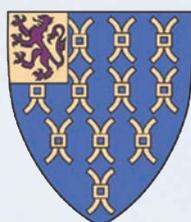


25 years of the Pegasus Trust

THEN AND NOW: A VIEW OF THE TRUST FROM ONE OF THE FIRST AND FROM ONE OF THE TRUST'S MOST RECENT SCHOLARS
BY MASTER FLAUX, CHAIR OF THE PEGASUS TRUST.



The Pegasus Trust was founded to build links between our legal profession and the legal profession in overseas jurisdictions, by giving young advocates the opportunity to spend up to three months working in law firms or other organisations abroad and by giving overseas practitioners a similar opportunity to come to this country to experience life at the Bar. I am delighted, not only, that we are in a position to mark a quarter of a century of scholarships, but that the Trust now has placements being set up by past scholars, most recently in Dubai – an encouraging sign that the work started by Lord Goff has an enduring impact.

SUE CARR QC, 1989 SCHOLAR TO SYDNEY, AUSTRALIA

Why did you apply?

This was a groundbreaking opportunity for a young barrister like me. At the time, one of the major disincentives of joining the Bar, as opposed to becoming a solicitor, was the lack of opportunity to travel. The opportunity not just to go abroad but to engage with the workings of another legal system was too good to pass up. I was also fortunate enough to have very supportive senior members of chambers who encouraged my participation in what was, then, an untested scheme.

What was your most useful experience?

At the same time as I went out, Lord Woolf was undertaking the early stages of his formidable review of the Civil Procedure Rules. He asked me to report back on the “good” and the “bad” that I saw in the New South Wales jurisdiction. So I carried out a fairly detailed comparison exercise and duly gave the results. One feature that sticks in my mind is that the Australians were well ahead of us in terms of, for example, claimants’ offers to settle (now claimants’ Part 36 offers over here). I was also called to the Bar of New South Wales. I cannot say that I have since been inundated with instructions, but I always have the faint hope that one day you might find me living in the Blue Mountains and doing the odd case in Sydney...

What was the biggest difference you encountered legally or culturally?

In New South Wales it is not usual to pass straight from a law degree and professional training to the Bar. The traditional route is to qualify first as a solicitor, aim for partnership and then at around the age of 40 or so to transfer to the Bar. This creates a much older, more senior Bar. Whether this is a good or a bad thing is debatable. It



Left to right: Rupert Elliot, Alec Leopold & Sue Carr.

created a very close working relationship between large solicitors’ firms and the Bar (being made up in large part of ex-partners). It also created interesting conflicting situations from time to time. Beyond that, a major difference was my working environment – from a small corner of a room in chambers to sole ownership of a huge glass-fronted office overlooking Sydney Harbour – not bad!

If you could, would you do it again?

If it would make me young again, or make me think I’m young again....

If there was only one piece of advice you could give to someone considering applying what would it be?

Don’t worry about it affecting your practice adversely; the long-term pay-off far outweighs the time taken out of your early career. I think chambers now in general are extremely supportive, recognising not only the benefit to the individual but also to chambers’ standing and reputation as a whole. Also, consider what it is that you want to get out of a placement – what

would be the ideal firm or organisation for you to spend 6-12 weeks with – and then talk to the Trust about whether such a placement might be possible. It helps to be flexible in terms of what you might see – the unexpected experience can often be the best one. But it is important, given the time out of your normal practice, to be sufficiently focussed to make the scholarship as worthwhile to you as possible.

The Trust was founded to build bridges between the countries that operate under the common law system. How important is it to continue this?

I don’t think I can put it any better than Lord Goff did when he set up the Trust. What he said then is as true now as it ever was:

“The common law is one of the greatest forces for good in the world. For many, the common law means the rule of law and the absolute independence of the judiciary. It is of paramount importance for the future of the common law that bridges should be built between the legal professions in the many countries of the world which live under this system.

The Pegasus scholarship scheme makes it possible for gifted young lawyers – the future leaders of their professions – to learn about the practical working of the common law system in countries other than their own, and to form enduring links with lawyers in those countries”.

