

The LONDON ADVOCATE

Updating the London Criminal Courts Solicitors' Association

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EDITORIAL

What does it feel like to be a Criminal lawyer? When we find ourselves in the company of other lawyers, we feel like English footballers during Euro 2008: left out.

We've been left out when it comes to the luxurious working conditions and kudos enjoyed by our counterparts in City law firms – oh, and left out (just a bit!) when it comes to the financial benefits they enjoy, too.

Many members of the Association who took the decision to do publicly funded work knew that there would not be financial rewards. But we believed that we would be compensated by our commitment to doing a worthwhile job for the less privileged in the community. We always knew we would not be popular – but we felt that we were standing up for justice.

Now, the very principles of the criminal justice

system are being undermined by the government. This country now seeks to detain its subjects, without charge, for up to six weeks. We have watched as this government has undermined the principle of innocence until proven guilty by a court. We have heard it smear the legal profession and attack the judiciary. And we have suffered as it has gone out of its way to paralyse legal aid lawyers in a constant battle against bureaucratic inefficiency. What's more, we look forward to a future where some of us will no longer be able to work at all.

But we must not be pessimistic. Perhaps the British public will rise up in favour of the principles of Magna Carta and the rule of law. Perhaps a change of government will reverse our fortunes. Perhaps Fabio Capello will lead England to win the 2010 World Cup and England will win the Ashes again.

– Malcolm Duxbury,
Victor Lissack Roscoe & Coleman

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NOTICES

■ EUROPEAN CONFERENCE

The 2008 European Conference will be held in Barcelona, from 3-5 October.

Andrew Keogh has agreed to deliver a Criminal Update to delegates; Louis Charalambous will conduct a session on “Handling the media in high profile cases”; and Greg Powell will speak on best value tendering. Attendance is now worth five CPD points.

Following the arrangement which worked well last year, the Association is arranging the hotel and conference, leaving delegates free to make their own travel plans. This can lead to considerable savings but only if flights are booked early. Planes go direct from both Heathrow and Gatwick.

To make your travel arrangements, log into www.britishairways.com; www.iberia.com; or www.opodo.com

■ COMMITTEE MEETINGS

This year’s remaining committee meetings will be held on: 14 July, 8 September, 13 October and 8 December. All these dates are Mondays. The meetings start at 6.30pm and take place at the offices of Kingsley Napley. All members are welcome to attend.

■ SPECIAL EVENT FOR TRAINEES/NEWLY QUALIFIED

A special training event – with a social flavour – is to be held at Hodge Jones & Allen on 18 September, from 6pm to 8pm. The topic is “Your first day in the magistrates’ court”. Full details appear below and on the training table on page 11.

■ AGM

This will take place on 10 November at the Law Society.

NEWS

An invitation to trainees/newly qualified

Trainees and newly qualified solicitors are invited to a special – and social – training event on the evening of 18 September, from 6pm to 8pm.

The session is entitled “Your first day in the magistrates’ court”. This will be an opportunity for trainees and newly qualified solicitors to pick up some helpful hints for their early days as a solicitor practising criminal law.

The session will be presented by LCCSA’s secretary, experienced practitioner Paul Harris, and district judge, Stephen Dawson, a former treasurer of the Association.

The course venue is Hodge Jones & Allen. Refreshments will be served and those attending will have the opportunity to meet several members of the LCCSA committee.

This session will cost just £25 and each trainee solicitor will be offered an initial year’s membership of the LCCSA for the reduced rate of £50.

There will be a second opportunity to attend a similar event in March 2009.

Conference on London issues

A sub-committee has drawn up plans for an LCCSA conference on London issues, which, it is hoped, will take place in the autumn.

The LSC appear to see London purely as an example of a city suffering from an “over supply” of defence solicitors and firms. They have therefore viewed London as ripe for cuts to funding as they are confident that there will always be suppliers ready to take on work even at ever-decreasing fees.

There seems to have been no attempt to consider either the special needs facing the criminal justice system in London – including the reasons why some cases in London may require greater resources and cost more than elsewhere in the country – or the additional costs of running a practice in the capital.

The conference will offer an opportunity to explore what is really happening in London and why funding legal aid provision in the capital needs consideration – and not a budgetary axe. Invitees will include a number of high-profile individuals and organisations, politicians, representatives of the police and prosecution and others from across the legal world. The event will also



be open to all solicitors and, it is hoped, will receive the support of members of the Association.

