

The Savage Poodle

Tales from Legal Practice



Richard Barr

SOLICITORS
JOURNAL

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To my wife Kirsten (who also features in these pages), along with
my children Sophie and Nick, and my step children
Becky, Bryony, Tom and Philippa

Preface

Long before I met Richard Barr I had come to admire his humorous musings on life in private practice which generally provided light relief at the end of the Solicitors Journal. Here was a man of a certain age dedicated to looking after his clients but constantly tripped up by the eccentricities of those clients, his pet animals or modern technology. He was clearly an interesting chap with some unusual hobbies; not many people own their own fire engines. One article in particular always stuck in my mind; his beautiful depiction of his father and his father's career as a local solicitor as he described the day they buried him. Telling how most of his clients were friends and most of his friends were clients will have resonated with many more solicitors than me. And how his father, rather than claiming he was a war hero, always reckoned that his war injury had helped his fly fishing. When I finally met Richard upon his joining the Law Society Council it became clear that here was a kindred spirit. A contented man with an irreverent view of the quirks of life as a small town solicitor tempered with, on occasions, a little innocent mischief. And Council was not spared as he picked up on the foibles of Council Members and some of the quaint practices as we try to manage a growing profession in an increasingly technological age. I have no doubt whatsoever that you will enjoy this welcome volume of his 'greatest hits', sometimes chuckling, sometimes laughing right out loud.

Joe Egan, president of the Law Society of England and Wales
September 2017

Contents

Preface	v
Introduction	xi
Chapter 1: The day the office became a film set.....	1
Chapter 2: The Lord Chancellor on water skis	4
Chapter 3: Rage about a lost file.....	7
Chapter 4: Spitting lesson	10
Chapter 5: Inventing the future.....	13
Chapter 6: Beware smiling jurors.....	16
Chapter 7: Goodbye Norfolk	19
Chapter 8: Strapped to a Turk	22
Chapter 9: Clinton's lore	25
Chapter 10: Haunted by the law.....	28
Chapter 11: Eaten up with political correctness	31
Chapter 12: Say Aaaargh	34
Chapter 13: Beyond belief	37
Chapter 14: Eyes right.....	40

Contents

Chapter 15: The cat that came back from the dead.....	42
Chapter 16: Body talk	45
Chapter 17: Granny bashing in the blue lagoon.....	48
Chapter 18: Sod's law and other disruptions.....	51
Chapter 19: A ketchup week.....	54
Chapter 20: How to stop a secretary crashing	57
Chapter 21: Death of a father	60
Chapter 22: Squirting and buzzing	63
Chapter 23: Still waters paddle deep.....	66
Chapter 24: The savage poodle	69
Chapter 25: Apples from Wisbech.....	72
Chapter 26: Smallbone alive	75
Chapter 27: Camel antics	78
Chapter 28: Holiday from hell	81
Chapter 29: Roly Poly Stones.....	84
Chapter 30: The smell of success	87
Chapter 30: Call out Barr the plumber	90
Chapter 32: Fired!.....	93
Chapter 33: Growing old disgracefully	96
Chapter 34: Down Under but not out.....	99

The Savage Poodle

Chapter 35: Tea with the Queen	102
Chapter 36: Smoke signals	105
Chapter 37: Normal for Norfolk	108
Chapter 38: Space man.....	111
Chapter 39: Pillock in tassels	114
Chapter 40: Frothing sheep	117
Chapter 41: Postman Barr.....	120

Introduction

This little volume is a very small selection from the four hundred or so articles I have written in *Solicitors Journal* over the past 40 years – a time span long enough to see lawyers' offices change from something not dissimilar to those described in Dickens's *Bleak House* to the present day when most firms (but not all) have fully embraced modern technology.

I had set out to do for solicitors what James Herriot did for animals. Sadly, solicitors are generally not furry and do not have tails that wag, so it will never be possible to create the oooh and ahhh factor for members of our profession. Nonetheless I hope that I have been able to show that solicitors are human even if you cannot always cuddle them.

