

# An Epic Journey: The Centre for Commercial Law Studies at Queen Mary University of London (CCLS) and the Stockholm Centre for Commercial Law at the University of Stockholm

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## 1. My move to academe

I spent a happy 18 years at Queen Mary, then a college of the University of London and now part of a federal university in its own right. I had been a practising solicitor and partner of a London law firm for many years with no thought of entering the world of academe until a chance remark by an American law professor then visiting at Queen Mary led to my applying for the second Chair. To my astonishment, I was appointed there in October 1971 despite having never taught in my life or been to university, though I did have an external degree at the University of London and had published books and articles which fortunately became established as leading texts. The then Dean, the late Professor Roger Crane, was the only person in England who would have taken such a hair-raising risk, and my debt to him is more than I can express. He was also unique in having founded two law schools, at King's College London and Queen Mary. Soon after my arrival Roger told me that he had planned to take a year's sabbatical leave in Australia but felt he should postpone it as I had only just arrived. Cheerily I said he should go and we would somehow manage. So, after three months I found myself Acting Dean of a Law School! How the Queen Mary Law Faculty survived I do not know. It was certainly a baptism of fire.

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My first chair at Queen Mary was as professor of law, becoming the Crowther Professor of Commercial Law in 1973 following generous support by the Finance Houses Association, now the Finance & Leasing Association. In 1979, after eight years teaching commercial law, I sat in my room one day and thought: why, when London is one of the world's great financial centres, is there no institute devoted to advanced study, teaching and research in the field of commercial law? From this germ of an idea evolved the creation of the Centre for Commercial Law Studies (CCLS), of which I was the founder and first Director until I handed over the reins in 1989 prior to taking up an appointment in Oxford. At the time this was to the best of my knowledge the only centre of its kind in the world but happily there are many such centres both in the United Kingdom and abroad, including Norway, to whose centre I shall return later.<sup>1</sup>

The aims of the CCLS were to engage as a self-financing centre of excellence in the systematic study of laws regulating national and international commerce and trade and to develop a body of knowledge and information that could be placed at the service of government, the legal profession, industry and commerce and academics. Its three guiding principles were a comparative and international approach to the study of commercial law, the adoption of a multidisciplinary perspective and close links with law schools and research institutes around the world, the practising professions, industry and commercial and national and international bodies commercial law. The creation of the CCLS initially caused some perturbation among my colleagues who were concerned that it might dilute the Law Faculty's resources, but when we started contributing to the undergraduate curriculum, which did not form any part of our planned activity, they were won over and became very supportive.

The launching of the Centre was in part a confidence trick. The then Lord Chancellor, Lord Hailsham graciously agreed to open the Centre the opening took place on 20 June 1980. But what was he to open? The only physical manifestation was a sign above my door in the six-storey Faculty of Laws building. So I popped round to the next door maintenance department and arranged for them to put under the Faculty of Law sign the words "Centre for Commercial Law Studies" – and now we had a building! I have to admit that the CCLS was something of an anomaly. One might even say it

<sup>1</sup> For a detailed history of the CCLS see Malcolm Langley, *The Weston Papers: intellectual property law and the origins of the Centre for Commercial Law Studies at Queen Mary, University of London*.

was in a sense anarchic. It did things no other department did, was freewheeling and was prepared to take controlled risks. Initially taken aback the college administration came to see that the centre staff appeared to know what they were doing and allowed them a free hand to get on with it.

## 2. Fundraising

The Centre was designed to be self-financing, so while the College would continue to pay my salary and that of my secretary any new posts would have to be financed from outside sources. So my first goal was to raise funds for our new venture. Here we had previously had a lucky break. The Chartered Institute of Patent Agents had decided to celebrate their centenary with the endowment of a Chair in Intellectual Property Law, the role of the professor being to establish a diploma in intellectual property for intending patent agents, who would be given partial exemption from the CIPA examination. CIPA approached the Registrar of the University of London, who advised them that the proposed endowment of £100,000 would be insufficient and that £400,000 would be needed. Having said that they thought that sum could be raised. This was generously provided by Dr Herchel Smith, an English chemist living in the United States who with the help of CIPA became a wealthy man through registration of hundreds of patents worldwide. In appreciation of the help he had received from CIPA he agreed to put up the funds. CIPA was advised by the University Registrar to invite bids from the four London University law schools, Queen Mary, King's College, the London School of Economics and University College. None of the law faculties was enthusiastic about establishing a Chair for sub-degree diploma course, but we were the only one to stand the project on its head by pointing out that CIPA surely wanted its new professor to have an international reputation and that while the diploma course would certainly be set up under the new professor's supervision it would be important to be ambitious and to provide advanced teaching, research and publication. This appealed to CIPA and led to the established of the new Chair at Queen Mary, the funds being routed through a charity, the British Schools and Universities Foundation Inc.

