

# Lord David Pannick - edit - Mastered - Faith

[00:00:00] **Sally:** Hello and welcome to Talking Law Podcast. The podcast where you can hear Barr's judges, listers, managing partners, and more talk about their careers and lives in the law. I'm Sally Penny, m b. I'm practicing Barrister at Kenworthy's Chambers in Manchester, and I'm the founder of Women in the Law UK talking of which you can now buy tickets to both our annual dinner on the 9th of March and the Women in the Law Conference on the 10th of March from women in the law uk.com.

[00:00:37] Both are held in Manchester. This episode is supported by C B R E, the leading global provider of commercial real estate services and investments. Find out more about them@cbrre.com.

[00:00:55] I'm delighted to be talking law with Lord Panic KC or David  
[00:01:00] as he told me to call him. David has been a practicing barrister for 40 years and is also a crossbench pier in the House of Lords in the UK specializing in public law, him rights and appellant advocacy. He practices from Blackstone Chambers in London, which is where we recorded this interview.

[00:01:20] He began by telling me about the start of his career along with his first.

[00:01:26] **David:** I started in practice in the law in 1980 and uh, it was a good time to start in public law chambers, administrative law, constitutional law because judicial review, uh, was getting off the ground. Uh, courts were beginning to look at human rights cases.

[00:01:45] My first case, uh, was in 1980. I was the second junior to Anthony Lester, qc, and our client was a man in Singapore. Uh, who had been sentenced to [00:02:00] death for drug trafficking. Gosh. And he was appealing to the judicial Committee of the Privy Council in London. Yes. The final court of appeal from Singapore was in London.

[00:02:13] Uh, and the case was heard by, uh, by law lords, by, um, senior judges here. And so an Anthony Lester argued, I didn't say a word, I just sat there. Cowering. . He argued that it was a breach of this man's constitutional rights to execute him. Uh, and we lost Yes. And our clients was hanged. Uh, and, um, uh, that's not a good way to start your practice.

[00:02:39] I always tell people, you can only get better after a start like that with your first client. Hanged . I tell that to clients and some of them are reassured by that, some not.

[00:02:55] **Sally:** Well, let's go back to the beginning then. What drew you to the [00:03:00] law? I always ask this question because people have different inspirations, but because you've been in so many cases.

[00:03:06] Well, you know how Well,

[00:03:08] **David:** I was always interested in the law. I liked arguing. I was debating, uh, I was debated at, at school. Um, this sounds a bit pathetic, but when I was 16, I used to go to the old Bailey and watch trials. Oh, did he? You were one of those . I was, I was, you know, I'd sit there, I didn't take notes, but I, I, I did go to the old Bailey and I, I like to, I like the idea of the law.

[00:03:30] I like the structure that you argue, and the other side argues, it's all very civilized normally. Mm-hmm. and then the judge or the. Uh, decide. And so I, I was quite clear from an early age, 15 or 16 that that's what I wanted to do. Yes. And uh, I got a place of Oxford, uh, to read law. I was there for four years doing law.

[00:03:57] And then I started in what was then two hair [00:04:00] court. Yeah. Which had been the chambers in the 17th century of Judge Jefferies, and, uh, . Uh, and we changed it to Blackstone Chambers when we moved. Uh, and, um, I've been chugging along ever

[00:04:13] **Sally:** since. Wow. Wow. Well, um, we, we may have dealt with it already, but, um, I want to ask you this juncture about memorable cases.

[00:04:23] Yeah. And, um, I, I have several of your memorable cases, but perhaps the public and the one that even practicing barristers were watching in the robing room. You know, you'd been in the middle of a, um, a rape case and it was quite a nice escape. , uh, wast the ation case.

[00:04:40] **David:** Yeah. That was extraordinary because there was so much public interest, uh, in that.

[00:04:46] Yes. I mean, I, I still. Emails from people around the world to comment on on that. And it was dramatic in the extreme that Brexit still wasn't done. This was the autumn of [00:05:00] 2019. Yeah, we'd had a referendum. In, was it June, 2016? Yes. Uh, parliament was divided, the country was

divided. We had a new Prime minister, Boris Johnson, who was determined and one understands why, uh, to get this done.

[00:05:20] But unfortunately the way in which he decided he was gonna get it done was to suspend parliament. Yeah. And, uh, I was on a family holiday. I was in Botswana. Oh, lovely. Yeah, it was absolutely magnificent. We were on safari in Botswana. Yes. And I started to get messages cuz the email system was sporadic. I started to get text messages.

[00:05:43] Uh, you need to ring your clock. It's not always a good sign when you're on holiday. No. It's the last thing you wanna hear. But, but then I, I, I, I began to realize, yeah, there was a good reason on this occasion to ring your clock. It was, um, a case you wouldn't want to miss. [00:06:00] Yes. So, um, I completed my holiday, arrived back at Heathrow Airport on the Monday morning in, uh, I think it was early September, 2019.

[00:06:10] And we were in court, in the divisional court before the Lord, chief Justice and, um, the master of the roles. And the president of the Queen's bench division, uh, in the Queen on the application of Gina Miller, uh, against the Prime Minister. The issue being, was it a breach of law? Was it unlawful for the Prime Minister to advise her Majesty to suspend Parliament for six weeks at a time when Parliament was heavily involved, uh, in, um, the negotiations that this country was having with the eu?

[00:06:46] Yeah. And the Prime Minister, uh, clearly thought that Parliament was an inconvenience at this sensitive time, and he didn't want Parliament sitting. And, um, [00:07:00] I said to one of the juniors, you know, this is quite an unusual case. You don't, in fact, in one of the juniors, it was his first case. And I said to him, you should realize that not every case will be before the law Chief Justice master the roles and the president, the family division.

[00:07:15] Yeah. Anyway, we got smashed. They, they were completely unimpressed when they said whether Parliament is parole by a majesty, uh, is not a legal question. It's a political decision. Uh, and they, they threw us out and we appealed to the Supreme Courts and they were willing to hear it very, very speedily within two or three weeks.

[00:07:35] Yes. And we triumphed, we had, um, an astonishing victory, um, where the Supreme Court held that the Prime Minister had acted unlawfully the effect of his decision was to remove parliament from playing any role at an enormously important time, uh, politically. And, um, that was the, the, [00:08:00] the unanimous decision in Lebanon.

[00:08:01] Yes. Uh, and um, There's a case in the US Supreme Court where the now, um, uh, chief Justice John Roberts Yes. Um, lost a case 11 mil in the US Supreme Court. And he was asked, well, why did you lose 11? And his answer was, well, because there were only 11 judges, . And it was quite clear, it was quite clear early on in the hearing that we were gonna win this, not necessarily 11, but we, we were gonna win.

