

A Week in Legal London:

One Lawyer's Love Affair

By Lawrence E. Biegel



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My love affair with the British legal system began one afternoon in 1999. My family was returning to the States from a wedding in Scotland and had a long day to kill in London before our

flight home. My wife and son made the decision to tour the Tower of London. For me, I had always wanted to visit the Old Bailey; a

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fascination borne of watching the memorable movie, “Witness for the Prosecution.” It was an afternoon well spent; watching a murder trial, observing that counsel and judge wore wigs, attorneys spoke with incredible erudition and precise diction, and jurors appeared to be a mélange of home grown Brits and immigrants. Suffice to say, I was smitten with what I saw.

In 2004, I registered for the Litigation Section’s A Week in Legal London (WILL) program to get a more in-depth view of the British legal system. Boy, did I ever get up close and personal. WILL has a protocol where groups rotate between the various courts in London, e.g. the Royal Courts of Justice, the Old Bailey, the various Crown Courts and the Supreme Court. On the day my group visited “the Bailey,” after watching a dramatic murder case being tried in the morning, I had lunch in the “Barristers’ Mess”, a dining hall for lawyers with business in the building. During that lunch, I met Andrew Bright, a barrister defending another murder case. Before I knew what had happened, that innocent lunchtime conversation morphed into an invitation from HHJ (His Honour Judge) Brian Barker to sit at counsel table with Andrew as he defended a man accused of running over his girlfriend with her own vehicle. I came to regard that case as “Murder by Mercedes.”

Based on the amazing experiences I had in 2004, I volunteered to become a part of the steering committee of the WILL program.

The Week in Legal London program organizers divide up the delegates into smaller groups of ten each. One of the organizing committee members serves as the group leader or guide to the various venues and programs during the week. The groups attend court sessions, commencing with an opening session where The Right Honourable Lord

Chief Justice of England and Wales gives a welcoming speech and explains some of the differences between our two systems. Besides the court visits, the groups dine at the four Inns of Court (Inner Temple, Middle Temple, Lincoln’s Inn and Gray’s Inn) and are treated to a series of educational MCLE programs which, in total, supply almost three full years of credit for compliance with State Bar requirements. In addition, there is a Guest Program for the spouses and other non-lawyers.

Simply said, the 2017 program was the best I have seen and bodes well for future programs, particularly for the upcoming 2019 program. Here’s why.

— The Moot —

Our steering committee had long ago tried to arrange with one of the Inns of Court to hold a moot where a British team would challenge their American counterparts in arguing an interesting appellate issue. In 2017, not only were we finally able to arrange such a competition, but the subject matter was exquisite.

We selected the fact pattern in *Lee v. Ashers Bakery Company, Ltd.*, a case arising in Belfast, involving a bakery that refused to



bake a cake for a gay customer requesting a “gay pride” slogan be made part of the decoration. The bakery clerk accepted the order, but the owners declined to provide the cake and politely told the customer to return to the shop for a refund of his money. The owners claimed it was against their religious beliefs to make any affirmations as to gay pride.

The case’s argument was held in Belfast in in the Supreme Court of England and Wales on May 1st and 2nd and the decision, like the one in our United States Supreme Court, is pending. *Ashers Bakery* was the apparent precursor to the *Masterpiece Cakeshop* case argued before the United States Supreme Court in December 2017 (decision pending).

In planning this program, our committee worked with the Bar Council of England and Wales, the governing authority for barristers in the United Kingdom. They co-sponsored

Bar. Thomas Greene, a San Francisco attorney with the Antitrust Division of the United States Department of Justice argued for the respondents. Tom was joined by Westlake Village litigator, Michael Justice. Pictures of the event show both the British and American attendees totally absorbed in the arguments.

— Barrister For a Day —

The 2017 edition of WILL saw the debut of a new element of the program, “Barrister for a Day.” Much like my “up close and personal” experience in 2004 with Judge Barker and Andrew Bright, our organizing committee tried to pair some of our delegates with barristers who practice in the same general area. The idea was for our members to meet up with the selected barrister at his or her chambers in the early morning, get briefed on the court cases for the day, and follow the barrister into the court proceedings.



the event along with Inner Temple. The ornate Inner Temple Hall was filled almost to capacity. We were lucky enough to have one of the actual lawyers for Ashers Bakery argue the case for the appellants along with an outstanding appellate specialist from the London

— Visit To St. Albans Crown Court —

Because our organizing committee has, over the years, made contacts with prominent members of the British legal community, each trip has opened up new venues and opportunities. Andrew Bright, the barrister I met in

2004, was elevated to the bench as a Circuit Judge (analogous to a Superior Court judge in California) and later became the presiding judge at the Crown Court in St. Albans, a town dating back to the Romans and located 25 miles from London. Since 2011, Judge Bright has invited our attendees to visit his court and have the experience of sitting on the bench during court proceedings. From that unique vantage point, we enjoy the closest look at criminal justice in the United Kingdom that anyone could possibly have.



