



Justice for All

www.soclalaw.org.uk

What John Reid should have said

by Joel Bennathan

In the admittedly unlikely event that the Home Secretary had asked me to write his speech to the party conference, here is what he would have said:

"Comrades and friends, it is time to get clever in tackling crime and dragging the criminal courts into the 21st Century. Here are the four steps that we will take in the next year.

First, we will wage war on the low level crime that blights the kind of estates where the executive of Liberty would not dare park their BMWs. We do not need yet more laws, we need to use the powers we already have; we will fund caretakers, use more CCTV and have teams of police, community officers and ASBO squads who will give local people the chance to live without fear. And remember being "tough on the causes"? We will fund new sports facilities, new job opportunities and work with schools to get lost children back into the class room.

Second, we will press ahead with removing the most minor offences from the Courts altogether. No-one will end up with a life damaging conviction without the right to challenge it in court, but that aside, minor offences will be dealt with by post. Magistrates' time is too valuable to waste.

Third, major trials take too long and cost too much money, but the public have a sensible and abiding faith in trial by jury. We will abandon the plans to abolish juries but change how we conduct these cases. These days juries can read, so large parts of most cases can be put in writing and given to them. Both sides can point out the parts that matter to them and if the jury need more help than that, they can always ask. Judges can tell the lawyers to agree written admissions of all the facts that are not in dispute, and in long trials that tends to be 90% of the evidence. Judges can set time limits on legal arguments. There have been a series of decisions in the courts moving towards exactly these changes; it's traditional, and fun, to attack the judges, but let's try working with them for a change.

Fourth, we will defend the Human Rights Act. We should be proud, not afraid. The next time the Daily Mail blames the act for all the wrongs of the decade, we will take them on and expose it for the nonsense it is. Let's put David Cameron to the test by seeing which way he

jumps on that one. By attacking the myths, we will tackle the ignorance that leads some local and public authorities to be in fear of getting on with their jobs "because of the human rights".

I know that over the past 20 years, the annual Criminal Justice Act has been the comfort blanket to a generation of Home Secretaries, to make it look like they getting something done. Well, it's time to grow up, put down the blanket and deal with crime"

Joel Bennathan is deputy chair of the Society of Labour Lawyers.

Common principles - differing policies Political lawyers in debate

A joint meeting of JUSTICE, the Liberal Democrat Lawyers Association, Society of Conservative Lawyers and the Society of Labour Lawyers

16 January 2007 at 6pm

The conference centre at Freshfields Bruckhaus Deringer, Northcliffe House, Tudor Street (at the Junction with Bouverie Street), London EC4

Speakers

The Rt. Hon The Lord Goldsmith QC,
Dominic Grieve MP,
Simon Hughes MP
Roger Smith

Chair

Baroness Helena Kennedy QC

This event opens JUSTICE's 50th anniversary. At JUSTICE's formation in 1957, three organisations representing the main political parties nominated three members each to its council and it has continued ever since as an all-party organisation. This event provides an opportunity for lawyer politicians within each major party to discuss the principles that, as lawyers, they have in common while explaining how their parties differ in the policies by which such principles might be implemented. JUSTICE will present its own draft manifesto for the rule of law as a statement of what the common values might be.

To reserve a place email: events@justice.org.uk

Conference Report

David Williams, Society of Labour Lawyers delegate to Labour Party Conference, reports back on his experiences.

When watching the news and reading the papers during conference I felt at times as if I was attending a wholly different event to that which was being reported. Apart from a pretty minor dispute on Wednesday over the contemporary resolution on transfer of the NHS Logistics to DHL the whole conference was undertaken in a spirit of good humoured co-operation; celebrating the successes of 10 years of a Labour Government and developing a strategy for the future and in particular to see off a resurgent Conservative party. And successes there have been across the board, the minimum wage, economic stability, 800,000 children lifted out of poverty, debt relief for the poorest 20 countries in Africa and constitutional reform amongst many others. As Bill Clinton noted on Wednesday, it is not an accident that these many positive changes have been made and we should not assume that they would be maintained if the Government were to change. That there have been disappointments along the way also cannot be overlooked but the balance of good and bad must surely fall resoundingly on the side of positive progress. Gordon Brown, Tony Blair and Bill Clinton were highlights - Gordon for his solid and confident speech, Tony for the humour and sense of unity in the face of adversity and Bill Clinton for his easy charm and endorsement of the good work that Labour has done both nationally and internationally in the absence of leadership from the USA on issues like climate change and debt relief.

