

Chapter One

COMETH THE HOUR, COMETH THE MAN

‘I DO HEREBY call you to the Bar and do publish you utter barrister.’

The Master Treasurer of the Honourable Society of Gray’s Inn took my outstretched hand, shook it limply, and turned to the next student.

Poor old buffer, not long for this world, I thought, as I made my way back to my seat, hot and uncomfortable in white tie and tails, and looking for all the world like a tailor’s dummy.

In spite of the heat and discomfort, I was barely able to contain my excitement. In those few short words, I had been transformed from chrysalis to butterfly.

A question fluttered briefly through my mind – cabbage white, or red admiral?

But I dismissed it. I had no doubts. The legal profession, one of the oldest and most revered in the civilised world, was about to be shaken to its very foundations. How I envied those whose good fortune it would be to instruct me in their cause, to fight the good fight and emerge triumphant or, *tant pis*, to be comforted in the knowledge that their life savings had been well spent.

Only dimly aware of the ritual unfolding around me, my thoughts wandered back to that fateful day when I had taken my first hesitant steps on the path towards a career at the Bar.

I was in the lower sixth at school when old ‘Tripod’ Biddle, the Head of Physics who also doubled as the Careers Master, had organised a Careers Day in the Great Hall. Various stalls were set out to promote suitable careers for the sons of gentlemen, and we washed around aimlessly in the best traditions of gormless adolescents without a single creative thought between us.

It must have been a depressing sight for all those old boys who had taken the time and trouble to sell their wares in return for drinks and lunch with the Headmaster and Governors.

I was about to resign myself to an agreeable life of debauchery when Tripod bounded over and took me gently by the arm.

‘Hello, Potts,’ he said. ‘Seen anything you fancy?’

‘Frankly, sir, not a lot.’

‘Then take my advice. If you can’t find a proper job, how about the law? According to Jean Giraudoux, there is no better way of exercising the imagination than the study of law. No poet ever interpreted nature as freely as a lawyer interprets the truth.’

He chuckled, and bounded off in search of another lost soul.

During the holidays, I mentioned my nascent interest to my father.

‘Splendid idea, my boy,’ he said, with an indulgent beam. ‘A good solicitor is the pillar of his community, and highly respected.’

‘Well... actually, I was thinking of becoming a barrister.’

‘Good God,’ he spluttered, the beam disappearing in an instant. ‘Whatever for? They’re pompous idiots in fancy dress, who talk the hind leg off a donkey and charge the earth for saying bugger all. What you need is a *proper* job.’

And that was his last word on the subject.

My father was an accountant, and rather good at it. He was senior partner in a long established City firm. Solid without being showy, it had probably been around in Scrooge’s time. Now in his mid-fifties, I imagined him as an older version of the man he had been in his mid-twenties – kind, measured in thought and speech, and also solid without being showy. He had joined the firm as a trainee, and, man and boy, had worked his way slowly and methodically to the top.

My mother, in contrast, had always been something of an orchid in a nettle bed, a delicate flower to be nurtured and cosseted. She had met my father in their late teens, and courted for years as they weighed up the options; two years after the nuptials, and carefully planned like a good balance sheet, I came along. My mother was an avid collector of Toby jugs, which she dotted around the house on every available surface, so it was no surprise that I was named after

her abiding passion. I was her only child – a difficult birth put paid to a repeat performance – but my father seemed content with his lot, and, as he was fond of reminding me, one child is so much more affordable.

Over the weeks and months following the Careers Day, I found my mind returning time and again to a mental picture of myself in a fetching horsehair wig, hands grasping the lapels of my barrister's gown for dramatic effect as I made some important speech or other to a rapt jury. It was a picture I found increasingly compelling; in fact, despite my father's strictures, my determination to qualify as a barrister surprised even me.

There are four Inns of Court dating back to the dawn of time – Lincoln's Inn, Inner Temple, Middle Temple and Gray's Inn, all nestling within hailing distance of the Royal Courts of Justice, and occupying a large slice of prime London real estate. Within their hallowed cloisters were ancient libraries, chapels, barristers' chambers, and huge dining halls festooned with the coats of arms of the Great and the Good. As I discovered, all aspiring barristers had to join one of the Inns of Court before they could be called to the Bar. I can't think why, but for me at least, Gray's was *primus inter pares*, and the most prestigious of the four.

