justice Tomlinson and Christopher Nugee QC.
- 24 It also follows that the land jointly owned, such as parts of Church Court, are held by the Trustees of the two Inns jointly: there is, in respect of land held on charitable trusts, no limit on the number (otherwise four) of trustees who hold the legal title.
- 25 This is a continuous Roll of parchment in which are inscribed the terms of all Letters Patent passing under the Great Seal first of England, then of Great Britain and latterly of the United Kingdom. As the Royal Clerks in the Crown Office parted with the original Letters, they had to have a record of what had been written in them (though they also had, and often retained, the Royal Warrant that had commanded them to prepare the Letters). So the Patent Roll is the mediaeval equivalent of a carbon copy or file copy.
- 26 In 2006 the Lord Chancellor, then Lord Falconer of Thoroton, was also a Secretary of State; but by June 2008 he had been succeeded in both offices by Jack Straw MP.

# The wording of the 2008 Letters Patent

ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen Head of the Commonwealth Defender of the Faith:

WHEREAS on the thirteenth day of August in the sixth year of the Reign of Our Royal Predecessor King James the First of England and in the year of Our Lord one thousand six hundred and eight, Our said Royal Predecessor “being desirous of perpetuating, so far as in us lies, the happy estate of this realm of England, which has flourished throughout so many ages by the administration of the said laws, and earnestly seeking not only the continuance of the ancient renown of the said Inns but also the accession of new glory, and that we may leave behind to all posterity clear evidence of our good will and bounty towards the profession of the said laws and those professing the same” caused his Letters to be made Patent GRANTING amongst other things to the Treasurer and Masters of the Bench of the Honourable Society of the Inner Temple and to the Treasurer and Masters of the Bench of the Honourable Society of the Middle Temple by their proper names the land, messuages and buildings “called or known by the name or names of the Inner and the Middle Temple, or the New Temple, London, or any of them, being in the suburbs of our City of London, and within the Temple Bar of London” and all the gardens, courts, lanes, passages, yards, ways and so forth within the precincts of the Temple, the bridge called Temple Bridge, and the Church called Temple Church, together with various liberties and franchises therein specified, strictly commanding that the same should serve “for the accommodation and education of those studying and following the profession of the aforesaid laws, abiding in the same Inns for all time to come” EXCEPTING nevertheless to Our Royal Predecessor, his heirs and successors “the free disposal of and the nomination and donation to the office of Master or Keeper of our aforesaid House and Church of the New Temple, London, and of the rectory of the aforesaid Church” AND SUBJECT TO covenants and undertakings by the said grantees that they would pay an annuity of Seventeen Pounds Six Shillings and Eight Pence to the Master or Keeper of the Temple Church and would “well and sufficiently maintain and keep up the aforesaid Church, the chancel and the belfry of the same for ever for the celebration of Divine Service and the Sacraments in so far as it is befitting and has until now been accustomed”

AND WHEREAS since the date of the said Letters Patent the Masters of the Bench of the aforesaid Societies have held the said lands and property and have complied with the command of Our Royal Predecessor and have observed and performed the said Exception, Covenants and Undertakings and continue to do so to this day

AND WHEREAS it has pleased Us now, in the year of the four hundredth anniversary of the grant of the said Letters Patent, to confirm their original purpose and effect and it is Our Will and Pleasure that the said purpose and effect should continue in manner heretofore used and accustomed

AND WHEREAS a translation of the said Letters Patent from the original Latin into English is annexed hereto, which translation is complete save that the proper names of all the grantees are not repeated beyond their first occurrence

NOW THEREFORE We do by these Presents confirm Our Royal Will and Pleasure that the Honourable Society of the Inner Temple and the Honourable Society of the Middle Temple do continue to hold the land and other property granted to the said Masters of the Bench of the said Honourable Societies by the said Letters Patent of Our Royal Predecessor in manner heretofore accustomed and subject to the same Command, Exception, Covenants and Undertakings

PROVIDED nevertheless that the said Honourable Societies of the Inner Temple and the Middle Temple shall not be incorporated or deemed to have become a corporation or corporations by virtue of these Presents

IN WITNESS WHEREOF We have caused these Our Letters to be made Patent WITNESS Ourselves at Westminster this second day of June in the fifty-seventh Year of Our Reign

# LIZABETH the SECOND

By the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen Head of the Commonwealth Defender of the Faith: WHEREAS on the thirtieth day of August in the sixth year of the Reign of Our Royal Predecessor King James the First of England and in the year of our Lord one thousand six hundred and eight, Our said Royal Predecessor "being desirous of propagating, so far as in His Liege, the happy estate of this realm of England, which has flourished throughout so many ages by the administration of the said Laws, and especially seeking out only the continuance of the ancient customs of the said Law but also the accession of new Clergy, and that We may leave behind to all posterity clear evidence of Our good will and favour towards the profession of the said Laws and those professing the same" caused His Letters to be made Patent GRANTING amongst other things to the Treasurer and Masters of the Bench of the Honourable Society of the four Temple and to the Treasurer and Masters of the Bench of the Honourable Society of the Middle Temple by their proper names the land, messuages and building called or known by the name or names of the Inner and the Middle Temple, or the New Temple, London, or any of them, being in the suburbs of Our City of London, and within the Temple Bar of London, and all the gardens, courts, lanes, passages, yards, ways and streets within the precincts of the Temple, the bridge called Temple Bridge, and the Church called Temple Church together with various liberties and franchises therein specified, strictly commanding that the same should never for the accommodation and education of those studying and following the profession of the aforesaid Laws, abiding in the same town for all time to come EXCEPTING nevertheless to Our Royal Predecessor, his heirs and successors "the free disposal of and the nomination and destination to the office of Master or Keeper of Our aforesaid Church and Church of the New Temple, London, and of the rectory of the aforesaid Church" AND SUBJECT TO covenants and undertakings by the said grantee that they would pay an annuity of seventeen pounds six shillings and eight pence to the Master or Keeper of the Temple Church and would well and sufficiently maintain and keep up the aforesaid Church, the chancel and the bells of the same for ever for the celebration of Divine service and the Sacraments in so far as it is befitting and has until now been accustomed AND WHEREAS since the date of the said Letters Patent the Masters of the Bench of the aforesaid Societies have held the said lands and property and have complied with the command of Our Royal Predecessor and have observed and performed the said Exception, Covenants and Undertakings and continue to do so to this day AND WHEREAS it has pleased Us now, in the year of the four hundredth anniversary of the grant of the said Letters Patent, to confirm their original purpose and effect and it is Our Will and Pleasure that the said purpose and effect should continue in manner herebefore used and accustomed AND WHEREAS a translation of the said Letters Patent from the original Latin into English is annexed hereto, which translation is complete save that the proper names of all the grantees are not repeated beyond their first occurrence NOW THEREFORE We do by these Presents confirm Our Royal Will and Pleasure that the Honourable Society of the four Temple and the Honourable Society of the Middle Temple do continue to hold the land and other property granted to the said Masters of the Bench of the said Honourable Societies by the said Letters Patent of Our Royal Predecessor in manner herebefore accustomed and subject to the same Command, Exception, Covenants and Undertaking PROVIDED nevertheless that the said Honourable Societies of the four Temple and the Middle Temple shall not be interpreted or deemed to have become a corporation or corporations by virtue of these Presents IN WITNESS WHEREOF We have caused these Our Letters to be made Patent WITNE SS Ourself at Westminster this second day of June in the fifty seventh year of Our Reign

By Warrant under The Queen's Sign Atual

CHAMBERLAIN





## The manuscript

We were therefore ready to move to the next and final stage. This involved the obtaining a manuscript copy on vellum of the new Letters Patent and of the Translation. The way in which Letters Patent are produced is rather complex. Since Letters Patent are in the name of The Queen, albeit not signed or sometimes even seen by Her, The Queen's consent has to be asked for and obtained. The machinery for this is that a Secretary of State invites The Queen to sign, with Her ordinary signature, a "Warrant for Letters Patent to be passed under the Great Seal of the Realm". The Warrant, which is addressed to the Lord Chancellor, as the Keeper of the Great Seal, requires him to cause Letters Patent to be prepared, containing the exact words in the Warrant itself, apart from the instruction to Lord Chancellor which is, of course, omitted. He is also required to pass the Letters under the Great Seal of the Realm.

The Lord Chancellor, or rather the Clerks in the Crown Office, then obtain a set of the Letters Patent from a scrivener, who copies out the words required to be put into the Letters onto parchment or onto vellum (calfskin). Some illumination is normally applied at that stage, especially to the initial "E" of the word "Elizabeth" with which the Letters invariably begin. The document is then returned by the scrivener to the Crown Office and holes are made in its foot, through which plaited cords are passed. The cords themselves are then embedded in an impression of the Great Seal, originally in wax, but now in a more durable plastic resin. The impression of the Great Seal is achieved by heating the two halves of the silver matrix for the Great Seal, which resembles a waffle iron. Each half is then filled with the granular resin, and the cords are inserted between the two halves. They are put together, and the Clerks apply about eight tonnes of pressure to them in a machine looking something like an old fashioned printing press. This process forms the "seal" with the cords securely embedded. If there are appendices to the Letters, as in our case, they have to be bound into the Letters Patent by the cords before the sealing process is carried out. The



process ensures that no subsequent falsification of the document can be effected. By reason of the cords, only the original can be shown to have passed under the Great Seal, and they also ensure that no appendix can be added afterwards. There is thus only ever one copy of a set of Letters Patent, and the Crown Office uses the Warrant for them, and eventually the Patent Roll, in order to retain a copy of what was written in the original.

All this, therefore, was still to do. It had been established at the meeting with the Crown Office in June 2006 that, provided he was personally content, the Lord Chancellor of the day would be the appropriate Minister of the Crown to take responsibility for the submission of the Warrant to the Sovereign.

The first task, therefore, on the road to obtaining the manuscripts was to find a scrivener to provide the handwritten fair copy of the Letters Patent and of the Translation. Fortunately, I had known for many years Donald Jackson, a Past Master of the Scriveners' Company and one of the Senior Scriveners to the Crown Office. In his Scriptorium near Monmouth in Wales, he was then and is still, engaged in the later stages of writing (with a team of scriveners) and illuminating (himself) on vellum a manuscript version of the entire New Revised Standard Version of the Bible. He is doing this for St John's Abbey and University, Minnesota, USA, and is possibly the first person since Gutenberg to have tackled such an enormous task. He was very pleased to be asked to help. His part in the story appears in the next article in this Edition of the Middle Templar.

Once he had prepared the original Document on vellum, the way was then clear for the Crown Office to invite Her Majesty to sign the warrant, and, once She had done so, to pass the Letters Patent under the Great Seal. The sealing was done on 2 June 2008, in good time for the presentation of the new Document to the two Inns, by Her Majesty with the assistance of the Lord Chancellor, Jack Straw MP, in the Temple Church on 24 June 2008.

# The Scrivener's Process

by Donald Jackson MVO

**Master Treasurer has known me for many years and asked me to take on the project of replacing the damaged original Letters Patent of King James I which involved designing the appearance (though not the wording) of the new documents, and leading and directing a small team of artists and calligraphers, in addition to doing my own artwork.**

Only fragments of design motifs remained from the James I document; however, my assistant, the artist Sarah Harris, went to look at some early 17th century Charters in the Guildhall Library and uncovered an identical portrait of James I enthroned in an initial "J" in striking full colour. This, I believe, was drawn by the same Limner or Scrivener in 1605 for the Worshipful Company of Butchers. Sarah Harris thus had the information needed to complete the details lost to mildew and decay in the Temple Letters.

The writing skins of both new documents-- technically called membranes -- are made from calfskin (vellum). This is traditionally used for important state and legal

documents which are meant to be preserved in perpetuity. Scriveners in the 17th century were more likely to use less costly sheepskin (parchment) for routine indentures, conveyances, etc, and the 1608 letters were on parchment not vellum.

The script or "font" of the translated document is a modernised and legible book hand based on that developed for the St John's Bible written by members of the Scriptorium team over the last ten years for St John's Abbey and University in Minnesota.

The writing was achieved with pens cut from goose quills, and with a mixture of 19th century Chinese (carbon) stick ink and red oxide; one line of the script,

*The Portrait of King James in the damaged original Charter*



*The Portrait of King James on the new Letters Patent*





however, required the use of a broad nib cut from a swan's feather: this was the bold heading for the Elizabeth Letters. The heraldic illustrations and the portrait of King James on the Translation were also drawn with a goose quill pen using a sepia ink made from walnut shells to match the tone of the original.

