

The City was a hazardous place in the Second World War as shown in this scene of the devastation following the bombing of Bank underground station which killed 111 people in January 1941.



Birk and Silman: Media, Finance and Philanthropy 1939-1968

The firm had won a considerable reputation under William Graham but its clientele had been sustained largely through his personal links. As he grew older, and after his eventual withdrawal from the firm, he left an obvious gap which David Jacobs and John Graham were unable to fill. War almost brought the firm to its knees and it survived only through the efforts of the two men who would dominate NGJ from the 1950s in the same way William Graham had so many years earlier. Under Ellis Birk and Julius Silman, the firm regained its self-confidence, thanks partly to the continuing support of two major long-standing clients, the Ellerman family and the *Daily Mirror* and its associated titles. Building up a small group of talented young lawyers, Birk and Silman re-established the reputation of the firm by the late 1960s.

In September 1939, after the declaration of war for the second time in a generation, the firm lost a number of staff to military service. One was Ellis Birk, who served in the Royal Artillery and returned with the rank of major. Another was John Longden, who came out of the army as a staff sergeant. Longden recalled how, before he was called up, everyone would take their turn fire-watching on the roof of the offices in Moorgate. When the sirens went, everyone hurried down to the strong room in the basement, where they sheltered until the all-

clear was given. During the 'phoney war', when so many warnings proved to be false alarms, a number of staff became complacent and did not always take shelter. This changed after the heavy bombing raids on the Port of London in September 1940. As the capital came under constant attack from German bombers for 76 consecutive nights, there was widespread devastation and disruption. One eyewitness, emerging from Bank underground station on the morning of Monday 30 December, surveyed the havoc wreaked during the raid of the previous night:

Traffic had ceased. Cheapside was sealed off; Lombard Street and Queen Victoria Street were impassable. A tangled skein of entrails, fire hoses twisting, interweaving among dust and debris, snaked up King William Street, coiled along Princes Street, as though a monster had been disembowelled. Firemen, their



A shocking depiction of a scene - this is in Ludgate - frighteningly common in the City during the war.

smarting eyelids circular with strain and red against their blackened faces, rubbed away grimy sweat on the cuffs of smoke-soaked uniforms. In Moorgate flakes of black snowed the atmosphere, swam and dipped above our heads, rising on a cushion of hot air, tilting and fluttering down upon us as we walked ... the way proved heavy going; mounds of sodden rubble often altered our course, we avoided lakes of mud strewn with islands of broken brick. Scarcely a door was on its hinges, not a pane of glass intact.³³

Strong boxes and charred ledgers recovered from bombed-out offices, a fate Nicholson Graham & Jones escaped.

John Longden, then living in nearby Camberwell, found that the trams which usually took him to the office were no longer



running. Instead, he and his friends would hail a passing lorry each morning, paying the driver their tram fares. They returned the same way each evening. NGJ was fortunate. Unlike some other firms – Coward Chance was bombed out of its offices in Mincing Lane in May 1941 and Clifford-Turner's Old Jewry offices were badly damaged by a flying bomb in October 1944 – the offices at 21, Moorgate, escaped the bombs. War made life difficult for law firms. All any lawyer could hope for was to hang on through such desperate times until peace restored the flow of work. NGJ came close to dissolution. At the end of one week, with so little cash left in the firm's safe, David Jacobs, now the senior partner, assembled the staff and asked them if they wanted to carry on. Wartime spirit and the prospect of better days encouraged them to say yes.

By the end of the war Jacobs was the sole partner left in the firm. In 1942 John Graham, remembered by staff as a delightful man, had been asked to leave after drawing in excess of the income he was due. Then, in November 1943, William Graham died at the age of 83, having outlived many of his principal clients, not only Northcliffe and Ellerman, but also Rothermere, who died in 1940. William Berry, now Lord Camrose, reported to shareholders at the annual general meeting of Amalgamated Press in July 1943 that Graham, already ill, was absent for the first time since 1896. Any obituaries for him were brief, partly because restrictions on paper prevented the fulsome tributes usually given. Yet in 1944 the death of another prominent City lawyer, Alex Radcliffe, a few years older than Graham, received at least one such handsome obituary. Graham, on the other hand, left



hardly a trace. He had always moved like a wraith among his clients, the epitome of discretion, leaving others to assume his influence. His memorial service, held on 26 November 1943 at St Michael's, Cornhill, was attended by those who not only appreciated his discretion but recognised his influence. As well as Lord Camrose and the second Lord Rothermere, Sir John Ellerman, the reclusive second baronet, also came to pay his respects, as did Sir George Sutton, another of Northcliffe's trusted advisers. The presence of Lord Greenwood, whose position as chairman or director of innumerable boards stemmed from his skill as an administrator

and an executive, was testament to Graham's wider standing in the world of business; while the attendance of Sir George Aylwen, deeply involved with London's voluntary hospitals, and Sir Kynaston Studd, president of the Regent Street Polytechnic, suggests Graham's discreet influence was also exercised in favour of good causes.

The state of NGJ was even more parlous than it seemed, for David Jacobs was not a well man. The firm had to wait until the return of Ellis Birk from the war in 1946 before there was another qualified solicitor in the firm. In April 1946 Jacobs took Birk into partnership. Birk was fully aware of the firm's

The hollow blasted buildings of a shattered Cannon Street after the Blitz seen from the air.

³³ Leo Townsend, 'The Morning After' in Ian Norrie (ed), *The Book of the City*, London, 1961, pp188-190, quoted in *The City of London, Vol III, Illusions of Gold, 1914-1945*, David Kynaston, London, 2000, pp475-476.

