

Reflections on life in the law

In this memoir, written in May 2000, Peter Shillito reflects on his time as a solicitor in a small, growing Gloucestershire practice.

He was the first employed lawyer of Willans, hired by Alec in 1960. Peter dedicated over 30 years of his working life to Willans, retiring in 1993.

Peter was a significant force behind building the reputation which the firm upholds today.

We hope you enjoy the read.

The corner shop or a small legal practice

As remembered by
Peter Shillito
(1932 - 2018)



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THE 1960S

The move SOUTH: an adventure for a Yorkshire lad whose father fervently believed that Leeds was the Celestial City.

Getting to grips with Cheltenham's legal scene did not take long when I joined Alec Willans as an assistant solicitor in 1960. He had built up a first-class practice in the short time since putting up his plate in Clarence Street in 1947.

There was a happy and well-organised feeling in the office.

Alec was born in Smyrna where his father was working for Gloucester Wagon Works. After Blundells, Trinity College Dublin, a spell of teaching and war time spent in the Navy, he qualified in 1946, having served his articles with Eric Watterson, a man of his own age. We got on well from the start. He had integrity, an incisive mind and a broad outlook. He was easy to work with, professionally dedicated and had a jocular sense of fun.

He adopted a paternalistic and easy-going attitude to those in the office who were left to get on with their work. He and his delightful wife Mary sadly had no children and I think, to some extent, the staff were his family.

He had a good accord with his clients,

many of whom became his friends, although he could occasionally be testy with them and his colleagues (sometimes unfairly). He showed endless understanding to those who had gone off the rails.

His interviews with clients lasted a long time, often punctuated, after the business had been despatched, by gales of laughter and clouds of cigarette smoke (25 a day) emanating from his room.

Unlike many senior partners who keep their own clients close to them, he introduced me at once—a generous gesture to one young and untried.

A blip occurred in one of these introductions, to a lady who was his very first client at Clarence Street. Miss XXX was a rather formidable lady—a lover of dogs— from Minchinhampton, whose affairs I quickly handed back when she objected to being advised by a young, inexperienced upstart from the North.

Alec did not do any detailed work himself but delegated it to his managing clerk, Mr Collett. This enabled him to keep a clear diary, see people at short notice and give them plenty of his time.

By contrast, Mr Collett was happiest

working behind the scenes and had an amazing grasp of the law. He would not only unravel a technical point quickly, but was also most efficient in getting an immense amount of work done. Equally at home when deputising for the cashier, his loyalty over many years was legendary.

I don't think Mr Collett ever left the Cheltenham area, even for a night, except during the war when he and his brother joined the Gloucesters and were evacuated from Dunkirk. Subsequently he served in Burma as a Warrant Officer. What a contrast between peace and wartime, and how difficult it must have been to make the transition from one to the other!

He was a tower of strength and also a great help to me when I was left on my own after Alec died in 1973.

It was a good thing that Mr Collett was a super draftsman. I was not. I remember Clifford Cole saying: "Mr Collett does the work and Peter smiles when you pay the bill".

His passion was cricket: he could be seen at the County Championships on the College Ground every August, analysing every ball.

Mr Bishop, who was married to Mr Collett's sister, had worked in an accountancy firm and was the capable cashier. Nothing was too much trouble. He kept the books

immaculately in manuscript and correct to the nearest penny (he was always complimented by the accountants at the year end), with millions of pounds of clients' money passing through his hands. He also took on such thankless tasks as office administration, insurance, debt collecting and appearing before the District Registrar—and could be seen on a winter morning arriving early at the office to sweep snow off the front steps.

If anything needed mending, the cry went up "Mr Bishop will fix it".

Then came Sue Wright who spent 42 years with the firm. She always looked well groomed and glamorous and presided cheerfully over the telephone and reception. She was also Alec's secretary and later mine. Horses were her great love and her own was much cosseted.

I remember Alec saying that the first impressions a client got on telephoning or coming to the office were of vital importance. It didn't matter what the partners were like so long as the reception staff were welcoming and helpful.

