

# THE LONDON ADVOCATE

THE NEWSLETTER OF THE LONDON CRIMINAL COURTS SOLICITORS' ASSOCIATION

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## Legal Aid Consultation Survival Training

25th April  
2022

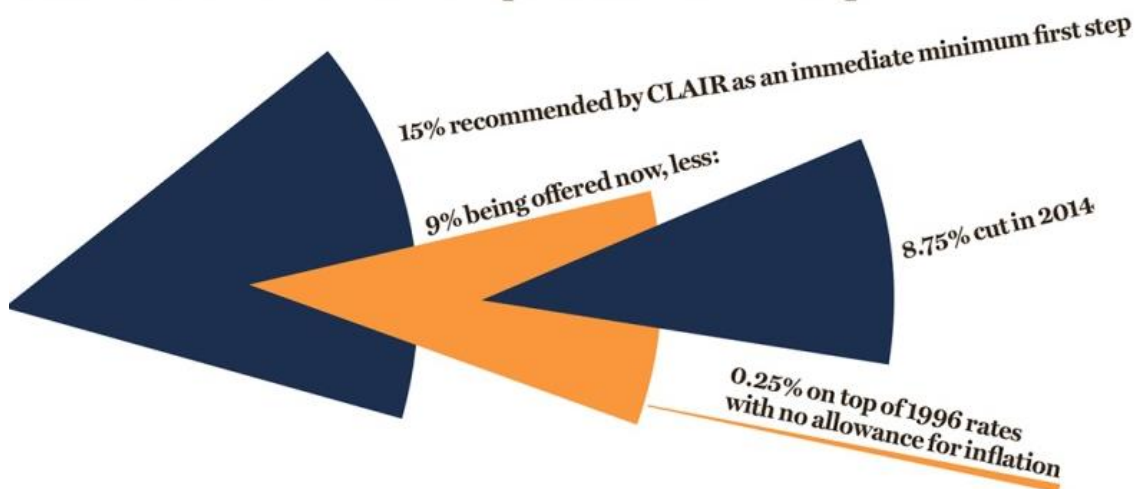
## Criminal Legal Aid – A Sustainable Future?

Doors open 1.45pm. Conway Hall, 25 Red Lion Square, London WC1R 4RL

We will discuss with you:

### CLAIR Consultation

- What is on offer? ● Does it make the profession sustainable?
- The Consultation response ● Our next steps



## Why the £1.2 billion criminal legal aid spend is a sham

- It includes £200m p.a. being spent on HMCTS buildings/facilities.
- It includes payments for expert witnesses as investment in legal aid lawyers.
- It includes predicted increases in volumes that will require more lawyers to service, spreading the benefits.
- Most higher crime payments have been left out of the recommended increase.

For more information contact Sara Boxer at:  
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## CO-OPTED COMMITTEE MEMBERS

In order to assist with the Association's response to the MOJ consultation, and with the campaign for the adoption of the CLAIR proposals, Matt Foot (Birnberg Pierce and Partners) and Stephen Davies (Tuckers) have been co-opted to the committee. Members will recognise both Matt and Stephen as consistent, articulate and strong advocates of the Association's aims, and their involvement is appreciated.

## LAPG LEGAL AID CENSUS FINDINGS

LAPG received thousands of individual responses which independent team of academics have used to build what it describes as the most comprehensive picture of the legal aid sector ever seen. It is hoped that this data will form a baseline for policy-makers for years to come.

LAPG will be working with The Law Society, and with all of our members, to ensure that our collective voices push back against what can only be described as a failure of policy and a lack of faith by the Ministry of Justice.

The census data is crucial reading for all those responding to the MOJ's consultation, supporting as it does the case that more investment is needed urgently and on an inflation-linked basis. It provides detailed demographic data about individual respondents and the key characteristics of organisations delivering legal aid.

The Census findings raise significant concerns about the future of the legal aid profession and echoes findings highlighted by the [Westminster Commission on Legal Aid](#), the Justice Select Committee and CLAR.

Please use the data linked to below to help make the case that the government proposals are inadequate and substantially more is required urgently to ensure the viability of the criminal defence sector.