Anyone who would like to contribute to the organisation and planning of the conference should contact Raymond Shaw as soon as possible at raymond.shaw@sgk-solicitors.co.uk.

PACE

There is to be a review of PACE, with a consultation paper to be issued very soon. Although government ministers have said that they are looking to “maintain the balance but refine the processes”, the content of the review does, in fact, represent a radical rebalancing of powers.

The LCCSA will monitor developments and be ready to take urgent action.

ID cards

From January 2009, solicitors will be obliged to produce identity cards on every occasion when they enter a police station. The cards will need to include photos. It will be necessary to renew this ID annually.

LCCSA cards are the best cards to use for this purpose, as they include photos, make it clear that the carrier is fully qualified and that he or she is at the police station for the purpose of representing a client.

It is suggested that members ensure that they have their cards as early as possible.

LCCSA website

A sub-committee has been formed to work on an improved website for the association. Its members are Melanie Stooks, Nicola Hill and Jim Mayer.

Any member with views on what sort of site is needed and on what should be included should contact Melanie Stooks at melanie.stooks@mccormacks.co.uk

London criminal justice board

A delegate representing the point of view of defence solicitors is to be appointed to this board, which is likely, among other things, to revisit the possibility of holding “virtual courts” in London.

Membership sub-committee

A meeting of the newly formed subcommittee took place on 3 June and was attended by Peter Binning, Michelle Crotty, Sandra Dawson Paul Harris and Nicola Hill.

The sub-committee is looking at ways in which the Association’s membership may be kept at a healthy level.

Members should make all practising solicitors in the area aware of the work of the Association and encourage them to join.

Defendants under 18

Melanie Stooks has represented the LCCSA at a meeting arranged by the Prison Reform Trust about reducing remands into custody for under-18s.

There was a round-table discussion, attended by representatives from two youth offender teams, two officers from the young offender institution at Feltham, a representative from NACRO, one from NCH, a member of the Magistrates’ Association youth court committee and the chair of Thames youth court.

Those attending came from across the country, from the south coast to Lancashire, and reported that court decisions vary massively, as do the schemes and facilities available.

Melanie is to give her views and recount her experiences of the youth court to PRT’s researcher, who is investigating how remands into custody can be reduced. The research will focus on the possibility of increasing the use of remands into local authority accommodation and will investigate whether certain schemes, such as the foster parenting that is available on the south coast and in Tower Hamlets, can become made more widespread – a development which would only be feasible if regarded as a viable option by magistrates.

Court news

Blackfriars

The case-load at Blackfriars Crown Court has increased since all cases from Highbury Corner magistrates’ court have been committed there.

Outstanding work went from 550 to 686 cases in two months.



Isleworth

At Isleworth court users committee, less experienced solicitors were reminded that a successful bail application does not bring the solicitor's responsibility to an end. It is part of the job to ensure that all outstanding matters relating to bail conditions have been dealt with, including sureties, bail addresses and surrender of passports.

The building work at the court appears to be on schedule.

Cases from Hounslow magistrates' court are being committed to Kingston, instead of Isleworth, for a period of three months.

Southwark

Any solicitor wishing to raise any defence related issue in relation to Southwark Crown Court should contact the court user committee member Avtar Bhattoa on avtarbhattoa@bullivant.uk.net or by DX 98932 Cheapside 2.

PRESIDENT'S REPORT

The effect of the amendments to the Criminal Justice and Immigration Bill is to re-brand designated case-workers as "associate prosecutors".

Lobbying work

Along with other groups, the LCCSA lobbied against any extension of the rights of audience of designated case-workers, in whatever way they are now described. As a result, the government accepted an amendment which restricts them to the conduct of trials of non-imprisonable summary-only offences.

Of course, this limit on the original proposal is welcomed but the Association continues to be very concerned that trials will now be conducted by unqualified persons, who are not regulated by the Bar Council or the Law Society, and who have not undergone the full training necessary to become a qualified lawyer.

Appointments

Our system of judicial appointments remains under attack. I recently met Mrs Justice Dobbs to discuss the issue of the lack of solicitor appointments and the continuing challenges of attracting women and ethnic minority applicants.