As I was soon to discover, membership of an Inn entailed various bits and pieces of arcane ritual, one of which was that of dining in Hall. Before being called to the Bar, I had to dine formally a dozen times as a student member during my three years at University. I threw myself enthusiastically into this custom. I will never forget my first dinner. I had arrived early to soak up the atmosphere, and, as I walked into South Square, I stood for a few moments gazing up in wonder at the Georgian façades, behind which I pictured learned counsel poring over grave and weighty opinions as they prepared for their next High Court appearance. This was the stuff of which dreams were made, and I was soon to be a part of it.

As the Hall doors were open, I made my way inside and was intercepted by the Under Butler who, judging from the expression on his face, took me for a tourist.

‘May I help you, sir?’

‘I’m here to dine,’ I replied, feeling rather grand.

‘Not without a gown, sir.’ His manner was dismissive.

Following his directions, I made my way to the cloakroom, grabbed the first gown that came to hand and returned, chastened but unbowed, to join the queue that had formed in my absence. As I waited, the Head Butler, resplendent in a purple frockcoat trimmed with gold braid and important enough to be addressed in Capital Letters, caught my eye and walked smartly over.

‘Kindly follow me, sir,’ he said, plucking me from relative obscurity as he began to escort me to the top table. Flattered as I was by his attentions, I had a mounting sense of foreboding as all eyes followed my progress the length of the Hall, or so it seemed to me.

‘May I enquire when you were called, sir?’ he asked as we reached the top table. I felt the blood rushing to my cheeks.

‘I think there’s been some mistake,’ I stammered foolishly, ‘I’m a student member.’

‘A *student* member?’ he repeated, doing a passable impression of Lady Bracknell. ‘Then pray tell me why you are wearing a barrister’s gown?’

I was escorted back the length of Hall like some common criminal, hoping the ground would open and swallow me up. The cloakroom attendant, too little too late, helped me select an inferior student’s gown, and I was eventually seated on the bottom table near the door where the Head Butler could keep an eye on me. I had already been branded a troublemaker, but there was worse to come.

I had barely recovered my composure when three loud bangs of the gavel brought us all to our feet. A pair of ancient doors swung open behind the top table, and a parade of octogenarians filed slowly into Hall.

‘Who are they?’ I whispered in a spirit of enquiry.

‘Benchers,’ replied the know-all to my right. ‘Retired judges and barristers who’ve long since passed their sell-by-date and who sit around all day drinking port and waiting to die.’

After grace – in Latin, *nimirum* – everybody sat back down again and the meal was served. As ill luck would have it, I found myself seated as head of my Mess. Each Mess consisted of four students, and in front of me was placed a sheet of paper. On this I was required to list the names of the other three students who formed my Mess, as well as the names of the four students above me forming the Upper Mess, and the names of the four students below me who formed the Lower Mess. At an appropriate moment, somewhere between the brown Windsor soup and the lamb cutlet, I had to ask permission of the Head of the Upper Mess to toast their Mess, each and every one by name, but not before each and every one had toasted each and everyone else in my Mess, and then repeat the performance with the Lower Mess. The Upper and Lower Messes would then toast each other and then my Mess in return. In this way, we all drank a lot of wine and ate precious little of the rapidly congealing cutlet.

After dinner, there was to be a debate in Hall and, once the octogenarians had tottered out to their decanters of port, I sat back exhausted to await the evening's entertainment. The President of the Debating Society introduced the speakers and then turned to the motion.

'The motion for tonight's debate,' he announced over the hubbub of conversation, 'is that this House deplores sexual discrimination at the Bar, and I now call upon Clarissa McCarthy to speak in favour of the motion.'

A big girl with pursed lips and hair in a tight bun rose heavily to her feet.

'Gerr'em off!' bellowed some lout at the back, to roars of approval from his male companions.

'Male chauvinist pigs!' McCarthy bellowed back. 'And you know the one thing pigs are good for? Woffal!'

