Low Commission, High Expectations

Jury Selection

CBQ

CRIMINAL BAR QUARTERLY

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Hurting Children

Harming Ourselves

QASA – Boycott Impact?

Questions to Answer

Publication of

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FEATURED IN THIS ISSUE

VIEW FROM THE EDITOR

Remunerations and Wellies

EDITOR
John Cooper QC

The recent decision in Northern Ireland in the case of Raymond Brownlee provides a considerable boost for those requiring fair and appropriate remuneration from legal aid when taking on a case for the first time after a trial, and having to independently prepare for sentence.

The facts of this important decision revolve around defence counsel having to withdraw for conflict of interest reasons, at the close of the prosecution case.

The hearing adjourned for lunch so that this decision, with which Brownlee disagreed, could be reflected upon.

Upon returning to court, the defendant agreed that he should dispense with Counsel's services.

New Counsel were sought to undertake the case for the purposes of sentencing and a rate associated with the trial brief fee was offered which was, to say the least, derisory.

Little wonder, no barrister in Northern Ireland would accept the brief. Upon Judicial Review, the court held that counsel were entitled to be paid a proper fee which included provision for reasonable preparation.

As we continue to fight our own Judicial Review within this jurisdiction, the decision will provide helpful authority to those who might wish to challenge our legal aid authorities upon remuneration for preparation, not simply at sentencing phases but maybe also on other matters, such as confiscation.

Anyway, as always we have a packed *CBQ* for you, including Dexter Dias writing, why do we hurt children in custody?; Dan Bunting on QASA and Colin Wells writing on jury selection, protection and misconduct.

We continue to fight the storms and look forward to the Justice Secretary visiting a few Criminal Courts in his "wellies". ■

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The views expressed here are not necessarily the views of the Criminal Bar Association.

... A Game of Two Halves

CHAIRMAN'S COLUMN
Nigel Lithman QC

Beware March 7 - CBA Chair: A Game of Two Halves

Let me share with you my star sign. My birthday is in March and I am Piscean. A water baby. As with all other 42 billion pisceans in the world I am a hopeless romantic and no good at DIY. But like almost everything else in life, being Piscean is a mixed blessing. The Government must draw enormous comfort from the fact that that is my star sign as we are not just ditherers but we are two fish that swim in opposite directions representing conflicting ideas. In other words any issue to which there is more than one obvious solution will polax us like rabbits caught in a spotlight. I used to spend half of my time in Essex and half in London. If I was in the fortunate position of having two cases to choose from I would spend far too long deciding, only to convince myself that I had chosen the wrong one.

But for some reason in the ongoing dispute we have with government I am not riddled with indecision, but am imbued with determination and clarity of purpose. My determination is to fight at whatever cost for the survival of the Criminal Bar.

That clarity comes from the worthiness of our cause, so obvious that even those who are not always associated with being in our corner recognize it. These are the now famous quotations:

"… the cuts to legal aid and the way they are being implemented are set to take their place in the great pantheon of government failures ... they will damage the administration of justice, the rule of law and equality and diversity at the Bar."

(Baroness Deech, Chair, Bar Standards Board).

"It is beyond argument that criminal barristers are, for the most part, very moderately paid … There is no doubt that the Criminal Bar is a profession in crisis" and "I fear that the fat has been so far removed from the carcass of criminal legal aid that these further cuts really threaten our justice system."

(Lord Faulks, new Minister of State in the House of Lords, Ministry of Justice).

" … concerns remain about the shortage of members of Bar doing legal aid work. And about the fees currently proposed to remunerate them"; "Is the Lord Chancellor prepared to look open endedly at that fee regime to ensure that we have good lawyers who are able to represent people on legal aid in the future?"

> "... the cuts to legal aid and the way they are being implemented are set to take their place in the great pantheon of government failures..."

(Simon Hughes MP, new Minister of State in the House of Commons, Ministry of Justice).

But there is one of major sin of this government they have thus far overlooked. They are about to ruin my birthday. My wife usually arranges some little jolly, either a weekend away or a party and albeit that I usually end up paying for it myself, it goes a long way to relieving the midwinter blues.

But this year I have to be at home. Why? In order not to work. How silly is that. The days used to be when barristers cut short holidays in order to work, now we cut short our holidays (assuming the Bar can still afford them) not to. Just a part of the madness that surrounds us at the moment.

Well what are we doing at the moment when I should be packing my bags for a long weekend? Not working.

March 7

March 7 was decided by the CBA Executive to be a day of active unity to those who wished to step up from the half day of January 6, to a full day.

It will send out the same message of resolve. We cannot let you destroy our criminal justice system.

But as it is March, that is what we will do. We are going to march to Westminster.

Again as with all these things it is entirely a matter of choice as to what you do but we may grant the public sight of hundreds of people in wigs and gowns walking not to court but to Parliament.

Undignified? Of course. Necessary? Absolutely

And the protest will join forces with our solicitor brethren.

The administration close courts for many reasons; ranging from judicial convenience, sentencing conferences to days of action from court staff. We do not suggest that our protest is necessarily akin to any of the above but it is a protest which is designed to highlight the attack on the very future of the criminal justice system as we know it. It is a protest demanded by a significant majority

of criminal practitioners. Thus re-arranging the court's business for a single day is not beyond the wit of the administration. This is not aimed primarily at prosecutors, but of course many of today's defence Counsel are tomorrow's prosecutors and so, if they wish, those holding prosecution briefs should be allowed to demonstrate solidarity with their colleagues.

The protest, however, is not just limited to a day of action.

Refusal to do Returns

The CBA Executive has indicated, me included, that from March 7 we will not be available to do returns. That is, we will only be doing our own work.

For the non-lawyers that read this and with the greatest of respect I include the Lord Chancellor, there follows an explanation of returns:

> "The reality is that our pay scale is not just incomparable to any other profession, but has been left behind to the extent that like the red squirrel we are becoming an endangered species."

From March 7, 2014 many barristers will withdraw their goodwill from the criminal justice system by refusing to appear in court on each other's cases in protest at legal aid cuts.

Traditionally, criminal barristers have kept the courts running smoothly by moving cases between one another to ensure that every defendant has a barrister in court when the case is called on. The Criminal Bar Association understand that a number of barristers wish to suspend this practice of cooperation. Where does this desire come from? It comes from the desperation to make the Government recognize that the Bar is the glue that holds the criminal justice system together and hence without it, it falls apart. But specifically that for years the system has traded on the basis of this goodwill for which the reward has been scant or nonexistent. The public still do not recognize that you will earn £46 for some of the things you do. They do not know that you get no further fee for going to a prison for a conference. Be assured they would not work on this basis .

Equally they would be amazed by the limitation of our demands. This action must be the first in history demanding no pay rise. Yes , we demand absolutely nothing and will accept nothing less. Yet we do not even seem able to secure this humble ambition.

