

LAW TALK

Audaces Fortuna Juvat

25 Bedford Row



ISSUE 01

The Constitution

Law Talk is a student run law magazine which aims to create an accessible academic platform for young legal minds to challenge and debate contemporary legal issues. The magazine will allow students to interact openly with a greater range of fellows and law enthusiasts alike, in the hope of both personal development and wider academic utility. We have a healthy and proactive relationship with various student bodies, but more importantly we envisage close working relations with law firms, in order to create a better, more refined product.

Our Aims

- To provide an accessible academic platform for students to discuss the law .
- To stimulate debate on issues beyond the ambit of the LLB course.
- To increase awareness of current jurisprudential/theoretical issues.
- To encourage law students to actively participate in constructive legal dialogue.
- To increase awareness of graduate opportunities and careers.

About Us

- An innovative platform allowing firms to stay abreast with a progressive student population.
- Exposure to a vast constituency of legal minds; already 240 members on Facebook.
- A team consisting of 50 members; including editors and writers.
- Distinct positions focusing on different elements of the magazine; having the right people in the right place to create an efficient product.
- Printed dynamic will maximise publicity and exposure.
- Already sponsored by the prestigious 25 Bedford Row Chambers; conveying our professionalism.
- Strong interest within the profession; Judges, QC's and Senior Solicitors.

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April 2014



*A note from Professor
Andrew Sanders
Head of the Birmingham
Law School*

“This publication is, I hope the first of many editions. There is something here for everyone interested in Law, both at University and in the ‘real world’. The editors have done a wonderful job in giving students here in Birmingham, past and present, a voice, and in securing some fascinating contributions from qualified lawyers. Birmingham Law School is committed to encouraging students to engage in critical enquiry relevant to current events and the modern world. I hope the editors of, and contributors to, ‘Law Talk’ don’t mind if the School takes some of the credit for the fact that this publication exemplifies these qualities.”

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The General Editors



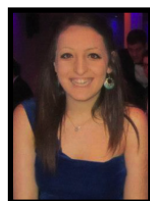
Aumair

Hello all,

I am Aumair, a 2nd year law student and co founder of 'Law Talk'.

I have always envisioned that this magazine would provide an accessible academic medium for students to discuss the law; away from the seminar rooms and social media platforms 'Law Talk' would allow students to interact outside of their social circles, on a level which is open to all. Ultimately allowing students to engage with legal issues with a greater range of students and law enthusiasts alike!

With this in mind, I am responsible for the overall running of the magazine but with some specific liaison and social aspects. To put it simply, I ensure that 'Law Talk' has healthy relations with all student bodies and individuals; ensuring that 'Law Talk' provides a strong, positive impact to university life.



Tara

Hello,

I am Tara, a second year Law student and a co-founder of Law Talk.

As Law students, we all share a passion and enthusiasm for intellectual debate, concern for social issues and a profound interest in our justice system along with the contentious issues surrounding it. In conjunction with this, as aspiring lawyers, writing to critique and persuade is an integral part of what we will do on a day-to-day basis, and something a lot of us enjoy immensely. I believe that we should share this mutual enthusiasm in a place outside of academic learning, improving our skills and meeting like-minded people. Law Talk is an exciting new project and we each have the opportunity not only to improve, develop and shape its future, but also to benefit from it. With this motivation in mind, I hope Law Talk can become a forum for us, as interested, passionate young adults, to make a change, exploring and delving in to issues that not only are of significance to us, but affect us all, hopefully making this project a permanent fixture.



Kamran

Hello everyone,

My name is Kamran, 2nd year law student. I am one of the 3 co-founders of "Law Talk". It is my job to ensure that this magazine sees the light of day, so in short I am responsible for the overall governance of the paper including securing funding and printing.

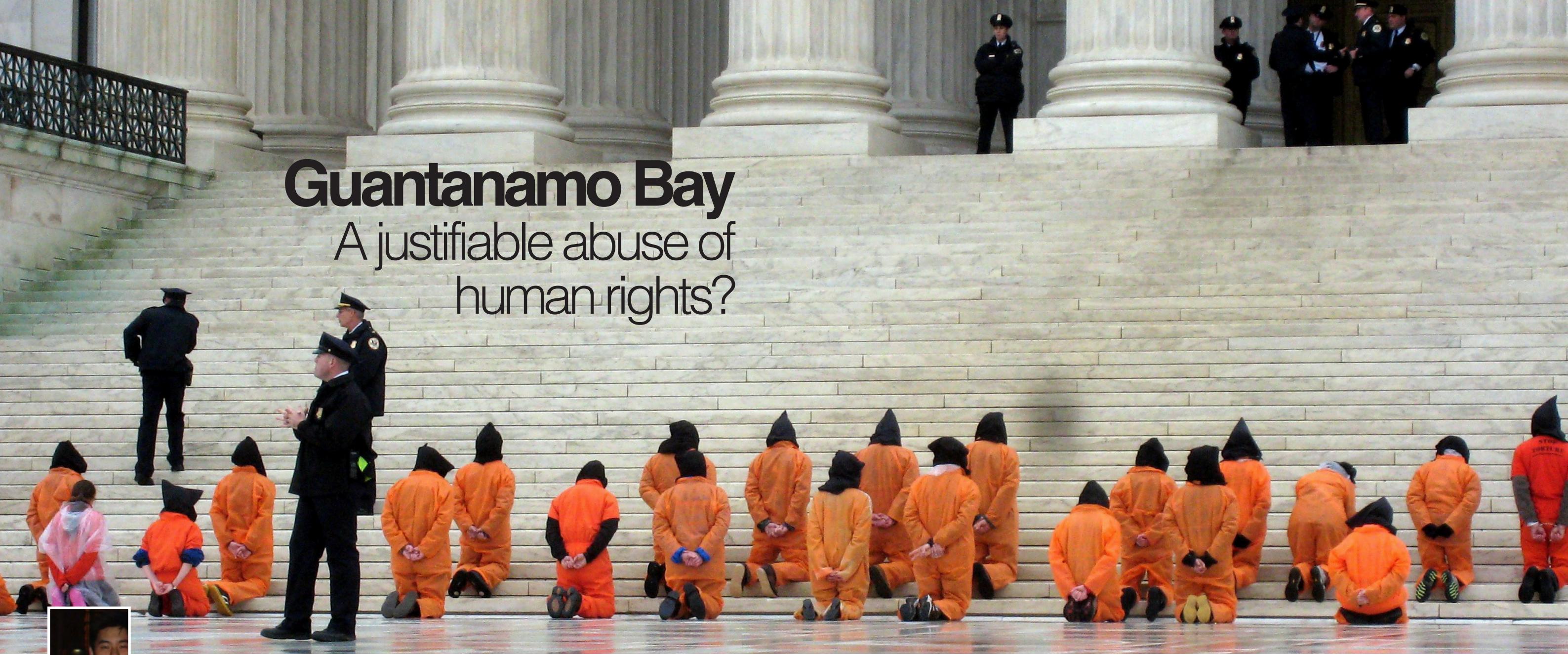
During the summer after my first year I met with the other 2 general editors to discuss the possibility of a legal magazine. We wanted 3 distinct elements to underpin it, I myself wanted to focus on careers and employability, Aumair on the academic side of affairs and Tara on the social aspect. We hope that these three strands have moved from concept to reality and that everyone who has written, edited and aided us has enjoyed the process.