The meeting was timely, as July will see competitions for the posts of Deputy District Judge

(MC) and Recorder (Midland Circuit). We discussed the possibility of workshops, run through LCCSA training, to assist our members apply for positions and to help them through the challenges of the process.

By coincidence, I was separately contacted by the Judicial Appointments Commission who are also seeking to address the issue. Surprisingly, they informed me that a higher proportion of solicitor than barrister applicants passed the recent qualifying test for the recent Northern Circuit Recorder competition! Food for thought indeed, though male barristers continue to dominate the ranks of the higher judiciary. The LCCSA would welcome the thoughts of members about what might be the barriers to appointment.

Senior judges and representatives of the JAC will be present at forthcoming LCCSA events; and they will welcome comments from members on any issues with which they would like assistance and, perhaps, members' feedback on any experiences they have had in previous applications.

Annual dinner

This issue should reach members just before this year's annual dinner. Bye for now, need to start writing my speech.

– Tan Ikram

INTERVIEW WITH SHAMI CHAKRABATI

Shami Chakrabati is Director of Liberty, the national council for civil liberties.

Q: What effect do you think the government's reforms will have on the legal profession and what will be the knock-on effect on defendants?

A: We're watching the slow death of what was once an

important pillar of the welfare state. Every month, I hear another story of a legal aid practitioner whose practice is just not sustainable; and I'm meeting bright young lawyers who are not going to do this type of work any more. I just wonder what the big plan is: will there be an eventual move to an American type scenario where poor people are represented by some



young person straight out of law school?

Liberty is a campaigning organisation, partly in Parliament, partly in the courts and partly in the media. We cherry-pick test cases to highlight injustice. But our concerns are not just met by our test cases. Our concerns in terms of caring about people's rights and freedoms are dealt with in the magistrates' courts and Crown courts every day. Will people get proper justice in the courts if we continue to see the decimation of legal aid, the demoralisation of the legal profession and, on occasion, the judiciary?

Q: Do you think the reforms to criminal legal aid stem from a purely fiscal government agenda or do you see any other motive in them?

A: I'm sure that the cutting of legal aid is predominantly for fiscal reasons. But there are lots of things you could cut; the question is: how did we get to the place where this is considered such an acceptable cut?

To understand that, you have to move beyond fiscal policy. It all began with the Conservative Home Secretary, Michael Howard, who said, "The Home Office can be a political graveyard – but not for me." So he started bashing the judges with tough talk on law and order; he challenged Tony Blair, who was then his shadow, to a duel. That challenge was met. Despite being a lawyer, Tony Blair turned Blackstone on its head and said that, whereas the concern used to be that the innocent might be convicted, now our concern is that too many of the guilty are going free. There were many similar attacks on rule-of-law principles, in particular on criminal justice principles, and on the profession.

To be fair, why should a Labour government be considered weak on law and order? Poorer people suffer more from crime. But instead of tackling the societal and practical policing issues, the arguments have been fought out in the area of the court room. I wonder what eleven years of that kind of rhetoric does for the political and legal culture.

Q: Liberty fought a major campaign on "42 days". Were you disappointed by the vote on extending detention without charge?

A: Whilst disappointed, Liberty pays tribute to the brave parliamentarians of all stripes who held their nerve against the pressures of party politics and the terrorists' attempts to provoke us to abandon our values. Recent years have shown how forgetting Britain's moral compass has left our country less safe; so, on to the House of Lords – once more the guardian of fundamental rights.

Twenty eight days is already the longest period before charge in any comparable democracy. People

should be arrested and charged promptly even if a complex case means they're going to be detained for several months pending trial. You arrest on suspicion; you charge on evidence; and you convict on proof. You're going to arrest a lot of innocent people, particularly when there are legitimate fears about terrorism. So, if you don't want to be counter-productive and produce fear, anxiety and a feeling of persecution in certain communities, conduct your arrests in as respectful a way as possible and charge promptly.

In addition, there are all sorts of alternatives to make the life of police and prosecutors easier without compromising human rights principles, like allowing intercept evidence in a criminal court and allowing for the possibility that someone who has been properly charged on proper evidence for a lower-level terrorist offence to be questioned later on – with a number of safeguards – for a related terrorist offence.