The important thing was that, at 3.30 in the afternoon, they should say "I'm afraid Mr Shillito is out" rather than "I'm afraid Mr Shillito has not got back from lunch yet".

How could the practice fail to prosper with these three in positions of responsibility?

Manners makyth man

It was a courtesy in those days for a solicitor joining a firm to be taken round by his new employer to be introduced to professional colleagues in the town.

First of all I met Tim Woollatt in the magistrates' court, who became a friend. At the time he worked for a Cheltenham firm called Haddock, Pruen and Lintott. Could Dickens have done better?

Among others, I was taken to see Tom Heron, the capable and kindly Registrar of the County Court (Alex had been deputy to his predecessor). He went out of his way to help newcomers appearing before him.

Eric Watterson was a most delightful and able senior solicitor who, up to his death in his 80s, always came downstairs to reception to escort you up to his room. This was an example I had to follow.

Jack Jones made an immediate impression by his friendliness and professional know-how, though you had to look for him behind the mounds of paper on his desk!

I tried to overcome the 'stuffed shirt' image of the profession. Clients are entitled to a friendly, non-judgmental approach, giving them confidence that their affairs will be dealt with as quickly and efficiently as possible. After the business of an interview was over, I usually spent several minutes discussing something of general interest and usually more consequential than the English weather!

It was vital that clients' interests did not suffer if their respective solicitors did not get on. I was relieved when I found that the one or two I did not get on with were also considered difficult by other practitioners. I cannot say I was bosom pals with all the solicitors in the town but I did my best to keep matters on a professional footing.

**How is it that the revolutionaries have never
forced a change in the name of the square?**

The move to No 28 Imperial Square had taken place in 1950. Alec just managed to get the cash together with the help of a mortgage from the Tewkesbury Building Society, some savings and a legacy which Mary had inherited from a relative.

Apparently, Imperial Square was very run down and most of the houses were still in private hands. Colleagues told Alec at the time that the location was too far from the town centre for a legal practice to thrive. How wrong they turned out to be.

When I arrived, the office was well kept but shabby, with William Morris wallpaper (circa 1890) on the stairs and landing. Mrs James was a splendid cleaner who revelled in polishing the brown linoleum, which was everywhere. She was a 'character' and gave me a handsome leather blotter when she retired.

Mr and Mrs Leggatt lived in the basement and used the back garden before it was converted into a car park. In 1960 gas fires replaced open fires. The top floor was not used until Charles Middleton arrived in

the early 1980s.

It was easy to park in Imperial Square. Everyone had rather ordinary second-hand cars then (Austin, Morris, Ford). None of the shining limousines seen today were around.

Work would be completed between 9.15 and 5.30 with the office closing for lunch at one o'clock. Alec was sometimes late in the morning because the two dogs (occasionally four) he brought to the office could not be found when it was time to leave home.

Although I did see clients outside office hours whenever it suited them, I did not do any overtime during my 31-year stint.

The only thing that would keep us later than 5.30 was if Mr Bishop was delayed in returning to the office after going out to buy our copies of the Echo from the stand at the corner of the Promenade.

We worked every Saturday morning. New Year's Day was a working day and a fortnight's paid holiday was the norm. It was permissible on Saturday mornings to wear

casual clothes. I remember feeling rather fashionable sporting a thick woollen tie, an oversized Harris tweed jacket and cavalry twill trousers with turnups. There were only two rules for men's dress in those days: 'only a cad wears a bow tie' and 'never wear brown shoes with a suit, old boy'.

The firm's annual turnover in 1960 was £10,000 with 65% overheads, a percentage which remained constant over the years. My initial salary was £100 a month; quite enough for excellent digs with widow Tombs in Charlton Kings, running a car, the odd drink and occasional holiday.

I paid £3000 (all borrowed, mostly on an endowment policy) to buy a one-third share in the goodwill of the practice, based on two years' net profit, with a guarantee that I would receive a minimum of £1500 a year.

