

The LONDON ADVOCATE

Updating the London Criminal Courts Solicitors' Association

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EDITORIAL

Since I wrote my last editorial, things have moved on. The Legal Services Commission (LSC) has postponed the contract changes until January but is still insistent that they are brought in. Have the people there any idea what happens in a police station? I think not. How many of their staff spend evenings, nights and weekends working to try and keep practices afloat? And now, we are not even remunerated properly.

Greg Powell, our outgoing President, has likened the LSC to “an insane man, drowning in quick-sand, waving consultation papers and contracts at you”. We can perhaps add to that description: the insane man invites responses to these consultation papers but ignores any sensible, practical or knowledgeable suggestions.

Our Association’s heart-felt thanks go to Greg for what has been an extremely difficult and taxing year. One only needs to sit at the monthly committee

meetings to see how much work and effort he has put into his term of office.

By the time you read this piece, the Association will have a new President in Tan Ikram. We wish him well, firm in the belief that he will continue to represent the Association’s best interests in the monumental struggle ahead.

Where will it end? Currently, there are uncertainties about very high cost cases. In addition, of course, still lurking in the future, there is the prospect of having to take part in competitive tendering.

Up until a short while ago, I enjoyed my work in the law. I hoped I was patient, good humoured, polite and tolerant. In contrast, I have recently wondered whether I can put up with the job any longer.

But then, perhaps that is the response that the Legal Service Commission – and the government behind it – is looking for. Our answer must be: don’t let the b.....s get you down!

– Malcolm Duxbury,
Victor Lissack Roscoe & Coleman

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LCCSA WEBSITE

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NOTICES

■ ANNUAL DINNER

Next year's annual dinner will take place on 4 July at The Brewery, Chiswell Street. See news item, below.

■ EUROPEAN CONFERENCE

The 2008 European Conference will be held from 3-5 October. No venue has yet been arranged. (A full report on this year's conference in Budapest appears on page 9 below.)

■ COMMITTEE MEETINGS

The last committee meeting of 2007 will be held on 17 December. The dates in 2008 are:

- 14 January;
- 11 February;
- 10 March;
- 14 April;
- 12 May;
- 9 June;
- 14 July;
- 8 September; and
- 13 October.

All these dates are Mondays. The meetings start at 6.30pm and will take place at the offices of Kingsley Napley. Members are reminded that everyone is welcome to attend.

■ DIRECTORY

A new directory of LCCSA members is in preparation and it is hoped that it will be available in January.

NEWS

AGM and dinner

This was a well-attended event. After the dinner, Lord Justice Hooper gave a thoughtful and wide-ranging speech during which he reflected on the many changes (mostly, he felt, for the worse) which have occurred in the Criminal law since he entered into practice.

The annual dinner

Next year, the Association's annual dinner is to have a new venue. It will take place at The Brewery, Chiswell Street, London EC1.

The Brewery is felt to be more appropriate for the Association in the 21st century: while boasting, as its dining room, one of the largest unobstructed rooms in London, its décor is nevertheless understated, with exposed brickwork and a timber roof. In addition, there is a reception room which doubles as a disco.

The Brewery is smaller than the Grosvenor House Hotel and holds a maximum of 750 people. Members are therefore advised that they will need to book early next year to secure a table.

Fees in the Crown Court

The Association will be holding training sessions about the new fees payable for work in the Crown Court. The sessions will be taking place in January.

Executive officer

Following Robert Brown's resignation as executive officer and Greg Powell's hard-working year as the Association's president, Greg is to step into the role of executive officer.

New criminal contract

The deadline set by the Legal Services Commission for receipt of new criminal contracts passed on 31 October. Although the LSC has been at pains to point out that a number of firms have signed the contract, a significant number have not done so.

The identities of those firms which have not renewed their contracts is a source of some discussion; but it would appear that at least one large criminal practice has chosen not to continue legally aided criminal defence work.

The new contracts are due to come into effect in January. As the *Advocate* goes to press, there are ongoing discussions between representative organisations and LSC, with meetings with Lord Hunt and separate discussions with LSC commissioners.