One final thing, thank you all for being part of this, this simply would not have been possible without everyone's input and enthusiasm.



Current Affairs





Guantanamo Bay

A justifiable abuse of human rights?



By Adam Chang

During a war and shortly afterwards, it is almost impossible to differentiate an innocent bystander from an enemy combatant. As a result, there are three alternatives for dealing with suspects: kill everyone, release everyone, or send everyone to a place like Guantanamo Bay to have them tried.

The latter option seems the most appropriate. At its heart is a great concept, but also a delicate one. Because the moment it is abused like it has been, it becomes a failure of international law. For many Americans, Guantanamo Bay is a pride and triumph. The notion provides them with a fabricated sense of safety and righteousness. For many others, it is a profanity that they associate with fear, torture and death.

On January 14th 2002, on board a military aircraft, Ruhul Ahmed, Asif Iqbal and Shafiq Rasul sat chained to a bench. They had been beaten, ear-muffled, masked and were unable to see. They endured a terrifying 27-hour flight, before landing at the American airstrip at Guantanamo Bay, Cuba. For the next two years they were repeatedly beaten, forcibly injected with drugs, deprived of sleep and subjected to sexual and religious humiliation; they were tortured, both physically and mentally. When pleading for their lives an American guard threatened the prisoners: “the world does not know you’re here. We could kill you and no one would know”.

Filled with disbelief, they repeatedly asked themselves and each other why this had happened to them; had they done something very wrong? One soldier said, “You killed my family in the towers and now it’s time to get back at you”. Yet the three men originally from Tipton, England, had never been to America. They travelled to Pakistan in order to attend a friend’s wedding. As days, weeks, months went by without a single answer, they lost themselves, forced to give up their religion, they were known only as detainees 110, 87 and 86. Clearly the American government have failed at the front of human rights...

“All human beings are born free and equal in dignity and rights.” (Article 1, Universal Declaration of Human Rights). As the Second World War came to a close, the world recognised that it had to take a leap forward in the recognition and observation of human rights. Thus dozens of states came together and formed the United Nations. Their basic purpose was “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person.” When adopting the Universal Declaration of Human Rights, the governments of the world voted unanimously; they were all willing in its formation. It has now been a little over sixty years since the adoption of the UDHR. Yet so many human right violations have been committed by governments that were originally eager to sign the declaration. The USA is a prime example; its inhumane treatment of detainees held at Guantanamo Bay is just one of many

transgressions. Such transgressions, ironic as they are, may seem to some to show that the whole idea of human rights is not worth the paper it is written on, that the declaration has amounted to nothing more than a hypocritical statement.

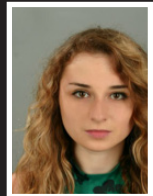
However, we must consider what the purpose of the UDHR was when it was adopted. Its drafters knew that the fight for human rights would be difficult and unending; they knew that many states felt threatened by and opposed the universality of the idea. Thus one wonders why, if they were so willing to adopt the idea, the governments involved did not choose to create an enforceable, negotiable and ratified treaty. Instead they created a declaration. In the early debates of the Human Rights Commission, the idea of adopting a treaty was the general consensus amongst the Western states. However, it soon became clear that, because of the differences in culture, history and economy of each country, this type of treaty could not be enacted quickly, nor would it gain the unanimous agreement for which the framers were desperately looking. When drafting the UDHR, Eleanor Roosevelt used the metaphor “a curious grapevine” to illustrate her vision of what the declaration would amount to. She believed that the message of human rights could seep its way through nation boundaries and act as “a curious grapevine”, thereby spreading the ideal of universal dignity.

The US government justified its abuse of human rights at Guantanamo Bay by stating that the Third Geneva Convention,

which protects prisoners of war, was void in these circumstances. A back-and-forth legal battle ensued. The US could not hand out POW status to fighters who did not obey the rules. But what rules had they disobeyed? “Captured warriors who do not display uniforms, badges of rank or other insignia, or belong to a recognisable military command structure can be held not to merit POW status”. However, Taliban soldiers were distinguished by black turbans, and like any effective fighting force, conformed to a strict hierarchy of command. Furthermore, under both the Convention and US procedures, every prisoner has the right to be treated as a POW unless and until a “competent tribunal” can determine his status or innocence. Detainees at Guantanamo Bay had no such luxury when dragged into the prison. Thus by not acting on the Third Geneva Convention, which is clearly a limb of the UDHR, the US government has failed to justify its egregious abuses of human rights.