[00:08:32] And, um, when we did, it was highly controversial. Was a lot of, uh, academic lawyers. A lot of politicians, yes. Who thought that it was not the business of the court tell the Prime Minister went to parole parliament. Uh, they went even further. They said that, um, the prorogation, the suspension of Parliament was as if it hadn't happened.

[00:08:57] Um, that, um, uh, parliament [00:09:00] had not in fact been paroled. It was always sitting. And, uh, I always thought it was a bit like that. Um, that episode in the television series, you are far too young to remember Dallas. Oh, when Bobby Ewing, they , they realized Bob Ewing had been dreaming the whole of the previous series.

[00:09:20] Yes. And the whole

[00:09:21] **Sally:** country was hooked.

[00:09:22] **David:** Indeed, indeed. It was like, like that, that, that Boris Johnson had suspended. Pardon? But he hadn't really, cuz it was null and void. So Parliament came back the next day. Of course none of it actually, uh, mattered other than two constitutional lawyers because Boris Johnson managed to persuade.

[00:09:42] Other parties to agree to an election, he triumphed. Uh, and, um, Brexit was done. Yes. I can't remember what happened to him. Boris Johnson, I think he, he, he went on to do something rather . Haven't, haven't

[00:09:56] **Sally:** heard him, haven't him. We're come back to him in a moment.

[00:10:00] But, um, so it's a great case. It was a really great, so would you say that was your most memorable case?

[00:10:06] **David:** Oh, undoubtedly my most memorable case, yes. Cause it was, it was fascinating. Legally, it was of enormous political significance at the time. Uh, it attracted a worldwide audience, uh, and um, and we won. Yeah, all of those characteristic. Go together. Uh, you know, the only thing, uh, that that, that it didn't have was a million pound brief, that that would've helped.

[00:10:30] But quite, but you can't have everything in life. Yes. No. So I, I enjoy, it's not the only fascinating case that I've done, but it was, it was the most interesting, I think.

[00:10:39] **Sally:** Yeah. Well, maybe can you indulge me before I, I ask you my next question really? Um, what has been the most fascinating case? Is there a case that beat that apart from the first case you told me about

[00:10:50] **David:** already?

[00:10:51] No, I don't think so. I mean, I've done other cases that were very satisfying. I mean, in particular, uh, in 1999, 2000. I [00:11:00] acted for service men and women who had been dismissed from the armed forces because they were gay. Mm-hmm. , uh, not because of anything they'd done, because that was their sexual orientation.

[00:11:11] Yes. And, um, we lost that case in the domestic courts. Uh, domestic courts were very sympathetic, of course, to the claimants, but they said, um, uh, it's, it's not for us to decide a major policy issue. And we went to the European Court of Human Rights in sha, which said this was, uh, a plain and obvious breach of, um, article eight of the European conventional human rights.

[00:11:37] The right to private life. Yes. Um, I think no, there was a dissent. There was a dissent by one judge, and we knew he was gonna dissent because during the oral hearing, he asked a question and his question was, well, that's all very well Mr. Panic, but what's gonna happen? If these gay servicemen with their colleagues [00:12:00] are, um, on, on maneuvers, and they are, they're up the top of a mountain.

[00:12:05] It's very, very cold, and they have to huddle together for warmth. What's gonna happen then? What?

[00:12:15] **Sally:** I don't want to dismiss .

[00:12:18] **David:** Well, I wish, what was your response? Well, my, my, my, my co-counsel Ben Emerson. Yes. Uh, whispered to me, tell. If it was that cold, the last thing they would want to do be to get their private parts out.

[00:12:33] And I gave, I gave an edited version of that Excellent answer to the court. Didn't persuade that judge, but it persuade the others were, were, were laughing. They thought this was really very, very odd. And it was. Yes. So that

case was highly memorable and of course it changed the policy. Yeah. The mood with the, um, the cover of, of Strasberg changed the policy.

[00:12:57] And, um, as we had [00:13:00] argued, there was no difficulty at all in, in gay service, men and women, um, performing the function of, um, of, of, of, um, being employed by, by the armed forces and, and doing their job. But it was tragic for these people. Cause their careers have been destroyed.

[00:13:16] **Sally:** Yes. Well, I I, I do know, um, one, one of such people because, um, the, the civic mayor Yeah.

[00:13:24] Of former civic mayor Karl lost and Ben was one of them. Oh, was he? Yes. And uh, uh, and he was dismissed. And I think their medals we've taken. Yeah, it was outrageous. It

[00:13:33] **David:** was completely

[00:13:33] **Sally:** outrageous. Outrageous. Um, not right. Can I just move on and ask you about advocacy? I teach advocacy to pupils and then new practitioners.

[00:13:43] Um, and I know you wrote a book called, UM, advocacy. Yeah, I did. It was very, don't embarrass you.

[00:13:56] Well it was, and I noticed you can buy it an email. You [00:14:00] can't really buy it in France, isn't it? I can get a copy. I'm reading it when I, I was a pupil at least years agoish, but, um, When we watched the Prorogation case, um, and even now, you know, when you have to do the review of students and they do their advocacy of feedback, we demonstrate so on and we all call you the master.

[00:14:20] No, because you

[00:14:21] **David:** were so composed. The master was no coward. No coward was known as the master. Oh, I should have to get a silk dressing gown and a long cigarette holder.

[00:14:32] **Sally:** Oh yes. I'll send you one in a post for women in the law. Um, saying the master. The master, my goodness. Um, but, but really the master in advocacy, because I did watch as did judges.

[00:14:44] Yeah. Council in it and then QCs and now Caseys across the country, young people about advocacy. And yours was, if I may say so, miles ahead of, um, the others, bearing in mind the [00:15:00] Supreme Court, no robes. You know, you are, you are just there. As you are, which I suppose is part of, you know, the intellectual capacity of those appearing there.

[00:15:09] Yeah. I

[00:15:10] **David:** must say, I mean, it is easier to do a good job if the court is with you, than if the court is hostile. Yes. Um, so I did have that considerable advantage. I mean, I think if there's a secret of good, I think there are two fundamental points. The first is preparation. I mean, nobody, nobody at all can stand up and argue a case unless they've put in, uh, a lot of work.

[00:15:39] Uh, mean Cicero, who knew a thing or two about advocacy. He said an advocate cannot be eloquent upon a subject that is unknown to him. And I, I, I collect examples of mostly appalling advocacy. Other people collect stamps or, or air miles [00:16:00] or, yeah, sometimes impressionist paintings, if you're lucky, . But I collect examples of, of, um, curious advocacy.

[00:16:08] I'll give you a couple of examples of yes, please. Bad advocacy. Uh, council was asked in 2008 by the United States Court of Appeals for the Fifth Circuit in New Orleans, why he had not addressed in his submissions, the relevant judgment of the Supreme Court. He just ignored it. And his answer, he told the court he's alls missions.

