SEC
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News from the South Eastern Circuit

THE CIRCUITEER

INSIDE THIS ISSUE

THE MEMORY TRAP

By Dr. Julia Shaw

Our memories, even our most important ones, can be just an illusion.

See page 10

RECORDERS OF CAMBRIDGE

By Judge Tony Bate

In the first of a two part article, Judge Tony Bate traces the history of this civic office and its recent revival in Cambridge, where he sat between 2007 and 2013 before moving to Norwich.

See page 16

Has the United States of America failed international justice by not signing up to the

International Criminal Court?

By Katherine Duncan

See page 13

LEADER'S REPORT

THE WAY TO MAKE THE CROWN COURT WORK

By Kerim Fuad QC

See page 3

EDITOR'S COLUMN


Karim Khalil QC

I type this looking out over an unusually sunny London day as the Pride March brings much-needed colour and joy to a beleaguered city. This seems to chime tunefully with the increasing awareness of the importance of tolerance and support for all, as Wellness at the Bar and elsewhere is taking central stage for professionals and politicians alike. A glance across the page allows our Circuit Leader to address some of the practical implications of trying to make our work places more attuned to the needs of those without whom "the system" will simply collapse: hopefully the recent Bar Protocol on Sitting Hours will be a welcome step in that direction.

The ambitious roll-out of the Bar-wide training in relation to the treatment of 'vulnerable witnesses' has placed a huge strain on many who are already involved in the most difficult work. The details of the local implementation of the arrangements for Section 28 Hearings and the related litigation will be critical to the success of the statutory initiatives – we rely on members of the Bar Messes to be vigilant in ensuring that the good intentions of this initiative do not become so burdensome that fine practitioners abandon this work: may I venture to suggest that the relations with implementing Judges have never been more important.

Once again the publicly funded sections of our profession are facing political uncertainty – so much effort had been expended on trying to confront and improve the GFS in criminal cases only to find that the Government surrendered its majority position and with it the Lord Chancellor … we can only lend our continuing support to those who work on our behalves to try and re-kindle the discussions, perhaps invigorated by the news of the end of austerity: or did I miss mention of lawyers, in the endless calls made for more money to be made available in the public sector?!

The arrival of the summer sun heralds the beginning of the big Charitable season – in addition to the increasing hours of pro bono work that we undertake, many are giving of their "leisure/free" time to try and make the world better for the less advantaged. So many initiatives are supported by the Bar that one is almost bound to cause upset by failing to mention them all, so please let us know about any special events so that they can be included in the next edition. Meanwhile, the annual Legal Walk has already raised much for many fine causes; the Legal Garden Party in Middle Temple provided a fun and sociable conduit for some spare pennies and the Prudential London100 cycle at the end of July will do likewise – feel free to witness the pain of many members of Drystone Chambers as we aim to improve on the £17,000 we raised last year.

The request for Judicial contributions continues to be well supported – we reveal part 1 of an historical view of the Recorders of Cambridge. No doubt there are similarly fascinating pockets of knowledge across the Circuit, so let no Judge keep their pen dry …

As ever, we extend a very warm welcome the many recent appointments and hope that the fabulous parties held in celebration are matched by continued success. Thank you to those who have served the Bar and Bench but who have recently retired, or announced an intention to do so. It really is a time of huge change on the Bench, as is revealed in our article focused upon the roll-call of Bailey Judges who are finding pastures new … it will surely not be long before another Inquiry is headed up by one of their number?

Have a wonderful summer; don't forget to make the most of our ability to travel to the EU without needing a Visa; return refreshed and looking forward to an Autumn full of promise – or at least another edition of The Circuiteer!

Many thanks to all who have contributed to this edition, with special thanks to my sub-editor, Adam Morgan, and the indefatigable Aaron Dolan who manages to 'persuade' so many to help The Circuiteer and the S.E Circuit. Sam Sullivan has surpassed himself in continuing to prepare the edition with his colourful eye and quiet patience in the face of my editorial delays.

Now, back onto the turbo trainer for another few hours of "virtual cycling" glory – Prudential London100 here I come!

Karim Khalil QC

Drystone Chambers
Editor *The Circuiteer*

If you wish to contribute any material to the next issue of The Circuiteer, please contact: Karim.KhalilQC@drystone.com

THE WAY TO MAKE THE CROWN COURT WORK


Kerim Fuad QC

by Kerim Fuad QC,

LEADER OF THE SOUTH EASTERN CIRCUIT

1. Enforce deadlines of the service of papers

For the criminal justice system to work efficiently, the CPS must serve the case papers **on time**, which must include a properly drafted indictment. Judges must enforce this robustly. If not, then it simply cannot practically work, as advocates will be operating under unworkable timelines. Solicitors simply do not have the resources at their disposal to waste valuable time chasing papers or reacting to the last minute service of papers.

2. Papers must be sent to the instructed advocate asap

Once served upon the solicitors, the papers must be sent to the advocate who will have responsibility of defending the case. Equally the CPS must send papers to instructed counsel. This should be now much easier as the case is simply uploaded onto DCS.

The advocates must be invited onto the Digital Case System there and then.

The CPS and defence solicitors must make the decision whether to instruct counsel, and electronically send them the papers in good time before the hearing, and preferably as soon as the CPS serve the papers on the solicitors.

3. Conferences: reasonable time for conference before hearing and other practical considerations

(a) Proper time must be given for the instructed advocate to have a **meaningful** conference with the defendant, either in person or on PVL, before the hearing. I am told, and have often experienced first-hand, that the waiting times for booking conferences at some prisons are up to 3/4 weeks' long (Eg HMP Pentonville). This is of crucial importance considering the issue of credit for pleas.

There is also the very real practical problem of the need for an advocate to get a *written endorsement* from a defendant of their desire to plead guilty, which cannot be done unless the defendant is there in person.

PVLs are often limited to 15 minutes. This is often not enough time for an effective conference, especially when the matter is complex or the defendant has mental health difficulties.

It is obviously far easier for an advocate to obtain the trust of a defendant, provide the robust advice often needed, and persuade them effectively to consider a guilty plea if the conference is face-to-face in the same room.

(b) Priority processing of advocates' visits over social visits at all prisons

Prison governors should ensure that, when both "legals" and "socials" arrive for prison visits, "the legals" are processed FIRST to ensure that they have maximum time with the client. At present, at HMP Belmarsh prison, an advocate always has to wait some time for "the socials" to be processed first by which time the slot allowed for your conference can go down to as little as 20 minutes.

(c) Prisons to inform both solicitors' firms and counsel's chambers if a prisoner is moved

Too often one attends a conference to learn that a prisoner "has been moved to a different prison." Simple communication is all that is needed by the prison. The prison must have the solicitors firms' and barristers' contact details on the system.

(d) Poaching

Many solicitors have expressed their concerns as to the increasing amount of applications to transfer legal aid. There are reports that some firms are actively poaching clients, even offering young clients something as simple as new trainers in return for the transfer. They do not understand why, in this modern age, prisons don't have the existing representation order available on their computer system so that only the firm who is shown on record is allowed access.

(e) The process for allowing advocates' laptops into prison must be made easy and nationwide. There must be adequate facilities for defendants to be able to see evidence electronically in prison.

4. Proper service of paginated and full bundle

The current payment scheme is based almost exclusively on a page count. We know that this will soon change. We await the government's response to the consultation response. However, for now, we are stuck with it. So in the meantime, to incentivise advocates, **a proper and full page count** (statements and exhibits) should be served before or **at the very latest** at the PTPH hearing (with a proper NAE signed etc). This will prevent cases being adjourned. Unreasonable and paltry service of the required papers for a case results in prosecution and defence advocates

being (sometimes heavily) penalised on fees. If the Crown rely on cell site, then serve it.

A case summary and hand-written statement from a complainant simply will not do. Pages of material that clearly form the basis of the case against a defendant must be served as part of the page count.

5. Inappropriate pressure at PTPH (I am told in some courts termed 'Pressure to Plead Hearings') – Judges saying: "Well there may be no/insufficient paperwork, but your client knows if he did it."

This must stop. Mark Fenhalls QC when Chair of the CBA, issued helpful guidance on this topic. The starting point is the Criminal Procedure Rules and Practice Direction. The Rules are fundamental to the whole approach as the rules constantly say.

"Overarching Principles" – Leveson Review- Proportionate disclosure to the defence (Paragraph 25).

Rule 8 of the Criminal Procedure Rules 2015 – initial details of the prosecution case.

Practice Direction Para 3A.4, 3A.12 (must be "sufficient to assist the court in order to identify the real issues and to give appropriate direction for an effective trial"), 3A.16.

6. Work done up-front/ employ more CPS case workers as current system does not work

This scheme can only be achieved if the work is front-loaded and done properly. In other words the police and CPS must do the majority of the work before arrest and the remainder finished very soon after charge. The CPS cannot cope at the moment as they are understaffed. I question how this can happen without at the very least employing more case workers. I am hearing regular reports from the police of them having uploaded the material onto their police system but thereafter the material not being uploaded by the CPS.

7. Don't list non-trial cases unless strictly necessary, rather have telephone/ email "hearings"

Judges and list officers should no longer list the case for Mention/PTR just because, for instance (and I stress not always the case), the CPS have failed to serve papers/act, but it is a sadly recurring theme.

More non-trial hearings should be achieved by telephone/email. Listing cases for advocates to give up sometimes most of their day to travel to a Court Centre can be just as easily achieved by telephone/email. This has the obvious advantage of saving court time and prevents wasting two or more advocates' time travelling large distances when their time could be better served on productive work on other cases.

The consequence for this is a defence advocate has to attend that hearing and his/her case fee is cut each time this happens, which is unjust and a waste of his/her time. The offending party should be the one who is obliged to attend court to explain. The result of the hearing/ Judge's order can be emailed to the other side or uploaded on the DCS. Telephone hearings or email communications will get rid of the majority of these time-sapping and costly hearings. It will then allow advocates to focus their time in the preparation of other cases.

8. Representation Order to be granted asap and be on the court system to be easily verified

Representation Orders must be in place in advance of any hearing. The system for applying for and granting them should be made as easy as possible. Advocates will not be paid otherwise. No one can be expected to attend any hearing for free. No Rep order, no hearing. It is getting better but still needs improving.