In lengthy texts such as these, the pen nib gradually becomes blunt with use. The scribe has then to re-cut or trim the quill, sometimes in mid-line, with a special knife (whence the term penknife). If this is done expertly, the naked eye will usually not detect any difference.

Mistakes, if caught in time, can be carefully scraped away once the ink is dry, using a sharp eraser knife specially made for the purpose. The surface is afterwards burnished smooth, dusted with gum sandarac (which helps prevent the ink from spreading) and re-inscribed.

The writing and decoration of the modern charter of Elizabeth II was created with traditional tools, techniques and inks. The pigment for the initial letter "E" of Elizabeth, vermillion in colour, was mixed with egg yolk to add vibrancy to the colour. It also binds the pigment permanently once dry--like egg yolk on a plate.

The language of King James' Letters was somewhat belligerent in places. I felt that the design and decoration of the new ones should strike a different note. In the result, therefore, the design draws attention to the modern role of the Sovereign as Head of the Commonwealth. While it is still a formal Royal document of State with coats of arms of the Sovereign, the border has two features

*Donald Jackson MVO, Past Master of the Worshipful Company of Scriveners and Senior Illuminator to the Crown Office in Chancery*



in it which I should explain. Instead of referring to the English as a "populous and warlike people", the border contains the names of the present members of the Commonwealth, written into ribbons in the shape of the DNA double helix diagram. This symbolises the fundamental connections between all peoples and nations, and especially the Nations in the Commonwealth, and, I would suggest, the international membership of the Inns of Court in the reign of Queen Elizabeth II. Finally, I found space for the arms of the Middle Temple and the Inner Temple, and of their two Treasurers for 2008.

I would like to record here the names of the other members of the Scriptorium Team who worked with me on these Letters Patent. Brian Simpson, a Calligrapher Illuminator in Leicester, inscribed the modern Letters; Susan Leiper, a Calligrapher in Edinburgh, wrote out the Translation; and Sarah Harris, an Illuminator in Abergavenny, helped with the illumination. Sarah and I were pleased to see that the names of Jackson and Harris are mentioned as Benchers of one or other of the Inns in the 1608 Letters Patent.

### My Thanks

I have never got over the thrill, when, after learning to write as a small child, an aunt gave me my first dip-in pen and a bottle of red ink. The first marks which I made on a white piece of paper put me in touch with something inside myself. That feeling returns to me still every time I pick up a pen or a brush to make marks with glistening ink on an empty page; hence, emotions as well as eye and hand shape the letters as they flow from the pen. The feelings speak from our past, from our traditions as well as from the present, and they travel from the heart of the scribe to the heart of the reader. I think that this is why the manuscripts of the past, whatever their purpose -- legal, religious, diplomatic, ceremonial or a letter from a friend -- all bear a weight of significance beyond their surface content. There have always been close links between scriveners and lawyers, and so it was a joy as well as an honour for me and my colleagues at Scriptorium to be asked to transcribe Sir John Baker's translation of your Jacobean Letters Patent and to produce the 21st century Elizabethan confirmation.



24th JUNE 2008

# Service of Thanksgiving and Reception

The West door of the Church opened, the State Trumpeters played a triumphant fanfare composed especially for the occasion by Master John Rutter, and the Service of Thanksgiving began. Once the new Letters Patent were confirmed by Her Majesty, the Choir sang a moving anthem by Orlando Gibbons and the Archbishop gave a thought-provoking address. After the Service, The Queen and Prince Philip talked to members and students from both Inns about their careers, and to Festival staff about the events of 2008 before attending the Reception in Inner Temple Garden. While the RAF band played, The Queen and Prince Philip met members and staff from both Inns and really seemed to enjoy themselves. It was a splendid occasion and the highlight of this historic year of celebration.





*Sir Anthony May, Jack Straw MP, Sir Suma Chakrabarti and Master Treasurer and (below) Under Treasurer is presented*



*Below: Master Chartres, Rev Hugh Mead, and the Archbishop of Canterbury welcome Her Majesty and His Royal Highness*



*Photographs courtesy of MPP Image Creation*





*James Vivian, Director of Temple Church Music*



*On behalf of both Inns, Master Treasurer gives Her Majesty an album of Royal photographs*



*Her Majesty meets Middle Temple Scholarship Recipients and (below) Middle Temple Commonwealth Students*







*Penny Jonas, Kenneth Richardson, Master Richard Aikens and Master Robin Griffith-Jones*



*MT Staff Joan Bryce, Sharon Barker, Ray Brooks and Vanessa Hayward wait to be presented to Her Majesty. Her Majesty talks with Middle Temple members Sheilagh Davies and Kate Hurley*



*Boys of the Choir talk with Her Majesty*



*Amelia Parry gives a posie to Her Majesty*







Her Majesty and His Royal Highness



Middle Temple member Keith Miller is presented and (below) the RAF Central Band



Master Aikens is presented to Her Majesty with Master King Hamilton (age 103) and Master Rutter looking on







*Photograph courtesy of Samera Mahmood*



# A Special Year for Temple Church

by Master Robin Griffith-Jones

*‘What a world within a world is the Temple! How gravely respectable its sober alleys, though removed but by a single step from the profanity of the Strand and the low iniquity of Fleet Street!...Where can retirement be so complete as here? Where can you be so sure of all the pleasures of society?’ –Trollope, The Warden, ch. 14.*

So the Archbishop of Canterbury began his sermon at the Royal Service. Yes, the team at the Church and Master’s House has certainly enjoyed all the pleasures of society this year, from early morning cappuccinos in Starbuck’s low iniquity to some of the most memorable events the Church has been privileged to host in decades. But not too much retirement since the Festival began.

January seems years, not months ago: 25,000 people in the Temple for the Open Weekend, and all of them with the Church on their route. We had planned one talk on the Templars on the Saturday, one – inevitably! – on The Da Vinci Code on the Sunday; we ended up on a continuous loop, and I just asked the crowds refilling the pews which talk they wanted this time.

The visitors could see the Church’s new Charter Window being installed. The glass is a triumph. The beautiful East Window by Carl Edwards, with its strong reds and blues, has always stood out from its setting in the Church. The new window, by Edwards’ daughter, Caroline Benyon, picks up the colours and takes forward the style of her father’s glass – and so unifies the whole chancel. Far more has been enhanced than just one window on the south wall.

In February our series of discussions on Islam in English Law got under way with the – now famous – lecture on Sharia law from the Archbishop of Canterbury in the

RCJ. The lecture stirred a venomous response; the Archbishop scratched the surface of our nation’s public courtesy and released the poison underneath. What can no longer be said about Muslims and their culture could be directed instead at the Archbishop who was seen to be sympathetic to both. Ignorance still leads to fear which leads to anger; perhaps it is no wonder that the Archbishop was widely misunderstood and then traduced. We have good reason to be grateful to him for his lecture: he set the tone for a vital public discussion, then absorbed the vitriol which the topic and his generous tone released. We have had two more sessions – thought-provoking and gracious together – in the series since.

In April the Bishop of London came to dedicate the new window. He preached a memorable sermon: ‘It is true I suppose that someone with a sense of history and no sense of destiny may be a dull fellow. I am sure, however, that a person with a sense of destiny with no sense of history is a very dangerous fellow...At its best the Church of England has developed a non-sectarian gene and a commitment to the health and cohesion of the whole society and not just the pious elements within it.’ We will be pleased if we can, at the Church, maintain the right balance between history and destiny, for the benefit of the whole community here.

The Archbishop was back for the



*The Master giving a talk on The Knights Templar (or The Da Vinci Code!) at the Open Weekend*

Royal Service in June. He spoke of the vocation to which the Temple and its Letters Patent bear witness: ‘The principles we take for granted were hard won, against a political power very ready, in the early modern period, to exercise itself against lawyers. The challenge is to hold the eyes of violence without flinching, even to humiliation and death, and not to surrender to naked power. We learn to hold the eyes of violence, to keep our vision steady, if we indeed remember that the foundation of law is where Solomon sought it, in the contemplation of God’s faithful self-consistency. When this great foundation is being what it is capable of being, the path is opened to the City where God dwells.’ The Archbishop admitted wryly, as he left the party after the service, that he hoped the media would be less interested in this address than they had been in the last.

History and destiny together: we have tried to do justice to our history as well, this year, with an exhibition of the Church’s changing appearance over the centuries, a new History in Pictures to go with the show and (in



*The 2008 Temple Church Choir*

June) a conference at the Courtauld Institute. The V & A lent us their 19th century casts of four of our effigies: the casts are on chests and lie 30 inches off the ground, as the originals would once have done, too. For the summer they lay beside the originals which were so badly damaged in the War. They were numinously grand.

And throughout the whole year, we have been uplifted and enthralled by the music here: at concerts, at weekly services – and above all at the Royal Service, with two pieces composed for the occasion by Master Rutter, the choir on top form and all of us raising the roof in celebration. It was a special day. (My own role was faintly bizarre: to do the presentations outside the West Door: ‘Your Majesty,...The Archbishop of Canterbury. Archbishop,...this is, well, it’s The Queen.’)

By the time this newsletter is published we will have had two more sessions in the Islam series, an Armistice Day performance of war poetry, a play on the trial of Admiral

Byng (starring Master Arlidge, no less), a lecture on the Holy Sepulchre (on which our Round Church is based), two concerts and a ‘Come and Sing’ day with Master Rutter. It should be clear to all the Inn’s members that all we have done this year has been the work of a terrific team, in which the Church and Festival staff – all based in the Master’s House – have worked together tirelessly. I for one owe an enormous debt of thanks to everyone who has been working here on the

Church’s part in the celebrations.

We are now getting ready for Christmas, when the choir will round off the Festival year. In 1999 we held one Christmas Carol Service, to which 450 people came; this year we will have one Carol Service for Advent and four for Christmas. We look forward to welcoming over 2,000 people to hear the news once more of the Child’s birth in Bethlehem. We hope you can be among them.

## A warm welcome to the new Verger



**Oliver Petter** graduated from Oxford University in 2005 with a degree in Modern Languages from St Edmund Hall. After graduating, he worked for Creation Theatre Company in Oxford, the charity Crisis in London, and then had a spell teaching English as a Foreign Language. Oliver joined Temple Church in April 2008 initially in a part-time capacity whilst also working as Administrator at neighbouring St Dunstan-in-the-West. He became full-time Verger in September 2008.



# The Charter Window

The Charter Window was commissioned by Inner and Middle Temple to mark the Quatercentenary of the Letters Patent (1608). The window designed and built by Caroline Benyon, is in the central bay of the Church's south side. On the left- and right-hand lights are the symbols of the two Inns: the scales of justice are suspended from the centrally positioned sword. Either side of the crown are symbols from the Coat of Arms of King James VI of Scotland and I of England: the three lions guardant of England and Scottish lion rampant; the Irish harp and fleur d'lys of France are below. *Beati Pacifici*, 'Blessed are the Peacemakers,' was the King's motto. The Commonwealth symbol and the stars of the EU are incorporated near the base of the design.





# A Year of Celebration

by Kenneth Richardson, Festival Director

**The 400th anniversary celebrations of the 1608 Letters Patent which granted the freehold of the Temple lands to the Inner and the Middle Temple have been a great and exciting challenge for everyone involved.**

Planning all the events has taken several years, under the watchful eyes (and careful hands on the tiller) of the two Treasurers and the committees they set up to oversee the wide variety of events. It has been a huge privilege to work with them both and to witness the bonds of co-operation as they developed between Benchers, members and staff of both Inns. The first event which set the seal on this, and indeed the whole year, was the Open Weekend in January. The result made everyone's chests puff with legitimate pride in a job, not just well done, but done to a standard way above the call of duty, illustrating the hallmark of commitment the Temple inspires.

As an exercise in opening up the Temple to the public at large, it could not have been bettered and its huge success surpassed our wildest imaginings. It set the bench mark for subsequent events, and I am happy to report that time and again the 2008 Temple Festival has consistently delivered an astonishing run of quality events and performances worthy of the task we set ourselves.

The sheer diversity is staggering: concerts, talks, symposia, lectures, theatre, opera, cabaret, the Queen's visit, a garden show. The statistics are astonishing: with nearly 25,000 at the Open Weekend, 15,000 at the Inner

*Louise Winter as Dido*



Temple Garden Show, and over 10,000 attendances at other events, the Festival has more than fulfilled its objective to encourage the wider public to visit the Temple and find out more about it.