[00:16:32] Uh, your Honor, uh, I try not to read many cases. , that's what you shouldn't do. And there's another one, um, 2011 Judge Charles Simpson sitting in Louisville, Kentucky, uh, reprimanded the unfortunate counsel. Uh, he told council in his, in his judgment, he said, council should appreciate that Wikipedia is not an acceptable source of legal authority in the [00:17:00] United States District Court said, you gotta prepare.

[00:17:03] You gotta the first key principle. The other key principle, uh, and this is counterintuitive, but it's true advocacy depends as much on listening as it does on talking. Yes. You have to listen to the judge, you have to listen to your opponent before you can make a valuable contribution. Uh, and I, I, I think sometimes, um, people don't understand that, but it's, it's vital importance,

[00:17:36] **Sally:** importance.

[00:17:38] Um, I feel like we're having a masterclass. These things people can subscribe to. How to write a book, how to cook well, uh, a masterclass of advocacy. And how does you do

[00:17:49] **David:** one? Um, well, perhaps I can, I, I can, um, uh, have an advert here, because this time last year it was November, 2021. I gave [00:18:00] the Hamon lectures, which is a yes.

[00:18:02] A series Yes. Uh, of, of, of lectures each year on the law. And my subject was advocacy. Fantastic. And I gave three lectures, one on, um, principles of advocacy, one on the morality of advocacy, one on the future advocacy. And, um, the lectures are being published. They're taking a bit of time, but they're gonna be published, I hope, early next year by Cambridge University Press.

[00:18:31] So, brilliant. Well,

[00:18:33] **Sally:** I'll share that, that, that that's an advert. Yes. And available

[00:18:36] **David:** in all good bookshops. Bookshops, but not quite

[00:18:39] **Sally:** yet. Good. Okay. Well, we'll look out for that please. She'll be great. And then can I ask you if I may, on then about this, um, when you get a brief Yeah. If the instructions come in now, they're all on you.

[00:18:51] Um, not physical anymore, are they? But um, they come or you have to access them or you are invited to log in that there's a solicitor or whatever, government [00:19:00] department or whatever. And what's the first thing you do when you are reading it? What part of it? Because, um, I, Joe City, it's, it's still on advocacy.

[00:19:11] Yeah. And, um, on the new practitioner's course, we often ask the, the youngsters this, because of course they've had three years to ruin everything you've told them when they start off as pupils. So we try and find out, you know, where, where they're at and what they, what they do. And I remember certainly the criminal cases, chap said, um, uh, well I look at their previous convictions and I say, what is that the first thing you do?

[00:19:37] **David:** I think most of my clients will be, would be a bit surprised. Exactly. You know, if I'm doing, cause most of my, my cases nowadays are appellate advocacy court. Right? Appeal. Yes. It's the Supreme Court. And if I



were to say to the solicitors, can I please have a list of the previous convictions of the client, I think they'd be a bit surprised.

[00:19:57] I mean, the questions a bit like asking, [00:20:00] um, a, uh, a composer, what comes first? Is it the music or the lyrics? And most of them will tell you. Well, in all depends. And, uh, they come together. Um, so I, I don't think, I mean, I just read it. Yes. Uh, I just read it. What I often do, if it's an appellate case, the first thing I'll do is I'll read the judgment from which the appeal is being brought.

[00:20:23] I mean, that's, yes, that's really important. Yes. But the instructions nowadays tend to be very helpful, very focused, and mean. You know, I can remember the day when I was doing cases in the magistrates court or the ca more the county court and the instructions will, will say, counsel, please read the papers and do his best for the client.

[00:20:46] You know, that was construction.

[00:20:50] **Sally:** I think I've seen one or two of them just ,

[00:20:54] **David:** but they tend nowadays to be a bit more focused and, and helpful than,

[00:20:58] **Sally:** than that. Yes. Well, [00:21:00] can I ask you, because this is a very recent opinion, um, that you gave, uh, on a case an issue because it's all been publicly reported. So I think listeners are interested and it's on the former Prime Minister.

[00:21:12] And the constitutional question, uh, uh, recently about whether or not, um, you he misled parliament. Yes. I'm not interested in you, or whatever you paid for it. No interest at all. I'm interested in

[00:21:26] **David:** law. Well, can I just say, I mean, there has been a report. Of a very substantial sum of money being paid. I think it was 130,000 bucks.

[00:21:36] Yes,

[00:21:36] **Sally:** I've written it down in my

[00:21:38] **David:** recent Yeah, well, absolutely. But, but even if you're not interested, I mean your, your, your, your listeners might, might be interested to know that that certainly wasn't paid to me. Um, it's been misreported because

what it was, as I understand it, yeah. Is the sum of money. To my, um, instructing solicitors who are Peters and Peters very, very distinguished for white [00:22:00] collar crime.

[00:22:00] Yes, they're, they're very distinguished and, and it was for a number of months work that they are doing. As I understand it, I have no private knowledge, uh, for the client. Boris Johnson, no doubt includes disbursements in particular, fee paid to me and my junior, uh, Jason Pop Choy also of Blackstone Chambers, who greatly assisted, uh, in this work.

[00:22:25] So I just wanna clear that out the way in case any of your, your clients, any, any of your listeners think I'm being paid a fortune for that as being, being paid government rates, yes. But on the substance of, of the matter, yes. Boris Johnson told Parliament, as you know mm-hmm. , uh, that there'd be no breach of the Coronavirus regulations.

[00:22:44] Yes. Uh, there was in a fine. Imposed which he paid. Uh, parliament decided that, um, the question of whether he misled Parliament should go to the Privileges committee. Yes. And, um, I was asked by Boris [00:23:00] Johnson, uh, to advise him on whether, uh, the committee have understood correctly, uh, the, um, rules relating to contempt of Parliament, uh, and the fairness of the procedure.

[00:23:13] And Jason Poro and I wrote an opinion, uh, it was white, the Prime Minister then put it on gov.uk so people could read it. Yes. People were form their own views. Get highly contentious. A lot of people, well tho I mean, what's happened is that those who. Uh, look, Boris Johnson is, uh, a martyr and should never have been, uh, removed.

[00:23:39] Think I'm a a a A hero. Yes. Your daily male have repeatedly described me as top qc.

[00:23:46] **Sally:** I know. I've seen it And the research for this interview.

[00:23:49] **David:** Yeah. You're only top QC if, um, was two circumstances, which your top QCs first is when they think your advice is very good. Uh, the second is if [00:24:00] you are in the daily mail.

[00:24:02] Because of some sex scandal. Yes. Then your top qy or top judge, there's never less than top judge accused of sexual harassment, . They don't have that. So, so I'm a hero to them. Those who are opposed to Boris Johnson think

he ought to be booted out of public life. Think, uh, it's an outrage and that, um, I'm a disgrace.

