

Tales From The Tartan Chambers

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1. MONDAY

DRIVE OVER THE red bridge, round the Court of First Instance (CFI) building and turn left, past a Henry Moore statue into the Court's underground car park. Try to get to the office as early as possible. Otherwise risk 20 pages of shorthand notes before I can get my coat off. Though it's a rare thing for the Professor¹ to arrive first these days—his daily bike ride around Flaxweiler² (before breakfast, in all weathers) has put an end to that. Take the lift up to the third floor, to office P/314.³ We're well located—right next to the President's *cabinet*⁴ and the toilets. Most important task first—put on the tea machine. Check telephone, fax and e-mail. Run through latest developments (and gossip) with Christèle and Gaby. Ready for (just about) anything.

Professor (dressed in brown corduroys, blue shirt, tartan tie, Harris Tweed⁵ jacket and newly polished⁶ Church's English shoes) arrives, slightly breathless after taking the stairs from the car park (four flights, including basement to ground floor, and they're double height), bursts into our office and sinks down into the chair opposite my desk. Begins handing over papers, some from his giant leather school satchel, some from the pockets of his jacket. Graham⁷ arrives close behind, cooler than the proverbial cucumber, carrying a box filled with more papers, books and case files in various colours.⁸ If the Professor has

* Secretary to Judge Edward from 1989 to 1998. Shared office (and spent far too much time chatting) with Dominique Verdon (1991–1994), Christèle Courtin (1992–1995), Gabriella Carta-Paganoni (1994–present) and Nathalie Grosjean (1996–present).

¹ Judge Edward is called 'Professor' by his staff and 'Judge' or 'Professor' by his children. Mrs Edward is called 'The Boss' by everyone.

² Small farming village (pop. 338), 14 kms northeast of Luxembourg city, where Judge and Mrs Edward live.

³ From 1989 to 1992, office A/0024 in the CFI.

⁴ Chambers.

⁵ The world's only commercially produced handwoven tweed, Harris Tweed is a trademark. Judge Edward was a director of the Harris Tweed Association Ltd (1984–1989).

⁶ One of the Judge's *bête noires* is unpolished shoes, no doubt dating back to his time in the navy (HMS Hornet, 1956–1957).

⁷ Graham Paul, Judge Edward's driver (1992–present).

⁸ Case files are colour-coded: red files are to be read first, then blue, then green. A tremendous amount of paper comes into chambers each week: judgments, pleadings, translations, reports and memos. The Judge loves good order and has devised numerous systems (and bought countless gadgets) to keep himself organised.

just returned from a trip, the box will also contain souvenirs for all of us.⁹ Professor fishes out a few things and hands them over with detailed instructions. Then looks out his notepad¹⁰ and does a final run through. Everything is beautifully written: nothing *ever* scribbled, though he has been known to doodle during the *longueur* of monotonous pleadings.

Supply the Professor with a cup of tea¹¹ and call everyone into his office for our Monday morning meeting: three secretaries, three *référéndaires*¹² and any *stagiaires*¹³ or visitors who happen to be with us. The Professor takes off his jacket and puts on a wool cardigan. When we are all seated (on the black leather sofa and armchairs,¹⁴ or the umpteen standard issue swivel chairs), he begins. He runs through his diary for the week, so we all know where he is, what he is doing and when we can expect to have some time with him. Then he runs through the weekly list. This is a list of cases where he is Reporting Judge (around 40 cases), or sitting in plenum or chamber (another 80). The list gives a complete overview of work-in-hand and, perhaps more importantly, work overdue (the refs often refer to it as the ‘List of Shame’).

With the unpleasant part over, it’s time for a general chinwag: from the latest sexy (i.e. interesting) cases we have been allocated, to the fantastic meal someone had at the *Auberge de la Klauss*,¹⁵ or the *Maison des Baillis*.¹⁶

But the highlight of the meeting (indeed, of the week) is when the Professor tells one of his tales. It could be something which happened to him over the weekend, or an old favourite.¹⁷ But whatever it is, he’s in his element and we sit, enchanted. I’ve seen him work his magic on schoolchildren, academics and giants of industry. Whenever he speaks, everyone else stops and, for some reason, people expect him to have the answer to everything—not just the law, but history, geography, art and music. The annoying thing is, he normally does.

For the finale, there’s invariably a recommendation: the Professor’s latest gadget/most recent read/cheap-at-twice-the-price wine discovery. We all nod and dutifully note down the name of the shop/publication/vineyard, as everyone really should buy it/read it/drink it as soon as possible.