Sir Arthur Elvin (1899–1957)

Elvin was an entrepreneur who first made money from running exhibition kiosks and stands at Wembley stadium which had been built to host the British Empire Exhibition of 1924. The stadium was allowed to fall into decline after the Exhibition and Elvin, now involved in greyhound racing, ultimately bought the stadium, introduced greyhound racing there and obtained a controlling interest in Wembley Stadium Ltd, the company which ran it and which became a client of the firm. He also developed the Empire pool, with a removable floor, making it a suitable venue for activities such as ice skating and boxing as well as swimming. His greatest achievement was organising the Olympic Games at Wembley in 1948.

Sir Arthur Elvin (on the right), developer and operator of Wembley Stadium, and long-time client of Nicholson Graham & Jones.



serious position but he was determined to ensure that the firm survived. Some clients did not share his faith in the future. Sir Arthur Elvin, for example, was unhappy that his company, Wembley Stadium Ltd, a client of the firm since its formation in 1927, was represented by a firm of solicitors where the senior partner was absent through ill-health and the only other partner had just qualified. He rang Birk to tell him he would not be able to tolerate the position for much longer. 'Can't you?', responded Birk, 'In which case bugger off now, at this moment.'³⁴ Birk was

always his own man.

Ellis Birk was born in Newcastle in 1915. His father, a refugee from religious persecution in Lithuania, was a prosperous finance agent. The family soon moved south to a highly desirable address – Bishops Avenue in Hampstead Garden Suburb. Birk was educated in the Jewish House at Clifton College, near Bristol, before reading classics and law at Jesus College, Cambridge, where he played rugby for the university. Although his father was a devout Jew deeply involved in Jewish affairs, Birk was deterred for many

³⁴ Quoted in *Pride v Prejudice*, p298.

years from following his father's example because of the latter's overpowering Zionism. For Birk, the formative influence of his youth came from working during his vacations to help relieve the mining communities in the North East devastated by the depression. Partly because of this experience, he became a lifelong member of the Labour party. His wife, Alma, his intellectual match, whom he married in 1939, was appointed to the House of Lords as Baroness Birk in 1967 and served as a Labour minister. Tall, personable, charismatic and charming, Birk was a man for the broad-brush approach, relying on others to advise him on technical details. Unflappable and a good listener, tolerant of the foibles of his partners, he proved, recalled one of his later colleagues, to be 'quite an inspiring leader'.³⁵ He received invaluable support from the firm's small group of experienced managing clerks, Puttock, Gibbs, Bayliss and Fletcher, and he was able to bolster the firm's list of clients by introducing the business belonging to Alma's family, a fine arts publishing business, Wilson Brothers, which became a publicly quoted company in 1947.

The City immediately after the war was a gloomy place. These were the years of austerity, when new controls were added to many of those surviving from wartime, as the country struggled to recover from the cost of war. Restrictions on capital issues stayed in place, exchange controls persisted, industry remained starved of investment. The slow revival of activity in the City was reflected in the time it took to remedy the physical decay left behind by the war. Redevelopment only got under way in the mid-1950s once most controls were finally dismantled. The war had squeezed out of the City most remaining

³⁵ Interview with Tom Curtis, 15 July 2008.



traces of its glorious commercial past, leaving its future to finance. Corporate work only really took off again after the last of the wartime restrictions on raising capital were finally abolished in 1959. On the other hand, the City was a more conservative place, aloof to outsiders, hostile to the encroaching power of the state advocated by the new Labour government. For a young Jewish lawyer, a second-generation immigrant with strong left-wing views, it must have seemed an inimical place in which to begin a career. Unlike many of his peers, mainly found in West End practices, whose fortunes prospered typically through advising entrepreneurial Jewish property developers, Ellis Birk was determined to make his own way in the City.

His talent was already being recognised by some of the firm's long-

Alma, the charming and charismatic wife of Ellis Birk, was a successful Labour politician.

established clients – in 1950 at the age of 35 he was appointed to the board of Sunday Pictorial Newspapers, part of the *Mirror* stable still owned by Lord Kemsley. By now, as well as the straitened economic times and the conservative City establishment, Birk was also faced with the imminent retirement of some of the firm's long-serving managing clerks. He needed more help. He recruited a salaried partner, Alfred Johnson from Titmuss, Sainer & Webb. The salaried partnership had been adopted by a number of firms since the war as a stepping stone to equity partnership. Birk perhaps admired the determination 'Johnny' Johnson had applied in making his way up from a working-class background to qualify as a lawyer. He came to NGJ to handle the busy litigation department, an important part of the firm. The respect he gained helped to revive NGJ's post-war reputation in this field. Even so, Birk was still left with responsibility for all the other work of the practice and he clearly needed a third partner to help him with corporate work. In 1953 Julius Silman joined the firm as an equity partner.

Silman was six years older than Birk. Like Birk, he also hailed from the north, this time from Leeds, and his father too had found sanctuary in Britain from persecution in Lithuania. At his father's insistence, he had studied law at Leeds University and then taken articles with a local firm. While Ellis Birk was helping the unemployed on Tyneside in the early 1930s, Julius Silman went out to work in Palestine for a few years, coming back to help his father in his successful house-building firm. He served with the RAF during the war and, after being demobbed in 1946, went to work for a property group in London. Married in 1948, he soon became a

father, and his wife's guardian began pressing him to better himself by taking up the profession he had qualified to practise. On the spur of the moment Silman rang Ellis Birk, the one person he knew who was practising law in the City, since he was a friend of Ellis's brother, Arnold. Silman invited Birk to have lunch with him and over the meal asked whether Birk would like to have him as a partner. Birk expressed surprise that Silman wanted to practise, but Silman convinced him he was serious. Birk said he would be delighted. Silman paid £5,000 (£100,000 in today's prices) for his share of the equity which earned him less than £2,000 during his first year. As Silman wrote later, Birk

*did not know my skills as a solicitor (or lack of them rather, as I had never been in general practice, and never having acquired any real experience during my articles) but he must have been pretty anxious, judging by the alacrity with which he accepted my proposal.*³⁶

Birk was probably also impressed by the confidence Silman had shown in putting the idea to him in the first place.

