

Law

The Times Law 100 2012 - Top Ten



The Times Law 100

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Full biographies of the ten lawyers that our judges believe to hold the most influence

(10) Lord Pannick, QC

Crossbench peer, barrister

Described by one judge as “leader of the crossbenchers” and as having “incredible influence” in Parliament, it could almost be overlooked that Lord Pannick is one of the country’s most powerful advocates. He represented Max Mosley in his 2011 European Court of Human Rights case on privacy and as the expenses scandal reached its peak in 2010, he appeared in the Supreme Court on behalf of the Crown to ensure that MPs accused of expenses fiddling could not rely on parliamentary privilege. He has appeared more than 100 times before the Supreme Court and its predecessor, the House of Lords Appellate Committee. His work as a peer has opened a new sphere of influence beyond the courts where in a short time he has made his presence felt. His principles are liberal and civil libertarian but he is a pragmatist — and is instructed in his legal work to act for the Government as much as by those fighting its decisions. He recently challenged the Government over legal aid cuts and won support for an amendment intended to protect access to justice. Between leading fellow peers to amend government legislation and weighty briefs — regularly in Hong Kong — he also writes a fortnightly column for The Times.

Call: 1979, Silk: 1992

University: Hertford College, Oxford

School: Bancroft’s School

(9) David Morley

Senior partner, Allen & Overy

They say that business is global but there are probably only a handful of business leaders who spend as much time travelling as they spend at home. One is David Morley, who journeys across A&O’s growing number of overseas outposts and hunts down new openings for six months of the year. This is probably why the firm has more offices in more countries than Clifford Chance, the UK’s biggest law firm by revenues, and why more than 60 per cent of A&O’s revenues come from abroad.

They also say that business is brutal. “Magic Circle” law firms weathered the downturn better than most but for many firms there was a price to pay: A&O was no exception. In 2009, under Morley’s command, the firm cut 450 staff, including 47 partners. Yet if any of the big City law firm players justifies a place in our Top 10 for influence, it is arguably Morley. His bullishness has driven A&O closer to its once-distant rivals and secured its place as a global heavyweight.

Qualified: 1982, Partner: 1988

University: St John’s College, Cambridge

School: Queen’s Park High School

(8) Baroness Hale of Richmond

Justice of the Supreme Court

She is the only woman in this year's Top Ten and one of just two women to feature among the Top Ten in any of The Times's previous lists of influential lawyers. She is also the first and so far only female justice in the Supreme Court. "I should not stick out like a bad tooth," she said last year. "No system of appointments that produces only one woman can be considered remotely satisfactory." Lady Hale believes that women are hitting a glass ceiling on the way to the upper ranks of the judiciary and she continues to fight to break it. In the Supreme Court, she brings a different voice – sometimes evident in her isolated stance in rulings.

Lady Hale spent 18 years as an academic before joining the High Court. Later, as a law commissioner, she oversaw proposals to reform family law. She opposes any expansion of the powers of the European Court of Human Rights and is a critic of legal aid cuts.

Call: 1969, Silk: 1989, High Court: 1999

University: Girton College, Cambridge

School: Richmond High School for Girls

(7) Keir Starmer, QC

Director of Public Prosecutions

The economic downturn brought with it swaths of budget cuts and the head of the Crown Prosecution Service has so far implemented these without a big backlash. Less smooth has been his drive for quality standards to be applied to all advocates employed by the CPS, after what he called "variable" prosecuting work in the Crown Court. The new approved list contains 2,000 fewer barristers than the original panel of 4,500 who were eligible to prosecute serious cases.

A moderniser, he is driving ahead with electronic files and favours cameras in the courtroom. The aim is for courts to be fully digital by April; there may also be some evening sittings. But inconsistent standards of prosecuting work, particularly in London, remain a challenge.

Transparency is his watchword. On the public policy front, he has steered a sensitive course in the debate on assisted suicide and on prosecuting cases in which people withdraw rape allegations. Next may be guidelines on whether there should be a public interest defence to illicit behaviour by a journalist.

