

The London Advocate

The newsletter of the London Criminal Courts Solicitors' Association

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Editorial

I think I owe everyone an apology. Time to eat humble pie. Why? Well, in my last editorial, I welcomed the actions of the Legal Services Commission following the response to the consultation on best value tendering. My reaction now seems somewhat upbeat. Sorry!! No sooner had we gone to press on the BVT situation thanthe next little gem arrived from our dear government: "Let's cut defence lawyers' fees!" I had failed to realise that the powers-that-be would be bad losers; I humbly apologise.

Once again, we are faced with a substantial threat to our livelihoods and, yet again, the association and other organisations have worked together magnificently to respond.

The government is not stupid – far from it. They know that, as professionals, we shall strive to act in our client's best interests, dealing with new legislation, new practice rules and directions, despite the money they are prepared to pay us.

I know in the past we have had our differences with the Bar; but now we must all to work together, as a joint profession, to respond to and ultimately deal with the latest threat, not only to our livelihoods, but also to our clients and – let's face it – the criminal justice system as a whole.

Now really is the time to stand up and shout. The government would no doubt like us to submit meekly – but there's no chance: "We shall fight them on the beaches etc".

Over the last year, magnificently represented by Raymond Shaw, the LCCSA has helped take the fight to the government. We can be confident that our new president, Paul Harris, will be equally determined to act on our behalf with flair and vigour.

DO NOT GIVE UP. BATTLE ON!

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Notices

COMMITTEE MEETINGS

These take place on Monday evenings. The dates for the next six months are as follows:

- 7 December 2009
- 11 January 2010
- 15 February 2010
- 8 March 2010
- 12 April 2010
- 10 May 2010

The meetings take place at 6.30pm at the offices of Kingsley Napley and all members are welcome to attend

ALL-DAY CONFERENCE

The first LCCSA London all-day conference will take place on 13 March 2010 at Conway Hall, 25 Red Lion Square, Holborn.

The speakers will include Lord Judge, the Lord Chief Justice, and professors David Ormerod and Ed Cape.

ANNUAL DINNER

The association's annual dinner will be at the Savoy hotel, on 2 July 2010.

News

Funding reforms

In August, the Ministry of Justice published a consultation paper on legal aid funding reforms, "to further rebalance legal aid spending".

In brief, it is proposed that defending advocates should receive the same fees as prosecution, effectively a 23% cut in advocates' fees, that police station fees should be "standardised" (a reduction of 11%) and that fees for committals should be wrapped up into the single payment for the graduated litigator fee. Payment for file reviews (which will still be mandatory) are to be scrapped and experts' fees to be harshly cut.

With a response date of 12 November, the LCCSA has moved fast to encourage members to make a similar response to the one that was so effective in the campaign on the proposals for best value tendering.

The committee has worked quickly, producing, with the CLSA, an action pack for members to inform them of developments and make suggestions for action.

Joint event with CBA

On 13 October, the LCCSA came together with the Criminal Bar Association (CBA) for a joint training event, entitled Defending Legal Aid Together, to discuss the consultation paper published by the Ministry of Justice.

It was held at the Mayfair Cavendish conference centre and was so crowded that some attenders were obliged to stand throughout.

The discussion was introduced by the LCCSA's new president, Paul Harris, who referred to "a direct threat

to the quality of service we provide to our clients".

LCCSA executive officer, Greg Powell, gave a clear exposition of the MoJ proposals, demonstrating their ignorance and paucity of logic to entertaining effect.

Paul Mendelle QC, chairman of the CBA, welcomed the first ever joint meeting of the CBA and LCCSA, describing it as "a measure of our common concern about threats to our livelihood". He gave a short history of how the profession had arrived in the current position as to funding and described how the Bar feels that "it has been shabbily treated by a government that seems congenitally incapable of keeping its word".

He feared that, if put into effect, the proposal to cut advocates' fees by 23% would lead to many – both solicitors and barristers – leaving the profession so that "a generation of lawyers will be raised who do not know how to do the job; the system will be de-skilled over the next five to ten years".

Des Hudson, chief executive of the Law Society, echoed Paul Mendelle's view of government's behaviour, also using the word "shabby" to describe the arguments in the consultation paper, which was, he said, "confused, unclear, hard to understand and bereft of any policy proposal." Indeed, government policy overall now seemed to lack any sustained plan: while this paper aimed at uniformity of fees, the best value tendering process (soon to be piloted in Manchester and Avon and Somerset) was entirely predicated on the principle that fees should be variable.