**[Read the Legal Aid Census report here](#)**

**[Read the Executive Summary here](#)**

## COMMON PLATFORM: NOT GOING AWAY

A recent update from HMCTS set out that, following the "pause" to deal with "a number of technical and performance issues", Common Platform was to be rolled out in Cambridgeshire, Bedfordshire and Hertfordshire courts from 28 March. There was no indication on how long a period of implementation is expected, but the commitment to national rollout appears to be undimmed.

**SAVE THE DATE #1: SUMMER PARTY, 1<sup>ST</sup> JULY**

The government's response to the CLAIR recommendations has now been digested and universally rejected. The bar and solicitors are of one voice that the MOJ's claim that its reforms (not due to take effect until the autumn) constitute a 15% increase in legal aid fees is disingenuous and misleading (as Daniel Bonich sets out in detail below). The stage is now set for a direct confrontation between criminal practitioners and the Ministry of Justice.

Members of the CBA overwhelmingly voted to adopt "no returns" from 11 April, and we support them. As readers will see from the front page of this edition, and doubtless from other communications, the LCCSA and CLSA will be holding a joint training day on 25 April to discuss how we should best respond to the consultation.

We should feel emboldened by the strong support offered by the Law Society, which has accurately identified the MOJ's consultation as "spin" and "not serious". President I. Stephanie Boyce succinctly articulated what the Association and its members have been all too aware of for many years: the "need to think long and hard as to whether there is now any prospect of a viable economic future in criminal legal aid."

The figures bear this out only too clearly: the most recent duty solicitor rota shows the loss of 231 legal aid duty solicitors in the last year, down to 4235, a decline of 5.2% pa and of nearly 20% since 2017. London is not immune to this fall: from the rotas of April 2020 to April 2022 there has been a 7.5% fall in numbers (1,305 to 1,207).

While the strategy is clear: to secure the implementation by the government of the CLAIR fee reform proposals in full and immediately, the training day is our opportunity to decide on tactics. We know that for the criminal justice system to operate in anything approaching an effective manner, our goodwill is critical. Just as "no returns" is a demonstration by the bar and HCAs that withdrawal of goodwill can have immediate and serious consequences, where are the pinch points that solicitors can most effectively make their voices heard?

We urge all members, and non-member colleagues, who can attend on 25 April to make it a priority to be there. The more attendees there are, the greater the demonstration of our spirit and determination. Let's make our voice heard clearly.

Ed Smyth, Editor  
([esmyth@kingsleynapley.co.uk](mailto:esmyth@kingsleynapley.co.uk))

An opportunity, denied for the last two years, for members to come together for a purely social event. The Central London venue is TBC.

## **SAVE THE DATE #2: EUROPEAN CONFERENCE SEPTEMBER 30<sup>TH</sup> – OCTOBER 2<sup>ND</sup>, LISBON**

Another fixture on the pre-Covid calendar, The European Conference is a wonderful weekend. If you have never been, please chat to some ‘old timers’ who hopefully will encourage you to book your place. Again, precise details TBC.

## **COMMITTEE MEETINGS**

The LCCSA committee meets on the second Monday of each month at 6:00pm. All members are welcome to attend (in person or remotely) and if you wish to participate please contact the editor or Sara Boxer ([admin@lccsa.org.uk](mailto:admin@lccsa.org.uk)).



## **ARTICLES**

### **WHEN IS 15% NOT 15%?**

**Daniel Bonich, partner at Clarke Kiernan LLP and Chair of the CLSA, takes a close look at the background to CLAR/CLAIR, the Bellamy proposals themselves and the MOJ’s response to them.**

When the government announced that it was going to conduct an Independent Criminal Legal Aid Review there was the traditional, and well-earned scepticism around many in the profession who had experienced so many false dawns over their professional careers that they knew the government would find a way to snatch defeat from jaws of victory.