[00:24:25] I've had a number of emails from people telling me I should resign. Not sure from what, but telling me I, I should resign. And, um, you know, people will form their own view on the strengths or otherwise of, of, of the opinion. But what I can tell you is that it is my view. I mean, what I do is I advise people, I represent them in courts, and it really doesn't matter whether they're Boris Johnson or they're an asylum seeker.

[00:24:50] Yes, they get my view and that's what they pay me for. Sometimes a lot, sometimes not very much. Um, and, uh, Boris Johnson is no different from [00:25:00] any other, uh, uh, client. And my advice, sometimes the courts agree, sometimes they don't. The problem, of course, with the parliamentary committee is they're not subject to judicial review.

[00:25:10] They do? Yes. You know, they, they make, they make it up. They, they, they decide. And there's no independent body that marks their homework is very, very unfortunate, I think. But that's the law. Yes. That is the law of the land. They will eventually make a recommendation to parliament. Parliament will decide what, what, what happens in this matter.

[00:25:32] **Sally:** Hmm. Yeah, it, it, it really interesting. Um, I must say you are sitting in sort of my modest gray jumper and shirts not dripping in gold, so I dunno. I dunno. No,

[00:25:43] **David:** I'd like to, I'm sorry yourself that I'm, uh, dressed in a smart casual.

[00:25:49] **Sally:** Well, you are,

[00:25:51] **David:** but I mean, I've have to improve. I'm gonna go off toes as soon as we finished

[00:25:55] **Sally:** this.

[00:25:55] Well, I just mean that there's no sign of hundred 30 pounds thousand pounds. [00:26:00] No, absolutely. That's suggested.

[00:26:01] **David:** No, I'm not wearing suit. No, no.

[00:26:05] **Sally:** Um, uh, so I, I wanted to, to clear that up. Thank you as well. Um, I wonder if we can sort of ask you some other questions about. Family life. Um, you've got I think five

[00:26:16] **David:** children.

[00:26:17] No, I've got six children. Six children I think. Yes. The, the, the six of them would be very sad. No, I, I, I was married for many happy years to, uh, Denise, who sadly died of breast cancer, sorry, in 1999. And we had, uh, three wonderful children. And uh, then in 2003 I was very fortunate I'd met Natalie and, uh, we got married and, um, I've had many happy years so far with Natalie.

[00:26:45] And we have three children. So we have six children. Wonderful. Three boys, three girls. Wow. I'm very fortunate.

[00:26:54] **Sally:** Uh, and, um, can I ask you well, about wellbeing? I always ask this, you know, with a [00:27:00] large family, fortunately, how do you juggle. Wellbeing wellness because I have to say, this job is not conducive to No,

[00:27:10] **David:** it's very stressful.

[00:27:10] Yeah. It's enormously stressful. Uh, and I think if you don't feel that stress, well then there's probably something wrong with you because any normal person would find it stressful. And, um, if you look back over history, you can find any number of examples of very distinguished barristers who found it stressful throughout their, their career.

[00:27:34] I mean, in his autobiography. John Mortman qc Yes. Wrote that, um, he still had recurring dreams, regularly, recurring dreams in which he'd be running through the royal courts of justice, desperate to get to a courtroom, uh, where he had no idea what the case was about and couldn't [00:28:00] find his brief. Uh, you know, that's an extreme example, but yes.

[00:28:05] We all feel that. Yeah. I think it's very important to have a, a personal life. Yes. You know, if you're fortunate enough to have a family, that that helps. If you're not, you need good friends. Uh, and you have to have other interests. Yes. So I was

[00:28:18] **Sally:** going to ask you, what are your, well, I,

[00:28:22] **David:** my, I'm not sure about hobbies, but I'm, I'm a season ticket holder at Arsenal Football Club, which Oh.

[00:28:28] Which creates stresses of its own different sorts of stresses. I love musicals, uh, regularly take my family, uh, and when they don't want to go take, uh, nasty children, don't want to go to see, uh, musicals, go to the theater. Wonderful. Uh, a lot foreign travel. Uh, I love. Um, just back from Rome speaking last weekend to the American College of Trial Lawyers.

[00:28:54] That was a wonderful weekend. Yeah. So, um, you have to do other things and as I say, I mean, I, [00:29:00] I, I got to the stage when I was in my fifties where I needed to do something else than argue cases. I love argue cases, but it's, it's not really a serious job, is it? I mean, it's, you, you, you, you, it's, you're making decisions.

[00:29:18] That's what I mean. You are, you're, you are presenting one side of, of, of the case. Oh, yeah. And most people, when they get to that age need. To do something else. So you apply for the bench. Quite a lot of people. Yes. You know, whether it's high court, circuit, magistrates, tribunals, whatever, people, that's what people do.

[00:29:39] And, um, but I, I didn't really wanna do that. I didn't think I have the patience to sit in judgment on, on, on others and listen. So, um, I was very pleased to get my appointment, uh, as a cross rin in the house of laws and that, that, um, provides me with, um, another [00:30:00] interest. Yes. And some relaxation, you know, involvement at, at a, a very minor level in the, in the political world.

[00:30:07] So I love that. Yes. Um, so

[00:30:09] **Sally:** just explain, cause we have a global listeners, um, to this podcast. Um, what does the sort of average day involve? Because I have interviewed, I should say, um, named Gray Thompson, who is a friend of mine. Uh, the Paralympian. Yes. Right. Well, I've been there, yeah. Um, to observe proceedings, um, on a number of occasions.

[00:30:34] So how, how does it work and might I say, and how do you manage that with the day to day?

[00:30:40] **David:** Well, there's no, there's no normal day. Uh, I spend more time in the House of Lords when I'm spending less time, uh, at, at the bar. Yeah.

So if I have a case, I won't be going to, you know, have a five day case. I won't go to the House of Lords that, that week.

[00:30:57] Okay. If I'm only doing advisory work, [00:31:00] then, uh, I, I, I go to the House of Lords sometimes just for question time. Maybe to discuss, uh, matters with people forthcoming legislation, but if there's a bill mm-hmm. , there's a bill that excites my interest, yes. Then I will devote a lot of time. I'll go to the committee stage, I'll go to the report stage, speak at second reading.

[00:31:22] Uh, I'll have meetings with other peers where we discuss putting down amendments, um, meetings with ministers to discuss those amendments. And it's, it can be very time consuming, but very satisfying. And the households is a remarkable institution. I mean, I had no idea until I joined that, uh, legislation, when it is proposed, normally get starts in the House of Commons.

[00:31:47] Not always, but the House of Commons has no time or inclination to look at the. Of the legislation, the House of Commons tends to focus on the big policy [00:32:00] issues. There's some attention to detail, but not, not that much. And when it comes to the House of Lords, we go through it at committee stage and report stage, line by line.