CDS Direct

The full implementation of CDS Direct will take place alongside the new criminal contract next year. There is a widespread view that the scheme is in breach of the arrested person's right to



consult a solicitor, as set out in the Police and Criminal Evidence Act, 1984, section 58:

“A person arrested and held in custody in a police station or other premises shall be entitled, if he so requests, to consult a solicitor privately at any time.” Those arrested for non-imprisonable offences, on warrants and on drink-driving matters will not be able to contact either a duty solicitor or their own solicitor, but will be obliged to get what advice they can by phoning CDS Direct.

One of the contracts for providing the phone advice has been awarded to Bostalls, which is not a firm of solicitors.

The Solicitors’ Regulation Authority has granted a “waiver” to Bostalls to allow them to carry out work which, according to the Solicitors Act 1974, should be reserved for solicitors.

The Law Society has vehemently objected to this. It would appear that, in granting the waiver, the SRA is believed to have suggested that the work in question is not “reserved work” under the Solicitors Act 1974, whereas the Law Society would argue that it clearly is. It is also argued, by some, that CDS Direct is unlawful under section 58 of PACE in any event, irrespective of whether a non-solicitor organisation has been given a waiver.

There are ongoing discussions at the Law Society as to how to proceed with this matter.

End of police station advice?

Members may be interested to ponder on the implications of a press release, issued by the Legal Services Commission in October.

The release was on the subject of civil legal aid and said, “In the near future we also anticipate a re-tendering of existing contracts for providing services for Immigration Removal Centres, including those subject to the Detained Fast-Track process and pilots for detention advice surgeries and police station advice.”

Means testing in Crown Court

The Law Society’s Criminal contract consultative group has heard that it is likely that, in 2008, plans will be made to introduce means testing in relation to legal aid for cases in the Crown Court.

Law reform

Tom Epps has been responsible for coordinating the LCCSA response to law reform consultation papers for the last two years. He now hands the role to Judy Teplitzki. Tom would like to thank all those who have assisted in this task over the last two years.

The Association has responded to all the major law reform consultation papers over the last two years and this is a testament to the commitment and professionalism of its members.

Many thanks go to Tom for the enormous amount of work he has put in – and to Judy for taking this job on.

Virtual courts

Members will be aware that a pilot project, trying out “virtual courts”, took place at Camberwell Green during the summer (see *Virtual Courts? No thanks!* on page 12 of the *Advocate* issue no 41, June 2007).

The project (emanating from the London Criminal Justice Board) was to test whether first hearings could be conducted remotely from police stations. It lasted for 12 weeks. A number of practitioners working at Camberwell Green were extremely doubtful as to the validity of the plans.

The Law Society’s Criminal law committee has met with representatives of Project Lead, the organisation responsible for the pilot. Practitioners’ reservations, both practical and principled, have been made clear.

Ian Kelcey, chair of the Law Society’s Criminal law committee, says:

“We are sympathetic to the thinking behind virtual courts but there are significant practical difficulties. At present, many practitioners do not have the technical equipment to use the virtual court system from their office. If virtual courts are to have any chance of success, then funding will need to be provided to persuade solicitors to use them. Furthermore, it is unrealistic to expect solicitors to be available outside normal office hours to operate the system. In principle, while we have no objections to virtual courts for simple hearings, we have reservations about their use in more complex cases where there is a need to go thoroughly through the papers.”

Any LCCSA members with views on this should contact Ian Kelcey on 07889 363 185, or Janet Arkininstall, a Law Society policy adviser, on 0207 320 5898.



“Are all the people mad?”

Members may be interested to note an instance reported in the *Law Society Gazette* of 30 August.

A solicitor was asked by his local magistrates' court to act as the court-appointed advocate to cross-examine the victim in a case of harassment under the Protection from Harassment Act, 1997. The defendant, who had been refused legal aid on financial grounds, was not entitled to cross-examine the victim himself.

The solicitor was paid £650 for three and a half hours of work, plus travel time. Had he represented the defendant, he would have done the case for a lower standard fee of £378.46.

The reforms, in this case, led to a lower level of representation for an increase in cost of £270.

Cases from Stratford

All cases from the magistrates' court at Stratford are now being committed to Inner London Crown Court

Developments at Snaresbrook court

Five new judges have been appointed to sit at Snaresbrook Crown Court. There are also plans for the possible appointment of two further judges at this court.

Snaresbrook court user group has been told that its workload is increasing, with a 20% rise in the number of cases waiting to be heard. Of all Crown Court trials, 25% are heard in London and, of these, Snaresbrook hears 21%.