Call: 1987, Silk: 2002

University: Leeds

School: Reigate Grammar School

(6) Sir Nicolas Bratza

President of the European Court of Human Rights

When your own Prime Minister unleashes a broadside at the operation of your court, you might consider battening down the hatches. Not so Sir Nicolas Bratza. The long-serving human rights lawyer, a stalwart of the European Court of Human Rights since he first argued a case there for the Government in 1981, immediately hit back, criticising senior politicians for “lending their voices to criticisms more frequently heard in the popular press, often based on a misunderstanding of the court’s role and history, and of the legal issues at stake”.

Nevertheless, British MPs voted to ignore the court’s unpopular ruling on prisoner voting. Soon after, Bratza’s court ruled against Britain deporting Abu Qatada, the radical Muslim cleric. As it faces calls for reform, the court is also struggling with a huge backlog of cases. Under the UK’s current presidency of the Council of Europe, the troubled relationship between Britain and the court has entered a difficult stage. Bratza’s leadership will help to determine its future shape.

Bratza succeeded Jean-Paul Costa in November, having been Vice-President since 2007.

Call: 1969, Silk: 1988, High Court: 1998

University: Brasenose College, Oxford

School: Wimbledon College

(5) Lord Justice Leveson

Chairman of the Leveson Inquiry into the Culture, Practices and Ethics of the Press

Of all the names of the senior judges, that of Lord Justice Leveson has been uttered the most frequently since he was asked by the Prime Minister to scrutinise press standards because of the phone-hacking scandal. He has since guided an army of journalists, police, lawyers and celebrities through successive hearings since the inquiry began in September – and there will be no let-up for a while yet. He has a tough and unenviable task, with far-reaching consequences for the way the media operates as well as its relationship with government. He must answer a difficult question, one that he himself posed upon taking the post: “Who guards the guardians?”

A criminal practitioner by background, he prosecuted Rose West over the ten “Cromwell Street” murders. As a judge in 2007 he quashed the conviction of Barry George, who had been wrongly jailed for murdering the BBC presenter Jill Dando. He also presided over the trial of Toby Studebaker, the former US Marine jailed for grooming a British girl over the internet. Lord Leveson also chairs the Sentencing Council for England and Wales. Is he a next Lord Chief? Certainly a strong contender.

Call: 1970, Silk: 1986, High Court: 2000

University: Merton College, Oxford

School: Liverpool College

(4) Kenneth Clarke

Justice Secretary

Brought into David Cameron's Shadow Cabinet in 2009 before becoming the coalition's Lord Chancellor and Justice Secretary, the cigar-toting former barrister caused initial controversy with apparently softer punishments for knife carriers as he derided the effectiveness of prison sentences. A heavyweight in the Government, his relationships with Cabinet colleagues have been at times uneasy. There have been tensions with Theresa May, the Home Secretary, over her opposition to the Human Rights Act. He has also had a bumpy ride with the tabloids: he provoked outrage by unwittingly suggesting that date rape was less serious than other forms of rape. Downing Street was also forced to climb down over his plans to reduce sentences for people who plead guilty early.

But he is a survivor and perhaps the only minister able and willing to speak out without fear or favour. He is overseeing the radical £2 billion-a-year cuts to the Ministry of Justice's budget, including cuts to the legal aid bill of £350 million. But his pro-Europe stance could prove difficult for a Government railing against the European Court of Human Rights.

Call: 1963, Silk: 1980

University: Gonville and Caius College, Cambridge

School: Nottingham High School

(3) Lord Phillips of Worth Matravers

President of the Supreme Court

For a judge of classic pedigree and extensive experience, it is perhaps surprising for Lord Phillips to admit that the foibles of the Supreme Court often keep him awake at night. But as president since the court opened in October 2009, ruling on the most important matters of legal principle, Lord Phillips was a shoo-in for a Top Ten spot – indeed, all 12 Supreme Court judges, 11 serving and one elect, feature in our list of 100 in recognition of their influence in creating the law.

A staunch defender of the European Court of Human Rights, Lord Phillips has nonetheless taken a stand over the extent of the Strasbourg-based court's reach, expressing concern that it should seek to change the long-standing basis of rules of evidence in criminal trial in England and Wales. The European judges have since backed off.

Lord Phillips is one of a handful of judges to have held all three of the highest judicial posts. He rose to the Court of Appeal in 1995; became a law lord in 1999; Master of the Rolls in 2000; and Lord Chief Justice in 2005.