Why? Because we undersell ourselves. In the case in which I am currently appearing, the perfectly supportive and amiable Judge suggested that we might like to sit on this case daily at 9.45 rather than 10.30. The Bar of course as ever anxious to help will cooperate so far as we are able. The public are unaware that our day has usually started well before that. But the point is that we would be willing to extend our working day by about 18% without a murmur and not expect a penny more.

There is goodwill, but if my Irish wife will forgive my saying so, there is taking the Michael.

The reality is that our pay scale is not just incomparable to any other profession, but has been left behind to the extent that like the red squirrel, we are becoming an endangered species.

But whilst I have the honour to be at your helm we continue to say no , "not a penny more" cuts. I say "whilst" because as with every other passage of time my year in office is racing by and already approaches half way through. Now of course I could observe that time goes very quickly when one is enjoying oneself , but I suspect that stretches credulity beyond breaking point. But as the whistle blows for half time and on come the oranges, I do seriously have to look at the question of what do I want to leave as my legacy. If the answer is a wasteland similar to the Russian war of 1812, then even if we have achieved victory, the price may have been too high to pay.

There are all sorts of issues that we should be spending our time on. Is our model the correct one or can we learn from our antipodean friends? Should defendants not have the same rights of anonymity as victims? Whole life sentences. The minefield that relates to issues surrounding assisted suicide and euthanasia – these are the debates that the Criminal Bar Association should be participating in. The Kalisher lecture given by Lord Justice Tracey on sexual offence sentencing, the Spring conference on International Criminal Law with Lord Justice Fulford, these are the *raison d'etre* of the CBA, not some image of us around the brazier with donkey jackets.

But remember that Piscean yoke that I carry with me? How every issue raises an equal and opposite one. Just because I can't spell brazier and can't get a donkey jacket to fit, doesn't mean I'll shy away from the fight. What it means is I know what we are fighting for, so that we can turn away from this bloody business, towards focusing on the great things the Criminal Bar in this country stands for. That is what I want my second half in office to have time to focus upon.

I seem to recall that at Bar School all of those hundreds of years ago, criminal law was but one course. Family, tax, corporate, administrative law were but four others.

The whole system was as entwined as is our justice system. An attack upon one of the branches is an attack upon all of them. At the rally on February 5, speakers from Combar and others spoke to acknowledge that we are as one and they will help us where they can.

It feels like we are in a deep pool in which we have to hold our breaths, swim through a cavern underwater, to emerge into the sunlight.

But we can and shall do it. ■

Hurting children; Harming Ourselves

Preface

Why do we allow children to be harmed?

Contributor

Dexter Dias QC

Why do we hurt children? While popular myths and platitudinous pronouncements simplistically reduce children to precious symbols of our lost innocence, a visit to almost any of our court complexes will disabuse us of such cosy idealism. It will reveal the extent that children are harmed, neglected, beaten and brutalized.

This fundamental contradiction lies at the heart of two research streams I have been developing internationally. In the UK, I've been examining the use of force on children in custody. At Harvard I'm endeavouring to understand the psycho-social drivers that result in young girls being genitally mutilated for non-medical reasons – the practice of Female Genital Mutilation (FGM).

The recently published report *An Unpunished Crime* indicates that in the UK we have seriously underestimated the number of girls under 13 at risk of being genitally mutilated. Rather than being around 24,000, the analysis by Julie Bindel and her team suggests that 65,000 girls are at risk. FGM has been a crime in the UK since 1985. Notoriously, however, there has not been a single prosecution. What does this say about our determination to protect children from irreparable damage? Why do we allow children to be harmed? Take Gareth Myatt's case.

Inflicting Pain on Detained Children

Gareth Myatt died while being forcibly restrained by three prison officers at Rainsbrook Secure Training Centre near Rugby. He died because, although he complained he couldn't breathe, officers kept his body restricted in a hold called the "Seated Double Embrace". They bent him double from the waist and secured his head, resulting in his ingesting of vomit and dying of asphyxiation. He was four foot 10, seven stone and 15 years old.

Gareth died in April 2004. Trying to understand how this could have happened has been, in the most pressing sense, at the heart of investigations I've conducted since 2007, when I became involved in his case as leading counsel for his mother Pam at the inquest into his death. Prompted by the alarming picture that emerged before the coroner, I subsequently conducted research into child restraint at Cambridge University. Along with my colleague, Dr Caroline Lanskey of Cambridge's Institute of Criminology, I will publish the research findings later this year.

I should make one thing clear from the outset: every criminal justice system that incarcerates children must consider how to control and contain them should they become volatile. To protect others; to protect the child. That much is uncontroversial. Both inside and outside of custody children lose their temper. Further, as a prison officer told me: being hit by a young person can still hurt. That must be obvious to all. Therefore the real issue at stake is what kind of force the state should authorize for use on the young

incarcerated person. There are different methods of control, of which pain-infliction is but one. The question is whether it is the best one.

Any deliberate infliction of pain on a child violates deep-seated drives within us. I want to outline just one of the mechanisms we found that lowered the moral resistances against hurting children. It is one that perhaps you may find surprising, even small. Yet in respect of what actually happens to detained children it is ever-present, and obscures almost everything of importance in how they are treated. It is the use of euphemism.

Euphemism

The UK's use of pain on incarcerated children has been subject to persistent domestic and international criticism, including condemnation from the UN Commission for Human Rights and the Council of Europe's Human Rights Commissioner. Indeed, the NSPCC stated that "cruel and degrading violence" was being inflicted upon children, resulting in "broken arms, noses, wrists and fingers".

Following highly critical inquest jury verdicts after the deaths of both Gareth Myatt and another child Adam Rickwood (14 when he died), a restraint review was commissioned by the Government. The resulting report, broadly accepted by Government, controversially recommended the extension of a technique called "wrist flexion" to Secure Training Centres, where some of the most vulnerable young people are detained. Thus it comes that wrist flexion is part of Managing and Minimizing Physical Restraint (MMPR), the new control system that has been in the process of being rolled out across the juvenile secure estate.

These developments have been severely criticized in differing ways. Several childcare professionals at the *Carlile Inquiry* sessions in the House of Lords in 2011 expressed concerns about the continued reliance on pain, as did the Office of the Children's Commissioner subsequently. Moreover, the High Court stated that the approach of the Government's appointed reviewers as to when restraint could be justified was "very much mistaken" if they believed that the UN Convention on the Rights of the Child was irrelevant.

So what does wrist "flexion" actually mean? Prison officers are authorised to exert pressure on children's joints. Pressure means pain. It is always necessary to spell this out. Indeed the revelation in a recent report of a young person at Hindley Young Offenders Institution (near Wigan) suffering a broken bone following restraint serves as a sobering reminder of the dangers of hurting young people. However, the fact is the use of sanitised language deceptively inures us from the human truth of what is happening. Take Adam Rickwood's case.

Euphemistically: a "trainee" in a Secure Training Centre had "nose distraction" applied as part of the behaviour management system "PCC" – Physical Control in Care. (Note: in "care".)