None of it would have been possible without the significant financial support of both Inns and of a large number of individuals who were inspired to sponsor and contribute to many events. Commercial firms and sets of Chambers also stepped up to the plate, as did Trusts and Foundations, none of greater significance than the Alexander S Onassis Public Benefit Foundation under its inspired President, Master Anthony Papadimitriou. The Foundation not only supported Temple Music's production of *Dido and Aeneas*, but also fully supported Inner and Middle in the Symposia *Law and Society: Which is to be Master?* We owe the Onassis Foundation, and every one of our 2008 supporters, a tremendous debt of gratitude.

While there has been a regular music presence of the highest quality throughout 2008, featuring the home team strengths of the Temple Church Choir and others, it is perhaps the memory of the Festival's musical centrepiece production of *Dido and Aeneas* in Middle Temple Hall in June that many will cherish. Apart from its enduring quality, it had been chosen for two good Temple reasons: it was written reasonably close in time to the 400th anniversary, and both the composer, Henry Purcell, and the librettist, Nahum Tate, knew the Temple well, particularly through their acquaintance with the first publisher of music in England, John Playford, who sold his scores, as it says in his famous collection of English dances "at his Shop in the Inner Temple neere the Church doore". When Playford died, Purcell and Tate composed an elegy for his funeral. They were also executors of his estate. An excellent cast, headed by Louise Winter and Andrew Rupp in the title roles, with countertenor, Robin Blaze, and soprano, Elin Manahan Thomas, joined conductor, James Vivian (the Temple Church's Director of Music), a chorus featuring members of the Temple Church Choir, and the fine period instrument orchestra, the Temple Players, in David Edwards' moving production which was well received by audiences and critics alike. Andrew Porter summed it up in *Opera* "A high point of a year-long Temple Festival ... was an uncommonly



Master Treasurer, Master Paul Darling, and  
Commissioner Mike Bowron QPM with "Temple"

satisfying, very beautiful account of *Dido and Aeneas*. Great event!"

As well as the opera, Middle Temple Hall also hosted Penelope Keith in a dazzling tour de force as Elizabeth I in *The Regina Monologues*, while the virtuosic Belcea Quartet played magnificently in the Temple Church. The Temple Song series expanded, in addition to a line up of international artists, to showcase the talents of three young singers who have been members of the Temple Church Choir. Under the artistic direction of Julius Drake, the lunchtime concerts also featured a specially commissioned song for tenor, horn and piano from Roxanna Panufnik.

On 10th July 2008, police horse "Lulu", who had recently passed her training with flying colours, came along to Church Court to be officially named "Temple". This is an on-going policy actively adopted by the City of London Police, to forge links between the service and the communities policed. Not only now a regular visitor on patrol in the Temple, "Lulu/Temple" has also been adopted by the Sir John Cass's Foundation Primary School.

The Festival's summer offering was a new production of *Romeo and Juliet* in Middle Temple Hall, a highly appropriate marriage of playwright and venue: Shakespeare knew the venue well and premiered his *Twelfth Night* there. Starring Juliet Rylance and Santiago Cabrera as the star-crossed lovers, the strong supporting cast delivered a high energy performance including some

of the most spectacular (and scary for those in the front row!) sword fights seen on the London stage. Running for 30 performances, it attracted a new, young audience, most discovering the Temple for the first time, thus fulfilling one of the key objectives of our year of celebration.

Before it settled in Chelsea, the Royal Horticultural Society's spring show took place in the garden of the Inner Temple. The late summer saw its return for the first time in nearly 90 years, and featured magnificent displays both in the garden and in the Temple Church.

The autumn season began with a symposium about Law and Business at Guildhall, after which the City of London generously gave a reception in honour of the 400th anniversary, and it continued with a series of concerts and events of the highest international level, none greater, perhaps, than the virtuosic piano playing of Andras Schiff in an all Beethoven concert in Hall.

When 2008 draws to a close, we will certainly be able to say that this important milestone in the long and distinguished history of the Temple has been honoured and celebrated in the style which it deserves, and will have achieved all its aims and objectives.

The Royal Horticulture Society Show in Inner Temple Garden





# Knife Crime in Verona

by Master Anthony Arlidge

It was good for me and good for her. I was lunching in Hall with Juliet Rylance. Her step-father, Mark, had just told me that he could not put on a mooted production of *Othello*, because he had been invited to play on Broadway for the first time in *Boeing Boeing*. When he later won a Tony award, I was able to explain that they were named after me. Anyway as we reached dessert I noticed Juliet looking wistfully round Hall. 'I suppose,' she said; 'I couldn't play Juliet before it's too late.' 'Done', I said without hesitation.

It is a play with which I feel a special affinity. Many years ago (so long that mobile phones were not yet invented), I was travelling back to London in a car driven by a Customs Investigator. I was late for a lunchtime tryst and asked if he could send a message over his radio. He obliged, 'our counsel...Mr Arlidge...I'll spell that...Alpha Romeo.' Well, there you are. Later I realised that if I included my initials I was Alpha Juliet Alpha Romeo – all things to all people.

Juliet's offer was timely. The production would be part of the Temple 2008 Festival. The only problem was there was no money. She did have her own theatre company, run with her then partner David Sturzaker. They had performed in Hall a programme devised to celebrate the life of Henry Fielding. It was a great success, but on a much smaller scale than this production. Previous productions had been mounted by Shakespeare's Globe with all their resources. The long of it (certainly not the short) was that they did succeed in raising sufficient sponsorship to make the



*Santiago Cabrera and Juliet Rylance*

*Photographs courtesy of Simon Annand*

production viable. The last contributions were only in place weeks before the production. In the meantime I had to fend off the doubters as best I could. Juliet was greatly helped by Penny Jonas, the indefatigable fund raiser for Temple

Music Foundation, who called on all her contacts. The production team that was eventually assembled included many of the old Globe team.

Sad to say the course of true love did not run smooth. Juliet and David

split up about six months before the production. A new Romeo was required. The cast was eventually chosen entirely by women. Never have such a good-looking selection of men been gathered together in one place before. How could they cast on looks! Their new Romeo, Santiago Cabrera, was a dish to behold, with the added bonus of television stardom in *Heroes*. Mercutio (actually called Will Kemp like Shakespeare's principal comedian) had been a ballet dancer (a swan in the all-male *Swan Lake*) and this was one of his first major roles as an actor. He gave a wonderful swash-buckling performance and his sword fighting had to be seen to be believed. The gangs of young men roaming the streets with knives inevitably mirrored our current problems. The cast was mainly young and had terrific energy. For two of them (the Capulets' servants) this was a first job out of drama school. They all took their chances. The older Capulets and Montagues added – I'm not sure whether to say weight or bottom as either seems offensive; no, I've got it – experience.

The original idea was to perform in Elizabethan costume, but this proved too expensive an option and so Jenny Tirimani devised costumes all in white drawing inspiration from current Milanese catwalk fashions. Claire van Kampen (Juliet's mother) devised some wonderful Italianate music which really gave the feel of Renaissance Verona.

The 20th August approached and with it the nerves. The production was to run for four weeks and had to be in a period when it would not disrupt the life of the Inn. Since the lawyers would be away for much of the time, it was necessary to draw in

the general public and tourists. Would they come? Well they did, a little slowly at first, but then in sufficient numbers so that the production made a small profit.

Juliet gave a wonderful performance for which she received some rave reviews. For her (and me) it was a dream come true. Mark



*Ann Mitchell as Nurse*



*Max Bennett as Benvolio with Will Kemp*

Rylance came to a gala performance and spoke of the unique experience of performing in a space that was actually used by Shakespeare. Our balcony was tailor-made for the famous scene. In the end, parting was such sweet sorrow. Let us hope for more plays in the future.

*Will Kemp as Mercutio and Ifan Meredith as Tybalt*





# We Had a Ball!

by Master Paul Worsley

On Saturday, 12 July almost 1000 diners and non-diners attended the Celebration Ball held in Middle Temple. It was one of the largest events to be staged by the Inn in recent years and was a fitting tribute to our 2008 Festival celebrations and acclaimed as a success by all who attended, the guest list headed by Master Treasurer and his wife.

Originally planned as an event with 300 diners in Hall, it was quickly realised that a marquee that could hold over 700 diners was going to be required. Outside caterers had to be employed since the Inn's catering facilities could not cope with those numbers. Slow service and disappointing starters did not dampen spirits.

Centrepont, the charity for the homeless, was invited to use the Ball as a vehicle to raise funds for their high profile charity and a staggering £35,000 was raised. Roll-dice for a Porsche, a Moped raffle, silent and live auctions, and a table raffle were all generously supported by those attending, but especially generous were the prizes donated by many, but topped by Susie Freeman Travel's flights and a stay at the 6\* hotel, Royal Palm, on Mauritius.

I am pleased to report that in these straightened times, the Ball more than broke even and created no drain on the Inn's valuable funds! Colin Davidson, the Director of Catering & Marketing, and all the staff at the Inn contributed hugely to the success of the event: over 1200 bottles of wine and champagne and 800 meals were served! During dinner we were entertained by some splendid opera singers, "Three Waiters + One", and after dinner by Humphrey Lyttelton's Band, though without the Maestro

himself, Hot Chocolate, DJ Stephanie Harding and crooner Orlando Gibbons, together with the dodgems at the bottom of the Gardens.

The support of Master Treasurer and a large number of Benchers did so much to make the evening a success and our thanks are due to them and to the Ball Committee who did such sterling work. In short, we had a ball!



*Master Worsley and Aoi bhéann Greene*



*Master and Lady Nursaw in the Garden Marquee*

*MT Member Wendy Hewitt and guests Charlotte Frampton and Christopher James*



*Photographs courtesy of David Lyons Esq*

# Brum Bangs the Drum

by Michael Stephens Esq

On a balmy evening at the end of the week before the Whitsun Bank Holiday, the Inn came to Birmingham. This was one of the first – if not the first – event of the 2008 Temple Festival to be held outside of London.

Master Treasurer stated that he very much wanted the Inn to re-connect with its members in the provinces and those who perhaps had not had contact with the Inn since Call. There is no doubt that his mission was achieved. There are many in the Midlands who do want to participate in the Inn in and promote its activities.

Members of the Inn, their partners and our guests sat down to a sumptuous meal at the Hotel du Vin. Roast chicken breast followed smoked salmon and the feast was completed with a raspberry and vanilla crème brulee. After the Loyal Toast and the toast to our guests, Master Treasurer welcomed all present and spoke about the objectives of the Festival and the wish of the Inn to connect with and respond to the demands of its members. He then proposed the health of the Lord Mayor of Birmingham, Councillor Chauhry Rashid, who was present, together with the Lady Mayoress. The Lord Mayor replied and it transpired that the evening marked his first official formal engagement since taking office earlier in the week. He was

clearly moved by the importance and responsibility of the office in which he had been invested and the natural sincerity of his remarks was much appreciated by us all.

Master Treasurer then proposed the health of the Midland Circuit, noting that he, too, had strong links with both the city and the Circuit, having served for a period as Circuit Administrator. A characteristically witty response was made by the Leader, Peter Joyce QC, himself a Bencher of the Inner Temple. Peter Joyce in turn proposed a toast to the Honourable Society of the Middle Temple to which Master Treasurer replied.

The formalities completed, the party continued until the early hours.

We were delighted to have with us on this occasion Mrs Justice Macur, one of the presiding judges of the Midland Circuit, and the President of the Birmingham Law Society, Miss Caroline Coates, accompanied by their spouses. It was also a pleasure to be joined by the Under Treasurer and Mrs Hilling and Mrs Halldóra Blair.

The feeling in the West Midlands is that regular contact with the Inn would be very much welcomed. Several who attended the dinner have indicated that they would like to assist the Inn where possible and the overwhelming sentiment was that another social event with senior members of the Inn would be keenly supported.

*Peter Thompson (husband of); President of Birmingham Law Society Miss Caroline Coates; The Lady Mayoress Shafait Begum Rashid; The Rt Worshipful the Lord Mayor of Birmingham Councillor Chaudrhy Rashid; The Hon. Mrs Justice Macur*



Members of the **East Midlands Circuit** and their guests enjoyed a delicious dinner at Hart's restaurant in Nottingham on 17 October 2008. Ten BVC students were the special guests of the hugely successful evening, which was kindly organised by Master Heather Swindells, Elizabeth Coe QC, and Richard Hedley Esq.

The **Northern** and **North Eastern Circuits** will have a combined dinner at the Merchant Adventurers' Hall in York on 22 November. This event is kindly being organised by Master Andrew Campbell, Sarah Singleton QC, and Nick Worsley Esq.



