**STEEP LEARNING CURVE**

By Tony Lawton



There was nothing on the large desk apart from a pint of milk.

Was this some kind of test at my interview? Was I going to be asked about it, or should I comment on it? It was August 1968. I had just finished my law degree at LSE, about to start six months at the College of Law, and looking for a job as a trainee solicitor – then known by the Victorian name, articled clerk.

It was my second interview. The first was with some very posh firm near Buckingham Palace, which did trusts and probate and property for very rich people. I didn’t want the job, but my tutor had recommended me and a friend called Bob, so I felt obliged to go along. There were three candidates, me, Bob and someone from Oxford. Yes, you are right, me and Bob didn’t get it. I was much relieved.

I had specialised in labour law and trade union law at LSE, and fortunately the best-known labour lawyer of his day, Professor Bill Wedderburn, later Lord Wedderburn, wrote me a letter of introduction to the trade union firm WH Thompson in Serjeants Inn, Fleet Street. I was summoned for an interview, and put on the only suit I possessed.

Nowadays job interviews have complex procedures, with all candidates asked the same questions to avoid allegations of discrimination. Many interviews are accompanied by psychometric testing or other such nonsense. My interview was nothing like that.

The two main partners in the firm were Robin and Brian Thompson, sons of the founder WH. I knew little about the firm, the internet not having been invented. I was shown into a large office to be introduced to Robin, a tall, well-built man, who looked at me wordlessly for a minute like a tall bird of prey sizing up his dinner. He had a quiet, deep, serious voice. I soon realised he was a man of few words, and felt I was taking part in a Harold Pinter play.

After a long pause he said, “So you want a job?”

“Yes”, I replied.

Another long pause, then “Okey-doke”, followed after another pause by “It’s a bit like a factory here” – pause – “You had better meet my brother Brian.”

Without another word he took me upstairs and showed me into a large office with an empty desk on which sat a pint of milk. Behind it was Brian – the same height but emaciatingly thin, with one of those pencil moustaches which made him look like the guy in the band Sparks. In a slightly higher pitched voice he said:

“So you want a job?”

“Yes”, I said again.

“When can you start?”

“Next March when I have finished at the College of Law.”

“Right, we’ll write to you with an offer. Goodbye.”

I wondered if I should mention the milk. Best not.

“Thank you”, I said, and stumbled out into Fleet Street.

So it was that on the following St Patrick’s Day, 17th March 1969, I turned up to start work. I had been told by letter to ask for Mr Ivor Walker. He turned out to be a shortish chunky guy in his 40’s, built a bit like a rugby hooker. He had a North London accent, huge bushy eyebrows and a large grin. He showed me into his office where he introduced me to his invaluable secretary Brenda, while putting his feet on the desk and lighting a large cigar. I was to share a room across from him with a legal executive called Keith Bailey, tall, long black hair over his collar, a South Londoner and supporter of Millwall FC.

For technical reasons I was not articled to Ivor, since although very experienced, he had qualified late, not long enough to take an articled clerk, so I was articled to his brother Tony. I only ever met him once. He signed my articles with a flourish, handed them to me saying, “Right, fuck off, I don’t want to see you again”. And I never did. Not that long after, Tony left to earn more money in a big City firm.

Back in my room, Brenda gave me some files to read, and said if I wanted to know anything I should ask her. The reason for this became clear later. Other staff poked their heads round the door to say hello, I was introduced to the very nice tea lady, a job which has almost disappeared now, and then suddenly the door swung open at great speed, crashing against the wall. A large imposing middle-aged man with a loud basso profundo voice looked at Keith and said, “Bailey! It has come to my notice that you have been farting in your room. Robin wouldn’t like it.” Without even looking at me he turned theatrically on his heels and was away, slamming the door.

“Is that one of the partners?“ I asked Keith. “No”, he laughed, “That’s just John Bowden, he is a legal exec like me”.

It became clear that a large proportion of staff running cases had no qualifications at that time. While the firm’s high-profile work was employment law on behalf of trade unions, the bread and butter that enabled them to do that work was personal injury litigation for union members injured at work, or suffering industrial disease. At the time, many of these senior staff were Jewish from North London, with names like Wener, Sedler, Fehler, Edelman, and some partners named Woolf, Lebor and Walker – my boss and his brother Tony. There were few women lawyers then, less than one in ten, but large numbers of female secretaries and typists, as the work was then very labour-intensive.

