

## CBA ELECTION BIO – NIGEL. R. EDWARDS

Called to the Bar in 1995.

I am married to a solicitor who practices in privately paid family law, lucky her, who for her sins has had to put up with me and my constant whinging, whining and stomping around about the imminent demise of the criminal justice system for longer than she can recall, or deserves.

My practice is almost exclusively criminal defence, and I have been principally based at St Paul's Chambers in Leeds since completing my pupillage there.

The practice I presently enjoy, and I mean on many levels truly love, takes me the length and breadth of the country, and I count myself very lucky to have a broad base of instructing solicitors across the full spectrum of criminal work.

I am instructed by sole practitioners, small and medium sized firms, and by some of those who form part of the "Big Firm Group".

So, about a week or so ago I was asked by some friends from London to accept a nomination to stand for the CBA National Executive, and I would like to say that I jumped at the opportunity, but I didn't.

I was, where I am now until Christmas, in Bristol Crown Court digging a trench in a reasonably interesting trial. I was miserable and mardy, I'm sure someone ("Mark Palentenghi" perhaps) will translate, underpaid and frustrated, and I really could not see any good reason why my involvement in this was a benefit to anyone, this time.

My so-called friends then pressed me, they cajoled and reminded me, as did a quite senior member of another hard pressed Solicitor's representative group, that "this time" could in fact be the "last time" for some if not most of the criminal Bar and Criminal Solicitors.

I then spoke with a variety of people, and I discussed where we are at, what we can do, and I tried to see and precisely gauge what is the zeitgeist within the profession(s).

I couldn't find "one" true expression, there are many if that is possible. They are not necessarily all consistent with one another, and some not as palatable to as many as those that express them would hope.

The overriding feeling I perceive is gloom, trepidation and among some an almost singular resignation to a fate of what will be will be.

"We cant do anything as we will lose money or our jobs, profession etc", is often the fall back position.

Surprisingly there also exists a frightening amount of ignorance, and a failure to understand or grasp the nature of the precipice that many in the profession now find they stand at edge of.

I have watched, and at times joined in, argument on social media. Many have been castigated for sniping from the sidelines and challenged to come up with a plan, a magic bullet an answer in crystallised form to all the woes, or shut up.

There have been attempts to marginalise and pigeonhole some as being too radical or outspoken.

Some have taken the view that there exist elements of vested interest somehow railing against action in the hope of personal or commercial gain.

I am sure some of that ilk exists, but in this job in my humble opinion, they are few and far between.

The Big firm group or at least many in it, from my perhaps limited experience, could not be further from the image some have painted of them.

Criticisms and accusations voiced in times of fear and frustration are often just a function of that moment and have little or no foundation, exceptions proving the rule apart.

As a conservative profession we often look for other reasons and other explanations for the actions of some, where in reality they are just doing their level best to ensure our long-term survival in a way that doesn't necessarily suit or meet the wants, needs and desires of others.

The one overriding mood however, it seems to me, is that we cannot as a profession now merely sit back and let it just happen.

As late as last night I watched and listened to the hubbub of discourse on social media around this point, and there seemed to develop a coherent message that there must be something done and that the challenge of political dogma and ideology run amok should be met head on.

Now is not a time to sit back and do nothing seemed to be the thrust?

I am sure that none of this is anything new to most of you.

So what can we do, what is the plan, who has the magic bullet?

Well sadly not me.

I do not have a messianic message of hope and a panacea to pass down, unsurprising you might think

In this election there a number of people standing who together may have some answers, not all of them, and some ideas about "a" way forward.

Rebecca Herbert, Mary Aspinall-Miles and Daniel Bunting, to name but three, have all worked incredibly hard and been prepared at times to say things that others have dared not or would not.

The first step in all of this is to try to heal the schism(s) that has developed, and perhaps been politically engineered, between and within the two branches of the profession.

It cannot be said that this will be easy job nor is it bound to succeed. But amongst, and for, those who are standing for election there exists a great deal of trust across the professions present divide.

They perhaps have the ability to recreate the bonds that existed until all too recently and develop some renewed sense of unity.

Unity seems to be a dirty word for some. It seems to engender some air of Solidarnosc amongst a few, a ridiculous picture of burning oil drums and barricades.

The only way any plan, such as it may be, can succeed is to have as much trust and unity as can be achieved across and within the professions. It may not be desirable to some, but to the rest of us it is wholly necessary and not an impossibility.

The next step, probably part of and the only way to achieve the first, is a truly open and transparent debate as to the options, their ramifications and pitfalls, of what we want to achieve, what we should be prepared to do, and what we in reality can do.

This unfortunately cannot be a protracted affair; we had that opportunity and we either didn't take it or were not availed of it.

One true advantage that we have at this moment is May 2015.

The press are awake to issues in the prison system and the probation service.

They have become, it seems, more willing to listen, engage and at times even support us.

As unpalatable as it may seem to some, now is perhaps the only and no better time to make the Criminal Justice System a political hot potato.

There have been calls made for the Labour party, and others, to start to offer answers and oppose the present philosophy more fervently than they have.

Recent appointments have created hope of a new understanding in certain quarters.

Whether any politician can be trusted doesn't really matter, what does and is essential is that a proper debate unencumbered by political dogma and free from the time constraints imposed by ill thought through cuts and misconceived market engineering is permitted to take place.

The only plan I can see as being sustainable at this time is one that brings the present government back to the table, without any threats or pre imposed conditions.

If that requires the Myersonian work to rule, the previously successful no returns policy, days of action, or a combination of all and more then we need to decide where we go and how, and do so quickly.

It may be that this will do little more than stave off the inevitable.

But it may just give us the time to have the debate we deserve and to consider all of our positions and options, and influence the decision makers.

The Judiciary may not like the stance that we adopt and we may not carry many of them with us, but to echo something I heard last night "there was always likely to come a time when a divergence would occur, perhaps this is it."

Whether or not I am elected to the executive, I will continue to fight for what I believe in, in whatever way that I can.

“A strong independent criminal Bar, unity between the professions, belief in the rule of law, and justice available to all irrespective of means or want of them.”

**NIGEL. R. EDWARDS.**