Ballesteros continues.

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Hasan Dodwell

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residential buildings. This could

into larger groups and live in non-

residential buildings. This could

further reduce public support for

squatters, and perhaps lead to
calls to extend section 144 of

LASPO to non-residential

buildings.  

Watkinson described how levels of squatting can increase during housing crises but tend to fall after repressive legislation, notably the Criminal Law Act 1977. This Government has introduced a pernicious law to coincide with a housing crisis, criminalising an important section of society when they are most in need.

Nick Bano

Huber was arrested days before he was due to travel to England to address the 2013 TUC Conference as the official international guest of the TUC. On 26th November 2013, a petition signed by unionists, campaigners and lawyers calling for the release of Ballesteros was handed in to the Colombian Embassy in London by the NGO Justice for Colombia. The campaign for the release of Huber Ballesteros continues.

Hasan Dodwell

February 11: The High Court orders the Home Secretary, Theresa May, to reconsider her decision not to hold a public inquiry into the murder of the Alexander Litvinenko. Mr Litvinenko was a former KGB spy who was poisoned with radioactive polonium-210 while in the company of two Russian men at a London hotel in 2006.

Despite a degree of trepidation leading up to it, the strike on 6th January 2014 protesting against the cuts to criminal legal aid was a remarkable success. Though the event was widely vaunted as the first such action taken by the Bar in its history, what I found more striking were the displays of unity between solicitors and barristers which permeated the day. What is more, we were noticed. Questions were asked in Parliament. And the press coverage of the event, with the odd exception, was considerably more balanced, positive and less focussed on London then I am accustomed to seeing in the context of legal aid.

So where do we go from here? Flushed with the success of the action there have been murmurs of planning a parallel action, protesting against the equally damaging civil legal aid cuts. Personally, I would be apprehensive about this. The withdrawal of labour by criminal lawyers in the Crown Court is undoubtedly very effective. Complex cases and jury trials simply cannot progress without advocates. And it is harder for the State, responsible for bringing the prosecution in a criminal case, to justify taking advantage of the situation. These considerations do not apply with the same force in civil proceedings. If lawyers cannot be found to provide representation in civil cases the wheels of justice will not grind to a halt. The more likely and more depressing alternative – which we are already seeing as a result of the legal aid cuts – is that cases proceed and that tenants will be evicted, families will be split up and immigrants will be deported.

My other apprehension about further strike action is that there is the inherent risk of shifting the focus from the clients we represent to the wages that we take home. The Ministry of Justice’s ad hoc statistical release a few days before the strike – setting out the payments from public funds made to barristers in 2012/13 for criminal work – was a weerily predictable example. We cannot even blame the Tories for tactics like this. It was a matter of routine for Labour to publish the breakdown of ‘top-ten fat cats’ with one hand while slicing away at the legal aid budget with the other. Unfortunately, particularly when economic growth is still comparatively fragile, these messages resonate with the public.

In fairness, the action on 6th January 2014 did an effective job of counteracting this fat-cat image. A number of good media interviews were conducted on the day with low-earning pupil barristers who were able to explain the reality of being paid £50 for a hearing (the minimum recommended in the 2008 ‘Protocol for the instruction of counsel’) from which they must pay chambers fees and expenses, leaving them out of pocket after a hard day’s work. These personal experiences are borne out in the Ministry of Justice statistics, which show that 24 per cent of criminal barristers took home less than £20,000 for the year 2012/13 from public funds while 15 per cent received less than £10,000. Unsurprisingly, the Government have been slower to publicise this aspect of the figures.

Shortly after the action, Young Legal Aid Lawyers set up our new ‘view from the gravy train’ blog, specifically in order to get across these experiences, and dispel some of the myths about life as a legal aid lawyer. A recent post, typical of the contributions we have received, sums up the difficulties of life at the junior criminal bar: ‘I am a new qualified criminal barrister, I take home approximately £1,000 each month... My typical day at work involves getting up at dawn, finishing my preparation at trial and travelling to a court (which is usually an hour or two from my house)... After an often bruising day in court I then go back to chambers and work until late on my next case.’ It cannot be right that those at

the junior end of the profession, who work hard and earn little, should bear the brunt of the cuts. It is vital that we highlight this side of the story. There is another side to the story that, as a profession, we must acknowledge. That is the reality that there are a statistically significant number of barristers, referred to within the Government’s statistics, earning between £200,000 to £700,000 per year from public funds. There are a number of justifications by which these figures can be explained away: they include VAT; they do not take into account overheads; they may include work which spans several years; and they are payments made to experts at the pinnacle of the profession working exceedingly hard. All of these observations are true. I think that they miss the point which is that, on any view, there are a significant number at the top of the profession earning much more than those at the bottom. Particularly at a time of cuts not just to legal aid, but to welfare benefits and local authority funding, this is something I find increasingly hard to justify.

So, what does this mean? Well, it certainly does not mean that legal aid cuts are justified or that we should not be taking action to resist them. It does suggest that a further, parallel level of change is needed. Chambers need to ensure that pupils and junior tenants are paid. Solicitors’ firms need to be far more circumspect in relying on low-paid legal aid trainees and ensuring that payment is made for work undertaken by junior counsel. And perhaps – more controversially – it means that we need to consider capping the yearly amount that advocates can receive for publicly funded work. Then, when we strike, and when the harsh spotlight of public scrutiny inexorably shifts to the wages we take home, we have nothing to hide and nothing to fear.

Connor Johnston is the Co-Chair Person of Young Legal Aid Lawyers

Young Legal Aid Lawyers

This regular column is written by YLAL members. If you are interested in joining or supporting their work, please visit their website www.younglegalaidlawyers.org

6th January: an effective job of countering ‘fat-cat’ image

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