

Eulogy for Bryan McGuire QC

Written and read by Kelvin Rutledge QC, colleague & friend

Bryan Nicholas McGuire, Queen's Counsel, was called to the Bar by Middle Temple on 28th July 1983. He practiced for more than two decades from Field Court, and since 2007 from Cornerstone. In 2010 he took silk. Bryan's career achievements included appearing in over 80 reported cases and training, befriending and shepherding more than 20 pupils into successful practice, many of whom are here today.

Building on his academic success at King's College, London, and Darwin College, Cambridge, and inspired by the industry of his parents, Bryan set out to establish a practice in the common law.

It is imputed that early signs of the stubborn tenacity and bulldog spirit that distinguished Bryan as a fine litigator, were evident in his first application for tenancy. It appended a two-column schedule of the cases in which Bryan had appeared as a working pupil. The first column was entitled "cases won" and the second "cases subject to appeal".

My first meeting with Bryan was in the autumn of 1989, on the occasion of my interview for pupillage. When I joined Chambers the following year, Bryan and I became colleagues and friends; a professional relationship and friendship that lasted for over a quarter of a century, until his untimely death.

Bryan's first great achievement in the law, at just 12 years call, was appearing before the House of Lords leading Professor Michael Furmston in the landmark case of Ruxley Electronics against Forsyth – although, as it was a case about a swimming pool, Bryan, with trademark humour, referred to it as more of a watermark case.

Bryan's cogent submissions not only won the day but also earned praise from the senior Law Lord, Lord Bridge, for reuniting the common law and common sense. The case, which has its own entry in Wikipedia, proved beyond doubt that Bryan was an advocate for the big occasion.

During the 1990s Bryan reinvented himself as a public lawyer, excelling in the areas of social housing and community care. Multiple appearances before the House of Lords and Supreme Court resolved burning issues of the day in diverse areas such as resource allocation between central and local government, and between housing and social services authorities.

Bryan's cases developed the law on such topics as public interest immunity, joint tenancies, control of anti-social behaviour, care assessments, adult safeguarding, injunctions, damages, incapacity and equity release: he gave us Sheffield and Hopkin orders, children's age assessments and, of course, tolerated trespassers. Bryan leaves his fingerprints over many areas of the law.

Once described in a legal directory as "a streetfighter you'd rather have on your side", as an opponent Bryan hit hard and fast but never low. His avuncular and jovial persona belied a rapier-sharp wit and intellect. He was always quick on the uptake. When a disconsolate pupil complained of losing a case at the Mayors & City County Court, Bryan reassuringly pointed out that 50% of litigants lose in *that* court.

Judges admired him. I recall an occasion, one evening at Gray's Inn, when Bryan met by chance a judge walking his dog. The judge was overdue in delivering a judgment in one of Bryan's cases. Bryan politely enquired whether the judgment might be expedited if he, Bryan, assumed the dog-walking responsibility. "You carry on writing Judge, and leave Oscar to me", said Bryan.

Bryan's last major appearance as a barrister was in the Supreme Court, in the conjoined appeals of Hotak, Kanu & Johnson, a case involving 6 members of Chambers, myself included. The defining moment came shortly before lunch on day two when Bryan, representing the charities Shelter and Crisis, rose to address the Court.

In one of the finest displays of advocacy I have witnessed at the Bar, and through sheer force of logic, Bryan's 20 minute submission compelled 5 Supreme Court Justices to depart from almost 20 years' of Court of Appeal jurisprudence. It was a fitting finale to a remarkable career.

Bryan was a Chambers man through and through. He sat on the Management Board, devised the long-term strategy for Chambers and only last year won Chambers a training contract on the Care Act. He was universally popular amongst colleagues, clerks and solicitors, as is evident from today's attendance.

Prominent themes amongst the accolades that have poured in over the past week are that Bryan was "unpretentious", "down to earth", "decent", "funny", "endearing", "supportive", "shrewd", that he "never had an unkind word to say about anyone", was "endlessly kind and considerate" and "an absolutely wonderful bloke". Bryan was a model barrister and, as one correspondent put it, "he showed us how the job is to be done".

Bryan loved life. He loved his family, the law, his native Ireland, the Sunday newspapers, cricket, football, rugby, in fact any sport, the movies, the Sopranos, Neil Young and Sigur Rós.

Bryan was a one-off. It is impossible for me to think of my own career in the law without also thinking of his. I will miss his presence in Chambers; his sage advice; his encyclopedic knowledge of the profession; the camaraderie and banter.

I will miss our daily lunchtime routine of walking out of the building, as Bryan put it like two opening batsmen, to collect a sandwich from Greggs or, if one of us had received a cheque, a sit down meal at Andrews Café on the Gray's Inn Road.

I will miss the opportunities to pop into his room, opposite mine, and see him sat there behind Scrivener's old desk, two large PC monitors in front of him, one displaying his latest legal Opinion; the other the "Come on You Spurs" website.

He would invariably relocate to one cosy armchair and invite you to occupy the other. With a warm and friendly smile on his face, you felt sure that, however busy he was, Bryan *always* made time to talk.