⁹ Judge and Mrs Edward are generous to a fault. The Judge always brings back small gifts* from his business trips and holidays, and is a prolific postcard writer. Staff birthdays are marked with a gift and a slap-up lunch at a restaurant of the birthday boy/girl’s choosing. There are also countless *cabinet* lunches and dinners at Flaxweiler, to which both staff and their partners are invited.

¹⁰ Always *Economist* notepads.

¹¹ Black, no sugar or milk, in a breakfast cup from Villeroy & Boch’s *Vieux Luxembourg* series.

¹² Legal Secretaries or ‘refs’ for short.

¹³ The Court offers a limited number of paid traineeships (*stages*) to young European lawyers. Occasionally, judges and advocates general take on unpaid trainees in their chambers.

¹⁴ Designed by Børge Mogensen (1914–1972), Denmark.

¹⁵ <http://www.auberge-de-la-klauss.com>.

¹⁶ <http://www.les-baillis.com>.

¹⁷ Like the time he stayed at a rather run-down gentlemen’s club in New York. Tired and hungry after a long flight, he entered the dining room and, not sure if he should merely sit down or wait to be seated, asked the waiter, ‘What’s the form here?’ To which the waiter replied, ‘The form, Sir, is that you go back to your room and put on a tie!’

It's noon precisely¹⁸ and the whole *cabinet* (Judge, refs and secretaries) is off to the *cantine*. We were the first *cabinet* to dine *en masse*, but the Sevóns and the Ragnemalms¹⁹ followed suit. The *cantine* food is pretty good, though after dining there five days a week, most weeks of the year, you can pretty well be sure that if it's Monday, it must be *potage parmentier*.²⁰ After lunch, we have a brisk walk round the Kirchberg,²¹ then it's down to business.

The main bulk of the afternoon is spent in the company of the refs. First of all, there is a brainstorming session with all three taking part. The Professor is giving two talks next week (a conference in Brussels and a lecture in Trier), one of which will require a written text for publication. And he has just agreed to provide an article for a *Festschrift*, so will need a few ideas for that, too. Two of the refs depart—the third stays to look at a draft judgment (deliberated by the plenum on Friday) which needs careful rewording in French.²² Christèle and Gaby are drafted in to help, and arrive brandishing copies of *Le Petit Robert* and the *Dictionnaire Bordas des pièges et difficultés de la langue française*.

Finally it's my turn. We try to get through as many piles of paper as time allows (the Professor is hoping for a fairly early getaway tonight as his son, John,²³ is visiting) and are just tidying up when one of the other judges pops his head round the door, on the pretext that he wants to borrow a British law journal. I can sense that he actually wants a private word with the Professor, so make my excuses and leave them to it. Graham takes a box of files down to the car, and I phone Mrs Edward to tell her that the Professor will soon be on his way.

2. TUESDAY

Professor (in navy suit, pale blue shirt, blue tie and newly polished Church's English shoes) arrives after taking the stairs, whizzes past our office and into his own, calling for one, two, three refs and myself. Graham arrives carrying a box filled with papers and files. Professor calls out instructions and, before we have a chance to reply, he's off and running, down the stairs to the *grande salle d'audience*²⁴ for the first plenary hearing of the day. Desperate for answers, I chase him out into the corridor, notebook in hand.

¹⁸ Generally speaking, staff from Northern Europe lunch between noon and 1 pm, and those from the South between 1 and 2 pm.

¹⁹ The cabinets of Judge Leif Sevón (Finland) and Judge Hans Ragnemalm (Sweden). All grades lunching together seems to be a Northern thing.

²⁰ Potato soup. Antoine Parmentier (1737–1813) introduced the potato to France.

²¹ A plateau where the European institutions are clustered.

²² French is the official working language of the Court and the main language of communication between staff (from the courtroom to the *cantine*).

²³ Judge and Mrs Edward have four children: Giles, Anne, John and Katherine.

²⁴ Main courtroom.

The second plenary case didn't start until after lunch, so it's late afternoon before I have a chance to have a quick session with the Professor. I've got letters for signing, draft judgments from the English translation department which need approval, the seventh version of an article he is writing (I know he's a perfectionist, but if he makes any more changes, I'll scream) and over 10 telephone messages. He takes off his jacket, puts on his cardigan and we sit down at the desk (me on a swivel chair, he's perched on his Robert Thompson²⁵ stool).