Unembroidered: a prison officer hit a child in prison with a sharp blow under the nostrils while keeping the child's head in place, something that caused extensive bleeding and contributed to the child killing himself by hanging.

Shortly before Adam Rickwood took that irreversible final step, he wrote:

"My nose started bleeding and swelled up it didn't stop bleeding for about one hour and afterwards it was swelled badly and really sore and hurting me a lot … so I said what gives them the right to hit a 14 year old child in the nose and draw blood and they said it was a restraint."

Shorn of euphemism, this is closer to how a restrained child feels. In our research we came across many similarly distressing accounts. Children who were bewildered, humiliated, accepting, resigned, ashamed or – perhaps most worryingly – so desensitized that they just didn't care if they were hurt anymore. It is not just physical harm that restraint causes.

Sociologist Stanley Cohen wrote of our use of "special vocabularies," words we deploy to deal with social suffering, to inoculate us against the everyday atrocities we witness around us. Deborah Coles is co-director of INQUEST, the charity that supported Gareth Myatt's mother throughout the coronial proceedings. INQUEST's lobbying was instrumental in raising awareness of the risks restraint presents to detained children. As Deborah Coles explains: "This euphemistic use of language simply masks the truth of what they're doing to vulnerable children. Which is hurting them. And subjecting them to fear and violence."

Infernal Calculus

The amount of pain we inflict on detained children is not just a technical question. It's a moral one. We must see through the lattice of half-lies and euphemisms to get at the essential questions: what are such children worth? What kind of treatment do they deserve – what if it were our child?

There is an infernal calculus at one end of which sits cruelty and callousness and at the other compassion and care. It is no excuse, if we *choose* pain-inducing solutions, to argue that these are difficult questions. They are. But that does not relieve us of the duty imposed by the UN Convention to adopt policies that treat children in a way that is consistent with their dignity and worth, and which reinforces rather than violates their human rights.

Ultimately, pain-inducing restraint disfigures the lives of many of the children it's inflicted upon. It also dents the moral claims of the society that authorizes it. Hurting children – whether by forcible restraint or FGM - is one of the great self-defeating practices in human conduct. It has a brutalizing effect on our communities and makes them more dangerous for all. Because if we can harm children, we can harm anyone. If children are not inviolate, almost nothing and no one is.

Therefore we should welcome the ongoing Parliamentary Inquiry into FGM. Indeed the Bar Human Rights Committee (BHRC) is determined to contribute to this important initiative.

But we must also challenge the use of pain by the UK state on children in custody. The state acts here as guardians of their welfare. It assumes the mantle of their statutory parents. We do. So let us not just deprecate the use of pain. Let's change it. ■

Dexter Dias QC practises from Garden Court Chambers (London), is a Researcher at Harvard and a Visiting Scholar at Cambridge University. He is co-writing the BHRC response to the Parliamentary Inquiry on FGM. Follow @DexterDiasQC and www.justicebrief.com

"You Do Not Have To Say Anything"?

Preface

The Right to Silence

Contributor

Chaynee Hodgetts

The privilege against self-incrimination, and the right to silence, form foundation cornerstones of our common law heritage. However, over many years, the substance of the right to silence has arguably become eroded – most notably by the Criminal Justice and Public Order Act 1994 (CJPOA). This Act provided that, in some circumstances, adverse inferences may be drawn by the jury, from a defendant's failure to mention any fact relied upon in their defence, when questioned under caution regarding (or, later charged with) a particular specified offence.

Many defendants may still, however, choose "no comment" as their sole statement, either under questioning, or at trial, or both. For some, this may be based on personal reasons, and for others, this may be based on legal advice. Nevertheless, the position of the defence practitioner faced with such a client may be difficult – the position in the latter instance being described by Lord Woolf CJ in *Beckles* [2005] 1 Cr App R 23 as: "singularly delicate," and the situation with s.34 of CJPOA as: "a notorious minefield".

This article aims to examine approaches that the defence practitioner may consider when faced with a steadfast "no comment" client. It is not aimed at those whose clients are in the position of deciding whether to comment – and, if a defence is to be argued, then this decision must be one for case-by-case contemplation. However, as the aim of this article is those practitioners whose clients wish to go "no comment," those points are not relevant here.

Damned by Silence?

One of the main problems faced by defence practitioners with "no comment" clients is the risk that the jury may well draw adverse inferences from their silence. This fear is arguably amplified by the sanctity of the jurors' deliberations – so it is not known whether such an inference has been a factor in the verdict, or not. This is a commonly-raised concern in commentary on miscarriage of justice cases involving "no comment" situations – one example being debate on this issue as a possible consideration in the *Sam Hallam* case (as discussed in C. Baksi, "Going 'no comment': a delicate balancing act," *Law Society Gazette*, May 24, 2012). If a direction has been given, it remains impossible to know for certain whether one's client has actually been affected by adverse inferences.

Noting the prevalent concerns regarding such potential adversity, there is a case to consider whether an assertion of "no comment" might actually harm one's chance of acquittal with a jury. Though "no comment" remains a valid comment, broader contemplation of alternative options for jury trial may perhaps be worthwhile.

It may well be that a jury might presume one with an "innocent explanation" would elaborate the same at trial or interview – but the range and variety of clients for whom "no comment" may be used or advised is testimony itself as to the potential error of such a presumption. A client may well have sound, solid personal reasons for going "no comment" – which may be unconnected to the facts in issue, or even the case in question.

"Silence Plus Because"?

However, might there be an alternative to "no comment" which still preserves the sanctity of silence, but may find favour with a jury more easily than its predecessor? In attempting to begin the debates on this point, this article has considered a range of precedents, and psychological research, in order to propose early (and as yet untested) thoughts for further contemplation. It must be stressed that the contents of this article are as yet untested, academic, and used at the practitioner's own risk.

That being said, for such a client area, this article develops the idea of "silence plus because". This would be a very brief statement made, in careful and concise terms (potentially in writing), reserving the right to silence, and, briefly, setting out the client's reasons for doing so (within precise parameters, such as privilege, to be discussed later). On the face of it, this notion may appear novel, if not counterintuitive to the general concept of not having to justify oneself. However, on deeper and more careful consideration, it may be something to think on.

Powers of Persuasion?

Research from the field of psychology has shown that, when people depart from certain social values, confusion and disappointment may result (G. R. Maio, J. M. Olson, L. Allen, and M. M. Bernard, "Addressing Discrepancies between Values and Behavior: The Motivating Effect of Reasons," (2004) *Journal of Experimental Social Psychology* 37, 104). Though not the subject of the study in question, this may potentially be extrapolated to the failure to comment. The findings of the researchers' study may give some insight into gathering understanding of the jury for the defendant's position of "no comment". Their study focussed on others' support for individual values (which may contradict social values) – and how support may be increased for the individual's values. Their results supported the view that providing reasons for a value might convince others that the value has a rational basis, thus potentially explaining why such an action might be seen as sensible and justified. This could allow others (or, in a legal environment, a jury) a guide for the person's behaviour (or choice to go "no comment"). Indeed, the study found that the personal nature of values may have effect even if the reasons are objectively weak.