LCCSA president Ray Shaw looked to the future with some trepidation but said that it was "not all bad news because at least we are now working together".

“Review into delivery of legal aid”

On 13 October, a month before the responses to the MoJ consultation paper were due, the ministry announced a “review into the delivery of legal aid.”

Sir Ian Magee, former permanent secretary at the Department for Constitutional Affairs and a non-executive director of the event-management specialist Live Group, has been appointed to “ensure that the £2.1bn currently spent on legal aid every year is delivering best value for money.”

Costs orders

The Costs in Criminal Cases (General) (Amendment) Regulations 2008, in force since October last year, make the NTT (national taxing team) responsible for the determination of claims for costs from central funds in the magistrates’ courts, where a specified amount of costs has not been fixed by the court and an order has been made for taxation.

Where the magistrates’ court has fixed the amount of costs to be awarded from central funds, those costs will continue to be dealt with and paid by the court.

The procedure to be adopted when seeking an order for costs from the court on or after 20 October 2009 is set out in Rule 76.2 of the Criminal Procedure Rules, and the procedure to be adopted specifically in seeking an order for costs out of central funds is set out in Rule 76.4.

CPS forum

Outgoing president Raymond Shaw has been working on the establishment of a regular forum with the Crown Prosecution Service.

It is hoped that there will be a mechanism for communication, at leadership level, between defence representatives and the CPS. This would make it possible to discuss practical issues, affecting solicitors’ work both at the office and at court.

To this end, Raymond Shaw and committee member Michelle Crotty (an employee of the Revenue & Customs Prosecution Office) met with CPS representatives on 20 October. It is hoped that the project will develop further next year.

Virtual courts

This system, which is being piloted in Camberwell Green, allows defendants to make their first appearance at the magistrates’ court by way of video link from the police station.

Despite the fact that only a low number of cases are being heard virtually, early next year, possibly from January, virtual first hearings are likely to become compulsory.

Defence solicitors will wish to make themselves familiar with the criteria for eligibility for this sort of hearing. When the element of consent is removed, the criteria may be revised. At present, the position is as follows:

Before a virtual court hearing is offered to a defendant, the custody sergeant must determine whether the case is suitable to be dealt with by live link.

There is a presumption that all cases requiring a hearing in the magistrates’ court are suitable for virtual courts unless:

- (1) The defendant (or if there is more than one defendant, at least one of them) involved in the case is under 18 years of age.
- (2) The case involves more than two defendants or, in a case with two defendants, one of the defendants does not consent. Space constraints in the interview room may also need to be considered.
- (3) The defendant has been identified as vulnerable and requiring an appropriate adult. Defendants requiring an appropriate adult may be asked for their consent to participate in virtual courts only after the defendant has received face-to-face legal advice.
- (4) The defendant requires an interpreter and it is not possible for an interpreter to be found to attend in sufficient time to enable the virtual court hearing to take place.
- (5) Information in the case file is classified above “restricted” under the government protective marking scheme.
- (6) The case papers requiring upload to the collaboration space for the first hearing consist of more than 50 pages.
- (7) Items of evidence essential for advanced information cannot be produced digitally / electronically in time for the hearing (eg video clips).
- (8) The custody sergeant considers that the defendant is likely to become violent during the virtual court hearing, and considers that this makes him or her unsuitable for the virtual court.

Crown Court means testing regulations

The LCCSA has submitted a detailed response to the Ministry of Justice consultation process on the draft regulations for means testing in the Crown Court.

The submission, drafted by Greg Powell, is wide-ranging and radical, challenging the ministry’s understanding of the concept of offer and acceptance in the context of an application for legal aid, pointing

out the practical difficulties of the procedures proposed, and suggesting a series of unforeseen consequences – particularly to the innocent partners of defendants – should the proposed calculation of income and assessment of capital be put into effect.

Members' news

The LCCSA regretfully announces the deaths of members Neil Baxter, of Baxter Brown McArthur, and of Elvis Nwachukwu of Mayfair Chamberlain & Co. An obituary of Neil appears on page 11.

The association congratulates Carolyn Mellanby, Nina Tempia and Mark Jabbitt on their appointment as district judges and welcomes them as honorary members of the LCCSA.