The court is hoping to maintain 19 courtrooms in full-time operation. In addition, a bid has been made for two more courts to be built at Snaresbrook.

The user group also heard that there has been a noticeable increase in requests for transfer of legal aid. Judge Radford reminded the meeting of the criteria which will be considered by the court when dealing with these requests.

Third party disclosure

Because of the recent changes in the Criminal Procedure Rules, there has been a revision of the protocol on third party disclosure which is

in operation at Snaresbrook Crown Court. The protocol, headed Protocol: Social Services and Education Department Files, relates to the duty to consider whether there is material in the hands of a local authority or other third party which, if in the possession of the prosecution, would be disclosable.

It is set out under the following headings:

- A. both prosecution and defence should have in mind the matter of third party disclosure from the outset;
- B. both prosecution and defence should correspond with the local authority's legal department;
- C. the question of third party disclosure should be expressly raised by advocates at the plea and case management hearing;
- D. where a third party disclosure issue arises, a rule 28 application should be made within 14 days of the plea and case management hearing;
- E. the resident judge will allocate the application to a judge;
- F. the court will generally fix a hearing date for the application three – four weeks after the application is made;
- G. at the hearing, the local authority will be expected to produce the relevant files suitably flagged for the judge to read.

Project Associates

The LCCSA committee has decided to terminate the contract with Project Associates, an organisation employed to promote the Association's lobbying and PR activities.

The Advocate

To date, members have received four issues of the *Advocate* every year. In 2008, there is to be an increase in the number of times the newsletter is published: there will be six issues instead of four. Members are extremely welcome to use these pages to express their views or to share information. Please contact Malcolm Duxbury on 0207 487 2505 or Gwyn Morgan at gwynmorgan@maxfindlay.com

Honorary membership

The Association is pleased to announce that June Venters QC and Michael Caplan QC have been made honorary members.



Old ones – the best ones

LCCSA life member, Vivien Symons, has been in the news recently. Although 89 years old, Vivien returned to the law to help a friend fight a case for compensation.

Mary Sylvester was the victim of a violent attack, during which she suffered a broken leg and arm. Vivien prepared an application to the Criminal Injuries Compensation Authority and, when this was turned down, fought and won an appeal, securing over £13,000 compensation.

HOW WAS IT FOR YOU?

A president's year

Isaid recently that dealing with the Legal Services Commission (LSC) is like going to bed with an octopus, a not entirely satisfactory experience. That about sums it up.

Hope, at the beginning of 2007, was vested in what the DCA select committee would have to say about the proposed reforms to legal aid provision. A great deal of effort was made in providing evidence and this was reflected in the committee's highly critical report. But the government shrugged the report aside – water off the octopus' back.

A new scheme for very high cost cases (VHCC) was previewed, duly criticised and eventually came into being as the ghastly over-bureaucratic paper mountain with which the LSC still grapples.

Days of "action" unfolded like premature blossom, fixed fees arrived for work in the magistrates' courts and a civil unified contact was signed with ill feeling.

We conducted surveys of the membership to try and judge the mood, and to find out what decisions firms and individuals were taking.

In March, I met the chief executive of the London Criminal Justice Board, the existence of which was a revelation, as was the fact that defence lawyers were represented on it by the LSC, and that it had in mind a virtual child called the Virtual Court (which recently was pronounced a success).

The VHCC preview and contract meetings limped along while practitioners' groups met at the Law Society as a legal aid forum, and other practitioners

met to discuss, endlessly, how the government might be brought to negotiation.

CDS Direct continued to rear its ugly head in consultations, and the crucial problem of own client choice and solicitor retainers was canvassed although not as yet (never?) answered.

Rob Brown, after years of this, (and much more as I was to discover), decided that the joy of partnership would be the balm to serial disappointment and resigned as the LCCSA executive officer. We are all indebted to him for what was over a decade of effort on our collective behalf.

There were dinners with the Bar (two) and our own dinner in July. To reflect changing times, the venue and format will be very different in 2008!

Meetings ran on through July, with one at Conway Hall, which ended with an agreement to form a new group which comprises representatives of the professional associations who also happen to be the owners of firms, with a view to that group being engaged with the Law Society as a crucial part of its legal aid team.