We dictated thousands of letters and statements into a dictaphone, the old type which did not have tapes but “belts” as they were referred to, blue plastic sleeves which slid into the side of the machine. It was a macho thing to boast that “I’ve done four belts today”. The secretaries and typing pool would slave over these all day trying to make some sense of the nonsense you poured into the machine. Keith, who fancied himself with several members of the typing pool, used to record Pick of the Pops from the radio on a Sunday afternoon and put the belt into the pool for typing.

As Robin had told me, we were a big litigation factory. Some cases were very big but a lot were small, so even as a trainee I began to build up my own caseload and interview my own clients. They must have thought I was about 12. I learned a lot about dealing with people, putting them at their ease and reducing the stress many had, often thinking that seeing a solicitor was worse than a visit to the dentist. I learned about negotiation and tactics. The trouble was I learned very little from my boss Ivor, who would wander in at about 10am, get served a coffee at his desk while doing the Times crossword, light his usual cigar, scan the incoming post and then perhaps see a client before going for a long lunch. He would then sign the post Brenda shoved under his nose and leave early on his moped to get to a Camden Council meeting where he was a Labour Councillor. So most of what I learned came from Brenda, who would shout, “Tone, get over to court, Ivor can’t do this summons at 12” and go on to tell me what I had to do.

On my third day at work, Ivor had a trial in the Law Courts in the Strand, the massive Royal Courts of Justice, with its splendid huge Victorian hall, with staircases rising off it at each side. Our client thought it was marvellous, but Ivor, a good Socialist, said, “Yes, but when the revolution comes, all these staircases will be cemented up and this will become a fuckin’ big swimming pool”. We went up one of these staircases and found our court, and sitting on the stone benches in the corridor, went through the client’s evidence with the barrister. At one point the client, a steel erector who had suffered serious injuries at work, changed his story slightly. Ivor said, “Listen mate, if you say that in court they are going to twist your fuckin’ balls off”. I began to realise that the practice of law was going to be very different to what I had been taught for my law degree.

In my second week, Ivor sent me to Bromley Magistrates Court to sit behind a barrister called Robert Turner, a junior barrister who had recently come into practice after being an advocate in the army at court martials. He looked a bit upper class with a resemblance to Edward Fox. I was appalled to see he was wearing a bowler hat and carrying an umbrella. The client was a dustman driver who was charged with driving his dustcart with the rear doors swinging open, which was an absolute liability offence, meaning it didn’t matter that he didn’t realise they were open, he was automatically liable. The magistrates really liked the Edward Fox lookalike, and somehow let our client off. I continued to send Robert Turner work for many years. Despite his aristocratic bearing, he recovered millions over the years for working people.

I had a starting salary of 14 quid a week, rising to 16 after a few months. This was good pay at a time when posh solicitors were often paying trainees nothing, or expecting them to pay a premium to the firm for the privilege. In addition – luncheon vouchers! I think they were worth 3 shillings a day. We would often save them up to go on a big blow-out lunch. After about a year, I discovered that there was another way of earning money. In those days we had a lot more trials than now because there was no requirement to exchange statements or experts’ reports, so you could get cases into court much quicker. Although the firm had recently opened offices in Manchester, Cardiff and Gants Hill in Essex, most of the cases were run from Fleet Street, so we would have trials all over the country, often in places where you needed an overnight stay. Many senior staff were reluctant to travel all over the country to sit behind a barrister presenting the case, so juniors like me would be asked to go. The incentive was a variety of overnight expenses, but the big one was that as a result of some deal with the Inland Revenue, we could go standard class on a train but claim first-class fare.

So I kept a bag in the office, ready to be sent to Durham, Leeds, Newcastle or Sheffield, even on the sleeper down to Bodmin Assizes, late in the afternoon before a trial. At that time many of the cases did not have a fixed date, we were not told it was in the list till after lunch the day before the trial. The client and witnesses would be phoned or sent a telegram, I would read the file on the train, never having seen it before, and appear with the barrister in court the next morning. Miraculously, clients and witnesses nearly always turned up.

Birmingham was a lot easier as you could get there by train in the morning; and with good old British Rail, your standard ticket enabled you to sit in the dining car for a full English breakfast with your barrister (who was also not travelling first-class). Often, we would find our opponents on the same train, and occasionally the case had all but been settled over breakfast by the time we got off.

