

USA

By Heather Oliver, Three Raymond Buildings

Perhaps the most vivid of the many wonderful memories I have from my Pegasus Scholarship in the USA is listening to Suzanne Judas, a partner at Holland & Knight in Jacksonville, Florida, speak of her experience as one of the first Pegasus Scholars to come to London from the US. She talked of her time with Lord Goff, the first Chairman of the Pegasus Trust, the formative effect it had on her career, and the enduring benefit she derived from exposure to the legal system of a foreign jurisdiction. As with so many of our experiences on this scholarship, the memory of her words was no doubt enhanced by the setting; her speech took place on the beautiful terrace of our hosts as the sun set over the St Johns River in front of us.

Suzanne's account of the warm welcome she received in the UK and the access she had to the most absorbing cases, lawyers and judges was certainly borne out by the rest of our trip. The Pegasus Scholarship programme in the USA is an extraordinary opportunity to observe the American legal system, and I am so grateful to the American Inns of Court for their kind and attentive organisation of an incredible timetable of experiences, both professional and social.

From our base in Washington DC, we visited many different local courts, ranging from the 'rocket docket' of the Alexandria General District Court in Virginia to the more rarefied environs of the US Supreme Court. As a criminal practitioner, I was perhaps most interested by the former, and if I thought before that our magistrates' courts offered summary justice, they now seem positively sedate by comparison. The speed with which cases were dealt with was breathtaking. One trial in absence began and ended within 30 seconds. An application for a protective harassment order was determined without legal representation or formal sworn evidence; the complainant's phone was handed up to the judge to read WhatsApp messages between them. The use of a pistol emoji on the complainant's part proved decisive. By my count, we saw 75 cases before 3pm, still with time for a lunch break. This was swift, practical, broad-brush justice, and it was invigorating, if dizzying, to observe.

Another point of difference was the sentencing regime, which we were able to observe on our visit to the US District Court in DC. With prosecutorial agreement as to the sentencing range such an important aspect of plea-bargaining, it was interesting to see how this intersected with probation recommendations and residual judicial discretion over sentence, and what impact this had on certainty for the defendant. Ultimately, the plea in mitigation we heard was familiar territory and highlighted that for all the technical differences between our two jurisdictions (the approach to juries and disclosure ('discovery') being two more notable examples), there are many parallels in advocacy content and style. More similarity was evident in our meetings with the respective offices of the Alexandria District Attorney and Public Defender – the latter's concern with personnel and funding shortages being all too recognisable.

This being Washington, it wasn't all courtroom drama. We were privileged to enjoy tours of the East and West Wing of the White House, of the Department of Justice, of the Pentagon (including a meeting with the Judge Advocate General of the US Army), of Congress, and a meeting with Brigadier General Mark Martins, the Chief Prosecutor of Military Commissions, which were all absolutely fascinating. As was an afternoon spent on patrol with the Alexandria Police Department, during which I managed to get caught up in a domestic disturbance of some volatility and, as a result of nothing but my terrified silence, was unfortunately mistaken for being the sergeant in charge. Our exposure to every facet of the system even extended to a tour of the local jail, complete with slightly bemused inmates.

In addition to Washington DC, we travelled to Delaware, where we delved into the world of chancery, in which this state (heavily populated with corporate entities) specialises and which derives much from its English roots. We were able to observe proceedings in the Delaware Supreme Court in Dover, which were notable as our first exposure to the strict time limits imposed on appellate argument in the US, regulated by amber and red warning lights, and in one particular hearing enforced by the bench simply walking out while the advocate was in full

PS





flow. Delaware also provided us with the setting for our most memorable presentation on the English legal system – a busy crab shack on the banks of the Leipsic River, where our words were punctuated by the sound of hammers being applied to hundreds of crab claws from the dining room next door.

PS

We were also invited to Philadelphia, where we visited both state and federal courts, fortified by a truly massive Philly cheesesteak and Amish doughnuts at the Reading Terminal Market.

Maybe it was the warmth of the sun, or the people we met, but our visits to Florida and Texas will forever be a highlight of my scholarship. Our hosts in Jacksonville, Florida, could not have done more to welcome us. We toured the stadium of the Jacksonville Jaguars with their Chief Legal Officer; sat in on a conference with local clients; spoke with judges and lawyers at the Duval County Courthouse; were shown round the local FBI building; toured the offices of the Wounded Warrior Charity; and visited the US Attorney's Office. We received presentations on the use of depositions and mediation in the US system from Holland & Knight, experienced all the emotion of a naturalisation ceremony, and met with the US Navy Judge Advocate General Corps outside Jacksonville. Our timetable was rich with interesting, entertaining and absorbing experiences. Dominating all of it was the anticipation and excitement of the Florida v Georgia college football match, for which we were invited to the tailgate party beforehand (also known as the World's Largest Outdoor Cocktail Party) and to the match, as well as that important prequel, a moot between their respective law schools.

Houston was similarly wonderful. Of many exciting experiences, we were particularly glad to take part in a round-table discussion with partners and associates at Vorys, Sater, Seymour & Pease, where we were able to ventilate the similarities and differences between the practice of law in the UK and US. We also observed oral argument in the Houston Court of Appeals and in the bankruptcy court. And I have never had a BBQ quite like that which we ate in Texas.

Of course, in the background of all of this was the 2016 presidential race between Hillary Clinton and Donald Trump. With so many echoes of the Brexit referendum, it was



fascinating to speak to a diverse range of voters about the issues in play. We even became caught up in a rally led by Donald Trump Jnr in Florida, and have returned to the UK with an enviable stash of campaign memorabilia from both parties.

As Suzanne Judas found at the outset of the Pegasus Trust, the broadening of horizons inherent in viewing first-hand how justice is administered elsewhere is invaluable. This scholarship was a completely unique and remarkable experience, and one I shall always remember.

Heather Oliver