Silman himself recognised that his value to the practice would come not from any accumulated legal wisdom but from other skills he possessed. In his view a good solicitor had to be 'intelligent, clear-thinking, and have sound judgement; the rest is in the books which one could always employ people to mull through'. He quickly found that negotiation was his great strength – 'I did know how to think like a lawyer, but my attitude in negotiation was to suppress

thinking like a lawyer, and try and think as a businessman who wanted to achieve a given objective for my clients in the minimum time, at the minimum cost.'³⁷ He confessed to mistakes made in his early years in the firm but, as he began to immerse himself almost entirely in corporate work, he found himself much more at home. Over the next 20 years his approach would help to win for NGJ clients who admired this businesslike approach to the law.

Silman described the supreme example of this in his memoirs. The archetypal media tycoon of the 1950s was Lew Grade. He shared with Birk and Silman a Jewish émigré background, although Grade himself had been born in Odessa in the Ukraine in 1906. This common heritage, together with his entrepreneurial instincts, attracted Grade to NGJ. Birk was soon invited to join the board of Grade's commercial television station, ATV, but it was Silman who took over responsibility for the client, relishing the pressures involved in tying up deals at short notice. The transaction Silman described as his most satisfying came when Grade gave him 12 hours one Sunday to complete a deal on behalf of ATV for television rights in Australia. It was a typical Grade seat-of-the-pants deal. The Australian negotiators were in London only briefly, breaking their flight en route for the USA. They had already agreed a deal in principle for the same rights with an American company yet Grade, using the charm he possessed in abundance, had persuaded them that it would be worth their while to see him during their stopover. He was convinced he could offer them better terms. The British lawyer acting for the Australians doubted that there was sufficient time for an

agreement to be reached. But Silman took a firm hand in the negotiations, drawing up an agenda so that each point could be determined in turn. As the lawyers withdrew to draft suitable terms for those matters which had been agreed, Grade and the Australians would resolve the next issue. The lawyers would then return with a draft clause for approval and the process would be repeated. By early evening an agreement had been concluded and the Australians cancelled their flight to New York.

All this left the Australians delighted, their lawyer astonished, Silman exhilarated and Grade a well-satisfied client. It was typical of the work the firm would complete repeatedly for many clients over the years. As Philip Morgenstern, who joined the firm as an articled clerk in 1954, later reflected, 'Businessmen wanted someone they could talk to, entrepreneurs moving on and into the leisured classes wanted sociable and knowledgeable lawyers they could relate to, they didn't want stuck-up City firms looking down their noses at them'.³⁸ It was because of this ethos that several successful entrepreneurs began turning to NGJ for advice during the 1950s. Two of them were Polish Jews, Eric Sosnow and Joe Coral. Sosnow developed United City Merchants (UCM), an international trading company, while Coral floated his betting shop business in 1963. Both businesses remained important clients of the firm for many years. Another key corporate client was Fred Stringer, the founder of a fast-growing motor business, Stringer Motors. Silman looked after Stringer who said he wanted a lawyer with imagination, 'who can negotiate for me and solve problems'.³⁹ The firm helped Stringer Motors come to the stock market in 1959

³⁶ *Signifying Nothing*, Julius Silman, London, 1997, p110.

³⁷ *Signifying Nothing*, p112.

³⁸ Interview with Philip Morgenstern, 9 May 2008.

³⁹ Quoted in *Pride v Prejudice*, p299.

Eric Sosnow (1919–1987)

Sosnow came to England from Poland in 1934 and developed a career as a leading international journalist. Using the contacts he built up around the world, he began his global trading business in 1945. This led to the formation of United City Merchants (UCM) in 1962, whose board Ellis Birk joined. By the time of Sosnow's retirement in 1981, UCM had become an international conglomerate, with interests in banking, shipping, leather, raw materials, industrial machinery and cars. Dapper, affable, energetic and good-humoured, Sosnow was a tough businessman, always willing to test the boundaries of the rules and regulations governing business. Well-read and knowledgeable on many subjects, including the law, he was a client from whose experience his advisers benefited as much as he did from their advice.



Joe Coral (1904–1996)

Joe Coral came to England before the First World War. As a child, he showed an outstanding ability in mathematics. Becoming a bookie's runner, he ran bets for colleagues and workmates on behalf of the local bookmaker. Eventually he established himself as a bookmaker and by 1939 was the largest regional bookmaker in England. After the war the business expanded through postal betting, advertised in the sporting press. Although off-course betting was illegal until 1960, this was a legitimate business, since no cash changed hands, only cheques or postal orders. When the law was reformed to allow licensed betting offices, Coral developed a string of betting shops. It was when he floated the business in 1963 that he became a major client of the firm. Expanding into casinos, bingo halls and hotels, his empire became hugely profitable, becoming one of the three leading chains of national bookmakers, along with William Hill and Ladbroke's. The business was eventually taken over by the brewing group, Bass, in the late 1970s.



and with subsequent acquisitions as the business became Wadham Stringer. Silman also acted in the flotation of a sand and gravel company, Greenwoods (St Ives) Ltd, in the late 1950s, of which he became chairman until it was taken over in 1967.