I found out that several of our legal executives had been union shop stewards. Robin and Brian would attend many union meetings, and if they saw someone with good communication and negotiation skills, they would offer them a job. They could be taught the law, but the skills they possessed came naturally and were more important. Some of the best lawyers I worked with at that time were unqualified, doing a better job than many who were qualified, particularly at negotiation. Some had some very odd techniques; in the days before IT, we used to see many insurance company claims managers and Defendants’ solicitors, who would bring a bag of files to the office to try to settle cases; John Bowden, whom I met on my first morning, used a technique to unsettle his visitor by arranging for his secretary to phone him the moment the insurance manager was in the room. He would then shout into the phone, “Zurich insurance? Tell them to fuck off”. Then, turning to the insurance manager, he would say, “Right, what do you want?” But I have some difficulty believing the story of him addressing his visitor while staring down on him from a great height while standing on his desk – and wearing his pyjamas.

He was an odd man. One lunchtime as I walked along Fleet Street I found him and another member of staff called Stuart Nicholl clutching onto the wall of a building, both shouting at passers-by: “Hold on! There’s a lurch!”

John was a member of the Communist Party and saw his role as part of the struggle to bring about the fall of capitalism. His personal hatred of his opponents was seen starkly in his correspondence, particularly with a right-wing insurance company solicitor in Newcastle called Tony Deas, who went out of his way to wind up John till he exploded. He delighted in making formal complaints to Robin; as John was not at that time qualified, he would refer to him as “your employee Bowden” and even “your servant Bowden”. Deas made a complaint about him to the Law Society after a row in court when John had called him an “evil cunt”. His hatred of Deas was absolute. Staying overnight in Newcastle before a trial, John was in a restaurant when the waiter brought over a pint of beer, saying it was from “the gentleman over there” – Mr Deas. John stood up and left without a word. A few years later I took over a lot of his cases when he left, several involving Deas. I have never read such vitriol between two people.

Ivor was left-wing, but not in John’s class. At that time the firm had a number of Communist or ex-Communist Party members. I was invited by Ivor for a curry, along with another partner, John Lebor, both of whom were ex-CP. John explained that there was a way of telling if someone was a CP member – somewhere in the conversation they will always use the phrase “in the final analysis”. I think he was wrong about that, but it is worth listening out for. Ivor was a social animal, cheerful, generous and garrulous, but a bit thuggish. He once invited me to his house somewhere near Camden Town. I was very impressed to find a full-size working jukebox in his reception hall, which at the time I thought was the height of cool. It was also a time when sexism at work was somehow acceptable, even in a trade union firm, and Ivor took advantage of that; in addition to the redoubtable Brenda we had a second secretary called Anna, engaged to a nice young man called Kelvin. For a Christmas present, Ivor bought her a pair of crotchless panties. You can barely imagine that happening now.

The firm was proud of its left-wing credentials, and the fact that its partnership deed set out that the partners were not there to make a profit. The firm had a closed shop, legal at that time. All members of staff were in a union, then the Clerical and Administrative Workers Union, which became part of the GMB. A little Welsh woman called Gwen came round every month to collect your subscriptions, and could be heard marching into Robin’s office saying, “Come on Robin, let’s have your money!” Unlike any other law firm I was aware of, all staff, including partners, were addressed by their first name. Anyone using a surname was soon put straight.

Yet union bosses could be very demanding. For some reason I was asked to sit in on a meeting between Bill Keys, the leader of the print workers, and one of the big union barons at the time, and a Thompsons lawyer called John Harris who had the main responsibility for that union. It involved a big dispute with a newspaper, where we had gone to a very senior QC for an opinion on whether we had a case to challenge the newspaper in court. John said, “Bill, here is the QC’s opinion. I am afraid he doesn’t think we have a case”. A pause. Bill could sound a bit like a gangster. “Well John……. You had better go out and get another one, hadn’t you?”

Robin and Brian kept a close eye on our cases in court. Every day we had at least one and sometimes three or four cases in the Royal Courts of Justice, just along the road. In every case Robin or Brian would come over to court once the case had started, come into court and stand at the back, staring at the judge. One day my barrister turned round and nudged me, saying, “Your boss is in”, and there was Robin eyeing up the judge. After about 10 minutes he turned and walked out. It was just to remind judges that they were being watched, and if they made the wrong decision we would appeal them.

