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EDITOR'S COLUMN

Welcome to the Circuiteer

Let history note that I have ended up as editor of this august publication following the most rigorous selection procedure imaginable. However, let the record show that I actually ended up as editor of the Circuiteer because our new Leader, Leon Kazakos KC let it be known that he couldn't be both editor of the Circuiteer and Leader of the Circuit. I was tempted to point out that I was disappointed at his unwillingness to multitask, but thought better of it. I recalled a successful business man once telling me "Identifying problems is easy, I need solutions" and so I decided it would be better to help out, volunteer my services, limited as they are and so here I am. Once you make such an offer to anyone on the SEC committee there is no such thing as a 14-day cooling off period. Volunteering for work is undoubtedly a key feature of life as a criminal barrister.

If you ask the average person in the street what a barrister does, 9 out of 10 would give an answer which would make you think the only barristers in practice were criminal barristers. The reasons for this are not complicated and require no great analysis. The public, as jurors, get to partake in criminal trials and indeed, they are trusted with real power and responsibility as part of the process. Historically many criminal cases have attracted the attention of the public and so were widely reported in the press. Television has seen an increase in that reporting and indeed ushered in an era of TV drama that ensured more than one generation have been brought up on a diet of shows that range from Crown Court in the 1970's, through to Rumpole

of the Bailey, Kavanagh QC and more recently Silk. Commissioning editors are yet to give a green light to a series centred around the work of a Chancery lawyer getting vexed about the law on Trusts for the simple reason it doesn't make good TV. Whether it's deserved or not we are very much front and centre in the minds of the public when it comes to perceptions of how the law is applied in practice. It is the Criminal Bar which is the public face of the Bar as a whole and without it I would suggest the whole barristerial branch of the legal profession would be under threat. Other areas of practice, such as commercial law have a more international reach and the recent uptick in inquires of one form or another sees the regular instruction of non-criminal practitioners. But it is still criminal barristers who have real standing in the minds of the public. The profession has always had its challenges.

The Circuit has never shied away from being realistic about the challenges we face as a profession. Set against those challenges the Circuiteer, through the articles it publishes shows that you, the members of this noble profession are not alone in facing those challenges. The South Eastern Circuit is your circuit just as the local Bar Messes are your Bar Messes. If I can ask one thing it is that you do get involved and engage as there is safety in numbers and the more organised we are, the better protected we will be.

I read recently an article on the next big thing that poses a threat to us all in more ways than one: Artificial Intelligence. Those bringing this potential threat to our attention are, worryingly those working

at the forefront of this new technology. If you think AI was something Hollywood relies on to make popcorn movies for our entertainment, or was something that may only impact those working on assembly lines or possibly in some areas of medicine, think again. In a recent Reuters article, it was reported AI in the US can "now outperform most law school graduates on the bar exam, the gruelling two-day test aspiring lawyers must pass to practice law in the United States". AI can already be programmed to write university standard essays and indeed compose news articles. Will it be long before AI can write legal advices let alone perform the function of Judges or indeed counsel? Will AI decide what charge a suspect should face? Has the sentencing exercise, once an area for creative advocacy not already been reduced through the application of sentencing guidelines to a glorified algorithm?

And so to the immediate future. We have a new PM, a new Lord Chancellor in Alex Chalk MP and as you know by now a very able new Leader of the Circuit. So I am hopeful. The new Lord Chancellor I recall prosecuted me when he was a junior barrister. I noted at the time that he struck me as a thoroughly decent individual, hardworking, professional and good. It is a relief that for us we have someone in that post who was recently practising at the criminal Bar. He should not take much persuading to appreciate that the years of poor fees has discouraged many from joining the Criminal Bar and indeed many of our existing junior barristers are actively leaving as they can make significantly

If you wish to contribute any material to the next issue of The Circuiteer, please contact: K.Molloy@churchcourtchambers.co.uk

more money doing other areas of work. He should also recall how unfit many of our Crown Courts are for the service they are supposed to provide. Try finding a suitable place to have a CVP hearing in any of our courts and you will struggle. Seeing counsel in a robing room having a CVP hearing is common. Finding others in a public corridor is also common. In short most courts just look tired and outdated and yet there seems to be a focus on spending what funds are available on building more prisons.

The declared priorities of the Ministry of Justice, as can be found on their website are as follows: firstly, to protect the public from serious offenders and improve the safety and security of our prisons, secondly to reduce reoffending and thirdly to deliver swift access to justice. These declared priorities seem to have been somewhat neglected of late. It is highly debatable whether locking up more offenders for longer protects the public in the long run. Most custodial sentences have of course significantly increased over the last 20 years. I note that the prisons are now dangerously overcrowded and so are becoming increasingly unsafe. The huge increase in our prison population (up by around 20,000 in last 20 years) suggests there has been no real reduction in offending behaviour. And finally with regard to the swift access to justice...well we all are familiar with the ongoing delays in getting cases to trial. Last month I fixed a murder trial for July 2024.

Not that all this can be laid at the door of the new Lord Chancellor but I do hope he is alive to these issues and will work with the profession and the likes of Leon Kazakos KC in finding solutions.

Within this edition of the *Circuiteer* I do hope you have cause to find some

positivity. I am grateful to Tomas McGarvey who was kind enough to secure an interview with HHJ Rafferty KC. I have always been interested in the "journey" people take to reach their full potential and her story is one that I know has inspired many. Tomas is also a member of the London Irish Lawyers Association and having organised a major event earlier this year HHJ Rafferty KC was the guest speaker. I hope to get articles in the future from other similar, relevant organisations. I was personally delighted to see my friend Maria Karaikos KC getting silk this year and I'm grateful to her for taking the time to share her story too, the title of her article is "The Journey".

You will also find an article and some photos from the Bar Mock Trial National Final which was held at the RCJ in March 2023. There are few things more self-affirming than seeing young people filled with such enthusiasm for your profession. Danielle Manson wrote a thoughtful review on the play *Prima Facie* and in that article she discusses some of the issues the play raises. My thanks to her for taking the time to write it. Alex Khan and Rebecca Noble have written an article to explain why Women in Criminal Law and the Women's Faces Project is so important, so I invite you all to read it.

In Memoriam. It is always especially sad to read about the passing of great barristers and Judges who were also much-loved people. Can I thank those who have taken the time to write such warm words about their former colleagues. I had the pleasure of knowing Anthony Arlidge KC well enough to have co-defended with him and to have shared many a laugh with him. As company goes, he was pure gold. Allan Alexander Cameron KC was hugely

respected both as an advocate and as a Head of Chambers. It is a tragedy for all, especially his family and friends, that he passed away so young. And finally, HH Simon Wilkinson who was clearly much respected and hugely popular.

Podcasts. This is a relatively new phenomenon. I, like many, used to read a book on the train or tube, listen to some music and I may have even progressed for a short while to E-books. For whatever reason I've found myself listening less and less to mainstream news channels and I know few who buy newspapers these days. I started listening to podcasts and discovered you can find respected commentators and indeed some former mainstream newsreaders giving you not just news but opinions too. This was indeed refreshing. I also have a love of history and I've discovered a whole world of history podcasts and documentaries all online and all for free. The "top 10" podcasts should not be taken too seriously and are gleaned from suggestions others have made. If you haven't discovered the world of podcasts, you are missing out.

Finally, a big thanks to Leon Kazakos KC, simply because he is the new Leader and I have every faith in him. Can I also thank our former Leader Christine Agnew KC. She was a Leader at a time when the profession was facing tremendous challenges and she guided us through it all with skill and aplomb. Can I also thank Harriet Devey, we would not function without her. She asks, she reminds, she does. A holy trinity of efficiency. She in conjunction with Aaron Dolan are the North Star by which we are all guided.

Kevin Molloy

- Church Court Chambers
- Editor of *The Circuiteer*



LEADER'S REPORT

Leon Kazakos KC
LEADER OF THE SOUTH EASTERN CIRCUIT

It is a great privilege to lead this Circuit, and I hope that over the next two years I will live up to your expectations, which should be high. They should be high in the main because of the commitment and imagination of Christine Agnew KC, who retired as Leader in December and to whom we all owe a debt of considerable magnitude for her work as the Circuit came out of the pandemic.

Although I lead, the work of the Circuit is always a team effort. I am extremely grateful to the Executive Committee for their support, hard work and commitment to improving the working lives of every member of the Bar in the South East. I would like to make, if I can without embarrassing him too much, special mention of Paul Cavin KC, our Treasurer, who has worked for many years without fanfare to manage, represent and support the Circuit – in addition to his busy professional life.

I would also like to thank the Chairs of the Bar Messes, and their teams. They often work at short notice to help solve issues at their courts as and when they arise, in addition to their role in arranging social events where members of the Bar, court staff and Judiciary can speak to each other in rather more relaxed surroundings than usual. Please make an effort to join the messes, they are invaluable. Recent parties at Kingston Crown Court and with the North London Bar Mess are an example of how members of this profession support each other and keep open lines of communication for those occasions when times become trying.