When the Criminal Legal Aid Review (as it was then known) was announced in December 2018 it was after the stellar work from the Law Society on heat maps had the government realising something was very wrong in the legal aid profession. What followed was meeting after meeting where newly appointed Civil Servants tried to understand the nature and scope of the problem and why the industry was literally and metaphorically dying. CLAR as it then was, was announced to much fanfare as the best way to provide the evidence base to allow proper discussions with the Ministers and the Treasury. The government said this:

*“The Criminal Justice System has transformed significantly in the last few years and our need to respond to this has, in some instances, been accelerated by the COVID-19 pandemic. We believe this is*

*the right time to continue to consider how to build a more modern Criminal Legal Aid System that can adapt to the changing needs of defendants, practitioners and the criminal justice system of which it is such an integral part.*

*We remain committed to the sustainability of the criminal legal aid system now and in the future and to ensuring the criminal defence profession remains an attractive career proposition for future practitioners.”*

The professional associations including the CLSA, LCCSA and of course the Law Society made it plain from the outset that any review would take too long, and that urgent action as needed.

We were right.

CLAR became CLAIR and was split into the Independent Review and an internal review. We have heard very little on the latter, and as to the former, Sir Christopher was appointed, with the approval of the Treasury and government department, to review the sustainability of the Criminal Legal Aid sector.

His excellent report made the position plain:

*“I take the view that the Review is about much more than the remuneration of defence lawyers, it is also about the effectiveness of the CJS as a whole. The adversarial system of the CJS cannot function without the defence. If the providers of criminal legal aid defence were to fail or be substantially weakened, the CJS as a whole would grind to a halt, with obvious adverse consequences, not least in the context of reducing the backlog. Moreover, criminal legal aid does not merely support the defence: it is the cradle of many barristers who also prosecute, and of solicitors and others who later join the CPS, or other authorities who need criminal law expertise. Criminal legal aid also provides the training ground for many who later become judges. The view has been expressed to the Review that, as it is, there are not enough criminal lawyers to go round.”*

### What did the Review recommend?

It is important to look at what Sir Christopher was asked to examine. The aim of the Review was:

(1) To reform the criminal legal aid fee schemes so that they:

- fairly reflect, and pay for, work done
- support the sustainability of the market, including recruitment, retention, and career progression within the professions and a diverse workforce
- support just, efficient, and effective case progression, limit perverse incentives, and ensure value for money for the taxpayer
- are consistent with and, where appropriate enable, wider reforms

- are simple and place proportionate administrative burdens on providers, the Legal Aid Agency (LAA), and other government departments and agencies
- ensure cases are dealt with by practitioners with the right skills and experience

(2) To reform the wider criminal legal aid market to ensure that the provider market:

- responds flexibly to changes in the wider system, pursues working practices and structures that drive efficient and effective case progression, and delivers value for money for the taxpayer
- operates to ensure that legal aid services are delivered by practitioners with the right skills and experience
- operates to ensure the right level of legal aid provision and to encourage a diverse workforce.

The Report, in our view, was excellent and was almost universally welcomed. The core recommendations, beyond changes to fee schemes were as follows:

1. An increase of 15% above 2019/20 spend plus the modelled increase resulting from the accelerated items. This increase in funding could be distributed in a number of ways to achieve the desired outcomes
2. That funding for criminal legal aid should be increased overall for solicitors and barristers alike as soon as possible to an annual level, in steady state, of at least 15% above present levels, which would in broad terms represent additional annual funding of some £135 million per annum.
3. That the sum of £135 million is in Sir Christopher's view the minimum necessary as the first step in nursing the system of criminal legal aid back to health after years of neglect. It was not "an opening bid" but rather what is needed, as soon as practicable, to enable the defence side, and thus the whole CJS to function effectively, to respond to forecast increased demand, and to reduce the back-log.
4. The report went on to say it "no means exclude that further sums may be necessary in the future to meet these public interest objectives."

It is worth noting the report points out:

*"I emphasise that a sum of the order of a minimum of £100 million per annum does not necessarily put the criminal defence side "on a par" with the CPS in any precise sense. The private sector has to take risks and make investments. On that basis, one could legitimately argue for a higher sum than the minimum that I recommend. Moreover it is not certain that the sum I suggest will suffice. I consider £100 million to be no more than a minimum starting point, to be kept under review going forward."*

## Justice Select Committee

Sir Christopher's report cannot be looked at in isolation – he also provided a detailed review in his evidence session before the Justice Select Committee on 18th January 2022 in which he said solicitors working in criminal legal aid are in a "parlous" state. Remuneration should be "substantially increased as soon as possible". A 15% increase would "be no more than a minimum starting point, to be kept under review going forward".