The place was full of interesting people, both lawyers and other staff. It was a social place, with a basement pub under the office called the Clachan. I was friends with a middle-aged Yorkshire legal executive called Don Heslop, a little guy who only drank half pints. The trouble was he drank a lot of them. He commuted from Hastings, where I think his wife was a psychiatrist. For some reason he seldom wanted to go home, so after several halves he would walk to the Opera House at Covent Garden, where he had got friendly with a doorman, who would let him in free when some rich punters had enough of opera at the interval and left. After hearing half an opera he would roll down the hill to Charing Cross Station and fall asleep on the train home. He claimed that on one occasion he woke up in Germany.

Next door to me was Miriam Edelman, a middle-aged lawyer with a great sense of humour, a permanent fag hanging from her lip, muttering expletives. Two doors away was Arthur Charles, near retirement age; he was the main link with the Fire Brigade Union, outwardly abrasive but a very kind man. Upstairs was John Bass (we had a lot of Johns), middle-aged, tall, with bad teeth. He told me that the way to keep clients happy was to tell them in every case that it was extremely difficult, even if it was an open and shut case, but he would try his best to get them some money, so that when he did, they were very grateful. I wasn’t convinced about the validity or the ethics of this.

New trainees arrived – Geoff Shears, whom I had known at university, who later became the firm’s chief executive for several years; Greg Powell, who later set up what became a large and successful criminal practice in Kilburn; Joyce Kane from Dundee; and a bit later, Chris McGrath, a very confident and outspoken Irishman.

My most memorable court experience came when I was asked to sit behind counsel for a couple of days in the important test cases we were running against Central Asbestos, the first of the big asbestos cases. Our barrister was a senior QC called John Hampden Inskip – a tall man with dark hair, wearing a black eye patch. He scared our opponents with just a look. He was on a mission from God. He was like an avenging angel. We won the case, opening the doors to so many claims by asbestos victims.

After about 15 months of chasing my tail, I knew a lot but still had no real idea of what I was doing. Ivor went on holiday to France for three weeks, and I made a massive effort to prove I could do this job. When he returned, all of his cases were up to date, all post and phone calls dealt with, and for the first time I thought I knew what I was doing. At this point I had a stroke of luck. I was asked if I would move to a new office we were opening in Stanmore, on the North-West edge of London. I would no longer be working with Ivor but with a young partner called Simon Walton. The office was called Compass House, and had originally been a nightclub owned by Diana Dors. I think Stanmore was decided upon as it was close to the golf course used by Cyril Wener, the senior legal executive who managed the office, together with the two young partners, Simon and a guy called Anton Bates, who was of course known to everyone as Master. He looked straight out of public school, with floppy blond hair and an air of superiority totally unsuited to a trade union firm. His main claim to fame was that he featured in a women’s’ magazine in an article with many photos about what young trendy lawyers are wearing etc., which described his petrol-blue suit, his tie by Mr Fish and his hair done by Barry at Crimpers. He didn’t last long, and was gone within a year or so.

Simon on the other hand was a rising star, and I rose with him. We never got on that well socially but I had massive respect for his abilities. I was once asked to go to his house in North-West London to deliver something, and his then-wife directed me to the tradesmen’s entrance round the side. I thought that was hilarious. Simon had great drive and enthusiasm, was a superb communicator with trade union clients – his father had been convenor at one of the car factories in Coventry – and most importantly he taught me how to litigate in volume, issuing court proceedings against employers in large numbers of cases and moving them quickly towards trial. He understood the importance of keeping the pressure on opponents, and the need to negotiate from a position of strength. Working with him, I began to get some good results.

The downside of Simon was that he was not slow to criticise if he thought people were not running their cases properly. He would send typed notes saying, “I am shocked, appalled, amazed and stunned that you have been so stupid”, etc. In Stanmore I worked with a Scottish legal executive called Alex Frew, whom I really liked, apart from the fact that he was at times a violent man with poor anger management. He came from Hamilton, and I would often walk past his room to hear him shouting at some opponent on the phone in his Lanarkshire accent, usually ending with the words “If that’s your attitude I’m going to issue a fucking writ!”, followed by slamming the phone down. On one occasion he slammed it down so hard he broke a finger which was caught between the phone and the cradle, and had to go to hospital.

