

Old Bailey Solicitors – Week 6 update

I have spent the past 6 weeks shadowing at [Old Bailey Solicitors](#), as part of the Criminal Justice Law Clinic at the University of Sussex.

In my first week of the Clinical Legal Education Module, I attended Crawley Magistrates' Court with [Rob Beighton](#) to meet an existing client. Rob was also acting as the duty solicitor at court on that day. The client was facing an unusual situation, having a strong case for being found not guilty of the offence at trial, yet was considering a guilty plea. This was based on a complex point of law that, if our client were found not guilty, the CPS would be extremely likely to appeal to gain clarity on this issue. Therefore, in light of the relatively lenient sentence that would be imposed, the client was considering pleading guilty to avoid the stress of a trial and likely appeal by the CPS. The client had already waited over two years from interview to attending court for the first hearing.

It feels unfair that these factors weighed so heavily on the clients' decision, particularly as a key area of access to justice is the right to a fair and public hearing within a reasonable time. Seeing how cases unfold in this way is markedly different to studying the criminal law and court system. It is reflective of the wider cuts to public services, such as the police, that enable situations such as this to occur, as investigations drag on due to a lack of resources and courts are not operating efficiently. The solution is arguably increased public funding, though unfortunately the issue of criminal justice for defendants is often politically unpopular. Further, it is troubling to consider if clients and alleged victims of crimes truly have access to justice, as long investigations for minor offences do not benefit either party. This was an interesting learning experience for me, demonstrating how eventually the optimal outcome for a client can be based on many, often very personal, factors that may not reflect a clean-cut version of what is a 'just' result.

During my time in the office, I was able to assist [Jane Lucas](#) with requesting updates on investigations from the police on behalf of clients who had been [released under investigation](#) (RUI). Due to limits placed on the time people can spend on police bail, which were introduced in 2017, more and more people are RUI'd instead. Some of the investigations for which I was requesting updates were 2 years old, which impacts clients greatly. In fact, there is no time limit within which the police must charge individuals. If charged with an offence, they then potentially face more months of uncertainty if they plead not guilty and take the case to trial. This is demonstrated in the case described above, as lengthy legal proceedings

can impact clients greatly. Further, due to the length of these investigations, the officers involved will often have moved department or left the police force. Trying to track down officers in those circumstances can be a very time-consuming job. However, it is an important administrative task for the firm and, as well as providing me with transferable skills for future employment, it has given me valuable insight into the investigation process.

I have also had the opportunity to shadow two barristers, [David Osborne](#) and [Brian Aldred](#), at the beginning of a Crown Court trial. Aside from their considerable legal knowledge, I was interested to see the relationship between Crown court advocates, who come into the case further down the line, and clients. In this case, the rapport with the clients and trust was evident. I was impressed by how honest and direct the advocates were able to be in their efforts to act in the clients' best interests. This ultimately meant that, based on the barristers' ability to explain the prosecution's case and the judge's indication regarding sentencing, these clients pleaded guilty and did not proceed to trial. They were able to benefit from a reduction in sentence because of this and were happy with the outcome. When compared to the story with which I opened, this case is a more straightforward example of how we picture the criminal system working to produce 'just' results; an offence is committed, the defendant admits to that offence and is rewarded by the courts with a reduction in sentence to encourage guilty pleas. In the first case, the client was pleading guilty to an offence they feel they did not commit to avoid an onerous journey through a trial and potentially into appeals, a result that feels unjust. Whilst I feel it is correct that sentence reductions are offered to avoid trials happening 'on the off chance' the defendant may get found not guilty, it is troublesome that the system is moving so slowly and causing such stress that parties are admitting lesser offences they may not have committed. This indicates to me that the system is not providing everyone with access to justice.

My time at Old Bailey Solicitors has been fantastic and extremely helpful for my future career, as I have had the opportunity to see a variety of court proceedings, client meetings and day-to-day life in the office. Further, the experience has been particularly relevant to my studies as part of the Criminal Justice Law Clinic, providing a valuable insight into the challenges our justice system and lawyers are facing daily. Assisting with administrative tasks frees up the time of the paralegals and solicitors to devote to the clients' cases, thus improving access to justice, particularly for those clients provided funding by legal aid.