9. CPS lawyer to be in court building when PTPH hearings are listed

There should be at least one CPS lawyer physically present in every court building (more CPS lawyers in bigger Court Centres), who can make a decision on a case. Often pleas to lesser offences or a proposed basis of plea are offered at court and there must be a CPS lawyer who has the authority to make the decision.

10. Apply one nationwide system

There is a need for one uniform system across England and Wales.

If some courts "do their own thing" the system will never work

All court users must know where they stand and what is expected of them in every Court Centre, not be subject to the local whims or idiosyncrasies of a Judge.

11. If papers have been served at the 11th hour ,there should be capacity to adjourn the PTP Hearing for 7 days

The PTPH must be effective and meaningful so, if material has been served too late for anyone to do justice to it, prevent a pointless hearing by being able to email a judge and ask for a further 7 days. There should be one and only one PTPH hearing.

That is the whole point of the new scheme. Otherwise we will end up reverting to the old system of listing several hearings. A second hearing should be a rarity not the norm.

12. Case ownership/ accommodating advocates' trial dates.

Case ownership is the key to any scheme. Advocates do not work on cases unless they know that they are actually doing them, for under the current scheme they get paid nothing.

For the "not guilty" pleas/trials, judges must within reason take a **proper** and reasonable **account of, and accommodate, advocates' availability**. If prosecution and defence advocates are to have 'case ownership' (which they warmly welcome) and be expected to work on a case they should be allowed to do the case at PTPH and trial. Their 'dates to avoid' should be accommodated when possible, which is most of the time. If not, they will not be paid and all goodwill falls away. Work stops on a case. Who works for nothing?

Warned list cases are good examples of the

injustice of advocates preparing a case (for free) and then having it given to someone else through no fault of the advocate.

Junior advocates have told me of frequent occurrences when his/her warned list trials can be listed on three occasions and not be reached which is a waste of time and money.

If it is to be a trial, then advocates will only start working on a case when they know for sure that they are doing the trial. This is sadly inevitable and one of the worst side effects of the current Graduated Fee scheme. One can do many hours of preparation work on a case (Bad character applications and replies, Hearsay applications, defence statements, disclosure requests, opening notes, witness orders, editing ABEs, editing police interviews etc) and then be told that their availability is not taken into account and the trial has then passed to another advocate to do. A recipe for disaster and disillusionment.

Whose custody time limit is it?

A much-expressed view to me in recent weeks has been the perception that court statistics (listing cases at the soonest opportunity) are more important than simply waiting a couple of weeks longer for the lay or professional client to get the services of *the advocate of his/her choice to do the case*.

It is the client who is serving the time in custody, it is *their* custody time limit. If they are prepared to wait a further 2/3 weeks to get the advocate of their choice then that should be considered. The court can always make a note for their statistics that they offered an earlier date.

13. Do not overlist PTPH hearing lists, in particular custody cases

For defendants who are in custody, there are a limited amount of conference rooms in court buildings. Listing many custody cases means those who advocates who have recently received papers will not have the time nor there will there be enough conference rooms to have a meaningful conference. Often they will have to hang around all day wasting time waiting to get on.

Furthermore, prosecution counsel (who may be covering a few cases to make the day financially viable) needs sufficient time to liaise with the defence at court.

14. Do not list custody cases (whether PTPHs or trials) before 10.00am.

It never works. Custody vans arrive late far too often to most courts. The knock-on consequences are obvious. To list a custody case before 10.00am (some would in fact urge 10.15am) and expect an advocate to see a client (either simply to settle him down or in most cases take instructions, advise him for the first time and even settle a defence statement) is wildly optimistic.

15. Have more realistic 'business accommodating' trial sitting times

Sitting 9.30am to 4.45pm must end. It may artificially make court statistics look better, but is the enemy of good case preparation on all other cases. It means that advocates cannot work, or are severely restricted from working, on other cases. For instance they can't make phone calls to their solicitors/opponents on other cases. They can't travel to make those conferences on other cases. They cannot keep those other balls juggling to make the other cases under their responsibility move forward.

With unrealistic and onerous sitting times those with childcare or elderly parental care responsibilities are being discriminated against.

I have recently been told that some prisons have stopped their early evening conferences which will only make the problem worse.

Trial sitting times should therefore be 10.15am to 4.15pm unless there is very good reason to deviate (For instance a vulnerable witness needs to be finished in evidence).

This and related issues will be dealt with in detail in a Work/Life Protocol which is in its final stages of drafting.

16. Open up EFFECTIVE lines of communication between list offices, counsel, solicitors' offices and clerks' rooms

Many express dismay in most courts (I stress not all) at not being able to **properly communicate** with list officers before or after hearings. Some senior clerks have expressed the same frustration that they are limited to communication only by email contact, which sometimes is not replied to.

Counsel at court can often hugely assist the listing process IF they are allowed access to the list office before the hearing. (Oxford Crown Court is a good example of a 'hands on' and helpful list officer, David Lukom, who makes the whole thing work.)

17. Warned list cases

They have proven to be largely unworkable, provide uncertainty to advocates and of course through that uncertainty, considerable distress and inconvenience to prosecution witnesses, many of whom are young and vulnerable.

18. QC and Junior Counsel/HCA's cases

I understand that some Resident Judges are now being more proactive on QC and Junior advocate applications and are asking who the junior advocate is proposed to be. CVs are being asked for. The Judges are checking that the advocate has the necessary expertise and experience to carry on in the QC's absence (in the event of a Court of Appeal listing or Leader's illness). This is not an issue of whether one is independent counsel or an HCA. There are many HCAs who are good juniors, it is a case of appointing a junior with the requisite experience to actively assist on a substantial case that is required.

19. Resident Judges/ High Court Judges to also have the power to grant legal aid both for representation and for funding for experts.

The delay waiting for the LAA to act can cause delay and for trials to be adjourned.

I had an example of a murder trial where the Resident Judge, prosecution and defence QCs, and all experts, agreed that a neurologist was essential to the issue of diminished responsibility. Two written applications to the LAA were refused with the result that the trial was adjourned.

20. If a case is listed for trial and PREPARED for trial and the case goes into a second day, listed as 'part heard' then that first day should count as the first day of the trial

This absurdity has been going on too long when cases are 'listed for trial' and through no fault of the advocates who have attended all day (prepared and sat waiting all day for trial), the trial does not "start".

The first day of a trial should not be determined by a jury being sworn and/or live evidence being given. If a trial is "listed for trial", all advocates prepare for a trial. They travel to court and attend the court prepared for a trial.

If the case is adjourned to the next day there is always a reason for that (and in my experience nothing to do with prosecution and defence advocates). The advocate is obliged to remain and conduct the trial. The next day is day 2 of a part heard trial. What else *can* it be?

There is a linked injustice for all advocates that the second day of the trial does not attract a refresher. For the junior bar doing smaller cases they are deprived of a fee for the second day. I know of no other profession who are expected to work for free on the second day. This creates a perverse incentive to ensure that the trial goes into a third day, costing more money and wasting court time. This is going to be addressed with the new AGFS.

21. Judges to give indications on non-custodial disposal wherever possible in pre-sentence report sentencing hearings

To save a great deal of time in cases where a PSR is recommending a non-custodial disposal and that is the judge's thinking, judges should say so at the outset to cut down on lengthy and unnecessary mitigations.

22. Queens' Counsel/ Treasury Counsel to prosecute and defend all Murder trials

As a starting point, all murder trials should have QCs/TCs allocated both to prosecute and defend as a matter of course at the outset. The deceased's family deserves it, as does someone accused and facing their whole life in prison. Justice expects no less.

The delay in waiting for papers before the defence can formally make a written application for QC (which is hugely and frustratingly dependent on 'page count') holds serious cases back many weeks (sometimes months) when more focused work could be being done to shape and progress the case.

Every single murder trial that I have done has had hundreds of pages served in the week before the trial. It is quite obvious in the beginning (even from a basic case summary) of nearly every single one of these cases that a QC certificate will rightly be granted several weeks down the line, so grant it as a matter of course and let the work begin earlier.

23. Improve harmony between the Bench and the Bar/Communicate

Happy Bench, happy Bar. There has to be an open and constructive dialogue between the Judges and the Bar. There are many things that we each could do better. Identifying them and communicating them to each other will make for a more efficient and more pleasant working environment. The judiciary have their own distinct pressures in an ever increasingly bureaucratic system. Please bear that in mind as they, I hope, will bear our struggles in mind.

Each Court has a Bar Mess Chair in place (Please see the SEC website).

They report regularly with me. Please see them with any ideas you have to make it better at the Court Centre you regularly frequent. Please join and be active in your local Mess. You may well have ideas that can easily be actioned. Don't suffer in silence. They can only act if they are told what the issue is.

24. PTPHs/BCM/DCS

Keep providing us with your excellent ideas to improve the workings of the DCS. It can be improved.

For example, documents are being placed in the wrong sections, or repeated or not served at all etc. The plan is to make it as accessible and painless as possible for the Bar and Bench.

25. The death of court canteens

I cannot fail to comment on the general lack of canteen facilities in Crown Court Centres (Luton Crown Court being a notable exception). If we are striving to achieve efficiency of daily court time, this is a palpable failing in our court system.

This single backward step leads to a huge amount of court time being lost as jurors, judges and advocates have to leave the building to travel to buy food and water, then of course have to go through the whole security check all over again. Daft in this day and age.

26. Properly fund the whole system. OBVIOUSLY.

Conclusion

The feeling is that if we address these practical issues the scheme can work. Indeed the whole trial process will be efficient and save money and time.

The prosecution and defence Bar want it to work. The CPS and defence solicitor firms want it to work. Fewer hearings (fewer mentions and fewer unpaid separate sentencing hearings) and effective hearings where progress is actually made are welcomed.

The Digital Case system if engaged properly and consistently should make the management and overview of cases more efficient.

The Criminal Justice System runs largely on goodwill. If we can make the above happen we will restore much of it.