Similarly, another study (J-B. Légal, J. Chappé, V. Coiffard, A. Villiard-Forest, "Don't you know that you want to trust me? Subliminal goal priming and persuasion," (2012) *Journal of Experimental Social Psychology* 48, 358) demonstrated some evidence of increased agreement when reasons were given for requests, rather than the request made by itself – and this seemed so even when the reason given did not make sense. Thus there is some evidence from psychological research that the provision of reasons may be looked upon favourably by the public. Furthermore, this study suggested that those primed with the goal "to trust" showed more signs of evaluating messages linked to this, and sources of such, and appeared to exhibit more behaviour compatible with the message. Thus, it is possible that use of the word "trust" may be a thought for such an instance.

> "that the personal reasons for silence are brief, and distinct to, the basis of legal advice to remain silent"

Overall, a client's personal reasons for choosing "no comment" might thus be relevant? It appears that the field of persuasion in psychology may have great relevance to defence practitioners – but the legal position of any derogation from a planned "no comment" must always be carefully evaluated against the legal precedents present.

Protecting Privilege

It is important that a client, if relying on legal advice for not commenting, does not accidentally waive their legal professional privilege in attempting to seek a jury's empathy for their reasoning. It was held in *R. v. Derby Magistrates' Court ex parte B* [1996] 1 AC 487, that the existence of legal professional privilege is essential. It was further confirmed that a defendant does not waive privilege by merely refusing to answer questions, based on legal advice. However, if they go beyond this and set out the grounds on which this advice was given, it may constitute a waiver of privilege *(Bowden* [1999] 2 Cr App R 176).

Thus, it is arguably very wise, if relying on personal reasons for silence, and legal advice to do the same, that the personal reasons for silence are brief, and distinct to, the basis of legal advice to remain silent – and that the grounds for such legal advice, or reasons for it, are not explained to the court, even if known to the defendant. Otherwise, this course of action runs the risk of being perilously close to an inadvertent waiver of privilege. It would be for the practitioner, on a case-by-case basis, to advise upon the potential use and wording of, and responsibility for, any such "silence plus because" statement.

"Silence Plus Because" – Concept Under Construction?

The precise wording of a "silence plus because" statement is not yet conclusive, and, if developed, is something which would require further thought, and, possibly, individual wording for individual cases. It could be possible to provide a "double-barrelled" reasoning (and the potential reasons for doing so shall be explained later). Such a statement could potentially be along the lines of the following hypothetical example:

"I would like (to invite) you to trust and respect my choice to reserve my right to silence.

The reason(s) I wish to remain silent, maintaining that I am not guilty, but am innocent, is/are because:

1) Here would be individual's suitable personal reason, or principle, or value, eg, a vow of confidentiality, or some other suitable reason.

And (if applicable);

2) I have been advised not to comment by my legal adviser/solicitor/barrister, am following their advice genuinely, I may not even be aware of the grounds of this, and, because of legal professional privilege, the grounds of this may not be lawfully questioned."

There might also be the option for those wishing to elaborate with a defence to submit that this will be made by their legal adviser, solicitor, or counsel, or by written statement – but if a defence is to be argued, the sort of statement above may not always be appropriate?

Sensible Explanation For Silence?

In terms of either the "personal reasons" or legally privileged advice not to comment (or both), the client may have a case for a submission of adverse inferences not being drawn from silence. This is because, following the case of *Condron* [1997] 1 Cr App R 185, when being directed on s.34, CJPOA 1994, the jury should be advised that they may draw an adverse inference only where they are satisfied that the only sensible explanation for the defendant's silence is that the defendant had no answer, or at least none that would stand up to scrutiny. The European Court of Human Rights affirmed (in *Condron v. UK* [2001] 31 EHRR 1) that failure to give such advice may have art.6 implications.

However, if the reasons given are the personal ones, or legal professionally privileged advice (or both, if distinctly set out) then arguably, the jury may have some explanation to contemplate in terms of *Condron* before concluding on the possibility of inferences.

There remains, of course, no guarantee that they will not draw such inferences.

To conclude, it is hoped that the ideas in this article, while untested, (and practitioners would be responsible for their use, and any consequence) may provide some basis for further thoughts on the representation, reasons, and fair trial of "no comment" defendants in our criminal courts.

As Plato once observed: "Wise men talk because they have something to say; fools, because they have to say something." ■

LLB (Hons) LLM (Res). Module Leader & Lecturer, Criminal Law and Evidence, School of Law, Bangor University, PhD Candidate, School of Law, University of Portsmouth, Student Member, Middle Temple.

Low Commission, high expectations

Preface

Considers the Low alternatives to "indiscriminate" cost cutting

Contributor

Jon Robins

Where's the alternative? That was the recent challenge posed by Des Hudson to defence lawyers when they accused him of "appeasement" over the Law Society's legal aid negotiations with the Ministry of Justice. While lawyers appeared "admirably united" in opposing the government's plans to foist price competitive tendering on the profession, Hudson argued that they failed to deliver "any positive alternative agenda" to counter Chris Grayling's plans.

> "Armageddon came and went last April when £350m of LASPO (Legal Aid, Sentencing and Punishment of Offenders Act 2012) cuts were delivered"

In No Mood to Talk

It was a fair point. However, defence lawyers were not – and still aren't – in the mood for talking alternatives. Instead, the prevailing view is that any further cost-cutting reforms are likely to be ruinous, potentially fatal to a significant number of defence firms.

Moving across to "the other legal aid crisis",

Armageddon came and went last April when £350m of LASPO (Legal Aid, Sentencing and Punishment of Offenders Act 2012) cuts were delivered and the vast part of the social welfare law scheme was excised from publicly-funded law. Of course, this all happened without a fraction of the media attention that January's protests by barristers achieved. So it's welcome to have the Low Commission shining much-needed light on the impact of the LASPO cuts on those largely poor and vulnerable people who, up until nine months ago, had legal aid as some kind of safety net.

"it's welcome to have the Low Commission shining much-needed light on the impact of the LASPO cuts on those largely poor and vulnerable people who up until nine months ago had legal aid as some kind of safety net."

Any Alternative?

So what about the alternatives? Earlier last month Lord Low of Dalston delivered what one hopes might be a compelling and positive model for the provision of social welfare law in a post-LASPO world in a report called *Tackling the Advice Deficit*. The Low Commission, established by the Legal Action Group (LAG), spent a year investigating "the state of social welfare law provision" (and what a woeful experience that must have been). The small group took evidence from 250 individuals and organizations.

Thinking of possible solutions to the manifold problems afflicting the legal aid scheme is as unenviable a task as anyone could possibly conceive. And I write as co-author (with LAG's Steve Hynes of the *Justice Gap: whatever happened to legal aid?*, which made some 20 recommendations, and editor of a collection of essays entitled *Closing the Justice Gap: new thinking on an old problem* for which contributors were explicitly asked to come up with "radical, exciting and innovative ways" to improve access to justice. "No point scoring and no complaining about fees," contributors were warned.