Photograph: “Shut Down Guantanamo” protest, Keith Ivey, ([flickr.com/people/kcivey/](https://www.flickr.com/photos/people/kcivey/))

Ray Krone:



The 100th Inmate Exonerated From Death Row

by Gratsiela Madzharova

These days, capital punishment is part of the United Kingdom's legislative history. It was abolished by the Murder (Abolition of Death Penalty) Act 1965, and substituted with a mandatory sentence of life imprisonment. However, in 32 states of the USA, capital punishment is still a legal sentence.

The main arguments in favour of capital punishment revolve around its supposed effectiveness as a deterrent, the comparatively high cost of imprisonment, and the principles of retributive justice. However, the biggest flaw of such a system is that it applies a sentence that is irreversible. Statistics show that mistakes are not rare occurrences. Indeed, 143 prisoners have been exonerated from death row to date, 18 of them due to DNA tests.

On October 10th 2013, Birmingham students had the chance to hear the story of Ray Krone, the 100th inmate exonerated from death row in America.

Krone was born and raised in Dover Township, Pennsylvania. After graduating from high school, he served in the US Air Force and then worked for the US Postal Service. At the time of the crime in question, Krone was in his mid-thirties. He enjoyed spending his free time playing various sports, including darts. He was a member of a team that was sponsored by a local bar. "That was where my trouble arose from," said Krone.

On December 29th 1991, the owner of the bar found his night manager, Kim Ancona, on the men's room floor. She had been sexually assaulted and stabbed to death. No money was missing from the till. The police started questioning her co-workers about Kim's relationships, and one of them happened to mention Krone's name.

The police then questioned Krone, basing their investigation on the assumption that he and Ancona were partners. This was expressly rejected by Krone, who was single at the time. He co-operated and gave fingerprints, blood and hair samples and teeth impressions, believing that he would soon be cleared. In fact, on December 31st 1991, Krone was charged on the basis of bite marks that were found on Ancona's body.

Strongly believing in his own innocence, Krone refused to spend money on a defence and was given a public attorney. His lawyer was paid just \$5000 – usually insufficient for even a simple divorce case.

At the trial, Krone maintained that he was not guilty, and claimed to have been asleep in his bed at the time of the crime. But experts for the prosecution testified that the bite marks matched the impression of Krone's teeth. He was subsequently found guilty of murder and kidnapping, and was sentenced to death. However, he was found not guilty of the sexual assault. Krone stated that he does not, to this day, have an explanation for the verdicts.

Ray Krone told Birmingham students that his experience on death row was indeed tough and unpleasant. He was isolated and treated like an animal. He said that other prisoners often attempted to commit suicide. However, Krone himself dedicated his time to legal literature, and often acted as a legal representative for other inmates, defending them on internal matters and helping them with their cases.

In February 1996, Krone appealed his conviction and received a second trial. His parents remortgaged their home and hired an attorney from Florida. In the trial, new evidence came to light, revealing that the DNA and saliva found on the victim did not match Krone's. However, his conviction was upheld on the basis of the bite marks.

Krone said that the second verdict was much harder for him. He remembers his mother's screams, and how the prosecution cheered. Five months later, the sentence was announced – 46 years in all, meaning Krone would have been 81 before he was released. He believed that he would die in prison.

Yet, in 2001, new laws regarding the importance of DNA were enacted. Krone asked for a retesting of Ancona's underwear, and at first the previous results were confirmed. However, the lab worker decided to run the DNA through the database and found a match. Kenneth Phillips, who was then serving 10 years for the sexual assault of a seven-year-old girl, confessed to being in the area on that exact night. In a recorded conversation with Ray's attorney, he mentioned having blackouts but remembering waking up the day after, covered in blood.

On April 8th 2002, Krone was released from prison. Murder and sexual assault charges have since been brought against Phillips. Now 56, Ray Krone campaigns against the death penalty for Witness to Innocence. Through public education, legislative and media work, the organisation fights for abolition of the death penalty in the USA.

Interestingly, on 24th June 2013, the Capital Punishment Bill 2013-14 was presented before the House of Commons for its first reading. The bill is a private members' bill, and as such will not be printed until the second reading debate (which will take place on February 28th 2014). However, what is known so far is that the bill proposes reintroducing capital punishment for certain offences.

This is highly controversial, not only because of cases like Krone's, but also because of legislation such as the Human Rights Act 1998 and the UK's international obligations.



Facing Legal Aid Cuts

by Suhani Gandhi

Tuition fee rises; an increase in the rate of VAT; a fall in government grants and subsidies; cuts to the NHS and to social security benefits. All of these measures spell out austerity. Following the economic downturn and an unsteady recovery, it is no surprise to see that the tornado of cuts has also hit the Legal Aid Agency.

Legal aid, of course, funds solicitors and agencies to assist those who are unable to bear the costs of legal advice or representation by themselves. The government's plan is to save £350m from the £2bn legal aid bills, and there are further talks of slashing another £250m from one of the most expensive legal aid budgets in the world. In this bleak economic climate, many would agree that a contraction in government support is inevitable; however, the main concern is how badly access to justice will be affected.

Legal aid was essentially created to provide equality before the law. Its objective was to ensure the availability of justice for all, and not just for the well-off. The concept can be traced back to the Middle Ages and the Magna Carta, which stated that "we will not deny or defer to any man either justice or right". However, the modern-day legal aid system was created by the Legal Advice and Assistance Act 1949 as part of the post-Second World War welfare reforms. Previously, those who could not afford legal help had relied on the good will of lawyers.

We are currently living in a period where unemployment rates are high and where the various safety nets on which we have been relying are proving ever less reliable. This undoubtedly has a negative impact on crime and on the overall quality of our lives. Indeed, it is interesting to see that the demand for legal aid has varied over time depending on social circumstances: in the 1950s, 80% of the population was provided with it. By 2008 this figure had dropped to 29%. However, in 2009, as a direct consequence of the economic downturn, 36% of the population benefited from legal assistance.