The LSC made a sharp u-turn over duty solicitor slot allocation. Then came the new contract, with the LSC manoeuvring the timescale to give itself tactical advantage.

So we now move towards new contracts in January, with no one knowing the financial effects, and another consultation on best value tendering, contract sizes and boundaries. There is a newly convened VHCC working group on the shape of future panels and consultation on Crown Court means testing waiting in the wings, along with CDS Direct, funding orders and endless law reform (and huge thanks to Tom Epps, supported by Linda Woolley, for his sterling work responding to all the law reform consultations).

Further thanks are due to Malcolm Duxbury for taking on the editorship of the *Advocate* and especially to Raymond Shaw, Paul Harris, Jim Meyer and Richard Hallam, as stalwarts of the remuneration sub-committee. Most particularly, thanks to Rachel Hubbard, who surrenders the role of secretary after so many years on the committee. That the Association functions as well as it does is due to the enduring effort of Sandra Dawson, and that training has been so successful under the leadership of LCCSA's new president Tan Ikram, is also because we have found an admirable organiser in Hilary Riddle. There is to be endless change and the new committee will reflect that.

How was it for you? The only answer is: however this experience of "reform" should be described, there was no consent to it.

– Greg Powell, Powell, Spencer & Partners



INTERVIEW WITH THE NEW PRESIDENT, TAN IKRAM

Q: What do you hope to achieve this year?

A: Putting constructive alternatives and proposals to the Legal Services Commission in relation to the reforms seems to me to be the immediate priority. We need to take a realistic position in relation to government objectives. We must have a legal profession which is independent and thriving. I always look at it as client-focussed. It's not about us lawyers. Across the world right now, you see the lawyers out on the streets. When they are challenged and the independence of judges is challenged, it's not the lawyers who suffer; it's the whole of society. So there has to be constructive discussion with the decision-makers.

The other major challenge is engaging our members again because there's a feeling of apathy and defeatism. I suppose there's a lack of purpose and there are questions about purpose. The Association needs to reflect on those issues.

Q: Do you believe that the government has a long-term agenda?

A: I think that the European Union has an aim which is the unification of laws, as much as possible. European arrest warrants are an example of that. We're certainly drifting that way, even if it's not a policy of the government.

I'm not sure that the reforms to legal aid reflect any sinister intention but there are consequences. In civil, as well as criminal, law, there is reduced access to the law, especially amongst those who can least afford it. And that means disenfranchisement or dislocation. People feel more and more helpless and that's reflected in lots of spheres in our society where people are disengaged and don't take part, for example, in the political process. Politicians are allowing a slide to the stage where few may have access to the law – and yet access to the law was always trumpeted as one of the features of a civilised democratic society.

Q: Have lawyers lost the argument in the press?

A: We need to talk to the press about the threat against the weakest members of society, those against whom the weighty state makes serious accusations, asylum seekers, vulnerable, frightened people, people who suffer under the clout of those with power, such as big businesses or big landlords. If this had been said from the start, we'd have had more success. I think we have had a PR disaster and this has been partly due to the PR machinery of government which has continually sold the idea that this is an attack on fat cats. It's not. It never was and nobody seems to have picked up on the real threat – which is not the one on lawyers' pockets.

Q: Why are you taking the job on?

A: I think that we – the LCCSA – can make a difference. And we must not be deterred from campaigning. I'm not a political person – not party-political – but I am concerned when I see people, who are completely unable to articulate their arguments, representing themselves in court because legal aid has been refused. I truly believe in justice and I'm not seeing it.

I think I bring in a wide range of experience: I've defended, prosecuted, been a magistrates' clerk, and I've got some judicial experience as well. This has given me an unusual insight into how the whole system comes together. Ultimately, I want to see a system that works and I think the LCCSA, through its various activities – training, contribution to law reform, response to government changes in funding – makes a real contribution to an effective criminal justice system.

Q: If you are offered a judicial appointment during the course of the next year, will you take it up?

A: Yes – but there is no suggestion that it will happen this year. I don't know if it will ever happen. I would be pleased with an appointment but it's not the only way you can make a contribution and I'm happy with my other work as well.

Q: Why did you go into law in the first place?