19th & 20th JANUARY 2008

# The Open Weekend

Approximately 25,000 members of the public came to learn about the Temple, its ancient Church, the two Inns that maintain it, its historic buildings, and the profession of the people who work in its unique setting. Members, students and staff from both Inns worked together to plan and execute the numerous and varied activities, some of which are shown in the pictures below. The feedback was overwhelmingly positive with many visitors asking when we would do it again.



*Members from the Shakespeare Schools Festival performed cameo performances in both Middle and Inner Temple*



*A children's court, mock trials and advocacy training demonstrations were held at the Royal Courts of Justice*



*Talks on the Molyneux Globes, tours, and research demonstrations were given in the Library*



*A volunteer from Ede and Ravenscroft explained court dress and legal attire*

*Blue Badge Guides gave tours of the Temple grounds for adults and for children.*



*Photographs courtesy of MPP Image Creation*



# Four Jurisdictions Law Conference

by Under Treasurer

**Every year members of the Irish Bar, Northern Ireland Bar, Faculty of Advocates and Middle Temple meet over a weekend to share views on topical legal issues. Appropriately, in our 400th anniversary year, it was Middle Temple's turn to host the event.**

Fionnuala Connolly representing the Northern Ireland Bar set the tone for the conference by delivering a stimulating paper on "Immigration in the European Union" and this was followed by an equally impressive paper by Mr Justice Nial Fennelly on "Trends in the ECJ Jurisprudence in Human Rights". We were particularly fortunate that Advocate General Eleanor Sharpston QC was able to attend and be Intervener for this session. The final session on the Saturday morning was the Scotland session in which Gerry Moynihan maintained the very high standard already set with his paper on "Cross Border Issues: Differential Implementation under a Devolved Constitution".

On Saturday evening a splendid dinner was held in Hall and we were entertained superbly with a programme of classical music graciously provided by Master John Dyson, Mrs Maureen Rivlin, Sophie Rivlin and Emma Rivlin.

On Sunday morning Master David Eady delivered the England and Wales session with a fascinating personal insight into "Article 8, Privacy and the Press". This generated much discussion and was a fitting end to the four hugely enjoyable sessions.

There was no doubting the success and conviviality of the conference and many commented that it had been one of the very best in recent years. Over 80 people attended and it was pleasing that this year we were able to attract student and barrister members as well as those from the judiciary.



*Fionnuala Connolly and James Wolffe QC*



*Master Fennelly and Master Sharpston*



*Gerry Moynihan QC, Master Stanley Burnton and Michael Collins SC*

*Master Rivlin (2nd left) with family guests, Master Stewart Smith, and Mrs Rivlin*





# The Strategy Group

by Master Deputy Treasurer

**It is appropriate that we have turned our attention to the long-term future of the Inn in the year in which we are celebrating 400 years of glorious success.**

The Inn's achievements have provided it with an enduring strength, status and reputation, greater than its collective membership at any one time, but it is timely that we should assess the sustainability of the strengths which have brought us through the passage of centuries.

The Strategy Group is not a Standing Committee. It is not envisaged that it will need to be reconstituted every year, but if the need arises for it to convene, it has been settled that it should be chaired by the Master Deputy Treasurer then in office. Our broad remit has meant that we have assessed the present functioning of the Inn, with particular attention being paid to its finances, the future of its property in the Temple, the extent to which contact with members, both here and abroad, is maintained, and the overall structure for the administration of the Inn. There is still a lot to be done before reporting to Parliament at the end of the year, but we are pleased to be able to foreshadow, in brief, the character of some of the issues which Parliament is likely to wish to consider in detail. We hope that members will see the Report as providing an opportunity for considered reflection on the way forward for the Inn as well as providing an occasion for them to consider the extent to which they can contribute to a successful future.

## Membership

The Inn exists to promote the profession of barrister and it does so by administering a wide range of measures and activities. Its capacity

to demonstrate its relevance for much of its history was greatly assisted by its proximity to the Law Courts, just as access to Westminster Hall via the Thames was a key factor in its earliest development; however, a number of changes have occurred to reduce the relevance the Inn can hold for the profession. The number of practising barristers has increased, decentralisation of practice to regions, and work outside the centre of London limit the day-to-day opportunities to come to the Inn.

*The Inn is held in high esteem throughout the world and, in particular, in the Commonwealth*

Barristers in London have moved out of the Temple and the needs of practice and family have been accommodated by a desk lunch and returning home for dinner. In the majority of careers the period between the first years of qualification and the achievement of a seniority and status establishing eligibility for election as a Bencher is marked by an absence of real contact with the Inn. Three decades frequently elapse before meaningful contact returns. It seems worthwhile to consider whether something can be done to enliven membership in this intervening period. It has to be said that we have identified many areas of the Inn's activities where a more enlivened contribution from members is necessary to support the range of activities we are committed to implement. Nor, it has to be said, does the evidence show that election



to the Bench necessarily gives rise to sustained contact.

A process, for convenience called "re-connection", has already commenced. Efforts are being made to contact members both here and abroad so that contact can be renewed, but thought needs to be given to the ways in which the contact can serve the mutual benefit of members and the Inn.

## Finances

Most members have had little need to be aware of the size or sources of income available to the Inn. If asked, they would probably express an assumption that the Inn was wealthy enough to do, with ease, what it needed to do. The Inn's finances are very healthy although we are not as cash-rich as we would like to be. We believe that Parliament will need to consider whether we are spending our resources in the best possible way and where and how fresh sources of finance can be raised to strengthen our position and enable the Inn to fulfil its objectives. Finance is a topic which is certain to give rise to a valuable range of opinion. Given that our central course of income is our rental income, we need to consider whether we are sufficiently well-prepared to develop the property estate and are sufficiently well-placed to continue to promote

the profession by providing suitable accommodation.

There are some very important issues for consideration in connection with the fulfilment of our education and training programme. Tested by some of the matters already mentioned, the following are some examples: the need for both Hall and Bench members to make a greater contribution; the need for more funding for scholarships, other awards and for training sessions; the desirability of continuing to run the library on its existing lines; the extent of the pressures on space both for the training of barristers and the accommodation of staff in the Education Department; the need to consider whether our education and training programme and its capacity to cope with our increased burden of work is sufficiently well-placed to fulfil its vital objectives.

The Inn is held in high esteem throughout the world and, in particular, in the Commonwealth. We do not believe that we have ever been insular nor do we believe that the Inn has ever been regarded as such. The Strategy Group believes that the maintenance of our overseas connections and our reputation for the promotion of excellence in the profession and the principle of the rule of law throughout the world are an essential aspect of the Inn's purpose. We shall consider the means available to sustain the Inn's reputation and Parliament will be able to decide how best this can be achieved.

Sir George Newman retired from the High Court Bench in 2007. Since then he has been active in reconnecting with the Commonwealth countries and in July this year, he addressed the Law Ministers of the Commonwealth at their conference in Edinburgh.

## The Middle Temple and Chuo University

by Christa Richmond, Deputy Under Treasurer (Education)

The more observant regulars of the Inn's American library may be familiar with the portrait of a distinguished-looking Japanese gentleman which hangs in one of the bays of that floor. It is the portrait of



Rokuichiro Masujima (1857 - 1948), one of the very first Japanese lawyers to be trained in England, who was Called to the English Bar

by the Middle Temple in 1883. (He also developed close links with the New York State Bar, which explains his presence in the American library.)

Rokuichiro Masujima went on, with other young attorneys and scholars who had an interest in the Common Law, to found Igrisu Horitsu Gakko (English Law School) in Tokyo in 1885 and became its Director. Twenty years later, the school changed its name to Chuo University, literally "Middle" or "Central" University.

In recognition of the close links of its first Director to the Middle Temple, the Law Department of Chuo University has invited the Inn to be represented at the celebrations to mark its 125th anniversary in 2010. In the meantime, we are hoping to welcome the President of Chuo University here at the Middle Temple in autumn 2009 to mark the friendly association between the two institutions.

### Mauritius Middle Temple Association

We are delighted that a Middle Temple Association has been established in Mauritius. For more information, please contact Rashad Daureeawo at rashad@intnet.mu.

### Bahamas Middle Temple Association

We are also very grateful to Bertha Cooper-Rousseau who is trying to establish an Association in the Bahamas. Middle Templars living and/or working in the Bahamas should contact her by email at rousseaucooper@coralwave.com.

### Middle Temple International Students' Association

Overseas Middle Temple members are invited to contribute articles to a commemorative electronic magazine. Contributors are free to write on any subject they deem relevant, but are encouraged to write on the following:

- The History of Middle Temple and Middle Temple members in their jurisdiction
- The Bar in their jurisdiction
- Continuing links with Middle Temple
- Interesting legal developments in their jurisdiction

Articles should be between 400 and 1000 words and should be sent in Word format with accompanying photographs sent as jpegs. Authors should specify their year of Call and their jurisdiction and include a very short résumé and a link to their firm/chambers' website.

Please send all information or enquiries to Reza Zain Jaufeerally: rjaufeerally@gmail.com.



# Lent Reader

by Master John Toulmin



It has been a very special privilege to be Lent Reader in this 400th anniversary year. The celebrations have been hugely enjoyable and rewarding and there are many good things still to come in the Inns and Temple Church. I have been a privileged spectator at the major celebratory events, but I will concentrate here on those events specifically connected with my Readership.

In his Lent Reading in 1982, Master Kilner Brown described the Readers' duties as, "together with the Master charged with student welfare and the Master of the Moots, [the Reader] should involve himself with student activities at Universities and in the Inn and preside in Hall when Moots or other student activities take place". In addition, Master Reader gives a reading at his Feast and presents candidates for Call to the Bar, although the latter is primarily the responsibility of the Autumn Reader.

As I prepared my Reading, I became aware of a wider responsibility. No one becomes

Reader without a lengthy career as student, member of Hall and Bencher. Each is able to bring his or her unique and wider perspective of the Inn unencumbered by day-to-day responsibility as Treasurer or Chairman of a Committee. Master Reader should be expected to reflect this perspective in positive proposals or ideas for discussion. It will then be for others to decide whether and if so how they should be implemented. Master Treasurer has been most generous in his response to this approach.

*The Inn is part of the worldwide legal profession, known and respected throughout the world. It should develop its important role in bringing together those involved in the delivery of justice and the Rule of Law through further links, not only with common law jurisdictions, but also with the European Union and with countries like China, Brazil, India and South Africa*

During my Readership, mostly in company with my wife, Carolyn, who was called to the Bar on the same night, I participated in two student weekends at Cumberland Lodge, the Northern Advocacy weekend in York, the Nottingham Bar Vocational Dinner, the Oxford and Cambridge dinners, a Saturday New Practitioners' course, and various MTSA debates. Each event, expertly organised by Christa Richmond and her team, was most enjoyable but the underlying mood of concern amongst students and young entrants was in sharp contrast to the 400th anniversary celebrations. The overwhelming majority of students will not find a pupillage, let alone a tenancy: those that have gone into criminal practice are now so badly paid that a significant number are finding it

difficult to remain in the profession.

Part of the Inn's task is to get across the real problems which the Bar is facing. In April I participated in a very important initiative of Master Richmond and Christa Richmond, an Open Day for Schools and Universities with tours of the Inn, lectures and a Mock Trial. Those who attended left the day with no doubt of the hurdles to be overcome.

For any Reader, the Reader's Feast is a unique occasion. Master Reader chooses the dinner and at its end

gives his Reading. In the 18th century it was ordained that there should be some innovation: we have a very modest vineyard in Burgundy which produces 1500 bottles a year and so were able to offer Benchers, Members of Hall and Students red wine from our vineyard.

My Reading was entitled "*The Middle Temple and the Future*". Master Chartres, in dedicating the Charter Window in the Temple Church made the distinction between "history" (what we can learn from the past) and "destiny" (how we should be planning for the future). We are joyously celebrating our history. I suggested that we needed urgently to think about our destiny. This has been taken up by Master Deputy Treasurer's Strategy Group which is due to report to Parliament in November. I hope that then we

can all participate in an open debate.

My perspective is not only that of student, practising barrister and judge, but also of a former Chairman of the Bar Council's Young Barristers' Committee and President of the European Bar Council (CCBE) and current Chairman of the Board of Trustees of the European Law Academy.