The irony of legal aid cuts is that those who require help the most will face the greatest difficulty in trying to obtain it. This is not to say that the government has entirely shut down all routes to legal help, but the reality is that more barriers to access have been created. Civil cases have been removed from funding in areas such as private family law (e.g. divorce and custody), personal injury and negligence, employment and education law, and immigration (with the exception of cases relating to detention). Nevertheless, other areas of the law, such as family and domestic abuse matters, mental health cases, asylum cases and debt and critical housing issues, will not be directly affected.

One of the main problems with the government's plans is that certain groups of people will be disproportionately affected. Abused women, especially housewives, are among those who will bear the brunt of the cuts. Along with having to undergo mandatory means testing, they will be asked to provide medical evidence of abuse or rape before they can be entitled to any further advice. This is an expensive procedure, as a doctor's letter costs around £50. Other types of evidence may also be needed, such as a memorandum of conviction, which is £60, and a police disclosure, which costs £75. When already in desperate straits, both financially and mentally, this newly-introduced bureaucracy will naturally deter women from seeking legal advice. It could also cause feelings of helplessness, which could in turn lead to drastic actions such as suicide.

Another point of concern regarding the cuts is the effect that

a lack of custody management will have on children. Under the umbrella of the law, custody issues can be dealt with civilly, fairly and objectively. However, those who are unable to receive legal help will see their children ending up in the control of the more powerful party. This defeats the purpose of law in the first place, which is to prevent the powerful from corrupting the weak.

Furthermore, under the proposed plans, 11,000 prisoners would be denied funding, and newly-arrived foreigners would be barred from accessing legal aid until they completed a year of citizenship. All this would leave the helpless to be perpetually trapped in miscarriages of justice. Of course, the option of self-representation is available to all. However, for those without the necessary language skills or education, overcoming legal jargon and interpreting the law is nothing short of a colossal challenge.

When considering the impacts of legal aid cuts, it is important to adopt a broader perspective. After all, other sectors which are also essential components of a healthy society feel the strain of resources too. The trend of legal aid cuts has been worldwide, but one thing that we assume is guaranteed is the continued protection of basic human rights by bodies such as the ECHR. Due to the lack of a government-provided safety net, the future could see increases in pro bono work coupled with greater individual responsibility. However, a decline in the quality and quantity of lawyers in the legal aid sector could further worsen the problem. Undoubtedly, the impact of legal aid cuts will have a negative effect on the access to fairness and justice for those who need it most. Only the future can tell us the extent to which society will suffer...



Justice and Security Act 2013

by Sofian Difallah

In light of revelations which show that Sami Al-Saadi and Abdul-Hakim Belhadj were forcibly rendered back to Libya with the help of UK security services, I strongly oppose the government's Justice and Security Act. It has been revealed that the former MI6 head of counter-terrorism, Sir Mark Allen, sent a document to Libya's then spy chief, Moussa Koussa, which contained both confirmation and appraisal of British involvement in extraordinary rendition: "I congratulate you on the safe arrival of Abu Abd Allah Sadiq [Mr Belhadj]...the intelligence on Abu Abd Allah was British."

This document, found after the fall of Tripoli, is scratching the surface of what is a complex web of connections – one that threatens to undermine the legitimacy of Whitehall. It is important for citizens to know exactly what went on behind closed doors, and what agreements were made between Tony Blair and Colonel Gaddafi during the "Deal in the Desert".

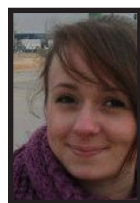
Having now gained Royal Assent, the Justice and Security Act carries with it serious implications for the state of democracy in this country. Secret trials, for instance, will limit transparency. Moreover, the citizenry, to which the government should always be accountable, will be unable, under the Act, to form opinions as to who should be held to account for what actions. The Act will also inhibit democracy in other ways: it threatens to restrict freedom of speech by effectively banning its victims from ever speaking out on what occurred in court.

The Justice and Security Act, then, has serious implications for the government. With recommendations from the Leveson Report to tighten media regulation and now this issue, Britain is quietly lurking in the shadows of a dictatorship and authoritarian state. It is very suspicious that the government are so eager to limit any information

relating to the cases of al-Saadi and Belhadj. It raises doubts as to the legitimacy of Westminster domestically and internationally. The government is trying to maintain its undeserved title of peaceful mediators, but it now seems just a matter of time before the truth comes tumbling out.

The government risks alienating people internationally, but most importantly, domestically. Imposing grave restrictions on those already recognized as “victims” carries with it the risk of mass revolt. The government is in no position to restrict coverage surrounding this case, particularly when documents found in Tripoli implicate the UK in the false imprisonment and torture of these families.

The UK is in clear violation of domestic legislation regarding kidnap and false imprisonment. English and Welsh courts have a duty to ensure consistency and fairness in trials. These families were tortured for many years by the Libyan government, along with the help of the UK and the USA. Having been electrocuted, beaten, deprived of sleep and water- boarded, surely it is within these victims’ right to speak out and have their troubles publicized so as to raise awareness of the activities which governments partake in behind closed doors?



The Face Coverings (Prohibition) Bill

by Emily Mills

A bill, presented to the House of Commons in June 2013 and currently awaiting its second reading, is proposing a ban on facial coverings in public. Unsurprisingly, it has been named the ‘Face Coverings (Prohibition) Bill’. Should this undoubtedly controversial (and ridiculous) bill become law, its effects would be widespread, and would include changes to the rules of procedure in our courts of law.

You might assume that the purpose of such a Bill would be to promote openness in society: after all, it is very often through our use of facial expressions that we are able to connect with one another, even when those others are strangers. It may, then, come as a surprise that the Bill’s approach actually varies depending on what the covering symbolises; s.1(3)(e) states that facial coverings worn for the purpose of “art, leisure or entertainment” are permitted, whilst the religious veil, worn outside of places of worship, is not. Clearly the hierarchy in the importance of rights has been confused here. The distinction seems to suggest that it is not the covering itself which is seen as problematic, but rather the reasons for which it is worn, and to some extent the religion with which it is associated.

