News&Comment

‘Battle to defend profession from being no more than a ‘cynical business’

On 8th November 2011, this season’s Haldane Human Rights Lectures saw Geoffrey Bindman come to speak to a packed audience at the College of Law, about his life as an ‘unrepentant leftish lawyer’.

That he is unrepentant is understandable, but why does Bindman call himself a ‘leftish’ lawyer? ‘I always have a worry about being called a socialist,’ he says. ‘I’m a stickler for getting the right word for things.’ The idea of being a ‘leftish’ lawyer comes, according to Bindman, from the satirical event Beyond the Fringe, where Jonathan Miller objects that ‘In fact, I’m not really a Jew. Just Jewish. Not the whole hog, you know.’ He continues that many who call themselves socialist fail to act the part, and he is worried about what a ‘socialist lawyer’ should do, particularly since a client may not be a socialist themselves. However, he does concede that ‘people always call me a socialist and I don’t object.’

Despite his reticence in calling himself a socialist lawyer, Bindman’s long career nonetheless reflects the impact that his politics must have had on his professional choices. He was greatly influenced by industrial accident cases he worked on when he was younger and he states that this may have contributed to his socialism. ‘Without the trade unions, many of these people wouldn’t have found their way to us and to the support to repair their lives.’

After this start to his career, his politics have clearly shown through in his work: he has acted as Private Eye’s lawyer for 15 years, served as Deputy Leader of Camden Council, helped to establish the Camden Law Centre, and set up the firm Bindmans, with the aim of focussing to the greatest degree possible on legal aid work in order to improve ordinary people’s lives.

During the lecture, Bindman was most animated when discussing the direction in which the profession is moving. When alternative business structures become more widespread in the profession, how, he asks, will we retain even a small part of that ethical ideal that is essential to what a lawyer should be? He laments that legal ethics have already gone downhill in the move from a profession to a business: although some like to get ‘extra credit’ from calling themselves professionals, established the CCRC requires it to only refer cases if it believes that there is a real possibility that the conviction will be quashed.

As a result, only very few applicants fortunate enough to have fresh evidence that was not available at the time of the original trial or first appeal that is thought to undermine the safety of their convictions will have their cases referred.

A Public Statement issued by the Innocence Network UK as part of the Joseph Rowntree Charitable Trust-funded project details the key failings of the Criminal Cases Review Commission and its recommendations for reforms so

Criminal justice system still fails the innocent

Innocent people are still languishing in prison despite a publicly funded body that was set up to assist them to overturn their wrongful convictions. The Innocence Network UK (INUK) is calling for the reform of the Criminal Cases Review Commission (CCRC) — the last resort for innocent victims of wrongful conviction.

15 years on since the Criminal Cases Review Commission was established following a recommendation of the Royal Commission on Criminal Justice in the wake of notorious cases such as the Birmingham Six and the Guildford Four, a growing mountain of cases is emerging that reveal the CCRC is not fit for the purpose of helping the innocent to overturn their wrongful convictions.

Since its establishment in September 2004, the Innocence Network UK has received over 1,000 requests for assistance from alleged innocent victims of wrongful conviction. It has deemed 200 (20 per cent) to have a plausible claim of innocence, over half of whom have already been refused a referral back to the Court of Appeal by the CCRC at least once.

The CCRC has referred less than four per cent of the 13,000 plus applications that it has received from alleged victims of wrongful convictions.

The CCRC was meant to ensure that victims of miscarriages of justice have their cases investigated and referred back to the appeal courts if it is thought that the applicant is or might be innocent. However, the law that

October

27: The Blonde Angel of Death, Alfredo Astiz, is sentenced to life imprisonment along with 11 other former members of the notorious Argentine ESMA naval unit. The two-year trial was the latest in a number of cases concerning the disappearance of around 30,000 political opponents of the former military regime.

November

2: The Attorney General, Dominic Grieve QC, addresses the Grand Chamber of the European Court of Human Rights. Grieve, speaking in French, tells the court that national parliaments and not European judges should decide whether prisoners are entitled to the vote.

11: The Civil Justice Council releases its report ‘Access to Justice for Litigants in Person’. The report is critical of thousands more people having to represent themselves in court should civil legal aid be almost completely eradicated.

14: The Levenson Inquiry into Culture, Practices and Ethics of the Press begins in court 73 of the Royal Courts of Justice. It is the first time a public inquiry has been shown live over the internet.

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businesses that act ethically tend to believe they will fail in the market. According to Bindman, we now have a battle to defend the legal profession from becoming no more than a ‘cynical business’.