Life membership

This honour has been given to Michael Burdett, a solicitor for over 45 years, who this year was made a

legal aid lawyer of the year by the Legal Aid Practitioner Group. A longstanding member of the association, Mike, of HCL Hanne & Co, was instrumental in setting up the court and police station duty solicitor schemes.

Court news

HHJ Marron QC, resident judge at **Blackfriars**, has requested that all applications for “more time” (save those asking for only a few minutes, which should be made via the allocated court clerk), by either defence or prosecution, should be made in open court to the trial judge. This follows a recent increase in applications for “more time” on the first day of trial.

In order to reduce the backlog of cases at **Snaresbrook** Crown Court, a number of committals which normally would have been sent to the court – from Thames magistrates, for example – have been diverted to other Crown Courts, notably **Isleworth**. The diversion scheme is due to end in January 2010.

President's Report

This is my last column as president and I wish to thank everyone who has contributed to what I believe has been a successful and productive year for the association. Any success is due, in no small measure, to the fact that I have been backed by outstanding officers and an excellent and dynamic committee. I wish my successor Paul Harris well for the year ahead. He has worked outstandingly hard as training officer and vice-president and I am confident the association is in excellent hands.

Progress

Can there ever be a good time to be president?

Looking back at my tenure, we have made progress on a number of different fronts. The year began with growing concerns over the looming consultations on best value tendering (BVT), defence costs orders and Crown Court means testing. Then there were the virtual courts pilots. These developments were accompanied by the growing – and occasionally public – furore over the increased use of higher court advocates.

I have long believed that, so long as the Bar and solicitors fought one another, the Legal Services Commission and Ministry of Justice could simply stand back and watch the throat-cutting. We have now reached the point where it is widely understood

that victories can no longer be won by one side of the profession over – or at the expense of – the other. Any short-term gains are ultimately counterproductive. I am delighted that, during my presidency, we have seen the long-overdue coming together of the profession. We now have increasingly good relations and a co-operative approach with the Criminal Bar Association and I can also point to the success of the Law Society and Bar Council acting in harmony over the BVT campaign. This new co-operative spirit is something we need to maintain and deepen if we, lawyers all, are to defend our ability properly to represent our clients.

Diverse membership

We have continued to submit detailed responses on a range of law reform consultations with help from numerous members of the association. The LCCSA brings together an extraordinarily diverse group of criminal law practitioners. As a result, when we respond to consultation papers, we can draw on an unmatched range of experience and depth of expertise.

We also now have a new associate level of membership, for the benefit of trainees and the growing army of paralegals in London. This has been

a success, with a small but significant number choosing to join.

Social and training events

There were fewer members and guests at this year's annual dinner but perhaps the more intimate atmosphere made the evening more enjoyable than it has been for many a year; memories of Judge Black's speech still bring a smile. The weekend conference in Berlin was a great success, enjoyable and educational for all.

The training programme has developed in many positive ways. Our links this year to Charter Chambers have provided access to excellent premises and speakers. We have also started what we hope will be a series of high-profile events such as the one we held in conjunction with Reprieve. Next year, we shall mount our first Saturday conference and are delighted and honoured to have as our key note speaker the Lord Chief Justice. Please put the date (13 March) in your diary now.

Communications

During 2009, we have seen the Advocate move from four issues to six each year; and we have a new design which we hope you welcome. The design matches that of our new website, just launched. My thanks go to Jim Meyer who has done a huge amount of work on this. Over the coming months, new functions and options will be available on the website where it will soon be possible to book courses and to check your CPD history and other personal details.

Current concerns

The virtual courts pilot at first seemed an odd diversion but increasingly we see how the enthusiasm for this technology may threaten our ability to represent clients as we have previously. The defendant's right not to consent to participation will soon be removed, with only those defendants who meet certain criteria going through conventional first hearings in court. All firms, of whatever size, public or privately funded, will need to be familiar with the eligibility criteria if they wish to argue that their client's case is not suitable to be dealt with "virtually."

Some unfinished business of this year is our attempt to establish links with, or a presence at, all the court user groups across the capital. In the absence of defence solicitors in these groups, our concerns can sometimes be overlooked. We shall soon be asking for volunteers to join those user groups where there is (as yet) no defence representative. Please watch out for further news.

There are many other areas – too many to list here – where the committee has been active. As the new year approaches, I ask you to support the new committee, stay involved, take a moment to check out the new-look website, and encourage one new solicitor to join the association.