Although Silman rated his entrepreneurial instincts more highly than his legal expertise, he was a very able lawyer. In the late 1950s he exercised his imagination in drawing up what he considered a legitimate scheme for avoiding the payment of stamp duty on the transfer of properties. The Inland Revenue took the opposite point of view and challenged the scheme in the High Court. The Revenue lost but on appeal Silman and the

firm found themselves before a formidable judge whom NGJ had once retained as a budding barrister in the 1930s. Tom Denning was now Lord Denning, Master of the Rolls, and he found against the scheme in the Court of Appeal. It was a typically succinct and straightforward Denning judgement, which, Silman recalled, began, 'In this case the respondents have no merit ...' Nevertheless, leading counsel retained by the firm was convinced the scheme would succeed on appeal to the House of Lords. The problem was that in the meantime Denning had been elevated to the Lords and was among those sitting in judgement when the case was heard in January 1958 – the

decision of the Appeal Court was upheld.

Silman proved himself to be a successful entrepreneur, building up a substantial credit business, Moorgate Mercantile, during the 1960s. In later years he tended to regret his return to the law for he was 'convinced that I would have done great things as an entrepreneur'.⁴⁰ In character, Silman, unlike the ever-urbane Birk, was something of a chameleon. Although he could be charming and amusing company, particularly among women, he was feared by many staff. In the office he was called 'the Crocodile' – a snapper who could reduce anyone, particularly artiled clerks, to tears for the slightest error. John Longden, who

returned to the firm as cashier after the war, disliked him, finding that 'he delighted in embarrassing people'.⁴¹

While the corporate side of the firm was expanding, litigation remained important for the firm. The most high-profile area of this work related to libel cases where the firm acted for its newspaper clients. Often the firm was engaged in a damage-limitation exercise for its clients, on other occasions the firm successfully fought off allegations without foundation. In 1953 the firm instructed counsel representing the *Sphere*, a title belonging to Illustrated Newspapers, accused of defaming General Polovtsoff, a former officer in the Russian

⁴⁰ *Signifying Nothing*, p111.

⁴¹ Interview with John Longden, 11 Nov 2008.

The scandal surrounding Robert Boothby and Ronnie Kray, in which the firm acted for the *Sunday Mirror*, was successfully concealed for political reasons in 1964.



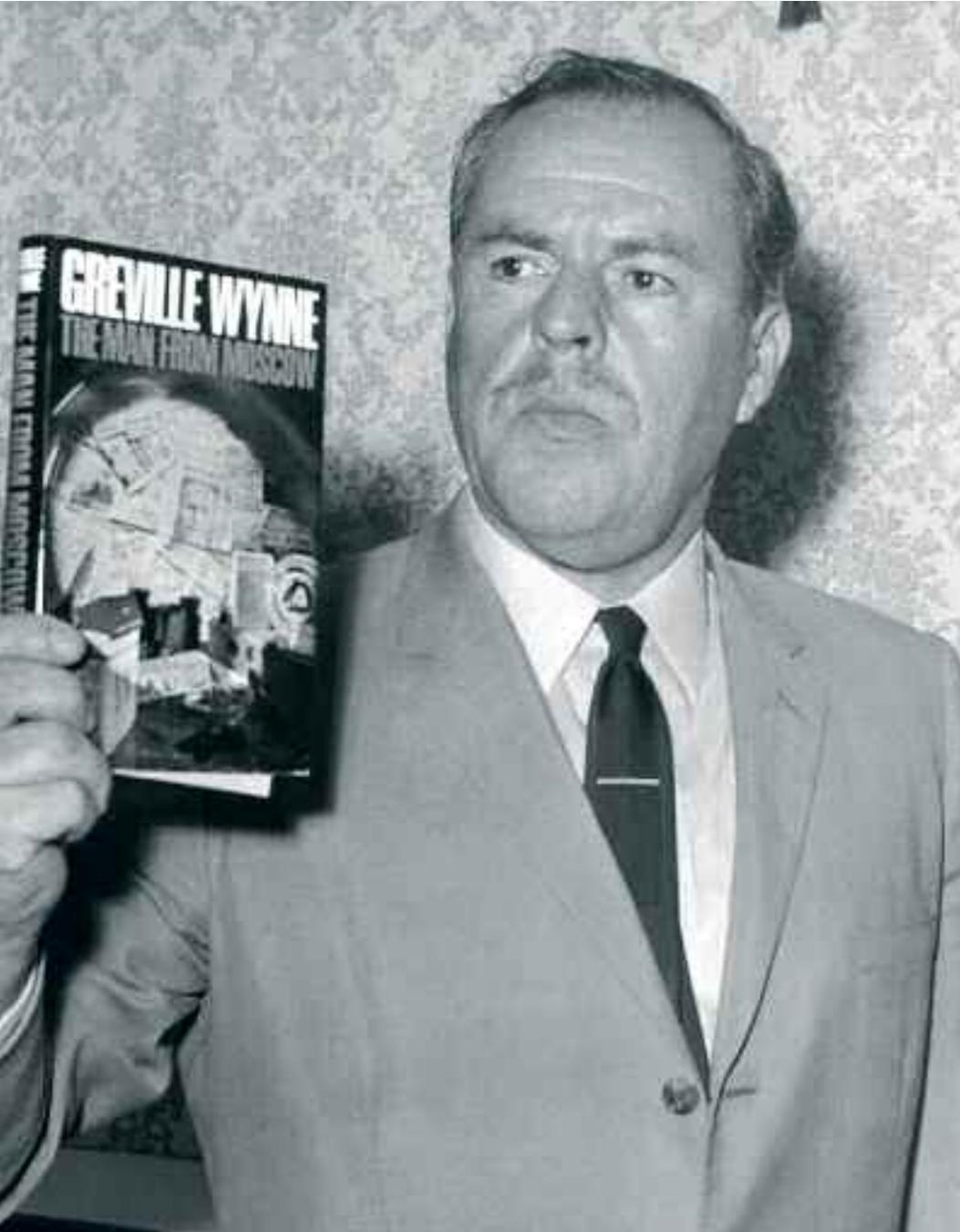
imperial army, and his wife. The general was awarded £4,000 (about £80,000 in today's prices) for the suggestion he had 'landed' a wealthy wife and frequented the 'fleshpots'. In 1959 the firm negotiated an out-of-court settlement on behalf of the *Sunday Pictorial* which had falsely alleged that the wife of Brian Hume, a man convicted as an accessory to a murder some years earlier, had been meeting the murder victim frequently at the time of the murder, contrary to her evidence in court. This was also the year of perhaps the most famous of all libel cases in which the firm was involved, when Liberace, the American entertainer, successfully sued the *Daily Mirror* for articles implying his homosexuality, illegal in the UK until 1967, which he strenuously denied. The case was vigorously fought on both sides and millions of newspaper readers were entertained by the salacious details which occupied column after column in the daily press for several days.