Q: Do you have concerns about the changes that have occurred in the law and arrangements relating to extradition over the last few years?

A: There is a new trend that we should have rights for nationals – citizens' rights, rather than human rights. But we believe in rights because you are a human being. For a lot of people in Britain, citizens' rights will feel appealing. They say: "I need my rights here because I'm British; we can't have them for all these other people." But the Nat West Three case demonstrates that, if countries adopt this approach all round the world, everyone is a foreign national somewhere else.

America's constitutional arrangements protect its citizens above everyone else. An American citizen cannot be extradited out of the US without a proper case to answer being shown before an American court. And quite right too. The same principle ought to apply to our nationals and indeed to all human beings. Even if I'm going to get a Rolls Royce legal system and a fair trial, to take me from my home, to a place where I have no connections, no legal aid, no family, no friends, on the basis of no evidence, is a significant punishment in itself. I'm similarly concerned about the European arrest warrant.

Q: Why do you think it is that, in the UK, we appear to have lost sight of the need for legitimacy and proportionality on matters of surveillance?

A: I think that we're complacent because we're the oldest unbroken democracy on earth. And, even for liberals or lawyers, the war on terror has brought up huge issues on torture or imprisonment without trial and so there have been other priorities.

What does a society look like if there is no respect for privacy? Without secret ballots, you can't have free and



fair elections; if you can't consult your lawyer confidentially, you can't have fair trials; if a journalist has to give up their confidential sources, there is no free press. So privacy is incredibly important for developing all sorts of other rights and freedoms.

Liberty has done some polling on this topic and lots of people now think that we live in a "surveillance society"; and they don't believe that the government can keep confidential data safe.

As for ID cards, the proposed scheme is like no identity scheme the world has ever seen. It's not a matter of the state holding the information it needs in separate places for separate purposes: it's about me

being required to answer to the state, per se – a massive shift in the relationship between the individual and the state, particularly in a country that has no written constitution or bill of rights. And I'm concerned about the race relations aspect. ID cards tend to become a form of internal immigration control.

Q: Do you ever wish that you had been given this job in less interesting times?

A: These are the best of times and the worst of times. I'm glad to be doing this job because, if I wasn't, I'd be sitting in the pub complaining about how awful things were instead of doing something about it.

SENTENCING CONSULTATION

This is an edited version of the LCCSA's response to the Sentencing Commission Working Group's consultation document on a structured sentencing framework.

Predicting the size of the prison population

The LCCSA does not agree with the consultation document's statement that the factor which causes the greatest uncertainty in predicting the prison population is future change in sentencing practice. Our view of the working paper is that what is most obviously revealed is the complete lack of reliable data and research in this area, and we are concerned that no coherent explanation is given for why the prison population has risen so dramatically. Whilst the alignment of supply and demand for correctional resources might generally be desirable, we are not at all certain that tackling a single factor ie sentencing behaviour, is a correct response or indeed a response which will lead to a solution which would be a more perfect alignment.

How to improve the situation

We note that there is no debate within the paper about reducing the prison population year on year as a policy or as a desirable or achievable goal. We have noted that there would have to be an improved data collection system to understand current sentencing practice; and we believe the data should be collected before further reform is considered. Because we do not accept that changing sentencing behaviour is necessarily the primary and dominant factor determining the size of the prison population, we do not believe that a model should be constructed based on that premise.

Scale of offence seriousness

It is not desirable to construct a defined scale of offence seriousness. The offence by offence approach

of the SGC is criticised because it "MAY" (our emphasis) ultimately result in a framework of guidelines that is not relative and proportionate in its construction. There is an extremely interesting debate to be had about relativity and proportion. How is a "domestic" murder proportional to a street robbery? It is not at all clear to us that the offence by offence approach is likely to suffer a lack of credibility. The guidelines approach has correctly emphasised the range of sentence which is usually dependent on aggravating factors within a category and our view is that this is a better approach than trying to judge inter-offence seriousness.

Whenever a sentencing body begins the process of scaling, it is likely to lead to increased rates of custody.

Criminal Justice Act 2003, section 143 (2)

Each offence, when sentenced, should be awarded a commensurate punishment: the offender should be punished and punished completely for the conduct involved in the criminal offence.