Practitioners are busier than ever, notably in Criminal and Family work and the work of the Circuit and Specialist Bar Associations continues – to lobby on behalf of the Bar and to make the case for improvements wherever we are able to make change. As the Government has made more time available for Judges to sit, and with a well recorded backlog (the reasons for which will be known to all of us), there is substantial pressure on each and every one of you to advise and represent, and to maintain the standard of excellence.

The Circuit is here to help you with any issue you have in your working life, whatever your specialism. Whether the problem is with listing, the availability of CVP, incidents of poor behaviour by others that need intervention or more generally, If you are struggling, do not do so alone. If you have complaints or constructive suggestions which you would like given a wider audience, please let me know. If you simply wish to record an issue in case it arises again elsewhere, please write or call me in confidence. I continue to make the case for communication on listing and trial management, so that the system is joined up, rather than simply hoping that things will work out in the end and being dismayed when they do not.

Since the start of the year, I have had regular meetings with senior members of the Judiciary, senior civil servants and our Chief Crown Prosecutors, all of whom are unsurprisingly dedicated to making the system work as well as it is able. I also liaise closely with the other Circuit Leaders to ensure that the Circuits support each other across the country, we are – as they say – better together.

I hope that that team effort will include our new Lord Chancellor, himself a member of a set on this Circuit, as we work to restore a sense of pride in a system that has, in recent years, been blighted by neglect.

In addition to our ongoing education programme, run imaginatively by Allison Hunter KC and Fiona McAddy, this year is the 30th anniversary of the SEC Advanced International Advocacy Course at Keble College, Oxford. I am delighted to have been invited this year by Sarah Clarke KC, its present Director, to celebrate the anniversary of an outstanding programme that has seen generations of barristers and judges give up their time for free to help those more junior. In particular, I look forward to recognising Tim Dutton KC, who led this Circuit, for his remarkable achievement.

If you have not had the opportunity to attend the course, can I ask you to think about doing so next year. If you have been, please encourage others. Scholarships are available from the Inns to pay for the cost of attending, and some sets of chambers offer to pay for their members, recognising the benefit of highly trained advocates to the reputation of that set.

The SEC silk mentoring scheme is now fully underway, helping nearly 20 barristers with their applications earlier this year. If you would like to receive some informal support and advice from a current silk, or if you are a silk and would like to offer your services as a mentor, please email Harriet Devey in confidence on harriet.devey@southeastcircuit.org.uk

I would also invite applications to the new SEC Financial Support Fund, which can be used to help Circuit members in financial hardship by way of small grants to cover, for example, travel costs or a dinner suit. Please talk to your friends and colleagues who may be in need of some support and encourage them to consider whether the Circuit can be of assistance. The details of any application will be treated as strictly confidential. Details of the Fund can be found here <https://southeastcircuit.org.uk/financial-support/SOUTH-EASTERN-CIRCUIT-FINANCIAL-SUPPORT-FUND> and applications can be made by email to leader@southeastcircuit.org.uk

This is Kevin Molloy's first edition as Editor of the Circuiteer, and it's a strong opening number. I know, having been his predecessor, that the job of persuading people to write is not always a straightforward one. I am very grateful to him not only for agreeing to bring his enthusiasm and expertise to the role of editor but also for putting together this excellent first edition. Please do let him know if you would like to contribute to the next edition.

Finally, I hope to see many of you at the SEC Dinner on 29 September. It has been some time since we have been able to socialise as a Circuit, my hope is that it will mark a welcome return to in person events. There are now very few spaces remaining so if you want to come, be quick.

My final word, this edition, is for Harriet Devey and Aaron Dolan. Each of them has been an invaluable support to Leaders past, and both of them have been of more help than they can know to me in the last few months. The Circuit is lucky to have them.

Leon Kazakos KC

• 2 Hare Court
• Leader of the SEC



DERRY GIRL



INTRODUCING HHJ Angela Rafferty KC

When the London Irish Lawyers Association ("LILA") began to receive requests from young lawyers and students for HHJ Angela Rafferty KC's contact details, following the Inaugural St Patrick's Day Dinner, it came as no surprise to those of us who had the pleasure of attending and the privilege of listening to her speech. LILA chose HHJ Rafferty KC because, as a legal organisation committed to social mobility and diversity, the prospect of having one of the leading Circuit Judges in England, who also happened to be both a woman and flamboyantly Irish, was simply irresistible.

We were delighted when HHJ Rafferty KC agreed to be our guest speaker, but also somewhat surprised when she told us, "*I am actually quite shy*". For those of us who have appeared before HHJ Rafferty KC at the Old Bailey, "quite shy" might not be the first words that jump to mind.

HHJ Rafferty KC's speech focused on what it means to be Irish in London (it was the St Patrick's Day Dinner after all), diversity, social mobility, and, perhaps most refreshingly, imposter syndrome. This article combines material from that speech and the fruit of a very enjoyable interview conducted in HHJ Rafferty KC's uniquely charming chambers at the Old Bailey.



The Peace Bridge over the River Foyle

© photo by K Mitch Hodge

The first thing that struck me about HHJ Rafferty KC (who insisted I use 'Angela' in this article, and so I will do so from here) was her palpable pride in her Irish identity. The eldest of seven, from a loving and happy home in Coleraine, County Derry. Angela was quick to remind me that she was a 'Derry Girl' long before it was cool (referring to Lisa McGee's hit Channel 4 sitcom). As with Channel 4's 'Derry Girls', Angela was educated at a convent school where some of her teachers were nuns. In 1985, one of those nuns had this to say about her, "*Rafferty is inadequate, unimpressive and not as funny as she thinks she is*". The nameless nun (nameless because Angela is still terrified of her to this day), could not have been more wrong. That aside, the now HHJ Rafferty KC speaks very highly of the convent education she received; going on to achieve the highest grade in A-Level English Literature in Northern Ireland. Angela's father suggested she apply to Oxford or Cambridge, and it was a chance phone call with a friendly Irish woman at Cambridge that ended with a successful application and a place to read English Literature.

It was the late 80's and Northern Ireland remained a troubled place. When asked why she chose England, Angela said "*my family had a few brushes with the troubles, my uncle was an innocent victim of bomb and from an early age I wanted to get away from the war. It was a difficult place at the time and the prospect of getting to England was too much to ignore*".

Angela clearly has a passion for literature, her speech to LILA was brimming with references to great Irish writers, not least the celebrated Seamus Heaney, also a native of County Derry.

When discussing her first impressions of England, Angela reminded me that in the late 80's, being Irish was not as trendy as it might be today, "*I felt very Irish and felt my accent acutely with my strong Derry dialect. There were lots of 'Paddy' comments and I had to make a choice; lose it or keep it. I wanted to keep it but also wanted to make sure I was understood*". A common feature for many Irish diaspora in London, Angela joked that "*my family think I speak like Princess Anne, yet people here think I have a strong accent*". At first blush, English culture felt less warm than Ireland, but Angela was keen to tell me that some of her greatest friends are English men and women. "*Until Derry Girls was released, I don't think people in England realised that there were other people like me out there*".

Angela's journey into the legal profession came about during her time at Cambridge. A close friend was reading law and a combination of the need to earn some money, and a genuine interest in law led to a conversation with the law tutors about changing course. "*I always had an interest in law, but I always thought it was going to be out of my reach, financially, socially, and intellectually. My friend gave me the confidence to make the change and I plucked up the confidence to do it. I thought my fear of public speaking might be a problem, but now people laugh when I tell them*". Angela had never seen a barrister, had little knowledge about what they did, and certainly didn't have the money to start the Bar course immediately. A further year working in the library at her college secured the funds to take that next step.

I asked Angela if she had ever considered a different career or practice area. "*If not a barrister or lawyer, journalism or writing perhaps, or an academic, but I might not have been clever enough for the latter*". Angela's first legal role was with Clifford Chance in their shipping department. Next came a particularly disharmonious family law experience, which featured a case

involving a divorce and a fight to the end over a Saturday Night Fever record, confirming that the Family Bar was not for her. *"I started watching criminal cases in the Court of Appeal and Crown Courts, and the certainty of crime cemented my interest. Watching Michael Mansfield KC (during the Cardiff three case) and reading Baroness Helena Kennedy KC's book, 'Eve was Framed' provided massive inspiration. Realising that Irish people had been advocates, barristers, eminent in England for many years gave me the confidence and a sense of history of the Irish advocate."*

Called to the Bar in 1995 (then a tenant at 18 Red Lion Court Chambers – now Red Lion Chambers), the quest for Silk became an ambition early in Angela's career; *"Once I realised I could do the job, I wanted to be involved in the big cases and I liked the letters QC. I had low expectations of myself whilst at school; I couldn't believe how far I had made it and wanted to keep going"*. She found inspiration in a Heaney poem and did exactly that; kept going. The line from the poem providing the inspiration: *"the way we are living, timorous or bold, will have been our life"*. Appointed a Recorder in 2009, taking Silk in 2015, and appointed to be a Circuit Judge in 2019 sitting at the Central Criminal Court. Angela was also elected to lead the Criminal Bar during a particularly difficult time in 2018.