He said this to the Select Committee:

*"We have a situation where fees have remained unchanged for 14 years except to go down by 8.75%. Some fees have had no increase for over 30 years. The number of firms is in decline. It is very difficult to recruit new blood. There are almost no trainees. Duty solicitor schemes are in deep trouble in various parts of the country. There is evidence of deskilling in certain respects, particularly in trial preparation in the Crown Court.*

*The private profession has fallen behind the Crown Prosecution Service in terms of the salaries it can offer and has therefore been losing a great deal of talent to the public prosecutor - that gives rise to a serious problem as regards the equality of arms.*

*In all those circumstances, there must be a serious question mark as to how long the private provision of solicitors' services can feasibly continue."*

He went on to say:

*"The solicitors have seen no increase in their fees and only cuts for as long as anyone can remember. If you are appearing in a London magistrates' court, you will get less in cash terms in 2022 than you did in 1996. That must be a very unusual situation for those providing public services. And for all the reasons I've just mentioned, recruitment and retention is extremely difficult"*

## What is the Government Proposing?

In Parliament, the Deputy Prime Minister said this:

*"Covid-19 has been exceptionally challenging across our justice system. We owe our whole legal profession—the solicitors, the barristers, the judges and the court staff— an enormous debt of gratitude for keeping the wheels of justice turning over the past two years. Thanks to their efforts, we are driving down the court backlog and returning to a more normal way of working—in the interests of victims, witnesses, and of course the wider public. I thank Sir Christopher Bellamy for his comprehensive and invaluable review, along with his panel of experts and everyone else who contributed their views.*

*As I said, this is a crossroads moment. Our legal aid system needs investment if defendants are to have access to the highest-quality advice and advocacy, and if we are to ensure a sustainable criminal legal profession right into the future. To that end, Sir Christopher*

*made two headline recommendations in his review. **First, he proposed an increase of 15% in the various criminal legal aid fee schemes. I have accepted this in almost all respects, except where it risks introducing perverse incentives—for example, if it were to be applied to the rate of pages of prosecution evidence.***

***Secondly, Sir Christopher recommended an overall increase in investment in criminal legal aid of £135 million. Our package of reforms, announced today, matches that recommendation. As part of that, we will hold £20 million aside each year for longer term investment, including reform of the litigators graduated fee scheme, the youth court, and the wider sustainability and development of solicitors' practice, so that the system pays more, and more fairly, for the work actually done***" [emphasis added]

### The Devil is in the Detail

It is with regret, but not surprise, that we have to state the detail suggests the Government's proposals in practice fall well short of matching not only the modest ambition of CLAIR to provide the 'minimum necessary' to stabilise the patient, but the Government's own rhetoric. A review of the Impact Assessment the proposals do not amount to a 15% increase.

For starters, the proposed LGFS changes amount to just 4%. AGFS increases proposed amount to 15%. LGFS income for most firms (and indeed as total LAA spend) is the largest single component of fee income. The 4% is less than inflation since the 2018 announcement which averaged 2.7% per year. For the final 3 months of this year, the Office for Budget Responsibility forecasts inflation could hit 8.7%, and is currently exceeding 6%. In real terms, fee income has fallen by significantly more than the 4% since Review began. The government are therefore proposing and continued real terms cut in LGFS, far short of the 15% suggested.

As for Police Station, and Magistrates Court fees, the proposals amount to a 15% increase, but the total £135m figure proposed overall by Sir Christopher not achieved. In fact total fee changes amount to just £68m.

The balance of increased spent to the announced £135m comes from increases to the PDS budget, training grants, and expert fees (whilst the latter is welcome, it does nothing to help sustainability and cannot reasonably be said to be part of the solution Sir Christopher had in mind given he expressly referred to provider income and not legal aid spent) and an increase in volume which will follow by 2024/5 as a result of extra sitting days. This is in our view not as envisaged by the Review and is frankly disingenuous of the Government to suggest otherwise.