For the Society itself the picture was mixed. Our dinner on Sunday night was attended by Lord Falconer, Baroness Ashton, (DCA) Mike O'Brien (Solicitor-General) Stephen Hockman, Vicki Chapman (Law Society) Emily Thornberry and most of the EC and a useful exchange of views ensued. The National Policy Forum held a number of Seminars throughout the week including ones on Citizenship and Equality, encompassing constitutional change. At this seminar we made a submission calling for the adoption of a written constitution and the removal of Crown Prerogative, which received a positive response from Ed Balls. Prior to Conference we had submitted a Contemporary Resolution calling for a Written Constitution which was rejected by the Conference Arrangements Committee as not being contemporary. By Monday lunchtime, it was very contemporary indeed, Gordon Brown having referred to not having a written constitution yet and having called for the transfer of the Crown's right to declare war to Parliament. The SLL, it would seem, steps in time with Gordon Brown and Ed Balls. The Access to Justice Alliance held a fringe which Vera Baird QC MP, our former Chair and currently DCA minister in charge of legal aid, addressed dealing with Carter. It seems that the DCA are genuinely open to debate on how Carter is implemented, although as before funding will not change; it is in the distribution and in the fee structure that the real debate should be addressed. The Bar Council's

detailed statistical analysis paid dividends in their negotiations with the DCA and the Law Society/Resolutions will no doubt be focussing on this. There is work for the Society to do on this and we are fortunate to have Vera as a member.

The downside of the Conference came in the arena of Home Affairs in particular in relation to the balance between the Human Rights Act and security measures and more disappointingly in the attitude of the Home Secretary to lawyers. At the policy seminar he was scornful in expressing the view that his lawyer colleagues in Parliament were living on a different planet in their attitude to human rights. He made derogatory comments in a similar vein of the judges attitude and to judges not being in a position to question the laws passed by a democratically elected parliament. Both Carlie Newman (Chair of the SLL Magistrates Section) and I were disappointed by his attitude. In his main speech the following day he made further reference to the rights of suspects not taking priority over the rights of the majority to live free from terror and to us having to pay any price to defeat terrorism. What Dr Reid does not seem to appreciate is that fundamental human rights are designed to be beyond the reach of government save where the very existence of the state is in jeopardy. After all, Guantanamo Bay was put in place by a democratically elected Executive and even Dr Reid could not argue that was HRA compliant. More importantly he seems not to recognise that undermining the HRA and criticism of lawyers and judges not only undermines public confidence in the justice system itself but also makes it that much harder for the UK to take the lead in helping lawyers and judges in totalitarian states and emerging democracies to press for the rule of law and basic human rights.

Conference gave the SLL to think about in terms of Human Rights Act implications, crime and anti-social behaviour legislation, access to justice and even more in the field of constitutional affairs on Lords reform and the Grail of a written constitution.

David Williams, Chair, Constitutional Affairs Sub-Committee.

21st November 2006

6:30pm - 8:30pm

Professor Conor Gearty, speaking on
the topic of his new book,

'Can Human Rights Survive?'

Thatcher Room, Portcullis House,
House of Commons

Socialist Societies, the NEC and the National Policy Forum by Jacky Peacock

The Society of Labour Lawyers is a socialist society affiliated to the Labour Party. The socialist societies executive meets once every two months and SLL sends two delegates to those meetings. Here, the chair of the socialist societies executive, Jacky Peacock, talks about its important work.

There are many opportunities for Societies to work collectively to strengthen our voice and our influence. The socialist societies have a representative on the Labour Party's National Executive Committee (NEC), Dianne Haytor. Dianne reports back to each executive meeting, giving us an opportunity to air our views for Dianne to relay to the NEC.