Kerim Fuad QC

Church Court Chambers
Leader of the SEC

Wellbeing at the Bar


Valerie Charbit

Valerie Charbit, the Recorder, is also the Circuit lead on Wellbeing. In this article she explains what she has learnt from her involvement in the Bar Council's Wellbeing project, and how the Circuit and individual barristers can make a difference.

"English lawyers and judges are hardwired to get on with the job. If the going gets tough, our default is to grin and bear it. The enjoyment of cases can rest on any number of factors: the law, the case content, the people involved, the venue, the judge, or the payment. However it has become apparent to me that where the parties involved make the process smoother and make a real effort to help the case progress, that one factor can be the most significant.

If you add to the mix of a case all of the other personal factors that might arise from any of the parties involved then it makes you realise how the professionals really do manage to keep a case running.

In the last few months, I have heard of barristers managing their practice with any number of their own personal difficulties from the mundane to the tragic, each of them with admirable stoicism. There are many times where the Bar or Bench set their personal life aside and prioritise professional obligations because that is what is required.

There are countless judges who assist the Bar when personal difficulties arise. Many barristers choose not to mention their difficulties or dare not do so but those judges who have helped and treated the Bar with kindness and compassion surely set an example to barristers who are better able to extend that kindness and compassion to one another, to clients and similarly to assist the bench wherever possible. When that happens it seems to me that must be the Bar and Bench working together at their best.

Kindness and compassion are qualities lawyers extend to most other people except themselves. If the daily diet and subject matter that the Bar and Bench deal with is traumatic, then how can barristers find support to cope? Where the content of work threatens to invade one's personal life how can the Bench or Bar find a way to cope or untangle the two? The answers must begin with speaking out just as Prince Harry has recently done.

So too should we now be willing to speak out and change our culture and talk more openly about the difficulties we face. Back to back sex cases are for the Bar or Bench a far from easy daily soundscape. Other professionals receive supervision and care in similar environments and yet the culture of the Bar and Bench means we do not yet have the ability to provide for ourselves the professional support that a journalist might receive for covering just a single case. If our virtual working lives mean that we spend less time in chambers and more time working remotely and in isolation, we are no longer able to offload onto one another and we must try to be more collegiate in sharing the support we have found elsewhere, speaking with one another more openly about what we have found that helps. There are many different ways to find support and the best way we can ensure we are a healthy and thriving profession is to share with one another those avenues we have personally found helpful without any shame or the need to prove we have a stiff upper lip.

So with that in mind we are hoping you will use your Bar messes, encourage juniors to engage with specialist bar associations and the Circuit and encourage those conversations. Let others know what has helped you or what your chambers does to ensure good communication and support and most importantly reach out and be kind to your fellow professionals. The Circuit cannot provide all the different therapies which might assist but it can support networks and ensure that members have places and events to share their challenges and experiences without feeling it is a sign of weakness. If you know someone is struggling tell them what has helped you and make sure they know that speaking out and sharing is a sign of strength not weakness.

The communication between the bar and bench on this Circuit needs to be further strengthened and this has always been done by bar messes and the Circuit. This year the CBA and Circuit plan to hold a Summer Ball for all to mingle and circulate instead of the traditional dinner.

If the Bar can make the judges lives easier and vice versa then we will have made sure the job maintains its best parts; the working friendships that have always been the foundation of life at the Bar. There are projects being worked on by the Circuit with a view to improving things. Take heart."

Valerie Charbit

2 Bedford Row

The Times They Are a-changin'

Wellbeing at the Bar

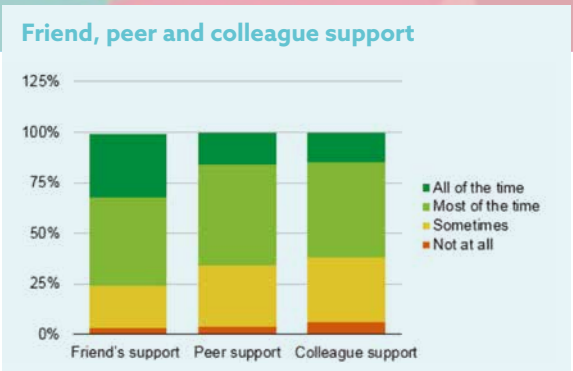
The wise words of a now celebrated Nobel Laureate and former Revolutionist aptly reflect the current progress of the Wellbeing at the Bar Program. We have 'gathered' from all Circuits, and specialist bar associations from the most junior to the most senior practitioner to recognise that 'the waters around us have grown, accepting that soon we'll be drenched to the bone' and thankfully for us we have acknowledged that our 'time is worth saving'!

The South Eastern Circuit has always been a strong supporter of the initiative to safeguard our health, wellbeing and quality of working lives. We are indebted to the commitment and unity of the current and former leadership and their executive, who from the grass roots of this program supported what many perceived to be a utopian scheme. We have tirelessly worked together to overcome the challenges and negative perceptions regarding wellbeing and mental health to gather data, personal experiences and information to respond to the growing phenomena of stress, anxiety and work related ill health at the Bar.

The research told us many things about our profession and the individual and environmental challenges that we face during our working lives, some of which was unsurprising, but this evidential foundation allowed the research to inform our actions and leadership to address the issues presented. A full copy of the results can be downloaded from the link in the footnote[1].

Since the research at the end of 2014 we have formed a working group comprising of a representative of every Inn, SBA and Circuit. Together they agreed a program of work aiming to: provide barristers and chambers' personnel with the information and skills they need in order to stay well; support members of the profession through difficulties that affect a barrister's professional life; and provide assistance to those responsible for or who are supporting those in difficulty or crisis.

The research told us that both employed and self-employed barristers found strong social support within the workplace. Social support is deemed to be protective of psychological health, with the deepest level of support within the self-employed bar coming from within chambers. Our daily connection to clerks and colleagues in chambers therefore make those around us the most natural first point of call to support, intervene and guide us to recognize or acknowledge changes in our behaviour or perceived risks and concerns for our health and working-life balance. 44% of barristers found their source of support from Chambers, 23% their Heads of Chambers, 32% their Clerk and 17% other colleagues.



But we don't all naturally possess the knowledge or confidence to have such conversations with colleagues, or raise the difficult question due to personal or professional challenge requiring us to ask clerks for respite to regain our usual resilience. This is why it is vital to equip all those within our profession, whether within the clerks room or chambers and those joining with the skill, self care awareness and the expectation to manage these difficulties, not if, but when they arise. Normalising practice management and mental health is paramount to investing in personal and professional performance and critical to sustaining the health and retention of the bar.

So where does one start? The Wellbeing at the Bar Portal provides guidance on 'having the conversation' either with a colleague or your clerk. Practical tips to help your conversation with a colleague may include:

- Finding a suitable time and quiet place for your discussion.
- Making a meaningful enquiry beyond "are you ok" which may give the unsurprising answer of "fine thanks" to "I'm a bit concerned about you because ..... (an honest observation of what is concerning you about their behaviour or working practices may help your colleague open up).
- Mind (the mental health charity) suggest avoiding comments such as "I'm sure it will pass", "cheer up" "things could be worse" or comments which may minimize the concerns of the person. During period of high-stress we tend to lose rational thinking and fatigue may lead to an inability to think clearly.
- Listen – without judgment or making comparisons to your own experiences or interrupting. Sometimes just allowing the colleague to speak about their issues is cathartic and may be enough. It may also allow them to vocalize and recognise the impact of the issue upon them and seek further help.
- Ask "what would help". The person may not have the answer immediately and simply knowing there is someone willing to support them or who is prepared to listen and guide them where they have lost their rationality can alleviate the immediate pressure and provide relief. Consider a practical response, this

[1] **Wellbeing at the Bar Report http://www.barcouncil.org.uk/media/348371/wellbeing_at_the_bar_report_april_2015__final_.pdf**

may involve helping to liaise with clerks or other professional colleagues if the individual is unable to face this, or encouraging them to have the conversation. Simple acts of kindness such as buying them lunch or reminding them of self-care and the important essentials of sleep, exercise, healthy food during a busy period when deadlines loom and the tendency to work longer hours, skipping meals causing energy levels and productivity to plummet.

- Be patient – people may not want to open up immediately, but knowing that you are open to listening is likely to encourage discussion when they are ready.
- Unless specifically asked, try to avoid problem solving statements seeking to provide solutions. Often people just want reassurance and knowing you will be there for them is enough.
- Stay calm. When faced with tears, frustration or anger it is natural to feel uncomfortable or feel the need to provide comfort. It can also be upsetting. Emotional expressions can be very cathartic and it is advisable to simply allow the person to express themselves without interruption. Let the person know that it is okay.
- Maintain confidentiality. Except for ethical situations where you may be obliged to disclose concerns, reassure your colleague that the discussion is in confidence. If you need further ethical guidance Bar Council operate a confidential ethical helpline to support practitioners.
- Remember that you are not a trained counsellor and signpost the colleague for professional help via their GP, Law Care or the Wellbeing Portal.

The Institute of Barristers Clerks and Legal Practice Managers Association have begun to undertake training within their membership to provide them with the information and skills from the business world, teaching them to 'optimize and manage their talent' and 'engage in difficult conversations'. Perfectionism and rumination were high risk factors identified by the research data of traits common to our profession. These two issues combined are clinically known to be risks leading to burn out. We now realize that those who burn out or leave the profession due to ill health or wellbeing issues could have either been prevented from such risks, or possibly rehabilitated and returned to continue their careers with greater self-care, knowledge and management. Fear, stigma and a lack of intervention strategy and recognition of the normal pressures are all barriers to preventative practice management and rehabilitation.

However we must acknowledge that our working environment and structures often present great challenges to our clerks and practice managers, as our own professional skills and demeanor can create an intimidating landscape to approach and navigate. We must all play our part in establishing bi-lateral support within our working relationships and structures to develop greater trust and traction for the initiatives now being undertaken.

Can we really change the culture? Yes we can! Equality and diversity within our profession is a testament to our ability, tenacity and commitment to change culture. In many other professions the investments in education and professional practice advising of the risks of poor work-life balance and the associated health and lifestyle impact is established. The Royal College of Surgeons and Vets and many City Law Firms have training inspired by the burgeoning developments of science and human performance to better equip them for the demands of a challenging vocation. We are now in the process with the help of the working group members of developing similar initiatives for new and continuing education. We need the profession to support and evaluate this training to adapt initiatives to our own areas of practice and develop better skills for managing the issues known to exist.