Call: 1962, Silk: 1978, High Court: 1987

University: King's College, Cambridge

School: Bryanston School

(2) Lord Neuberger of Abbotsbury

Master of the Rolls

Others, including his colleague Baroness Hale of Richmond, have cited the oft-quoted quip of Mr Justice Mathew that “in England justice is open to all, like the Ritz”, but it is Lord Neuberger, the most senior civil judge in the land, who has the task of changing this and battling the persistent evils of cost and delay. In his role as head of the civil justice system, he must reform a “disgraceful” system that recently resulted in a law firm claiming £74,000 in legal costs for winning £12,750 compensation for an injured plumber. Lord Justice Jackson’s recommendations for an overhaul of civil costs form his blueprint.

Neuberger, one of the youngest and most liberal-minded of the senior judges, caused controversy last year by effectively calling for positive action to ensure that women and other under-represented groups reach the top ranks of the judiciary. He also chaired a committee on superinjunctions that recommended open hearings before privacy gags are granted, and a protocol to stop MPs breaching gagging orders in the Commons chamber. Lately, he dismissed applications from Occupy London protesters to appeal against their eviction ruling. He is a hot tip to be the next President of the Supreme Court.

Lord Neuberger became a Lord Justice of Appeal in 2004; a Lord of Appeal in Ordinary in 2007; and Master of the Rolls in 2009.

Call: 1974 Silk: 1987 High Court: 1996

University: Christ Church College, Oxford

School: Westminster School

(1) Lord Judge

Lord Chief Justice

Igor Judge, now into the prime of his tenure as the most senior judge in England and Wales, is widely held in high regard — not just among the judicial rank and file, who have a hotline to their chief, but more broadly in justice circles. He has also played a straight bat with ministers and the media, mixing toughness on sentencing with an awareness of civil liberties and freedom of expression. A key speech delivered on the importance of a free press will have set the tenor of the Leveson inquiry.

He presided over the appeals of the Facebook rioters and upheld what many believed to be harsh penalties. His ability to deal open-mindedly with technological advances displays a pragmatism. He allowed the use of live court reporting via Twitter while maintaining a firm hand in the face of perceived threats to jury trial: a juror who

contacted a defendant via Facebook was jailed for eight months; another who conducted research for six. His influence, evident in his rulings, guidelines and policy-making — much of it behind the scenes — is unrivalled

Lord Judge became a Lord Justice of Appeal in 1996; Senior Presiding Judge in 1998; President of Queen's Bench Division in 2005; and Lord Chief Justice in 2008.

Call: 1963, Silk: 1979, High Court: 1988

University: Magdalene College, Cambridge

School: The Oratory School

The City Top Ten

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David Morley

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James Dean

March 19, 2012 05:39

Thanks Nigel. The fact that the Leveson inquiry is ongoing had a bearing on the number of media lawyers in the list (and Lord Leveson features in the Top Ten). Also, the judging panel wasn't Times journalists alone.

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Nigel Henry

March 17, 2012 10:35

Bit of a media bias in the top 100... who did the choosing? Ah.

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Mr Nathaniel Barber

March 15, 2012 14:04

That was not intended to be Oxbridge-bashing at all - I see how outstanding most (not all!) Oxbridge alumni can be, and I've seen how different Universities have different expectations and workloads for the same undergraduate degree. Building on your point though Mr Dean, it does show that there is more to issue of diversity than just women vs men: for example, the number of people from ethnic minorities who appear on your list?

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Dave Shaw

March 15, 2012 09:19

Interesting list. Disheartening to see that most went to private, or at least, grammar schools though. Can't argue with the facts though, I suppose.

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James Dean

March 15, 2012 06:31

Shivers - the vast majority of the judging panel were non-Oxbridge alumni

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Shivers

March 15, 2012 06:02

I do wonder if The Times' judging panel consisted of any non-Oxbridge alumni.

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James Dean

March 15, 2012 02:13

Thank you Nathaniel, interesting points. There is also just one woman in the Top Ten (although I should say our judging panel was split 50:50 men:women)

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Mr Nathaniel Barber

March 14, 2012 16:20

Interesting to note that in your top 10 lawyers, only one was non-Oxbridge. Furthermore, given the current worries about the future of the Bar, it is surprising that only 1 solicitor has made the grade.

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