Despite the fact that a public ban would be extremely discriminatory, a more narrow prohibition may be justified in the context of a court of law, in which the jury may infer part of their judgment from the expressions and behaviour of a person giving evidence.

At present, there is no ban on wearing the veil in court. However, in September 2013, Judge Murphy, sitting in Blackfriars Crown Court, refused to hear a plea from a defendant charged with intimidating a witness when she would not remove her niqab; her plea was then accepted following private identification, but it was ordered that she would have to remove the garment whilst giving evidence during her trial, and would be shielded from public view whilst doing so.

The Equal Treatment Bench Book requires judges to consider the individual circumstances when deciding whether to request that the veil be removed. However, the manual also states that “it is often possible to evaluate the evidence of a woman wearing a niqab”. If use of the garment, then, does not impact upon the justice of a case, it is unclear why it should be the subject of a ban at all; and if it can be worn by someone under close scrutiny without it being a problem,

then its general use in public certainly should not be an issue either. Nevertheless, the fact remains that “it cannot be satisfactory that one judge may go one way and another judge will go another way” on an issue which is both sensitive and potentially influential in a jury’s judgment.

Commentator Ian Leslie believes that the justice system would actually be improved if, whilst they were giving evidence, the behaviour of the witness or defendant were shielded from the surveillance of the jury. This belief is based upon a study which revealed that humans are much worse at detecting the truth from a person’s demeanour than we like to think. If there is truth in this proposition, and if “justice is blind”, then perhaps removing defendants out of sight of the jury is something to consider for the future (however unlikely the proposition). But until this moment, it should not be right for there to be one rule in one case and another for the next when based on an issue which has the potential to impair the quality of justice.



Who burst the bubble on the financial crisis?

by William Garton



The financial crisis is currently the most far-reaching issue in the western world. It affects all aspects of life, from international mergers and acquisitions to the weekly shop and daily commutes of families. It’s something we constantly see in the news, and commonly features in questions asked to assess commercial awareness, but what is it and where did it all begin?

The origins of the current crisis lie in the housing market bubble in the USA and UK. Years of low inflation and stable growth in the housing market had promoted risk-taking and made houses seem like a safe investment for those buying and lending. Banks aggressively competed to lend, incentivising their staff with large bonuses and

commitments. This competition became so intense that Northern Rock were prepared to lend for up to 125% of the value of the house. In the US it was also common practice for banks to offer loans with initially low interest rates, and then pool and sell off the debts to other financial institutions as apparently safe ways to invest their money.

In September 2008, the housing bubble burst with the collapse of Lehman Brothers. This global bank, deemed “too large to fail”, took multi-million dollar bail-outs to shore up the industry, resulting in the worst recession in 80 years. We are still feeling the backlash. But why did the bubble burst?

With 5 years of hindsight we now know the main cause was the lenders themselves. Banks would lend to “sub-prime borrowers”, who could not afford it. These high-risk loans were then passed on to the big banks, who would turn them into low-risk securities by pooling them back securities known as collateralised debt obligations (CDOs), which were sliced into tranches in relation to their exposure to default. The rating that agencies such as Standard & Poors assigned to these tranches were also too generously assessed, so they were sold on to investors as high-return investments.

When the house prices started to fall, the banks who lent the money found it difficult to get it back. They sought to avoid repossession as house prices were falling. In deed, it was the banks, who had heavily borrowed themselves to make the loans originally, that caused this situation to escalate into a global economic crisis. Indeed, some major US banks had borrowed up to 30x their capital.

The crisis then rapidly spread across the globe with many big financial names being saved by governments. It was when the Lehman Brothers was allowed to go bankrupt that the panic spread. Lending between banks stalled and interest rates on inter-bank loans began to rise. The capital began to be recollected and hoarded by those with debts.

The crisis then spread through the whole economy as the hoarding of capital by banks reduced the flow of capital from lenders to those needing money. Companies needing capital for daily activities found it increasingly difficult to borrow and many UK construction projects were stopped. For example, the UK government had to change the funding for the London Olympic Games from private to public just to keep it on track.

The cracks in the financial system had been exposed and a chain reaction began. Mortgage-backed securities slumped in value and all CDOs turned out to be worthless despite being rated highly. The ultimate lubricant of the financial system, trust, had been broken, and it therefore became difficult to trade any asset. The financial system was shown to have been built on banks allowing their balance sheets to bloat, without setting aside enough capital to absorb losses.

The regulators also played a large part in causing the economic crisis in which we currently find ourselves. Through letting the Lehman Brothers go bankrupt, the panic in the markets increased. The government’s decision to allow the bank to go bankrupt ultimately resulted in them having to intervene in many other companies once the economy froze up, with institutions hoarding capital after lending froze. However, the fault of the regulators is much more engrained than this. Through insufficient regulation on the banks they allowed the housing bubble, which the banks had helped inflate, become a problem in the first place.

George Osborne’s recently released Autumn Statement has seen the economic growth forecast rise from 0.6% to 1.4% in 2013, and from 1.8% to 2.4% growth in 2014. This is an encouraging sign that the UK growth is continuing to rise and we may see it gain momentum through 2014 as predicted and the end to the financial crisis. With the passing of the Banking Reform Bill through Parliament it is clear to see that the government is learning from its mistakes, but is it a matter of time to see whether this can stop anything like this happening again.



Parliament wants you to smoke more.

by Christopher Achkar

The issue of cigarette smoking has been the cause of tension and friction, all at once, between parents and children, school teachers and students, and now, between Parliament and the people.

Parliament is facing a dilemma today. Behind closed doors, it needs to question what it values more: profit yields from the tobacco industry, or the genuine well-being of those it claims to represent. It should ask itself such a question because it is proposing to introduce legislation which would ban all 10-cigarette packets, as well as all flavoured cigarettes (known to be attractive for new smokers, closet smokers or simply people who don’t like the taste of cigarettes, yet still want to smoke).