It has been a pleasure and honour to be your president. Good luck to my successor.

– Raymond Shaw
Shaw Graham Kersh

Interview with Paul Harris

Paul Harris, of Edward Fail Bradshaw & Waterson, is the association's new president.

Q: What is the motivation behind the Ministry of Justice's proposals for legal aid funding reforms?

A: The obvious reason for these proposals is the government's need to make economic cuts. They've been looking for ways to cut funds from legal aid for a long time and the credit crunch gives them a good excuse. If cuts need to be made, people are going to have less sympathy with lawyers than with, say, provision for education or the health service. No-one really appreciates what it's like to be involved with the criminal justice system until they're arrested; when that happens, they suddenly realise that having properly run, publicly funded defence firms is a vital part of democracy. We need strong and vibrant solicitors' firms to make sure that the agents of the state are accountable, to protect the integrity of

prosecutions and investigations. Defence solicitors check that proper procedure is being followed. In the long term, this is for the benefit of all the agencies involved in the system.

One other view on why the cuts are proposed – I suppose this is a controversial theory – is that the government is keen to reduce the power and reliability of the defence lawyer to defend properly because they want to increase the number of convictions. We live in a climate where there's been a huge increase in things like knife crime and there's been a lot of pressure on the government and the police to clamp down on that. Economic cuts make it harder for us to do our job; we have less resources available to us than those available to the prosecuting authorities and, if these reductions in fees are implemented, it will make it even harder for us to operate.

I think that these proposals present a novel opportunity for the different strands of defence

lawyers – the Bar and solicitors – to campaign together. Because we’ve always taken the relationship for granted – and we have had the odd hiccup over the last couple of years – it is important, now, to focus on everything that unites us.

Q: How optimistic are you about the government’s plans to bring in best value tendering?

A: It’s been put back, as far as London is concerned, for a number of years and the pilots in the other areas have been delayed. I would like to think that the LCCSA campaign made some contribution towards that decision. We were able to mobilise quite a big part of the profession and we worked very well as a team. I’m moderately optimistic that BVT won’t come in – but you never know what is round the corner. You feel that you’ve dealt with one threat on funding and worked your way through that battle and then something else comes along. Most people in the profession would just like some peace and quiet for a few years – so that we can simply get on with our case-work.

Q: What concerns do you have about the introduction of virtual courts?

A: There’s real danger in removing one-to-one personal contact with the client. In this type of work, we’re dealing with individuals with a variety of different problems. The whole virtual mantra – prison visits by CCTV etc – can easily conceal real problems which will have a great bearing on how you conduct a case.

I saw a client in prison yesterday who had lots of small cuts to his arm. On CCTV, I don’t think I would have been able to see this. He only talked about the cuts because I saw them and pressed him about them, in a supportive way. Then he talked about his troubles. He was clearly having a great deal of difficulty coping in prison. I’ve been able to write to the prison and take various steps but I might not have been alerted to any of that if I’d seen him on CCTV.

Q: What do you think will be the main event on the political agenda this year?

A: It is possible that we shall have a change of government and we don’t know what their plans are. And it appears there is tension between the Ministry of Justice and the Legal Services Commission and we’re not really sure how that will work out, who our paymasters are going to be.

We’ve started to prepare by establishing contact with the shadow cabinet and we’re working well with the Bar and the Law Society. There was a phase when there were lots of different bodies representing pockets of solicitors’ firms but I think I can say now that the LCCSA are capturing the views of most solicitors.

Q: You have played a major role in the drive for more members. What progress have you made and what are your ambitions this year on the membership front?

A: We’re still in the process of reviewing what membership package we offer. We’ve introduced associate membership and a number of associate members have joined. By creating this type of membership, we’ve acknowledged that there are a lot of people, other than fully qualified solicitors, who are involved in criminal defence work and that there is a role for them in the association.

Also, the majority of members are legal aid solicitors but this is an association for all criminal practitioners and I would like to look at ways of bringing in more members who do all types of criminal law work.

Q: What other ambitions do you have for the Association in your presidential year?

A: I want to continue many of the things that Ray has got going, getting involved in the court user committees and improving our contacts with the other agencies. Also, I want to continue to oversee the development of training. This year, we’ve revised our training programme, become more flexible with price and looked at all sorts of options. Next year, we’re having our first all-day conference, on Saturday 13 March, with a number of big speakers.

