

IN CELEBRATION OF KBW'S 70TH ANNIVERSARY

He was “a kind and able man of complete integrity As an advocate (there) were no histrionics. He was always very well-prepared, courteous, logical and thorough.”

This was how the founder of KBW, Sir George Waller, was described at his memorial service in 1999. The speaker continued: “As a lawyer, George was cautious, but he had an active and liberal mind, which was never afraid to give a new concept a chance.”

The words belong to Sir Paul Kennedy, a former fellow tenant at KBW, who by that time was serving as vice president of the Queen's Bench Division.

Back in 1954, when George Waller was appointed silk, he had been practising from 51 Westgate Rd. in Newcastle upon Tyne. In those days, if an applicant for silk came from provincial chambers, he – and in those days, it was almost invariably he - was required to give an undertaking to the Lord Chancellor that, if successful, he would have chambers in London.

Most new silks joined existing London chambers. However, George took the bold step of opening his own. Leasing from the Inner Temple rooms at no. 11 King's Bench Walk, he was canny enough to bring with him his Newcastle clerk, John Brown. Each had served as Wing Commanders in the 2nd World War and they had proved an attractive, even formidable combination. In due course, John Cobb was to join them and he was followed by David Savill. History was to reveal this triumvirate to be our first three heads of chambers – but in the tight confines of that first floor of no.11, on the south side, there was still room to spare for Paul Kennedy, and then Peter Taylor when he in turn took silk out of Newcastle. There were many more able tenants in those early years, and they were in due course to be complemented by Franz Muller and Andrew Robertson before the arrival of David Brooke; these last three formed the next triumvirate – six heads who have taken us through our first three score years and ten, from 1954 to the present day.

I could write tomes about the achievements of each of these six, and indeed of Brown, as he was known throughout the Temple and the North Eastern Circuit. I could write more about both Peter and Paul and their cohorts, many of whom had the most distinguished of careers. But I want to focus on the values of our founder, “this kind and able man, of complete integrity” who had taken such an innovative step.

At the bar, George was instructed in the most demanding of cases. He quietly impressed all those who came within his orbit; one of those was His Honour Robert Taylor, the Circuit Remembrancer, who has greatly assisted my research, and who in 1961 did part of his pupillage with John Cobb. George was still then Head of Chambers (HoC) and Robert tells me that he admired him greatly. Reports suggest that, whilst remaining equable, George did not balk at standing up to judges, not least in the Court of Appeal, when he felt he was not being heard.

Once on the bench himself, and as Presiding Judge of our Circuit, George was entrusted with the notorious corruption case involving, among others, the architect John Poulson and the civil servant George Pottinger. The trial lasted ten weeks, which for the mid 1970s was an inordinately lengthy affair. In his obituary in the Daily Telegraph, it was said of George Waller that he had controlled the proceedings impeccably, without ever seeking the limelight.

George had been ably assisted by counsel in that case, prosecuted as it was by John Cobb and Peter Taylor, both then in silk and leading Franz Muller who was shortly, and on the strength of it, to take silk himself; Donald Herrod, another member of KBW, led the defence of Mr Poulson and Wilfred Steer defended Mr Pottinger. Both defendants were understandably convicted. No one however disputes that the advocates’ laurels in that trial went to Peter, whose cross examination of Mr Pottinger was described as spell binding. It was during Peter’s closing speech that Wilfred wrote a note to his junior, Geoffrey Rivlin: “You are listening to a future Lord Chief Justice.” That appointment was yet another 17 years away, but Wilfred always had had his finger on the pulse.

I wish I had been in Leeds Crown Court to see so many great lawyers gathered together in that one court room, but my first contact with members of chambers was not to be until later in the 1970s. Upon my writing to the then HoC, David Savill, I was invited to his home in Knaresborough where he was to interview me for pupillage. His wife Mary met me at the door. The warmth of her welcome melted my nerves. Having been told that I passed muster, my pupil supervisor wrote the next letter. He had never set eyes on me, but he was inviting to me to come and stay with him and his family for the duration of my pupillage. The late Tony Purnell and his wife Tina could not have been more hospitable, and I don't believe that my acting from time to time as a babysitter was the entire motivation for their kindness. That was how South Yorkshire came to be my home. My start at KBW had thus far been an auspicious one.

These were different times. No digital case files, these were rather the days of briefs; smaller or larger bundles of A4 paper wrapped in ribbons of different colours – pink, green or white – each denoting something which I never quite mastered. Occasionally, and rather frighteningly, they contained original exhibits. Without a physical set of chambers on circuit, without faxes and even without mobile 'phones, a good part of the day was spent meeting up with other members of chambers in their homes where these precious documents would be handed over. When I was taken on as a tenant I depended on those returns and it fell to me to do the majority of the driving; but the upshot was that I met the partners of my fellow tenants and I met their children. We would come to know all too well various junctions of the M1, M62 and A1 where we would also meet before and at the end of a court day and sometimes in the middle of one. As time went on, those junior to me would do the same.

We would go the extra mile for one another - and not just literally! It seemed as if we were a family of sorts. When Jeremy Richardson joined us shortly after my own tenancy began, he and I shared digs together and I've been delighted that so many of our younger tenants have since followed suit. Back in 1987, when Nicole and I married, it made complete sense to us that all members of chambers and the clerking team, together with their families, should be invited to the wedding.