Banning flavoured cigarettes, which often ensnare teenagers, is a step in the right direction. Such a prohibition will discourage and prevent people from smoking. But banning all packets of ten cigarettes? That opens up a new and more controversial field of debate. How will forcing a smoker to buy a pack of twenty cigarettes, rather than ten, help them kick the habit? How will forcing smokers to smoke more help the people for whom Parliament is supposed to be legislating? All this leads one to wonder: whose interests does Parliament have in mind when legislating?

Parliament should legislate according to the demands and necessities of its constituents. Historically, legislation on the issue of smoking has had the aim of reducing - not increasing - the number of smokers. Such legislation has had the aim of making people smoke less, not more. Other than for the purposes of being (re-)elected or increasing popularity, these aims are actually quite beneficial for the government, because they help to reduce its fiscal responsibilities. They save millions of dollars that the government would otherwise have to pay in treating all sorts of smoking-related health problems.

The European Parliament approved this law after tensions between politicians, the tobacco giants and other third-party interests like those of the health industry. But Parliament has to tread a tightrope: it has to risk upsetting the big tobacco companies and losing their capital investments and contribution to the market on the one hand, or it can simply watch its people smoking their lungs away, and paying for their healthcare and other costs incurred directly or indirectly in that regard.

The problems with this law don’t simply stop at its nature and composition, but they actually continue to render this law out of touch with reality, and utterly unenforceable. What about the remote convenience store who hadn’t had time to rid itself of its 10-cigarette packets? Will these stores suffer prosecution for selling the remainder of their stock? Courts, legislation and the legislature itself are infamous for being unduly swayed by the societal imbalances of power and wealth. After all, will Tesco suffer from such laws as this? Unlikely. But will smaller grocery stores suffer? Probably.

Both the creation and the enforcement of laws have long depended on the legitimacy of those who have drafted them and brought them into force. But if the people of the United Kingdom view laws as absurd, illegitimate and inconsistent with the systems of natural law and logic, then they will refuse to be subjected to them. The Bill that will force citizens to smoke more, rather than less, is a bill that will not survive the scrutiny of its people. We have too much at stake, here; and Parliament should be helping us, not making it harder for us to help ourselves.

If only our parents banned us from playing one hour of video games and forced us to play five hours instead!



HMP Bronzefield

by Will Copping



A woman has been kept in the segregation unit at HMP Bronzefield for over five years, in what the Chief Inspector for Prisons has described as ‘cruel, inhumane and degrading’ conditions. The prison is staffed and run by a private company – Sodexo Justice Systems – rather than by the government. The inspection blamed the jail itself, but also called for a ‘national strategy for meeting the needs of these very complex women’. Juliet Lyon, director of the Prison Reform Trust, lists these issues as ‘poor mental and physical health... and trauma [caused] by separation from their children.’

The main salient argument against private prisons is that their inadequate provision for the needs of prisoners undermines the cost savings they claim to provide. Evidence from reform.co.uk suggests that in many areas private prisons excel – cost and operational effectiveness stand out. But fundamentally, private companies aim for profit maximisation; their focus is therefore not on rehabilitation, or on providing for the needs of prisoners. Being subject to commercial contracts, private prisons also lack transparency and accountability. The mission statement of reform.co.uk emphasises economic efficiency within public services, and so perhaps has the wrong perspective. For those who want prisoners to be treated fairly and with dignity, the fixations on efficiency and profit are not some minor issue; they amount to the fundamental problem with private prisons. Nevertheless, the Ministry of Justice website presents the Bronzefield inspection report in an overwhelmingly positive light. But perhaps the problem of lack of government intervention vis-à-vis private prison efficiency is being remedied: the Prime Minister recently announced that private prisons will face fines if criminals released reoffend.

Sodexo runs four prisons outright, but partially runs many more, implying that a semi-commercial prison can exist as a cost-effective and transparent solution. Government controllers already exist, but operate independently of the management structure and have little power to do anything other than observe. To remove private prisons at this stage completely could be costly, as the government awards contracts for the construction, management and finance of prisons on a 25-year plan. A better approach would be to require more transparency of private prisons as part of their contractual obligations, for example by requiring them to report pro-actively their vulnerable prisoners. Government could compensate by paying more for this small minority.

An article on the Bronzefield incident in The Independent downplays the need for such drastic action. It points equally to parts of that report showing facilities and services had improved since the prison’s last report – perhaps indicating that this woman’s case was an isolated one and not part of a wider pattern. However, as concluded in the previous paragraph, the isolated nature of the case does not make it excusable, and there is, of course, no reason why it could not happen again.

Broad solutions do not sufficiently address some complications in this incident. The woman in the Bronzefield segregation, as a ‘Category A female inmate’, would be highly dangerous to the public. However, a letter from the Independent Monitoring Board of Bronzefield states that long-term segregation contravenes National Offender Management Guidelines, and is discriminatory against women. A more stringent system for checks and classification of inmates with unique needs should be put in place to ensure that they receive the ideal care and treatment required during their incarceration, in addition to the protection of Human Rights of Persons with Disabilities if applicable. The woman in the Bronzefield case is highly dependent, and should not be ‘left to rot’, as Juliet Lyons has said. Rehabilitation and treatment should thus be amongst the top priorities, and aimed at sufficiently providing for her special needs. Specialist care should also be made available for inmates like her, who come with especially challenging circumstances. The earlier view she held concerning this category of women speaks of conditions which are debilitating but treatable through exercise, counselling and occasional visits from children. After all, rehabilitation and reintegration are two of the key objectives of prisons and correctional facilities. Predictably enough, it was The Guardian, a more liberal newspaper, which published the letter from the IMB. Its sentiment rightly runs parallel to scientific reasoning: the basic human needs of prisoners – and not their crimes – should dictate the conditions in which they are kept.