— **A Day At The Old Bailey** —

The Central Criminal Court, called by its popular name as the “Old Bailey” is, in British judicial hierarchy, just another of the Crown Courts like St. Albans. That categorization is like saying the Super Bowl is just another football game.

Passing through the Lord Mayor’s Gate in the rear of the courthouse, we were ushered upstairs to the chambers of Judge Michael Topalski. Judge Topalski was presiding over a trial where a husband was charged with the murder of his soon to be ex-wife. According to the prosecution’s theory, the

defendant cut the victim’s throat while holding her tightly from behind. The defense claimed that the defendant was only acting out of self-defense after the victim attacked him and their nine-year-old daughter with a knife. We were escorted into the courtroom and sat in a box directly opposite the jury box and witness stand. The ensuing defendant and medical examiner testimony and cross examination was riveting and highly instructional for our litigator attendees.

— **Visit To The Supreme Court Of The United Kingdom** —

On the Wednesday of each WILL trip, it has become a tradition to visit the Supreme Court, on Parliament Square, across from Westminster Abbey. The concept of a supreme court in the United Kingdom is relatively new. Before 2009, the highest judicial tribunal had resided in a committee in the House of Lords. But with the Constitutional Reform Act of 2005, this new high court was created with 12 judges, one of whom was designated as President and one of whom was designated as Deputy President.

After proceeding to the main courtroom,



where a local photographer took a group portrait, we were ushered to a large conference room where we are treated to a Q&A session with the then Deputy President of the Court, Lady Brenda Hale, the Baroness of Richmond. She spoke candidly about the issues of the day. Later in 2017, Lady Hale assumed the position of President of the Supreme Court, the first female to hold that office.

— **MCLE Programs** —

The organizing committee, working with the State Bar, offers MCLE programs to the attendees during the week in London.

Perhaps the most interesting and well received MCLE program in the 2017 trip was “Bringing Technology to the Courtroom.” For that program, the organizing committee partnered with the Bar Council and the Commercial Bar Association of the United Kingdom and Wales. We assembled a panel including HHJ Stephen Phillips, a prominent judge in the London Commercial Court, and two outstanding QC litigators, Zoe Sullivan and David Quest, to discuss how to handle the enormous volume of workflow that accompanies major commercial litigation.

We were also lucky to partner with Opus 2 International, the company that pioneered the technology behind “Live Note” (sold to Thompson-Reuters) and which had

developed a new software package titled “Magnum,” created to bring together all the components involved in case preparation and presentation, facilitating paperless court hearings for the first time. Magnum enables legal teams to work collaboratively on document sets regardless of their physical location, delivering efficiencies and cost savings. In the U.S., the technology is licensed to law firms and used for deposition preparation as well as trial preparation and is being rapidly adopted by the AM Law 200 as firms increasingly look to embrace collaborative, cloud-based technologies.

— **The Guest Program** —

Recognizing the appeal of the London destination, WILL features a menu of options for our participant’s spouses and guests. The guest program featured an array of activities: hands-on macaroon and chocolate truffle making classes; a day in Paris via the Chunnel; learning to make custom perfume followed by high tea at Fortnum & Mason; and a trip to an Oxfordshire estate to learn the basics of falconry and sporting clays.



— **The Gala Dinner** —
At The House Of Lords

Through a friend of a friend, one of the members of our organizing committee was

introduced to James Wallace, more formally known as Baron Wallace of Tankerness, a member of the House of Lords. Jim Wallace is a proud Scot and formerly was an MP in both the U.K. and Scottish Parliaments. In 2007, he was made a life peer and ascended to the House of Lords. Jim agreed to host our 2013 delegation at a gala dinner at the Peers Dining Hall inside the Palace of Westminster. That tradition continued in both 2015 and 2017.

To say these dinners are spectacular would be a vast understatement. After entering the vast Westminster Hall, we are given a tour of the House of Commons and House of Lords, then led to a large salon for a pre-dinner reception. Invitations to this gala event are not limited to just WILL participants. We invite many colleagues in the British legal community who we have met during the week and who helped put on our MCLE programs or who hosted events at their chambers. Dinner is a multi-course meal, with a brief address by Lord Wallace and a respectful toast “to the Queen.”

— 2019 Legal Week — In London Program

Our steering committee is already hard at work planning the next edition of the WILL program. It is scheduled to take place, not in the usual Spring time slot, but commencing on September 29, 2019, so that our participants can take part in the many events commemorating the Opening of the Legal Year in London. This change will allow both past and new attendees a chance to see the pageantry surrounding this once-a-year event.

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