Over the last 12 months, a huge amount of energy has gone into the way we respond to consultations; we’ve worked politically, getting the profession involved and making sure that our voice is heard. We’re in a position now where we make a contribution to the debate and I think it’s really important that we continue that.

Q: What is the history of your involvement with the LCCSA and why did you take the job as president?

A: I was originally invited onto the committee after I’d been involved in organising a discussion for solicitors in Tower Hamlets on price competitive tendering – this was a good number of years ago. I felt honoured to be asked: the LCCSA has always had a really good reputation and I thought it was a good opportunity to get involved. Then I took on the job of secretary and the rest followed. I had no ambition to be president but I am very excited about it and it is a great honour. I have really enjoyed being vice-president, working with Ray and others, and being training officer as well.

This last year, I think the committee has had a certain dynamism and I would like to build on that. I think we’ve got a great committee, with terrific support from Sandra and Hilary, responding to all the changes and challenges that face the profession. It’s exciting to be at the forefront of that.

Q: Tell me about Edward Fail Bradshaw & Waterson; how large is the firm, what sort of law do you do and what is the history of your involvement in it?

A: This firm is about 120 years old and has been in the East End the whole of that time. I've been here since 1990, when I started my articles. It's an old-fashioned criminal law firm with a very big own-client base, serving the community, with a strong reputation. There's a family feel to its atmosphere. There are about 15 lawyers, including partners, and we do very good work. Of course, it's chaos at times, as clients don't make appointments to get arrested and you have to react. I

started as a trainee, I'm the managing partner now and the only reason I would leave is if I left the industry.

Q: What is your personal background and do you have any interests outside the law?

A: I live in North London, married, with a stepson who is 12. I play football. I'm terribly bad at it but I play with mates every Monday night when I'm not at the monthly LCCSA meetings. I'm a Spurs supporter and go to matches with my Dad. And my wife and I love long walks and, sometimes, just taking off for weekends to stay in country pubs or bed-and-breakfast places.

Big Ideas for Legal Aid

Marking the 60th anniversary of legal aid, Steve Hynes, with journalist Jon Robins, has written "The Justice Gap – Whatever happened to legal aid?" available in legal bookshops or at www.lag.org.uk.

Autumn is the conference season with Unions and other organisations meeting at seaside resorts and conference centres to debate and network. The party political conferences enjoy the highest profile, particularly this year, as they were the last ones before the general election. In the exhibition spaces and meeting rooms surrounding these conferences, the think tanks and lobby groups, rather like participants in a parasitic beauty parade, flaunt their wares, trying to catch the attention of the political classes.

What ideas for legal aid?

It is in this market place of ideas that policies are debated – in contrast to much of the public relations fluff that happens in the actual conference halls. There is little discussion, though, about legal aid. It could be argued that this is because legal aid does not command the same political priority as much larger areas of public services such as health and education, but a glance through any of the conference fringe guides will show an eclectic mix of all manner of causes being debated – from fishing quotas to bin collection.

This lack of profile can be explained by the dearth of ideas to animate political debate on legal aid policy. Media coverage of legal aid is usually focused on cuts brought in to control the budget, the introduction of fixed fees over the last two years being the latest such controversy.

The Legal Action Group (LAG) argues that the time has come to separate the civil and criminal legal aid budgets. A separate criminal fund should be linked to the cost drivers in the criminal justice system, instead of raiding the civil fund to pay for any increased costs.

Bleak options

After the general election, a likely Conservative government could either opt for straightforward price competitive tendering, with the proviso that solicitors' firms and barristers meet a minimum quality standard, or simply fix the price according to the reduced budget available. In other words, the big policy choices would be pretty much the same as they are now.

Bookies will not take any bets on whether Dominic Grieve – or whoever becomes the new Lord Chancellor – will be using the line, "I'm very sorry but because of the mess Labour made, we will have to cut (insert here the relevant part of the budget)". The legal aid lobby will most likely have to decide which is the least bad option in terms of cuts. For criminal legal aid, preserving the spread of services including police station and magistrates' court work, along with the junior bar – which is being squeezed by fixed fees – will have to be the priority.