Taking into account changes, expert fees a nominal £2.5m in training grants, the total spent increases by £97m, and even with the additional anticipated volume, to just £115m.

The total package is worth 9%, not 15%. And not £135m.

### Conclusion

By its own admission, a 15% increase was the minimum necessary to stabilise the ailing legal aid profession. The government's proposals amount to just 9%, and that appears to a 'final offer'. This will do nothing to help achieve the aims of the Review. Firms will remain uncompetitive compared with the CPS, the brain drain will continue, and more and more firms will disappear from our High Streets across the land, whether because they cannot afford to continue, or because they will have lost their staff to the CPS. Sir Christopher saw this as a genuine equality of arms problem. He was right: the government are failing to deliver on a basic premise of a democracy and the rule a law, a basic human right – parity with the Crown. The impact? Reduced access to legal advice, increased waiting for justice for witnesses, defendants and victims alike, and a backlog which will be going up and not down.

A government committed to free enterprise, and more still, to levelling up, cannot and should not be presiding over whole swaths of advice deserts.

It must do better. Actions must show the ambition of the spin. In the meantime, we will continue our regular meetings on our members' behalf with the Bar, and in particular, the Criminal Bar Association about how we can jointly support each other in making plain the government's proposals simply do not begin to tackle the scale of the problem.

### **When is 15% not 15%?**

The answer appears to be: 'when it is announced in Parliament'. The package, as proposed is worth closer to 9%, which means if fails even to keep in line with inflation since the 2018 CLAR announcement.

*Daniel Bonich is the managing partner and head of the fraud, regulatory and complex crime department at Clarke Kiernan LLP. He is a Solicitor Advocate and specialist fraud supervisor dealing with many areas of practice including white-collar crime, business crime, bribery, regulatory and disciplinary proceedings and criminal litigation with a particular focus on money laundering, fraud, drug trafficking and complex confiscation.*

*He also acts in civil litigation, advising both individual and corporate clients where there are underlying criminal allegations or asset recovery issues.*

<http://clarkkiernan.com/meet-the-team>

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## IS NOW THE RIGHT TIME FOR ‘RIGHT TO ANONYMITY’ LAW FOR CRIMINAL SUSPECTS?

**In the wake of the recent, important Supreme Court decision in *Bloomberg v ZXC*, and with the courts having to balance a criminal suspect’s right to privacy against a journalist’s right to freedom of expression, Jenny Wiltshire of Hickman and Rose makes the case for Parliament to legislate for a new ‘right to anonymity’ law.**

The Supreme Court’s decision in *Bloomberg v ZXC* has led to much media commentary – and legal handwringing – about the level of privacy an individual accused of a crime can expect.<sup>[1]</sup>

There has, over the past decade, been a steady evolution of privacy law which has gradually circumscribed the media’s ability to name uncharged criminal suspects. At each step, the question of what information about a criminal suspect should be in the public domain has been hotly debated. There are strongly held opinions on both sides.

Cutting as it does the heart of the public’s faith in the institutions of government, I believe the issue of suspect anonymity to be crucially important in a democracy: too important, indeed, to be left for the courts to determine alone.

It is time for Parliament to step in and legislate.

### **Exceptional Circumstances**

Christopher Jeffries was the landlord, and neighbour, of Joanna Yeates, a 25-year-old woman murdered in Hampshire in 2010. Mr Jeffries was initially suspected of the crime. His arrest led to a deluge of lurid – and highly speculative – press coverage about him.

It didn’t take long for police to establish Mr Jeffries’ innocence. But it was already too late: such was the ferocity of the media attack that the damage to his reputation was already done.

‘The UK press set about what can only be described as a witch hunt’, Mr Jeffries later recalled in a statement to the Leveson inquiry into press ethics. ‘It was clear that the tabloid press had decided that I was guilty of Miss Yeates’ murder and seemed determined to persuade the public of my guilt.