Returning to Angela's speech at the St Patrick's Day dinner, she told us *"I only started to recover from imposter syndrome after taking silk and I am very proud to be an Irish woman in the English judiciary"*. Angela's speech was particularly inspirational to young women in attendance, but it had a much wider application than that. *"It is important, especially for women, to be ferociously tenacious in their careers"*. Quoting another Irish writer, Edna O'Brien, *"when anyone asked me about Irish character, I say look at the trees. Maimed, stark and misshapen, but ferociously tenacious"*. With an infectious smile that only comes from being part of the story, Angela proudly informed me, *"At the Old Bailey we have now reached equal numbers of women and men judges"*.

I asked Angela what imposter syndrome meant to her. *"It is a feeling that you are not quite right for the things that you are doing, or the role you have. You can feel like an outsider looking in, constantly working under the fear of being found out. It is a very common problem and affects both men and women equally. It creates an enduring feeling of uncertainty, especially when you join a historic profession such as the Bar. It can deepen when you don't come from a traditional background. Imposter syndrome has caused a lot of good people not to try things they might have excelled at"*.

Imposter Syndrome is finally a topic for discussion and the more we talk about it, the easier it is to confront it, and overcome it. Angela was particularly inspired by Baroness Brenda Hale's inspirational words on the topic. In 2014 Baroness Hale told the 'Face your Fears' podcast that her greatest fear was *"the fear of being found out"*. Baroness Hale dealt with the issue of imposter syndrome head on, and her words helped Angela to shed it once and for all; *"her words informed me that even the most senior members of the profession have suffered from imposter syndrome, and often embrace it"*.

I asked Angela how she dealt with imposter syndrome in practice. *"I am cured of it now, thankfully. Receiving respect was a big part of it. Coming from a large family with so many siblings, who I remain very close with to this day, respect was not something that was given out for free at home. That might have contributed to my imposter syndrome, but ironically, now helps me to keep my feet very much on the ground"*.

I was keen to understand Angela's views on diversity in the legal profession, and, in the judiciary. *"Diversity is essential. If you are going to have a representative profession, that is both representing and trying people from all walks of society, diversity really is necessary to keep things fair, equal, and rigorous. In short, the institutions need to reflect society"*. Angela's passion for diversity is obvious, and genuine. *"I am a product of social mobility and feel passionately about it. Social mobility is a product of diversity. The more experience that can be brought, the better"*. She was plain that the reality of the situation was that you do not need to come from an underprivileged background to feel like you do not belong; *"I came from a normal background, not underprivileged, but I still felt like the job was not necessarily for me"*. Angela believes that it is the differences in each of us that make each of us special, *"we have a duty to enrich the societies that we become a part of. We need a variety of people from different cultural backgrounds and representing minority groups. State educated students ought to be provided with the same opportunities, or more, as those available to privately educated students."*

Having left the Bar behind, as all Judges must, I wondered if Angela missed it. *"It's a complicated answer. I expected to miss the Bar, but I don't. I love great advocacy and I get to see a lot of it. It is a relief to be the referee and not in the fray. To be able to watch others engaging and I like the change in role. Working with the same wonderful staff every day is a blessing, they are phenomenal. The regular hours also make life much easier with a young family. I enjoyed my career at the Criminal Bar but it was the right time for me to move on and I love my current role."*

Angela speaks very highly of LILA and the new LILA Trailblazer project and successful LILA mentoring programme. LILA is very lucky to have Angela on board, willing to invest so much of her valuable time. My final question was what advice would HHJ Rafferty KC offer to those considering applying for a judicial position, particularly those from minority backgrounds. *"Think big and work outside your comfort zone. You can achieve judicial roles early in your career, look out for them. Sign up to the judicial appointment's announcements email – find out what jobs are available. Take advantage of part-time judicial roles such as DDJ and Recorder, and always give 15% more than you think you can give. Never give up. If I can do it, anyone can."* It seems appropriate to finish with a Seamus Heaney quote, *"even if the last move did not succeed, the inner command says move again"*.

You can find out more about LILA here:

<https://www.londonirishlawyers.co.uk/>

Sign up for the Judicial Appointments Commission (JAC) monthly e-newsletter here:

<https://judicialappointments.gov.uk/sign-up-for-judging-your-future-newsletter/>

Tomas McGarvey

• 2 Bedford Row Chambers

WOMEN IN CRIMINAL LAW



On International Women's Day 2023 Women in Criminal Law marked the occasion by putting up pictures of women in robing rooms around the country. Here two young members of the organisation, Alex Khan and Rebecca Noble, explain why Women in Criminal Law and the 'Women's Faces Project' is so important:

In the twenty-first century it's difficult to believe we still live in a world where we only see pictures of men all over the court walls in the UK. Bar messes up and down the land are decorated by wonderful photographs and caricatures of men who have been important figures in the legal profession. But we don't see any women celebrated in this way. Until now.

Women in Criminal Law ('WICL') used International Women's Day, 8 March 2023, as an opportunity to change this by launching the 'Women's Faces Project'.

The project was set up to adorn the walls of criminal court Bar messes all over the country with photographs to celebrate and commemorate some of the female titans of criminal law and their legacies. Liverpool, Cardiff, Birmingham and the Central Criminal Court now have a series of framed photographs of women who were and are trailblazers in the profession and who represent generations of women who have dedicated their lives to working in the criminal justice system. Great women like Dame Rose Heilbronn, Dame Linda Dobbs and Baroness Heather Hallett.

Events were held in each Crown Court on International Women's Day to mark the unveiling. And the plan is for this to just be the start, we want to see Bar messes celebrate more women on the walls of our courts.

Photographs of influential women in Bar messes serve to honour the significant role of women in the criminal law and encourage future female lawyers, like us, to pursue our ambitions. Although we recognise there is still a long way to go, in order to bridge systemic gender disparities, we are grateful to WICL for initiating a movement which has the celebration of women's achievements at its core.

Women in Criminal Law is an organisation set up in 2018 to encourage and empower working women across the criminal justice system and to help break down barriers to their success by providing advice, friendship, mentoring, support and a voice. Our members all around the jurisdiction include judges and paralegals, barristers, solicitors and criminal clerks working for defence and prosecution, public and privately funded criminal work. We wanted to share our experience with WICL, why it's important to us and why we think it's important that if you are a woman and you work in criminal law then you should join us!



Becca Noble

I am head of membership and acting head of communications at WICL. I work as a paralegal at DAC Beachcroft. I first joined WICL when I was just starting out in the criminal law world, trying to find my feet. I was taken under the wing of so many amazing women who guided me and supported me to find my place in criminal law. Networking has opened up a variety of opportunities for me including my new job at DAC Beachcroft which I love. For me, WICL isn't just about promoting women in criminal law, it's an inclusive family which continues to grow, it's a support network and it's an organisation which has made me the strong and confident person I am today. Having the opportunity to speak with judges, barristers, solicitors, paralegals and many others is fascinating and having these connections on your doorstep is invaluable. If you are a woman in crime, WICL is the place to be.

Alex Khan

I am a member of the communications team committee member at WICL and I am currently a paralegal at Hickman and Rose and a future pupil at 25 Bedford Row. WICL is important to me because WICL has supported me throughout my journey to the Bar and enabled me to network and socialise with inspiring and extraordinary women involved in every aspect of criminal law. There is no status or hierarchy in WICL, regardless of how senior some members are. WICL is a forum in which women build up and encourage other women, and members genuinely want to see others succeed. I am lucky to have made a strong network of professional contacts and friends through WICL. Starting pupillage in October 2023, I already feel completely welcomed to Chambers, with many members attending WICL events and providing me with advice and reassurance.



Tessa

The Examination of Serious Sexual Assault

Unless you've been living under a rock, you'll likely have heard about the hit West End play, *Prima Facie*, starring Jodie Comer, which ran at the Harold Pinter Theatre (April – June), last year and has just opened on Broadway.

Prima Facie is a riveting one-woman play, written by the wonderful Suzie Miller (an Australian lawyer-turned-playwright), which tells the story of Tessa: a brilliant working-class criminal defence barrister, who finds herself on the other side of the courtroom as a rape complainant, after being assaulted by a fellow member of chambers she had just started dating.

It is a moving and at times confronting piece fully worthy of the Olivier awards it received last month. Best Actress for Jodie and Best New Play for the production as a whole.

Full disclosure. I became involved in the production in November 2021, (early in the process) after sliding into the DM's of the producer on Twitter and offering to show the creative team the ropes, so I am little biased as to its brilliance. However, putting aside my own views, there is an important conversation to be had as a result of the very real issues *Prima Facie* confronts.