In 1964 the firm advised the *Sunday Mirror* in another prominent libel trial which again centred on the plaintiff's denial that he was homosexual. The newspaper

The Liberace libel case, June 1959

During his European tour in 1956 Liberace was constantly harassed about his sexuality by the press. In London his sell-out concert at the Albert Hall was savaged. Then the columnist, Cassandra (William Connor), wrote his notorious article in the *Daily Mirror*, which described Liberace as 'this deadly, winking, sniggering, snuggling, chromium-plated, scent-impregnated, luminous, quivering, giggling, fruit-flavoured, mincing, ice-covered heap of mother love'. The insinuations continued throughout his British tour, with pickets appearing outside concert venues, holding placards with slogans such as 'Send the Fairy back to the States'. Dismayed and infuriated by this reaction, despite the crowded concerts, Liberace decided he had to sue the newspaper so he could pre-empt similar demonstrations taking place in the States and damaging his career. At the same time he was openly fraternising with other homosexuals in his US home, daring to do so for the first time as a result of his success and financial security. Yet his managers and publicists sought at every turn to counteract slurs against his masculinity, even employing false stories about liaisons with women. And in public in England he always vehemently denied he was homosexual. When another article, in the US magazine *Confidential*, also implied Liberace was homosexual, he took action against that as well, with the magazine settling out of court. The UK libel trial did not start until June 1959. It attracted huge publicity, with massive coverage in the national press. Liberace played his hand shrewdly, daily attending court in a conservative suit and tie. Liberace gave a cool performance in the witness box, where he was confronted with questions about his lifestyle, including the scent he wore. He denied on oath that he was homosexual, a suggestion which counsel for the newspaper, Gerald Gardiner, later a Labour lord chancellor, pointed out had never been made. Liberace claimed that 'he had not accepted any of the marriage proposals because he was still looking for a girl like Mom'. He was supported by respectable witnesses, such as the actress Cicely Courtneidge and comedian Bob Monkhouse, who had seen his shows. In the witness box Cassandra denied that anything he had written could be deemed to imply Liberace was homosexual. Defending everything he had written, he denied that the *Mirror*, at that time with a circulation of 4.6 million, was a sensationalist newspaper. But the jury found Cassandra and the *Daily Mirror* guilty of libel for implying Liberace was homosexual, and he was awarded £8,000 (£134,000 in today's prices) plus costs. 'I am delighted that my reputation has been vindicated', he told reporters. To the end of his life, Liberace refused to admit his homosexuality in public, despite an infamous attempted palimony suit in 1982 by one boyfriend. He died of AIDS in 1987.





The firm defended the *Daily Mirror* when the paper was sued for libel by the British spy Greville Wynne, seen here.

had printed an article in July 1964 linking the prominent Conservative politician, Lord Boothby, to the leading London gangster, Ronnie Kray. Printing a photograph showing the two men together at Boothby's flat, the newspaper alleged that the police were investigating a homosexual relationship between them. The police rebutted the allegation and although Boothby, in a letter to the *Times*, admitted meeting Kray, he denied being a homosexual. The

Liberace, Boothby turned out to be less than frank – the truth about his bisexuality and his involvement with Kray was revealed only after his death in 1986.

In 1967 the *Daily Mirror* found itself apologising to Greville Wynne, the British businessman who had been jailed by the Russians for spying, and paying him a substantial sum in damages. The paper had alleged shortly after his arrest in 1962 that Wynne was a frivolous character prone to

management of the *Mirror* apologised without reservation and made a voluntary payment as compensation to Boothby of £40,000 (nearly £600,000 in today's prices). A recent television investigation has suggested a political cover-up was involved. Newspapers supporting the Conservative party had already declined to run the story, apparently after pressure from the party, facing an imminent general election and desperate to avoid any more scandals after the Profumo affair. The Labour party too had skeletons to hide, with a prominent Labour member of parliament, Tom Driberg, also implicated in homosexual activity linked with Ronnie Kray. Labour was determined nothing should derail its best chances of winning power in a generation. Cecil King, who ran the newspaper, was happy not only to make an apology but also to sack his editor. As with

Lew Grade, Baron Grade (1906–1998)

Another in the string of media tycoons advised by NGJ, Lew Grade was an extrovert workaholic. Bored by holidays and with little time to enjoy the luxuries wealth brought him, he relished deal-making. A tough negotiator, he was a man of undoubted integrity, renowned for preferring to seal a deal with a handshake rather than a signature on a contract. By the late 1940s he had developed the second largest theatrical agency in Europe before expanding into the USA, signing acts such as Danny Kaye, Bob Hope and Louis Armstrong to appear in the UK. With others, he took a 50 per cent stake in Associated Television (ATV), which was among the first commercial television stations and began broadcasting in 1955. The business later moved with much less success into films. It was taken over in 1981 and Grade left in the following year. He was one of the larger-than-life characters who epitomised the pioneering days of commercial television in the UK.



practical jokes and that as a result of offending persons of influence on a visit to West Germany he had been ordered to leave the country. This was at the height of the Cold War, shortly after the Cuban missile crisis, when relations between the Communist states of the Eastern bloc and the West were at an all-time low. Wynne had built up a small and successful business based on exports to eastern Europe, then under Communist control. This, combined with his military service during the war, led him to be used by the British security services as a conduit of information to and from Oleg Penkovsky, a disillusioned colonel in the KGB, the Russian security service. After a show trial

in Moscow, Wynne was sentenced to eight years (Penkovsky was sentenced to death) but was exchanged for a Soviet agent, Gordon Lonsdale, in 1964. Although he received compensation from both the CIA and MI6, this experience effectively destroyed his marriage and his business. His successful claim against the *Mirror* brought him much-needed income.