*It is from the ancient Inns of Court and the Bar that common law traditions worldwide stem. I asked if we were doing enough to ensure that ancient freedoms were not being eroded.*

I suggested two initiatives which would be in keeping with the historic role of the Inn:

1. I noted that Members of the Inn include judges, private practitioners, academics, practitioners in industry, and government lawyers who have opportunities to mix freely which are not available in many jurisdictions where they would be members of separate professions. I suggested that the Inn, free from regulatory responsibilities, could develop its role as a market place of ideas in line with its traditions going back to 1608. It is from the ancient Inns of Court and the Bar that common law traditions worldwide stem. I asked if we were doing enough to ensure that ancient freedoms were not being eroded. In this context I suggested that possible subjects for debate might include detention without charge, the use of ASBOS, whether the current legal aid provisions provide adequate access to justice, and the plight of the Criminal Bar. In the wider context, I added as examples multi-disciplinary practices



*Master Toulmin and Mrs Carolyn Toulmin in their vineyard*

and the Lisbon Treaty. I made the proposal that a Reader's Debate should be instituted. Master Reader would organise and chair a debate on a topic of importance to the Inn or the legal profession, or related to the Rule of Law.

2. My second theme was that the Inn is part of the world-wide legal profession, known and respected throughout the world. It should develop its important role in bringing together those involved in the delivery of justice and the Rule of Law through further links, not only with common law jurisdictions, but also with the European Union and with countries like China, Brazil, India and South Africa. Part of the plan would include the election of Honorary Benchers who would be working Benchers in the sense that they would assist us in developing those links.

The celebrations themselves, I am sure, will have a lasting effect. The various concerts and lectures and especially the Open Weekend when almost 25,000 visited the two Inns,

will have helped to de-mystify the Inns and the Temple Church. These events have also helped to bring us closer together as an Inn and have contributed to a sense of community which is the envy of other professions. Perhaps most important of all, Middle and Inner Temple have come much closer together. This will be important in the difficult times which undoubtedly lie ahead. We owe an enormous debt of gratitude to all those who have made possible this year's wonderful events.

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A Judge of the Technology & Construction Court and Bencher since 1986, John Toulmin is Chairman of the Temple Music Trust and a past Chairman of the Church Committee. He was President of the European Bar Council (CCBE) in 1993 and has been Chairman of the Board of Trustees of the European Law Academy (ERA) since 1997. A former Chairman of the Trustees of the Institute of Psychiatry, he has also been a member of the Council of King's College London since 1997. An Honorary Member of the Law Society and decorated by the Austrian Republic, he was awarded the CMG in 1995 for his international work.



# Autumn Reader

by Master Peter Cowell



The request: not more than 750 words, and by the end of next week. Whenever I'm asked what is the "Office of Reader"?, the words of Hilaire Belloc come to mind (in the only law report in verse I know):

*"The office of Cestui que Trust  
Is reserved for the learned and just  
Any villain you choose may be  
Cestui que Use  
But a lawyer for Cestui que Trust."*

(For further enlightenment see one of the earlier and not much read chapters of Megarry and Wade.)

In view of his origin as one who lectured to the young in the common law it is right that the Reader is involved in Advocacy Training. I can say from experience that Cumberland Lodge weekends are instructive (for all), enjoyable and greatly appreciated by all who have attended. "The Way to a Judge's Heart" was the theme given me to speak about at the last one, and e-mails from Christa Richmond beforehand were titled (or rather "entitled" or even "intituled" as a former Treasurer in Chancery

practice would say with perfect elocution) "Your Heart".

In common with many other circuit judges we welcome visits to our courts by pupils who observe the proceedings, and afterwards present their (imaginary but not too far-fetched) cases to a real judge (if I may use the expression) in real court surroundings; there is even the distraction of the clerk sitting below the judge typing out court orders. On one occasion, counsel in the case stayed behind to listen, though he chose to leave when I asked the pupils what impression they had of the advocates they had heard. On another occasion, a fellow judge called on two pupils to present their cases only to be told that they had come to terms; that was not of course what they were there for; did it hide absence of preparation?

*Being observed is good for judges, too, and it is, after all, the public aspect of proceedings which both in theory and practice tends to make judges behave as they ought*

I hope they were asked if the agreed Order was to be in the usual Tomlin form (Tomlin, that is, not to be confused with Toulmin my immediate predecessor), but I forgot to ask.

We also welcome having a "student marshal" who sits with the judge for a few days and observes the proceedings. If you come, you take "pot luck". On the first day you might find that the parties are going to settle; if not, you may, especially in the county court, see advocates of any standing or seniority. In my first year as a judge there appeared in my

court Mr Neuberger QC (need I say, as they say, "as he then was"?). On other days there have been those doing just about their first case (who will remain anonymous); a Kindly Judge will of course from time to time give them "a Leg-Up" to quote a Forensic Fable (preferably without the mistake of identity that occurred in the fable I have in mind). The student marshal is supposed to learn from the advocates how to do it, and in some cases how not to do it. Maybe, too, they learn both those things about the judge, but they tend to keep that to themselves. Being observed is good for judges, too, and it is, after all, the public aspect of proceedings which both in theory and practice tends to make judges behave as they ought.

What of the Office of Reader? After reading this you may well think that you are none the wiser nor better informed. If you really want to know the history of it then The Treasury can supply a scholarly dissertation by the late Master Kilner Brown. It even mentions (at page 16) a scandalous occasion when in 1632 the Master of the Revels had the effrontery to sit in the chair of Master Reader. I am very honoured to have been given the "Autumn" Office, on this occasion with complete decorum.

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His Honour Judge Peter Cowell has been Master of the Revels for some years and a Judge at Central London for a few more years, and has not yet retired from either role, each one providing in its own way moments of humourous entertainment.

Master Cowell delivered his reading "Quiddities, Quillities, Tenures, Cases and Tricks" in Middle Temple Hall on Tuesday, 4 November 2008.

# New Benchers

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

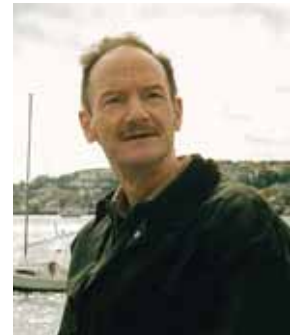
## Professor Lord Wedderburn of Charlton QC, FBA

Bill Wedderburn taught at Cambridge (1952-64) and at the LSE (Cassel Professor of Commercial Law (1964-92) and now Professor Emeritus). He became a Life Peer in 1977. *The Times* in October 2007 featured him as one of the Great Law Teachers, and described him as, "A pioneer of employment law, and of teaching law in its social context. He favours legal study being more than 'a game of exciting but arid rules', as social context elevates it 'from instruction to education'". He is widely acclaimed as an inspirational teacher by the lawyers he taught, many of whom came to dine in the Inn on the night he was called to the Bench.



## His Honour Judge Timothy Pontius

Tim Pontius was Assistant Judge Advocate General from 1992 – 1995, and served as a Recorder before his appointment to the Circuit Bench in December 1995, based at the Crown Court at Blackfriars. He has been actively involved with Middle Temple Advocacy since 1999, generally on bail exercises for pupils at court. He has been a Churchwarden of St Paul's, Knightsbridge, since 2003 and a licensed Sub-Deacon since 1999. A Member of the Military and Hospitaller Order of St Lazarus of Jerusalem, he served as the Judicial Representative on the Hall Committee before being elected as a Bencher.



## Peter Roth QC

A leading competition and EC lawyer, in Monckton Chambers, Peter was educated at Oxford and Pennsylvania. He took Silk in 1997 and became a Recorder in 2000. Since 2001, he has served as the Editor of Bellamy and Child's *European Community Law of Competition*. He is active in many charities (including the Legal Assistance Trust operating in South Africa; the Terence Higgins Trust and Peace Brigades International {human rights in Guatemala, Colombia and Indonesia}). He won third place in The Lawyer's Barrister of the Year award in 2007, and impressed everyone when he gave his Call speech in verse.



## Philip Katz QC

Philip is a criminal lawyer with a quality mix of prosecution and defence work, especially for the Department for Business, Enterprise and Regulatory Reform (the old DTI). Educated at Oxford, and Called to the Bar in 1976, he became a Recorder and took Silk in 2000. Philip teaches ethics at the BVC at City University; and, for the Inn, helps on our New Practitioners' Course, as a Supervisor at Cumberland Lodge, and chairs moots. He is a regular contributor to Law in Action.







### **Kathryn Thirwall QC**

Kate Thirlwall has recently become the Head of her Chambers at 7 Bedford Row and has a practice specialising in local authority education and abuse litigation. She comes from Sunderland and one of her proudest moments was actually holding the FA Cup which Sunderland won in 1973 while still in the then Second Division. From 1999 - 2005 she served as a member and vice-chair of the Bar Council's Professional Standards Committee, and from 2003 - 2005 she chaired its Working Group on money laundering. Later work on that topic has included representing the Bar in discussions with the UK government and in the EU on the third Directive, and chairing the BSB's Money Laundering Working Group.

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### **Bankim Thanki QC**

Bankim Thanki is amongst the first rank of Silks at the Commercial Bar and an expert on the law of privilege. He recently appeared for the Bank of England in the BCCI case, and led for it on legal professional privilege points. He is editor of the Oxford Press' *Law of Privilege*, a work largely inspired by him. He has also provided advice to the Bar Council on privilege issues, in the context of the Legal Services Act 2007 and elsewhere.

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### **Sir Desmond de Silva QC**

Head of his chambers at 2 Paper Buildings, Sir Desmond is a distinguished international criminal practitioner. He has prosecuted before the International War Crimes Court for Sierra Leone (appointed Deputy Prosecutor in 2002, and Chief Prosecutor in 2005), work for which he was awarded a knighthood in the 2007 New Year Honours' List. He has now resumed practice in the UK. He has served on the Westminster Community Relations Council, and on the Court of Common Council in the City of London from 1980-1995.

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### **Oliver Blunt QC**

Another leader at the Criminal Bar in London, Oliver has appeared in numerous high-profile cases over the last 20 years. He has practised first at 4 King's Bench Walk, and since 1988, at Furnival Chambers. He has been a Recorder for over ten years and sits as such at the Central Criminal Court, where Recorders are relatively rare. His interests include rugby (which he coaches) and cricket (where he remains a fearsome fast bowler).

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### **Michael Grieve QC**

Michael Grieve is yet another leading criminal Silk. He started at 1 Dr Johnson's Buildings before moving to Doughty Street Chambers on its founding in 1990. He was a member of Hall Committee from 2000-2004 and of the Education Sub-Committee for two of those years. A member of the editorial board for *Counsel* magazine since 1996, he has written frequently for it, and has served on the Bar Council's Public Affairs Committee or Group for six years.

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**Elizabeth Blackburn QC**

Elizabeth has been at the Commercial and Admiralty Bar since 1980 and took Silk in 1998. She sits as an arbitrator, domestically and overseas. Her practice is principally shipping, international carriage of goods, international trade and associated finance. She serves on the Executive Committee of the British Maritime Law Association, the Executive Committee of the London Shipping Law Centre, on the ICC UK Transport Committee and on the London Maritime Arbitrators' Association.

**Andrew Stafford QC**

Educated at Cambridge, Andrew practices predominantly in employment law, and has been a part-time Employment Tribunal Chairman since 2000. He edited and contributed to "Transfer of Undertakings" (2006), and is on the advisory board of Gore-Browne on "Companies". His article on "Dishonest Assistance in Breach of Trust" was recently cited by two Lords of Appeal in a case in the House of Lords. A member of the BSB Monitoring Committee, he chaired that Committee's Pupillage Sub-Committee. He is a member of the Bar Pro Bono Review Panel. He was actively involved in the planning and execution of the 2008 Festival Open Weekend in January.

**Ian Mill QC**

Ian is a Cambridge-educated commercial Silk and, since 2004, joint head of Blackstone Chambers, in succession to Master Flint. He specialises in the entertainment and sports arenas and in commercial fraud. He has appeared for almost every popular musician (from Michael Jackson to Luciano Pavarotti), sportsman or sporting body (from David Beckham to the Racecourse Association) that you care to name. He is also able to provide assistance to the Inn on wine matters as he is a collector and a shareholder in the wine trade.

**Laurence Rabinowitz QC**

Another Commercial leader, Laurie Rabinowitz came from Witwatersrand to Merton College Oxford on a Rhodes Scholarship. Called to the Bar in 1987, he joined 1 Essex Court and, after taking Chancery work for the Crown in 1995 to 2000, he took Silk after less than 15 years at the Bar. He has maintained a wide range of interests including fund raising for legal education at his college and career advice there and elsewhere.

