

Tributes to Two Former Treasurers

Last year Gray's Inn paid its last respects to two Benchers to whom we owe much: in 1985 Master Heilbron became Treasurer of the Inn and Master Vinelott became Chairman of the new Management Committee, the executive committee formed to provide an efficient, responsive way for Pension to conduct the business of the Inn, and the success of this arrangement was due in no little measure to the harmonious working relationship they established.

Rose Heilbron

1914 – 2006

Rose Heilbron was a truly remarkable woman, remarkable both for her great ability and her beauty, but, above all because, with only one exception, the story of her professional life was a catalogue of firsts.

She was born in Liverpool in August 1914. Growing up in that poverty-stricken city in the 1920s and 1930s must have imbued in her much of her strength and resilience. To decide as she did to read for the Bar required great courage for a woman at that time. She obtained a first in Law at Liverpool University, and in the following year was the first woman to be awarded a Lord Justice Holker scholarship by this Inn.

She was called to the Bar in 1939 and rapidly acquired a substantial practice in Liverpool in personal injury litigation and criminal defence work. When still fairly junior she appeared unled in the Court of Appeal and then in the House of Lords for two boys who had been injured in a minefield. She was the first woman barrister to address the House. She was opposed in that tribunal by Hartley Shawcross, the Attorney General and perhaps the most skilful advocate of the time, leading another Silk. Rose had then been Called for seven years.

Between those two appearances, Rose Heilbron had been wooed by and wed Nat Burstein, her devoted husband for 60 years and, at the time of writing, in his second century, still to our great pleasure a resident of the Inn. Despite her deep attachment to Nat, Rose was ahead of her time in continuing to practise in her maiden name, which

she handed on to their daughter Hilary when she in turn was called to the Bar by this Inn.

1949 was a momentous year for Rose Heilbron. Hilary was born in January of that year. Three months later Rose was one of the first two women to be appointed a King's Counsel, at the astonishingly early age of 34. Except for Thomas Erskine, at the end of the 18th century, nobody else, before or since, has taken Silk younger. And in that year she was the first woman to lead for the defence in a murder trial. The Cameo Cinema trial in Liverpool secured much publicity. The first jury disagreed. At the retrial, ten days later, her client was convicted and was then hanged. Over half a century later, on a reference by the Criminal Cases Review Commission, the Court of Appeal allowed the appeal and quashed the conviction.

This was the first of a series of murder trials in which Rose Heilbron appeared for the defence, almost always successfully. Her cases were reported at length in the press. Her name rapidly became well known. She was a most persuasive jury advocate, skilled in cross-examination, clear, incisive but humorous in her closing address. This was not, however, the only theatre in which she excelled as an advocate. She had the academic ability, the application to detail and the grasp of legal principles which are the keys to success when appearing in the House of Lords. Two decisions in 1969 illustrate this, and were perhaps the crowning peaks of her career at the Bar. In both *Sweet v Parsley* and *S v Recorder of Manchester* she persuaded their Lordships to reverse unanimously decisions of the Divisional Court presided over by the then Lord Chief Justice. She proved conclusively that she was as good an advocate as any of her male competitors, and better than most.

Meanwhile she accumulated more firsts. In 1956 she was the first woman to be appointed a Recorder, and in 1957 the first woman to be a Commissioner of Assize. It was only the senior members of her own profession, and particularly of her own Circuit, who, because of a general reluctance to regard women members of the Bar as equals, failed to accord her the position she had earned.

Until the mid 1960s, the Northern Circuit preserved an archaic rule which required any member of the Circuit who was in Silk to live not less than 50 miles from any Assize town on the Circuit. In 1949 Rose Heilbron was the wife of a busy general medical practitioner living on the Wirral with their newborn baby. She had to apply for special permission to continue to live with her husband in their family home,

which was somewhat grudgingly granted. But there was no such exception, for her or any other woman barrister on the Circuit, to their exclusion from Bar Mess, the social side of the Circuit's life. It is now difficult to believe that it was also not until the late 1960s that women were admitted to the Circuit Mess. And this Inn is not blameless in this respect. It was not until 1968, 19 years after Rose Heilbron took Silk, that she was elected a Bencher.