Although the relentless attacks by successive governments on legal aid mean that there are now fewer opportunities for young lawyers to practise as he did, Bindman is keen not to discourage anyone from working outside of the corporate world of the big City firms. ‘However hard it is,’ he says, ‘it is rewarding in a way that corporate law never will be.’

Perhaps the greatest mark of Geoffrey Bindman’s achievements in his long and distinguished career was becoming one of only a handful of solicitors to have been appointed as honorary QCs. However, at the Haldane AGM held just after his lecture, the Society sought to recognise his achievements in our own way, by inviting him to become a Vice President of the Society.

As well as appointing Geoffrey Bindman as a Vice President, the AGM also appointed Phil Shiner of Public Interest Lawyers to join him as another of our Vice Presidents. Shiner has previously worked closely with The Haldane Society and was one of our speakers during last year’s lecture series, with a talk on human rights violations by UK forces in Iraq.

The well attended AGM also reappointed the President and other Vice Presidents of the Society. The meeting then went on to pass policy supporting the Middle East and North Africa Solidarity Network and mandating the Society to campaign against the British Government’s continuing attacks on civil liberties. It also saw the election of 2012’s Executive Committee and the discussion of a new constitution for the Society.

Stephen Knight

reformed innocent people will continue to be let down by the body that Parliament set up to assist them.

The reforms proposed, aimed at making the CCRC a more adequate body to assist the innocent, would also potentially save millions of pounds from the public purse by shortening the length of time that those wrongly incarcerated might otherwise spend in prison. The average costs to taxpayers for each year a male prisoner spends wrongly incarcerated are as follows, Category A (dispersal prison): £64,597, Category B: £14,339, Category C: £32,109.

Caroline Clancy

...a conference on the Criminalisation of Migrants on 16th March 2012 in Brussels.

The meeting also agreed that ELDH will sponsor Haldane’s Defending Human Rights Defenders conference. The next Executive Committee of ELDH will take place on Saturday 25th February 2012 at Garden Court Chambers. All Haldane members are cordially invited to attend.

Bill Bowring

News&Comment

ELDH: 2011 was active and productive, 2012 will be too...

The European Lawyers for Democracy and Human Rights (ELDH), of which Haldane is a founder member, continues to go from strength to strength. The latest Executive Committee meeting took place on 26th November 2011 in Berlin at the headquarters of the trade union ver.di – Vereinte Dienstleistungsgewerkschaft or United Services Union, which has 2.2 million members.

The meeting was attended by representatives and members of progressive lawyers’ associations from the Basque Country, Bulgaria, England, France, Germany, Greece, Italy, Serbia, and Switzerland. ELDH has members in 16 European countries.

A number of guests also attended, including Johannes Honecker and Conrad Zimmer of the RAV (Republican Lawyers, German legal activists) and Wolfgang Kalebck of the European Centre for Constitutional and Human Rights (ECCHR).

I delivered a political report on the nature of the economic and political crisis of European and world capital, which included looking at the tasks of lawyers in combating nationalism and xenophobia and uniting with trade unions. All colleagues present joined in the liveliest political discussion in ELDH’s history.

We reviewed a very active and productive year, including:

• 9th February 2011, observing the registration of the Basque political party Sortu in Madrid;
• 21st May 2011, a conference in Athens on The Legal Impact of the European ‘Debt’ Crisis, organised by the Alternative Intervention of Athens Lawyers;
• 22nd July 2011, attending an international conference on human rights violations organised by Bahrain Human Rights organisations in Beirut;
• 5th to 7th October 2011, attending the international conference in Algiers on the Right of Peoples to Resistance – the Case of the Saharawi people.

There is a busy year ahead. Future events on the ELDH calendar include:

• A conference and meeting of the European Network of Labour Lawyers on 2nd and 3rd March 2012 in Berlin on The right to strike in Europe; and
• A conference on the Criminalisation of Migrants on 16th March 2012 in Brussels.

The meeting also agreed that ELDH will sponsor Haldane’s Defending Human Rights Defenders conference.

1: The Justice Secretary Ken Clarke announces a six-month delay to his programme of legal aid cuts. The plans had begun to encounter stout opposition in the House of Lords but Clarke blamed the delay on the need to reschedule contracts.

14: The Lord Chief Justice issues guidance on tweeting from the courtroom. Journalists and legal commentators will now be allowed to post updates and snippets on Twitter during hearings unless directed otherwise by judges.

Ken Clarke: delaying tactics...