‘They embarked on a frenzied campaign to blacken my character by publishing a series of very serious allegations about me which were completely untrue. Allegations which were a mixture of smear, innuendo and complete fiction.’<sup>[2]</sup>

Christopher Jeffries was not the only innocent person to testify to the Leveson inquiry about the rough treatment they received, through no fault of their own, from the UK media. Lord Leveson’s eventual report, issued in 2012, was sympathetic to their plight. The former High Court judge recommended that, save in exceptional circumstances, ‘the names or identifying details of those who are arrested or suspected of a crime should not be released to the press or the public.’<sup>[3]</sup>

A year later, in 2013, the national police training body, The College of Policing, issued its Guidance of Relationships with Media.<sup>[4]</sup> Following Leveson, it recommended that the practice (which had until that point be relatively routine among police forces), of releasing to the media the identity of arrested people should cease.

The College of Policing stated that ‘save in clearly identified circumstances, or where legal restrictions apply, the names or identifying details of those who are arrested or suspected of a crime should not be released by police forces to the press or the public.’

It gave examples of these exceptional circumstances as being when there was a threat to life, the prevention or detection of crime or a matter of public interest and confidence.

### **Operations Yewtree and Midland**

Then came Operations Yewtree and Midland, the two now notorious Metropolitan police investigations into allegations of historic sexual assault made against high profile people. Both operations resulted highly publicised arrests of individuals against whom no further police action was ever taken and who were later proved to be innocent.

While the Met did not directly name the arrested men, they did release formal statements which gave sufficient details, such as age and geographical location, for the press to easily identify the suspects. These served as the confirmation the media needed to publish its stories.

Although not formally part of Yewtree (as the case was overseen by the Thames Valley and South Yorkshire forces) one of that operation’s highest profile victims was the singer Cliff Richard, whose police home search was recorded – and broadcast live – by a helicopter-borne BBC camera. Sir Cliff was later exonerated.

The Operation Midland scandal, in which the Met believed the easily disprovable lies of the fantasist Carl Beech, lead to

a review of the force's procedures in relation to historic sexual allegations.[5]

In his review report Sir Richard Henriques recommended the Met cease its practice of issuing press releases which may lead to the identification of arrested individuals. Sir Richard also called for Parliament to act, saying:

*'Present arrangements...have caused the most dreadful unhappiness and distress to numerous suspects, their families, friends and supporters. Those consequences were avoidable by protecting anonymity. Nobody is safe from false accusation and damaging exposure under present arrangements. A reputation built on a lifetime of public service or popular entertainment can be extinguished in an instant. I sincerely believe that statutory protection of anonymity pre-charge is essential in a fair system.'*

### **Bloomberg v ZXC**

In February 2022, in the case of *Bloomberg v ZXC*, the Supreme Court ruled that anyone suspected of crime has a 'reasonable expectation of privacy' until they are charged. This judgement led to much criticism.

Bloomberg's editor-in-chief John Micklethwait said the decision is a 'right to privacy is only for those who can afford it — strangely enough, these often tend to be those who have the most to hide.' [6]

Former media minister John Whittingdale claimed: 'The courts are apparently applying privacy laws more widely than previously done and without Parliament having properly approved'. [7]

Parliament, however, has repeatedly declined to act. In 2018, following confirmation that it would not appeal the Cliff Richard ruling, the BBC said: 'there is a fundamental principle of press freedom at stake here and one upon which we believe that parliament, as our law makers, should decide.' [8]

This suggestion was rejected by the then Prime Minister Theresa May. It has been left to the courts to perform the delicate balancing exercise between a suspect's Article 8 right to privacy and a journalist's Article 10 right to freedom of expression.

### **Time for Parliament to Act**

In my view it is long past time for Parliament to grasp the anonymity nettle.

I believe it is only by stating clearly what information can and can't be made public – and making the arguments for this in the public arena – that anonymity rules will have any democratic legitimacy. Absent this and there is a risk that public's faith in the institutions of power, and the rule of law in general, will diminish further.

As a criminal defence solicitor who has represented – and seen first-hand the damage caused to – innocent people unjustly suspected of crime, I think that Parliament must act to provide suspects a statutory right to anonymity.

Given the previous, failed attempts to clearly define 'exceptional circumstances', I propose this new law includes a 'public interest safety valve' by which an interested party can make an emergency application to a court (in a similar way to applying for a warrant) to waive anonymity. An example of when this may be appropriate is when the police need the public's help in finding a victim whose life was thought to be in danger.