Not all the libel cases which involved the firm covered such sensitive issues. Many of them reveal only how trivial many of these expensive and time-consuming cases were. One involved a farmer offended that his motives in shooting dogs attacking his sheep had been questioned; another, a clergyman



The firm represented the owners of this famous British institution, Aintree racecourse, host of the Grand National, in this instance in 1962.

upset by a report that his parishioners were no longer talking to him or attending his services.

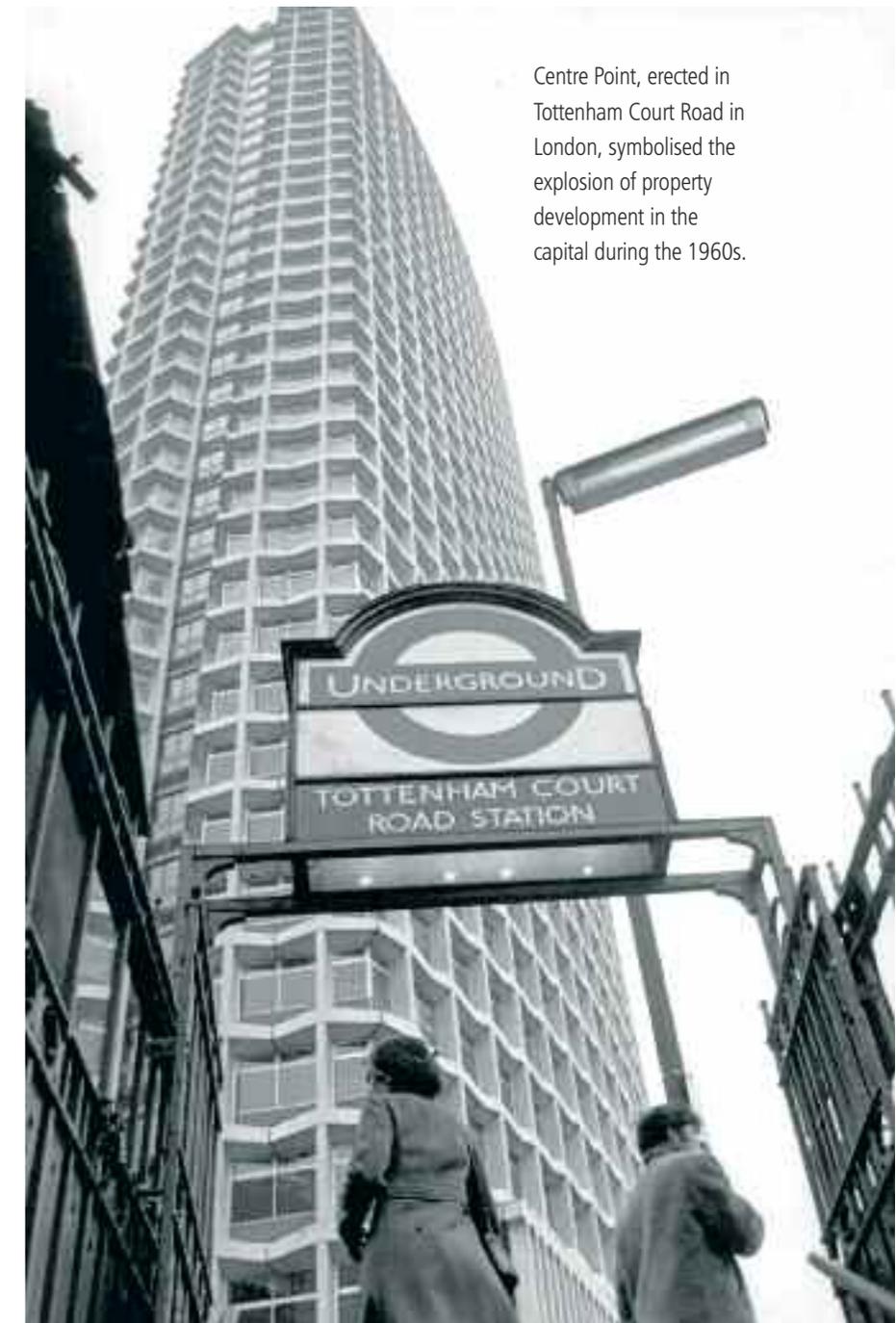
The firm was not always in the position of advising defendants in libel cases. One case where the firm acted for the plaintiffs went all the way to the Court of Appeal in 1968. The judges, in delivering a verdict in favour of the plaintiffs, emphasised that to warrant the plea of fair comment on a matter of public interest in a libel action, the facts on which the comment is said to be based had to be true. The case pitted one impresario, Emile Littler, against two others, one of whom was Lew Grade, the other Littler's own brother and fellow impresario,

Prince Littler. When a production staged by Littler at one West End London theatre came to a premature end, Littler declared in public that this was because of a conspiracy by other parties, including Lew Grade, to drive out his production in favour of one of their own. Writs were issued, the case came to trial, Littler failed to prove a conspiracy, and a verdict was given against him. But only modest damages were awarded, encouraging Littler to appeal, which he did on the grounds that his remarks were 'fair comment', an argument the Court of Appeal dismissed. In another case in the same year, the firm had represented Rhoderick Macleod, the brother of the prominent Conservative

MP, Iain Macleod. He successfully challenged the publishers of *Advertiser's Weekly*, which had alleged his position with a public-relations firm had been secured only through his brother's influence.