There were roars of approval from the females present, and as insults were traded across the floor the debate rapidly degenerated into farce. So much for the cut and thrust of rapier-like wit. I stuck it out to the bitter end and then, just before ten, the Under Butler mercifully brought the evening to an end by turning off the lights. It

was a memorable introduction to the arcane ceremony of dining in Hall.

The gavel shook me out of my reverie as we rose noisily to our feet.

‘Members of Hall,’ intoned the Master Treasurer, ‘the toast is Domus.’

This was the first of many toasts at many dinners that had us up and down like a pair of tart’s knickers. We toasted each other, Gray’s Inn and Good Queen Bess, got drunk on port, sang songs and did various silly things as we rang down the curtain on our student years.

Chapter Two

THE SEARCH FOR PUPILLAGE

AFTER AN AGREEABLY long summer vacation – too long, by several weeks, for my father’s liking – I began the search for pupillage.

In common with all aspiring barristers, I had to undertake this glorified, year-long apprenticeship under the eye, watchful or otherwise, of a practising pupil master, whom I would follow round like a faithful lapdog. He, in turn, would show me the ropes and smooth my passage to fame and fortune. I had no right of audience – to speak in court – for the first six months, so this was a time of eating idle bread, much to my father’s displeasure. But, in my second six months, I could stand on my feet as a real grown up barrister, or so I hoped, and if all went well, a tenancy – a permanent seat in Chambers – beckoned, and with it the big time.

As I boasted no legal background or connections, I had to start from scratch.

Gray’s Inn, forward thinking as ever, had appointed a Master of Students, whose task it was to place newly-qualified members with suitable pupil masters. The Bencher who had drawn the short straw had had a distinguished career at the Chancery Bar, poring over the complexities of corporate insolvency, intellectual property and Trusts, and was now seeing out his twilight years on the High Court Bench, so he was right at the cutting edge of youth culture.

I made an appointment to see him.

‘And have you chosen your field of specialisation?’ he asked with no visible sign of enthusiasm, as he peered through his half-moon spectacles at my application form.

‘Yes, Master, I’d like to specialise in crime.’

‘Good God,’ he said, recoiling as though at the sight of something unpleasant. ‘Whatever for?’

‘I rather fancy the cut and thrust of advocacy,’ I replied brightly. ‘Defending the innocent, the down-trodden, the oppressed, holding high the sword of...’

‘Yes, yes, quite so,’ he interrupted, rather testily, ‘although, in my experience, they’re all as guilty as sin. I’ll do what I can, but frankly I don’t know any criminal barristers, so let patience be your watchword. They also serve who only stand and, er, wait. If it was good enough for Milton, it’s good enough for you.’

Not an auspicious start.

My name was duly entered on the Register; after what seemed like an eternity, I received a letter inviting me to meet one Ronald Berger in his Chambers in the Temple, promptly at nine in the forenoon, with a view to a possible pupillage.

I arrived with ten minutes to spare, found Hare Court after a number of false starts, and marched purposefully up the stairs to the clerks’ room.

Hare Court, unlike many parts of the Temple, had been spared the worst excesses of the Blitz and remained as a lasting testament to late Georgian/early Victorian architecture. Stone floors and stairs, off-white tiles and cast iron balustrades were as they had been when Hare Court opened for business all those years ago. It all looked and smelled like a converted public lavatory.

There were three clerks serving the best interests of twenty barristers, seated in a cold and cheerless room at desks which mirrored their seniority and importance. After establishing my credentials, I wedged himself between two antediluvian filing cabinets to await my prospective pupil master’s pleasure.

At a quarter past nine, the senior clerk interrupted his call to his bookmaker and glanced towards me. ‘Mr Berger will see you now,’ he sniffed. ‘Jason will show you to his room.’

Jason was a 16-year-old youth with tea-stained hands who had his foot on the first rung of the ladder, and whilst waiting for the call to come on up he had to content himself with the role of Chambers

gopher. Every chambers had one: they were like mascots, though some were luckier than others. I followed him along a gloomy corridor to a back room, which Berger shared with two others.