Paying for goodwill was phased out over subsequent years as it became too much of a burden for incoming partners to raise the money, and they increasingly refused to do so. The practice was a relic of the days when lawyers had private

capital. Bad luck if you had paid for goodwill as you got nothing back when you retired.

As usually happens when a partner is taken on, he or she attracts new work fairly soon. The turnover increased steadily though not dramatically over the years. But I had many sleepless nights in 1969 (the year I got married) when takings went down for three consecutive months and we were saddled with an inadequate overdraft limit and rising overheads.

The practice operated on a shoestring, without financial reserves and cash flow forecasts were unknown to us. Nevertheless staff salaries were raised by a modest amount every six months.

It is now difficult to visualise an office without photocopiers and computers. A new secretary would start life with the tedious job of copy typing documents and correspondence. Wills had to be typed from start to finish without a single mistake.

Jack of all trades

I did a variety of work. Divorce (then conducted in the High Court) and depending on the proof of a matrimonial offence—adultery, cruelty or desertion—petitioners had to appear in open court in person and bare their souls about their failed marriages, though the evidence was not allowed to be published in the newspapers.

Road traffic offences and liquor licensing in the Magistrates' Court came my way, as well as claims in the county court (often on legal aid), running down cases, wills, probate, partnerships, the formation of small companies and the duties of the company secretary, business leases and domestic conveyancing. The financial control and routine chores of running a small business also had to be attended to.

There was no set drill for synchronising the exchange of contracts for purchasing property. Once you had exchanged on the sale, you would send the buyer's part off into the blue without any guarantee that the other side would exchange with you. It seemed to work. Disaster was followed by claims for negligence if it did not, because this could result in a client owning two houses, or none!

The unregistered system of conveyancing resulted in time taken to investigate titles, often wading through long Abstracts of Title and marking them up against the original deeds at completion. Fees were based on a Law Society scale which fixed the fee as a percentage of the value of the property. This meant that a client knew in advance how much the fee would be and if extra work had to be done during the course of the job, the solicitor would lose out: 'swings and roundabouts'. A will cost three guineas and husband- and-wife wills were five guineas for the two.

We made a point of not charging established clients for ad hoc advice—this was looked upon as something they were entitled to.

I don't remember any significant squabbles over fees and the habit of ringing round to get rival quotes was unknown. It was not compulsory to insure against professional negligence. John Jeans, a partner in an old Cheltenham practice, was astonished to hear that we did insure, saying: "Can you imagine one of my clients suing me, we run a gentlemanly practice".

The daily round

An 80-year old widow, Mrs XXX, was one of my clients; I had to wind up her husband's estate. She had an elegant flat in Montpellier furnished with well-chosen antiques. At our first meeting, she said: "I had two excellent husbands, David XXX, an Australian and Colonel XXX, from a well-known army family, who served in the King's Shropshire Light Infantry. I expect you have heard of them?".

She asked me to tea about once a fortnight; her speciality was her own cherry cake. She had a resident maid called Colleen. I was aghast on one occasion when Colleen forgot to bring in the cake and Mrs XXX excused the gaffe by saying: "of course Colleen is only a member of the working class".

I fell out with Mrs XXX once when she asked me to dispense the drinks at one of her evening parties. She said initially that expense was no object ("I only serve pink champagne") and then accused me of being too generous with the booze!

Press reports on cases in which I had been involved did not always show the advocate in a good light. The worst example occurred when I was defending a motorist in the Magistrates' Court on a motoring charge. He had taken a railway bridge too fast, failed to heed the bend on the far side and ploughed into the living room of a house. It is not easy making bricks without straw. I was at pains to have the charge reduced

from 'dangerous driving' to 'careless driving'. My efforts failed and were not reflected in the report in the local paper:

"Solicitor asserts that it is not dangerous driving for a motorist to knock down the wall of a house and end up in the living room".

Much mirth was engendered at my expense.