(The Rt Hon The Lord Goff of Chieveley, First Chairman of the Pegasus Trust)

How useful does a scheme like this remain in an era where information on other legal systems is far more accessible than it was in 1987?

There’s no substitute for face to face, first hand experience of working in another legal system. And the relationships that you make will stay with you throughout your career.

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RADHIKA HANDA, 2011 SCHOLAR TO THE USA

Why did you apply?

I was excited at the prospect of being plunged into a new legal and cultural environment. Here was a chance to enrich and develop myself professionally and personally, whilst (I hope) 'giving a little back' to the Inner Temple by furthering the work of the Pegasus Trust.

What was your most useful experience?

It is so difficult to pick from six action-packed weeks! In terms of legal experiences, I really valued shadowing judges and being able to discuss what they thought about the case or a particular legal argument, and consider how such a case/point of law might have been handled back home. In terms of political experiences, I enjoyed sitting in on the House of Representatives Judiciary Committee, where I heard the assistant Attorney General give evidence on Department of Justice programmes, witnessed a vote on subpoenaing government documents, and listened to a Senator introduce a Bill to limit immigration of Chinese officials accused of human rights abuses. What made the scholarship a hugely useful experience overall, was that the judges, attorneys, political staff, politicians and other professionals who hosted me were extremely helpful in answering, even the most searching questions, in a patient and often refreshingly frank way.

What was the biggest difference you encountered legally or culturally?

I was particularly surprised to see how frequently children are in court as witnesses in family cases, and by the much more 'parent-focused' nature of family litigation. In cultural terms, I was also struck by the 'politicisation' of a number of social and cultural issues such as family planning and same-sex relationships.

If you could, would you do it again?

Absolutely!

If there was only one piece of advice you could give to someone considering applying what would it be?

I would advise any potential applicant to consider the fact that there are few opportunities you are likely to get in your career that will provide you



with such varied and unique experiences as this scholarship – an open and inquisitive mind is your best companion in a new environment.

The Trust was founded to build bridges between the countries that operate under the common law system. How important is it to continue this?

From the perspective of a family lawyer, gaining an understanding of the way other common law jurisdictions operate is not only interesting and helpful, but often vital when it comes to areas such as child abduction, applications by a parent for permission to relocate abroad with their child

and international adoption. Building links with other common law jurisdictions not only broadens our horizons – legal and personal – but also creates a helpful network and forum for debate, information sharing and reform. I found that gaining an insight into another legal system helps you critically to examine and understand your own.

How useful does a scheme like this remain in an era where information on other legal systems is far more accessible than it was in 1987?

The internet in particular has certainly increased the ease of communication and information sharing. However, the value of building personal relationships with professionals in another legal system and of immersing yourself in a new culture, out of your usual 'comfort zone', is not to be underestimated. In addition to the obvious benefits of being able actually to spend time with attorneys, judges and politicians, a number of opportunities and experiences arose for me as a result of chance, or as a result of making a personal connection. For example, a conversation with a member of senior staff at the House Judiciary Committee about my legal and academic interests, led to a meeting with a senior policy and legal advisor at the Department of Justice's Office of Juvenile Justice and Delinquency Prevention. Similarly, a quiet hour in the otherwise busy list of the chief family judge at Fairfax Circuit Court meant I was able to have a guided tour of the Boys' Probation House – a specialist, community based residential facility that provides education, life skills and therapeutic support for young men aged 14-17 who have been involved in the juvenile justice system – by one of its residents. I doubt that even the best quality Skype connection could have successfully transmitted the quiet pride this young man felt at his progress within the institution.

HOWEVER, I WOULD ADVISE ANY POTENTIAL APPLICANT TO CONSIDER THE FACT THAT THERE ARE FEW OPPORTUNITIES YOU ARE LIKELY TO GET IN YOUR CAREER THAT WILL PROVIDE YOU WITH SUCH VARIED AND UNIQUE EXPERIENCES AS THIS SCHOLARSHIP.