The offence of rape has been on the statute books since 1861. However, consent (which is synonymous with rape) wasn't given a statutory definition until the current Sexual Offences Act was given Royal Assent in 2003. At the time, the legislature of England and Wales was arguably ahead of its time, as other jurisdictions had (up until more recently) failed to recognise that sex without consent was rape and instead required there

to be an element of force or threat, in order for the offence to be made out.

Nevertheless, our current statutory definition of rape is not without difficulty. For example, sub-section 1(c) of the Sexual Offences Act 2003 requires the Crown Prosecution Service to prove a negative (to the very high criminal standard of being sure) and section 2 means that whilst any steps taken to ascertain consent are relevant to whether a belief was reasonable, a man is not obliged to take those steps. It's just a consideration.

Suzie articulates the point better than I ever could, but arguably "the law of sexual assault spins on the wrong axis", with what feels like an emphasis on whether a lack of consent was expressed or verbalised. This has (in some instances) led to the ingrained notion of implied consent and the normalisation of constructing narratives of responsibility in cases where the issue at trial is consent. Perhaps this is why so many complainants report feeling as if they are the ones on trial when called upon to give evidence!

All this comes at a time when our understanding as a society as to what consent looks like has changed. For example, we've generally moved away from assumptions regarding an overly simplistic "fight or flight" response, and now accept that



alternatives such as “freeze” or “friend” are just as likely. Yet despite this, current statistics demonstrate that sexual violence perpetrated against women is still endemic, with 1 in 4 adult females reporting having been raped or sexually assaulted.

This is why, as the Sexual Offences Act 2003 reaches its 20th year, and inspired by Suzie Miller’s call to action, I am turning my mind to whether the current law in England and Wales on rape, consent and reasonable belief in consent is fit for purpose.

This is by no means an exhaustive list, but a starting point for further discussion could be questions such as:

1. Should a defendant be precluded from relying on the “reasonable belief” limb unless consent has actively been sought (as per Canada and as was recommended in 2000 further to a review chaired by Betty Moxon who authored the “Setting the Boundaries: Reforming the Law on Sex Offences” report)?
2. Should we introduce a reverse burden so that once absence of consent is proven by the Crown to the criminal standard (of being sure), a defendant bears the legal burden of proving to the civil standard (on the balance of probabilities) that his belief was reasonable?
3. Do we need to reformulate the reasonable belief in consent limb (from consideration of any steps taken by A to ascertain if B was consenting) to requiring consideration of the defendant’s failure to take steps to ascertain consent?
4. Do we need a completely new offence of “taking sexual advantage” (or similar) where a reasonable observer would conclude that the consent was neither voluntary or informed?

Now, I don’t profess to have all the answers to the questions I am asking, nor am I saying that a law change in-of-itself is going to ameliorate sexual violence in its entirety. However, I find it difficult to accept that we should remain complacent that the current statutory definitions of rape, consent and sexual assault are the best they can be when as modern history dictates, up until 1992 a man couldn’t be guilty of raping his wife!

The offence of rape is the only offence in the criminal calendar where the perpetrator will always be male. To my mind, that alone means it is worthy of constant review and reconsideration if we are to ensure that the law properly reflect the lived experience of society at large.

Danielle Manson

• Criminal Defence Barrister,
Garden Court Chambers

The Journey

"You'll never make it at the Bar with a surname that no one can pronounce."

"We've never had a 'Greek' in these chambers before."

"You can't have a family if you want to be a successful barrister."

These are just a few of the comments that have been thrown my way since I came to the Bar in 2000.

23 years on, I am still here. My surname is the same. I am a mother. I have just been appointed King's Counsel.

I was called to the Bar in 2000. My practice is in criminal law. I prosecute or defend all cases of serious crime: from murders to rapes, from multi-million-pound frauds to environmental crime and health and safety regulatory offences. I also sit as a Recorder in the Crown Court and a Deputy District Judge in the Magistrates' Court.

Before coming to the Bar, I worked in Canada, after winning the Harold G. Fox Scholarship @ Middle Temple. I was posted to an international law firm in Toronto called McCarthy Tétrault, where I specialised in business litigation, tax law, negligence, and employment law. This was my first insight into the workings of a large firm of barrister/solicitors as in Canada they have a fused profession.

I shared a room with a solicitor who was part Hawaiian/part Chinese. One of my mentors was from Mumbai. I was taken out for dinner on the first night by a senior associate from Ghana. I attended global meetings with lawyers from every corner of the world. It was special, richly diverse and truly international. It was inspiring and educational.

I then undertook pupillage at 3 Temple Gardens in the Temple and successfully obtained a tenancy there. I remember my tenancy application and interview like it was yesterday. Having to compete against seven other pupils: my friends and co-workers whom I had spent several months working alongside as well as socialising together. There was only a vacancy for one or two

of us. It was such a nerve-racking and bittersweet experience. It was a day that I will never forget as it was the moment that launched my career.

When I started off at the Bar, both in pupillage and when I first embarked on tenancy, I was fortunate enough to have the support and encouragement of my pupil supervisors. I can't thank them enough for that. Not only did they provide me with an insight into the workings of the Crown Court, but they also gave me practical tips, invaluable guidance and honest advice on life at the Bar. My first ever pupil supervisor sadly passed away a few months ago. I hope he understood just how much of an influence and inspiration he was for me.

During my career I have travelled all over the country, prosecuting or defending a wide range of trials. My journey to date has been interesting and fulfilling, but also challenging and difficult. I remember defending a young girl in what used to be Camberwell Youth Court when I was still in pupillage. She and her friends had robbed another girl of a mobile phone in the school playground. I pleaded with the District Judge not to send this young girl inside, as did all the other counsel on behalf of their clients. The Judge rejected our submissions and followed the Court of Appeal guidance at the time. This young 14-year-old girl was given a Detention and Training Order of six months.

It was an emotional day for everyone, especially this young girl's family. I realised

that so much of what we do as barristers takes place outside of the Courtroom: comforting the family of defendants sent to prison; explaining the practical effects of such a sentence to a child defendant; spending time with defendants in the cells when they are first taken down. You are not just the barrister – analysing, interpreting, and applying the law; you are also the life coach, the game changer and the beacon of hope for so many individuals in your case.

There is never a dull moment when you specialise in criminal law. You are dealing with real-life problems and real-life scenarios in a dynamic and constantly evolving setting. The human interaction that you have on a daily basis is engrossing and demanding at the same time. The trauma that you come across can often be difficult to digest. To maintain focus you almost become detached and de-sensitised to it, but at the same time you still need to retain engagement and empathy.

Over the last few years I have been led in eight murder trials. These have included cases of young boys stabbing other young boys following social media disputes; fights in public places between strangers; and killings in a domestic context. I remember prosecuting a double shooting homicide by a man who was struggling to cope with the breakdown of his marriage. He stole a gun from a rifle park and broke into his former home, shooting his wife, mother-in-law and the family dog multiple times, before attempting to shoot at the police. After my leader opened the case to the jury, one

member of the panel stated that she was too upset and distressed to continue, and that her mental health would not be able to survive the subject matter of this trial.

I often wonder what impact such trauma has on the barristers [and solicitors and Judges], who are dealing with this subject matter on a daily basis. As the effects of vicarious trauma become more recognised in the workplace, it is so important for the legal profession to focus on the principles of wellbeing, kindness and support. You can only bring out the best in people if you work with them as a team. These principles must be endorsed by everyone if we are to increase the retention of junior barristers and solicitors in criminal law, and if we are to encourage and promote diversity and opportunity further up the ladder and on the Bench.

The workload at the Bar is undoubtedly intense and uncompromising. The deadlines are never-ending. The work schedule is all consuming. The profession is crying out for financial investment across the board, as years of cuts in public funding have taken their toll...and continue to do so. Digital briefs, unrealistically short stage dates and the constant uploading of new evidence at the press of a button, has made the working lives of barristers 24/7. It is very difficult to achieve and then maintain a work/life balance.

The profession continues to present immense pressure for those with parental or care responsibilities because of its excruciating workload. This pressure is both practical and emotional. For instance, before having children I could work most weekends, catching up on my other briefs whilst being in Court on another case during the week. Nowadays, that really is tricky as I have to manage the hobbies, playdates, birthday parties and homework at the weekends. It is also a juggling exercise to try and attend the assemblies, school plays and parents' evenings during the week.

Being a parent undoubtedly enhances your ability to multi-task, not to mention your ability to become nocturnal! Nowadays, I ask my clerks to pencil in 'reading days' in my diary, to enable me to catch up on the paperwork and prepare for my next trial properly. In addition, I try to take off, as annual leave, the school holidays or at least some of the holidays. This is not always easy, especially in the current climate when the list of officers are grappling with the ever-growing backlog. Annual leave is never really 'leave' in the true sense of the word for me. I am forever checking emails, case notifications, legal updates and preparing my cases. I remember asking one particular Judge at Snaresbrook, when fixing a bail trial

15 months ahead, if the Court could possibly avoid August. The response I received was disheartening to say the least.

