



LORD BIRKETT

BORN 6.9.1883
DIED 10.2.1962

ADMITTED TO
THE INNER TEMPLE 1910

KC 1924; BENCHER 1930;
TREASURER 1956; LJA
1950-56

JUDGE AT NUREMBERG TRIALS



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PROFILE

2017 marks fifty-five years since the death of Inner Temple member Norman Birkett. Originally planning to be a Methodist minister, Birkett was called to the Bar in 1913 and became known as a great defence advocate, acting as counsel in a number of very high-profile cases. He was later an MP, a KC, and a High Court Judge, and was created Baron Birkett in 1958.

Born in Ulverston, Lancashire, in 1883, Birkett attended Barrow Higher Grade School and then worked as a draper and Methodist lay preacher. His experience as a preacher helped him to develop the fluency in public speaking for which he became known as a barrister.

At the 1905 General Election he campaigned for the local Liberal candidate, Richard Cavendish. Cavendish was impressed enough by Birkett's skill as a speaker to suggest he should become a barrister, but Birkett was still set on becoming a minister. With this in mind, he read for a degree in History and Theology at Emmanuel College, Cambridge, arriving in 1907 with the intention of becoming President of the Union. Over the course of his degree he gained a reputation for public speaking, and achieved his ambition of becoming President of the Union at the end of 1909. He also became increasingly less certain about his future as a minister, ultimately deciding once finishing his degree in 1910 to study for the Bar instead. In the autumn of 1910 he began to read for Part II of the Cambridge Law Tripos and was admitted to the Inner Temple.

Birkett was called to the Bar on 4 June 1913 and began pupillage in the chambers of John Hurst in Birmingham, taking his first brief before the Police Court that September. Although he earned only £1 3s 6d for this brief, he was later to tell students that a brief he took for 1,000 guineas – believed at the time to be a record fee for a circuit case – was “as nothing” in comparison to what this first one meant to him.

He joined the Midland Circuit, and was selected shortly afterwards by the Clerk of Assize to represent an accused murderer unable to afford counsel. The judge complimented him highly on his defence, although it was unsuccessful. It was often said of him later that he had never failed to secure an acquittal in a murder case; although this was not altogether

true, he did quickly become a popular defence lawyer and was watched closely by court reporters for quotable remarks. In May 1917, only four years after call, he received from the leader of the Circuit the traditional red brief-bag in recognition of his success.

Birkett first came to general attention after achieving the acquittal of an army captain charged with abducting a girl under fifteen years of age, despite a summing-up from the judge which was strongly against his client; the courtroom applauded the verdict. A short time later, in 1920, he participated in the first of his famous murder trials, the Green Bicycle Case, acting as junior counsel for the prosecution against the celebrated Sir Edward Marshall Hall. The defendant, Ronald Light, was acquitted. Later that year, Birkett moved to London and joined Marshall Hall's chambers in Temple Gardens. After they defended and won their first case together (a murder trial) their clerk, Edgar Bowker, found himself thinking that as a pair they were likely to be almost unbeatable.

Despite his growing success at the Bar, Birkett had other interests. In 1923 he was selected as the Liberal candidate for East Nottingham in the General Election, and won the seat, although he lost it at the next election. His maiden speech was in support of a motion in favour of state pensions for widows; he further expressed the hope that consideration would also be given to unmarried, deserted and divorced mothers. The following year he became a KC, after less than eleven years in practice. His name became well known to the medical profession after he appeared in 1925 for the appellant in *R v Bateman*, which became a leading case in the law of negligence. In the same year he appeared in *Dennistoun v Dennistoun*, the so-called Bachelor Case, an action for alimony between Society figures which occasioned much public interest. Although Marshall Hall was senior counsel, Birkett gave the opening and closing speeches for the defence, which were noted for their eloquence; the court found partly in favour of Birkett's client, and the Daily Mail named him "the great legal discovery of the year". His reputation soared.

Birkett continued to appear in prominent cases, arguing on behalf of the publishers of *The Well of Loneliness* that the book should not be banned for obscenity. He was again the Liberal MP for East Nottingham from 1929 to 1931. He continued successfully to defend clients accused of murder, including Toni Mancini, the accused in the second of the Brighton Trunk Murders. In addition to his defence work, he successfully prosecuted Alfred Arthur Rouse, the murderer in the Blazing Car Case. Although it was only discreetly mentioned by the Press, perhaps his most noteworthy case was that in which he secured the divorce of Wallis Simpson.

During the Second World War, Birkett was Chairman of the Home Office Advisory Committee, which heard appeals on internments made under Regulation 18B of the Emergency Powers Act. He also made weekly radio broadcasts in response to those made by Lord Haw-Haw. In 1941 he was knighted and appointed a High Court Judge. He considered it his public duty to accept this role, despite his lack of enthusiasm for it. After the war, he acted as the British alternate judge in the Nuremberg Trials. Although he had no vote, his opinion was taken into account by the main judges.



Birkett was sworn of the Privy Council in June 1947, and in 1950 he became a Lord Justice of Appeal; he retired from the Bench in 1956, becoming Treasurer of the Inner Temple in the same year. In the 1958 New Year's Honours, he was created Baron Birkett, and sat in the House of Lords. In his last debate, he spoke against a private bill which would cause Ullswater in the Lake District to be used as a reservoir for Greater Manchester. The preservation of the countryside was a great interest of Birkett's (he had made proposals which were later embodied in the National Parks and Access to the Countryside Act, 1949), and he loved the Lake District. Birkett's motion passed with 70 votes in its favour and 36 against, and Ullswater was preserved.

The day after his victory in the Lords, Birkett became seriously ill owing to the rupture of a blood vessel. He died early the following morning, 10 February 1962. A plaque in his honour was placed on the shore of Ullswater, and a nearby fell was named Birkett Fell. He was survived by his wife Ruth and children Linnea and Michael.

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