

‘Fear keeps you on your toes’

Dominic Carman

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Laurence Rabinowitz put the lead argument in the case that could affect every bank account holder in Britain.

The commercial court of Mr Justice Andrew Smith was stuffed with barristers last Thursday, but one QC was the main focus of attention. The case was the challenge to bank charges that could affect every bank current account holder in Britain. At the original hearing in February, Laurence Rabinowitz represented the Royal Bank of Scotland, one of eight lenders accused of levying unfair overdraft charges. It also fell to him to put the lead argument to the court for all the banks, saying that the alternative would be to charge on every transaction.

Mr Justice Smith’s ruling last week was hailed as a first-round victory for the customers. But the banks, who are likely to appeal, also won key points. Rabinowitz will be back in the public eye.

“The Commercial Bar is full of tremendous talent,” he says. “I’ve been lucky to be led by some of the best: Kentridge, Pollock and Sumption.” The quiet and modest star of One Essex Court — where 100 first-rate applicants chase each pupillage — the 47-year-old Rabinowitz is assuming the mantle of the great Lord (Tony) Gribner, his head of chambers, and fast becoming one of the few real stars at the Commercial Bar.

It was not his first big case. Last November he won a landmark House of Lords tax appeal for Deutsche Morgan Grenfell (DMG) against the Government, enabling DMG to reclaim 30 years of tax interest. Another triumph, for Sempra Metals, crowned an outstanding year. Slaughter and May instructed him in both cases. As a commercial silk — adept at banking, insurance and a host of other areas — he is inevitably in strong demand from City firms.

“Quite brilliant” and “Can do no wrong” are typical plaudits. “He is very client-friendly, very commercially minded and a class act,” says Simon Davis, at Clifford Chance. The silk whose intellect Rabinowitz most admires, Jonathan Sumption, QC, offers similar praise: “He has a fantastic analytical mind, with a remarkable ability to follow six logical trains at once, which you sometimes have to do; 99 per cent of the stuff you get in cases is irrelevant: he is

extremely good at identifying the 1 per cent that matters more or less straight away.”

The son of a South African lawyer, Rabinowitz was an Oxford Rhodes scholar. Sydney Kentridge, QC, who left South Africa in 1977 and joined the English Bar, provided a role model as to what could be done. Called to the Bar in 1987, Rabinowitz chose One Essex Court “because it was different”. He was attracted by the personalities. “Sam Stamler, an astonishing man, and Tony Grabiner set the tone. It was very informal, things were focused on what you could do, rather than who you were. It was meritocratic — as the Bar as a whole has become. The other commercial sets had more of an establishment tinge around them. The model that we adopted worked and is working.”

As a pupil he was sent to a criminal chambers to get experience. After some misunderstanding, a cantankerous criminal judge told him: “You know that pink ribbon, you’re supposed to unwind it and read the papers.” He threw his pen at young Rabinowitz. “I thought: ‘Crikey, if this is what being at the Bar is like, maybe I should find another job.’ Until fairly recently, I have been terrified on my feet.”

Fear, he believes, is important: “Fear of failure, fear of exposure and fear of letting down people: fear creates an adrenalin, it keeps you on your toes. I suspect it’s similar to the sensation that sportsmen have when they’re playing. You feel that you’re on a high — in a zone of some sort. When it finishes, sometimes you can’t really work out how you did what you did.”

The Bar, he suggests, enables people to achieve a variety of ambitions: “For those interested in appearing in the spotlight or in working behind the scenes and plotting things as in a game of chess. No one survives in this job if they are not personable.”

How does he define personable? “The ability to get on with people, the ability to have a sense of humour, to do what people need you to do and work in a team. Personality that extends beyond just being a lawyer. When you are not talking about the law, people enjoy your company or being around you.” This is probably how others see Rabinowitz.

When emphasising the importance of teamwork, he draws on the example of his beloved Manchester United: “Litigation is like football: the QC is the centre forward, there to deliver the goals; you’re absolutely reliant on people delivering you the opportunities to do it.”

After taking silk in 2003, his work now regularly makes the news. In October Rabinowitz begins a three-month trial relating to the 2005 fire at the Buncefield oil storage depot.

He is optimistic about the future of the Bar: “There will always be a need for advocates. The objectivity of the Bar is always going to be invaluable. Solicitors need someone to take responsibility for negative advice — they don’t want to give it.”

Rabinowitz is that rare animal: the successful lawyer who has the work-life balance right. He does about 60 hours a week. Leaving chambers by 6.30pm, he keeps one day free at weekends. A United season ticket holder, he visits Old Trafford “far too regularly” — taking his three teenage children in turn to home matches. Meeting Sir Alex Ferguson (during the Equitable Life case) was “a great thrill”. And really to get away from it all? He walks his miniature schnauzer on Hampstead Heath.