[00:32:10] Wow. And any peer. Can table amendments, which are all debated. There's no ti, there's no cutoff. Oh, uh, uh, we can debate the, um, uh, the, um, the amendments. And we do, and everybody can speak. Uh, and, um, we, we make improvements to the legislation. And a remarkably high proportion, more than 90% of these amendments are not contentious.

[00:32:37] They're accepted by the government and they improve the legislation. Yes. Sometimes, uh, we poke our noses into big policy issues and there's a row, and then it goes backwards and forwards between the lords and the comments. What we qualy call ping pong. Yeah. Uh, and normally we give way and rightly so.

[00:32:57] Almost always we give way [00:33:00] because they're elected and we're not. Yeah. Uh, and that's right. And proper. So we are a constitutional anomaly. We're part of the legislature. We make the law, but we are not elected, but we perform, I think, a very important role of, uh, revising legislative proposals. Improving it.

[00:33:22] Yes. And uh, if you had an elected house, well, you'd have two problems. The first problem is, An elected upper chamber, uh, would not give way to an elected House of Commons so easily you'd have two elected houses.

And the second problem is that the House of Lords contains a very large number of people, like, Gray Thompson, who are experts in their field.

[00:33:47] Yes. And you simply wouldn't get such people there if, uh, you had an elected house. Yeah. So we're an anomaly. Um, but it's quite difficult to think of a, a better. Solution to, um, [00:34:00] the problems that the House of Lords helps to, uh, helps to solve. Yes. So I enjoy it and I think we play a valuable role.

[00:34:07] **Sally:** Well, I, I, I say I agree particularly on issues like the right to protest, um, online bill,

[00:34:14] **David:** we, we were gonna be, we all gearing up to deal with Dominic, Rob's, um, abolition of the Human Rights Act.

[00:34:22] Yeah, right sack. Yes. I was getting what it was called. Yes. We were all getting very excited, you know, we were working out which bits, if any, deserved to remain, which bits we wanted to amend. And, uh, but he's gone. He was sacked,

[00:34:36] **Sally:** well he was sack. But now we've got a, you know, a new attorney down, um, or a new minister who's still very keen in swell Breman,

[00:34:44] **David:** well, she's now the home secretary.

[00:34:47] Uh, she's, uh, made public statements about whether we should continue to be part of the European conventional Human Rights System, council of Europe. Um, we shall see what's, uh, what [00:35:00] comes forward from this government. I mean, the Human Rights Act is very important. It's played a great role and I think a valuable role in public life, but it's not perfect.

[00:35:09] And, um, the government may wish to bring forward proposals for improvement and they will be debated. But the Dominic Robs bill was just a root and branch attack. Yes. On the Human Rights Act, and, um, would've been, uh, I, I thought, uh, a very unfortunate, uh, development. And, um, I'm very pleased that it's, it's, um, it, it, it's gone away.

[00:35:36] **Sally:** Yes. So, well, so am I. Now I want to ask you some quick fire questions, which we wouldn't do in court. Okay. Um, one of them is, well, I'll tell you

[00:35:45] **David:** what ministers say in the House of Lords. When they get, uh, questions like that, they say, I will write to the Noble Lord . Can I do that?

[00:35:54] **Sally:** No. Cause these, these are fun.

[00:35:56] Ok. Alright. Such as, um, personally I'll [00:36:00] say them all so you can think about them. Alright. Um, what's your favorite book and why? Yeah. And then, um, if you've got a favorite fictional legal character, because Of course, um, you know, I, I love one poll and the, the books were of course, written by, um, Mor, but I wondered if you had your own favorite fictional legal character.

[00:36:21] It might be Atticus No. Uh, or, or whoever. So if you could share that with me and then if someone was gonna play, um, you in the kind of biography of your life. Um, who, who might it be? Um, and I don't give many interviews actually, but I was asked this once and I said, yeah, the American actress, um, uh, Viola Davies.

[00:36:46] Oh yeah. Yeah. But she's American and the actress means to be English. Really? And I'd No,

[00:36:51] **David:** no, she's an actress. She can play someone of a different nationality. I don't believe in this. Well idea that you've got a, [00:37:00] you only play someone who's got the same characteristics as you, but I understand. Well,

[00:37:04] **Sally:** I know.

[00:37:04] So now I would say, if it was me, so your nda, um, uh, the British actress maybe, I don't know. No one would be interested in anything about my life. Um, but, uh, you know, um, so that's the end of the quickfire question. I'll come back to my substantial last few questions in a minute, but,

[00:37:23] **David:** alright. Book. Yeah. Well, I suppose Prust, I love Prust.

[00:37:28] I've read Prust maybe three times and it's so long. Uh, in, in, in, in, uh, number of words, numbers, number of pages. Uh, it's so complex. It's got so many themes to it. Comedy, tragedy, drama. Uh, but, uh, I think that's probably my, my, my favorite. Yeah, probably. Okay. The other one, I mean, that's fiction. Yes.



[00:37:55] Nonfiction. I think Robert Caro's, uh, life [00:38:00] not yet completed. Oh yeah. Of, uh, Lyndon b Johnson. That is a quite magnificent, uh, work quite magnificent to, to portray not just the life but the, uh, the exercise of power in the Senate. And I hope he has many years left to complete the work. I think he's up to.

[00:38:24] 1965 and, um, uh, he's got, uh, a few more years to go. Mm-hmm. in particular, the end of Johnson's presidency. So that's probably my choice. Hmm.

[00:38:34] **Sally:** Good. Um, and, um, I can't remember

[00:38:38] **David:** the questions now. Well, the second one was the, um, uh, the fictional legal character. Yeah. Was it? Yeah. Yeah. Well, Mr. Chaffin Brass. Oh, Anthony Trollops lawyer in the three o'clock.

[00:38:53] Let me give you a quotation. Mr. Chaffin brass business is to perplex a [00:39:00] witness and bamboozle a jury. And, uh, it raises really profound questions about morality of advocacy, but that's what he does. He just, uh, um, uh, is a completely a moral advocate who performs the task. Of acting on behalf of his client, whoever they may be.

[00:39:23] Um, and, uh, I think he's a fascinating character. So that's, that's, that's, that's my answer to

[00:39:29] **Sally:** that one. Brilliant. And then what about an actor?

[00:39:32] **David:** Um, as I get older, the late water matter is no longer available. Might might have done a good me, uh, . Some people have suggested to me perhaps slightly unkindly that Danny DeVito would be a good David Pan.

[00:39:49] **Sally:** Oh, no,

[00:39:49] **David:** no, no, no, no. I'd like to think, uh, a younger Robert De Niro, uh, maybe or Al Pacino might, might be good. [00:40:00] Yes. I, I once saw Al Patino on stage in, did you, I think in New York as, um, as s Shylock in the Merchant of Venice did a pretty good. Um, so one of those, one of those perhaps yes. Would, would, um, would do a they do a very good job, I'm sure of, of any character.