As regards civil legal aid, it's the usual story of family and the rest. Public law children will still be a big item of expenditure and we can see little, especially in the wake of the Baby P case, that will change. An argument can be made for a further separation of funds. Public and social welfare law could be separated from family law. There exists the possibility of drawing together the funding available for such work, including legal aid, into a single foundation. LAG also argues that more could be done by government to encourage before-the-event insurance for civil claims. This could work in tandem with the opening up of the legal services market to multi-disciplinary practices.

Contingent fund?

The other big idea doing the rounds is a familiar one. The Bar is suggesting that a contingent legal aid fund

(CLAF) for some civil damages claims will increase access to justice. When the Jackson Review on civil costs and funding litigation is published, further debate will be sparked on establishing a CLAF.

The most effective way of getting legal aid on the political agenda is for the legal aid lobby to be more outward-looking. We need to engage the public on the

issues around access to justice. After all, it is they who pay for legal aid and it's their rights and freedoms which are under threat without it. This is the one big idea for legal aid that really could change things.

– Steve Hynes
Director, Legal Action Group

Get Savvy Online

Lucy Dawson, of Bespoke News, is a provider of online news feeds for small businesses.

As a solicitor, your work is of top quality. You have an impressive staff and good systems. You specialise in areas that are difficult to publicise. So how do you attract more clients to the practice?

The internet is now the first port of call for individuals seeking solicitors' services. Gone are the days when a few dusty brochures in the waiting room or the occasional recommendation by the bank manager were enough to reel-in clients. Whether practitioners resist or not, the world is going online and websites are fast becoming a primary marketing tool. But sadly, establishing a successful online presence takes more than throwing some cash at an enthusiastic young designer and letting them get on with it. Paying a hefty fee for funky graphics and a trendy logo is all very well but in today's competitive climate, even a creative, attractive-looking website is not enough. If it's not bringing in business, it's not doing its job. A website is a crucial, dynamic marketing aid, as well as a repository of information and should be easily accessible to the person who matters most – the client.

Age of the machine

And it's not just humans who need to be impressed these days. It is critical that websites can be read, analysed and indexed by search engines such as Google, Bing and Yahoo. Using sophisticated "crawler" programmes, these search engines trawl the internet to match online searches with relevant websites within a matter of seconds. Unless you have these key search terms on your site in places where they can be found by crawlers, they will simply pass you by. So how do you increase visitor numbers and impress the search engines at the same time? It seems like a daunting task but in reality the solution is simple. Get your content right.

Recent figures published in the Law Society Gazette revealed that internet users spend an average of just two minutes on law firm websites. Over 83 practices, from large firms to sole practitioners, had their websites analysed; the data showed that a huge volume of visitors were clicking away in under a minute. According to the

study, over 40% of visitors across all firms looked at just one page before heading straight to another website. Web traffic may be flocking your way – but if unimpressed visitors leave before they've looked around, it has been a wasted journey.

The key to enticing web users and keeping them on site is the content. Forget the glossy, corporate images of handshakes and state-of-the-art offices – in reality, it's the copy that counts. Web copy should be rich in keywords and contain plenty of links to ensure visitors can navigate your site with ease. It should be jargon-free, concise and informative, giving readers a succinct overview of the firm's main areas of practice and easy access to contact details.

Keeping the site fresh

But today's web users crave even more than just well-written static content. They want somewhere to return to on a regular basis where they can discover fresh and compelling information.

So what about blogging? A great idea – but, in reality, there are few solicitors who can take time out to regularly update one.

An alternative, low-cost solution is to include a news feed. Everyone likes to stay informed; so, whether it's articles relating to the legal world, developments in your firm's specialist area or simply happenings within the practice itself, regularly updated news will always keep visitors wanting more. Crucially, articles can be tailored to include key terms that potential clients are searching for, helping to improve your firm's Google ranking and drive more targeted traffic to your site.

No longer an online brochure, your website will become an information portal, ensuring the firm is projecting a keen interest in the wider legal world. A content-based campaign of this sort is a long-term strategy, aimed at harnessing the strength and importance of the web by creating a useful bridge between potential clients and firms providing services. A website health check, which includes the integration of a news feed, should be top of the marketing projects list for 2010 and beyond.

– Lucy Dawson, Bespoke News

European Conference

Famed for the quality and the variety of its beer, sold at 50p a pint in some venues, Berlin was always going to be a popular destination. For a teetotaler like myself, Berlin needed to offer a lot more and it certainly did not fail to deliver.