I have frequently made personal reference to people I worked with and these included Colin, my vegetarian partner, Deborah the gin and tonic partner, Jean-Ann from Jamaica, John my bearded partner and Maureen who was my secretary and life support for most of the 25 years of the first part of my career at the original firm (Dawbarns). The book is also dedicated to them and to other colleagues who tolerated my occasional references to them. It is especially dedicated to the memory of John and Maureen who are no longer with us.

When I started writing these pieces, computers were a rarity, dictating machines were not universal and telephones still had dials rather than push buttons. Secretaries still practised shorthand (my father – who died in 2005 – see *Death of a father* – never used a dictating machine, nor for that matter a mobile phone or computer). We did not get a fax machine until the late 1970s and in the late 1990s I was still badgering the managing partner to put a computer on the desk of every fee earner.

It was not just technology that changed. The pace and pressures increased enormously – as is perhaps reflected in my harassed accounts of going on holiday (see *The Lord Chancellor on water skis*). Being a lawyer was never a licence to print money, but it was easier to make a comfortable living 40 years ago than it is now and we were less constrained by the yoke of regulation. Nonetheless I believe we served our clients well despite the fact that we did not have a rule to cover every move we made.

Introduction

I fear for the future of those who are called high street solicitors (even though in reality most firms could not afford high street prices these days). They are the general practitioners and most people's gateway to access justice. They – we – are under constant attack from commercial and government forces, combined with huge increases in court fees and the year-on-year reduction of public funding for legal cases, so that our once fiercely independent profession is deprived of much of its weaponry to fight for the people we try to represent: all a far cry from when I nearly brought the Milk Marketing Board to its knees with a telephone call as described in *Goodbye Norfolk* (see page 19).

In the 1990s I somehow became entangled in a number of high profile cases. I have done no more than give the occasional glimpse of them in these pages, but they did set me on an uneasy career path that took me away from the relative comfort of the firm in which I was a partner for 25 years (and but a few months before I was to become the senior partner – see *Goodbye Norfolk*) into other firms and other cultures in an endeavour to service the claims that were beyond the resources of my original firm. In terms of career progression the move was pretty disastrous but it took me inside three different firms in seven years before I returned to my old firm but now the bottom of the pecking order (see *The savage poodle*). That eventually did not work out because just as I became settled in, the recession of 2008 hit and I was out on my ear – as described in *Fired!*. That set me, at the age of 60 in another career direction when I joined the present firm, enabling me to work from home (*Down Under but not out*).

Throughout I kept up my writing with *Solicitors Journal* – where even the setbacks provided inspiration.

Inside, you will find I have covered a random selection of topics, from spitting Americans to paragliding, from being abducted by aliens to reflecting on the antics of Bill Clinton, from a close encounter with the Queen to dealing with smiling sheep in the depths of winter and from corpses in deed boxes to a cat that came back from the dead.

This book would never have seen the light of day without the encouragement, support and guidance of Jean-Yves Gilg, the Editor-in-Chief of *Solicitors Journal*, to whom I shall be forever grateful.

Enjoy.

Richard Barr
May 2017

Chapter 1:

The day the office became a film set

Originally published 29 April 1994

I have sympathy for both sides. The trouble with solicitors' offices is that there is no clear division between the shop floor and the public relations and personnel departments. Worse than that, like some primæval stew, they are all mixed together. Within the chaotic pressures of a working day one has to try to achieve a balance between the need to get the job done and the desire to create an atmosphere where people give their best.

We used to have an open-door policy. There was once free access for all except when we were seeing clients. But that was when there was a comfortable gap between income and overheads, when you could clear your backlog in a matter of hours and when, even, you went home on Friday and did not return to the office till Monday.

Now we are all increasingly bad tempered, under pressure and unlikely to take kindly even to a visit from the friendliest face in the office. One by one, our open doors have come to remain closed; few now work with them open.