[00:40:17] But I, I would be very happy to be portrayed by either of them.

[00:40:22] **Sally:** Fantastic. A and tell me, do you ever get nervous? I know we sort of touched on this before, but, uh, adrenaline, I was, we touched on it because I was talking about you being so cool with calm and composed. Yeah. Even when you refer to a file and, um, I think it was a, as an associate from ish coms came forward with the folder, a new stopped.

[00:40:47] The file carried on.

[00:40:48] **David:** Yeah, that was very embarrassing. That was in the Prorogation case. It was,

[00:40:51] **Sally:** it, it was. And, uh, I, I remember it well because, um, lady Hale kind of highlighted a bit by pointing out that all the council [00:41:00] were, were men and this young woman was sort of on the pulse. Cuz you paused for a moment that she brought it.

[00:41:04] I didn't think anything of it, but I just wondered if you ever, every, I mean I get nervous about the course of appeal, especially not doing Jewish

[00:41:11] **David:** trial. Well, you're nervous cause you just dunno what's gonna happen. I mean, that was exactly a very good example. There's a famous case in the United States Supreme Court where the advocate can't find the reference he's looking for.

[00:41:23] Ah, in his papers. Yes. Through his papers and Justice Scalia, there was a long pause and Justice Scalia broke the silence he said. When you find it, just shout Bingo, , how humiliating. Really humili and, uh, ev every advocate's worried that, um, events like that are, are, are gonna happen. Yes. But if you, if you prepare, then the chances of that are reduced.

[00:41:50] They're not removed entirely. No, because you can never be sure what's gonna happen in court. Uh, and that does make you nervous. Does make me nervous. Um, [00:42:00] but the, um, the, the other side of that is the excitement, the fun. Yeah. Exhilaration. The, uh, fact. You just don't know what's gonna happen in, in court. Um, you know, if I'm doing a a, a case, You can have a guess at what, what the court's reaction is gonna be, but you're never sure.

[00:42:17] At least I'm not, never sure what really I was gonna say. Yeah. Sometimes more, more in some cases than others, but, uh, I'm constantly surprised. Well, that's so by what happens in court. It's very good

[00:42:30] **Sally:** to know because I want to ask you about social media. Well, I

[00:42:34] **David:** don't touch social media. I know. I'm not, uh, on Twitter.

[00:42:38] I'm not on Facebook, and there are two reasons for that. First, I don't have the time. Yeah. Uh, and secondly, I'm a sensitive soul. And, uh, I really can do without the aggravation. Um, I mean, I sometimes write newspaper articles and I've made the mistake of scrolling down. Uh, on the, um, oh, on the [00:43:00] comments website.

[00:43:00] Yes. Yes. And you look at what people have, have said, and it's so dispiriting. I know the venom. I know the venom is, is important. That's what, that's what I like about advocacy. That, that, um, normally the arguments in court, and I think it's a, it's the great credit of, of the legal system. It's a wonderful thing that you are having these highly contentious issues being debated and decided.

[00:43:26] Yes. And they're debated and they're decided after, uh, argument, which is presented in normally, not always in a calm, rational manner, a polite manner. On each side. And I think that's a wonderful thing. And you compare it with political discourse nowadays. Yeah. Which is getting worse and worse. Worse. And with Twitter discourse, which is, which certainly does not have those attributes, it is, uh, um, matter of shouting at each [00:44:00] other over each other.

[00:44:01] Yes. And, uh, I think that's very, very unfortunate. So I'm very keen on advocacy in the sense that disputes are resolved by, um, by reasoned, arguably, maybe an ideal, but it's, it's an important ideal.

[00:44:17] **Sally:** Well, it is, and I have to tell you, um, You have built up the courage after about an hour to say that, but when I was, we're now old friends.

[00:44:26] We're not old friends we're, and to send you pictures of the dog, they're all flowers, which is what I normally put on Twitter. Um, but when I was a pupil 23 years ago, one of the things you asked to do is to cut out, um, cases. And I say this when I talk in schools and children and undergraduates don't believe you, you cut out the, the reported cases you put into chamber's folder.

[00:44:49] Mm. So that others, uh, silts could read them. And I think now there's probably an app which does it for you. I don't know. And you had a column in the Times I did, uh, [00:45:00] for such a long time that we all got

used to your face and you wrote, and it was always quite nice that you eat it writing commentary, whether it was on cases or, or variety of things.

[00:45:12] And of course there was no, was no opportunity to comment on that. No.

[00:45:15] **David:** In those days. No, no, no. Absolutely. I mean now of course then you, it was a mash of take it or leave it. Yes. Now everybody can, can publish their views. Everybody is a commentator. Yes,

[00:45:26] **Sally:** exactly. And

[00:45:27] **David:** that's a good thing, but it's also a bad thing when people abuse that with uh, um, with aggressive comment.

[00:45:35] **Sally:** Yeah. I comments agree. I agree. I agree. Well, can I ask you about, um, diversity. , um, you know, I'm a short black woman,

[00:45:44] **David:** and , and I'm a short white man. Yes,

[00:45:47] **Sally:** indeed. We, we all, we all have our, our characteristics of course. Um, and, uh, I think we can both punch you more than me above our weight. But I, I wondered what you thought about diversity [00:46:00] in our profession.

[00:46:00] Not just the protected characteristics, but how are we doing any better in law with, you know,

[00:46:08] **David:** um, well, we're doing better than we were. Yeah. I mean, when I started out, as I said, 1980, I was a pupil in 1979. My late wife Denise, was also a trainee barrister. Yes. I saw, and I remember very well that she told me that there were chambers to whom, to which she had applied, who told her, well, you are very good, but we can't take you cuz we don't have any women's laboratories.

[00:46:33] Now. Wow. That is astonishing. It's not, you know, the, the 19th century, this is 1979, uh, we're talking less than 50 years ago. Yeah. And it's, it's, it's shocking. Yes. And it's shameful. Uh, and, um, the number of, um, of, of, of people who were black or from other cultures, other communities who, cause we can't say ethnic minorities [00:47:00] now.

[00:47:00] I see. No,

[00:47:01] **Sally:** apparently not. I mean, I

[00:47:02] **David:** think I say I'm not quite sure I understand why, but anyway, I'm trying to avoid the use of that term. Cause it apparently upset some people. But you know what I mean? In 1979, the number of black faces Yeah. In the bar was very, very few. So I think we have undoubtedly made progress and rightly so.

[00:47:23] Yes. But there's an awfully long way to go. I mean, I think it's very, very regrettable. Although I understand why that there are so few, uh, faces other than white faces in, uh, the, um, appellate courts. Yes. And that is despite genuine good faith, enormous efforts made by the judicial appointments commission, by the judiciary, by the senior members of the bar mm-hmm.