Very early one morning, a client, Mr XXX, was knocked down while crossing the High Street and ended up with his legs trapped under a car between the front and back wheels. The driver got out and tried to pull him free but failed, before getting back into his car and driving off, crushing Mr XXX's legs. Had it not been for a passing motorist who pursued him and made him stop, and someone else who happened to be looking out of an upstairs window who saw it all, the motorist would have escaped.

Needless to say, the motorist faced a serious criminal charge and went to prison. Miraculously, Mr XXX survived for years, despite serious injuries and the compensation had to be administered for the benefit of his family after death.

The most impossible cases were boundary disputes (far more acrimonious than a messy divorce) and often over a strip of land one foot wide. They were usually insoluble and letters passing between

neighbours' solicitors merely exacerbated the problem. The technique I adopted was to go immediately to inspect the site and to not rush into action: a court hearing is expensive and does not usually satisfy either party as the judge often adopts a 'judgment of Solomon' approach (two mothers disputing the ownership of a baby, Solomon offers them half a baby each). Man's primitive obsession with territory persists.

Wills are tricky. If you make a mistake, it is unlikely to be discovered until the testator has died: rather too late to do anything about it. Also people tend to make their wills towards the end of their lives because they don't want to contemplate death (who does?) instead of when they are in full command of their faculties. Deathbed wills are a nightmare. It is worrying when called to make one as you have to be sure that the testator has 'testamentary capacity', in other words, is not bonkers. If in doubt, the client's doctor would usually help. It was always sad when clients had nobody to leave money to; an insight into the human yearning for their line to carry on into the next generation.

Sometimes it was scary to be an executor. You are responsible for disposing of the body, applying to the Probate Court to prove the will, paying debts and accounting to the Inland Revenue for any inheritance tax levied on their assets, before the remainder goes to the beneficiaries. Sometimes the executor does not know what or where the assets are. This was made worse when a person without next of kin died at an age when they had given up looking after their affairs properly. I have found hundreds of pounds under mattresses. Furthermore,

people sometimes become angry with you when the testator left them out of the will, or they thought -or had been promised- that they would get more. The old adage 'where there's a will there's a relative' proved pertinent.

You couldn't help over the years building up an understanding of people and their money. Old people often worried about being unable to pay for their funeral: they would say "Oh, I have got £500 in a building society saved up for my funeral".

The best managers of money were those of modest means who were never in debt and always reliable and well turned out and paid their bills promptly. There were surprises: people who did not parade their wealth, for example, such as the delightful eighty-year old spinster sisters (daughters of the manse) who lived in a large draughty flat, looked after their invalid brother and made chutney for charity. They continued to drive around in their rusty Metro long after it could have been replaced by something very much smarter. John Betjeman would have had a field day describing them!

At the other end of the scale were the bullshit brigade with their ebullient lifestyles, large cars and horses – all on the bank. They disappeared in a puff of smoke after a credit squeeze.

I often felt that solicitors should receive training in running a business (although we were required to take an examination in accounts) and training in how to deal sympathetically with people under stress. These skills had to be picked up as we went along.



Above: A day out to celebrate the 25th anniversary of Mr Collett's arrival at Willans (he is centred)

Left: Alec Willans, founder



Willans LLP, with its four buildings on Imperial Square

The much-reviled breathalyser and other matters

Two items of more general interest could be mentioned. It is hard to remember the storm of protest engendered by the introduction of the breathalyser in the late 1960s. I'm afraid we used to brag about how much we could drink without it affecting our driving. Claims were made that subjecting motorists to a breathalyser was an infringement of the citizen's rights. It was only passed after a struggle which included the silly rule that the police could not do random testing.

The other topic is the New Club (founded 1890) on the corner site in Imperial Square next to the Town Hall, now occupied by an ugly office block. It was the haunt of retired Indian civil servants, retired service officers (mostly army) and business and professional men. Women members were confined to the top floor. The interior was a period piece of Victoriana which would be 'scheduled' today. It had a front entrance and imposing stairway to the first floor, porter's desk presided over by Holmes, in club livery, a post box in the hall emptied daily by the General Post Office and open fires everywhere. In the hall were 'sit-on' weighing scales with polished brass accessories and a calf-bound book recording members' weights since

the club was founded.