The Executive also nominates the three Socialist Society representatives to the National Policy Forum. The main function of the NPF to date has been to consider the policy documents drafted by each of the Policy Commissions to ensure that they represent good discussion documents for distribution to the CLPs and affiliates.

The Party in Power process has recently undergone an extensive review, to pick up on a number of concerns raised by local Parties and others about the policy making process. Two of the current NPF reps, Bill Thomas and Helen Gordon served on the Working Groups which co-ordinated the review. This resulted in a number of changes which were agreed at Annual Conference last year.

- To meet the criticism that the consultation process gave no space for views on current Government policies, the Policy Commissions will now engage with the party and affiliates on topical issues. Each of the Policy Commissions has produced a work programme for 2006 which were circulated to Socialist Societies in March. The work programmes cover Britain in the World; Creating Sustainable Communities; Crime, Justice, Citizenship and Equalities; Education and Skills; Health; Prosperity and Work.

- The Policy Commissions will also be responsible for building a dialogue with those who make submissions. Communication should include phone conferences, regular email updates and hosting web chats.

- The Party also intends to learn from the Big Conversation exercise by helping local parties and affiliates to engage in debates with local residents and community groups based on the policy documents.

The Socialist Societies Executive is also reviewing how we can make the process more inclusive for our own members. I was surprised to learn from some Societies' members I met during the Conference breakfast event last year, that they were unaware that Societies were represented on the NPF and that we had an Executive to channel two-way communication. We have started our review by taking forward some of the issues raised at the breakfast event, including how we can open up the Executive to teleconferencing, so those who cannot get to London for the meetings can participate.

We also need to make clearer the role of reps to the Executive. They form a vital means of bringing the views of their own Society's members to the Executive, and reporting back the Executive debates. We may also need a more formal structure to ensure that Societies send copies of their submissions to the Policy Commissions to the NPF reps, and give regular reports to the Executive about the main policy areas they wish to influence.

Do let us know what else you think we should do to increase each Society's members' participation, and to make us more effective. Please feed any ideas you have directly to me, or ask your own Executive reps to bring them along to the next meeting.

Jacky Peacock, Chair, Labour's Socialist Societies Executive
jacky.peacock@bptrg.org



Hurrah and forward to the good old days! After much learned and scrupulous consultation, the Lord Chancellor in his eternal wisdom has decided that the market in international law and the general good is properly served by the resumption of the award of Queen's Counsel through a reformed, modern and transparent

system. In other words, BIG DRINKIES ALL ROUND!

The silk parties have always been my favorite, liver-busting mother of all free-loading knees-ups. How else can a thin cat eking out a living at the margins of public funding swim in champagne and roll in canopies? But Kitty, I hear you ask, that is all very well for a cat about town like yourself, but how do we, humble newcomers to the wonderful world of the law, ever get invited to such grade A drink-ups? Tush, gentle reader, if you will forgive the phrase, do you really think these newly made up briefs, freshly rewarded for two decades fawning, know me from Eve? Here, then is my simple guide to getting invited to 90% of all the forthcoming parties (which, in

this bumper year, means about 153, so pay attention at the back).

Bear in mind two things. One, after years of sycophancy, these pleaders are in the mood for a measure of flattery themselves. Two, in the past twenty years or so, they will have worked with perhaps a thousand other lawyers, and thus have no hope of remembering even a quarter of them. Write to every single name on the list, as follows:

My dear Tarquin,

It is a good few years since that case we did together, but even back then I knew you would make it to the very top [combining the old oil with a gentle tug of guilt at their having forgotten you]. Among a list that included some rather unlikely names, you stood out as a real star [thus cleverly avoiding them showing your note to any other awardees and giving them the old salve in full measure] You are a brilliant lawyer and a wonderful advocate, and I am sure there are even greater days ahead [remember, if you're laying it on with a trowel, you're not trying hard enough].

Ever yours [an important detail; to a certain type of posh boy, this signing-off is a masonic handshake]

Sit back. Await the tidal wave of in-coming invites. I'll see you by the fishy nibbles.

Families and Welfare Reform by Jennifer Horne-Roberts

The Rt. Hon. Frank Field M.P. spoke at a Society of Labour Lawyers Westminster Workshop on 27th June 2006 on the subject of 'Families and Welfare Reform'. Jennifer Horne-Roberts writes about the topics covered, including anti-social behaviour the Child Support Agency (CSA).