Can we adapt our behaviour and traits? Research suggests that individuals can change long held negative patterns of thinking and behaviour, thus improving wellbeing. Previous beliefs that our traits and characteristics are somehow fixed is no longer true, this is pertinent given the recent evidence of the challenges facing the profession within the wellbeing at the bar research and the clear appetite to address those issues. Learning from science and other professions can also assist us to develop greater knowledge and resilience for trauma, challenges and threats to our performance. Inner Temple will host a Forum sharing research from academics, clinicians and innovation with the 're-wiring the law' event on 29-30th June[2]. This is just one of the many initiatives that the working group have developed seeking to change the culture of the profession and create new pathways to manage our wellbeing and performance.

Since the launch of the Wellbeing at the Bar Portal in October 2016 there have been over 78,000 visits to the website. The Circuiteer has reported on the contents already and we are grateful to those members of Circuit who have contributed to it's development. We are seeking to add to the personal stories covering issues experienced by practitioners and how they managed them, we are also intending to include some 'talking therapies' from a clinician to aid common themes such as 'overcoming anxiety', 'managing trauma' and 'dealing with addiction'. There are growing case studies to support developing policy and practices within Chambers and inspiring events around the country seeking to present the evidence of the research, generate greater awareness and remove the stigma which a huge number of respondents to the original survey reported with regards to revealing their struggles.

The research and our own experiences told us that mental health is rarely spoken about amongst the profession, but with our own joint efforts and other high profile speakers, such as the 'Heads Together Project' we are addressing the stigma and normalizing the issues. There were those who believed such actions were impossible, others who perceived them as revolutionary and to those people we say that 'your old road is rapidly agin' and that 'the Times, They Are A-Changin'.

For more info on the Portal and Support for barristers, see www.wellbeingatthebar.org.uk/barristers-support

Contact Valerie Charbit, the South Eastern Circuit Representative of the Bar Council Working Group.

Rachel Spearing

Co-Founder and Chair of the Wellbeing at the Bar Project
Pump Court Chambers

[2] **Re-Wiring the Law Forum https://www.wellnessforlawuk.org for information and to register for the event.**

OUR MEMORIES, EVEN OUR MOST IMPORTANT ONES, CAN BE JUST AN ILLUSION


Dr. Julia Shaw

THE MEMORY TRAP

Picture this. You are in a room full of strangers and you are going around introducing yourself. You say your name to about a dozen people, and they say their names to you. How many of these names are you going to remember? More importantly, how many of these names are you going to mis-remember? Perhaps you call a person you just met John instead of Jacques. It happens all the time.

Now magnify the situation. You are talking to a significant other, and you disclose something important to them, perhaps even something traumatic. You might say you witnessed the London Bridge attacks in 2017. But, how can you know for sure that your memory is accurate? Like most people, you probably feel that mis-remembering someone's name is totally different from mis-remembering an important and emotional life event. That you could never forget the London attacks, and will always have stable and reliable memories of such atrocities.

I'm sure that is what those who witnessed 9/11, or the London Bombings, or the assassination of JFK also thought. However, when experimenters conduct research on the accuracy of these so-called 'flashbulb memories', they find that many people make grave errors in their recollections of important historical and personal events. As those involved with the legal system, we know that these errors can be more than just omissions, but it can be difficult to accept just how easily such memory mistakes can become a person's reality.

Confidently wrong

Much like our ability to switch the name John with Jacques without realizing, we can quite easily change details of more important events in our memories without noticing. We can come to remember seeing and doing things that never happened, and the sneaky part is that in our minds these errors look and feel just like our other memories. These kinds of memory errors are called 'false memories', and they are the subject of considerable study around the world.

According to the science of false memory, *all* of your memories are prone to corruption and distortion, even those you most cherish. Even now, if you were to try to recall exactly what happened during the London attacks, you would probably get some important details wrong. If I asked you in twenty years, your errors would almost certainly be even worse. Yet, despite this erosion in memory accuracy, research shows that you are likely to remain stubbornly confident in your memories. As our memories fade we often become confidently wrong.

Making matters worse, some people can hijack this process. When I say that people can hijack our memories, I mean that other people can convince us that we experienced things that either did not happen to *us*, or did not happen *at all*.

Innocent confessions

There have been a number of TV shows that have recently tried to elucidate the issue of people falsely confessing to things they did not do. One of the most recent shows that comes to mind is the viral Netflix sensation 'Making a Murderer' which explores the American

murder investigation of Steven Avery and his nephew Brendan Dassey.

In this series there are a number of police tactics that appear to have been used coercively and ultimately led to a false confession. Not just any confession, but a confession of murder. Seeing this process unfold in a documentary series justifiably outraged many viewers. For many, this was probably the first time they could understand how someone might come to confess to a crime they did not commit.

How did the police do it? For one, they badgered the suspect until he told the police the story they wanted to hear. The police understandably wanted to solve their case, and repeatedly hearing from their suspect that he was innocent was not the answer they were looking for. So, when the suspect didn't give them the details, they turned it around and started suggesting details to him – *"Who shot her in the head?"*, *"Did you cut her hair off?"*. After many hours of questioning our false confessor then simply started agreeing with the police and finally gave in. The suspect here was being compliant to end the police harassment. Had this continued, however, he could also have started to question his own innocence. *Maybe I did do it.* In situations where such self-doubt begins to take hold, we can begin to see fertile ground for a someone developing a false memory of the crime they didn't commit.

Unfortunately such tactics are not isolated to this case, and can happen anywhere. While the UK uses more evidence-based police interviewing methods, there is always potential for leading questions and assumptions filtering down into police questioning.

What false confession cases often have in common is that these individuals are slowly worn down with repeated questioning and accusations, and then they have so-called 'misinformation' suggested to them by authorities. Misinformation is simply any information that is inaccurate. Telling an innocent person they are guilty is a form of misinformation, as is giving them specific details that are inaccurate, such as what they might have done to hurt a victim.

In the worst-case scenarios, such false confessions can become more than just statements made to escape aggressive interviewers, they can even become 'internalised'.

Making memories

Internalised false confessions happen when someone confesses to a crime because they genuinely believe, and form memories of, a crime that they did not commit. This is where false memory research, including the research on flashbulb memories, intersects with criminal law and police practice. It is where we come to see that a legal system that relies so heavily on memories is perhaps playing with fire.

The two main psychological mechanisms at play when creating false memories are acceptance and imagination – individuals need to accept that they did something, and they need to try to imagine it happening. Suspects may already question their memories, so this might not be as hard as it seems. For example, if someone was drunk the night before questioning and could not remember the evening well, a police officer may get them to try to remember what must have happened. Since imagination can be pretty creative, if they try hard enough, they can probably come up with a scene that could have led to them committing a crime. Maybe assaulting a boss they loathe, or stealing something from a former lover. The possibilities are endless.

If the suspect combines their acceptance with imagination, it can lead to them believing incorrectly that they have accessed a memory of the event, rather than the fact that they just made it up. The only way to resist the process is to avoid the imagination exercises. Never try to picture what could have happened when being questioned by the police.

These processes are almost certainly not intentional. Most police-generated internalised false memories appear to be the by-product of a system which does not educate it's law enforcement on one of the most fundamental parts of the justice system – human memory. Without this education, like many people, police assume that the memories of witnesses, victims, and suspects are largely reliable. While unintentional, this lack of understanding regarding how memory works can still have terrible consequences, potentially generating rich false memories in those the police interview.

And, of course, false memory does not just affect defendants. Witnesses and victims are just as prone to misremembering events as suspects. According to the organization *The Innocence Project*, 70% of innocent people who have been cleared by DNA evidence were sentenced for crimes they did not commit because an eyewitness or victim misidentified the perpetrator. Witnesses and victims unfortunately also make big memory errors on a regular basis.

One key source of witnesses having false memories is the line of questioning used by police officers. By asking leading questions, suggesting information, and repeatedly having interviewees imagine an event happening, the police can use techniques known to make a "maybe I *could* have seen this" statement shift over time to a more definitive "I *did* see this" statement. Their memories are changing, potentially dramatically, without even realizing it.

False memories also creep in from outside of the criminal justice system. They can be generated by friends, family members, or even in therapeutic settings. Some of the still-popular psychological treatments in UK, including 'psychoanalysis' and 'regression therapy', are particularly problematic because of incorrect assumptions about memory and the use of imagination techniques.

Unfortunately once the false memories are there, research suggests that the false memories look and feel like real memories. This means that once the damage has been done, it is very likely that false memories are impossible to identify without independent evidence.

Memory Hackers

While most false memories are generated unintentionally, some are intentional. I like to call those who intentionally mess with memories 'memory hackers'.

I am one of these memory hackers. In 2015 I published a study with Stephen Porter in the academic journal *Psychological Science* that elucidates this. Through a series of three interviews

my participants came to believe they experienced a highly emotional event that never happened.

I asked the participants to first recall a true emotional true memory in detail. Then, I asked them about a second event, which was not true. I told them they had stolen something, assaulted someone, or assaulted someone with a weapon (a rock) as a teenager. I also told them that their best friend was there and that it happened in the city they actually grew up in – these were the true details that I used to make the scenario plausible, which I had obtained from the participants' parents. When participants could not recall the false event, I assured them that I had evidence that it happened, and that they could try to get the memory back by using a memory retrieval technique called 'guided imagery'.

Guided imagery is a potent imagination exercise, which involves people imagining what something could have been like. This is the perfect starting point for false memories. Over the course of three interviews, in each interview my participants remembered significantly more.. Simply by using this magic memory mix – misinformation, imagination, and repetition – 70% of my sample came to create a memory that they committed a crime, and 77% created false memories of other kinds of highly emotional events.

I found that not only did most participants give me many details about the events, but often the details were even 'multi-sensory'. Participants reported that they could remember seeing, hearing, smelling, feeling, and even tasting things in the memory. Note that this was after only three friendly 1-hour interviews in a research setting, so it is entirely possible that false memories are even more likely to wreak havoc in the kinds of highly stressful situations those involved in the criminal justice system may experience.