The Anteroom was vast, with its horsehair sofas and newspapers. The dining room provided a good home-made lunch (roast beef and steamed treacle sponge) hauled up by rope on a butler's lift from the basement kitchen – a man was hired to do the hauling from 12 noon to 2pm daily. It suited me as a bachelor to have lunch there. I knew I had 'arrived' as a member when the senior members called me 'Shillito'; up to then I had been ignored or at best received a nod.

Ninety year-old General Vickers arrived to lunch by bicycle as did the charming Chief Constable, Mr Gaskain. The latter had the embarrassment during his term of office of prosecuting himself for careless driving and having to plead guilty.

On the way down to the gents, there were racks, supposedly for members to store their wooden legs. Above the urinals there was a notice "Gentlemen are requested not to throw cigarette ends into the urinals". A waggish friend of mine suggested the addition of the words "... it makes them quite unsmokeable!".

I have been so lucky being able to ply my trade in the pleasant

surroundings of Imperial Square, working with partners and staff who knew one another well and above all, trusted one another. It is not always thus.

It was a privilege and somewhat unnerving when people entrusted their private affairs to us often at a worrying time for them. We were fortunate in having so many worthwhile clients and I hope we did a reasonable job. We certainly worried in the office and in our spare time, whether we were giving them the service they deserved.

There were lapses on my part which concerned me a good deal, and it was a chastening experience when clients moved their business elsewhere. It was not exactly the high point of my career when I greeted a lady client with the words "and how is your husband?" only to hear her reply "he died a year ago and you were his executor". Nonetheless, many clients and their families who were on the books when I arrived in 1960 are still on those of my successors.

Working in a small outfit, gaining the confidence of the clients as friends and trying to find a solution to their problems, suited me well. Decisions

could be made without having to consult higher authority and being one's own boss (but with the support of partners) was an added bonus.

I wouldn't say that I enjoyed every minute, especially when I looked at the takings towards the end of the month sometimes and realised that they were insufficient to cover the overheads. Needless to say, this was the exception rather than the rule, otherwise we would have gone under.

I never had any interest in technical points of law. I tried to use the law as a framework for arranging people's affairs in a businesslike way that suited them.

1990 - 2000

There have been vast changes. Solicitors' practices are much larger, whether by way of amalgamation or deliberate growth via recruitment. They are allowed to advertise. They are better educated and better trained. They have to manage their practices as businesses and employ practice managers. Offices are better kept. Enormous sums have to be spent on electronic tools.

I suspect they are more efficient than we were. Keeping up with the constant changes in the law must be a nightmare. They work impossibly long hours under pressure to the detriment of themselves and their families.

They specialise. Young solicitors probably prefer nowadays to pursue their speciality as assistants rather than go into partnership because of the endless worry which being a principal entails: getting together vast sums of working capital, finding suitable offices, recruiting and keeping staff of good calibre, making certain that good service is offered to their clients and that clients' money is properly accounted for.

To an outsider, lawyers often have the reputation of being inefficient, careless of their clients' interests and grasping. The public perception of them is lousy

though it is difficult to get a balanced view as the sensational cases make the news.

Are lawyers more or less caring than they were, and if they are unpopular perhaps they always have been. We live in a litigious age when people (quite rightly) do not blindly accept professional advice. The enormous increase in claims for negligence is worrying and leads to heavy insurance premiums, the cost of which ultimately has to be borne by the hapless client.

Is the law a public service or run exclusively for profit? It is a hybrid. But the emphasis should be on the former rather than the latter. The cutbacks in legal aid are very sad. The old saying "Justice is open to all, like the Ritz" holds true.

People are deterred from consulting solicitors at all because of what seem to them exorbitant charging rates. Going to court is expensive, cumbersome and the result uncertain.

Lawyers are not pop stars, not high profile footballers. They are people who have chosen to serve their fellow men 'without fear or favour, affection or ill will'. There are many who continue to do so.