The present position is that a new offence is regarded as more serious because of previous convictions. Taking previous convictions into account is often a problem at the lower end where there are patterns of conduct, for example in shoplifting or driving while disqualified. Punishment by escalating the sentence into custody is usually a matter of deterrence, rather than because the victim has suffered any greater harm.

In some categories of case, such as driving while disqualified, the maximum sentence is limited by that offence being summary only and in practice, it would be extremely rare for a shoplifting case to be committed to the Crown Court. But, at the lower end, there remain significant numbers of people being sent to prison for short periods of time.



Currently, there is a prevalent scenario where the extension of licence periods had led to very large numbers of people being returned to prison partly because of the very wide terms in which licences are drawn. On breach of community orders, the re-sentence period is dramatically disproportionate to the original community order.

We advocate a return to the acceptance of a fundamental principle that sentences in relation to every offence are commensurate, and that the aggravating feature of past behaviour should be significantly controlled. This can easily be done on an offence by offence basis and appropriately written guidelines without the necessity of ranking offences by seriousness or having a complex points system in relation to criminal history.

There could be a system similar to that which is in place for reduction for guilty plea: additional percentage could be added for directly relevant past criminal conduct within a specific timescale. For breach of licence, an unexpired portion of sentence, as at the date of a commission of a new offence, could be made consecutive to any sentence imposed for a new offence if, and only if, the new offence in itself merited a custodial sentence.

Under-18s

We are extremely concerned at the high level of incarceration of children. The way forward is to have a much more fundamental debate about the appropriate responses to the criminal behaviour of the young.

Commensurate sentences

Judges in all courts should continue to have a wide degree of discretion in relation to commensurate sentence, but, as the above answers make clear, using criminal history as an aggravating factor should be restrained. On every occasion, punishment for an offence should be commensurate and reflect

culpability and harm but also mitigation.

The approach adopted in section 174 (2) CJA 2003, which requires sentencers to have regard to the guidelines of the SGC, and give reasons for selecting a sentence outside the guideline range, is sufficient. We are not in favour of the more presumptive framework and the formula that there must be “substantial and compelling reasons” for departing from an indicated sentence range in a matrix system.

Sentencing models and Commission with wide role

The working group paper conflates two very different ideas, the first being the desirability of constructing and implementing a sentencing matrix based on models in existence in some states of the USA and the second that there should be a Commission which would have a wider role within the criminal justice system which may include comment on legislative change, possibly from only the narrow view point of its effect on correctional facilities and resources. There is a blurring in these proposals between the judicial and legislative roles.

We are not in favour of the development of the matrix model but might well be in favour of an enhanced role and wider remit for a Criminal Justice Commission which might combine elements of the Law Commission and be an independent voice in relation to resource and economic issues involved in legislation, as well as promoting coherence and simplicity in legislation.

Sentencing framework

We are not in favour of devoting resources to developing a sentencing framework which we believe would inevitably lead to a much tighter straitjacket for sentencers. We are in favour of reducing maximum sentences where possible and in the context of a simpler and stable post-sentence regime.

BVT AND EU COMPETITION LAW

How do the EU public procurement rules apply to criminal legal aid?

In December 2008, the LSC launched a consultation intending to introduce best value tendering for criminal defence services. In constructing this new system, the LSC needs to take into account the rules and principles of EU public procurement and in particular the application of the European Treaty principles of non-discrimination and transparency.

Background

The LSC is a statutory corporation established under the Access to Justice Act 1999 to administer legal aid to individuals. The Act confers powers and imposes duties on the LSC in relation to the Community Legal Service and the Criminal Defence Service.

Consultation

In July 2006 Lord Carter of Coles published a review of legal aid procurement, which suggested sweeping



changes to the way government buys legal advice on behalf of the public. It recommended moving away from the current system of administratively setting a local market rate towards a market based approach. The three main principles to guide the procurement of legal services were that: (1) clients should have access to good quality legal services; (2) a good quality, efficient supplier base thrives and remains sustainable; and (3) the taxpayer and government should receive value for money.

In December 2006 the Legal Services Commission published a consultation paper “Best Value Tendering for Criminal Defence Services”. The consultation outlined the initial proposals for a possible system of best value tendering for criminal legal aid and sought stakeholders’ views on the principle of BVT and on how a scheme might be put together. The consultation is the first step of a two-stage consultation process. Following the outcome of this consultation, the LSC intends to move to a second consultation including a detailed design stage with the help of experts in this field.