A: I went into law because I couldn't add up. I did engineering at university but hated the maths. I also wanted to change the world and felt that I was on the wrong path. Lawyers can do so much good. While we may not save lives like doctors, we do save people's sanity and defend justice. I swapped over to do a law degree. Then I became a court clerk and studied for the bar exams in my own time. I was rapidly promoted



as a clerk, starting in Slough and moving to Tottenham – which was a really gritty training. In the early 90s, there'd been riots in Tottenham and the barbed wire was still up at the court. Then I became court manager at Kingston upon Thames, which was much more boring.

Being in court was an amazing training in court procedure. For four years, I watched advocates with different styles and approaches, and then I thought: I can do this. I became a solicitor and joined Booth Bennett in Slough, which did criminal defence work. The firm developed to become the premier firm in west London. I became head of the criminal group. I joined my current firm, ABV Solicitors, last year – they're all young here and needed a few grey hairs. It's 100% criminal defence except for the fact that I prosecute as well. We do 95% legal aid work. I started to sit as a deputy district judge in 2003.

Q: What's the best part of being a lawyer?

A: I've been involved in acquittals in large-scale conspiracies and major armed robberies but, for me, the attraction is dealing with the ordinary man in the local court. The average person is likely only to have contact with the magistrates' court – it may only be for speeding but it can still be frightening – and I like it when he or she leaves court thinking, "Thank God, they got it right."

Q: What is the history of your involvement with the LCCSA?

A: I was co-opted onto the committee five or six years ago, to represent higher court advocates. I was then elected to the committee as training officer – chosen because I used to lecture extensively for Holborn College, and this developed into CPD work. I was asked to build on the very good grounding laid by Julia Holman. We now have a wider range of speakers and of courses. Through no fault of Julia's, LCCSA Training did not make money previously because of the way it was structured. We changed this and now it does.

Q: Do you have a hobby outside the law?

A: I'm a member of the Jaguar drivers' club. Together with my brother, who is a mechanic, and others, I'm rebuilding a Jaguar mark 2 (1961) which is one of the best cars ever made. I already have a 1963 Jaguar (the Inspector Morse car) which we rebuilt from scratch. We go on rallies; I love to see a whole convoy of beautiful cars and the care and love that people have put into them.

CJSSS PROJECT

This article responds to Paul Harris's Speedy, Summary Justice in the September issue of the Advocate.

I was interested to read Paul Harris's article. As he rightly states, the aims of the criminal justice simple, speedy, summary (CJSSS) project are not necessarily revolutionary. It is clear that we should already ensure that hearings in the magistrates' courts are effective, with cases disposed of as swiftly as possible commensurate with the interests of justice. Unfortunately, as I am sure many will recognise, cross-agency reviews of the Crown and magistrates' courts which took place in 2006 found that simple cases often took far too long and too many hearings to reach a conclusion. Court time was wasted as cases churned in the system, causing a backlog, with victims and defendants alike waiting months for an outcome.

Speeding it up

The aim of CJSSS is to improve that woeful situation. The tests which Paul took part in, and helped to make a success, demonstrated that it was possible to improve the speed and effectiveness of the magistrates' courts. There was, for example, a significant increase in the number of cases disposed of at the first hearing, a 65% reduction in adjournments for defence enquiries and a 70% reduction in the overall number of cases adjourned for pre-trial hearings. This was achieved by ensuring better preparation for first hearing, a focus on ensuring first hearings were effective (with guilty pleas disposed of on the day wherever possible) and ensuring that contested cases proceeded to an effective trial within a reasonable timeframe, with pre-trial reviews taking place by exception only.

The full evaluation of these tests can be found at http://www.dca.gov.uk/publications/reports_reviews/mag_courts_evaluation.pdf

CJSSS has made it clear that, if defence solicitors are provided with sufficient timely information, they will seek to ensure that progress is made in the case. It has clearly demonstrated that defence solicitors do not wish to play the system and have unnecessary adjournments – even more so in the current legal aid climate where there is a disincentive for adjournments.

Under the new legal aid structure, defence solicitors are paid a fixed fee per case, including an element for travel and waiting which is no longer paid separately. There is therefore a positive incentive to dispose of



cases with as few hearings as possible and with the minimum number of appearances at court. Better, proportionate preparation by the prosecution team will ensure that defence solicitors are better able to progress the case at first hearing.

Means testing

Following the introduction of means testing, defence practitioners in the magistrates' courts face a further challenge. Can they get the legal aid decision sorted in advance of first hearing and, if not, should they represent at first hearing?