His office is an Aladdin's cave, though the cleaning lady would probably describe it as a junkshop. There are papers, books and files everywhere. The Professor has had bookshelves built into every available space—a sea of blue and purple ECRs. Photos of friends and family stare back at you from the bookshelves and walls and desk. The biggest desk you have ever seen, with two writing surfaces, a computer section and a conference table. That is, if you could get a glimpse of the desk, which groans under the weight of articles and case files, rows of post-it pads (in several sizes), paperclip containers (in various shapes), pen and pencil pots, blotting paper (as much as he loves his computer, all personal correspondence is written in fountain pen), bottles of ink (all blue, all *Montblanc*), highlighter pens (in all the colours of the rainbow), computer disks and various gadgets for stamping, stapling, punching and labelling. Plus the computer, CD player, humidifier and purifier. Anything not in constant use is resigned to the drawers below: stamps (various denominations and from several countries), a set of scales, notebooks and jotters, envelopes (white, manila, padded), plastic files (in various colours), personal notepaper (Flaxweiler and Edinburgh), stacks of postcards (for writing personal messages to friends and family), photos, medicines (headache tablets and Olbas oil), wetwipes and stain-remover cloths (for those days when the *cantine* is serving *moules et frites*).

When we're through, the refs arrive to brief the Professor for tonight's *réunion générale*²⁶ at 6 pm. Given that he read the Reports (15 cases) over the weekend, it doesn't take them too long to get through the dossier. He puts on his jacket, combs his hair and, with a quick 'toodle-oo' to all of us, is off.

The Professor comes back to the office at the *pause technique*,²⁷ signs a few more documents and makes changes to a dozen more (drat). He tells Graham that the meeting should easily be over by 8 pm.

²⁵ A furniture maker from Kilburn, known as 'Mousey Thompson' and 'The Mouseman' (1876–1955). If you look closely you will find a small hand-carved mouse on all his work: chair legs, bed heads, etc. He chose this as his trademark because he was 'as poor as a church mouse' when he got his first commission. <http://www.robertthompsons.co.uk>

²⁶ General Meeting of the Court (judges, advocates general and registrar). Preliminary Reports are presented, and the Court decides whether the case should be dealt with by the whole Court, a *petit plenum*, a chamber of five or a chamber of three.

²⁷ Court terminology for toilet break during the *Réunion générale*.

3. WEDNESDAY

The Professor is away at the *Comité administratif*²⁸ for most of the morning, so get on with the organisation of the visit by British judges to Luxembourg next week. Their two-day guided tour of the European Court of Justice (ECJ) includes hospitality²⁹ at the Edwards' home. Phone 'The Boss' and give her the final numbers for the sit-down dinner (28 this time). Then the dietary requirements: one gluten-free, one kosher, two vegetarian and one allergic to seafood. Mrs Edward doesn't flinch—she's being doing this so long, she could cater for a black-tie reception using a camping stove.

Professor comes back and I follow him into his office, bearing tea and biscuits (it's going to be a long session) and my shorthand notebook. We work through piles of paper, top to bottom, from left to right.³⁰

After lunch (and another brisk walk), we manage to get through another two towering piles of paperwork, i.e. it's moved from his desk to mine, before the arrival of a language teacher.³¹ These lessons always start with the Professor apologizing for not doing his homework, and the teacher telling him not to fret.

Just over an hour later the Professor is off and running again, this time to a meeting of the Court's computer committee, of which he is the chairman. He's not sure how long it will take, so we agree to meet downstairs at a drinks reception for Court staff in the *salle des pas perdus*.³² It's an occasion to catch up with former colleagues from the CFI and to find out what's really going on in-house.³³ I love the *salle des pas perdus*. Where else can you place your drink on the plinth of a Miró³⁴ or touch a Rodin statue³⁵ (which I do, whenever I'm on my way to the library) without an alarm ringing somewhere?

4. THURSDAY

The Professor is in a bit of a rush this morning. He's giving a talk to students from a UK university before the First Chamber case starts in the *salle*

²⁸ Administrative Committee.

²⁹ The three British members of the ECJ and CFI split the cost of food and drink. Mrs Edward, with a little help from her trusty assistant, Graham, does all the baking (she makes the world's best bread), cooking, serving and washing up.

³⁰ If I've learnt one thing from the Judge, it's never to put off a task (however unpleasant) until later. The longer you leave it, the worse it gets.

³¹ Margit Pfänder (German), Luisella Piccoli (Italian), plus Greek and Spanish teachers.

³² Main hall in the Palais building.

³³ The drivers and internal mailmen are always first with the latest scandal.

³⁴ 'Bird nesting on flowering fingers' by Joan Miró (1969).

³⁵ 'Bronze Age' by August Rodin (1876).

*Grieshaber*³⁶ at 9.30 am, so doesn't come up to the office but sends Graham instead with a list of things that need doing.