Seated behind a tiny desk was a grey-haired man of advancing years and diminutive stature with pink, well-scrubbed features and a large pair of gold-rimmed spectacles. Judging from the substantial deposits, dandruff was a major problem, but one which, with commendable fortitude, he had chosen to ignore. He was dressed in pinstripe trousers, worn permanently at half-mast, a black waistcoat and jacket, and cut a somewhat Dickensian figure, with overtones of Uriah Heap.

I had to admit that my first impressions of Berger and his Chambers fell far short of what I'd imagined, and the pervading air of seediness was a serious depressant. But then, as this was the first criminal barrister I'd ever met, perhaps they were all like that?

'Thank you, Jason,' said Berger in a high-pitched voice, as the youth retired. 'You must be Potts.' Sharp as a sausage. 'And you're looking for a pupillage in crime?'

My first inclination was to deny any such ambition and return, cap-in-hand, to the Master of Students for an in-depth reappraisal, but that would have been defeatist, and pupil masters, good, bad or indifferent, were hard to come by.

'Yes, indeed,' I replied, with as much enthusiasm as I could muster in the circumstances.

'Good, good,' he nodded, clasping his small, chubby hands over his ample stomach. 'If you'd like to start on Monday, phone the clerks and they'll tell you where to find me.' He stood up and consulted his watch, rather like the White Rabbit in *Alice in Wonderland*. 'Now I must be on my way or I'll be late for court.' And so saying, he gathered his wits and papers, not necessarily in that order, and scurried off.

The interview was over; in those few short minutes, I had wed myself to a complete stranger for the next six months.

In reflective mood, I made my way slowly up Chancery Lane to Ede & Ravenscroft, Robemakers to the profession since 1683. Like a Matador donning his Suit of Lights, I was transformed from head to toe by an unctuous assistant smelling strongly of mothballs.

The list of apparel, like the bill, was enormous. Two pairs of pinstriped trousers, two black jackets with matching waistcoats, six white collarless shirts, six white starched day collars, six white, starched wing-collars for court, six white pairs of bands to wear around my neck when appearing in court, two sets of collar studs, one barrister's gown and, finally, one snowy white wig with personalised box which had to be specially ordered and would take at least three weeks to arrive.



ONE LAST STOP before returning home to prepare my father for the shock of paying for all of this was Butterworth's Law Bookshop in Bell Yard, where I purchased the latest edition of *Archbold*, the criminal practitioner's bible and an indispensable tool for the successful advocate. Booted, kitted and spurred, I was ready to do battle.

Unfortunately, I was at home when the bills hit the door mat, and my father hit the roof.

'Good God, Toby!' he spluttered, doing the mental arithmetic as a man of numbers does. 'This is more than I earned in the whole of my first year as an accountant!'

'Well, that was a long time ago, father,' I replied lamely. 'And besides, as a barrister, I must look the part.' He looked thoroughly unconvinced, not to say fuming, so I added hastily, 'I'll pay you back, of course, once I'm established. Perhaps you can look on it as an investment in my future.'

'Future what, is more to the point!' he said. 'If only you'd taken my advice and become a solicitor. Look at this!' He stabbed his finger at the bill from Ede & Ravenscroft. 'Five hundred pounds for a wig, and a further three hundred pounds for a box to keep it in! Why on earth do you need a wig box? To stop it escaping I suppose!'

'Well...'

'And one hundred and fifty guineas for a gown! So by my calculations' – he was seldom wrong in these matters – 'your fancy

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dress is costing me five hundred guineas, and all for the privilege of talking the hind leg off a donkey. And that's assuming,' he added, witheringly, 'you get the chance!'

'It'll all come right, I assure you, so...'

'And from what you tell me, for the first six months, you won't earn a penny! It beggars belief!'

Mercifully, my mother came to my rescue, as mothers are wont.

'Don't be so mean, George,' she said. 'Toby has to look the part, and I'm sure he'll look an absolute poppet in his wig and gown.' She smiled encouragingly. 'I can't wait to see you in action. We'll both be so proud!'

'Don't hold your breath, dear,' said my father, though he was a beaten man. 'You'll have to wait a good six months, if not longer, and, who knows, by that time poppet here may want a whole new outfit!'

As somebody said, and it wasn't my father, you can't put a price on success.