[00:47:52] To try to, uh, improve, um, all, all, all of this. And we've got a lot of work still to do [00:48:00] because, uh, I think, I'm sure you think it is absolutely vital if you are going to ensure public confidence Yeah. In the legal system. That the people who are administering Justice, justice look like the people that they are administering it for.

[00:48:17] Absolutely. And that is vital to public confidence. I think also, and Brenda Hale has made this point, it's also vital for the quality of justice. It's not only how it looks, but it's vital for the quality of justice that you have diversity, not just of faces, but of attitudes and experience. Absolutely. And

[00:48:40] **Sally:** opinions.

[00:48:40] Yes. And of thought.

[00:48:42] **David:** And of thought. Yes. So it's all, all crucial. Um, if you ask me how are we gonna do it, I'm afraid I've got less of an answer because people who are far more knowledgeable than me have, um, spent much of their lives trying to achieve this. I am particularly [00:49:00] worried by the current difficulties problems, uh, in the criminal bar Yes.

[00:49:06] Where I am. Yeah. Well, I, I sympathize and you are doing vital work. Um, but the low rates of pay will have, and, and the, the tensions and the pressures will inevitably have a disparate adverse effect on people from less affluent backgrounds. Yes. And the bar has, I think, made huge efforts in the last 30 years to ensure diversity of those coming into the, uh, the criminal bar.

[00:49:39] And that is vital for the reasons I've given because you and, and your colleagues are, are gonna be the criminal judges in the next 10, 20, 30 years. And if there's no diversity at the bar, the problems and their real problems of diversity on the bench are not going to be alleviated. No.

[00:49:58] **Sally:** No. And and I can tell [00:50:00] you every week somebody leaves, I get text messages.

[00:50:04] I got one this morning traveling down of, of a woman who was leaving. Um, and, um, It's really sad because we will then not have the quality either. Um, you know, very able and talented people leaving, not just women. Um, but, uh, it's something that, uh, upsets me and I'm passionate about. But, um, let's get back to something a bit more positive.

[00:50:27] Yeah, that's a bit depressing,

[00:50:28] **David:** isn't it? It's very depressing. Yeah. But I hope, I mean, there are many demands on public expenditure, but justice really has to be at the top of the, of the, of the tree. And I hope that the new Lord Chancellor will take a more, um, active approach in trying to resolve these problems than, uh, his predecessor, Dominic Rob, who as I understand it, wasn't even prepared to meet the Criminal Bar Association.

[00:50:55] No, no. Would

[00:50:55] **Sally:** engage in any, any conversation. Um, so yes, there's  
[00:51:00] a positive, I think we're looking more, more positive. Um, can I ask you, David, what's next? Um, you don't want to go on the bench. You've

[00:51:09] **David:** written lots of Well, I'm too old now. I'm 66. Um, although they're just increased the retirement to 75. Yes, I've got another potential nine years, but I.

[00:51:19] What I do, I enjoy it enormously. Uh, not just the advocacy, but I enjoy the independence. Yes. Uh, and I'm not, not keen at all to give up independence. I think those who do the job of judges are enormously impressive. I think we have a, a quality of judiciary that is quite astonishingly good, and those who do that work do enormously valuable and important work.

[00:51:49] It's just not for me. Mm-hmm. .

[00:51:50] **Sally:** Well, um, Lord Reed, I think said, He wanted to see more diversity in the Supreme Court itself, which, um, [00:52:00] uh, has gone a bit backwards in my view. But, you know, my view doesn't count for anything because there's still one woman in, uh, lady Rose. Um, and so, you know, he wants to see some more diverse, if I could put it that way, before he retired.

[00:52:16] So I was thinking with nine. Uh, left, um, before the retirement wage, whether that might come back to you or whether you are content?

[00:52:25] **David:** Well, I wouldn't, uh, improve their diversity, would I? , I mean, I'm afraid that, you know, I might have, I might put myself forward on the basis. I've got other qualities, but that isn't one of them.

[00:52:35] No,

[00:52:36] **Sally:** unfortunately. Um, so what, so what would you like to continue? Do you, would you like to continue? I asked the question what's next? Because I just wondered if your content being an advocate. Yeah,

[00:52:47] **David:** I like it. Absolutely. I'm content. Doing all of that, um, uh, participating in the House of Lords. Although, um, it's quite possible that proposals will come forward [00:53:00] to change the House of Lords, make it into either an elected body or a body that represents different regions of United Kingdom.

[00:53:08] And so that may be taken away from me. Uh, I may be, uh, removed, kicking and screaming from the Palace of Westminster, and I'll be very upset if that, that were, were to happen. But otherwise, no, I shall, I shall carry on. Uh, there will come a point I'm sure where my colleagues in Blackstone chambers, uh, will, um, knock on my door and they'll say, David, it's property time, isn't it properly timed , you know, this is, it's always said.

[00:53:38] I think it's of the conservative party leaders that there's a, a delegation. Of the men in suits who come to tell the Prime Minister that he or she really has to go. Um, although that didn't work really with Boris Johnson. No. Um, and there's something similar I think, at the bar. I mean, I've done cases against people who've gone on a very, very long time, really?

[00:53:59] [00:54:00] And have still remained a, a, a at um, peak of their powers. I did a case in Supreme Court, when was it, a few years ago now, probably about eight, nine years ago. And my, one of my opponents was so

Sydney KenRidge. And so Sydney KenRidge was appearing in the Supreme Court. He was representing, I think, the Law Society.

[00:54:21] Uh, and it was, uh, the day. Of his 90th birthday. Wow. It was his last case. And, um, he still knew how to do it. Really? Yeah. He was quite, uh, e extraordinary. So I was the, for the appellant. And I stood up and I mentioned to the, uh, justices what they already knew. It was the Sydney's birthday. And, uh, wished to pay tribute to him.

[00:54:44] You know, he was, um, uh, hero a model for barristers here and abroad. And then I added, uh, this is all without prejudice Yeah. To my latest submissions. But, uh, he, he, his case is absolutely hopeless. And, uh, ,

[00:55:00] I got a laugh. Laugh, absolutely. But the last laugh was on me cause he won , but he was, uh, he was still doing it at the age of 90.

[00:55:07] I don't think I'm gonna be still arguing cases at the age of, of 90. There comes a point where, um, I shall retire. Retire gracefully. Yes. And, uh, just concentrate on supporting Arsenal reading Prust. And, uh, going to musicals,

[00:55:24] **Sally:** well, that's a per perfect, uh, night. I'm very keen theater myself, so it sounds perfect.

