

Behind the scenes at a criminal law firm

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A new documentary series takes a look at Tuckers in action. Here we interview its senior partner, Franklin Sinclair

Government cuts to will lead to miscarriages of justice for the most vulnerable people in society and have sparked a brain drain of talent away from criminal law.

Law firms that specialise in criminal legal aid cases are making staff cuts after years of swingeing budget reductions and the lawyers left are forced to take on more cases. That will inevitably lead to mistakes, according to Franklin Sinclair, one of the country's busiest criminal lawyers.

He says: "We've been hung, drawn and quartered. The cuts have affected the criminal justice system terribly. It is no longer possible to provide the level of service to clients we have done in the past. The people we represent are the most vulnerable people in society. They deserve a fair trial. It doesn't do the balance of justice any good if the defence is so poorly funded. You are left with fewer lawyers doing more work. Corners will be cut and I fear inevitably — because of the stress we are under — that defendants will get unfair results. It is a test of a civilised society how we treat the most disadvantaged in society and there is a danger that test will be failed."

Sinclair is senior partner at Tuckers, one of the UK's largest criminal law firms with offices in ten cities. It deals with over 10,000 cases a year, over half of which are legal aid funded. In the last five years he has seen a 20 per cent reduction in income as criminal fees have been repeatedly frozen, then cut by 13.5 per cent by the last Labour government and again by a further 11 per cent by the current administration. Sinclair says: "It's not about fat cat lawyers. People assume it is a lucrative business but we don't make a lot of money anymore, it's as simple as that. It is a total misconception. Almost every solicitor who works for me, even those with ten years' experience or more all earn less than £40,000 a year, some less than £30,000. To me, in the modern world that is not fat cat lawyers."

Earlier this year his sentiments were echoed by the head of the Criminal Bar Association, Max Hill, QC, who criticised the coalition Government over plans for a new round of cuts to civil legal aid. He declared that the popular perception of "fat cat" lawyers wallowing in claret is inaccurate.

"We spend our days worrying about paying the mortgage; worrying about how we can ever afford a pension," he told the CBA.

Franklin, from Cheshire, confirmed that criminal law firms are now seeing a brain drain of talent as promising young lawyers are lured by more lucrative jobs in the corporate sector.

He says: "In the past few years it has been a struggle to get quality lawyers doing crime. My son has just finished his law conversion course and of all the people on that, not one

wants to do legal aid work because it's a hard job and rates of pay are over 50 per cent less than in law firms not doing legal aid work."

Tuckers is the subject of a new ground-breaking ITV1 two-part documentary, *The Briefs*. For the series, film crews were given unprecedented access behind the scenes at the firm to record the legal process from arrest to trial.

Sinclair hopes it will give the public a better understanding of how criminal case solicitors work.

"We agreed to do the programme because I think it is important for people to know how we do our job and to understand that we are not allowed to try and get someone off we know to be guilty.

"I have defended rapists and paedophiles and obviously I am human and I think they are terrible crimes. But it is not difficult maintaining a business-like approach. I have no problem representing anyone, I don't have to sympathise with what they've done. If they are pleading guilty there is normally a story to tell and we tell that story. We don't moralise, it is not part of the job.

"I get great satisfaction from fairness. If someone gets eight years when they should have got five, however bad the crime is, it is wrong and I feel a big sense of injustice if that happens."

Tuckers were approached by a production company over a year ago and film crews spent months with clients and solicitors. The filming threw up many challenges.

Franklin explains: "The main problem was getting the clients to agree to be filmed. Many of the really serious and interesting cases we dealt with could not be used for legal reasons. We had one client who was found guilty of posing as an Italian count to con people out of money but because there is now a new case pending after publicity of the original trial, the footage had to be removed."

The Briefs does follow another high-profile Tuckers case however. The client was accused of trying to extort £5,000 from footballer Wayne Rooney and his wife Coleen whose camera, containing hundreds of family photos, went missing from a concert in Manchester. Before the trial, the client insisted he didn't realise what he was doing was illegal. On the stand he changed his plea to guilty and received a 20-month sentence.

While Franklin prides himself of his professionalism, he says the failure of government to monitor standards in the work done by legal aid firms has led to many shady practices and dodgy firms being set up.

"The Government hasn't taken any proper steps and it is now full of sharks. There are law firms who are prepared to bend the rules and cheat on behalf of clients. They send clients money and incentives to get them to sign with them. Criminal clients aren't always the most sophisticated people and if someone is prepared to buy them an iPhone, they will be persuaded."

The Briefs is on ITV1 on August 2 and 9 at 9pm