Procurement rules and principles

Does a contract for criminal defence services fall within the procurement rules and principles?

In establishing a new system for best value tendering, a key question is whether the EU procurement rules and principles apply. The relevant EC directive is Directive 2004/18/EC of 31 March 2004, which has been implemented in England, Wales and Northern Ireland by the Public Contracts Regulations 2006.

There are three initial questions to ask: (1) Is the awarding body, ie the LSC, a contracting authority? (2) Is a contract for works, services or supplies above the threshold? (3) Is there a general or special exemption?

On the basis of the High Court decision in *R (on the application of the Law Society) v Legal Services Commission*, it seems probable that the contracts for criminal defence service for a value above the threshold of £140k will be subject to the 2006 Regulations. The LSC is a public body, a “contracting authority” for the

purpose of the procurement rules. Legal services are classified as “residual” or “Part B” services under the procurement rules. Finally, the court in *Legal Services Commission* established that a similar legal aid contract system in relation to the Community Legal Service did not fall under the exemption provided for service concessions, because the services are paid for by the government rather than the clients themselves.

The regulatory regime

Part B services are those that the EU considered would largely be of interest only to bidders located in the member state where the contract was to be performed. This means that they are caught by a lesser regime, with only a few of the detailed rules of the 2006 Regulations applying.

Although Part B contracts are not caught by the full extent of the rules, contracting authorities must still procure them in line with certain procedures established in the 2006 Regulations. In addition, the LSC will need to act in accordance with the general EC Treaty principles of non-discrimination, equal treatment, transparency, proportionality and mutual recognition.

What these principles imply in practice is that the contract has to be “adequately” advertised and that fair competition will run thereafter. The scope and nature of the advertisement will depend on the nature of the contract in question and whether it is likely to be of purely local, regional, national or EU-wide interest. In relation to criminal defence services, in view of the national jurisdictions for criminal law and the logistics of communicating with the clients in person and attending court procedures, the interest is likely to be regional.

It remains to be seen how the LSC will address the need to follow the procurement principles and the principles set out in the Carter Review.

– Eleni Gouliou
SJ Berwin LLP

This article also appears in the July issue of *Competition Law Insight*

HANDLING THE MEDIA

A recent High Court case, involving £10m and a family dispute, hit the headlines. The story ran to several hundred words in every national newspaper the day after the hearing began. It was a lead item on the broadcast news. It was all over the internet. There were diary column entries and a cartoon or two.

The family members were horrified to be caricatured as greedy and uncaring. At no point in the preparation

of the case had anyone, including their solicitor or barrister, ever mentioned the possibility that their dispute might be of interest to the media or the general public.

They arrived at court on the first day of the trial and were amazed to find that they had to force their way through a scrum of photographers and television crews. They covered their faces and ducked their heads, thinking the press was covering another case,



which immediately made them look shifty and suspect. By the end of the first day in court, their reputations were shattered, their motives impugned and some serious misapprehensions had gained currency by being repeated endlessly in the coverage which continued for several days.

That family was let down by its lawyers; and every day, clients are similarly left unprotected or ill-advised. The most competent litigators can turn out to be the most naïve media handlers. Will it soon be a matter of professional misconduct or even negligence for solicitors to fail to advise and protect clients' reputations as well as defending their interests through the legal process? Should firms be insured in the event of such a claim?

Media strategies

Most in-house communications professionals in global corporates devise media strategies with their legal colleagues and external advisors weeks or even months ahead of anticipated litigation, even if a discreet settlement is the primary objective rather than a protracted, costly and highly visible hearing. But when those without such professionals find themselves in trouble – or litigators less experienced in dealing with the media are involved – it's often fascinating to see how they flounder. They try to pretend nothing untoward is happening and hope that the matter never finds its way into the public domain. Despite the historic links between the press and the law, it's clear most lawyers still dislike and distrust the media and would prefer to have nothing to do with it.

This stance is curiously at variance with the increasing appetite for media profile for firms and individual lawyers: while keen to use the media to market themselves, they often ignore the reputations of their clients.