I am based at Church Court Chambers in London. I am the first 'homegrown' KC and the first female silk in chambers. This is something that makes me really proud, not just for myself but also for the others in chambers. I hope my new appointment will encourage others to pursue such opportunities and apply for similar roles. The application for silk, as well as the application for a judicial role, is very labour intensive. It is important to take time out of Court, if possible, to prepare, in the same way that you would revise for an exam.

I am very grateful to all the silks who led me in the last few years at Church Court Chambers and other sets, as well as those silks who co-defended with me or who were my opposing counsel, for encouraging me to apply for silk. This is something which I never would have imagined myself applying for – not because I didn't think I was capable, but mostly because I didn't think I would ever be considered.

Born to Greek Cypriot immigrants, I attended state school and was the first and only member of my family to attend University. It is often easy to feel that you don't fit it, especially when you hear comments and disparaging remarks from others in the profession. For instance, when I was appointed a Recorder back in 2018, I overheard another barrister joke that I was only appointed a Judge because I ticked the 'foreign' box, the 'female' box and the 'pretty' box.

On this occasion I spoke out and approached him, informing him that for most of the competition, your gender, ethnicity and your face are all anonymised. You are an applicant amongst hundreds of others, nothing more, nothing less. It is a competition based on merit and ability. The first 5 stages are all exam based and online/knock out stages until you progress to the interview stages and role play assessments. There are no 'boxes'. The fact that I even had to say this shows that there is still so much progress which needs to be made in the legal system.

It is not easy to speak up, when one is put down. It is actually quite difficult because bullying, which is what this is, can be hurtful, undermining and demoralising. But enough is enough. There is strength in diversity. I experienced this



Maria Karaikos KC

for myself first hand when I worked in Canada back in 2000.

It is important for men and women, from all ethnicities, to be in Court, sitting as a Judge, practising as a barrister, a silk, or as a solicitor. As lawyers, we deal with people from all walks of life. It is important for those in the profession to reflect modern day society. It is important for us not feel outsiders in our own profession.

On the 27th of March 2023 I attended Westminster Hall with my family to be formally appointed a silk. This ceremony was then followed by a further ceremony at the Royal Courts of Justice. Just like my tenancy interview over 20 years ago, it was a day that I will never forget. It was the day that launched my career as a silk. I am now, in one sense, starting all over again. A new title. A new set of cases. A new journey.

I hope that it is an inspiring and memorable journey....

Maria Karaikos KC

• Church Court Chambers

Bar Mock Trial National Final 2023



Young Citizens, and its parent charity the Citizenship Foundation, have their roots in the late 1960s, when a young Suffolk solicitor called Andrew Phillips (Baron Phillips of Sudbury) began to worry that young people were not learning enough about the law. These were the first steps taken in creating what would become the Citizenship Foundation in 1989. Andrew, with the invaluable support of citizenship education pioneers Don Rowe and Tony Thorpe set about helping young people gain the knowledge, skills and confidence to become active, engaged, motivated citizens.



The Royal Courts of Justice

Hundreds of secondary school students compete in Bar Mock Trial National Final 2023 at Royal Courts of Justice, London

Court rise!

Saturday 25th March 2023 saw the long-awaited return of the Bar Mock Trial National Final, after a three-year interruption of in-person events due to the pandemic. Over 300 fifteen- to eighteen-year-old students and their teachers, representing 22 regions across England, Wales, Scotland and Northern Ireland, took part in the competition, impressing judges, guests and observers alike with their significantly high levels of performance throughout the day.

The South East was extremely well represented at the competition, with 8 schools travelling from locations in Norfolk, Hertfordshire, Kent, Suffolk, Surrey and London.

The fictional cases of *R v Porter* (assault occasioning actual bodily harm) and *R v Cuthbert* (possession with intent to supply) were tried in the historic courtrooms of the Royal Courts of Justice in London. Students played the roles of defence and prosecution barristers, defendants, witnesses, court clerks, court ushers and jurors, until the final verdicts. The trials were presided over by 11 eminent judges and barristers, including Sir Brian Leveson and Rt. Hon. Lord Justice Males, bringing with them a wealth of legal experience from the High Court, Court of Appeal, Crown Courts, the Bar Library of Northern Ireland and the Faculty of Advocates (Scotland).

The trials

A huge amount of preparation and hard work had been already put in by students and teachers before they nervously filed into the Main Hall on the day. The grandiose nature of the building set the scene for the students, allowing them to fully immerse themselves in the experience.

The final opened with speeches from Ashley Hodges, the CEO of Young Citizens, and Jack Felvus, a Young Citizens Ambassador and alumnus of the Bar Mock Trial Programme. Jack shared several practical tips picked up from both his participation in Mock Trials and his experience of the Bar Course: be concise and direct; don't be afraid of silence; and use the competition to gain an insight into the legal system and a potential career at the Bar.

It was evident once the trials began how organised the students were; they all took their roles very seriously. Ika Adhani, an intern at Young Citizens and part of the schools support team on the day, was particularly impressed by the high standard of performances: "I was so amazed that I said to the other volunteers working that day how it felt like I was watching a real-life trial in the courtroom."

Invaluable access to legal expertise

The students benefited significantly from their interactions with the judges, both during feedback about the trials themselves and in the more informal meet and greet sessions that took place throughout the day. All the judges made time to answer students' questions and deliver constructive feedback on their performances, sharing personal anecdotes of their own experiences of the profession.



Amrit Kaur Dhanoa, Vice-Chair of the Young Bar at the Bar Council, and the voice of those in their early years of the profession, found this to be a key benefit offered by the Bar Mock Trials Programme:

"I think that's a hugely beneficial and invaluable opportunity for some of our most distinguished judges in the country to be able to give feedback to those acting as advocates but even more generally about how to improve one's advocacy skills, oral advocacy skills, how to distil facts when presented with a case and how to put forward the best possible case for your client."

Several representatives from the legal world – the Bar Council, Judicial Office, Sentencing Council and the Inns and Circuits – were also present, talking with students about opportunities for entering the legal profession. It was evident from these discussions, and from the inspiring closing speeches from Amrit, along with HHJ Gary Woodhall, an alumnus of the Bar Mock Trial Programme who also judged on the day, that the legal profession is open to everybody who is interested in pursuing a career in law, regardless of background or schooling.

The results

It was a hard-fought competition, with every student performing to their best ability. But there had to be a winner. On the day, the Bar Mock Trial National Final Team award went to Wirral Grammar School for Girls, with Bishopbriggs Academy, from Glasgow, taking home the Highest Performing New Team award.

In a first, the National Final saw individual prizes presented, in recognition of the hard work students had put in throughout the course of the Bar Mock Trial Programme. Students from schools in London, the South East, the Midlands and the North of England, who had played various roles in the competition, stepped forward to receive their trophies.

Presdales School in Ware boasted the highest performing witness in R v Porter, while Nonsuch High School for Girls in Sutton took home the defence barrister prize for their skills in advocacy in R v Cuthbert. Rochester Grammar School's prosecution witness won a prize for their role in R v Cuthbert. Brentside High School from Ealing, West London – supported by Brick Court Chambers in a new pilot which saw 5 new schools take part in a hybrid mock trial competition and workshop earlier in the year – won highest performing prosecution barrister as well as prosecution witness in R v Cuthbert.

Developing skills for life

Young Citizens' Bar Mock Trial Programme represents much more than a competition. Andy Howells, Head of Law at Loreto College, Manchester, who led a team of 16 students, believes it can open doors for students who might not normally consider a career in law: "The competition is very aspirational in that it shows students what they can be. I would absolutely recommend it – it's the **best thing I've been involved with in education.**"

The wider benefits in terms of skills development were also obvious, regardless of whether students decide to pursue a career in law. Tiana, a National Final participant from Scotland, says: "These skills are skills that should be used every day and they will benefit me in pretty much every aspect of life."

She has a point. To paraphrase Sir Brian Leveson in his closing remarks on the day, heaven help any parents who dare to start a debate with their children after they have taken part in the Young Citizens Bar Mock Trial Programme!

Empowering young people

Along with The Big Legal Lesson and other Young Citizens initiatives, the Bar Mock Trial Programme helps support teachers in bringing legal education to the classroom. Students gain indispensable knowledge about legal rights, responsibilities and the rule of law, in order to better engage as active citizens with the key issues affecting them now, as well as in the future.

The programme provides a 'real-life', immersive experience, helping to transfer legal ideas and concepts into a practical, tangible context but it is more than a vehicle purely for aspiring lawyers. Taking part in Bar Mock Trials helps build other key skills to help navigate the complexities of today's world: confidence in public speaking; persuasive argument to facilitate change; the ability to listen and respond to measured discussion and debate.