City of contrasts

As we flew over Berlin towards the airport, the architecture sprawled out beneath us revealed the extent to which hugely contrasting ideologies influenced this city. In one sector, there was column after column of rectangular blocks of social housing. Bold, harsh and uniform in design, these eyesores were a complete contrast to the majestic and imposing classical buildings on tree-lined avenues, and the iconic landmarks such as the Brandenburg Gate and the Bundestag. This was a city shaped by history – both dazzlingly progressive periods and darker eras.

Our hotel was stylish and perfectly located, within ten minutes walking distance of the main landmarks, the main shopping district and the River Spree. Having checked in, we enjoyed a fabulous lunch at a traditional German restaurant and spent the afternoon walking along the avenues. The Brandenburg Gate was a hub of activity as a concert was held to celebrate the 20th anniversary of the Berlin Wall coming down. The impressive avenue leading up to the gate was lined with stalls selling food and memorabilia – all adding to the carnival atmosphere.

The LCCSA dinner was held across the road from the hotel in a great restaurant which captured the roaring twenties, with high ceilings and art deco paintings. The lively atmosphere continued as various groups either retired to the hotel bar or went on to explore the various clubs and café bars which seemed to spring up after dark. The nightlife in Berlin was surprisingly good. From the rows and rows of Shisha cafés lining the pavements, to the modern funky clubs in urban industrial units, there was something for everybody.

Down to work

With delegates having burnt candles at both ends, attendances at the conferences on Saturday and Sunday morning were very good. Mohammed Khamisa QC managed to capture the attention of a bleary eyed audience by presenting his lecture on Anonymity, Hearsay, Restraint and Legal Aid in his own inimitable style. By covering both theory and law and providing practical examples, he was able to bring the topics to life. His passion for the law shone through and made the morning lecture pass swiftly.

On Sunday morning, David Hole, a German practitioner, gave a fascinating tour around the German criminal legal aid system. This lecture was a real eye-opener, and vital to our ability to argue that our system, particularly in respect of costs, cannot be compared to the systems of our European partners, which are structurally so different. To be frank, by the end of that session, I was very grateful that I practised in England and I was sure that my clients would choose our system over the inquisitorial system, any day of the week.

That feeling of relief was short-lived, as Greg Powell provided a reality check on the future plans for criminal legal aid. The respite we felt on having persuaded the LSC and MOJ to delay and review BVT was replaced with the gloom of impending cuts. Greg's PowerPoint presentation was informative and entertaining as always and I particularly enjoyed his scatalogical representation of the inevitable outcome of the LSC's proposal for "homogenisation". That smouldering image said more about the proposals we have had to deal with over the last few years than words could ever achieve. Raymond Shaw also provided a sobering analysis of the threats to come and reminded us of the need to stay alert and united in these difficult times.

Lessons of history

With those thoughts in our minds, we ventured back onto the streets and avenues of Berlin. Walking past the Berlin Wall and the display relating to the Cold War and Checkpoint Charlie, you sensed that this city was the focal point of history, a place where the two largest and most destructive armies the world had ever known once eyeballed each other from tanks literally metres apart. In the past, it was also the centre of the Enlightenment and gave refuge to many communities escaping persecution. The memorial to the murdered Jews of Europe provided a timely reminder why we must all remain alert and united against the threat from bigotry and fascism.

This was indeed a memorable conference, a perfect opportunity to meet other lawyers and to explore a fascinating city whilst accumulating CPD points. A special thanks must go to Charter Chambers for the drinks reception and for sponsoring this event and the LCCSA training programme this year. Finally, of course, we must thank Sandra Dawson for the arrangements and accommodation and to Raymond Shaw for being a great host.

– Akhtar Ahmad
ABV Solicitors

Obituary

Neil Baxter, solicitor, born 24 December 1969, died 1 September 2009

Neil studied law at Leicester University and qualified as a solicitor in Sheffield. He moved to London in the mid 1990s and worked as a criminal defence solicitor for Joe Hill Solicitors and Mark and Co Solicitors. In 2005, with two friends, he set up his own firm, Baxter Brown McArthur. Neil was the senior partner and, in the space of four years, expanded the firm to over 20 employees.

From the beginning of his career, he chose to practise exclusively in Criminal law and was motivated and passionate about the rights and fair treatment of defendants. He was an extremely bright man and had that rare ability instantly to get people on his side and agree with him. He was well liked and respected by the judiciary, his peers and clients. He was, for many years, a familiar figure at west London magistrates' court and was known as being a clever advocate with a ready wit.