So we brought the Herchel Smith Chair under the umbrella of the Centre and then went out to raise funds for additional posts. We started with the four major clearing banks and at meetings with them we stressed that we were not seeking help from their charitable arms but on the contrary would be providing a service to the banking industry by injection into the profes-

sion graduates with a deep knowledge of banking law. This persuaded them to fund the Sir John Lubbock Chair of Banking Law, named in honour of Sir John Lubbock, who had been not only an eminent banker and indeed a polymath but also the first Vice Chancellor of the University of London. We went on to establish Chairs and other posts in information technology law funded by the Digital Equipment Corporation (inevitably it became known as the deck chair!), international business taxation (funded by Price Waterhouse) and comparative law (which I felt was seriously underprovided in British universities) in a Chair named in honour of Lord Denning which, because of our track record, the College agreed to fund without any outside resources. as well as a School of International Arbitration, supported by many donors and assisted by the Chartered Institute of Arbitrators. Our students were postgraduates studying for the LLM or PhD. We developed the first academic courses in the UK on corporate insolvency law, law of credit and security and information technology law and established a range of links with UK and foreign law schools and research institutes. We focussed on quality and in 1986, when we had only been going six years and were still quite small, we were awarded a rating of outstanding in the first research assessment exercise, along with Oxford and Cambridge and, as were later told, would have repeated this achievement three years later in what had become the research selectivity exercise had we been assessed separately from the department of law.

Looking back I am astonished at the range of activities the CCLS pursued even in my time and greatly expanded by my successors. We held a large number of conferences on a variety of subjects, as well as what developed into a three-week residential commercial law summer school in Cambridge attended by lawyers from all over the world. We held annual weekend conferences jointly with the Chartered Institute of Bankers as well as courses on legal drafting in company with practitioners.

With most of the staff being financed by external sources I proposed to the College bursar that the fee income should come straight to the centre. "Impossible", was the reply. "all fees go to the College." To this I replied that I did not want to interfere with established doctrine and suggested that we be given a department grant *equivalent to* the fee income received. "No", was the reply, "we'll give you 10%". "George", I responded, "you have things the wrong way round. We take 90%, the College gets the rest." There followed nine months of intensive haggling in a battle I was determined to win. In the end the College agreed to give us 80%. At the time we had relatively

few students but with this income share we were able to expand our courses, attracting more students which in turn generated more income leading to further expansions in the courses we could offer. And the College did pretty well from its 20%. Under my successors as Director both the range of courses and the income have hugely increased.

In 2013 Queen Mary established an Institute in Paris in which the CCLS, with links to Parisian law firms and legal institutions, began to provide a highly praised LLM programme in partnership with the Paris Bar School (EFB). So for 12 years the CCLS has operated from two major cities, London and Paris, strengthening its links not only with French students but also with those of other European cities. It is now truly international and has inspired the creation of many similar centres both within the UK and abroad.

The Centre's Committee of Management (now the Advisory Council), which had both internal and outside members, provided an invaluable input to the Centre's thinking and development. We were judicious in our appointments. The Committee was always chaired by a judge. The first was Michael Kerr, a High Court judge later promoted to the Court of Appeal. Tom Bingham, who followed him, was also on the High Court bench. He then became in succession the Master of the Rolls, Lord Chief Justice and Senior Law Lord. Bingham was succeeded by Johan Steyn, then on the High Court, and he in turned went to the Court of Appeal and the House of Lords. The current Chairman is Lord Kitchin, then already in what had become the Supreme Court. The moral of the story: those who aspire to the highest judicial office could do worse than serving a term as Chairman of the CCLS Advisory Council!

And now I turn to the Stockholm Centre.

### 3. The Stockholm Centre for Commercial Law

Inspired by the CCLS the Swedish law professor Jan Kleineman, a renowned Scandinavian scholar, was the driving force behind the establishment of the Stockholm Centre for Commercial Law in 2000 and is Chairman of its Council. Like the CCLS the Stockholm Centre provides a forum for discussion and research in the field of national and international commercial law, cutting through the civil law divide between public and private law. In its 25 years of existence, under the directorship of an outstanding Swedish academic Professor Göran Millqvist and interacting with practitioners and judges, it has steadily built up its team of scholars and its programmes of

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research. Every other year the Stockholm Centre holds, alternately in Stockholm and in Oxford, a joint law symposium with the Institute of European and Comparative Law, University of Oxford, whose Director is Professor Matthew Dyson. The SCCL is now one of the leading centres of its kind in Scandinavia. Long may it flourish.