It is only with a clear statutory framework that those suspected, but not charged, with crimes as well as the public's reasonable and understandable interest in the detection and prevention of crime will be properly satisfied.

*Head of Serious & General Crime, Jenny Wiltshire is an expert criminal defence solicitor with deep knowledge and long experience of police investigations into major crimes and the complex trials to which they can lead. She is recognised as one of the UK's leading lawyers in her practice areas and has enjoyed a long run of success representing clients facing some of the gravest criminal charges, including murder, manslaughter and serious sexual assaults.*

<https://www.bickmanandrose.co.uk/profile/jenny-wiltshire/>

[1] <https://www.supremecourt.uk/press-summary/uksc-2020-0122.html>

[2] <https://www.bbc.co.uk/news/uk-15914969>

[3] [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/229039/0779.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/229039/0779.pdf)

[4] <https://www.npcc.police.uk/documents/reports/2013/201305-cop-media-rels.pdf>

[5] <https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/henriques-report/>

[6] <https://www.thetimes.co.uk/article/ruling-that-will-shield-wealthy-crime-suspects-is-condemned-xkctwdvj6>

[7] <https://www.thetimes.co.uk/article/ruling-that-will-shield-wealthy-crime-suspects-is-condemned-xkctwdvj6>

[8] <https://pressgazette.co.uk/bbc-will-not-appeal-sir-cliff-richard-privacy-ruling-but-asks-for-government-review-into-law-on-reporting-criminal-probes/>



**BRUCE REID**

### **FIXED PENALTY NOTICES – PRACTICAL DEFENCE FOR THE BUSY PRACTITIONER**

DJ Teddybear (looking at the morning's List) - Marty, how can a COVID breach trial last a week?

MARTY MOLE (List Caller) – It's a 'Partygate' case, he didn't take the Fixed Penalty Notice.

DJ TEDDY BEAR – What’s it doing at Camberwell? FFS? This should be Westminster! DJ Zephaniah Zebra’s taking evasive action!

MM - No MBE in this, is there? No win situation. Whatever verdict gets brought in it will be JR’d and he doesn’t want a kicking from the Court of Appeal when it’s nearly gong-time.

DJT – So, acquit or convict, I will be banished to Berwick-on-Tweed! 20 years of parking fines and rustling until early retirement on the grounds of Limited Efficiency. I am a South London boy, get me out of this! What about that gullible Deputy in Court 3?

MM - Recused himself already, says he is a member of the Socialist Worker’s Party and therefore biased.

DJT - The Justices?

MM – Suspiciously; all strategically ‘positive’ for COVID at 8.30 this morning..... hold on a bit...I have got an idea.....

[Court 4 at Camberwell at 11.00 when DJ Teddybear can put it off no longer.

He is confronted with Selina Stoat for the Crown and Felix Mansfield who defends. Ominously he notes that Selina is sporting a prominent piece of tinsel in her lapel where her usual Breast Cancer pin should be.]

DJT (Hopefully) - Selina, have the CPS reviewed this, is it really in the Public Interest to proceed?

SELINA STOAT - Sir, yes, the Director, Sir Keir Hamster has personally approved it.

[Two days’ worth of evidence later, describing scenes reminiscent of the LCCSA Annual Dinner with even more nudity, the litany of posh-boy merriment at the taxpayer’s expense stumbles to a close; the Defence case opens and Felix leads his client:]

FELIX MANSFIELD - So, to sum up Mr Bland, there was no party ever, if there was, then you were not there, if you were there and there was a party then it was going on and you didn’t realise it, and if you did realise it, it didn’t matter anyway because you were working all the way through it.

PIGLING BLAND – .....and it’s a Remainer Labour Party plot to distract the electorate!

FM - Sorry, I forgot the last part.....your witness Selina.

SS – Pigling Bland, you are the Prime Minister of Great Britain?

PB - No.

SS – Felix, I thought we could agree this much, do I seriously have to witness summons 80 Tory MPs including Jacob Rees-Mogg to testify to this?

