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Bringing Law to Life with Laughter

Sue Holden

More than 50 years ago, as a fledgling journalist, I first encountered the often confusing, sometimes downright baffling, complexities of English Law as I grappled with the nebulous concept of defamation. My teenage efforts to fathom the distinction between libel and slander came flooding back in a flash as I tuned into Sue Holden's self-avowed quest to bring law to life with laughter.

Solicitor, singer and storyteller Sue certainly achieved her aim as she amused and entertained members of Buxton and District u3a with a string of seemingly effortless legally-inspired anecdotes and lawyer jokes. Her journey to becoming a qualified lawyer took many, not to say lengthy, twists and turns. Her early ambition to become a teacher – after countless hours practising on her parents as 'pupils' – was thwarted when she left school at 16 with poor qualifications.

Advised by her careers teacher to consider working for either the Civil Service or a local authority, Sue was successful in securing a post as a junior entrant (a kind of apprentice) with her local council. After brief spells in social services and recreation (an umbrella term for parks and cemeteries), Sue was attracted by the prospect of becoming a junior legal clerk. "I went to the interview and found myself face-to-face with four very stern men who asked me what I knew about law and said they were going to ask me ten questions about it," she recalled. "I said I knew nothing about it, but they said they were going to ask me the questions anyway. I managed to get four right and they offered me the job."

Thus began Sue's fulfilling and interesting legal career, spanning 36 years with her local authority, then subsequently with a social housing provider. She went back to studying in her spare time, notching up numerous diplomas – including one qualifying her to teach adults – before embarking on a law degree as a mature student at Manchester Metropolitan University and being admitted by the Law Society.

Sue then explained the origins of English Law, which in Anglo-Saxon times consisted of Danelaw in the north, Mercian law in the Midlands and Wessex law in the south – all of which operated differently and had different punishments for different crimes. After the Norman Conquest, the strands were brought together to form what is known as the Body of

Common Law, much of which is not written down, because at the time literacy levels were low. In those days people could also appeal to the King directly if they thought a legal decision was wrong. This applied during the Wars of the Roses, when a young widow with two young sons lost everything she owned because the King granted it to the Earl of Warwick. The woman appealed to the King in person and the decision was reversed. Not only that but the King, Edward IV, went on to marry the widow in question, Elizabeth Woodville, later grandmother to the future Henry VIII.

English Law also encompasses Statute Law, which is written down, and Equitable Law, which is based on fairness and the legal concept of 'Stare Desici', translated as 'Let the decision stand'. To illustrate how the English legal process evolves over time, Sue cited the landmark case of Donoghue versus Stevenson in 1932, which laid the foundations for what we know as the 'law of negligence', based on duty of care, or 'the neighbour principle'. Mrs. May Donoghue went to a café in Paisley, Scotland, where a friend bought her a bottle of ginger beer manufactured by David Stevenson. The bottle contained a decomposing snail, and as well as suffering shock, Mrs. Donoghue contracted gastroenteritis. Because her friend had bought the ginger beer, she did not have a contract with Stephenson, so was told she could not sue him. She contested the decision, and the House of Lords ruled that the manufacturer of a product owes a duty of care to their customers, even if there is no contractual relationship between them. Thus someone who breaches a duty of care can be held liable for the foreseeable consequences of their negligence.

Another interesting case Sue cited focused on the protracted legal debate about whether a Jaffa Cake is a cake or a biscuit. This had financial implications for the manufacturer, McVities, as cakes are not liable to VAT at 20 per cent, but biscuits are. After long and costly legal debate and deliberations, the Jaffa Cake, originally classified as a cake, was reclassified as a biscuit. McVities, unhappy with the decision, appealed and won the right to have the product reclassified as a cake.

Yet another fascinating legal area, Sue explained, concerned the concept of Intellectual Property (IP), which protects claims to exclusivity through measures such as trademarks, copyright and patents. The process to establish IP is very expensive and subject to very strict criteria, but applies to an unlikely variety of products and procedures –

from the distinctive shapes of the Coca Cola bottle and Jif's lemon-shaped plastic lemon juice squeezer to Johnny Weissmuller's Tarzan call and athlete Mo Farah's distinctive 'Mobot'.

Regarding copyright, Sue described a case regarding the ubiquitous song 'Happy Birthday to You'. The song was originally written by two American sisters, Mildred and Patty Hill, in 1893, and was then known as 'Good Morning to You'. The sisters sold the copyright to the music, but not to the lyrics, to Clayton F. Summy Co, which was bought by musical giants Warner/Chappell in 1988. Warner/Chappell subsequently made \$2 million in royalties each year until 2013, when their claim was challenged in the USA. Federal judge George King ruled that the original copyright was only granted for specific arrangements of the music, and not for the song itself, so the words were in the public domain and could be used for free.

Returning to defamation, Sue quoted the long-running 'Wagatha Christie' case involving footballers' wives Coleen Rooney and Rebekah Vardy. The saga began when Rooney publicly accused someone using Vardy's Instagram account of leaking private information about her to the media. Vardy sued Rooney for libel (defamation that is written, or expressed in what is judged to be a permanent form), but a High Court judge found in 2022 that Rooney's allegation was 'substantially true' and Vardy lost her case. In my case, it evoked nostalgic thoughts of college life in the 1970s as I strove to memorise the differences between slander (spoken) and libel described in every aspiring newspaper reporter's bible, *Essential Law for Journalists*.

Sue concluded with a few examples of court cases she dealt with during her time working in social housing – including a tenant who had painted liquid bitumen on the walls of his flat; another who had taken a sledgehammer to an internal wall, causing some very expensive damage; a third who had created an 'open plan' toilet by demolishing a wall at the top of the stairs and yet another who kept horses in the kitchen. Strange, but true – and the perfect way to end what was a very fast-moving, funny and engaging presentation.