Impressive Work

The work of the Low Commission is hugely impressive. It has been rightly well-received. Andy Slaughter, shadow justice minister, was so fulsome in his praise for its work at the report's launch at the House of Commons last week that he joked that his government would be "plagiarizing without acknowledgement". I read with mild amusement one commentator who accused the Lib Dem peer of, wait for it, "Low expectations" and "accepting the austerity agenda".

The bottom line is that Lord Low wants £100m a year to preserve a basic level of provision.

Low reckons that LASPO took £89m out of social welfare law and that sum plus another £40m a year to 2015 as a result of local authority cuts is bringing the sector to a crisis point. One big idea is for a 10-year national advice and legal support fund to be set up by a future government and funded by the two lots of £50m coming from that government and the second lot from other sources. The report is "admirably clear about the delineation lines" for different funders, reckons James Sandbach, a freelance policy adviser (formerly at Citizens Advice). Those funders include the Money Advice Service, Department for Work and Pensions, NHS, local government, trust and foundations as well as tapping the legal profession through pro bono and dormant funds.

Also, the Low Commission has called for the reintroduction of legal aid in one discrete area, for emergency housing cases.

What Low doesn't do is make the case for winding the clock back and reinstating the pre-LASPO scheme.

Main Recommendations

The Commission makes 100 recommendations featuring six overarching ones: the National Advice and Legal Support Fund mentioned before; prioritising public legal education in schools, alongside financial literacy, and in "education for life"; calling on government to clampdown down "preventable demand" by getting decisions right the first time including a "polluter pays" scheme for the DWP to pay costs on upheld appeals (on average 35% of appeals against welfare benefits decisions are upheld); an overhaul of the courts to make them better suited for the needs of litigants in person; a national strategy for 2015–20, including a "minister for advice and legal support"; and for local authorities to commission local advice and legal support plans.

Pre-emptive Strike

At the Commons launch, Lord Low launched a pre-emptive strike against those lawyer-critics who will inevitably (and unrealistically) say that the Peer missed an opportunity to make the case for reinstatement of a preLASPOarian scheme.

The peer stressed that he did "not underestimate the importance of legal interventions". "Sometimes it takes a lawyer to bring a recalcitrant defendant to the table," he added.

However Low also recalled talking to a firm of solicitors who told told him that as a result of the LASPO cuts they would be able to handle 300 fewer cases a year. "Down the road we found a CAB that was dealing with over 30,000 cases a year," he added.

Lord Low and his team have offered a compelling and positive alternative.

Let's hope policy-makers take note. ■

This article first appeared in NLJ http://www.newlawjournal.co.uk/nlj/content/low-commission-high-expectations

Jon Robins, editor of www.thejusticegap.com & a senior fellow in access to justice at Lincoln University

"Jury Selection, Protection and Misconduct"

Preface

Principles and procedures for jury trials

Contributor

Colin Wells

The Lord Chief Justice of England and Wales gave judgment, on 13th December 2013, in the Court of Appeal Criminal Division in *R. v. Mehmet Baybasin, Andrew Molloy, Martin McMullen* (appellants) and others (applicants), reported at [2013] EWCA Crim 2357, on important issues of jury selection, protection and misconduct. The decision contains important guidance on the principles and procedures to be followed when complaint is made of trial unfairness surrounding the choice, safeguards and conduct of a trial jury.

Appeal Hearing

The Court of Appeal (Criminal Division), sitting at Liverpool Crown Court, Lord Chief Justice Thomas, Mrs Justice Cox and Mr Justice Holroyde, considered (on November 13-14, 2013) and dismissed the appellants appeals against conviction and sentence; following conviction on a large scale Conspiracy to Import Class "A" drugs at the Crown Court of Liverpool before His Honour Judge David Aubrey QC and a jury (May 18 - July 8, 2011).

Prosecution Case

At trial the prosecution alleged that there was a well planned conspiracy to import cocaine between (1) a group of criminals in London headed by Baybasin, (2) a group of criminals based in Liverpool headed by Taylor and (3) other drug dealers based overseas, from Central America to the UK. It was the prosecution's case that Baybasin was linked to drugs supplies in Central America. It was Baybasin's case that he was on legitimate business and had no involvement with the conspiracy.

The prosecution case against McMullen was that he was a member of the Liverpool team providing expertise in transportation. It was alleged he travelled to Central America. It was *McMullen's* case that he was not involved in the conspiracy and had not been to South America. He had other businesses interests that did not involve drugs. His links with Taylor were explicable. The case against Molloy was that he was a person who delivered the drugs; Molloy's case was that when he had delivered articles he was not delivering drugs.

The evidence adduced by the prosecution comprised surveillance evidence and evidence of recorded conversations obtained from probes installed in buildings.

Conviction Appeal Grounds

The applications of Baybasin, McMullen and Molloy for leave to appeal against conviction were based on two principal grounds:

(1) The general practice of the Crown Court at Liverpool of balloting jurors by number in cases of over two weeks in length was said to be unlawful. There was no basis for the trial Judge to have balloted by number, as the prosecution had specifically abandoned their application for that to be done. The trial Judge had also failed to give proper directions to the jury in relation to arrangements relating to their transportation to the court from a city-centre pick-up point and to their separation from other jurors during the course of the trial. (2) On the basis of fresh evidence obtained through an inquiry by the Criminal Cases Review Commission, it was contended that a member or members of the jury had found on the Internet and in a book material relating to the members of the Baybasin family who had been engaged in drug dealing. The trial Judge had specifically excluded evidence relating to the activities of Baybasin's family. Four of the trial jurors gave live evidence before the COACD.

The two grounds gave rise to more general issues relating to the adoption of local practices and inquiries into alleged misconduct by jurors. The COACD rejected the juror misconduct outright, but granted leave on the local practices ground.

Ground 1: Balloting By Number And Other Jury Practice Measures

The COACD grant leave on this ground and gave judgment in the following terms: (a) *The general practice as to ballot by number: R. v. ComerfordP:* "[10]The usual procedure for empanelling a jury is to ballot from those assembled by calling out the names of the jurors in open court in the presence of the defendant. As each person's name is called, that person steps into the jury box and is sworn. In this way everyone in court knows the names of the jurors who are to try the defendant.

[11] In *R. v. Comerford* [1998] 1 Cr App R 235, this court (Lord Bingham CJ, Potts and Butterfield JJ) considered an appeal from a trial in the Crown Court at Middlesex Guildhall where jury nobbling was anticipated. The assembled jurors were each allocated a number before being brought into court. Instead of their names being called out in the ballot, their number was called for the ballot. No juror was identified in court by name. This court held that this procedure was lawful as it had no material and adverse effect on the fairness of the trial for reasons we set out below. At the conclusion of the judgment Lord Bingham giving the judgment of the COACD made clear:

"It is highly desirable that in normal circumstances the usual procedure for empanelling a jury should be followed. But if, to thwart the nefarious designs of those suspected of seeking to nobble a jury, it is reasonably thought to be desirable to withhold juror's names, we can see no objection to that course provided the defendant's right of challenge is preserved."