CJSSS is taking steps to assist the former, by providing better information to defendants at the point of charge to encourage them to contact their lawyer in advance of first hearing, to provide instructions and give the maximum time and opportunity to get the legal aid form completed and processed.

In those cases where this doesn't happen, defence solicitors are faced with a choice: do they get on with the case in the knowledge that there is a risk that legal aid will be refused, or do they request an adjournment? Under the early cover provisions, defence solicitors can choose to get on with a case in the knowledge that, should a defendant fail the means test, the defence solicitor will be paid a fee of £75 (provided the interests-of-justice test is passed), but the defence solicitor will be paid the full legal aid fee if the means test is subsequently passed.

Latest figures show that 92% of cases pass the means test. The risk involved needs to be balanced against the potential "cost" of an adjournment and an extra journey to court. As all courts begin to operate CJSSS, we believe that it will make it easier for defence solicitors to make an informed decision as to whether to take the calculated risk of getting on with the case (particularly for cases that can be disposed of at the first hearing).

Implementation

We are building on the success of these tests and are aiming to implement CJSSS in all magistrates' courts by the end of 2007. We have learnt lessons from the tests. In particular, we are ensuring that defence representatives like Paul are involved in the local teams that are devising local CJSSS schemes. Our indications are that defence practitioners across the country have very much welcomed the opportunity to participate in the development of local schemes, and, perhaps more importantly, ensure that their voice is heard. I am confident that the successful implementation of CJSSS will deliver a speedy, fair and just outcome for all participants in criminal cases.

– Martin Jones, Her Majesty's Courts Service

THE EUROPEAN CONFERENCE

On the first Friday of October, planes from all of London's airports arrived in Budapest carrying delegates to the LCCSA annual European conference. All were looking forward to a weekend of culture, continuing education, good company, food and drink – not necessarily in that order.

Friday night's dinner in the Hotel Gellert – a hotel decked in traditional Budapest attire – allowed the delegates to meet and catch up. Dinner was followed by a few drinks and then a few more. Some retired early in anticipation of His Honour Judge Radford's lecture the following morning; others did not: they drank, they sang, they danced.

Saturday morning's lecture was an interesting and thought-provoking discussion about the changing world of the judiciary. It was well attended (at least, in body...) although a few absentees were subsequently discovered in the hot bath. Fortunately, no warrants had been issued.

Saturday afternoon was taken up with the city tour which was an interesting and educational journey through the history, culture and character of this city, reflecting its journey from communism to democracy. (The author would like to say more about this but he was not on the trip but in a Sports Bar, with many other delegates, watching England beat Australia in the Rugby world cup. This was a bonding dynamic experience but not one that could necessarily be said to be particular to Budapest.)

Saturday night began with drinks in the hotel – why not? – and then delegates split into their own groups for dinner etc and more socialising.

Sunday morning's lecture was from our president, Greg Powell, who provided an update which was rich in insights into the legal aid changes and an analysis of the challenges and decisions ahead. Although many of the delegates were tempted to throw themselves over the balcony following Greg's address and Macdonalds had set up a careers stall outside, a hung-over and tired group benefited enormously from his practical approach to the current legal aid issues.

The afternoon drifted away with delegates going into town before beginning their journeys home.

The European annual conference has been a regular part of the LCCSA calendar for a long time. This year, the group numbered approximately 60 and reflected the pattern of reducing numbers for the last few years.



With the current public funding climate, many firms and potential delegates find it harder to afford such trips, even though the cost for this trip was deliberately lower and there were more CPD points available.

But it was an excellent weekend, again very well organised by the Association's administrator, Sandra Dawson. The hotel had good facilities, was well located and Budapest was an interesting city with contrasting sights of striking architectural beauty and the cultural hallmarks of a previous communist era. The smaller group lent itself to a cosier informal atmosphere which was enjoyed by all.

These weekends provide an opportunity for the profession to see a different European city, benefit from Continuing Professional Education and socialise with colleagues in an informal relaxed manner which is not always possible, taking into account the busy work schedule under which we all work. This year's trip was great value for money and additionally had five CPD points available for those attending the lectures.

I hope that, next year, we shall all meet up to visit another European city, in a larger group, as this annual adventure is a highlight of the LCCSA year.