The unhappy industrial tribunal hearing in April involving a dispute between two solicitors, Mr Aaron and Mr Taylor, over the issue of whether the latter should or should not have kept his door open is, in a way, a paradigm of life in the nineties: an employer who wants an open and friendly office, and an employee under pressure who wants to work.

Those conflicts came together recently in our office with the intervention of a *deus ex machina*. The BBC decided that the area around our office represented Dickensian England. This autumn's costume drama series will be *Martin Chuzzlewit*. We will be watching it carefully.

During the summer, some men in anoraks were seen to be taking a keen interest in our buildings. We pondered whether to call the police or invite them in. If they were burglars, we could show them we had nothing worth stealing. The burglars claimed that they were from the BBC and were looking for suitable locations for a film. We showed them all the places we thought they ought to film: our cellars, my vegetarian partner's Linda McCartney photographs, my untidy room.

Chapter 1: The day the office became a film set

But they had other ideas - and returned some weeks later with more men, this time in expensive anoraks. How would we mind, they asked, if they took over the office for a couple of days?

And the clients too? we asked eagerly. No – we could keep the clients. And so, in between the snows of Easter, three sides of the office had all signs of the twentieth century carefully expunged from them. Wires were removed or disguised and the white painted windows were rendered black. We committed a minor breach of the Solicitors Practice Rules by sharing our premises with someone not from a learned profession. The south west corner of the building sprouted extra walls and became a shop front for: ANTHONY CHUZZLEWIT & SON DRY GOODS.

A further breach of the rules was committed at the front of the office when a new brass plaque was erected denoting that we were a fictitious international bank. Art was indeed imitating life, because in the nineteenth century the building (still known as Bank House) housed Gurney's bank (later to become Barclays). In 1879 a partner in the bank had to dash to Norwich to bring back gold to reassure customers and prevent a run on the bank.

As the day for filming drew near the streets filled with sweeps, barrow boys, whelk stalls, fruit stalls and artificial manure. Inside, wooden floors were laid over our boardroom carpet and several thousand pounds' worth of oriental antiques arrived to lend an air of unaccustomed opulence to the room.

The film crews and actors arrived. And then came a new office policy: the open window policy. If anyone was missing, they could almost certainly be found on the top floor. At least their bottoms could be found. The rest of them was sticking out of the windows looking down on Sir John Mills, Elizabeth Spriggs, Julia Sawalha and Keith Allen. For hours on end street life sprung into ACTION on the word of the director before he shouted CUT, and out came the 20th century: people in anoraks and the cigarettes.

Courtesy of the BBC, our open-door policy gave way to a closed gate policy. Along with the crumbling masonry of our listed building, we acquired a fine set of wrought iron railings and gates. One of the scenes you will be watching in the autumn is of several top-hatted men fighting to get through the locked gates of the Anglo Bengalee bank. They were so vigorous in their efforts that we had to tell them to calm down or the gate really would have been broken.

A large crowd gathered to watch. We could not tell whether it was to see the filming or the spectacle of what appeared to be a posse from the Solicitors Complaints Bureau trying to intervene in our practice.

Too soon it was over. The cobblestones were rolled up, the carriages driven away, and the actors moved out of our reception. The shop front was dismantled, and the brass plaque was taken away. All we have to show for it is a little manure ingrained in our carpets (we have not checked if it is real) and a scratch on our boardroom table which should send the BBC scurrying for that well-advertised number for a French polisher in the Yellow Pages.

And now the gates remain open, the windows are closed and the doors... well curiously more of them are open at the moment. You never know, the next group of men in anoraks might be talent spotting for extras.

Chapter 2: The Lord Chancellor on water skis

Originally published 22 September 1995

To start with, it is very raw. You are over-tired, over-anxious and tense. It is Sunday. You have already postponed your departure from the office three times. Eventually in panic you gabble some instructions on to tape in the hope that your long-suffering secretary will have sixth sense and do something with the fish file before you get back. (I learn from John Grisham's latest book that a fish file is the kind of file we all have: the longer you leave it the worse it stinks.)