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Photograph: “HM Prison Bronzefield aerial 2011,” Andreas Praefcke, (http://en.wikipedia.org/wiki/File:HM_Prison_Bronzefield_aerial_2011.jpg)



The Case of Gillian Astbury

by Laura Tulley

Years ago, revelations emerged of poor care and high mortality rates at Stafford Hospital. One of the victims was Gillian Astbury. Mrs Astbury was, according to The Guardian, a victim of ‘a systemic failure to provide adequate nursing facilities and staffing’, and her death was a result of ‘a failure to administer insulin [which] amounted to a gross failure to provide basic care’. The case of Gillian Astbury has been investigated by the Health and Safety Executive and, as the Guardian article suggests, ‘there was enough evidence to bring criminal proceedings against Mid Staffs’¹ The Health and Safety Executive is now prosecuting the NHS Mid-Staffordshire Trust under Section 3 (1) of the Health and Safety at Work Act 1974. Gillian Astbury, ‘died on 11 April 2007, of diabetic ketoacidosis’ after nurses failed to realise that she was a diabetic and did not administer the in-patient with any insulin.

As a brief outline, there have been several investigations into the failings at Stafford Hospital, with two of the most significant being the two Francis Reports. The first Francis Report highlighted ‘the ‘unimaginable’ distress and suffering of patients between 2005 and 2008.’ This report was published in 2010. Following on from this, the Conservative Party had promised that it would look into financing another inquiry to see if it would be possible to not only discover what went wrong, but to try to apportion some blame and find out the reasons as to why the failings at Stafford happened. The second Francis Report ‘was charged with looking at how the lapses could have been allowed to take place and why they were not picked up earlier.’³

This brings me on to the first legal issue; what was the importance of the Francis Report with regard to the context of the NHS being prosecuted?

- In 2008 the HSE was notified about the case of Gillian Asbury. However, ‘a principal inspector met with [representatives of the HSE] and concluded that the case did not fall within HSE policy’.
- It could be argued that, after it was announced by the coalition government that a further inquiry into Stafford would take place, the HSE realised the ‘importance...of regulators in the healthcare sector’⁴ perhaps questioning the decision of the HSE to not follow up the case with their own inquiry.
- In February 2013, after the Francis Report was published, David Cameron delivered a statement on the Mid Staffs Public Inquiry. In his speech he stated that ‘Robert Francis makes a very strong argument that the Health and Safety Executive is too distant from hospitals and not the right organisation to be focusing on healthcare and criminal prosecutions in these cases.’ It could be argued that after the publication of the Francis Report, the HSE felt under pressure to try and act with regards to the case of Gillian Asbury, as from all angles, the HSE was being criticized for its somewhat passive nature.

This then takes us onto the next legal issue: why did it take so long for the HSE to launch an investigation and then pursue criminal proceedings?

- The HSE did consider starting an investigation into the death of Gillian Astbury and, as previously stated, ‘A principal inspector met with them and concluded that the case did not fall within HSE policy’⁴.
- The CPS did conduct their own investigation and the HSE was asked for its assistance during the investigation’. The HSE did co-operate. However, ‘the police retained primacy’ in the investigation. In December 2009, the police closed its investigation, and once again the HSE was left in charge of the matter, but didn’t really take any action.
- In 2010, after it was announced that another public inquiry would

commence. ‘Following legal advice, HSE deferred a decision to pursue the investigation into Gillian Astbury’s death until the conclusion of the public inquiry’. After the publication of the Francis Report the HSE released a statement saying, ‘We can now confirm that our inspectors have today formally started an investigation’ as of April 11th 2013⁷.

- On 29th August 2013, it was then stated that ‘the Health and Safety Executive (HSE) said there was enough evidence to bring criminal proceedings against Mid Staffs over the death of Gillian Astbury’¹.

The final legal issue that I wanted to explore was the fact that for the first time, individual people won’t be held accountable, and the NHS Trust as a whole is being prosecuted.

- The Trust is being prosecuted because it, ‘failed to devise, implement or properly manage structured and effective systems of communication for sharing patient information, including in relation to shift handovers and record-keeping.’ It was the Trust as a whole that was responsible for this, and it is this that caused the gross failure in basic care that amounted to Mrs Astbury’s death.
- As this is the case, the NHS Trust is being taken to court as an organisation, which suggests that individual members of staff will not face prison for their failings, but rather the Trust will face a fine. ‘If the Trust is found guilty of the charge of a gross failure to provide basic care, it could be fined tens of thousands of pounds’
- Julie Bailey, the founder of Cure the NHS – a group that campaigned for a public inquiry into the failings at Stafford Hospital – stated that ‘all we’re talking about at the moment is a sum of money, and to a hospital that’s in administration - it’s public money anyway.’⁸ It could be argued that the public’s reaction towards the idea of a fine, instead of accountability being placed on clinical staff, is not giving ‘justice’ to the family, as both a fine and prison sentences are the truly desired outcomes. The public wants to see names and faces being labelled held to account, and it wants victims and their families to receive financial compensation. However it could be argued that blame is in fact being apportioned to clinical staff. The Guardian article states that ‘the Nursing and Midwifery Council found two nurses guilty of misconduct for failing to spot Astbury was diabetic. It ruled that Ann King and Jeannette Coulson had failed to look at or update her records or carry out blood tests’. These two nurses could face being struck off the medical register as a punishment; however, prison sentences would be highly unlikely.
- To conclude this point, it could be said that, ideally, jail sentences coupled with fines would truly give the families of those that suffered at Stafford ‘justice’. However, I feel that the reason that a fine may be felt to do the case justice is because Mid Staffs NHS Trust failed as a result of a flawed communication system and this is under the management of the Trust as a whole rather than the individual nurses.

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The Abolitionist Question

by Anonymous

The abolitionist question – should we get rid of our current penal system – is one that is often dismissed as idealistic and naïve, met more with scepticism and mockery than rational and informed debate.

Although total abolition may not be viable, the present system can hardly be described as functional or indeed effective. At a talk given by Sulemen Amad on campus last week, run through the Howard League for Penal Reform, I discovered that almost two thirds of young offenders re-offend; that suicide and self-harm are on the rocket increase (particularly among female inmates); and that far too many prisoners leave with zero employability skills. It struck me that if it were schools or hospitals with the same failure rates, we wouldn't dream of almost mindlessly continuing to invest. Yet it seems that proposals of reform are too frequently disregarded as futile, lost in a public thirst for punishment and retribution that perniciously creates the “comforting” myth that “something is being done”.