My sample was comprised of 60 young adults who were enrolled in a university in Canada. There were no noticeable intellectual disabilities or mental illnesses. Even their personality measures were normal. To me, and to other researchers who have done similar work, this suggests that richly detailed false memories of important life events can probably be created in just about anyone, given the right circumstances.

Now what?

Whether your memory is messing with itself, like when we mix up names or details of historical events, or when others interfere with our memory through interrogations, therapy, or memory hacking, it seems that our memories can be just an illusion.

But, if you think this declaration sounds bleak, then you misunderstand me. I think that the flexible and creative heap of neurons that form the foundation of your memories in your skull is the most beautiful thing about you. The flexibility of memory means that we can think abstractly, making associations between things that didn't happen in real life, and can solve puzzles by thinking about many different possible solutions.

Without the flexibility that comes with our memories we would also be unable to learn – we are able to rewrite information when better information comes along. We learn from our mistakes, even eventually overwriting our misremembered name John with *Jacques*.

I encourage you to embrace your clumsy, flimsy, faulty memory. On the same token I warn you be very cautious when other people try to convince you of their version of reality, as if you aren't careful their version of reality might become yours.

Don't get caught in the memory trap.

Dr. Julia Shaw

Psychological scientist, expert witness, and author of the international bestseller 'The Memory Illusion: Remembering, Forgetting, and the Science of False Memory', available from Penguin Random House.

ESSEX BAR MESS REPORT

An apology: HHJ Jonathan Black left us to go to Guildford, not (as wrongly suggested in the last update) Croydon. In our defence, Essex practitioners do tend to have a mental block once we go south of the Thames. We can differentiate between Southwark and Lewes (one of them has a warship alongside), but anything in between is a complete mystery.

In JB's place, HHJ Pugh has settled nicely into the happy team at Basildon.

Meanwhile, local practitioner Jonathan Seely has been appointed as a Circuit Judge at Chelmsford, being installed just in time for the annual Christmas buffet lunch. A nice feature of that regular event is that Judge Gratwicke always insists that he and his judicial colleagues serve the guests and clear up afterwards – it's a lovely touch and an opportunity to thank the staff for their appreciated goodwill over the past year. Very sadly we lost one of those staff members recently. John Owens suffered a fatal heart attack while on duty as an usher on 18th April. Unassuming but always very friendly, John was just 61. He will be greatly missed. John's family hope that memorial donations will be able to fund the provision of a defibrillator at the Court.

Perhaps inspired by Nick Bonehill's excellent effort in last year's London Marathon, the Essex judiciary led from the front in a sponsored 'Legal Walk' from Chelmsford Crown Court on 11th June. The distance was somewhat shorter than Nick's jaunt – 5.5 km – coincidentally the exact distance walked daily by advocates in order to reach the Court from the nearest affordable public parking … but we don't complain.

SOUTHEND PIERRE

Has the United States of America failed international justice by not signing up to the International Criminal Court?

That was the question posed by the War Crimes Committee at the International Bar Association Conference in Washington D.C. this year.

It is 70 years since the Nuremberg trials. The US has supported the ICC but has never ratified the treaty to become a member. The Committee held a mock trial, with the audience as the jury, to determine if the USA had failed international justice. The views expressed, were for the purposes of the debate.

The following is a report from the 'international trial'.

The trial was presided over by Hon Justice Martin Daubney, Supreme Court of Queensland.

Gregory Kehoe, Greenberg Traurig, counsel for the Prosecution opened his case that the "cause of justice dictates that we all come together".

The first witness for the Prosecution was Colonel (ret.) James Schoettler, Georgetown University. He gave evidence in relation to the US' concerns about jurisdiction.

The US has always taken a view that its domestic courts are sufficient to deal with war crimes. The US is concerned that if it ratifies the ICC Statute then its troops could be held accountable by the ICC – more often not for political purposes. However, the ICC is about addressing war crimes where national courts can't deal with it themselves. The jurisdiction of the ICC can only be invoked when a country is unwilling or unable to deal with the case. Furthermore, Colonel Schoettler, took the view that resources at the ICC are such that the court is not interested in the actions of an individual soldier. The ICC remit is to deal with the most serious of crimes, unless the actions are part of a state policy, the ICC is unlikely to get involved.

The Colonel acknowledged that there is a risk of leaders being brought before the court – for example a crime of aggression. There is a concern that you are giving a non-state actor a role in judging a political question – 'what is aggression?'

His evidence concluded that it is hard to address international crime outside of the ICC, and the US should join the ICC.

The second witness for the Prosecution was Benjamin Ferencz – the last living Prosecutor from the Nuremberg trial. He gave his evidence via video link.

Mr Ferencz stated that the US has failed to carry out its obligations from the second world war by not signing up to the ICC. The US' reputation on the world stage has been soiled because a small minority don't trust anyone else. He encouraged the court to remember to "turn to the law, not war".

Steven Kay QC, 9 Bedford Row, counsel for the Defence, opened the Defence case. He said that it is the duty of the US to preserve its sovereignty, and to not subject its citizens to a jurisdiction that may not be dispensing justice.

Caroline Buisman, ICC Defence Counsel, was the first witness for the Defence.

Her first concern was the Prosecutorial choices made by the ICC. Her evidence was that there is no transparency in the Prosecutor's offence so it is not known how the office makes its choices on who to prosecute. The ICC has a reputation for going for easy targets, for example Katanga.

Her next concern was the procedures of the institution. In her evidence she considered that Judges have their own political agenda. Any evidence can be admitted, and that includes anonymous triple hearsay. In Katanga all the evidence of the Prosecution was destroyed. The 'child' soldiers had all lied about their age and had not been in a militia. After waiting a year for the judgement, the judges decided to try him again, but for another charge, after all the evidence had been called and there was not an opportunity to mount for the defence to carry out its investigation. If this happened to an American citizen, the US would not be able to stop it.

Colonel Adam Oler, National War College, was the final witness for the defence. His evidence was that the US is involved in protecting international justice, but in other ways. The US gives money and support to bring war criminal to justice through its international reward programme. Other international tribunals are supported by the US financially, and with personnel. He also said that the US has passed legislation so that if the US gives arms to another country, the US can take steps if those arms are being misused.

In closing, the Prosecutor said that the US risks the development of international human rights law and armed conflict law, without being able to influence such development.

The defence, in closing, reminded the jury of the US' concerns about the quality of justice at the ICC.

The jury took time to consider and to vote. The jury of the IBA considered that the US had failed international justice by failing to join the ICC.

Katherine Duncan

5 St Andrew's Hill, London

Marine A

THE FOG OF LAW

The case of Acting Colour Sgt Alexander Blackman, commonly known as Marine A, is a controversial one. The actions of our servicemen are and must be regulated. Marines are public servants entrusted to combat the enemies of the UK and those who do so without restraint bring shame upon the nation. High standards are, quite rightly, expected of our soldiers. Resilience, self-control and integrity are imbued in our forces through rigorous training and selection and appear to be reasonable qualities to expect. Invincibility and perfection are not. This case was an instance of a nation expecting too much of its soldiers without appreciation of the extent and nature of the pressures they experience in active service. Those of us who defend servicemen must be alive to these issues.

Armed conflict is scrutinised more than ever before in history. Advances in technology, such as head cameras and other recording devices, have contributed to that but there remains an increasing legalisation of the battlefield. In principle, that creates no difficulty. Servicemen acting within the law will be unaffected and those who are not have no place in the British military. However, such relentless and unforgiving observation does not take into account the stressors upon our military. Increasingly our servicemen find themselves in conflict with insurgents prepared to use all tools at their disposal or with nations which are not signatories to the conventions that regulate armed conflict. This creates a situation where our servicemen are required to show restraint towards people who themselves show none. In fact, the current policy of 'courageous restraint' towards insurgents is one that has been criticised before by senior members of the Army. Back in 2010 Lt Gen Sir Nick Parker raised concerns that it was placing servicemen at risk.

On the face of it, the case of Marine A was a simple one. It involved the killing of an insurgent who was already disabled and therefore no longer a threat. It was said to amount to a cold blooded execution. At the time of the original trial in 2013 no psychiatric evidence was adduced and the psychiatric evidence subsequently produced for the sentencing hearing did not consider the 'adjustment disorder' from which it was discovered Alexander Blackman was suffering. By the time of the appeal, it did and his conviction was reduced from murder to manslaughter.

The case does hold an important lesson for those who act for servicemen. The issue of psychiatric injury must always be investigated to the fullest extent possible. Psychiatric evidence was considered in 2013. It just did not address the issue of adjustment disorder. It was the evidence at the appeal hearing of all three instructed psychiatrists, Professor Dr. Neil Greenberg, Dr Philip Joseph and Dr Orr that Alexander Blackman was suffering from an 'adjustment disorder of moderate severity' which had substantially impaired his ability to form a rational judgment and exercise self-control that persuaded the Court of Appeal (Court Martial Appeal Court) that diminished responsibility applied.

It is to be hoped that what happened to Alexander Blackman does not recur in our courts. All servicemen have stressors. They are away from home, separated from family, work long hours often in hostile territory and those involved in aggressive combat are at constant risk. Psychiatric damage can be harder to identify because such servicemen are often more stoical than the civilian population and there remains within the military a stigma attached to mental health issues so they are less likely to complain than others.

Furthermore, although adjustment disorder is a recognised medical condition, symptoms may be masked and not apparent even to the sufferer. A person with such a disorder may still be able to plan and act with apparent rationality. The fact that our lay clients can present well should not lead to a presumption that they do not suffer from the severest of disorders. It is of note that Alexander Blackman, in a pre-trial conference with his legal team including his initial leading counsel, specifically discussed whether psychiatric evidence needed to be obtained for his trial. Leading counsel advised that psychiatric assessment would only inform the court martial board of the background "rather than the evidence that [he] behaved in an out of character manner." The Alexander Blackman agreed with this expressing the view that he did not want to create a false or manufactured scenario.

