

Book Review

A DRINK AT THE BAR¹

by Graham Boal QC

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1 Inscrutability has long been part of the lore, if not reputation, of judges. As more and more judges reveal themselves in their memoirs and autobiographies, judicial character and attributes come under wider and deeper scrutiny. Their books are, of course, more than just a revelation of the judges' private lives and thoughts. They serve as inspiration in equal measure as revelation. Baroness Hale's *Spider Woman*² is a recent example. Graham Boal QC's *A Drink at the Bar*, published in the same year, is another.

2 *Spider Woman* reads like a fairy tale; *A Drink at the Bar* is a little different, although both books are inspiring at many levels. Boal's book plumbs a level that seems like one from Dante's *Inferno*. That is the episode in his life in which he realised that he had become an alcoholic. That he had passed it and spent the next 28 years without drinking a drop of alcohol has added a special dimension to books on judges' lives – it is a reminder, if not revelation, that judges are human.

3 Graham Boal, by his own admission, did not shine academically, “nor indeed in any other way, unless it was on a tennis court as a result of sustained coaching”.³ Nonetheless, he received good advice and went to study law at King's College London; this would be near the Temple, where he was eventually admitted into Gray's Inn as a barrister. Through the connections of his personal tutor, Jimmy Wellwood, he was taken in as a pupil to Roger Frisby, a tenant in the chambers of William Howard QC in the Inner Temple – after paying Roger Frisby the customary fee of fifty guineas (worth about £50 in modern times). Frisby took silk shortly after Boal's pupillage with him.

4 In the early chapters of this book, Boal recalls his life as a pupil, and, more importantly, for the present-day lawyers, the customs

1 Quiller, 2021.

2 Bodley Head, 2021.

3 Graham Boal QC, *A Drink at the Bar* (Quiller, 2021) at p 18.

and practices at the Bar during the “Swinging Sixties”. He explains why Queen’s Counsel (spelt without the “s” even in the plural) are called “Silks”, and what a “certificate for two counsel” means. Young lawyers will be comforted that a member of the English Bar, who is as prominent as Boal QC, had struggled as he did when he was a pupil, taking great satisfaction just to see chunks of his drafts incorporated in his pupil-master’s submissions.

5 The pupillage system is a system of master and apprentice, and so, in order that the apprentice is taught the craft of his master:⁴

[The] pupil follows his master everywhere, and is not excluded from any aspect of his practice. He sits in his room preparing cases with him; he attends ‘conferences’ (meetings with professional and lay clients; when prosecuting, including the police officers in charge of the case); he goes into court with him, where he keeps a note of the evidence for him; after court goes back to chambers with him to mull over that day’s proceedings and prepare for the next.

6 Each of the chambers in the Inns of Court is run by a senior clerk, acting as the chief clerk. The senior clerk at William Howard’s chambers was “Diana”, affectionately known as “The Duchess”. The chief clerk’s job “in a successful set of chambers was jealously guarded, and tended to be passed from father to son in a way that would have made freemasonry look open and above board”.⁵

7 In the split profession of the United Kingdom, once a pupil becomes a barrister, upon successful pupillage, he has to find himself a tenancy in the chambers of a leading counsel in any one of the Inns of Court. A barrister is self-employed. Boal was offered tenancy at William Howard’s chambers. Queen’s Counsel tend to have a few big cases to their names. Howard QC represented one of the perpetrators in the “Great Train Robbery”, just as Boal was led by George Carman QC in the Jeremy Thorpe “Trial of the Century”.⁶ Good counsel will often have many memorable cases, and Boal recalls representing Ronnie and Reggie – the infamous “Kray Brothers” – and many more are referred to in this book, but the one he probably counted as his most memorable would be the one where he acted as George Carman QC’s junior in the “Trial of the Century”.

4 Graham Boal QC, *A Drink at the Bar* (Quiller, 2021) at p 29.

5 Graham Boal QC, *A Drink at the Bar* (Quiller, 2021) at p 26.

6 John Preston, *A Very English Scandal* (Penguin Random House, 2016); Thomas Grant, *Court Number One: The Old Bailey Trials that Defined Modern Britain* (John Murray, 2020) ch 9.

8 Thorpe was the leader of the Liberal Party at the time and rumoured to be offered the job of Foreign Secretary by Prime Minister Edward Heath – until he was charged with others in a conspiracy to murder Norman Scott, with whom Thorpe was said to have had a homosexual affair. In brief, Peter Bessel, a Liberal MP, claimed that Thorpe made it clear he wanted Scott dead. Bessel then told David Holmes, a Liberal supporter, who then contacted a businessman, John Le Mesurier, who in turn contacted George Deakin, the man “with shady contacts”. Deakin engaged Andrew Newton as the hitman. Andrew drove Scott and Rinka, Scott’s Great Dane, to a moor. Only Rinka was shot and killed.