FM (Sotto voce) – At this hourly rate, Selina; it can go on forever...but I take your point about Jacob Rees-Mogg...(He nods at the witness)

PB - That was then, this is now - yes, I am.

[Felix has to nod every few questions; otherwise it is indeed going to take forever.]

SS – Now let’s go to the date of 20<sup>th</sup> April 2020.....when, you say, there was not a party ever...

PB – On my babies lives, I swear!...(he hesitates and consults his fingers, then, triumphantly)....All 5 of them. I was in fact at the Pizza Hut in Woking and anyway I did not have sex with that woman!

SS – (Sotto voce to Felix) A combination of the Prince Andrew and the Bill Clinton Defences? Gotta hand it to you Felix...!

[There follows 10 minutes of argument about whether Pigling troughed the pineapple and pepperoni special or a cheese crust deep pan]

SS - You do not seem that familiar with “The Big Sharer Meal Deal’, Mr Bland, are you certain you are a regular there?

DJT – Get on with it, Selina!

SS – I produce photographic exhibit SKH 77. Mr Bland, are these your buttocks?

PB – I have never seen them before in my life!

SS - You’re not the sort of guy for a yoga class, so I would concede that, but they are in fact yours are they not? The print is taken from the No 10 photocopier on 20th April – at a party when your key fob was used to activate it.

PB – Nonsense! I deny it. (Checking with a glance to Felix who shakes his head)...Absolute piffle and rubbish!

SS – Even though the left one seems to have ‘Remain?’ in felt tip on it and the right one is embossed with ‘Leave?’

PB – My position on Brexit is absolutely clear.

SS – And above both cheeks, at what I can tactfully call the ‘builders cleavage’ are the words ‘B\*\*ger Business’ – a phrase you have made your own? Your key fob was used to make 10 copies of something, wasn’t it?



PB – That would have been some Golden Visas for a few oligarchs – you know; services to football and the hedge fund industry?

[10 minutes of increasing filth later, DJ Teddybear interrupts]

Selina – ‘family viewing’ please, cut the post-watershed stuff will you?

SS (Silkily) – “Do you recognise this?

PB – Looks like the inside of a walk-in cupboard? Can’t say that I do.

SS – You chose the wallpaper, didn’t you – ‘Lulu Little’?

PB – I don’t recall it

SS – Harriet Harvest-Mouse, your junior intern does. She says that you, she and a couple of bottles of prosecco spent half an hour in there. Although she does add that you seemed uninterested in the decor.....

PB – Balderdash!

SS – This is the tie you left behind, she has kept it as a souvenir....

[Later] – SKH Exhibit 96 – “The Tinsel”

[Still Later] - SKH Exhibit 107 – The Mistletoe

[Even later still (to communal weariness)] SKH Exhibit 165 - The Sainsburys bill for a case of ‘Taste The Difference’ Soave. Do you recognise your ‘Nectar’ account number on it?

[The filth continues until DJ Teddybear rules it inadmissible on the dubious legal basis that he can stand it no longer.

Eventually, despite Felix’s best efforts to nudge it into a second week, all good things must come to an end and DJ Teddybear sums up to almost universal dozing.

He convicts and so understands that any appearance on Social Media for the rest of his life will be unwise and that he had better change the names of all his children and his pets.

However he leaves just enough unexploded bombs in his speech to ensure that Felix will appeal and let him off the hook.

Three months later. Court 4 again.]

DJT – What!!!!??? [Subsequent unjudicial language has been deleted at the instance of the Editor.].

MM – Sorry, Boss, it says .....‘Lord Justice Cocklecarrot will give the decision of the Court – to wit, that egregious and elementary errors leave this Court

with no alternative but to remit back to the Magistrates for a new hearing.....?’.

There’s a handwritten bit by his Lordship at the bottom of it, it says - ‘Nice try, Tedders.....’

[Waiting in Court 4, Selina now sports two pieces of tinsel and Felix has a more expensive suit, although the oligarch backers have insisted on a reduced hourly rate, protesting that this is a roll of wallpaper too far.]

MM (To a closed door) – Come on out, for God’s sake!

DJT – Allow it, Marty, I am boning up on sheep abuse.....