In 2014 his initial sentence of life imprisonment with a minimum term of 10 years was reduced on appeal to one of eight years having regard to the evidence of Dr Orr that Alexander Blackman may have been suffering from a combat stress disorder which had gone undetected. The psychiatrist had made it clear in his initial report for sentence, though, that combat stress was no defence to criminal conduct but was an extenuating factor relevant to sentence. No consideration has been given to the possibility of adjustment disorder.

Certainly, Alexander Blackman did have additional pressures which, the Court of Appeal held, contributed to the effect on him of the adjustment disorder. His father had recently died of Parkinson's disease. He had not received the full pre-deployment training because he had taken time out as a result of his father's death. Trauma Risk Management training had not been available to him despite the fact that the scheme should have been operating in Afghanistan. He had recently lost the support of his junior officer who had been killed in action. The Padre did not visit Control Point ("CP") Omar because it was considered too dangerous and Alexander Blackman lacked others of his rank to whom he could speak freely. Also, the 'multiple' (or group) of the Royal Marines at CP Omar was undermanned by

nearly a third. The multiple that did exist was required to patrol between five to ten hours a day over rough ground in heat that was over fifty degrees centigrade when carrying a minimum of one hundred pounds of equipment. They should not have done morning and evening patrols but were sometimes required to because of manpower shortages. The evidence of the psychiatrist was that these factors alone might have led to diminished decision making.

In addition, it was difficult to detect the insurgents within the local population and ambushes by them and the threat of IEDS were a constant fear. The insurgents had inflicted severe casualties and treated dead bodies callously hanging limbs from trees. Alexander Blackman regarded himself as responsible for members of his troop and undertook additional patrols as a result. He felt he was, personally, readily identifiable by the insurgents and therefore could be targeted easily. Approximately a month before the incident two grenades were thrown at the appellant by insurgents and he narrowly avoided death. Further, there was, at least, a perception that there was a lack of support from the officer commanding J Company, the company with whom Alexander Blackman served. CP Omar was not physically secure and could easily have been overrun especially at night. These matters must have had the effect of intensifying the feelings of isolation at CP Omar and potentially impacted upon his state of mind at the time that he acted.

Indeed, in March 2017, the Court of Appeal concluded that, given his prior exemplary conduct, it was the combination of the stressors connected with his active service, other matters relating to his personal circumstances, namely, the death of his father from Parkinson's disease shortly prior to his deployment to Afghanistan and his adjustment disorder that substantially impaired his ability to form a rational judgment or to exercise self-control or provide an explanation for the killing of the insurgent.

The replacement of his conviction for murder with one of manslaughter by reason of diminished responsibility and the consequent reduction in sentence meant an almost immediate release. Ultimately a happy end may have been achieved for Alexander Blackman but his case is a salutary lesson for those of us who act in future cases of this nature. It is a sobering thought to consider that, according to the accepted evidence of Professor Greenberg, about 20-25% of combat troops deployed to Iraq and Afghanistan at some point suffered from a mental health difficulty and in 2012 and 2013 the most common form of mental health diagnosis, about one third of those diagnosed, were adjustment disorders.

Professor Greenberg also gave evidence, readily accepted by the court, that although all elite troops, such as Royal Marines, are trained to withstand stress and to be resilient, they too, like everyone, have their breaking point. We must not be complacent about what our military personnel suffer or fail to raise psychiatric evidence because they are reluctant or unable to complain.

Shaun Esprit | Jo Morris

Church Court Chambers

INTERNATIONAL CRIMINAL LAW AND HUMAN RIGHTS

On Wednesday 7 April 2017 the South Eastern Circuit in conjunction with the Human Rights Lawyers Association held an event on International Criminal Law and Human Rights. A panel made up of Wayne Jordash QC, of Global Rights Compliance and Doughty St Chambers, Megan Hirst of Doughty St Chambers, and Richard J Rogers of Global Diligence spoke on a panel chaired by the SEC's Michael Polak to a packed room at Middle Temple about how international criminal law can be used to secure human rights

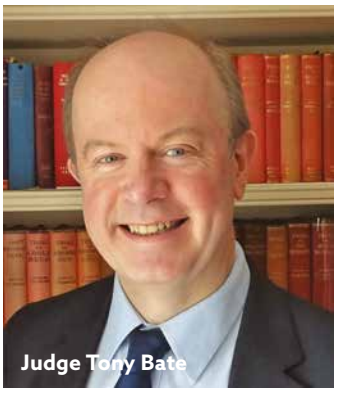
Mr Jordash QC covered the situation in Ukraine and the challenges that that country faces in upholding its obligations to prosecute those suspected of committing war crimes there whilst Ms Hirst explained how the representation of victims works in practice and how it might be improved to bring fairer results for those affected by grave crimes. Mr Rogers spoke about the Communication he has submitted on behalf of the victims of land-grabbing in Cambodia and the legal tests that he had to satisfy to build the case.

The talk was followed by a lengthy question and answer session and the opportunity for networking and discussion of the matters raised amongst the attendees and speakers.

This event is the first of a number that will be organised for SEC members throughout the year.

RECORDERS OF CAMBRIDGE

PART ONE



Judge Tony Bate

Visitors to most Crown Courts on our Circuit will nowadays see on the daily published list that the Resident Judge has the suffix of "Honorary Recorder" of that city or town. But where did this title come from? In the first of a two part article, Judge **Tony Bate** traces the history of this civic office and its recent revival in Cambridge, where he sat between 2007 and 2013 before moving to Norwich.

Sir Travers Humphreys

For hundreds of years, criminal cases not dealt with by magistrates were heard either at Quarter Sessions or at Assizes. Quarter Sessions juries tried misdemeanours (which we know as 'either way' offences) and felonies (triable only on indictment) were heard at Assizes by High Court Judges. Quarter Sessions also decided appeals from magistrates' courts. Borough Quarter Sessions were presided over by a practising barrister, usually an eminent silk, who was elected Recorder by its Mayor and Corporation. This required him also to perform some ceremonial duties and attend occasional civic events. In 1969 a Royal Commission chaired by Lord Beeching (better known for his report a few years earlier on British Railways) recommended that these two higher jurisdictions be merged and this was duly achieved by the Courts Act 1971.

This Act came into force on 1st January 1972 and created the Crown Court. The historic office of (say) Recorder of Cambridge lapsed with the abolition of its City Quarter Sessions. Section 54 of the Act preserved the power of a borough council to appoint an honorary recorder of the borough. However, it was rarely exercised until Lord Phillips LCJ published national Guidelines for local authorities in 2007, encouraging the much wider use of section 54 to promote closer civic links between local Crown Court centres and the city or town they served. Many revivals of Honorary Recorderships followed, with – for example – the Resident Judge being elected at Norwich in February 2008 (Peter Jacobs) and Cambridge in October 2013 (Gareth Hawkesworth). A few provincial cities had maintained the tradition, for example Oxford, where HH Judge Julian Hall was

appointed Recorder in 2002 and succeeded by Gordon Risius CB in 2011.

In the Judges' library at Cambridge Crown Court are the photographs of eight past Recorders of Cambridge who held office between 1926 and 1971. Five were later knighted upon appointment as Judges of the High Court. Four became Privy Councillors and one a Law Lord. This first article looks back at the distinguished careers of three of them.

Sir Travers Humphreys (1867 – 1956) was called to the Bar in 1889 and was one of Oscar Wilde's counsel at his trials (as libel plaintiff and then twice as an accused defendant) in 1895. Appointed Junior Treasury Counsel in 1908, he was a member of the prosecution team at several notable Old Bailey murder trials, including those of Dr. Crippen in 1910 and George Joseph Smith (the "Brides in the Bath" case) in 1915. He was promoted to First Senior Treasury Counsel in 1924 and knighted in 1925. He was Recorder of Cambridge between 1926 and 1928. He became a High Court Judge (King's Bench Division) in 1928 and was sworn of the Privy Council[1] in 1946. He retired in 1951. Aged 81, he tried John George Haigh (the Crawley "Acid Bath" murderer) at Lewes Assizes in July 1949. A waxwork of the Defendant later stood in Madame Tussaud's Chamber of Horrors.

Here are some extracts from Douglas Browne's biography of Sir Travers Humphreys, published in 1960:

"... After the wearing and unpleasant business of the Wilde trials he went to Dieppe that August with a fellow barrister. His clerk sending him news of a County Court brief that required his immediate attention, he sailed for Newhaven in the *S.S. Seaford* on the night of the 19th. 25 miles from the English coast, in a fog, the French cargo-steamer *Lyon* crashed into the *Seaford*, which sank in 40 minutes. There was only just enough time to transfer passengers and crew to the *Lyon*. They were landed at Newhaven and Humphreys was able to conduct his case in court and return to Dieppe the next night. He had left his French money with his friend, who in the interval had contrived to lose it, with his own, at the casino ..."

"... His expression, in early photographs, is eager and faintly amused, calling to mind a highly intelligent fox terrier ... As an advocate he was deceptively quiet and leisurely in voice, simple and lucid in speech, and scrupulously fair. 'He is so damned fair,' someone remarked of him, 'that he leaves nothing for the defence to say.' He could none the less be deadly as an examiner, for humanity and good manners were allied to an exceptionally acute mind."

"... Women barristers were first called to the English Bar in 1921. They had at first to face professional disapproval and even hostility. Humphreys himself confesses that he viewed the innovation with some alarm. But when it had long ceased to be one he was to add, 'I am glad to say that I am now satisfied that my fears were groundless ... The women barristers who appear before me seem almost without exception to do their work quietly and efficiently.' He goes to note a feature observable from the start – their curious addiction to criminal practice."

"... By the 1940s Humphreys was a dominating influence in the Court of Criminal Appeal and, on his retirement in 1951, the Lord Chief Justice (Lord Goddard) praised his invaluable contribution to the criminal law."

