

Entry Five

The sun keeps shining and the courts keep running! The temperature control of certain court rooms was far from optimum this week. The constant din of electric fans, fighting to keep the jury at an acceptable comfort level, gave advocates and witnesses a further challenge to project their voices even more than usual.

I began the week back in Bolton with David Toal, a member of chambers who was due to be defending an individual charged with several counts of sexual offences. The complainant was under 18 at the time of the offence. This is highly significant when charging a sexual offence and deciding which offences should appear on the indictment.

As if by design, I recently attended a training session run in chambers on the prosecution of sexual offences, along with several junior members from across Manchester, Leeds and Liverpool. The session was delivered by Alaric Bassano, an experienced member of chambers in this area. The contents of this session helped make sense of the offences on the indictment in the Bolton case, which were offences I had not seen in court before. It also made clearer which elements the prosecution needed to prove to the required standard. The offence is approached differently depending on the child's age (see ss.5-8 and ss.9-15 Sexual Offences Act 2003 for more information).

At this point, I will mention an obvious point but an important one to consider. The law covers a wide spectrum of scenarios and issues, some of which can be distressing and highly sensitive. If you are considering a career at the Bar, particularly the Criminal Bar, consider how you might approach such issues, how resilient you might be to their impact and how you might look after yourself when dealing with harrowing factual issues.

From my experience so far, the Bar is a supportive environment with strong professional bonds. Robing rooms provide wonderful safe spaces for chat, morale boosts and are a hive mind of information. More and more is being done to promote wellbeing at the Bar, but a lot must still rest with the individual and how they might deal with the pressures of the Bar in their own way. Have a think about this one as it may be a question asked in pupillage interviews!

Soon it was onto a new set of papers and different offences. Later in the week, I was back with Chloe in Manchester Crown Square for a short trial on counts of dangerous driving, wounding or causing grievous bodily harm with intent (s.18) and wounding or inflicting grievous bodily harm (s.20). This last count operated as an 'alternative count' to the s.18 and is a common example of when an alternative count is put on the indictment and left to the jury to convict as an alternative to a finding of 'not guilty' to a more serious offence.

In the last diary entry, I talked about seeing some of Chloe's preparation for a larger trial with multiple defendants. For this shorter trial, Chloe took me through how her preparation differed. For example, in the place of a longer, typed schedule for all exhibited items and the contents of each witness statement, a written list can be suitable. Having concise

preparation at your fingertips can keep a shorter trial running smoothly and efficiently — a feature that is often well received by a Judge. One important lesson from this trial was the need to locate Witness Care in any court building when prosecuting, to speak to the complainant and any prosecution witnesses before the start of the trial. A seemingly minor task in finding Witness Care is a tricky one in Crown Square, thanks to a confusing layout.

Once there, witnesses and complainants can present very differently. They may be overwhelmed by the prospect of giving evidence, or appearing in court, and may have surprising expectations of the trial process. They might believe the common misconception that the prosecution is acting for the complainant. A defence barrister acts on behalf of the defendant, however the prosecution barrister acts for the Crown in the administration of justice. Indeed, they are sometimes referred to as “ministers of justice”. The duties and role of a prosecution barrister therefore are quite different. When speaking to a complainant before a trial, this might be one of the areas to cover.

The week rounded off with several other further case management hearings, bail applications and a jury verdict, but also a chance for me to put my observations to the test through an advocacy exercise. My task was to set an hour aside to draft a prosecution opening note for sentence and be ready to make oral submissions to Chloe, as if in court. Happy to report that there were no calamities, no major mishaps and I came away with really useful feedback to put into action next time.

To finish off this diary entry therefore, I thought a brief word on making your first “contributions” as a first six pupil might be useful to readers. When surrounded by experienced practitioners and busy juniors it might feel daunting when you are first called on to produce pieces of work. This will happen and has to happen at some point: embrace it. Feedback from members of chambers is important to capture and consolidate to avoid making the same mistakes again. Encouraging members of chambers have also stressed to me the unique opportunity given to a pupil: a time in your training to try things out, ask questions, do your best with the knowledge and skills you have, and receive constructive criticism from those who know a lot better. Everyone has to start somewhere.