– Paul Harris, Edward, Fail, Bradshaw & Waterson

MEXICAN WAVE

The Foreign Office recently asked the LCCSA if they were able to speak to a delegation of Mexican lawyers and criminal investigators about the role of the solicitor in the police station.

Rachel Hubbard and I duly obliged, with Rachel outlining the brief history of PACE and setting out some of the fundamental rights of suspects in the police station (such as they currently still exist). The delegation were mainly from the judiciary, various state prosecutors' offices and investigators; and, given the fact that in Mexico a suspect is guilty until proven innocent (don't tell Jack Straw or we'll see another CJS consultation or pilot scheme!), we did not think the audience would easily warm to the idea of suspects having too many rights. However, they were very attentive and interested.

The discussion moved on with me taking the delegates through the specific role of the solicitor in the police station. Given the alien nature of the right to silence and the make up of the audience, it was perhaps not too surprising that a short scenario at the end of the session elicited an eagerness for the Mexican lawyers to advise their imaginary client to cough up immediately in a situation where one would advise a no comment

interview. The audience did, however, genuinely seem to understand the reasons why silence was a better option in the subsequent discussion.

The delegates seemed to enjoy their short session seeing life from the different perspective of the defence solicitor and we hope that they took something away from the experience. It was certainly an interesting experience addressing them.

– Steven Bird, *Birds Solicitors*

HIGH STANDARDS

A report on the LCCSA training programme

The past two years have been a very successful period for LCCSA training, with well-attended and, increasingly, very well-received courses.

Two major reasons for this growing success have been that our courses have been offered on a wide variety of topics and have been led by expert tutors of a very high calibre.

However, these achievements would not have been possible without the training space provided by Jim O'Keeffe at his offices on Dean Street in Soho, central London. The O'Keeffe's staff who assisted us were unfailingly helpful and friendly. This made the organisation required to ensure that everything ran smoothly notably less complex than might otherwise have been the case. Everyone at O'Keeffe's gave generously of their time, often providing help during unsocial hours. Many thanks from the LCCSA to Jim O'Keeffe and his staff.

New venue

All good things come to an end and O'Keeffe's moved to another location where it is not possible to run our training sessions. Therefore we needed to find a new space. We have now been extremely fortunate to be offered a venue by another member firm.

Since September 2007, we have been holding our courses at Hodge Jones & Allen Solicitors, at their wonderful new premises on North Gower Street – also in central London, close to the historic buildings of University College. This is another practical location, within easy walking distance of underground stations at Euston, Warren Street and Euston Square; and there are many bus services that pass very close by.

To date, we have used the dedicated training space at Hodge Jones & Allen. This is modern, comfortable and has excellent IT facilities. However, we hope soon to move to their bar – which sounds (and should be)



very interesting indeed! The Hodge Jones & Allen office's bar is currently undergoing a total refurbishment. It will also provide high quality and very modern IT and training facilities, within a relaxed and informal environment.

Plans for next year

The training schedule lists an excellent range of courses planned for the future. Although some seem somewhat routine, such as the police station duty solicitor updates, these are clearly important for they were extremely popular last year. We are also providing other more unusual – but no less relevant – events, such as the lecture on public interest immunity.

The tutors continue to be of the highest quality. It is to be welcomed that Professor David Ormerod, a widely-respected expert on the Criminal Justice Act 2003, has kindly agreed to give a lecture on this topic on 14 February. This will be well worth attending, not least, perhaps, for some, to provide a reason to escape complicated arrangements needed for St Valentine's Day.

We have two experts giving separate lectures on sentencing. Kevin McCormac is head of the Sentencing Guidelines Council secretariat and is to speak on the binding guidelines on sentences in the magistrates' court. Tony Ansell will give a lecture, jointly with a solicitor advocate, regarding sentencing in the Crown Court. Tony is a former LCCSA member, a circuit judge at Wood Green Crown Court and a member of the Sentencing Advisory Panel.

We are also fortunate that Andrew Keogh, the writer of CrimeLine Updater, who lectures and writes extensively on criminal litigation issues, is to give the Criminal Law update lectures in both the spring and the autumn 2008.