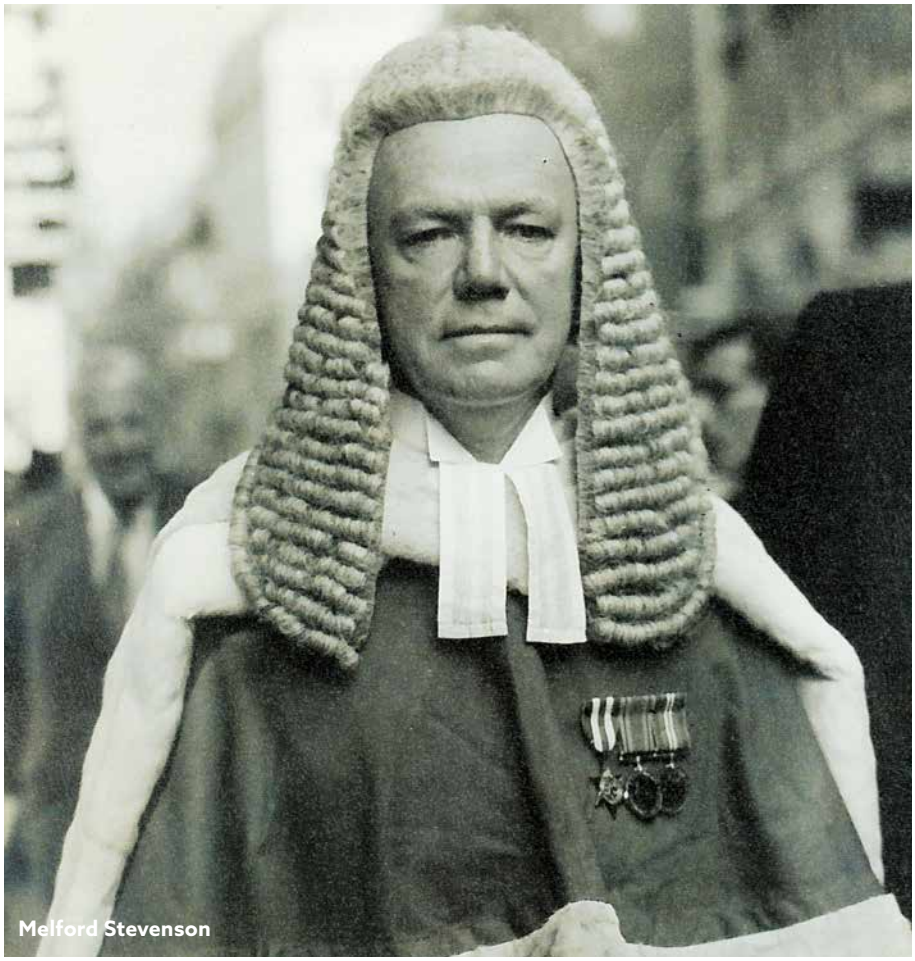
Melford Stevenson (1902 – 1987) served during the Second World War as a Major and Deputy Judge Advocate. He took Silk in 1943 and was Recorder of Cambridge between 1952 and 1957. He became a High Court Judge in 1957. He was assigned to the Probate, Divorce and Admiralty Division between 1957 and 1961 and to the Queen's Bench Division between 1961 and 1979. He was Presiding Judge of the South Eastern Circuit from 1970 until 1975 and was sworn of the Privy Council in 1973. He retired in 1979.

Here are some extracts from *The Daily Telegraph* obituary:

"... Regarded as one of the legal profession's most robust characters, the name of his house in Sussex, Truncheons [near Winchelsea] symbolised his singular blend of judicial toughness and humour. Upon his retirement after 22 years on the Bench at No. 1 Court, Old Bailey, he was likened to a lion.

Stevenson's caustic court-room comments frequently stirred up controversy. Bookmakers were disgusted by his description of them as 'a bunch of crooks' – as were Mancunians when he said of a husband in a divorce case: 'He chose to live in Manchester, a wholly incomprehensible choice for any free man to make.' He once told a man acquitted of rape: 'I see you come from Slough. It is a terrible place. You can go back there.' ...

Sentencing six Cambridge students [after a trial at Hertford Assizes – see below] for a demonstration against the Greek regime which caused extensive damage at the Garden House Hotel in February 1970, he caused a sensation by his remark that the sentences would have been more severe had the students not been 'exposed to the evil influence of some senior members of the University' ..."



Melford Stevenson

[1] TH shares this rare distinction for a puisne judge with Melford Stevenson

"... Although staunchly in favour of the death penalty – soon after his retirement he called for its return in all murders – Stevenson's career at the Bar included a notable defence brief – that of Ruth Ellis[2] who murdered her lover and became the last woman to be hanged in Britain. He also represented the Crown in Jomo Kenyatta's appeal against his conviction in the Mau Mau trial in Nairobi and was a member of the prosecution team in the famous murder trial of Dr Bodkin Adams, the Eastbourne physician [at the Old Bailey in March 1957]."

"...In retirement, Sir Melford earned something of an Indian summer on television where his trenchant views, laced with dry wit, earned him a wide circle of admirers."

The judge at the trial of Bodkin Adams was Sir Patrick Devlin. After the death of Dr Adams in 1983, Lord Devlin published a candid book about the trial called 'Easing the Passing'. Of Stevenson he wrote,

"... He was chosen by the Attorney-General [Sir Reginald Manningham-Buller] as his No. 2 and he shared his outlook on life. Without knowing what bodies, political or other, Melford belonged to, it would be safe to say that he was on the right of all of them. He became better known, even famous as a judge and the last of the grand eccentrics. He had a biting wit, much enjoyed by most of the Bar and not so much by litigants ..."

Melford Stevenson is perhaps best known for presiding over the 40-day trial of the Kray twins and others at the Old Bailey in early 1969 on a joined[3] Indictment charging them with the East End gangland murders of George Cornell and Jack "The Hat" McVitie in 1966 and 1967. Melford frequently sparred with John Platts-Mills Q.C. (who represented Ronald Kray). Here is one of the kinder exchanges between them:

"*Witness:* The more you question me, sir, the more I am remembering. You are jogging my memory.

Stevenson: That is a very frequent consequence of cross-examination.

Platts-Mills: With some witnesses.

Stevenson: And some cross examiners."

When sentencing, Melford's remarks were terse:

"Ronald Kray, I am not going to waste words on you. The sentence upon you is that you will go to life imprisonment. In my view, society has earned a rest from your activities and I recommend that you be detained for thirty years. Put him down."

Melford Stevenson tried fifteen alleged Garden House rioters in June 1970. Michael Eastham QC [see below] led John Blofeld [later Mr Justice Blofeld]. After a trial lasting seven working days, eight men were convicted and seven acquitted by the Hertford jury. A detailed summary of the facts is contained in the judgment of the Court of Appeal in *R. v. Caird and others* (1970) 54 Cr App R 499. Here are some extracts:

"... This vicious scene with attacks spreading over at least two and half hours was one which was an outrage in any community whether it occurred in some unsalubrious quarter of a dock city or a place like Cambridge ... some eighty police together with dogs had to be brought to the scene to restore order. The shambles had been achieved. Over £2,000 worth of damage had been done and the evening successfully devastated as a pleasurable occasion ... When there is wanton and vicious violence of gross degree the Court is not concerned with whether it originates from gang rivalry or from political motives. It is the degree of mob violence that matters and the extent to which the public peace is being broken. It makes no difference whether the mob has attacked a first-class hotel in Cambridge or some dance hall frequented by the less well-circumstanced ... The general scale of the sentences adopted by the trial judge on this occasion was stern – but correctly so ... Gross affronts to good order cannot be lightly treated and those of adult age cannot claim to be an exception because they are students."

The Court of Appeal set aside Melford Stevenson's order of imprisonment for contempt in *Balogh v. St Albans Crown Court*. Its unusual facts are set out in Lord Denning's unique prose style at [1974] 3 All E.R. 283:

"There is a new Court House at St. Albans. It is air-conditioned. In May of this year the Crown Court was sitting there. A case was being tried about pornographic films and books. Stephen Balogh was there each day. He was a casual hand employed by solicitors for the defence, just as a clerk at £5 a day, knowing no law. The case dragged on and on. He got exceedingly bored. He made a plan to liven it up. He knew something about a gas called nitrous oxide (N 2 O). It gives an exhilarating effect when inhaled. It is called "laughing gas." He had learned all about it at Oxford. During the trial he took a half cylinder of it from the hospital car park. He carried it about with him in his brief case. His plan was to put the cylinder at the inlet to the ventilating system and to release the gas into the court. It would emerge from the outlets which were just in front of counsel's row. So the gas, he thought, would enliven their speeches. It would be diverting for the others. A relief from the tedium of pornography.

So one night when it was dark he got on to the roof of the court house. He did it by going up from the public gallery. He found the ventilating ducts and decided where to put the cylinder. Next morning, soon after the court sat, at 11.15, he took his brief case, with the cylinder in it, into court no. 1. That was not the pornography court. It was the next door court. It was the only court which had a door leading up to the roof. He put the brief case on a seat at the back of the public gallery. He was waiting for a moment when he could slip up to the roof without anyone seeing him. But the moment never came. He had been seen on the night before. The officers of the court had watched him go up to the roof. So in the morning they kept an eye on him. They saw him put down his brief case. When he left for a moment, they took it up. They were careful. There might be a bomb in it. They opened it. They took out the cylinder. They examined it and found out what it was. They got hold of Balogh. They cautioned him. He told them frankly just what he had done. They charged him with stealing a bottle of nitrous oxide. He admitted it.

They kept him in custody and reported the matter to Melford Stevenson J. who was presiding in court no. 1 (not the pornography court). At the end of the day's hearing, the judge had Balogh brought before him. The police inspector gave evidence. Balogh admitted it was all true. He meant it as a joke. But the judge thought differently. He was not amused. To him it was no laughing matter. It was a very serious contempt of court. Balogh said:

"I am actually in the wrong court at the moment. ... The proceedings which I intended to subvert are next door. Therefore, it is not contempt against your court for which I should he tried."

The judge replied:

"You were obviously intending at least to disturb the proceedings going on in courts in this building, of which this is one ... You will remain in custody tonight and I will consider what penalty I impose on you ... in the morning."

Next morning Balogh was brought again before the judge. The inspector gave evidence of his background. Balogh was asked if he had anything to say. He said:

"I do not feel competent to conduct it myself. I am not represented in court. I have committed no contempt. I was arrested for the theft of the bottle. No further charges have been preferred."