The COACD then considered balloting by number in this case. (b) *Prosecution application for balloting by number, its withdrawal and Judges decision*: Immediately before the trial was due to begin, the Judge raised with counsel the empanelling of the jury. The prosecution initially invited the Judge to proceed to ballot by number, but then withdraw the application. The trial Judge in ordering balloting by number stated "it is standard practice in this building for juries in long cases to be balloted by number. This court is clearly of the view that no prejudice whatsoever is occasioned by such a jury provided, of course, that the panel is told that it is the normal practice in this building for cases of some length." The trial Judge concluded that the overriding objective in dealing with a criminal case justly included not only dealing with the case efficiently and expeditiously, but by respecting the interests of jurors. The court then proceeded that day to empanel the jury by balloting it by number. The Judge explained the process to the assembled jurors in waiting saying in the following terms that it was standard practice in the court. That practice had originated in a Guidance Note: *Trial Management in Long/Secure Cases* issued on January 15, 2004 by the then Recorder of Liverpool and approved by the Presiding Judge of the Northern Circuit. The Guidance set out the practice to be followed at Liverpool Crown Court including: "Special jury arrangements during the trial" of collection points in the city and the provision of tea and coffee making facilities in the jury room. The practice applied by the trial Judge had been modified in the period after 2004 so that in all cases of more than two weeks in length, subject to the discretion of the Judge, jurors were balloted by number and special arrangements about transportation and refreshment were made for them. Each jury to which this practice was applied were told that these arrangements were standard practice. (c) *The effect on the fairness of the trial of the appellants*: The COACD found that although it is clear that the practice adopted in the Crown Court at Liverpool is one that is unique to that location of the Crown Court, the COACD could not see how in the circumstances of this case it had any effect on the fairness of the trial, stating: "[27] In *Comerford* the COACD court determined the fairness of the trial was not affected by the procedure of balloting by number as long as the right of the defendant to challenge was not impaired. It is difficult to see how these rights could be impaired given the right to inspect the panel from which the names of jurors might be drawn under s.5(2) of the Juries Act 1974. There is no suggestion in the present case that the right of challenge was in any way impaired."

The COACD also stated that it could not have had any effect on the perception of the jury in the light of the explanation given by the Judge to the jury. Further, observing: " [29] In any event we would agree with the comment made in the *Criminal Law Review* in its report on *Comerford* at [1998] Crim LR 285: With the procedure adopted by the Judge in this case, it is unlikely that the jurors themselves would have known that the procedure was unorthodox, so there is no reason to suspect that they adopted a different attitude to the accused because of it.

[30] Nor in our view did the arrangements for lunch and coffee have any effect on the fairness of the trial. Although the jury were not directed that they should not hold these arrangements against the defendants, the jurors would have attached no significance to the court making such arrangements for refreshments; it is fanciful to suggest that these could have that effect … [32] The practice of picking jurors up at a point in the City is, in our judgment, not a measure that is akin to special protection of which the jury might become aware and so lead jurors to be tempted to "view with disfavour an accused person whose friends or associates are thought likely to act in a criminal way". It is, however, an unusual step and could give rise to some suspicion as to why it was being done. In the present case, as this was the practice at Liverpool in cases of over two weeks duration, the jury were rightly told that this was the usual practice. There was no risk that the jury would therefore hold this against these applicants." The COACD therefore reached the conclusion that the fairness of the trial was not affected and the safety of the conviction was not in any way impaired by the practice adopted at Liverpool.

Ground 1: Local Practice Balloting Refusal

From the above summary, it is clear that the COACD accepted that the balloting by number and jury arrangements was a practice peculiar to Liverpool, but did not affect the fairness of the trial, even though there was no judicial warning given as to the travel and separation arrangements. The trial was still fair as (a) safeguards were still in place including the right to inspect the panel from which the names of jurors might be drawn under s.5(2) of the Juries Act 1974. There is no suggestion in the present case that the right of challenge was in any way impaired; (b) the Jury would not have any adverse perception in light of the explanation given by the Judge to the jury for the balloting; (c) the travel and refreshment arrangements did not amount to special protection. Although it is an unusual step and could give rise to some suspicion as to why it was being done, in the present case, as this was the practice at Liverpool in cases of over two weeks duration, the jury were rightly told that this was the usual practice. There was no risk that the jury would therefore hold this against these applicants.

In short, the COACD (a) upheld the correctness of *Comerford* as good law and practice, but (b) made factual findings, specific to the case, which meant that the trial was *Comerford* compliant. Accordingly, the COACD accepted the appellant arguments about *Comerford*, but made factual findings which meant that the fairness of trial rights were not breached.

Observations on Local Practices

The COACD acknowledged that there is very considerable force in the appellant submission that the Crown Court was a single court and local practices should not be permitted. Such local practices, including the practice at Liverpool, can no longer be justified after the creation of the Criminal Procedures. The LCJ observing "[35] The Crown Court is a single court; its procedure and practice must be the same in all its locations, unless there is an objectively justifiable basis for such a practice based on local conditions. If a court considers that such a practice is required because of local conditions, then in these rare circumstances, details of the practice and the justification must be submitted to the office of the Lord Chief Justice before it is implemented. The Lord Chief Justice may, if appropriate, refer it to the Criminal Procedure Rule Committee." No such justification for the local practice of balloting at Liverpool was advanced by the prosecution before the COACD. "[36] However, the practice has some advantages; it may be the case that balloting

by number is a practice which should be allowed in defined circumstances in the Crown Court. We will therefore ask the Criminal Procedure Rule Committee to consider the issue." The COACD have therefore disapproved of local practices unless sanctioned by the Criminal Procedure Rules Committee. This amounts to a change in the law and practice but did not amount to a successful ground of appeal against conviction.

Ground 2 Jury Access to The Internet

The COACD refused leave on this Ground and dismissed the point on (a) the basis that the trial Judge gave a direction at the outset of the trial not to carry out Internet research and (b) case specific factual findings.

(a) *The Judge's direction to the jury at the outset of the trial:* Immediately after the jury had been empanelled, the Judge gave the jury the standard directions, including a direction that they must not research matters on the Internet. In the opinion of the COACD at para.38, "His remarks were clear and suitably forceful". (b) *The allegation immediately after the conclusion of the trial:* After the verdict juror A told Darryn Robinson that juror B, had googled the defendants. Based on that material an application was made to the COACD court for leave to appeal against conviction. On December 20, 2011 the COACD (Pitchford LJ, Wilkie and Sharpe JJ) decided that a reference should be made under s.23A of the Criminal Appeal Act 1968 to the Criminal Cases Review Commission for the conduct of an investigation. The CCRC, assisted by Merseyside Police carried out an investigation. In the course of the investigations by the Criminal Cases Review Commission of the allegations of a serious irregularity by the jury in researching on the Internet, specific allegations emerged: **a.** Juror C had read during the currency of the trial a book entitled *Cocky* which referred to drug dealing and the Baybasin family. He had told the other jurors of this. **b.** Juror B had researched matters on the internet relating to the trial. There was on the internet material about the Baybasin family and Baybasin's brothers which detailed their extensive involvement in drug dealing. **c.** Jurors B and C talked about the value of Baybasin's house.