In the 24-hour news and internet age, focusing purely on the technical aspects of a case is no longer an option for lawyers. There is much debate about the impact media coverage can have on juries, the general public or even the judiciary. But it's clear that perception, if not the reality, is materially affected by the way a case is reported. The client's ability to continue with their life after the trial will be eased if the coverage of the case has been accurate and fair.

Being prepared

Legal Network Television offers guidance on media handling and some firms invest in having their partners and key players media-trained, but most still prefer to beaver away at the process and paperwork of the matter and just hope that it goes unremarked in the media.

Acquiring an instinct about potential media interest in a case is not an exact science. It requires a "nose", experience and, if that is lacking, guidance from others. But it is never too early to start the process. If you fail to prepare, as the old adage goes, you should prepare to fail.

It is wise to consider, at an early stage, if the facts and personalities are likely to be of interest, not just to the news journalists, but to diarists and bloggers. Large sums of money, quirky personalities, interesting facts, people or places which will make good pictures, anything to do with sex or financial impropriety, household names, and venom can all be pretty well guaranteed to generate column inches or even airtime.

The new Legal Complaints Service and the Solicitors Regulation Authority may soon be obliged to consider a whole new area of work.

– Sue Stapely
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TRAINING FOR SUCCESS

Price or quality? Is it one or the other? Is quality properly valued?

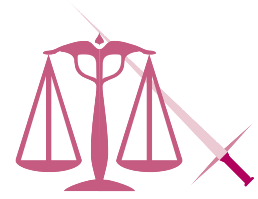
It is economists, I think, who have been described as knowing the price of everything but the value of nothing. Many lawyers feel that the Legal Service Commission's view on price, value and quality may well equate to that of economists.

Whatever the outcome of the controversial changes taking place in publicly funded work, we all know that, while the law is a profession, in today's highly competitive world, it is also a business. In business,

those individuals and firms who are best prepared when times appear difficult are those who will prosper in the future. In law, as in any other business, those wise enough to ensure that they are properly trained will always be at an advantage over those who take a short-term view and stint on their preparedness.

In the past nine months, the LCCSA has presented high-quality training courses on a wide variety of topics, which are important to our members to help them develop their potential and readiness for professional success.

The training offered has included routine bi-annual



criminal law updates and police station duty solicitor courses, topical lectures on sentencing and billing and sessions designed to provide more detail about specific areas of the criminal law.

The speakers are of the highest calibre. Professor David Ormerod gave an exceptionally good presentation on 14 February on the Criminal Justice Act 2003. Mohammed Khamisa QC also gave an excellent lecture in April on Criminal Evidence and Procedure. The routine courses are presented by well-known speakers: Andrew Keogh has continued to give the criminal law updates and Colin Beaumont has delivered valuable sessions on billing and duty solicitors in the police station.

Julian Weinberg, who has been a member of the LCCSA for many years, is to present a lecture in July. This will be a highly practical course covering areas which include time management at the police station, accurate completion of applications for representation orders, case progression and preparation for trial and sentencing hearings.

For the autumn season, a good programme has been arranged on a wide variety of topics. There are five courses planned for late September and October to meet members' needs at the end of the CPD year. Jo Cooper has kindly agreed to present a lecture in September regarding the management of higher rights both for individual solicitors and for solicitors' firms. This should be most interesting now that the changes in Crown Court billing have highlighted the financial benefit to solicitors of the use of the higher court qualification in the Crown Court.

Simon Natas is to give a lecture in October on police powers which is highly relevant to all the membership. Andrew Keogh is to present the criminal law update course at the European conference in Barcelona in October. We are most fortunate to have secured Lizzie Hogben, a well-known lecturer in Criminal law, to provide two criminal law update courses in London for those members unable to attend the conference in Barcelona.

We are delighted that district judge John Zani has again kindly agreed to give a lecture: in November, he will speak on prison adjudication – law and practice.

We are planning various courses for 2009. These will include a further lecture by Professor David Ormerod on Criminal law – offences and defences and a session on confiscation law, as well as the routine and much needed updates on criminal law and police station duty solicitor work.

All of our courses have been held at Hodge Jones & Allen Solicitors in their premises on North Gower Street. This is a central London location close to many travel links including Euston, Warren Street and Euston Square underground stations and many bus services.

Some of the sessions have been held in their dedicated training space and some in their newly refurbished bar. Both are comfortable rooms with first class and up-to-date IT facilities. The LCCSA is extremely grateful to Hodge Jones & Allen for their generosity in providing this facility.