He was perhaps most widely known for his huge efforts in opposing the Carter reforms and the proposals for best value tendering. He co-ordinated the south west London region's response to Lord Carter's proposed reforms and was particularly skilful in getting both large and small firms, with different

interests and anxieties, to put aside their differences and unite in common opposition – no easy task.

Neil had been ill for ten years. He was diagnosed with pulmonary hypertension in 1999. Despite his illness and the debilitating effect it had on his life, he remained philosophical, positive and, above all, funny in the difficult circumstances he faced.

Socially, he enjoyed the pub and was great company, always able to find humour in situations and make those around him laugh out loud. Not surprisingly, he had many good friends and a lovely family.

His health further deteriorated at the beginning of 2009 and a lung transplant was the last intervention available to him. He was looking forward to being well again, and was excited about the prospect of being able to travel abroad to exotic locations, following his recuperation.

He had a lung transplant on 25 July and quite unusually had an acute rejection to the new lungs. He remained in a coma for six weeks and died from complications on 1 September, aged 39.

He was a charming man and will be greatly missed. He is survived by his mother, father and older sister.

*– Richard Brown,
Baxter Brown McArthur*

Training 2009

This autumn, training sessions have been held at our usual venues, Hodge Jones Allen and Charter Chambers, as well as one lecture at Crowell & Moring.

In September, Naomi Redhouse delivered the first part of her course on youth court law and practice, followed by part 2 in October.

During October, Professor David Ormerod presented

his two-part Criminal Law Update and Colin Beaumont gave an update on costs. In addition, of course, there were various sessions delivered at the European conference in Berlin.

More details about training are available on the LCCSA website.

Dates for members' diaries are as follows:

Date	Course title	Course tutor(s)	Venue
26 November 2009	A Practical Guide to Extradition Law & Practice	Sian Williams and Eleanor Searley	Hodge Jones Allen
13 March 2010	Criminal Law Conference	Professor David Ormerod, Professor Ed Cape, Karen Hammond	Conway Hall

Virtual Crawling

As a demonstration that bulk arrests could be dealt with best in the virtual court, Operation Nedderdale was not the Force's Finest Hour.

Extra court time and staff were set aside. DJ Sawetz sat early at 10.00am to deal with the expected onslaught of vice. There wasn't one.

In a determined push, a total of seven kerb-crawlers were arrested by Charing Cross. (That's cleaned up Soho then...). Four of them appeared in the virtual court. In the afternoon. Could do better.

I quote from the police review of the operation.

“POSITIVES

- (1) Two cases were resolved on the day. (Dean of Westminster orders bell-ringing in celebration.)
- (2) Positive experience for those running the operation. (Souvenir busts of Jack Straw snapped up by ecstatic worshippers.)
- (3) Generally positive experience for Custody. (Tabloid reporters collapse in spontaneous orgasm.)

“ISSUES*

- (1) CJU and custody unable to contact the CPS on the published numbers. (But they did manage to order pizza.)
- (2) The CJU experienced constant issues from receipt of the files in the morning till 4.00pm. This made the whole process for them far lengthier than had the case been dealt with by normal process. (In other words, the police forgot to tell them anything, so they couldn't cope and it took longer.)
- (3) CPS published one file in error without reviewing. (OK, we've all done it, like the email I sent that started, 'Dear Idiot'.)



- (4) The Defendant Handler checklist not started by the night duty. (Who is this defendant handler? A sort of dog handler with a junkie on a leash?)

“CONCLUSION

Although the issues list appears large in relation to the positives, the use of the virtual courts was well received by those running the operation. Virtual court offers the opportunity to deal speedily with defendants charged as the result of specific operations.”

Well, sort of; see the figures at the bottom of this article.

Got to go, I have to celebrate with a street party.

– Bruce Reid

* There are no negatives in this parallel universe. Negatives are called “issues”. Nothing bad ever happens in Fairyland.

	Charge time	Appearance time	Charge-appearance
Defendant 1	23.45	14.30	14 hours 45 mins
Defendant 2	00.59	15.30	15 hours 31 mins
Defendant 3	4.58	12.30	7 hours 32 mins
Defendant 4	5.21	16.00	10 hours 39 mins

The bimonthly London Advocate is the newsletter of the LCCSA.
It is free for all members and associate members.