[00:55:30] But of course, we are now entering a new age. Her Majesty has passed and, uh, we now have a new king. Uh, we do. Uh, and um, and do you, what, do you see any changes, um, coming in under, um, the

[00:55:46] **David:** new uk? I'm, I'm doubtful that we'll, Changes. I think if he's wise and well advised and he's both, uh, he will, uh, ensure that he plays as little political role [00:56:00] as possible.

[00:56:00] That was the secret of her majesty's. Yes. Enormous success. Over 70 years that, uh, she played very, very little part, uh, inactive politics. Fact, none at all. Mm. Um, and, uh, she said virtually nothing over 70 years that provoked controversy. Yes. Uh, and, uh, that's the way you do it. I think it's the only way you can do it as a as, as a, um, a mono in a modern.

[00:56:31] uh, democracy. She, of course, to come back to the Prorogation case. She was heavily involved in that because she received the advice from Boris Johnson. But we made it very clear in the proceedings, as was the case, that um, these proceedings were no criticism whatsoever of her majesty. She'd been advised.



[00:56:52] And, uh, her majesty takes the advice of, uh, her prime minister. Yes. Which just ranked bad advice.[00:57:00]

[00:57:01] **Sally:** Well, they'd asked you before that . Yeah. Well it'll be another story. Um, well, we'll coming to the end, I want ask you about young people coming to the bar now. You've been in a profession that you've excelled at wonderfully. Many of us, Michael and more senior, uh, and junior admire work. And, you know, admire actually cleverness, if I may say so.

[00:57:25] Uh, but have you got any tips for young people who might want to come to the bar now? Um, you know, looking back maybe, I don't know the 21 year old David, he wasn't Lord panic. He wasn't Barr panic, it was just David.

[00:57:39] **David:** Well, I've been very fortunate. I've had great mentors, Anthony Lester, Michael, but off in particular, Michael was my pupil master.

[00:57:48] I learned an enormous amount from both of them watching them, listening to them being brought into cases. Um, I've had, um, uh, great opportunities [00:58:00] and, uh, I've thoroughly enjoyed it. And so my advice to young people who are considering against the bar is do it. Uh, I can't think of a career that will give you more, uh, excitement and interest.

[00:58:16] Uh, and every day is different, as you know, Sammy. Yeah. I mean, every day is different. Every case is different. Uh, and, uh, the variety of work. The stimulation that it gives, uh, is far, far better. I mean, the problem for young people is that they, if they want to go to the bar, they also know that, uh, if they're, uh, very clever, very successful in university, they can earn an enormous amount of money from solicitors.

[00:58:46] Yes. Uh, and they can sign up and they can be one of the top solicitors firms. And from day one, they're earning a fortune. The bar is more risky. Yeah. Obviously. So, but the rewards are great [00:59:00] if you persist and if you are successful. And, uh, of course once you start the bar, they are your cases. You know, if it's, uh, a case, you are, you are doing a case in the employment tribunal, the immigration tribunals, it's your case.

[00:59:15] You ask the questions, you, um, you talk to the. Decide the strategy. Uh, and that's an enormous responsibility, but it's also enormously satisfying and far, far better. I tell people than earning a fortune at the solicitors firm, uh, being, uh, involved in a discovery exercise where you're sitting behind the desk going through, uh, 50 or a hundred boxes Yes.

[00:59:41] Or going to the computer file to find, um, documents that are relevant to, um, the case that, um, your firm is, is, is acting in. So go to the bar. Uh, north Bingham once said that's where the magic is. Uh, and I think he's right.

[00:59:57] **Sally:** Fantastic. And then what about when failure [01:00:00] comes or imposter syndrome creeps in, um, on that journey?

[01:00:04] How do they get over that?

[01:00:06] **David:** Well, you have to deal with that. Uh, you, you'll lose as many cases as you win, whoever you are. Yes. No, I lo I lose a lot of cases. Everybody loses a lot of cases. Uh, but this is true of many professions. I mean, if you want to go into acting, uh, you've gotta get used to the rejection.

[01:00:25] When you go for auditions, you know, you might be rejected 99 times out of a hundred, so you've gotta persist at the bar. , you wouldn't be doing very well if you lost 99 cases out of a hundred. But you lose a lot. Yeah. And, um, there's nothing more satisfying than winning a a case, but there's nothing more dispiriting.

[01:00:47] And I've had this experience many, many times of going back to the Clarks room and they ask you, how did it go? Yes. And you have to say, well, The judge decided my, my, um, application for [01:01:00] judicial review raised no properly arguable point, and the application was dismissed. I mean, that's, that's dispiriting, but you deal with it.

[01:01:08] Yeah. And, um, you know, you are just, uh, the advocate's not, uh, you, you mustn't get too personally involved. That's also very important. Very important. You do your job in a professional way. You, uh, you argue the case. I'm a great believer in the cabaret principle. You argue the case that anyone, there's a famous story.

[01:01:29] It was in the Times obituary of uh, uh, great barrister, Michael Lavery, qc, who died a few years ago, and he was in the courts, nothing in nor in Northern Ireland. And he was arguing a point and the judge said in, but Mr. Lavery, you were here yesterday and you argued the exact opposite point. And Michael Lavery said, I am a mere taxi cab, my Lord.

[01:01:55] And the judge said to him, Mr. Lavery, more a limousine, [01:02:00] more a limousine

[01:02:04] **Sally:** Great story. Absolutely fantastic story. Well, um, Lord panic, thank you so much for, um, talking law with me about your career and your journey. It's been an absolute pleasure to meet you. Um, thank you so much for giving up your time. Well,

[01:02:22] **David:** thank you. So it's been great fun. Very enjoyable. Thank you for indulging me.

[01:02:35] **Sally:** Thanks to Lord panic for telling me all about his career and life and law. Thanks again to C B R E for supporting this episode. Do visit C b r e.com to learn more about their work in commercial real estate services and investments. I am pleased to let you know that women in the law UK will be hosting two events in line with International Women's Day in March this year.

[01:02:57] You can join us prior International Women's [01:03:00] Day Dinner on the 9th of March, or join us for our annual conference to be held at Irwin Mitchell this year. You can learn about how to advance and expand your Korean law with guest speakers who'll be sharing their wisdom on subjects like leadership, communication, and imposter syndrome.

[01:03:18] Those events are great events, a fantastic way to meet people and network, and would love to see you there. You can now purchase your tickets online at women in the law uk.com. If you'd like to support Talking Law, then do get in touch. You can follow me on Twitter at Sally Penny one and on Instagram, SJ Sally Penney, and of course on LinkedIn at Sally Penny, m b e.

[01:03:46] There are plenty of episodes of Talking Law for you to catch up on and do listen to guests such as Activist, Jean Miller, Sheri Booze, and of course Lady Hale. Thank you so much to our production team at Purposeful [01:04:00] Podcasts. I'm Sally Penny, m b e. Bye for now.