On the first topic he referred to fundamental changes in families: which have greatest effect in Labour voting families in constituencies including his own in Birkenhead. The breakdown of the family with its connotations of personal and social responsibility was bringing considerable problems in its wake. He referred to the historical context of social change, and noted that Edwardian magistrates would meet to advise, warn and admonish wrongdoers without them incurring a criminal record-unlike the situation with ASBOs today. He also referred to the 1361 Statute which allowed the imposition of bindover for good behaviour. He considered that such sanctions, while avoiding criminalising subjects, were far preferable to the present ASBO laws.

Frank spoke equally effectively and persuasively on the need for major reform of the Child Support Agency. He suggested a system of minimum maintenance payments in order to minimise government involvement in people's private lives. In contact disputes evidence of maintenance payments for the child at nationally agreed rates would

work to the credit of the non-resident parent.

Children should have continuing contact with both parents following parental separation. There should be safe houses for contact visits where the non-resident parent had a history of violence. Also we need to change the rules on maintenance payments as at present mothers fear to bring CSA claims lest they suffer reprisals.

He pointed to the need to foster good parenting skills. He had asked 60 young people what they wanted from school. They wanted absence from bullying, the chance to learn the skills necessary to form good friendships, and to acquire and perform good jobs. They also wanted to learn good parenting skills. Single mothers could be enrolled to explain to students just how tough it is being a single parent. Financial incentives could encourage mothers to be present during their children's vital early years, should they wish it.

Lastly Frank regretted the new extended licensing hours introduced by the Government - to appalling social effect.

This was an excellent, worthwhile meeting.

Jennifer Horne-Roberts. Goldsmith Chambers, Temple. www.horne-roberts.co.uk

Account of Conference Fringe Event - Young Labour Lawyers 2006

by Sam Townend

This year at the Labour Party Conference the Young Labour Lawyers Group held their first ever fringe event, writes Sam Townend, Chair of the YLL. The topic of discussion was: "Reform of the House of Lords- where now?" which springs out of the Society's current survey of its members on the same topic.

This was, of course, a subject close to the heart of the late Robin Cook and one on which he was not able to leave a lasting legacy. During his tenure as Leader of the House, the Commons on being given options on the appropriate percentage elected element of a reformed House of Lords narrowly rejected 80% by just 3 votes. No other reform was passed or came as close. It has recently come back into prominence during the height of the 'Cash for Peerages' media firestorm and Jack Straw, now Leader of the House of Commons, said in June that now is a 'once in a generation' opportunity to see the problem resolved permanently. Since then the Government appointed Jack Cunningham, now a member of the Lords, to provide a report, which is due imminently.

It was therefore a timely discussion that was held between the Young Labour Lawyers' invited panelists: Nigel Griffiths MP, Deputy Leader of the House of Commons and minister responsible for the reform, Lord Dubs, thinker and champion of reform, Ken Ritchie, Chief Executive of the Electoral Reform Society, and Emily Thornberry MP, one of the best of the 2005 intake and active member of the Society. All agreed that the current system incorporating

hereditary peers was untenable and that a wholly appointed House was not satisfactory. All agreed that substantial and far-reaching reform was therefore necessary and all accepted that there are many political risks of any reform, which can and have been the subject of lengthy treatises, but which notably include how to ensure that future Labour Governments can put their legislative programmes into effect.

The most difficult question for the panelists was therefore to set out the solution. The possibilities ranged from complete abolition to direct election of the whole chamber from a list. Much fun was had between Lord Dubs and Ken Ritchie, who worked together at the Refugee Council, about whether it was practical or desirable to keep political parties out of the elections for the new 'Lords'. A lively discussion ensued from all those attending the meeting with the panel.

We now await the results of the Cunningham Report, whether Jack Straw is willing or able to lead a final resolution of this problem and whether renewal in the leadership of our Party leads to renewal in commitment to resolve this outstanding constitutional issue. I, for one, hope that the pace will pick up (wholesale reform was anticipated in the 1911 Parliament Act) and reform is complete before I retire!