**Mr Justice Richard Arnold**

Appointed to the High Court Bench this autumn, Richard Arnold's practice was in intellectual property, entertainment and media law and data protection, both domestically and in European Courts and Tribunals. Richard is an author of works on Performers' Rights, Computer Software, and Entertainment and Media Law. He has sat as an arbitrator and as Chairman of the Committee on the Code of Practice for the Promotion of Animal Medicines.





# Honorary Benchers



## **The Honourable John Howard, Former Prime Minister of Australia**

John Howard was the twenty fifth, and the second-longest serving, Prime Minister of Australia (1996-2007). He represented the Division of Bennelong, New South Wales, in the Australian House of Representatives from 1974 to 2007. He served as Treasurer in the Fraser Administration from 1977–1983. He was Leader of the Liberal Party and of the Coalition Opposition from 1985–1989, which included the 1987 federal election when he stood against Bob Hawke. After his re-election as Leader of the Opposition in 1995, he led the Liberal-National Coalition to victory over Paul Keating's Labour administration at the 1996 federal election. He was elected to the Bench during the Treasurership of Master Scott Baker (2004) but was unable through these other duties to be Called to the Bench until June 2008.



## **The Reverend Robin Griffith-Jones, Master of the Temple**

Robin Griffith-Jones' Call to the Bench means that he has five Masterships to his name, two Master's degrees at Oxford and then at Cambridge, the Crown appointment as Master of the Temple, and Honorary Bencherships in the Inner Temple and now at Middle Temple. He worked early on with Mother Theresa's Sisters in India and with the long-term homeless in London, before returning to university to study theology. After a Curacy in Liverpool (1989-92), and a Chaplaincy at one Oxford College (Lincoln 1992-9) and a Lectureship in another (Exeter), he was appointed Master of the Temple in 1999. Apart from the Temple Church itself, his chief interest is in the New Testament. He has written three books: *The Four Witnesses*; *The Gospel according to Paul*; *The Da Vinci Code and the Secrets of the Temple*, and, most recently, a book on *Mary Magdalene: The Woman Whom Jesus Loved*. His father, Mervyn Griffith-Jones, CBE, MC, was Common Serjeant of the City of London from 1964 to 1979, a Bencher from 1959 until 1979, and Autumn Reader in 1973.



## **Justice Donald W. Lemons, Justice of the Supreme Court of Virginia**

Justice Lemons was educated at the University of Virginia, where he later taught as Assistant Dean and Assistant Professor of Law from 1976 to 1978. After some years in private practice, he first served as a Judge of the Circuit Court of the City of Richmond, Virginia, in 1995, and since then has risen through the Courts of Virginia to the State Supreme Court. Since 2000, he has been John Marshall Professor of Judicial Studies at the University of Richmond's Law School. He has recently been elected as Vice President of the American Inns of Court, a most prestigious appointment and one of great importance to the four Inns in London. He can expect to be the President of the American Inns of Court from July 2010 to July 2012. Justice Lemons has a close association with the Middle Temple, having attended the Virginia Charter Celebrations in 2006, having hosted Master Treasurer Robert Seabrook and other members in Jamestown in 2007, and having given an inspiring Guest Lecture on the Rule of Law in Middle Temple Hall in Michaelmas 2007.

# Hall Committee 2008

by Sheilagh Davies, Chairman



It is several months since I last wrote and I am now in my second year of office. The work is hard but rewarding and I and my Vice-Chairman, Michael Collard, have the advantage of seeing how the Inn, its membership and the Bench function on a day-to-day basis. We are also invited to attend meetings of the Executive and Bench Selection Committees; not only a privilege, but also an opportunity to advance the views of Hall on important issues.

The Hall Committee has been hard at work in the intervening period and now has its own Constitution which enshrines our objectives and terms of office for members. This has greatly enhanced our status with the Bench and I am grateful to members of the working party from within the Committee for all their dedication in making this possible. For those who may not know, our core work is to act as a liaison between members of Hall and the Bench; to this end, the Committee has prepared papers answering consultations on professional issues raised by the Bar Standards Board. I am particularly

proud of this aspect of our work and the fact that it has been recognized by the Executive Committee by adopting our responses to consultation as the Inn's official response.

*The Committee is stronger than ever before, comprised of members of the self-employed Bar from differing expertises as well as representatives from the employed Bar.*

I am keen that members of Hall appreciate that we are here to assist them with advice as appropriate. The Committee is stronger than ever before, comprised of members of the self-employed Bar from differing expertises as well as representatives from the employed Bar. The new Constitution states that no member may serve for longer than two consecutive terms without a break. This will ensure that the Committee does not stagnate and that it has a healthy turnover, giving all who wish to, the opportunity to stand and serve. I hope as many of you as possible will take advantage of that.

Congratulations are due to our Judicial Member, His Honour Judge Timothy Pontius, on being Benched by the Inn in April 2008. He has also been appointed one of Her Majesty's Judges at the Central Criminal Court. It is a particular pleasure for me to welcome as our new Judicial Member, His Honour Judge Michael Oppenheimer.

During the many diverse events comprising the 2008 celebrations, the Inn was honoured to welcome Her Majesty the Queen and His Royal Highness The Duke of Edinburgh at a Service of

Thanksgiving and Reception. I was proud to be chosen to be presented to Her Majesty and to have the opportunity to outline a little of Hall Committee's work to her. My Vice-Chairman and I were also invited to the dedication of the Charter Window in the Temple Church and to a luncheon afterwards. Thanks and credit is due to my Committee for their generous contribution to the window fund.

The Hall Committee's profile was further enhanced by a significant presence at two other important events: many Committee members acted as hosts during the hugely successful Open Weekend in January, showing visitors around and assisting with information on the Inn's history; and we also manned a stall at the Education Day in April for sixth formers and university students, giving advice on all aspects of a career in the law. This was a first and I am proud that I and members of the Committee were present at this event.

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Called to the Bar in 1974, Sheilagh Davies specialises in criminal work and practises in all aspects of serious crime from the Chambers of David Nathan QC at 9 Lincoln's Inn Fields. She has served on the Hall Committee for many years and is in her second year as Chairman.

During the past year, the Inn has updated the records of over 5000 of its Members. We are grateful to those who have provided their contact details, and would encourage all Members who have not yet done so to provide their most recent contact details to ensure that they receive information about the Inn and future events.

Please complete the **Member Update Form** on the Inn's website [www.middletemple.org.uk](http://www.middletemple.org.uk)

or send an email to Alumni Officer, Georgina Wright at [g.wright@middletemple.org.uk](mailto:g.wright@middletemple.org.uk)



# The Review of the Bar Vocational Course

by Dr Valerie Shrimplin

As the (relatively) new Head of Education Standards at the BSB, I was of course aware that the idea of reviewing the Bar Vocational Course [BVC] had been at the forefront of debate in the profession for some time. Various other reviews and consultations had taken place in the recent past, but I was, however, a little taken aback when a fellow dining companion at a Bar Mess dinner informed me that consideration of postgraduate training for the Bar had been under consideration since he was Chairman of the Young Bar Committee in the 1970s!

One of the first tasks of the BSB Education & Training Committee (established July 2007 and chaired by Dr John Carrier) was to conduct a major review of the BVC. A Working Group was swiftly set up and Derek Wood CBE QC – Bencher and former Treasurer of Middle Temple – agreed to act as Chairman. A high-profile group was assembled, comprised of distinguished silks, judges and legal academics, as well as newly qualified practitioners with recent experience of the BVC, and a representative of the BVC Providers. The Employed Bar and Young Bar were represented, and the group also included lay members.

The aim was to carry out a root and branch review of the BVC, considering in particular whether the course was fit for purpose and whether it provided an appropriate method of training and preparation for pupillage and early career barristers. In the face of anecdotal evidence about the alleged deficiencies in the course, the Working Group looked in depth at

the curriculum, its delivery, and the standards required of students both at entry to the course and at exit. Resources, teaching and assessment methods were also considered in detail. The first meeting took place in October 2007 with the intention of completing the review by Spring 2008 which, as the Chairman pointed out, was liberally interpreted as covering the period up to July 2008. The tight timescale was very challenging, but necessary in order for accreditation of the revised course to take place in 2009 for a September 2010 start of the new course.

**Key recommendations include:**

- amendments to the curriculum (with more emphasis on methods of dispute resolution out of court; more emphasis on ethics; and the delivery of legal research as part of induction, rather than being formally assessed)
- stricter entry requirements including the introduction of a universal aptitude test with English language testing
- higher standards for teaching;
- learning and assessment on the course;
- stricter exit standards, with limited opportunities for re-sits;
- centralised final examinations from summer 2011.

As well as quality and standards, an overarching theme was discussion of whether, in view of the high fees (typically £9,000 - £14,000 for the one-year course), the BVC represents value in terms of the students' investment of time and



money. The cost of the BVC is also clearly perceived as having an effect on access to the Bar, and equality of opportunity. In addition, the number of BVC graduates each year (c 1900) in relation to the available number of pupillages (approximately 550) has clearly been a matter of concern. Although the course has been viewed as having a degree of transferability in the employment market, substantial investment is required on the part of students without any guarantee of long-term career prospects.

A great deal of work had already been carried out, particularly with regard to the standard of the BVC and its role in ensuring that the most suitable candidates progress to the Bar, regardless of their socio-economic, ethnic, national or academic background. The Working Group therefore examined previous work undertaken, such as the Bell consultation on the BVC (2005-06), as well as the more recent Bar Council reports on Access to the Bar (chaired by Lord Neuberger) and on the BVC (chaired by Richard Wilson QC). Previous material was carefully scrutinised and summarised, but,

rather than creating yet another long consultation document on which written comment would again be invited and analysed, the approach taken was to go out and about and talk to people. Thus began an immense programme of meetings and discussions with the Inns, SBAs, COIC, practitioners, pupils and students. Foremost in all of this was the need to visit the Providers themselves and for group members to observe at first hand the course as it was being delivered.

*The course will be known from 2010 as the “Bar Professional Training Course” in order to emphasise its professional nature*

Almost 80 meetings took place in total, almost all of which included the indefatigable Chairman of the Working Group. Visiting all the Providers was made easier by the fact that all Providers are routinely visited each year by BSB Visiting Panels to consider the quality of provision and the standards attained by students. Members of the Working Group were very involved in these visits, but the pool of senior practitioners needed to engage in these monitoring and validation processes each year does need to be expanded with more members of the profession involved.

In the course of ten visits to Providers across the country, over one hundred advocacy, negotiation and conferencing classes were observed, and a great deal of student coursework and examination scripts were scrutinised. External Examiners’ reports were reviewed and discussions were held across all sites with management, lecturers and support staff, with feedback provided at the end of each visit. Students were also given the opportunity to

provide their views and suggestions about the course. As stated in the Wood Report (paragraph 131), members were impressed with the high standard of teaching observed, and also with many excellent students, although it was also apparent that some student work was not of a standard that could be considered competent for progression to the pupillage stage of training.

In addition to the huge range of meetings, an ‘away day’ was essential for the Group to formulate its final recommendations, and it was here that the idea of completing the re-badging of the course by giving it a new name was decided. The course will be known from 2010 as the “Bar Professional Training Course” in order to emphasise its professional nature.

Another method used to ensure that there was a good evidence base for decision making about the course was the use of an online questionnaire to seek views from current and recent BVC students - the very first time that the same questionnaire has been used across all Providers for comparative purposes. Almost 500 responses were received from current and recent BVC students, but it is important to remember that the exercise was an opinion survey and reflects only the views of those who responded to the survey. Areas of least satisfaction significantly concerned information on obtaining pupillage, course administration and provision of social facilities, rather than academic issues. Suggestions for readjustment of the length of the course ranged from three months to two years full time. Many complained about the cost. Teaching quality was overall considered to be high, with extreme forms of praise used for some tutors, but there did seem to be some individual cases of

poor teaching. Students were satisfied with accommodation and facilities, but concern was expressed about the low standard of English of some fellow students who would have no chance of ever obtaining pupillage or succeeding in the profession (and not only foreign nationals). Many felt that the presence of weak students did appear to affect the learning experience of others.

As debate raged hotly over the issue of numbers on the course and how standards might be raised, consideration was given as to whether there should be a formal minimum entry requirement of a 2:1. Due to possible variability in awards between universities, and the fact that academic achievement is not always a good indicator of proficiency in the advocacy and other skills needed for success at the Bar, it was decided instead to recommend a universal aptitude test which, in order to be fair, should be taken by all prospective candidates for the BVC. Steps are therefore being taken to develop an appropriate test (including English language testing) and pilot it for use for the new course that will start in September 2010. The task is challenging, but not impossible.