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 these courses which are comprehensive, with the highest quality of tutors, in a practical and comfortable venue and at a very reasonable price.

*– Hilary Riddle
LCCSA Training Administrator*

TRAINING 2008

Date	Course title
5 June	Sentencing in the Crown Court
12 June	Costs in the Crown Court - billing
9 July	Practical Case Preparation
18 September	For trainees and newly qualified solicitors: Your First Day in the Magistrates' Court
25 September	Managing Higher Rights for Yourself and for your Firm
9 October	Police Powers and Criminal Defence Practice
16 October	Criminal Law Update I
23 October	Criminal Law Update II
30 October	Costs in the Crown Court - billing
20 November	Prison Adjudication Law and Practice
4 December	A Profitable Criminal Practice



SUFFER THE CHILDREN

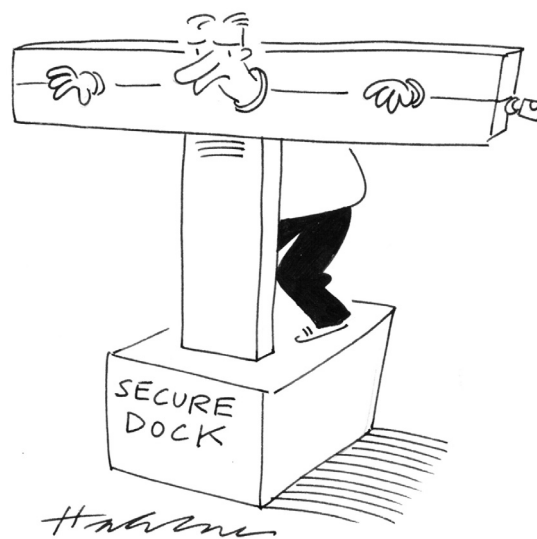
A frightened 15-year-old emerges from the cells to face his accusers from behind a couple of inches of bullet proof glass. Neither he nor his lawyer can hear one another without including the whole courtroom in their conversation. No parent can sit with them. Not exactly a child-friendly youth court is it? Well, it has come to your town. Noticed the secure docks that have sprung up all over London? They will be used for all custody cases of violence, sexual crime and weapons.

The case of Thompson and Venables established the guidelines for a fair trial for youths. The idea is that they should not be intimidated by the set-up of the court-room and should normally sit next to their parents and lawyer to maximise communication; court-room custom and etiquette should be modified, if needed, to accommodate that understanding. How am I supposed to lean over to my client for a whisper of reassurance at a critical moment when I am separated from him by something that is better suited to protecting Derek Hill from an LCCSA deputation?

This is another example of Administration Creep. Not the nerd who refuses your petty cash claim but the usurping of judicial discretion by officialdom. You turn your back and someone has pronounced a new "rule" that negates the niceties of Acts of Parliament and the doctrine of precedent. The committee that devised this was doubtless untroubled by human rights compliance, concern for "Security" sufficed and thus merited a budget of millions.

Sure, court officials DJs and Justices need protection from dangerous defendants. The average adolescent offender, deprived of his Play Station, E additives, cigarettes and a customary afternoon spliff can get somewhat fractious, but kamikaze attacks on the bench are somewhat rare. I cannot in fact remember one. I have had tears and hissy fits and one

client had to be surgically removed from the table leg they were clinging to as the word "Feltham" was pronounced but that was as far as it went. He had a knife in the street but not in court and there were now three security guards between him and the bench. Remember Judge Jeffries did not have the luxury of bullet-proof glass and he made it to a ripe old age.



To be fair, after a knee-jerk observance when the things were installed, benches have started to question the idea. But I should not have to start a bail application with a request that my client be allowed to sit next to me and their Dad. They should be automatically released into the courtroom unless there is an application to do otherwise. It should be done on the same basis as handcuff applications in the adult court. Or a Saturday morning where a youth appears in the adult list with an 18 year old co-defendant. Most DJs will unthinkingly order him out of the dock to sit with a parent. What is the difference?

Can someone please remember that we are dealing with adolescents – not Al Qaeda – and take this to a judicial review?

– Bruce Reid

The LCCSA Diamond Anniversary

1948-2008

60 years of representing the interests of our members