You arrive home after the last deadline to find the rest of the family lined up at the garden gate with all suitcases, rucksacks, snorkels and beach mats. You are allowed five minutes to change before joining the traffic on August's busiest weekend and beginning the slow trek to Gatwick.

As you drive you think of all the things you meant to do but in the maelstrom of those last hours you forgot. You telephone a colleague who does not appreciate having his Sunday afternoon interrupted by a hysterical solicitor. You beg him to issue the writ/exchange the contracts/register the debenture. In the background you hear a shrill voice: "Who is it dear?" The line goes dead.

You try again when you arrive at your homogenised hotel. You obtain an unobtainable tone. You sleep a fitful night, full of grim images of shouting judges, menacing officials from the Solicitors Complaints Bureau and swirling clouds of files. You are woken before dawn and check in three hours before your flight is due to leave. Has anyone ever caught a holiday flight from Gatwick that was scheduled to take off after 9 am? My theory is that having tormented tens of thousands of passengers with an early start, a long wait and an indifferent breakfast the whole airport closes down for a siesta until the return flights start to arrive at the end of the day.

The plane takes off. On the flight, you think of about 17 more things you did not do. You land and disembark palely, under the deep tanned stare of those who are going home.

You want to telephone at the airport but you do not understand the Greek instructions. Besides, you are momentarily even more distracted by the fact that your three suitcases are nowhere to be seen, even though everyone else has collected theirs and all that is left is a badly tied cardboard box and a faintly familiar luggage label.

At length there is the sound of hooves and another cart of suitcases is offloaded to some gentle braying. You rush to catch up with the crowd.

You give up trying to make further contact with the office that day and have your first drink. But no sooner is the Mediterranean sun above the horizon the following day than the impulse to communicate revives. Not far from your villa is a public telephone, but it is a card phone. There is a helpful sign in the nearby kiosk that they sell phonecards. You point to the sign. The man puts down his cigarette and informs you that he will not have any until the week after next, but you can get them in the main town 10 miles away.

Your family insist that one of the reasons why you came on holiday was to allow them to remember what you looked like. You feel trapped but the sun begins to feel good and you slowly subside into a sunbed where, in due course, you become a fetching shade of pink. You cool off in the sea and think of only one more catastrophe you did not deal with.

On day three you wake up early and catch the first bus while everyone is still asleep, returning triumphant an hour later with a phonecard with a picture of the Acropolis on it. You carefully remember to dial the extra digit and after many crackles and pops you are rewarded with a recorded announcement that calls to five figure numbers in Leighton Buzzard should be prefixed with an extra 7 (interesting but not helpful as I was not trying to ring anyone in Leighton Buzzard). Your card goes down by three units.

Your next attempt connects you with a nice German lady. You have incorrectly dialed Munich (20 units). At the third try you get through. You speak to your vegetarian partner just long enough to establish that he is not pleased to hear your voice, when two Greek ladies loudly join in the conversation and defeat any attempt at further discussion before your units run out.

You give up, have a drink and expose yourself to more ultraviolet light. The following day the urge to communicate is still with you. You start to get up to catch the bus. The sun is warm. The cicadas are rasping. The sea is blue and inviting. Maybe you will try later.

But you don't. Instead you watch the watersports in the bay, and wonder idly what the Lord Chancellor would look like on water skis. You imagine five appeal court judges being towed very fast in rubber rings

Chapter 2: The Lord Chancellor on water skis

behind a speedboat, their wigs and robes flapping in the wind. You feel that the long inflated banana would be a suitable method of transport for the law lords.

Then you forget all about the office, the law and Greek telephones, until two weeks later, depressed, anxious, and peeling, you step over mountains of files and pick your way to your desk. Your vegetarian partner gently breaks the news that a writ has been served on you, and he cannot find the file. You fervently wish you could be transported back to the Mediterranean beach to run a watersports centre for tired judges and never come back.