For more information about Young Citizens and what the charity offers contact:

Lizzy Cross, Bar Mock Trial Programmes Coordinator at Lizzy.Cross@youngcitizens.org, or check out the Young Citizens website: <https://www.youngcitizens.org/>.

How you can help

YOU CAN SUPPORT US BY:

- Volunteering as a team mentor – guide teams on their preparation in school
- Volunteering as a Mock Trial judge – preside over a Mock Trial heat, score and feed back to the teams
- Donating to our charity

His Honour Simon Wilkinson

His Honour Judge Simon Wilkinson has departed this mortal coil, we trust for the well-deserved higher comforts of unlimited chilled Krug and lobster tails whilst reclining pain-free on a cloud of floating pillows, enjoying good company and plenty of laughter. And with clear sight restored to enjoy a well-stocked library, rugby to watch and a decent single malt for those quieter moments.

Simon was someone about whom I doubt anyone ever had anything other than words of affection, admiration or both. Clever, modest and wise. Truly kind and thoughtful. A wonderful raconteur and a hugely generous friend and host. Simon's flat in Covent Garden was an apparent tardis which secreted crates of Veuve Clicquot, and Torres truffle crisps. It was a haven from which he and his guests would, after much imbibing, descend to his earlier favourite Da Mario and more latterly to an outside table at Parson's, whose staff loved him as much as we all did.

I have often smiled at the irresistible, if slightly unlikely, feeling of being one of Bridget Jones's friends as I pressed the intercom bell and climbed the stairs towards fun and frivolity already begun above me in Simon's sitting room, packed with what we regarded as the "original" annexe judges. Luckily no blue soup ever emerged from Simon's kitchen; we could rely on the reassuring luxury of his signature canapes – copious wedges of thick cut brown bread spread with at least half an inch of full-fat cream cheese, piled high with smoked salmon.

Part of Simon's undeniable charm was his genuine, huge warmth and delight in many of life's pleasures. That included a love of the cats in his life, including Clumpy the Maine Coone who lived with Simon's long-time partner (and recently wife) Elly and one of her two daughters, Harriet. His face would light up during the telling of any cat-centric tale, including his own of Covent Garden visits from the large ginger tom who would teeter on the third-floor balcony to chat with and be stroked by Simon. I remember my own cat braving the horror of far too many humans invading the kitchen for a Christmas party, to curl up contentedly on Simon's lap in the middle of the noisy whirl.

Nothing passed him by, even if he didn't immediately reveal it. His fabulous sense of humour was to be found bubbling approximately a millimetre below the surface....his eyes twinkled readily as he recounted a tale of over-enthusiastic counsel in Court 16 or an encounter with one of the young women who patiently sold him one of the many "burner" flip-up phones from which he steadfastly refused to graduate. I'm not sure I ever received a text message back, probably because Simon was blissfully unaware of the existence of mine, and there was a

definite question mark over his familiarity with such complicated telephonic functions as charging the device, checking for missed calls or voicemail. His retirement gift of an ipad offered similar challenges for him, which Simon cheerfully bore. He even bought a replacement when the original disappeared from the top of his open bag on the concourse of Waterloo Station.

I treasure my good fortune that Simon was my adopted judicial mentor, in the days before such things officially existed, after he supervised me as a new Recorder. Reminiscing with Eleanor Laws KC about him yesterday, she remembered his warm and comforting presence at my appointment ceremony. I had before then appeared several times in front of HHJ Wilkinson and knew what a truly gifted and well-loved Judge he was. I have my own fond – and grateful – memories, not least of a trial against the much-missed and fabulous Louise D'Arcy QC. After my trepidatious confession in his chambers, Simon brushed off the fact I had managed, during Wimbledon, to tape over a large part of the only copy of a particularly unsavoury video I was supposed to watch before deciding upon its disclosure, declaring he'd "much rather watch the tennis".



IN MEMORIAM



Happy memories will abound – here are just a few more others have shared:

Jack Nicholls:

I remember fondly when many many years ago as a baby barrister, I was on the tube to Snaresbrook looking nervously at my brief for sentencing. A nice chap who was clearly at the Bar sat opposite and asked me what I was doing and how I was getting on. I told him I was doing a sentence and was a bit concerned as I wasn't really sure what was appropriate for my client. He gave me some advice and it was only when he said "oh, I'll probably give him a bender" that I twigged who he was. Later that morning he was, as ever, true to his indication.

I would like to say that he was a meticulous and delightful judge.

Neil Fitzgibbon:

I recall many years ago now, walking from Snaresbrook station catching up with Judge Wilkinson in the grounds of the court, swinging his satchel and as I went to over take him I said "morning Judge how are you?" To which he replied "well Fitzgibbon I'm feeling rather part heard this morning." Which I often use myself if I've had a few the night before!

Very sad news a judge loved by all.

Avi Chaudhuri:

I was defending a man accused of burglary in front of him. It was a tricky one – my client was stopped driving a van full of the loot a few minutes after the burglary took place; his account was that he had commandeered the van to chase the real burglars. This was somewhat undermined by the fact that he was wearing two gold chains that were among the stolen items around his neck! I made a rather bold application to exclude the evidence of a jemmy being found in a side pocket of the van door on the basis that there was no evidence that a jemmy had been used to effect entry to the burgled flats. The judge dealt with it beautifully: "Just as you, Mr Chaudhuri, as a criminal practitioner might bring your Archbold to court with you every day but not need to use it, so a professional burglar might carry a jemmy with him in case he needs it." The evidence went in.

I was before him in a trial where he had asked the jury to attend at 10.00 so that he could complete his summing-up and send them out first thing. When I arrived at Snaresbrook station, it was pouring with rain. I had no umbrella but, not wanting to be late, decided to dash to court (I was younger then), avoiding the rain as best I could. I noticed the judge emerging from another train looking rather dolefully at the weather. As we know, he was not the fastest thing on two legs. I got to court, changed, and reported to his redoubtable usher, Viv. "He's not here yet," she said. After about twenty minutes, she informed me and my opponent that the judge had now arrived but would need a little time to get ready, adding in a stage whisper, "He's VERY wet."

Paul Bogan KC:

Undoubtedly, for many years, the judge that every single advocate who practised at Snaresbrook wished their case to be tried by.

John Riley:

I'd often see Simon walking down the drive of Snaresbrook after court, one day in the car I slowed down and offered him a lift: "no thanks.." he said, "...I'll break into a jog soon....only joking!".

Liked and respected by all.

Brian O'Neill KC:

Many years ago, I appeared before Simon in his usual courtroom at Snaresbrook. As I sat down after examining a witness the bolts on the flip down seat sheared, the seat collapsed to the floor and so did I. After the laughter had stopped and I had regained my feet, Simon, still laughing said "Mr O'Neill, they usually blame me for breaking the furniture". Cue more laughter.

Peter Kyte KC:

A lovely, gentle man. Kind judge. Enjoyed his food.

Charles Miskin KC:

He was very concerned when he went for his medical before appointment that his weight might be against him. Of course, being whom he was the doctor liked him. He went on the scales and was surprised to see he was only 20 stone which the doctor duly noted. After all was signed off and he was leaving the doctor said to him, of course Simon the scales only go up to 20!

Aisha Khan:

Oh – what terrible news. He was a fantastic judge and great personality.

Oliver Dunkin:

Very sad news indeed. A gentleman in every sense.

I am also astonished to see that he retired over seven years ago.

Flora Page:

I did a trial in front of him just 5 years ago when he was sitting as a deputy. He remained as fair and sharp as ever. What a wonderful man.

HHJ Sarah Paneth:

When asked about a difficult case Simon always said: "Remember, everyone else's sentences are much easier than your own!" And: "Take your time! There is no need to rush. It takes much longer for the CA to hear an appeal than for you to take time to get it right in the first place".

He had infinite patience and a fistful of anecdotes on all sorts of interesting cases.

Ged O' Connor:

What a lovely judge. And a big man. Many years ago, I was making a speech in a rape trial in front of him where the complainant's story (necessarily unwitnessed) was, in all its details, inherently unlikely. So, I told a story about my wife insisting that I watch the football and telling me to go out afterwards to get drunk with my mates, asking the jury if they thought that was very likely. "You only have my word for it..." I said, "because there was no-one there to witness it - unless His Honour was lying down hiding behind my sofa listening to every word".

That idea caused a few nervous titters, but His Honour laughed loudly on the bench.

A sad loss.

Margaret Dodd DJ (MC)
– one of Simon's most
long-standing friends:

I have too many lovely memories, most associated with food; we attended a weekly weigh in at Weight Watchers back in the 80's. Each time, regardless of weight loss, we would follow up with a fabulous meal. I also recall swimming, late at night, after yet another lovely meal, in the river Dronne. We had gone to France to celebrate the 200th anniversary of the storming of the Bastille. Any excuse for a trip. Lovely calm warm evening when suddenly we were being fired on from the air. I have never seen anyone dive under water as fast as Simon. It was, of course, midnight and the village had begun a wonderful firework display. I could go on, but it always comes back to champagne and food, with the odd dry martini!