Jurors A-D Gave Live Evidence Before the COACD

Juror D gave evidence that she recalled juror C reading the book about Curtis Warren during the trial. Juror B also gave evidence that juror C was reading a fictional book about international drug dealing during the trial, but he did not recall what it was. The COACD found Juror C to be a most impressive witness and accepted that "[49] … he did not read any book about drug dealing during the trial. He had said that he had bought *Cocky* the book about Curtis Warren and another book to do with drug dealers after the trial, as he was interested in learning more about international drug dealing. He was, however, plainly incensed at the attack on his integrity. After he had given his evidence, he examined his account with Amazon; it showed that he had bought the book *Cocky* and another book about drug dealing two weeks after the conclusion of the trial."

The COACD found that "[49] Juror D's recollection when she was asked about this a year after the trial must have been mistaken; even if juror B's recollection was correct (and we do not think it was) and juror C had been reading a fictional book on drug dealing, it would not have mattered.

Accordingly, the first allegation of jury irregularity failed on the factual finding of the COACD.

The second allegation of internet research rested substantially on the evidence of witness A. He was interviewed by the police on behalf of the Criminal Cases Review Commission on August 23, 2012. He made clear in his evidence to the COACD that his recollection was best set out in that interview. In it he said that two jurors had googled Baybasin. He identified one of the persons who had conducted the google search on Baybasin as juror B; juror B had said he had googled Baybasin and had said Baybasin had a past. He had not reported anyone for doing this during the trial as he did not want to get them into trouble.

In his evidence to the COACD Juror A repeated the allegation that juror B had said on one occasion that he had googled Baybasin, but as juror B had not told anyone what he had found, he, juror A, had not told the Judge.

In his evidence to the COACD Juror B denied emphatically that he had conducted any research on the Internet during the trial. Juror B said he did so only after the end of the trial when the jury were told they could do so.

Juror C told the COACD that he only looked at the Internet in relation to the case after the trial had finished when he was told that the jury could do so. Juror C did not do so during the currency of the trial. Having considered the evidence the COACD made factual findings : (a) accepting the evidence of Juror's B and C to the effect that; "Neither these jurors nor any other juror looked up matters relating to the trial during the trial"; (b) Juror A was on his own account a man who kept himself to himself. He told the COACD that he was an alcoholic who was on anti-depressants. The COACD found him to be an unreliable witness, who invented an account to minimise his role in the convictions. The COACD made further factual findings, rejecting the allegations in respect of the value of Baybasin's house and Juror D's recollection was unreliable in relation to the book about drug dealing. The COACD made factual findings and rejected all the allegations of jury impropriety and irregularity.

General Observation on Jury Impropriety

The COACD in rejecting the Jury impropriety ground of Appeal observed "[60] We would add that great care has to be exercised before this kind of appeal proceeds. In *Lewis* [2013] EWCA Crim 776, this court observed at para.25 that the inference that complaints after verdicts simply represent a protest by a juror at verdicts with which he or she disagrees are likely to be overwhelming." Further the COACD observed that " [63] we have little doubt that if one of the jurors during the trial falls below the standards expected of a juror, the other jurors will report that to the Judge during the trial and before the verdict. That is the presumption upon which this court should act, if the complaint is first made after the taking of the verdict. Inquiries should therefore not be ordered in such cases and the finality of the verdict accepted, absent other strong and compelling evidence. To do otherwise is neither fair nor just. Jurors doing their public duty should not in such circumstances be put through an examination of their conduct some considerable time after the performance of their civic duties.". ■

25 Bedford Row

QASA - Questions to Answer

Preface

What is the regulatory impact of QASA boycott?

Contributors

Dan Bunting

On January 20, 2014 the judgment in the Judicial Review as to the legality of QASA was given (if you haven't heard by now, spoiler alert – the scheme was upheld). It is a remarkable achievement to get something on which that not just all barristers, but all barristers and solicitors, can agree. For that, the Joint Advocacy Group (JAG) is to be congratulated in the universal opposition to the QASA scheme that they have engendered.

I won't rehash the arguments for and against: they are all there in the judgment if you wish to see them. The judgment was not a ringing endorsement of the scheme, a conclusion that it is lawful does not mean that it is desirable, and various suggestions were made by Leveson P as to how the scheme may be improved.

As a result of this, the JAG announced that the roll out date for QASA has been put back for these suggestions to be analysed and amendments to the *QASA Handbook* to be made by the end of February. Consequently, the implementation period has been put back by about three months.

This hasn't satisfied the CBA, who has been leading the charge against QASA. They have made their position clear; the plan for a boycott is still maintained. The arguments over lawyers going on strike (or "strike" as many would have it) have been strong, and many have looked at not just the politics or the ethics of it, but whether it would amount to the sort of behaviour that could get your collar felt by the BSB.

Little attention, however, has been paid to the regulatory impact of a QASA boycott, with all the attention being focussed on whether it will work or not, but should we be so complacent? The strike of January 6, 2014 coincided with the release of the new *BSB Handbook*. This is a completely new approach to regulation, a lot more sophisticated (and longer) than the previous method. Instead of a Code of Conduct saying what you can and cannot do, there are Outcomes, Core Duties, Rules, Guidance and Regulations, all of which have to be weighed and balanced. There is a whole section on QASA (starting on p.45 if you're interested).

Whilst practicing without signing up to QASA would be a disciplinary offence, a boycott is often presented as raising no ethical issues, but is that correct? Do we have a professional obligation to sign up to QASA? Rule 61 states: "Barristers currently undertaking criminal advocacy are required to apply for registration under the QASA Scheme in accordance with the phased implementation programme as set out at paras.2.11 to 2.13 of the *QASA Handbook.*"

On the face of it, how can I be forced to sign up to a scheme such as this? The point is that unless you are retiring from practice however, you know that this is coming. If I know I am going to be part-heard (or I have a trial coming up after the deadline) then is it a disciplinary offence to fail to register?

After all, it's one thing to withdraw because of something that arises unexpectedly during a case, but the consequences of failing to register are eminently foreseeable – no registration, no practicing certificate. Do I not then have an obligation to register so that I can finish my trial (or return a pending trial so that a QASA-approved advocate can be instructed)?

The first two Core Duties require a barrister to: "observe your duty to the court in the administration of justice" and "act in the best interests of each client". This would tend to suggest there are problems for those who wish to protest with a boycott. This is before we see what happens if individual Judges, not wanting to derail a part-heard murder trial, start issuing directions to advocates to sign up to QASA or else face contempt proceedings.