Another earlier case of interest involved Aintree racecourse, home of the world-famous steeplechase, the Grand National. In 1964–65 the firm represented the owners of the racecourse, Tophams Ltd, then controlled by the formidable Mrs Mirabel Topham, against the Earl of Sefton, the previous owner. Lord Sefton had contested the right of Tophams to sell the racecourse for development to a property company. This was at the time of a nationwide property boom, an era characterised by such tycoons as Harold Samuel, Charles Clore and Jack Cotton. Aintree had been losing revenue for years and Mrs Topham would try several times to sell the racecourse, steadily reducing the number of racing fixtures until they were confined to the single Grand National meeting. The case turned on the interpretation of the covenants the Earl had asked to be inserted into the conveyance at the time the racecourse was sold in 1949. His intention had been to ensure racing was carried on at Aintree during his lifetime. The Appeal Court had upheld his claim but the House of Lords decided that he had been badly advised and that the covenants did not run with the land. The deal agreed by Tophams fell through although eventually the racecourse was sold in 1973.

The property boom of the 1960s helped many firms, including NGJ. The increasing volume of property work, especially conveyancing, led the firm to recruit a partner to head the department in



Centre Point, erected in Tottenham Court Road in London, symbolised the explosion of property development in the capital during the 1960s.



Tom Curtis, seen on the left with Michael Johns, joined the firm in 1964.

1964. Tom Curtis, an extremely competent lawyer and a delightful man, joined the firm from Coward Chance, where conveyancing had been the firm's only formal department in the early 1960s. Other key areas for NGJ, like many other firms, included trusts, probate and taxation. These formed the core of the private clients' departments later established by many firms, including NGJ. The firm also continued to work for the second Sir John Ellerman. He was an active chairman of the family shipping business, and invited the firm to advise Ellerman Lines in the late 1960s when a consortium was formed with other lines for the development

of container shipping, then revolutionising the transport of cargo by sea. Although Sir John was a capable businessman, he was never driven by business, unlike his father, and instead preferred to devote his time to his interest in the natural world, becoming an expert on rodents. But he did share his father's aversion to publicity, remaining a very private individual. Much of the work carried out by the firm related to the administration of the complex Ellerman family trusts, for Sir John, like his father, was regarded as the richest man in the UK.

All this work during the 1950s and 1960s led to the appointment of more partners and staff. Among the firm's long-serving lawyers was Gerald Jacobs, the son of David, who had been articled around the same time as Ellis Birk. Although he was a competent property lawyer, he repeatedly failed his law exams and it was only shortly before his retirement that he finally qualified. He sat his final paper on the same day as Tom Curtis's daughter. It was a wintry morning, with snow in the air, and she asked her father to contact Gerald and warn him to set off in plenty of time for Alexandra Palace, where the exams were being held. When Curtis rang Jacobs' home, his wife answered. She was most offended that Curtis knew her husband was sitting his finals. Birk had promised to make Jacobs a partner if he qualified and kept his promise although Jacobs became only a salaried partner. In general NGJ employed lawyers of the highest calibre. Outstanding among them was Philip Morgenstern, one of the first articled clerks taken on by the firm after the war. Qualifying in 1958, he became an equity partner in 1965. So too was John Saywell, who became a partner in 1964. Three years

later Christopher Wright joined the firm from Herbert Oppenheimer, becoming a partner in 1973.

By the late 1960s, with Birk, Silman, Saywell, Morgenstern and Curtis, the firm had as many partners as it had ever had. Yet it remained a small firm. Until 1967 partnerships were banned from having more than 20 partners. The largest law firm in London had the maximum number of partners and employed more than 200 staff. Even smaller firms such as Radcliffe's had doubled its number of partners from five to ten during the 1960s.

The recruitment of more articled clerks and assistant solicitors reflected the passing of the managing clerk. Qualification as a solicitor was becoming more affordable. By 1958, half of all those taking up articles no longer paid a premium. Some firms were even starting to pay nominal salaries to their articled clerks. By 1960, stamp duty on articles had been abolished. As qualified solicitors gained promotion, in several firms their passage from salaried partner to equity partner was smoothed by abolishing the expensive requirement to purchase goodwill. With an expansion in university education, the law was also becoming a graduate profession. Between 1922 and 1962 the proportion of graduates among solicitors rose from 17 to 60 per cent. On the other hand, the number of female lawyers remained tiny. In 1957 they formed just two per cent of practising solicitors.

The slow progress in reforming entry requirements and in admitting more women reflected the conservative nature of the profession. This resistance to modernisation was also found in the failure of many firms to keep up to date with office administration.

NGJ's offices, which remained in 19–21, Moorgate, testified to this conservatism – even in the 1980s they were regarded as grim by newcomers to the firm, with their hessian wallpaper, dirty brown-green carpets, and a reception area fitted out in brown formica, with a strip light over the desk, and an ancient green sofa. This was an era when business was conducted at a much slower pace. The speed of modern communication would have amazed the lawyers of the time. The tempo at which lawyer and client dealt with each other influenced expectations on both sides. Respectable solicitors, it was said, never arrived in the office until at least ten in the morning. Philip Morgenstern remembered how easy it was to put off a pestering client with the excuse that a document was being typed, or checked, or corrected, or copied, or re-typed. Then the dictating machine arrived in the early 1950s, followed a decade later by the telex and the photocopier. Tom Curtis recalled the impact of the telex. Previously a draft lease, once despatched, was unlikely to be returned for days. With the arrival of the telex, one client shocked Curtis by insisting on returning his amended draft lease the same day. As larger firms expanded, administration became so complex that by the end of the 1960s some firms, such as Norton Rose, were appointing partnership managers and running the firm through partnership committees.