The hearing is over fairly quickly (the parties kept to their 15 minute slots)³⁷ and the Professor looks in on us to find out if anything requires his urgent attention. He manages a quick meeting with the refs before he's required in one of the conference rooms downstairs. A Minister of Justice is visiting the Court today, and all the members of the ECJ are expected to attend a round table discussion followed by an official lunch.

We are all queueing up to see him when he returns, but will have to wait a little longer. The Professor closes the door to his office³⁸ and gets ready for his nap. He used to sleep on the floor of his office in the CFI, but his elevation to the ECJ in 1992 meant a larger office and more furniture, so he now uses the sofa.³⁹ I wake him up after 20 minutes (eight out of ten times he snores through the alarm) and tell him there's fresh tea. His hair is standing on end, so he wanders off in the direction of the toilets, combing his hair as he goes. Supply him with more tea and he's bright as a button. Liz⁴⁰ and I tried powernapping once and were exhausted for the rest of the day.

We're in and out of the Professor's office for the next hour and he's probably glad to leave at 3.30 pm for the relatively peaceful deliberations of the First Chamber (three straightforward cases today). He returns half an hour later to find that an old friend has popped in to say hello—an English barrister who is in Luxembourg pleading a case over in the the CFI.⁴¹

The next couple of hours should be fairly quiet. So he dons his favourite cardigan, puts on some music and comfies himself in an armchair. Cup of tea on the table beside him and a pile of Reports for the Hearing, draft judgments and the minutes of various Court committees on his lap.

Phone Graham just before 7 pm to say that the Professor is ready to go home. Before leaving, try to make my desk look a little less like a mini version of the Professor's.

5. FRIDAY

Deliberations of the full Court start at 10 am and there are 9 cases up for discussion today. The Professor arrives at 8.45 am to find four new notes for

³⁶ In my opinion, the most exciting courtroom (metal walls, peacock blue chairs and wooden boxes hanging from the ceiling), now sadly closed. The Palais building was evacuated in July 1999, due to the discovery of asbestos, and is currently under reconstruction.

³⁷ Generally 30 minutes each, but 15 minutes in hearings before the small chambers of three judges and for interveners in direct actions.

³⁸ Judge Edward works with an open door. It is only closed for two reasons: his after-lunch nap and serious gossip.

³⁹ Look underneath the cushions and you'll find a newspaper for putting his feet on.

⁴⁰ Elizabeth Willocks, the Judge's first Legal Secretary (1989–1994).

⁴¹ It is customary for counsel not to approach members of the Court when pleading before them that day.

deliberation on his desk and three restless *référendaires* ready for action. They spend the next quarter of an hour with their heads bent over the desk, skimming through ECRs, checking references, consulting CELEX and bouncing ideas off each other. Meanwhile, there is a great noise coming from the corridors where a flock of refs from other *cabinets* are trying to lobby their own judge's idea.

The Professor sits down at the screen and starts drafting a reply. The refs huddle round and every word is carefully weighed. Christèle and Gaby proofread the note, print it, then all three of us are out of the door at full speed. Gaby and I take the *cabinets* on the third floor, Christèle those on the second. We weave in and out of offices, hoping to deliver the note before the judges make their way to the deliberation room. On our way, we meet secretaries from the other *cabinets* on the same mission.

10.05 am and it's all quiet in the corridors. The judges are behind closed doors in the *salle des délibérés* and an air of quiet respectability has once again descended over the court. We're not quite sure how heated the discussions are inside the deliberation room, but at least the language used will be polite.⁴²

Two hours pass and we're beginning to wonder if the Professor is going to get away in time. He's booked on Luxair flight LG403 to London at 12.50 pm (he's giving a speech there tonight, then going on to Edinburgh tomorrow for two trustee meetings).

At 12.15 pm he bursts into our office, grabs his ticket, passport and some last paperwork from the waiting refs, and runs off down the stairs, not to the car park but the main Palais entrance. Graham is waiting for him on the concourse, with the engine running and the Professor's satchel on the back seat. The Professor jumps into the front passenger seat and they're off.

The secretaries breathe a sigh of relief and the refs collapse into chairs. We're damn glad to get him out of our hair. But—to tell you the truth—we're actually looking forward to his return on Monday morning, when he bursts through the door, breathless, but raring to go. As Robert Burns⁴³ might have said, 'Here's tae him, Wha's like him, Damn few, And they're a' deid! (Mair's the pity)'.

⁴² The members of the Court usually address each other by their first names, and use the first person singular (*tu*). However, in deliberations, the judges use surnames and the polite form (*vous*).

⁴³ Scotland's national poet (1759–1796).