Simon was his supervisor as well as mine. One day passing Alex’s room I saw him holding a piece of paper. He was shaking with fury. I asked what the problem was. He showed me a note from Simon, similar to those mentioned above but with a bit more venom. He whispered – always a bad sign – “This time I’m going to kill the little fucker”, and made for the stairs up to Simon’s room. I ran after him, physically dragging him back down the stairs. I even spoke the words “Alex, he’s not worth it!” I took him to the pub round the corner and eventually he calmed down, so I may have saved Simon’s life and Alex a long term of imprisonment.

He hated banks, describing them as “dirty capitalist bastards”, and literally kept all his money in a case under the bed. I know this as he showed me once. We were then paid by cheque, so he would get someone to cash the cheque for him and stash the banknotes.

By this time I was a regular member of the Thompsons football team, which played in the London Legal League – serious stuff with proper referees. There were two divisions, the top division full of large commercial firms who even employed the odd semi-professional player to ensure they were seen as winners. I had established myself as left back, not because I was left-footed, or any good, but because no one else wanted to play there. We played under floodlights on shale pitches at either Mile End or Wormwood Scrubs.

By then the team came from three offices – Fleet Street, Gants Hill and Stanmore. We would get to the changing room and chat about what we had been doing that day. Alex was a combative midfielder with a bit of a vicious streak. He would sit in the changing room saying nothing, then as we were about to go out, he would say, “All right lads, let’s give them a bit of gravel rash”. In one game against a posh commercial firm, he fouled one of their players with a tackle which was nowhere near the ball. Lying on the ground the player said in a clear public school accent, “I say, are you playing me or playing the ball?” Alex bent over him menacingly, saying, “Anyway you want to play it, sonny boy”. He became well known to referees, incurring a number of disciplinary offences.

In one match at Wormwood Scrubs we made legal history. Our court clerk, whose name was Tony Killingback, was our star player and was badly fouled in a match, falling on the shale surface and breaking his arm badly. I, along with two other players, Geoff Shears and Greg Powell, went to the nearest police station to report the assault on the football pitch. The police sergeant thought it very funny, and had no intention of investigating it, but we insisted he should record it. We knew that to win a Criminal Injuries Compensation Board claim it was essential to report it to the police. Tony ended up winning a substantial sum from the CICB. He had a second CICB case a year or so later, after being assaulted at the firm’s Christmas dinner and dance by the boyfriend of one of the secretaries for some alleged indiscretion with her; he ended up lying at Robin Thompson’s feet spitting out some of his teeth. This time he lost his claim, on the grounds that he had contributed to his assault. He left the firm not long after, and was last seen working as a London cabbie.

I qualified in 1971. By then I was running a full caseload of my own. I continued in Stanmore until early 1974, when the firm split into two parts run separately by the two brothers, and Simon and I were moved back to Fleet Street as part of Robin’s firm. In less than two years, at the beginning of 1976, I was persuaded with money – enough at that time to put down a deposit on our first house – to move with Simon and four others – Cliff Poole, Paul Malone, Peter Bamford (who became my first assistant) and Vic Shelley (still very few women lawyers at that time) – to open an office in Birmingham. That is another story.

So what did I learn as a trainee?

I learned that having a law degree was of little relevance to understanding the cut and thrust of litigation, or strategy, or judgment. The skills I learned in those two years were vastly more important than three years at university and six months at law school.

I learned about communicating with clients and others, about the importance of making clients feel comfortable, about being clear and honest with them.

I learned so much from senior barristers I instructed, for whom I had massive respect, who could pick up a brief at short notice and understand it better than me, whose opening speech to the judge would swell my confidence in the prospects of success about which I had harboured such doubts.

I learned about negotiation, and the value of being difficult to predict; I was such a nice guy, so my opponents hardly realised that I was running more cases to court than almost anyone else. I learned how much of a buzz I got from winning a case in court.

I learned that I was working with good, committed people, many of whom could have got higher-paid jobs in commercial firms (some of them did). I can say honestly that there was no one working there whom I disliked – I doubt if many who have worked in law firms could say that.

And I realised I was doing the job I always wanted to do. It was almost like Robin Hood: I was taking money from the rich – employers, insurance companies – to give to the poor and needy, people who had lost their jobs or their ability to perform them. I was lucky to be doing a job I enjoyed, getting up every morning to attack the day.

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