[2] The 1955 Ellis prosecution was led by Senior Treasury Counsel Christmas Humphreys (son of Sir Travers) and himself made an Old Bailey judge in 1968.

[3] The joinder decision was upheld in the Court of Appeal: (1969) 53 Cr. App. R. 569. The judgment contains a detailed summary of the facts. Many books have since been written about the case.


Michael Eastham

The judge gave sentence:

"It is difficult to imagine a more serious contempt of court and the consequences might have been very grave if you had carried out your express intention. I am not going to overlook this and you will go to prison for six months ... I am not dealing with any charge for theft ... I am exercising the jurisdiction to deal with the contempt of court which has been vested in this court for hundreds of years. That is the basis on which you will now go to prison for six months."

Balogh made an uncouth insult:

"You are a humourless automaton. Why don't you self-destruct?"

He was taken away to serve his sentence.

Eleven days later he wrote from prison to the Official Solicitor. In it he acknowledged that his behaviour had been contemptible, and that he was now thoroughly humbled. He asked to be allowed to apologise in the hope that his contempt would be purged. The Official Solicitor arranged at once for counsel to be instructed, with the result that the appeal has come to this court ... ...

... ... So here Mr. Balogh had the criminal intent to disrupt the court, but that is not enough. He was guilty of stealing the cylinder, but no more. On this short ground we think the judge was in error. We have already allowed the appeal on this ground. But, even if there had not been this ground, I should have thought that the sentence of six months was excessive. Balogh spent 14 days in prison: and he has now apologised. That is enough to purge his contempt, if contempt it was ... There is a lesson to be learned from the recent cases on this subject. It is particularly appropriate at the present time.

The new Crown Courts are in being. The judges of them have not yet acquired the prestige of the Red Judge when he went on Assize. His robes and bearing made everyone alike stand in awe of him. Rarely did he need to exercise his great power of summary punishment. Yet there is just as much need for the Crown Court to maintain its dignity and authority. The judges of it should not hesitate to exercise the authority they inherit from the past.

Insults are best treated with disdain – save when they are gross and scandalous. Refusal to answer with admonishment – save where it is vital to know the answer. But disruption of the court or threats to witnesses or to jurors should be visited with immediate arrest. Then a remand in custody and, if it can be arranged, representation by counsel. If it comes to a sentence, let it be such as the offence deserves – with the comforting reflection that, if it is in error, there is an appeal to this court. The present case is a good instance. The judge acted with a firmness which became him. As it happened, he went too far. That is no reproach to him. It only shows the wisdom of having an appeal."

Michael Eastham (1920 – 1993) was the last Recorder of Cambridge to chair its Quarter Sessions. He held that part-time office for just eight months, between 6th April and 31st December 1971. He served with the Queen's Royal Regiment during the Second World War. This included raids in small boats on the French coast when he was attached to the Commandos. He took Silk in 1964 and became a High Court Judge (Family Division) in 1978. He died in office in 1993. Here are some extracts from the Independent obituary:

"... His 14 years as leading counsel saw Michael Eastham become one of the giants of the common law bar. His quickness of intellect left most opponents and judges struggling to keep up. He was an extremely forceful advocate. He had unusually bright and penetrating eyes. Normally they carried a twinkle, but he used them to great effect in cross- examination: there were few witnesses who could look him in the eye when answering an awkward question .... "

"... As a judge he was known for his lack of pomposity, his human understanding and the speed with which he could grasp the essential points of a complex case ... He was always something of a rebel himself. He was convinced he had failed in his ambition to gain a High Court appointment, even though he had been elected a Bencher of Lincoln's Inn and had been appointed Recorder of Deal and then of Cambridge. The latter had always been a sure pointer to the High Court Bench. He used to describe himself as 'Chairman of the Passover Club' ..."

"... When the appointment finally came, at the age of 58, it was to the Family Division, with which he had not been particularly associated in silk. Many feared he would be bored and would agitate for transfer to the Queen's Bench Division. In fact his down-to-earth manner and his understanding of human frailty made him a skilled and compassionate judge ideal for family work. He was perhaps at his best in the big financial disputes, such as those of Mick Jagger and Baron von Thyssen ..."

The next article will look back at two more holders of the old Recordership of Cambridge and the first after its revival (HH Judge Gareth Hawkesworth).

A.B., 1st June, 2017.

His Honour Judge Anthony Bate

Norwich Crown Court

Two recent dinners for the Circuit...

Bar Mess Chairs Dinner

17th March 2017, Lady Ottoline

This year we have already seen the Circuit calendar marked by two wonderful dinners, superbly organised by Aaron Dolan.

The first was the annual meeting of the Chairs of the SEC Bar Messes at the Lady Ottoline pub in Central London on 17th March 2017. It was warmly hosted by Kerim Fuad QC.

This was a particularly well-attended dinner, with the representatives of the Bar Messes packed around the large dining table.

Kerim, knowing his audience well, gave a short but stimulating speech that helped to form the topics of conversation at dinner: the MoJ's consultation on AGFS reform,

the role and revival of Bar Messes and more recent initiatives to improve well-being at the bar.

The Chairs shared the stories (and problems) they have heard from barristers practising within their local mess. This exchange helped us to understand that there are similar issues encountered across the Circuit. We were reminded how important a role the Bar Messes play in acting as a port of call to raise issues that affect our daily practice, be that lack of catering facilities to a trend towards extra-early listings.

By dessert, the topics had moved on from work, but I was still receiving some sage advice about how to deal with the stresses of this job (gardening seemed a popular choice on my end of the table).

The Leader thanked the Bar Mess Chairs for their hard work and valuable contributions to improving Circuit-life.

A Dinner in Honour of the Retiring Old Bailey Judges

19th May 2017, Vintners' Hall

There was much to celebrate at the dinner in honour of the Retiring Old Bailey Judges held at the very grand venue of Vintners' Hall. It was hosted by the Criminal Bar Association and the South Eastern Circuit in conjunction with the Central Criminal Court Bar Mess.

The retiring judges were thanked by our Leader, Kerim Fuad QC, and Chair of the Criminal Bar Association, Francis Fitzgibbon QC. However, it was Mark Heywood QC, Chair of the Central London Bar Mess, who had the task of delivering the speech to thank each of the retiring judges. Each judge was assigned a player a football team – it was a perfect and witty analysis that left the audience laughing throughout.

It is sad to think about the wealth of experience and knowledge that will be lost at the departure of all those the dinner was intended to celebrate. But it was held in a suitably grand venue, with a suitably convivial atmosphere to make a fitting send-off for our learned judges.

Top Table
HHJ Richard Hone QC
HHJ John Bevan QC
Angela Rafferty QC
HHJ Peter Rook QC
Francis FitzGibbon QC
Mark Heywood QC
Kerim Fuad QC
HHJ Anthony Morris QC
Tania Fuad
HHJ Stephen Kramer QC
HHJ Gerald Gordon
Table 1
Catherine Waters
HHJ Michael Topolski QC
HHJ Sally Cahill QC
Brian Altman QC
Tom Little
Jocelyn Ledward
Simon Denison QC
Deanna Heer
Bill Emlyn Jones
Jacob Hallam QC
Anthony Orchard QC
Sarah Vine
HHJ Nigel Lithman QC
Mark Fenhalls QC
Sonya Saul
Charles Miskin QC
Louise Oakley
Dean George
Richard Whittam QC
Paul Raudnitz
James Manning
Edward Brown QC
Edward Henry
Edward Henry+1
John Hilton QC
William Clegg QC
Michael Wolkind QC
Douglas Day QC
Louise Sweet QC
Rupert Pardoe
Kate Lumsdon
Mr. Justice Lavender
Malcolm Fortune
Duncan Penny QC
Anesta Weekes QC
Duncan Atkinson QC
Louis Mably QC
Tim Cray
Alison Morgan
Oliver Glasgow QC
Sarah Forshaw QC
HH Peter Thornton QC
Valerie Charbit
HHJ Richard Marks QC
Table 2
HHJ Anuja Dhir QC
HH Timothy Pontius
HHJ Kaly Kaul QC
HHJ John Dodd QC
Margeret Dodd
Dafna Spiro
Henry Blaxland QC
Lucie Wibberley
Keir Monteith
Tyrone Smith QC
HHJ Patricia Lees
HHJ Simon Wilkinson
Sebastian Gardiner
Melanie Simpson
Kevin Molloy
Fiona McAddy
Stephen Bailey
Zubair Ahmad
Sallie Bennett Jenkins QC
Harry Bentley
Andrew Radcliffe QC
Brendan Kelly QC
Brian ONeill QC
David Waters QC
Martin Heslop QC
Sarah Przybylska
Shaun Esprit
Ivor Frank
Colin Witcher
Chiara Maddocks
Jeremy Dein QC
Diana Ellis QC
Simon Pentol
Aisling Byrnes
Paul Mendelle QC
Laurie Anne Power
James Holland
Michael Turner QC
Judy Khan QC
HHJ Noel Lucas QC
Anya Lewis
HHJ Christopher Moss QC
HHJ Rebecca Poulet QC
HHJ Anthony Leonard QC
Table 3
HHJ Nicholas Hilliard QC)
HHJ Wendy Joseph QC
HH Paul Worsley QC
Riel Karmy-Jones QC
Max Hill QC
Sophie Shotton
Toby Long
Michelle Nelson
David Malone
Grace Ong
Jeremy Benson QC
Ian Leist QC
Kirsty Brimelow QC
Garry Green
Sally O'Neill QC
Michael Latham
Pippa McAtasney QC
Joel Smith
Caroline Carberry QC
Lisa Wilson
Paul Jarvis
Annette Henry QC
Nicholas Purnell
Tony Badenoch QC
Alexia Power
Patrick Gibbs QC
Catherine Brown
George Payne
Charlotte Yarrow
Giles Cockings QC
Juliet Donovan
Oliver Blunt QC
Lisa Wilding QC
Alexander Milne QC
Ian Mcloughlin
Paramjit Ahluwalia
Anthony Arlidge QC
Ken Millett
Rosina Cottage QC
HHJ Gregory Perrins
Gillian Jones QC
Richard Sutton QC
Helena Duong
HHJ Nicholas Cooke QC
HHJ Sarah Munro QC