9 The trial saw an array of fine Silk. George Carman QC represented Thorpe, John Matthew QC represented Holmes, Denis Cowley QC represented Le Mesurier, and Gareth Williams QC represented Deakin. Bessel and Newton were not tried – the police wrongly thought that Newton was dead. The skill and courtcraft of Carman are best described in Boal’s own words. After Cantley J, the judge of the trial, had taken his place, he commenced proceedings in the usual way – “Yes, Mr Carman?”. “George rose to his feet to confront the witness across the court. For the next two-and-a-half days I sat spell-bound, completely mesmerised by what is best described as an Oscar-winning performance.”⁷

10 Much can be gleaned by lawyer and judge in the chapter on the Thorpe trial. Some blame the judge for Thorpe’s acquittal by the jury, but as Boal pointed out, of all the critics, only Auberon Waugh was present throughout the trial. Boal explains the functions of the judge when he sums up a case for the jury:⁸

A judge is not just a referee, sitting on the bench with a metaphorical whistle ... He is there, of course, to make sure that the rules are obeyed: That is his primary function up to the moment of his summing-up. But the summing-up must itself incorporate two distinct functions; first he must direct the jury on the law as it affects the case, and direct them on the elements of the offence(s) they must find established before they can convict; and secondly, he must review the evidence, in order to remind them of the salient parts of it, and help the jury arrive at their decision.

11 Boal joined Carman in several more cases after that, including a big chancery case, the subject of which Boal initially knew nothing about but had the good sense of consulting a leading chancery lawyer, Richard Scott QC, later, Lord Scott in the House of Lords. Boal recounts, “under Richard’s tutelage, I became, in the course of a couple of hours, one of

7 Graham Boal QC, *A Drink at the Bar* (Quiller, 2021) at p 111.

8 Graham Boal QC, *A Drink at the Bar* (Quiller, 2021) at p 128.

the world's leading experts on the second exception [to the rule in *Foss v Harbottle*]"⁹

12 The book meanders seamlessly from more cases to the merging of two sets of chambers, into one with seven Queen's Counsel and 42 juniors in 1982, to Boal's appointment as Senior Treasury Counsel in 1985. He led the prosecution in 1990 when the case against the famous "Birmingham Six" was reopened for the second time.¹⁰ Boal's account of this case in the chapter entitled, "The Poisoned Chalice" is illuminating, and serves as a reminder that cases end on the findings of what the courts regard as satisfactory evidence, but in some cases, the truth remains out there somewhere.

13 The last segments of this book concern the period from 1993, when Boal took silk and became a Queen's Counsel, to his appointment to as a judge in the Old Bailey in 1996, and finally, to his retirement in 2006. It was after taking silk that Boal struggled with alcohol addiction. He took time off to recover and was able to be free of any episode of serious depression when he was on the Bench. He attributed that to the fact that there was less stress as judge than as counsel. His greatest stress as a judge probably came from an ill-fated speech he made at a Bar Council dinner in 1999. For obvious reasons he thought it prudent not to repeat any of it in the book, but he recalls that the headline in the *Daily Mail* was: "The jocular judge who blundered into a quip too far".¹¹

14 By nature and by training, a judge is generally loath to talk about his role and achievement as a judge. Boal is no exception in this regard. Nonetheless, we have enough of his recollections to gain an insight into the life of a judge in the Old Bailey. The following is in his own words:¹²

What sort of a judge am I? I am the last person who could answer that question. I would imagine that every judge would like to be thought of as 'firm but fair'; I would hope that I came somewhere near that description. What I did try to bring to the court was an atmosphere in which everyone knew that they were expected to observe all the etiquette appropriate to the solemnity of the occasion, but to be as relaxed as possible, and not to leave a sense of humour outside the door of the court.

15 Boal says that in recent years, there have been increasing pressures to have minimum as well as maximum sentences. He is against

9 Graham Boal QC, *A Drink at the Bar* (Quiller, 2021) at p 140.

10 Graham Boal QC, *A Drink at the Bar* (Quiller, 2021) at p 198.

11 Graham Boal QC, *A Drink at the Bar* (Quiller, 2021) at p 264.

12 Graham Boal QC, *A Drink at the Bar* (Quiller, 2021) at p 238.

such innovation because they can create injustice, and, in any event, “unduly lenient sentences can be rectified by the Court of Appeal”.¹³

16 In spite of his personal problems, the only dour note Boal has cast in his book is the lamentation that the criminal legal system is greatly in need of funding. He quoted remarks by a senior barrister and a junior one in support of his views on this. The junior barrister says, “we are overworked, despondent, and there is a steady flow of us leaving the criminal Bar”.¹⁴

17 The book ends as it should, with the author’s revelation as to why he wrote this book. The first reason is to recount his halcyon days at the Bar, days which he says are now gone, but he hopes, not gone forever. He hopes that his memoir may restore some aspects of those days. The second reason is to record his struggle to cope with, and eventually overcome, addiction and depression: “I believe that there may be many in my profession who have faced the same demons, and many who do so today ... perhaps my story may provide a bit of hope to someone, somewhere.”¹⁵

13 Graham Boal QC, *A Drink at the Bar* (Quiller, 2021) at p 240.

14 Graham Boal QC, *A Drink at the Bar* (Quiller, 2021) at p 281.

15 Graham Boal QC, *A Drink at the Bar* (Quiller, 2021) at p 284.