Members' support

Most importantly of all, the success of the training programme depends upon the support of the membership of the LCCSA. We hope that as many members as possible will continue to attend, as not only will they benefit from the courses themselves and the opportunity to network with other members, but also their attendance shows solidarity with the Association. We need to keep the delegate numbers high so that the LCCSA can continue to support and promote the interests of the membership and to be able provide this important training programme.

The courses, recognised as the best value for this quality of subject-matter and tutor, provide a steady growth for CPD requirements during the professional year. We know from the feedback we have received that there is wide appreciation of the programme and welcome the very positive response from members who have attended.

We are always happy to receive suggestions. Please can anyone who has ideas send them directly to me so that we can consider your proposals for inclusion. Our aim is to provide a comprehensive programme of relevant and attractive courses, so that all members are able to access and benefit fully from the training provided by the LCCSA, enabling them to build up professional knowledge and expertise, and raising their personal standards as well as those generally in this special area of the legal profession.

– Hilary Riddle, LCCSA training administrator

TRAINING 2008

Date	Title / Trainer
31/1/08	Recent Developments in Sexual Offences / Jonathan Lynn
14/2/08	The Criminal Justice Act in Practice Professor David Ormerod
28/2/08	Police Station Duty Solicitor Update 1 / Colin Beaumont
6/3/08	Police Station Duty Solicitor Update 2 / Colin Beaumont
13/3/08	Sentencing in a Magistrates' Court Kevin McCormac
3/4/08	Public Interest Immunity Mohammed Khamisa QC
Tbc	Saturday Advocacy Training Day Teresa Brennan and Naomi Redhouse
8/5/08	Criminal Law Update I Andrew Keogh
15/5/08	Criminal Law Update I Andrew Keogh
5/6/08	Sentencing in the Crown Court HHJ Anthony Ansell and Carl Woolf
12/6/08	Survival of your Practice post Carter Colin Beaumont
Our new training venue is Hodge, Jones & Allen, 180 North Gower Street, London NW1 2NB	



SOLIDARITY

As one does, I was contemplating the State of Justice in the bath last night, when suddenly the rubber duck slipped from my nerveless fingers. “What if the general criminal contract was just the start of the government’s plans?”

It is “not actually unlawful,” says the Law Society’s official advice. Great! “Not actually unlawful”. Phew! That’s a relief. “OK, Baroness Scotland, I’ve got my head in the vice, you can start turning the handle...” What if these guys progress to “slightly unlawful” or “well out of order”? The control freakery of the government, in its present regime, and LSC alike is not likely to be stopped just because a few lawyers don’t like it.

Through the rising steam and the glow of the aromatherapy candle, I saw the Future of the Rule of Law and it was Pakistan. A land where “simple speedy summary justice” means your lawyer on the wrong end of a water cannon. Remember those scenes of rioting lawyers and the midnight arrests of the judiciary in that unfortunate country? Our colleagues there don’t mess about; the police are on the streets, polite petitions and a peaceful march on Parliament don’t work, so... It gives a new meaning to an “ambush” defence.

Now I’ll admit that, after the third glass of Malbec, the idea of standing on a burnt-out car shouting, “The consultation period is over!”, as I lob a molotov cocktail into the gutted offices of the LSC has a certain appeal. After all, if these people are immune to logic and they speak only a dalek-inspired English understood by their fellow apparatchiks, then how do you communicate with them? Listen to their language: “We look forward to continuing a constructive dialogue with legal aid providers on the reform program, particularly on best value tendering.” (LSC press release 2/11/07)?

But, on the other hand, maybe the President Musharraf approach to judicial preferment does have something to commend it. Devilry permits a certain smile at the thought of the more backwoods-type members of the higher judiciary getting a taste of the serious bird they so readily dole out to the more pathetic ASBO merchants. We could then solve the prison overcrowding crisis by simply releasing the Court of Appeal a few months early.



As the mist cleared and the bath got cold, reluctantly I came to the conclusion that both these approaches have an adverse effect on democracy. There is more consolation in drinking the bottle than hurling it.

Seriously though, the lawyers in Pakistan are engaged in a battle that I trust I never have to volunteer for, displaying a courage that I hope that I never need. Let us pray that they are successful.

– Bruce Reid

- This is the newsletter of ALL members of the LCCSA •
- ALL members are welcome to attend the Association's committee meetings •
- Posts on the committee are open to ALL members •
- ALL members wishing to express views in this newsletter need only contact the editor •