By then most firms were finally adopting a departmental structure. As separate departments emerged covering areas such as private clients, litigation, property and corporate affairs, the trend for lawyers to become specialists accelerated. This was happening at a time when there was some criticism of the profession for



A Solicitor's Office in Gray's Inn, one of a series of illustrations Felix Topolski executed for *Topolski's Legal London*, published in 1961.

losing ground as the professional corporate adviser of choice to other professionals, notably accountants and bankers, and for venturing less frequently beyond the confines of the law into commerce and industry.⁴² With Ellis Birk and Julius Silman applying their talents to confound this trend, this was something of which NGJ would never be guilty.

Birk, who had a string of directorships, was particularly influential on the board of the publishers of the *Daily Mirror* during the 1960s. Cecil King, the chairman, once remarked that 'There are four people in this set-up who matter. Myself,

Hugh Cudlipp, James Cooke [the financial director] ... and [Ellis] Birk, our legal adviser. We are all entirely different and that is why we are so successful ... they respect me and I respect them'.⁴³ Under King's management and the guidance of two great editors, Guy Bartholomew and Hugh Cudlipp, the *Daily Mirror* had been transformed into a mass-circulation American-style tabloid. With a mainly working-class readership, it was happy to support the Labour party. The *Mirror* Group prospered, acquiring Amalgamated Press from the Berry family in 1958, and changing its name to the International Printing Corporation (IPC) in

1963 to reflect its wider ambitions.

Birk was at home on the board, politically inclined as he was towards the left. With his wife, Alma, influential in Labour party circles, he often entertained key political figures at the couple's home. In July 1967, for instance, their guests included two heavyweight Labour cabinet ministers, Dick Crossman and Tony Crosland. At the time, Alma, now appointed as a working peer on the Labour benches in the House of Lords, was still one of King's journalists. In her role as editor of *Nova* between 1965 and 1969, she was responsible for initiating a radical overhaul of women's magazines, as articles

on sex and social problems appeared for the first time alongside staples such as fashion and cookery.

Birk played a key role at IPC in managing the wayward personality of Cecil King. He enjoyed King's company, and travelled the world with him, although he confessed he could only really relax after King had retired to bed which he did every night at nine. Birk also formed a very close relationship with Hugh Cudlipp, with the pair gaining the nickname of the 'Fire Brigade' as they worked in tandem to try and restrain King at his most impetuous. In the mid-1960s Birk became more and more concerned about King's increasingly erratic behaviour, particularly as King was consistently ignoring Birk's advice.

King had been a professional newspaperman all his life. As the nephew of Northcliffe and Rothermere, he inherited the belief that press barons could sway governments, if not make or break them. After Labour returned to government in 1964, he became more and more aggrieved that the role he believed the *Mirror* had played in bringing Labour to power had not been properly recognised by the new prime minister, Harold Wilson. He felt slighted that Wilson had offered him a post only as a relatively lowly minister of state in the new government. Spurning this offer, King's hostility towards Wilson and his government increased, particularly as the state of the UK economy worsened. With the government's reputation in shreds after the devaluation of sterling in 1967, King's position became more extreme. He believed the country was on the verge of civil strife, vainly encouraging key figures, including Lord Mountbatten, to consider forming an emergency national

⁴² See, for instance, *Gentlemen of the Law*, p270.

⁴³ Quoted in *Newspapermen*, Ruth Dudley Edwards, London, 2003, p274.



Cecil King, Northcliffe's nephew, was toppled from power by Ellis Birk and others after using the *Daily Mirror* to make a vitriolic attack on the Labour prime minister, Harold Wilson, in 1968. The two men are seen here in happier times.

government. Two days after being rebuffed by Mountbatten, King, having resigned the night before as a director of the Bank of England, published in the *Mirror* a highly provocative and controversial article entitled 'Enough is Enough'. Predicting financial calamity for the nation unless there was a change of government, the article was the beginning of the end for King's career. Birk was appalled, believing that 'the violence of [King's] attack on Wilson verged on a

vendetta'. He was outraged by King's criticism of the Governor of the Bank of England and the Chancellor of the Exchequer. With the pound declining in value by more than on any day since devaluation and share prices falling sharply, Birk considered King's action 'irresponsible'. King, he felt, had destroyed any credibility he had left while seriously damaging the reputation of the newspaper.⁴⁴ Birk considered resigning from the board but Alma persuaded him to stay

⁴⁴ NGJ Archive (NGJ), Letter from Ellis Birk to Frank Rogers, 15 May 1968.

on and fight King. Birk was critical of King at a subsequent board meeting, disassociating himself from the article but keeping most of his powder dry in the absence of many of the directors. With others, he persuaded Cudlipp, the deputy chairman, that King must be told he had to go. Since King imperiously rejected this ultimatum, he was dismissed three weeks after the article had appeared. King was disingenuous about his dismissal and the reasons for it:

It is not clear to me why my colleagues were in such a hurry, nor why they chose this moment, nor why they behaved in a way that could only be severely criticised. Obviously, Cudlipp wanted my job: he and Birk were the prime movers in the matter ... My piece, 'Enough is Enough', on May 10th, must have counted for something, at any rate with Birk.⁴⁵

⁴⁵ From the entry for 8 June 1968, in *The Cecil King Diary, 1965-1970*, Cecil King, London, 1972, p198.