We continued to be clerked from London, and every day we would telephone Arthur Blaney who had succeeded Brown; while the ten penny pieces disappeared into the phone box, we would receive our diary for the next day. We did not have a physical presence on circuit until 1982 when David Savill had the foresight to open rooms in Park Square where he hired Jayne Turner to look after us. Now our senior clerk, Jayne has witnessed our leaving the Temple in London and our move in 2006 to our present set up at the Round Foundry, in what has happily become known as the Temple quarter of Holbeck in Leeds.

That move, and Jayne moving into that role, were important steps forward. As a London based set, our unique selling point was that we served the length and breadth of the North Eastern Circuit (NEC). There were fears that a move to any one location on circuit would lead us to focus on that centre, rather than to continue to serve the whole of circuit. There is no doubt that, having exposure in all the court centres here would increase the likelihood that, were any of us to take silk, we would be able to continue a circuit based practice rather than doing what so many silks would do and join a London set. By this time, it was not because an undertaking was required by the Lord Chancellor, but rather out of necessity, to attract work. However, the downside was that they might end up travelling the length and breadth of England and Wales. As a result of our set up, all those hours spent travelling our circuit as a junior meant that, once I was lucky enough to take silk in 2000, I have rarely had to work off circuit; when I have, it has been to assist solicitors local to the NEC whose duties have called them there.

Back in 2005, Franz Muller had asked me to chair a committee looking at the future of chambers. In accepting the charge, one of the key issues for me was that, were a recommendation made to quit London, it would not fall on stoney ground. Franz assured me that all options were open. Once we considered the ridiculous amount of rent being charged by the Inner Temple for rooms of which so few of us had the benefit, and once we had compared that sum with what was available on circuit, a move north was clearly to be recommended. The issue of whether we should be located in York or Leeds was more problematic, but as so often happens, the

wisdom of history won out and Leeds was the obvious answer. The choice of the Round Foundry – first championed by Toby Wynn – was a terrific one. We would be removed from the main legal drag in Leeds, and in Holbeck we had access not only to what was to become the southern entrance to the railway station but also to the roads which emptied out there from all four points of the compass. The danger of becoming identified as a local, Leeds set was therefore seen off, and to underline that it was business as usual, we continued to be known by the initials KBW.

By that time, Franz had been our leader for 22 years and had decided to hand over the headship of Chambers. In accepting our recommendations he had led us to this turning point; like George Waller, he proved his willingness to give a new concept a chance. Franz remained with us long enough to see through the move and chambers placed into the steady hands of his former pupil, Andrew Robertson, and of course Jayne, Lee and their team in the clerks' room. We owe him a great debt.

Andrew was with us for another eleven years when in 2017, because of poor health, he resigned the headship and David succeeded him. The advantage we have had in this second triumvirate is that none sought permanent judicial office, so - barring ill health - we have had the benefit of heads of chambers of long tenures, who have therefore been invested in taking the longer term view. As well as approving some terrific recommendations for pupillage and in due course accepting worthy applications for a tenancy, David has drawn outstanding examples of experienced counsel into our ranks. And in just one example of David's willingness to give a new concept a chance, he established a wellbeing programme, one of the first on the NEC. I had the honour of having served as one of our wellbeing officers for six years before resigning earlier this year.

I don't know what David's future plans are, but I know that, with him at the helm, we remain in safe hands. Sir Paul's words concerning George Waller could be applied to David without demurrer: "kind, able, very well-prepared, courteous, logical and thorough".

Although I hope that David will be our HoC for a long, long time to come, I now see a day when he is just as likely to be succeeded by a woman rather than by yet another man. The whole complexion of the bar and chambers has changed in my time, not only attracting women but also those from ethnic minorities as well as those of differing sexualities who, at last, feel more able to be themselves as comfortably in the workplace as at home. We are far from perfect in this arena of diversity and equality, but I been greatly encouraged to witness the changes that I have.

When I embarked on writing this piece in celebration of our anniversary, I had intended to look at the changes in the system of justice down the 45 years that I have been associated with KBW. From the point of view of this criminal practitioner, they have been profound – not least from the introduction of recorded police interviews; through the removal of the peremptory right of challenge to jurors; to the qualification on the right to silence; to the introduction of the Human Rights Act; and the appalling, ever ongoing, lack of investment from successive governments, and all that has followed from that. Rather than seeing proper investment in the justice system, we have been inundated by the proliferation of legislation. When I started out, carrying a copy of Archbold to court was an easy task, comprising as it did fewer pages than War and Peace - far fewer - even though printed on good quality paper; not, as now, its various volumes all stuffed to the brim with tiny print on paper thinner than tissue. But these are all a matter of public record.

Kindness, ability; being well-prepared, courteous, logical and thorough – the backbone of what it takes to be a servant of justice - are not quite as well documented. Looking back, this therefore became my preferred perspective. Family values – caring for others and going that second mile – are to be found in every set of chambers, but perhaps rather more strongly at KBW. This has been our past. May it also be our future.

Our 70th anniversary coincides with my own 70th birthday. The best present I have ever received was on my wedding day in 1987, and Nicole, the woman I love, remains the most important person, and the greatest support, in my life. But I like to think that the next best present was when, in the year of my birth, George Waller and

John Brown crossed that threshold of number 11 KBW. From that small but pioneering step, so much good has come - for me, and for so many of us who have been privileged to be part of what was to come, and what lies ahead.

May KBW continue to adhere to the values of our founder - "this kind and able man, of complete integrity". In so doing, KBW will continue to flourish.

Nicky Campbell KC
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