I seem to recall from Maggie and / or Simon mention of fried foie gras at Chez Max as part of those post-weigh in extravaganzas Simon was naturally delighted when Max Renzland re-appeared in the form of Provender on Wanstead High Street many years later.

Tim Grey:

One of the most compassionate and decent Tribunals around.

Apparently, Simon found himself at a party with another rather large member of the Bar (AB) many years ago. They were at the buffet table enjoying thirds. The conversation went something like this:

AB. Hello Simon, how are you?

SW. Oh all right, you know.

AB. Have you lost weight?

SW. Oh I don't think so....I went to the doctor last week....apparently I'm too fat to live.

AB. Oh yes, I had one of those. So am I.

SW. [glint in eye and tongs at the ready]...Sausage Roll (chuckle)?

I remember floating at Snaresbrook was always a real lottery – some highlights:

Court 7 (I think) – it was time to plead (HHJ Tim King);

Court 1 – you were going into next week (HHJ Pitman);

Court 11 – this was going to be utterly miserable for everyone (HHJ Medawar);

Court 16 – Jackpot! Everyone was going to have a jolly time and a fair trial (HHJ Wilkinson).

To this, Francis Fitzgibbon KC responded as emails circulated chambers:

Not forgetting Tudor (light blue touch paper & retreat to a safe distant) Owen, and for older readers, the fearsome and misnamed HHJ Stable.

Leon Kazakos KC, Leader of the Circuit:

Francis Fitzgibbon and I did a case quite a while ago before he took silk in front of Simon where a number of young black teens were accused of stabbing one of a group of (as it turned out) violent drunk racist white men. Judge was not overly impressed with the prosecution's witnesses.

After the first three witnesses had pretty much been reduced to rubble by a number of other defence counsel cross examining (FF did particularly well) the last witness asked for a screen.

Cue all of us defending making the usual fuss about screens.

Judge: He's asked for a screen and so he will have a screen, regardless of how reasonable his request appears to be. But I'm going to direct the jury before he comes in.

Jury in.

HHJ Wilkinson:

Members of the jury the next witness, who is friends with the last three (pause) has asked for a screen so that he can give evidence without looking at the dock (pause, small eyebrow). Because he's asked for a screen, I have to give him one. It's not a reflection on any of the very young men in the dock. Sitting in the public gallery are their parents, all defendants are on bail. You should know that the security officer in the dock happens to be a grandmother. Anyway, let's have the witness.

Witness enters court to a hatchet faced jury.

Top man, absolutely top man.

Francis Fitzgibbon KC:

He was one of those rare judges who wasn't just liked but was loved.

Goodbye Dearest Simon – I'm sure there are few of us who will be as much or so fondly missed.

HHJ Patricia Lees

IN MEMORIAM

Anthony Arlidge KC

1937–2023

Tony was a member of 18RL throughout his career at the Bar and was Head of Chambers between 1997 until 2002 taking over from David Cocks QC following our move from 5 Kings Bench Walk to 18 Red Lion Court.



He was one of the best-known advocates at the Criminal Bar: famed for his intellectual ability, irreverent boldness, unstoppable humour and love of the law. He was an extraordinarily talented and charismatic man, a gifted raconteur with an infectious laugh. Tony was also a brilliant satirist. The Allsludge Reports enlivened many an overlong case and although he lampooned judges, fellow barristers and others in court, the first person he satirised was always himself. Every barrister or solicitor who ever worked with him will have an Arlidge story, usually many stories. He never noticed age differences and gave freely of his time to all members, young and old. He was a huge supporter of the junior bar, ever willing to lend a listening ear, and was a mentor and a great friend to many.

Tony was also the quintessential Renaissance man: an author of legal texts, historical books and literature, as well as being involved with a number of charities. Tony's childhood desire was to be a ballet-dancer, which he abandoned, instead reading Law at Cambridge, where he was also a notable actor. He had many friends from those Cambridge years including Ian McKellen and Julian Curry (amongst many other roles Claude Erskine-Brown in *Rumpole*). At the Bar, he was involved in numerous high-profile cases and was appointed Silk in 1981.

His love of the theatre and literature, especially the works of Shakespeare, and his thespian talents never left him. Many members of Chambers were corralled into the staging of 'Revels' in the Middle Temple which included medieval dancing! As Master of Music in the Inn for many years, he catered for all musical tastes from highbrow to jazz and from concerts to musical dinner and dances. He also staged a number of theatrical productions and collaborated with many famous theatrical names, including Mark Rylance, Martin Shaw and Richard Griffiths.

He will be sadly missed and fondly remembered by all who knew him. Despite his legendary skill and confidence, he was at heart a sensitive, modest and self-deprecating man.

Red Lion Chambers

Allan Alexander Cameron KC

1963–2023

Alex was called to the Bar by Inner Temple in 1986, after reading Law at Bristol University. He joined the chambers of Victor Durand QC, QEB, in 1987, shortly before it moved to its current location at Three Raymond Buildings, and remained there throughout his career.



He was a much sought-after and popular junior, and regularly appeared in the Crown Court and in the Court of Appeal on the biggest serious crime cases, from murder, robbery and drug dealing to high level fraud.

In 1991 he was picked by one of the leading white collar solicitors to represent a defendant in the Blue Arrow City fraud trial. In 1999, led by Sir John Nutting QC, he represented the former Cabinet Minister Jonathan Aitken who admitted perjury and perverting the course of justice. In 2001, together with Nicholas Purnell KC, he represented Jeffrey Archer, who faced charges of perjury and perverting the course of justice.

He took silk in 2003, at the early age of 39. In 2007 he appeared in the Tonbridge Securitas robbery case, which was then the UK's largest cash robbery. After carrying out surveillance and kidnapping the manager of the Securitas depot, the robbers made off with almost £53 million in used and unused sterling banknotes (but leaving behind another £154 million because they did not have the means to transport it). Following a trial at the Old Bailey, Alex's client was among those who were acquitted.

Later that year, he was Crime silk of the year. He continued to appear in the highest profile criminal cases and in October 2013, he appeared in the Court of Appeal in the first case before the English courts to be filmed since cameras had been banned in 1925.

In 2014 Alex appeared *pro bono* in the case of Crawley and others at Southwark Crown Court in a prosecution brought by the new Financial Conduct Authority. As a result of the 30% cuts to VHCC legal aid fees, no independent barristers were prepared to act and the Public Defender Service had not been set up in time to deal with this type of multi-handed trial. The defendants were thereby involuntarily unrepresented at the date of their trial.

Alex argued that proceedings should be stayed on the grounds that the defendants could not receive a fair trial on account of a lack of proper representation if it went ahead. The trial judge agreed, but the decision was overturned by the Court of Appeal.

He appeared in many of the most complex cases of the era, including Euribor, Alstom and Unaoil, and defended the Pakistani cricketer Mohammad Asif against charges of match fixing.

Alex was generally regarded as one of the best criminal silks of his generation. Perhaps on account of his acting skills – he had trained as an actor in Paris and for many years appeared regularly on stage at the Edinburgh Festival – he was a gifted and natural advocate. As has been said, he had the qualities of application, intelligence, courage, judgment and compassion in abundance. Highly personable and empathetic, he was very successful in front of juries, and was trusted and admired by judges.

In 2010 he became Head of Chambers by general acclamation, taking over from Clive Nicholls QC. He was a charismatic leader and he led Chambers until 2020 when he retired from the Bar on the grounds of his ill health.

Alex died on 21 March 2023, aged 59, after a long and courageous fight against cancer. He will be greatly missed by his friends and colleagues. He is survived by his wife Sarah, herself also a highly regarded lawyer, and their two children, Imogen and Angus.

Hugo Keith KC

BAR MESS REPORTS



CAMBRIDGE & PETERBOROUGH BAR MESS

Cambridge Crown Court recently hosted the valedictory ceremony to mark the retirement of John Farmer: HHJ Bishop presided whilst Stephen Spence and HHJ Seely provided fine speeches, reminding the many barristers, solicitors and court staff present (in person and over CVP) of a few of the professional and personal highlights John's long and distinguished career.

Drystone Chambers subsequently held a reception in Churchill College to celebrate John's career, first as a member of One Paper Buildings and latterly through the merger into Drystone Chambers. John's family attended along with many Barristers, Solicitors and other colleagues who have known him for the many decades over which he has been such a powerful advocate across East Anglia. It was a happy and memorable occasion. We all wish him and his family well.

Karim Khalil KC
Bar Mess Chair

CENTRAL LONDON BAR MESS

Access to Woolwich Crown Court is still proving challenging, with over-zealous security staff sometimes conducting security searches in an unpleasant and rude way. We are having ongoing discussions with the RJ to try to solve the problems.