Leading on from the idea of ‘universal’ entry tests, another key





proposal of the Working Group that is to be implemented is the use of centrally set and tested ‘exit’ examinations in the knowledge areas of Civil Litigation, Criminal Litigation, and Ethics. The aim of this approach is to ensure continuity in standards across Providers and there will be time to pilot the new examinations before the first cohort of students on the new course complete in summer 2011.

The Review of the BVC, and the specification for the new course, was completed over a very short period of time. This was possible due to the work that had already been carried out, and of course the immense effort put in by the Chairman and members of the Working Group. The exercise was interesting (all of the time) as well as actually being enjoyable (most of the time!). It was a privilege to have been involved.

The Wood report and details of the new Bar Professional Training Course can be found at [www.barstandardsboard.org/uk/news](http://www.barstandardsboard.org/uk/news)

Members of the BPTC Working Group (24 October 2007 – 3 July 2008):

- Derek Wood CBE QC (Chair)
- Alan Bates
- Nigel Cooper
- Edwin Glasgow QC
- Annie Hitchman
- Paul Jenkins
- Paul Kirtley
- Peter Lodder
- Professor Dawn Oliver
- Nicola Padfield
- Belle Turner
- James Wakefield
- Lord Walker of Gestingthorpe
- James Willan
- Dr John Carrier
- Dr Valerie Shrimplin
- Cordelia Lean

# Advocacy Training and Edu

by Master Whitfield QC

**In 1964, the year of my Call, the suggestion that a barrister might require, or that an Inn would provide, any structured advocacy training would have astonished the practitioner of the day. One learnt in pupillage, or perhaps only by example, reinforced by barbs from the Bench. This had changed.**

Middle Temple, as do the other Inns, provides different types of education from the professional cradle – for BVC students – to the professional grave (retirement) or apotheosis (judicial appointment): training in the early years, lectures qualifying as CPD for all. At the forefront of our educational provision is Middle Temple Advocacy, the creation of Michael Sherrard QC, so ably followed as Director by Barry Mortimer GBS, QC. As of 1st October 2008, standing on the shoulders of those greater men, I have succeeded as Director, a position I regard with pride as central to the Inn’s core activity, education.

Much advocacy training is simple in concept. We use the ‘Hampel method’, named after Professor The Honourable George Hampel AM QC, Director of the Australian Advocacy Institute, from whom we have learnt so much. Students attempt

straightforward exercises in submissions and witness handling: weaknesses are identified one at a time, and the trainer explains why they are weaknesses: the trainer demonstrates better techniques and the student tries again and thus advances. Further exercises include analysis of simple cases: how to pick a line through a case, what points are helpful or not, and how to evaluate and then either use or discard those which are ambivalent.

The experienced advocate, reading the last paragraph, might think that these skills are so basic that they do not need teaching at all; however, he might be disabused of this fallacy in one of three ways. The first could be by seeing how even experienced opponents make mistakes in court, e.g. by asking over-complicated questions. The second (and it has happened to me) is by reading a transcript of one’s own cross-examination: how, even in the heat of battle, could I have asked that ill-founded or dangerous question or been so unnecessarily verbose? The third is by sharing the pleasure of seeing how, with the help of a trained trainer, students’ hesitation and bad habits so quickly disappear, and skills and justified confidence increase.

The significance of all this is two-fold. We, in Middle Temple, are able to deploy the skills and experience of one of the most talented communities in the common law world to train a new generation of advocates. This is directly in the public interest,



# Education in Middle Temple

because it is in the interest of clients. Second, by demonstrating what we do, we strengthen the reputation of the law and the status of the Bar at a time when the professions are all under scrutiny. Individual barristers are now keenly sought as trainers by other professions. Other jurisdictions want us to help us develop their skills.

*I want to get across to the whole Inn how much it owes to the unsung body of trainers, without whom its status and reputation would be very substantially weakened*

During the year I spent as an Inn representative on the Bar Standards Board I learnt with delight the admiring response of its lay members, when they saw the results of our trainers in action. What other profession, said one, gives so much time to so much effect in developing the skills of its new entrants?

What do I hope for as Director of Middle Temple Advocacy? I want to get across to the whole Inn how much it owes to the unsung body of trainers, without whom its status and reputation would be very

substantially weakened. I also want to persuade those who do not take part in education to consider doing so. Some cannot – we are not all lecturers or teachers – that is fine. Some have young families and want to get home in the evenings – that is as should be. But there may be some who would like to see if taking part in education in the Inn is as rewarding as I believe it to be. Would they like to step forward, and, without immediate commitment, find out if training suits them?

Meanwhile, we must keep abreast of techniques developed elsewhere, by other Inns and in other jurisdictions. We may not wish to adopt them, but we may be able to learn from them. Finally, we can use the provision and sharing of education as a basis for forging bonds with other jurisdictions, welcoming them to the Inn and visiting them abroad. In difficult and sometimes dangerous times, the links and values of the common law world need such support as we can give them.

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Adrian Whitfield QC specialises in medical law and professional negligence. He is a founder member and former Head of 3 Serjeants' Inn. He was Treasurer in 2005.

In April the Inn hosted its first **Open Day** for sixth-form and university students. Over 250 students attended the half-day event which featured panels of speakers, demonstrations of mooting and advocacy training by Benchers, barristers and current MT students. The event was hugely successful and will be held for a full day on Saturday, 28 March 2009. If you are interested in helping with this or other education and training events, please contact Christa Richmond, Deputy Under Treasurer (Education) at [c.richmond@middletemple.org.uk](mailto:c.richmond@middletemple.org.uk) or ring on 020 7427 4800.

## MTSA

### Officers 2008-9



Joanna Tomkin, **President** of the Middle Temple Students' Association  
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#### **Vice President**

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#### **Treasurer**

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#### **College of Law Representative**

Farah El-Sbahi  
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## MIDDLE TEMPLE LIBRARY

## 50th Anniversary Celebrations

by Renae Satterley, Rare Books Librarian

**In November 2008 we celebrate the 50th anniversary of the re-opening of Middle Temple Library. To mark this anniversary, the library and archives have put together a small exhibition charting the history of the Victorian library, and its successor, built in 1958. The exhibition includes photos and archival materials, and will run from late September to December 2008.**

The first mention of a library at Middle Temple is in a 16th century record which states: “*that library by means that is stood always open...was at last robbed of all the bookes in it.*” The library was re-established in 1641 when Robert Ashley bestowed his own personal library to the Inn in his will. Since then, the library has been housed in various locations throughout the Inn. A reference in 1708 states: “*Here is a good Library near the back steps of the Hall, to which Sir Bartholomew Shore [i.e. Shower] and several others have contributed books ; it is open for all persons about six hours in a day.*” It is likely that this description refers to its location at the east end of the Hall, extending southwards along Middle Temple Lane; thus, the present library is located just adjacent to its original 18th century location.

### Mechanisation

The library remained in this location until 1824 when it was moved into the newly constructed addition to the south side of the Hall. It was housed in what is now the Parliament Chamber, and had a mezzanine running around the room to accommodate the shelving. *The Times*, in 1824, referred to the previous site as that “miserable dirty hole in which [the books] have long been concealed.”

By the mid-nineteenth century, the printing industry had introduced



*New library, with original chandeliers, 1958*

mechanisation, meaning that books were being produced in more volume and at much faster rates than was ever previously possible. There was a simultaneous explosion in legal

publishing and more books were being published in a broader range of subject matter. Consequently, within point where books were being shelved on (and under) the stairs!

The Inn considered building a new library on various sites, including the relatively small garden. This caused some concern to members and students who petitioned the Inn against building on the gardens. Luckily, by the time the architect, H.R. Abraham had completed his drawings, the Inn had purchased a parcel of land known as Essex Wharf which was located on what was then the riverfront (i.e. prior to the building of the Victorian embankment).

### The Victorian Library

Construction began in 1851. It was built in the Gothic style, was 96 feet long, 42 feet wide, and 70 feet high with a timbered roof of American pitch-pine which was treated with boiling oil; the floor was of Portland stone. It had a bay window giving a view over the Thames, and stained glass windows. It was completed in 1861 and officially opened by the Prince of Wales who had been called to the Bar and made a Bencher just prior to the ceremony. It was situated at the present location of the Queen Elizabeth buildings where its entrance stairway is still visible to this day.

The Victorian library was “damaged beyond repair” on December 8, 1940, a victim of Germany’s Blitz Campaign. The majority of books were removed to a country estate for safekeeping, but a small working library was maintained in the Common Room. Once the war (and more importantly the bombing) ended, a temporary library was built on the sites of Nos. 2 and 3 Brick Court and Essex Court, where all of the buildings had also been destroyed by bombing. This temporary library was opened on 21<sup>st</sup> November, 1946, by Her Majesty the Queen (later Queen

Elizabeth the Queen Mother).

The bombing of the Victorian library, although tragic, was not necessarily a great loss: the collections had once again outgrown their space, and the library was generally considered a dark and gloomy place to work. The new library, in contrast, designed by Sir Edward Maufe, the architect of Guildford Cathedral, was light, airy, and had ample space for growth. This is best evidenced by the fact that both the basement and loft were later converted and expanded to house more books and archives. In addition, Sir Edward deliberately designed the building to withstand potential future enemy action, and as such, is an incredibly strong and solid building.

It is a real pleasure to work in this modern library building, and the library staff hope that more members will come visit and use the library in the future. Although many believe that the internet has superseded libraries, this is not at all true, and Middle Temple Library continues to offer users a wide range of resources and services, and hopes to do so for another fifty years!



*The Victorian library was completed in 1861*

*Bomb damage to the Victorian library, 1940*



### New Acquisitions

We are grateful for the continuing generosity of members and others who have given copies of their work to the library - most recently Master Macdonald for *Immigration Law and Practice* (7th edition); Master Supperstone for his *Administrative Court Practice*; Master Morcom for the 3rd edition of *The Modern Law of Trademarks*; Stephen Mason for *International Electronic Evidence*; Master Ashe for *Render unto Caesar: Church property in Roman Catholic and Anglican Canon Law*, edited by Joseph Fox; Professor James Oldham for *English Common Law in the Age of Mansfield*; and Professor Rainer Wörlen for *Schuldrecht BT* (9th edition). The library now also subscribes to *Explanatory Notes to the Acts, 1999 – (shelved with Public General Acts)* and has been receiving *Explanatory Notes to the Bills* since November 2007.



# Our Trophy Gardeners

by Lord Kingsland, Master of the Garden

In March 2006 the Inner and Middle Temple decided to cease their long-established arrangement whereby the day-to-day work in the garden was carried out by a single gardening team employed by the Inner Temple. This decision was no reflection on the qualities of Les Ball, the then Head Gardener, who



had previously served in that role for the Marquis of Zetland and Lord Laing of Dunphail and came to us with a glowing reputation as an outstanding plantsman – and so he proved. Under his direction the Middle Temple garden won a number of certificates of excellence and trophies. Les officially retired in August 2007. However, differences recently emerged between the two Inns over a number of matters: in particular, the sharing of costs, the distribution of effort and, of growing significance, the diverging ways in

which the Inns exploited their gardens for commercial purposes and the planting and design implications that flowed from that fact.

Following the de-merger, the Gardening Committee appointed our new team in July 2007, Head Gardener Carolyn Dixon from New Zealand and Under Gardener, Olusanjo Williams, originally from Nigeria. They have got us off to an absolutely cracking start. Not only did they win the Worshipful Company of Gardeners Winter Colour Trophy, borne in triumph by Carolyn in the photograph, but we now hear that we have been chosen again by the Worshipful Company of Gardeners, this time winning the Best Large Garden in Central London Trophy. The trophy is also sponsored by the Corporation of London and was collected for us by Olusanjo Williams (known universally as Willy) from the Lord Mayor of London at the Mansion House on 30th September.

Carolyn's and Willy's success is all the more remarkable when we

consider just how intensive are the demands made upon them by Colin Davidson, our highly focussed Director of Catering & Marketing, in order to enhance the Inn's cash flow. Every time a tent is pitched on the lawn, or a film company parks its vehicles there, the team has to engage in an act of comprehensive resuscitation, often in time for a garden party in the following few days. Nor are the flower beds immune from these depredations. More than one reveller has been spotted prone amongst the heliotropes this year.