The last year has seen lawyers, a historically conservative profession, take unprecedented levels of action, and it looks like this will continue with a boycott of QASA. I have certainly nothing against that (and plan to join the boycott), but I hope all lawyers read the small print first. ■

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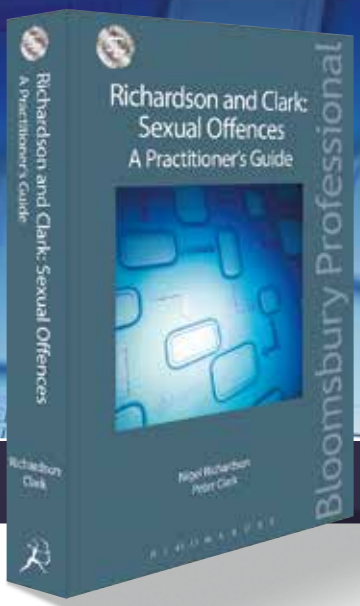
Richardson and Clark: Sexual Offences – A Practitioner's Guide



Nigel Richardson & Peter Clark

Richardson and Clark: Sexual Offences – A Practitioner's Guide is the brand new practical guide to the law relating to sexual offences. It gives practitioners the ability to respond quickly, particularly on arrest and questioning of the accused and during the preparation of the case, and provides in-depth advice for the entire trial process.

In-depth information, designed for quick access

Richardson and Clark: Sexual Offences covers the 70+ different sexual offences currently on the statute books, from obvious offences such as rape or sexual touching, to more arcane matters like voyeurism or breach of a position of trust. It also covers the range of offences relating to images, pornography and prostitution and provides advice on historic offences which may still be charged today.

All this information is predominantly provided in tabular form such as charts and flow diagrams to allow quick access during crucial and sensitively-timed situations.

Accessible sections

Each offence is dealt with in individual chapters that follow a consistent structure throughout. Each chapter contains: the elements the prosecution must prove; the potential defences; issues that are likely to arise; jurisdiction; and sentence.

More practical helps is offered in the form of:

- Case preparation checklists
- Draft indictments
- Detailed practical information on matters the lay client will need to be advised about - which is often not contained in 'legal' textbooks
- Detailed guidance on the key evidential issues which arise in sex cases
- Analysis of the relatively-new offences of possession of extreme and prohibited images
- Guidance on the analysis of indecent or pornographic images found on computers
- Guidance on Sexual Offence Prevention Orders

Legislation

Richardson and Clark: Sexual Offences covers:

- Sexual Offences Act 2003
- Sexual Offences Act 1956
- Indecency with Children Act 1960
- Protection of Children Act 1978
- Criminal Justice Act 1988
- Criminal Justice and Immigration Act 2008
- Youth Justice and Criminal Evidence Act 1999
- Coroners and Justice Act 2009
- Criminal Procedure and Investigations Act 1996
- Criminal Procedure Rules
- Definitive Sentencing Guidelines for Sexual Offences (effective from 1st April 2014)
- Key case law

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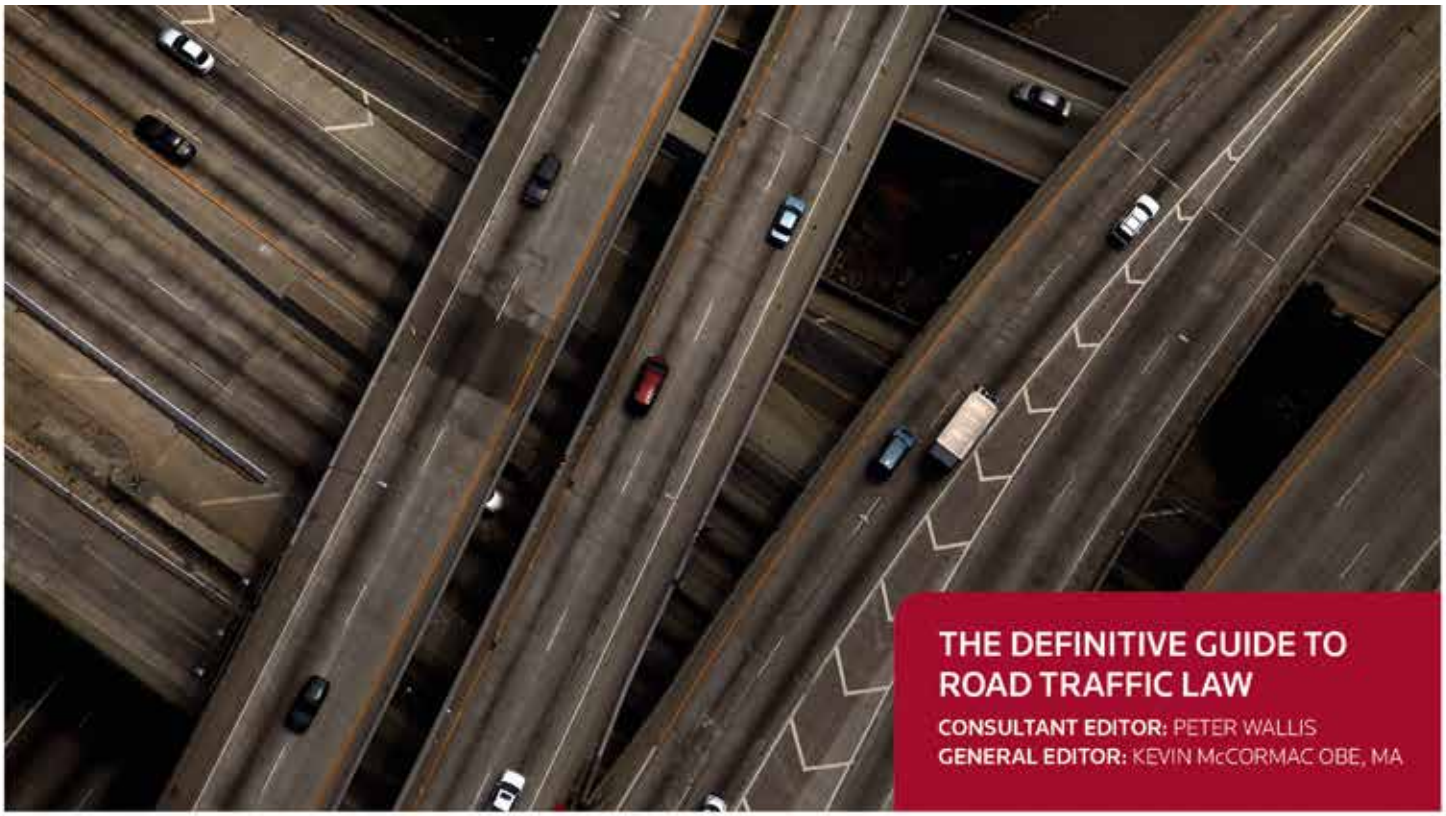

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