Southwark seems to have fewer places to have cons than ever, as rooms are often used by those in long-running cases and now there isn't even a canteen available to work in. We are trying to get the signage on the mixed robing room changed so that it is clear that it is not just a men's robing room, and that all are welcome.

We continue to discuss these and other ongoing issues (eg court rooms too hot or too cold) with our RJs who are aware of, and sympathetic to, the challenges which counsel are facing.

Allison Hunter KC
Bar Mess Chair

EAST ANGLIA BAR MESS

Norwich Crown, Family and County Courts held an open day on Maundy Thursday. This hugely successful event was attended by over 1500 members of the public, many of whom queued in the rain to get in.

Over 20 organisations involved in the administration of justice and local charities working with victims and offenders manned stalls with information and volunteers to speak to members of the public. A variety of activities took place in the courtrooms such as mock trials and sentences, talks from judges, probation, magistrates and police and opportunities to try on legal robes, an electronic tag and experience a video link.

Demonstrations by prison sniffer dogs were, not surprisingly, very popular as were tours of the cells. The response from the public was very positive with one describing it as "a wonderfully enthusiastic, informative and immersive experience".

HERTS & BEDS BAR MESS

A big thank you to Fiona McAddy for arranging an online lecture for the bar Mess on the 21st April. The lecture was given by Colin Witcher and it proved very popular, so our thanks to him also.

On the 27th April the Circuit Leader Leon Kazakos KC and Chair of the Bar Council, Nick Vineall KC met with the Resident Judge at St Albans, HHJ Lana Wood. Areas covered in their discussions included pressure on the Bar and Courts and the need to work together to try and ensure cases progress without unnecessary delays.

On the 7th April a small dinner was arranged for HHJ Foster by his fellow Judges at St Albans. I was fortunate enough to receive an invite. He is retiring, which is making me feel quite old as I recall the start of his Judicial career. It goes without saying that he remains one of the most popular (and best) Judges to have ever sat at either St Albans or Luton crown courts. With luck he will be returning in some part-time capacity.

HHJ Simon, the Resident Judge at Luton crown court had an online meeting with the

Leader of the Circuit and the Chair of the CBA to discuss the pressures on the courts and the unavailability of counsel for some cases listed for mention and indeed trial. A liaison group has been set up with input from our very own Fiona McAddy, in an attempt to connect list officers more effectively with chambers clerks. A document will also be produced to set out the courts approach to CVP hearings, trials listings etc in an attempt to avoid any misunderstandings as to the courts approach to listings. As a result, it is hoped that ineffective hearings can be minimised.

There is also encouraging news that Luton CC is making some inroads into its own backlog of cases despite the loss of HHJ Lucie to Hove/Chichester CC and of course the great news that a former Chair of this Bar Mess, HHJ Tayton KC is moving to the Old Bailey. Recorders and deputy circuit Judges have temporarily filled the gaps left by their departures. It remains the case that there is sadly no functioning canteen at Luton and it hoped this can be remedied soon.

Kevin Molloy
Bar Mess Chair

KENT BAR MESS

From the 17th April, Canterbury Crown Court lost two of its full time criminal Judges; HHJ Lowe has moved to Gloucester Crown Court and HHJ Brown has moved to the civil bench. The Kent Bar Mess wish them both the best on their respective positions. The loss of two full time judges will inevitably impact on the ability to list trials at Canterbury Crown Court, and the Kent Bar Mess will offer whatever assistance it can to Canterbury Crown Court to soften the impact as much as possible.

At Maidstone Crown Court, the canteen has now thankfully re-opened and vending machines have been installed in the public areas. The Canteen offers freshly cooked hot meals, sandwiches, home baked cakes and drinks. It can be found on the third floor and is open to both the Bar and the public and we encourage those who attend Maidstone Crown Court to use it to ensure that the catering facilities are not lost!

Craig Evans
Bar Mess Junior

NORTH LONDON BAR MESS

WOOD GREEN

Wood Green's open day was a huge success with over 1500 members of the public queuing up in the rain to attend. HHJ Lucas KC extends his personal thanks to all the many members of the bar who gave up so much of their precious time to take an active part in our open day and make it such a success.

HHJ Lucas KC reports that the NLBM party at Wood Green was fantastic and remains happy to support the NLBM using the building for such an event.

The court is in the process of changing from a 2-week warned list to a 1-week warned list, with the hope that it will give the bar more certainty about their warned list cases.

The court continues to find that it has a shortage of judges, barristers and court staff. Though it is a 14-court centre, it is rarely able to sit all 14 courtrooms in view of the shortages identified.

Heating and cooling issues continue. The court is in the middle of a major survey of all heating and cooling systems.

Hendon is currently not able to sit with custody defendants as the bells in the cells have failed. HHJ Lucas KC is pushing for an early resolution as are senior members of HMCTS.

HHJ Lucas KC remains optimistic that in the near future the court will be provided with a virtual courtroom at Wood Green and that courtroom 3 at Hendon will be converted into Crown Court usage so that – judges, barristers and court staff permitting, the court will be able to use that courtroom as well when it is not in use by the Immigration Tribunal. These changes will mean WGCC has the use of 16 courtrooms making it one of the biggest court sites in London.

Sadly, HHJ Lucas KC's tenure as RJ at WGCC is due to come to an end in around November of this year.

HARROW

Harrow reports having been active in the transfer market, losing HHJ Cole to Southwark and importing HHJ Lodge from Kingston. Harrow continues to strive to reduce the backlog despite shortages of Judges, Records and Counsel. Staff recruitment campaigns mean that Harrow has a full complement of clerks, and is nearly there on ushers, so when they are all fully trained up, that will be a real positive. HHJ Lodge reports having been moved by

the welcome he has received and finds the court generally in good spirits.

SNARESBROOK

The refurbishment of the roof to the main building and some masonry repairs has been successfully completed near enough within schedule. The building is looking splendid. Court 7 has been brought back into operation having been mothballed for decades. There are now 20 courts in operation.

The trial figures and statistics are consistently looking good, but the recovery program is still in place and will continue to provide challenges in the months ahead.

Snaresbrook is working on bedding in the planned improvements in the way the court manages lists and hearings. There will shortly be facilities in place for counsel and solicitors to have direct access to both the list office and the administrative team. It will undoubtedly improve communications and streamline hearings.

There is a drive to have Better Case Management at the forefront of the way trials are progressed through the courts and all advocates are enjoined by the court to consider and utilise the BCM Revival Handbook published in January 2023.

Philip Misner
Bar Mess Chair

SUSSEX BAR MESS

Following on from a successful re-introduction to Sussex Bar Mess socialisation in November last year, we will be hosting a Garden Party at Pelham House, Lewes on the afternoon of Sunday 25th June 2023.

All are welcome – Mess members, prospective members, judiciary, and their families – and are asked to confirm their attendance as soon as possible to the Mess Junior via j.hay@lambbuilding.co.uk.

SURREY AND SOUTH LONDON BAR MESS

The Kingston Spring Party was a very enjoyable event. It was great to see so many Judges there including HHJ Fraser, HHJ Edmunds KC, the Common Sergeant and Lord Justice Edis. It was also lovely to see very own Leader, Leon, there. The Surrey and South London Bar Mess is very grateful to the Judges and the Circuit for generously supporting the event. Special thanks to HHJ Lodder KC, HHJ Bryant-Heron KC, Neil Griffin, Keith Hadrill and Ryan Richter not forgetting the fabulous court staff. Apologies if I have missed anyone off!

We look forward to a good turnout at the Isleworth Party. This will take place on the 29th June 2023.

HHJ Patricia Lees organised a great evening to celebrate the career of HHJ Jonathan Black who retired from the bench at Guildford CC. This was an excellent dinner at the Crypt on the 19th April 2023 and a good time was had by all.

Pippa McAtasney KC
Bar Mess Chair



PODCASTS

For some light relief away from work (or on your way to work), why not try one of these recommended podcasts?

1. **The Rest is Politics.** Two men called Rory Stewart and Alastair Campbell chatting about politics. Consistently the most listened to podcast in the UK
2. **The Rest is History.** Two men, Tom Holland and Dominic Sandbrook chatting about all thing's history.
3. **The News Agents.** Emily Maitlis, Jon Sopel and Lewis Goodall offering opinions and talking about all things newsworthy.
4. **Serial.** Started before podcasts were even pods. American real crime podcast, probably the most downloaded podcast in the world.
5. **Empire.** Anita Anand and William Dalrymple discussing the rise and fall of various empires.
6. **The Last Best Hope.** If you want to understand what makes modern America tick then let Professor Adam Smith be your guide.
7. **Snowcast.** If you miss Jon Snow, then look no further.
8. **John Mortimer Presents.** Sir Edward Marshall Hall. Found on BBC Sounds app.
9. **Sneakernomics.** For something different, a brilliant history of the humble trainers. BBC Sounds app
10. **Shreds.** Everything that should not happen in a criminal investigation/trial. BBC Sounds app.