In acknowledging their achievement, we should also recall that Carolyn's and Willy's responsibilities are not just confined to the main garden, but also include Fountain Court and Elm Court. They may also be called upon to assist in nurturing the garden of the Master of the Temple. In making these awards, it goes without saying that the standard of maintenance was taken into account, in addition to the quality of design and planting. We

*The Lord Mayor, Master Stephen Lloyd, Olusanjo (Willy) Williams*



owe an immense debt to Carolyn and Willy for what they have achieved in this - it is so hard to believe - their first year. Their only problem is that they now have the daunting task of keeping up the standard!

Quite apart from the prizes, indeed, just as, if not more important, is the immense pleasure the Garden is giving to the members of the Inns, to the staff and, of course, to all the members of the general public, whether regular or occasional visitors. Thanks indeed are due to both Carolyn and Willy.



*Christine Cohen, Carolyn Dixon, Mishka Smurfit (Carolyn's daughter)*

*Photographs courtesy of P E Holland Photographic Services*

## Farewell to Peter Blair

by Under Treasurer

Peter Blair has been appointed as Chief Operating Officer at Field Fisher Waterhouse after nineteen years of devoted service to the Inn. Peter came to Middle Temple in January 1989 and was initially employed as Assistant Catering Manager. He was promoted to Systems Manager in the mid-1990s before being appointed as Deputy Under Treasurer in March 2001. At Parliament on 8 July 2008, Master Treasurer presented Peter with a crystal decanter with a hand-engraved silver collar. A farewell dinner at which Benchers and staff were present was held in his honour in the Parliament Chamber on 14 July 2008. We wish Peter every success in his new career and thank him for his outstanding service to the Inn.





# Burns' Night 2009

by Master Alistair Sharp

“Haste ye back!” is what I said at the last event in 2007 and all present in the wee small hours no doubt felt that that would be the next year in 2008. Sadly, it was not to be. “The best laid plans o’ mice and men gang oft agley” and just as the wee mousie had not planned to build her house in the path of the scythes of the harvesters, we did not anticipate that the events of 2008 would not leave room to commemorate the Bard with our usual festivities.

We therefore had a year of fallow. This has enabled me and our Committee to give some thought – with the assistance of the odd small dram – to the event in 2009. We have taken on board the views of many of our followers and supporters over the years. We have noted, in particular, how during the second half of the reeling when the dances became more complex, the floor became less crowded. Whereas for those experienced in the more sophisticated dances this may have enhanced the evening, for others it may have had the opposite effect. We have therefore decided to change the format slightly, but significantly.

We all owe a great debt of gratitude to the Highfield Band from the West Coast who has regularly played for us since we started celebrating Burns' Night many years ago; however, we feel that it is time for a change. This year we are to have the Frank Reid Scottish Dance

and Ceilidh band playing for us. They are said to be the best band in the UK. They played at the opening of “Four Weddings and a Funeral”. They play at all the major Scottish events in and around the South of England. A glance at their web site (simply Google them) gives an idea of not only their repertoire, but also their clientele. We were lucky to get them as their diary is packed.

I have discussed the format of the evening with Frank. He is happy to be as versatile as we wish. We plan to have a number of the old favourites that most people know well such as the Eightsome, Gay Gordons and Dashing White Sergeant, but also a number of ceilidh dances which can be picked up on the night with his caller. We can also have some of the more complicated dances for the experienced dancers, but these would be reduced to allow the ceilidh atmosphere to develop. The precise formula will be finalised nearer the date, but Frank assures me that such a programme is commonly being adopted at some of the more sophisticated events and is greatly enjoyed by all. I would welcome any comments and suggestions and also whether there is any renewed enthusiasm for “Master Sharp’s Dancing Classes” which some will recall as a light-hearted attempt to instil the basic steps and dances to initiates to the art. Please contact me



*Master Sharp and his daughter, Hannah*

via the Treasury.

We look forward to seeing old friends return and new friends join us for the reconstructed 2009 Burns' Night which promises to liven up the New Year after the despondencies of a credit crunch autumn.

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**BURNS' NIGHT – Saturday,  
31 January 2009**

Non-Dining tickets from £39 and Dining from £79 each (when bought as a group of 10) and will be on sale from the Treasury Office from 1 December 2008. Dress is Black Tie or kilt.

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**CLERKS' DINNER - Thursday, 19 March 2009**

It's that time again! Every five years Middle Temple organises a dinner for members to enable them to bring their clerks to dine in Hall. Each member is allowed to invite one clerk. Tickets are £65 per person. Bookings can be made from 15 January 2009. More details can be found on the Inn's website in due course.

## Middle Temple Lane – Lodgings

We have created three magnificent Lodging rooms which are full of character and are available for hire. They are located in No 3 Middle Temple Lane, a building which dates back to 1680 (the reign of Charles II) and which is a Grade II\* Listed Building. (Please note that because of the age and character of the building there is no lift and we are unable to provide wheelchair access.)

You do not need to be a member of Middle Temple to book the rooms, and bookings are taken up to six months in advance. Prices, including VAT are as follows:

Room	Per Night Mon - Fri	Per Night Sat – Sun	Special Rate Fri & Sat or Sat & Sun
1st Floor North	£80.00	£75.00	£140.00
2nd Floor North	£80.00	£75.00	£140.00
2nd Floor South	£95.00	£85.00	£160.00
2nd Floor Hire of Both Interconnected Rooms	£160.00	£140.00	£270.00

Each of the Lodgings has its own tea and coffee making facilities, an en-suite toilet & bathroom and a wall-mounted wide-screen television. All bedding and towels are provided. The rooms are carpeted and centrally heated during the winter months. The rooms on the Second Floor can interconnect and are therefore ideal for family bookings.

Photographs of the Lodgings can be viewed on the Inn's website at [http://www.middletemple.org.uk/Members/Overnight\\_Lodgings.html](http://www.middletemple.org.uk/Members/Overnight_Lodgings.html).

Terms and conditions apply in relation to making and cancelling bookings – full details are available upon request from our Treasury office. For further information or to book a room, please ring Sarah Hankinson on 020 7427 4810.

## Library Information

### Books on CD ROM

One of the computer terminals on the 3rd floor is now loaded with CD ROMs, including *Blackstone's Civil Practice*, *Civil Procedure* (the "White Book"), *Dymond's Capital Taxes*, *Family Court Practice*, *Gore Browne on Companies*, *Kelly's Draftsman*, *Stone's Justices' Manual* and *Palmer's Company Law*.

### Loans policy

For a trial period, overnight loans have been extended to include all current textbooks. They may be borrowed 30 minutes before closing time and are due for return by 10 am on the next day the library is open. Members of any Inn are welcome to use this facility on production of appropriate ID.

### Wi-Fi connection

By the end of the year the library will have wireless broadband to enable members to access the internet and email from their laptops.

### Opening hours

The current term-time opening hours are Monday to Thursday 9 am to 8 pm; Friday 9 am to 7 pm; Saturdays (29 November 2008, 17 January, 14 February, 14 March, 18 April, 16 May 2009) 10 am to 5 pm.

## BOOK LAUNCH, 26 NOVEMBER 2008

**MARY MAGDALENE** *The Woman whom Jesus Loved*

*"A beautifully written and scholarly account of one of history's most fascinating women."*

– Salley Vickers, author of *Miss Garnet's Angel* and *The Other Side of You*.

This new book by the Master of the Temple is available (£12.99) from the Treasury Office and the Temple Church (as well as from bookshops and Amazon). Members of



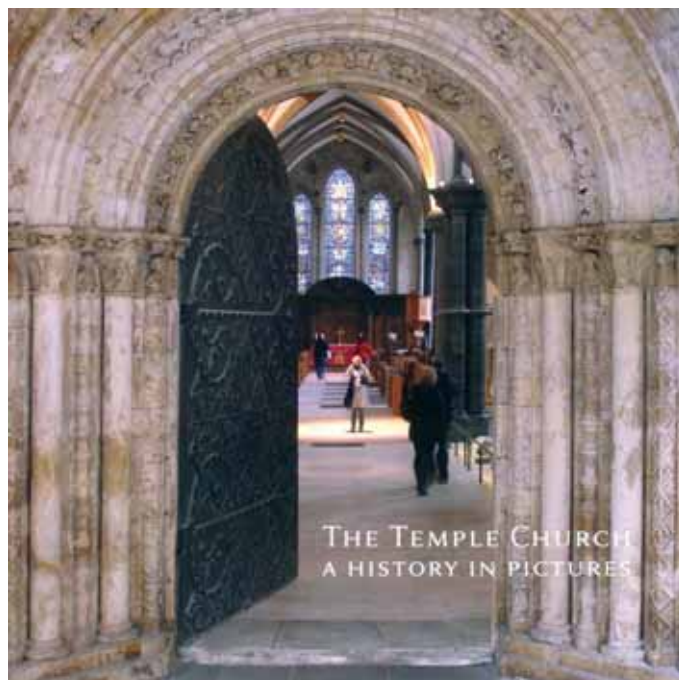
the Inn are most welcome to join Robin for the book's launch and for drinks in the Temple Church on Wednesday, 26 November from 6.00 - 7.30 pm. Robin will give a short illustrated talk on some of the most beautiful images of Mary Magdalene – by Donatello, Masaccio, Titian, etc – illustrated in his book. If you would like to attend, contact Henrietta Amodio [henrietta@templechurch.com](mailto:henrietta@templechurch.com) or 020 7353 8559

## THE TEMPLE CHURCH A HISTORY IN PICTURES

£10

To order your copy contact

Henrietta Amodio at the Temple Church





# INN EVENTS

## December 2008

Sunday, 1	Advent Carol Service in Temple Church
Thursday, 4	<b>2008 Gala Dinner</b> in the presence of HM Queen Margrethe II of Denmark
Monday, 8	Carol Service at the RCJ
Thursday, 11	Christmas Lunch I in Hall Revels
Friday, 12	Revels
Friday, 12-14	<b>Cumberland Lodge</b>
Sunday, 14	Carol Service I and Lunch in MT Hall; Nativity Play in Temple Church
Monday, 15	Carol Service II and Reception in MT Hall
Tuesday, 16	Christmas Lunch II in Hall
Friday, 19	MT Hall closes after Lunch

## January 2009

Monday, 5	MT Hall re-opens for Lunch
Monday, 12-23	Pupils' Course
Thursday, 15	Treasurer's Reception
Tuesday, 20-21	NPP Exercises (Criminal & Civil)
Thursday, 22	<b>Private Guest Night</b>
Saturday, 24	Cambridge MT Society Dinner at Clare College
Tuesday, 27	<b>All Inn Dining</b>
Friday, 30-1	<b>Northern Advocacy Weekend in York</b>
Saturday, 31	Burns' Night in MT Hall

## February 2009

Tuesday, 3	Training the Trainers
Saturday, 7	Training the Trainers
Sunday, 8	Congregational Lunch in MT Hall
Monday, 9-20	Pupils' Course
Tuesday, 17	<b>Reader's Feast</b>
Friday, 20	<b>Music Night: Humphrey Lyttelton Tribute Band</b>
Saturday, 21	<b>Ordinary Dining Night</b>
Saturday, 21-22	NPP Weekend at MT
Sunday, 22	Choral Mattins and <b>Sunday Lunch</b>
Monday, 23	<b>Education Day and Guest Lecture</b>

## March 2009

Monday, 2-4	Pupils' Short Course
Thursday, 5	<b>Private Guest Night</b>
Monday, 9	<b>Music Night: Jonathan Papp (Piano/Opera)</b>
Thursday, 12	<b>Call Day</b> (Dinner following Ceremony)
Friday, 13-15	<b>Cumberland Lodge</b>
Monday, 16-27	Pupils' Course
Thursday, 19	Clerks' Dinner (booking from 15 January)
Sunday, 22	Choral Mattins and <b>Sunday Lunch</b>
Monday, 23	<b>Education Day and Guest Lecture</b>
Saturday, 28	Education Open Day for Sixth-Form and University Students
Tuesday, 31	<b>Bench Call</b>

*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)**

To book Church events contact Henrietta Amodio  
020 7353 8559 or email [Henrietta@templechurch.com](mailto:Henrietta@templechurch.com)

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)

## MIDDLE TEMPLE SINGERS

Have you sung in a choir? Can you sight read music? We are recruiting for an *a capella* group of male and female voices to perform an eclectic repertoire in the Inn and sometimes outside. If you are interested in auditioning, e-mail Kakoly Pande on [kakolyp@hotmail.com](mailto:kakolyp@hotmail.com) or Master Arlidge on [anthony.arlidge@18rlc.co.uk](mailto:anthony.arlidge@18rlc.co.uk)