

Michael Francis Gettleson (1921-2015)

12.30pm, Wednesday 19 August 2015, Golders Green Crematorium

1. After a merger or two I am the current Head of the Chambers of which Michael was successful Head for very many years and I have been asked to talk about life in Chambers with MG. There are a few preliminary points. Inevitably, there were always preliminary points with MG. One of his favourite *Punch* cartoons was of two barristers walking round Temple Gardens deep in conversation and one is overheard to say to the other “...and nineteenthly...”. I have just 3 preliminary points.
 - Firstly, you will have noticed from the announcement in *The Times* that MG died on 1 August 2015. Exactly. You will be thinking just the same as me. The first day of the long vacation. So, it must have been tactical, at least in some respects. Obviously tactical, but I have not yet worked out his precise thinking. I’m open to suggestions.
 - Secondly, whatever anyone says the Bar is still a collegiate place. When I let it be known that I was to say a few words today I was contacted from all points of the compass by Judges, Queen’s Counsel, eminent practitioners, all of whom were former colleagues of MG in Chambers and most of whom had been his pupil at one time or another. I was inundated with anecdotes about him and urged to tell them as an effective way of illustrating his character.
 - Thirdly, a former pupil from MG’s golden years, wrote to me and best captured what everyone else was getting at with these perceptive words:

“...whilst telling anecdotes about MG it is important to say that he was a master of anecdote himself. A large proportion of his conversation consisted of anecdotes. His frame of mind and approach to life was essentially anecdotal. He interpreted life and found his bearings through anecdote. Anecdote was his basic method of instruction of pupils. Anecdotes were used to point up a lesson of law or practice – parables of the master.”

2. What sort of lawyer was he? Well, despite doing a lot of work, especially company law cases, which took him into the Chancery Division, MG was a common lawyer at heart. He preferred to start an action in the QBD whenever he could and when the Chancery Division was mentioned he would usually comment with a fatalistic voice: “*God bless all who sail in her!*” Nevertheless, he did pass on various stratagems to his pupils to navigate these perilous waters. When appearing before Harman J, his invariable tactic was to cite some authority of Harman J’s father, Harman LJ, however irrelevant. Harman J always welcomed this and warmed to MG. By this simple ploy, MG managed to be one of the few members of the bar never to experience the rough side of Harman J’s quixotic manner. Julian Date tells me that one piece of advice to his pupils was that:

“...if you ever find yourself in a really tight corner in Court you must do as my Kerry Blue terriers do when in trouble – roll over on your back, stick your paws in the air, and hope the Judge is sufficiently softened up to tickle your tummy.”

Probably he meant this metaphorically.

3. He didn’t love only his dogs. MG was generally sympathetic to animals and this is proved by this anecdote from another former pupil Richard Spearman QC, who emailed it to me from abroad last week:

*“One of his pupils produced a draft of an Advice in a personal injury case which was sufficiently well written that it was essentially suitable to be sent out in all respects. However, it included as part of the narrative words to the effect that “The Plaintiff was injured when he was driving down a narrow country road which had a sharp bend, at which juncture a collision occurred between a bull and the **unfortunate Plaintiff**”. Before sending it out, MG changed the wording to “a collision occurred between the Plaintiff and an **unfortunate bull**”.”*

4. He was cultured and interested in all forms of the arts. He had a literary allusion for most occasions. When encountering aggressive bluster in litigation, which he interpreted as hollow threats, he would quote *King Lear*:

“I will do such things – What they are yet I know not, but they shall be the terrors of the earth!”

Another favourite quotation came from the same play:

“Her voice was ever soft, Gentle and low, an excellent thing in a woman.”

.....a stricture which he did not apply to his heroine, Maggie Thatcher. He agreed with – and quoted – almost everything Dr. Johnson had ever said. He was a regular at the old Glyndebourne where he had on more than one occasion been a guest of the Christie family and he was an expert in antique silverware. He was interested in the cinema. One of his favourite films was Antonioni’s *Blow Up*, which he saw as an intelligent foreigner’s view of London. He was delighted when a pupil drove him to see the park in Woolwich where much of that film (including the murder scene) had been filmed.

5. MG was a father figure to his many pupils. In his youth he had a reputation for being somewhat acerbic, even waspish – something which it was difficult to believe in his mellow middle age. Sometimes, though, hints of his former character might surface in a wry way. For example, he somewhat surprisingly sent one pupil off to watch another member of chambers in a court hearing which had the potential for going badly wrong, saying:

*“Before you go, I must explain to you my theory of legal education. I believe you can learn as much from seeing how things should **not** be done as from seeing how they **should** be done.”*

6. His beautiful room on the ground floor in 2 Harcourt Buildings in the Temple, overlooking the gardens, and later his room at 17 Bedford Row were both somewhat chaotic, even Dickensian, and there were stories of visitors being startled by rustling from the apparent pile of rubbish in MG’s room that turned out on investigation to be the man himself. His

door was always open and all were welcome, especially those with professional and other problems during the many years he served as Head of Chambers. His room in the Temple was a store-house of curiosities, almost like a film-set: a fine bone-china tea service, several exotic plants, a beautiful wheel-back chair, an ornate desk, 2 glorious antique desk lamps, pieces of cut-glass, numerous artworks, a fine-bound copy of Dr. Johnson's dictionary, all manner of books in addition to his many law books, a collection of half-bottles of Krug and so on and so on. He didn't merely occupy his room, he *curated* it and, in my opinion, it was very much more worthy of display in the *Tate* than Tracy Emin's bed (although there are some points of similarity).