The Northern Circuit then appeared to do its best to redeem its previous ill-treatment of her. In 1973 she became leader of the Circuit, by general acclaim; there was no need for election. She was the first woman to hold this position, but she had little time to enjoy it. In the following year she was appointed to the High Court Bench, in the Family Division. This was the sole exception in her catalogue of being the first woman to occupy an important office. That distinction went to Mrs Justice (Elizabeth) Lane; Rose Heilbron was the second.

She might have preferred to have been offered the Queen's Bench Division, but she embarked on her new role with her usual calm competence. Unlike some judges who have been forceful advocates, she rarely intervened. She soon earned the respect of practitioners in that Division for her sensitivity and thoroughness. In 1975, at the request of the Home Secretary, she chaired an advisory group whose report led to some important changes in the law of rape.

In 1979 Rose Heilbron was appointed a Presiding Judge on the Northern Circuit, again the first woman to hold this position on any circuit. The appointment gave both her and the members of the Circuit much pleasure. In particular it meant that when she was out on Circuit, she tried mostly crime or civil. While holding this position in 1981 she presided at Lancaster over the trial for the murder of a drug-dealer whose body was left a handless corpse. Nine defendants were convicted. The trial lasted for the then record period of six months. The strain on any Judge trying such a case is considerable. For Rose Heilbron the pressure was exacerbated by the police discovering a haul of stolen goods hidden in the cellars of the Lodgings in which she was staying.

One of Rose Heilbron's characteristics, both as counsel and as a Judge, is worth comment, namely, her method of making notes of evidence. She wrote accurately and compendiously, at great speed and in very large writing, so that her notes covered many pages. In order to prepare her judgment or summing-up, she then embellished them with

numbers and arrows, in ink of various different colours, in order to collate all the evidence on a particular subject. This was, of course, before the days of computers. It was an idiosyncrasy which stemmed from her thoroughness.

In 1985 Rose Heilbron scored her final 'first' when she was elected Treasurer of this Inn. She was the first woman to hold this position in any of the four Inns of Court. She presided over the Inn, and especially Pension, with her usual assurance and courtesy. Her Treasurership coincided with the inception of the newly-created Management Committee, and she and the Chairman, Sir John Vinelott, established an harmonious working relationship.

I have referred to some of the obstacles Rose Heilbron had to overcome in order to achieve all she did. This made her a true role model for other younger women aspiring to succeed at the Bar. Many of those who have followed her as judges have said how much they owed to her advice and encouragement. This was probably particularly true of members of her own Circuit. The fact that, in the early 1990s, of the seven women who were then High Court Judges, five were members of the Northern Circuit must have owed much to Rose's example. At the dinner given in the Inn in 1994 to mark her 80th birthday, I said that she was not only the first, but so far the only, woman to occupy some of her positions – the Leadership and the Presiding Judgeship of a Circuit, and the Treasurership of an Inn. I added that she would not be the last. It was an easy prediction to make, and has been proved correct.

When Rose Heilbron was appointed to the High Court Bench, Nat had retired from his general medical practice. It was apparent that Rose would be sitting in London for at least half the year, and that for the remainder she would be in Lodgings. Moreover Hilary was both practising and living in London. Rose and Nat therefore left the Wirral, and moved to the flat in Gray's Inn Square which was to be their home for the rest of her life. They soon both became well-known and popular residents of the Inn. It was no doubt particularly convenient when Rose was Treasurer. Nat assumed the role of consort of a distinguished woman, always ready with support and good cheer, before the late Sir Denis Thatcher came to play that part.

Sadly, the last few years of Rose's life were clouded by ill-health. Fortunately, we in the Inn can see her as she was in her prime, in the splendid portrait by June Mendoza. She looks out at us alert,

intelligent, composed and beautiful. In the address he gave at her memorial service, Sir Christopher Rose said of her 'We shall not look upon her like again'. No words were ever more truly spoken.

Master Iain Glidewell