7. Jane Gill tells of starting pupillage with him and being asked to make tea and being perplexed because she was confronted with over 20 different types of tea on the window-sill in his room. Occasionally, he would fish something surprising out of a carrier bag in the corner, maybe a piece of Georgian silver, maybe gin of a strength not ordinarily found in England. He had an idiosyncratic filing system known as the "*creaking recesses*" which consisted of 20-30 box files in varying states of disintegration stood up in a row on the floor of his room containing oddments such as company forms, JCB contracts, the National Conditions of Sale (in current and historic editions) and where, in the days before word processing and computers, he also kept the carbon copies of earlier advices and pleadings, bundled up in date order, to which one needed to have recourse when trying to crib something for a repeat exercise.
8. In conducting litigation, he was noted for his thoroughness, both in pleading and advocacy. In one case in the Official Referees' corridor, he acted for the claimant and was cross-examining the defendant on the Scott Schedule he had drafted. At one point, the judge stopped MG and said:

"Mr. Gettleson, you have been cross-examining on this item, item 437 in the Scott Schedule, for 30 minutes now. I see that the amount your client is claiming for it is £1 10s 3d. Would it help if I paid your client that amount?"

MG told this story against himself – frequently.

9. MG's favourite form of pleading was to provide answers to requests for further and better particulars. He liked to answer:

“Not entitled. The defendant is fishing.”

10. He also enjoyed interrogatories, a now obsolete exercise, but which he could use to devastating effect in the right circumstances. He claimed to be the only advocate ever to make Master Waldman laugh. It was in a long-running case where MG was pursuing an Italian fraudster called “Cinzano” (or something similar). Cinzano had stated in an affidavit that a particular course of action had been approved at a board meeting of the relevant company “*after extensive discussion*”. Later Cinzano had to admit in his answer to an interrogatory drafted by MG that in fact he was the only person present at the so-called “board meeting”. During the course of the hearing MG acted out for Master Waldman a pantomime performance of how Cinzano's ‘*extensive discussion*’ with himself must have gone:

- *“What do you think of this proposal, Mr. Cinzano?”*
- *“Well, Mr. Cinzano, I have my reservations but I think it could be made to work. The devil is in the detail.”*
- *“Fair point Mr Cinzano and very well made if I may say so.”*

11. MG was a wise counsellor and a shrewd and pragmatic analyst of his cases. He frequently advised clients to settle – acting in their best interests, obviously - and could become impatient with clients who failed to act on his advice. Famously, in one conference, he asked the client why he was determined to continue with the litigation when there was almost bound to be little financial benefit in it for him even if he won. The client answered: *“It's a matter of principle, Mr. Gettleson.”* MG startled the client by banging his fist on his desk, saying: *“No, no, no, Mr. X, it's a matter of money!”*
12. MG appeared in a number of significant cases over the years, on occasions being led by silks in Chambers such as Leonard Caplan QC and Donald

Farquharson QC. Lexis Nexis shows up 42 separate entries for cases involving him over a wide variety of areas of expertise. You will be relieved to hear that I only have time to mention two of them.

13. Probably his most important case was *Agip (Africa) v Jackson*, in which he was led at the successful trial and, again successfully, in the Court of Appeal by Michael Tugendhat QC. Despite my teasing references to Scott Schedules and so on, it must never be forgotten that it was MG who, in this case, with extraordinary and meticulous perseverance, brought to life something of the order of 18 Isle of Man companies that had previously been struck off the register, for the purposes of obtaining disclosure of their documents with a view to tracing the misappropriation of Agip's funds. The end result was not just a stunning victory but a decision which remains to this day one of the leading cases in English law on constructive trusts and knowing receipt. It was an added charm for him that his instructing solicitor in that case was an old friend, an Italian lawyer, Arturo Barone, who as a child had sung the part of the shepherd boy in Puccini's *Tosca at La Scala*, Milan.
14. The second case which I would briefly mention is the case of *Nicole de Preval v Adrian Alan Limited*. This was MG's last High Court trial. It took place in November 1996 with judgment in February 1997, when he was nearly 75 years old. It was a hard-fought contest over 7 days of evidence and speeches before Mrs Justice Arden in the Queen's Bench Division. MG was for the Plaintiff and sought the recovery of 2 French gilt-bronze and enamel candelabra, called the 3 Graces, which had been stolen from her about 10 years previously. It was a blockbuster case, MG won hands down and it was the perfect case to conclude his trial career – involving extensive expert evidence in relation to fine arts and an enjoyable punch-up over some of the more obscure provisions of the Limitation Act 1980. It fascinated all his colleagues in Chambers at the time and the judgment is still available on Lawtel for those with an appetite for more.
15. I spent nearly 20 years in Chambers with MG and there are some here who enjoyed even longer than that. I hope that it is clear from my words that Michael was much-loved and inspired great affection and loyalty, amongst

his professional colleagues in Chambers and most especially in his many pupils. A large number of them have contributed to these recollections with universally positive sentiments, as we all remember him with pride and a smile.

John Critchley
19.viii.15