In my opinion, these debates are, without a shadow of a doubt, worth having. The integrity of the prison service in England and Wales is respected worldwide, yet the inspection reports of Pentonville and Wandsworth prisons show that such respect is misplaced. Before any change can take place, the public needs to be aware of what exactly happens in prison; it needs to know that promoting equality and human rights should not be an exception anywhere.

There has to be more to prison than punishment, and right now, it seems evident that prison educates far more in crime than in rehabilitation. Aside from this, rates of recidivism show

that every member of society should be concerned with the fate of prisoners after release. We should remember that what happens behind closed prison doors reflects on those outside. Perhaps if we recognised that people need, or want, vengeance, and separated this from the reformatory and deterrent aspects of prison, we'd manage both better. However, to quote the Howard League, what we see today is symptomatic of a prison system that is devoid of any real mission or motivation, with prisoners used as pawns on a political chessboard more than anything else. Consequently, inmates are left bored, unmotivated and unoccupied at the hands of demotivated staff, and prisons thus become glorified detention centres rather than places of rehabilitation.

And, of course, the only way to truly understand, to try to pave the way for change, is by looking at exactly who is in prison, and remembering that the term “vulnerable” has more than one dimension. The Social Exclusion Unit showed that British prisons are largely populated by the most helpless, socially excluded members of our society. The kind of man who is driven to rob or assault is also, statistically, the one who comes from a disturbed background, with poor education and no prospects. The homeless, the mentally ill, the abused: it seems that prison acts as a human disposal unit, rather than any serious and effective form of remedy.

I, myself, am frustrated at hearing foaming, elderly relatives articles ranting around the dinner table about “evil” law-breakers, raving almost gleefully about televisions in cells, the “free food”, and, with moral indignation, speaking of justice. The point is that prison is failing in its key objectives. The coalition government spoke of “rehabilitation revolution”, but neither word can apply to the status quo – the holding of damaged, dangerous people in conditions that do little or nothing to stimulate change for the better. Likewise, in failing to treat with dignity and respect those who need and have never been shown these things, the government is perpetuating the problem.



High Profile Cases: The Bulger Murder

by Georgia Wright

On the 12th of February 1993, the abduction and murder of two year old James Bulger sent shockwaves not just through the UK but throughout the world. The toddler was led away from his mother, violently battered, potentially sexually assaulted and left for dead on a railway track where his body was severed by a train. Most shockingly however was the identity of the attackers; Robert Thompson and Jon Venables; revealed to be just ten years old!

Arrested and charged with murder the boys were quickly demonised and a hateful response ensued; their families were driven out of their homes, police vans carrying the boys were attacked, chairs at the trial had to be bolted down and cries of ‘hang ‘em’ emanated from the crowd when the verdict was given. Newspaper headline screamed ‘how do you feel now you little bastards’ and called them ‘freaks of nature’ while politicians played up a moral crisis through which ‘we must understand a little less and condemn a little more.’

At just ten years old the boys were subject to trial in an adult court; a special stand had to be built so that they could see. Mr Justice Morland called their behaviour ‘an act of unparalleled evil and barbarity’ as he sentenced them to eight years in a secure unit. As they played and whispered in the docks absent-mindedly, were they aware of the chaos they had caused? The catastrophic consequences of their actions?

Had it been just a few months earlier these young boys could not have been subject to the law. However English law “holds that a person is completely irresponsible on the day before his tenth birthday and fully responsible as soon as the jelly and ice-cream have been cleared away the following day”. But jelly and ice-cream were likely to be a foreign concept in the Venables or Thompson households. These were homes full of hostility and violence, alcohol fuelled beatings and abuse. Neglect and scorn were the norm; Thompson fighting for attention in a house of seven aggressive boys and not enough to go round, and Venables with two disabled siblings; his mother's scapegoat. Yet despite a social services report outlining all of this information, no connection was established between the abuse and the alleged offence. Furthermore because they were tried in an adult court evidence of their upbringing was deemed inadmissible.

The minimum age of criminal responsibility in England fails to consider the fact that happy, well nurtured ten year old children do not commit crimes, particularly murder. Links between bad parenting, violence and child crime have been well established. Was this not just two vulnerable ten year olds, victims of their circumstances and desperate for love and guidance? It is often children in the greatest social need who are swept up by the youth justice systems, and some have even argued that the parents of the boys should have faced criminal charges instead. The problem with the English justice system is that rather than help and understand that tragedies such as these are not black and white, it seems to be willing to throw societies primary school children behind bars.

Embarrassingly, when five year old Silje Redergard was murdered by two six year old boys in Norway just a year later, child welfare authorities took responsibility for the case, securing them places in kindergarten, ensuring support and monitoring from teachers and psychologists. They received no criminal punishment and were not branded evil or condemned by society. Had Thompson and

Venables lived in Norway, life may have been very different for them, particularly as the minimum age of criminal responsibility in Norway is 15. This age is far more aligned with the approach of other countries over the world; the median age of responsibility being 12. Despite many calls for review and much condemnation, there seems to be no political will to recognise the disparity of the English law. Ironically in civil matters the law takes a very protective approach towards children, placing age restrictions on many areas such as marriage, teenage sex, alcohol and voting. Yet a child who breaks the law at just ten years old and like Thompson and Venables are highly vulnerable, does not seem to warrant the same protection and care.

It can be seen as a question of the integrity of the English law that now, 20 years on from the Bulger murder nothing has been done to recognise that children that commit crimes are often just as in need of protection as all other children and that despite all the areas of development and revolution in the law over the years, when it comes to children the law remains stagnant.

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High profile cases: Phone hacking scandal

by Margaux Wilson

The intriguing trial involves the front runners Rebecca Brooks and Andy Coulson (hired by the Conservatives) who are charged with conspiracy and perverting the course of justice by concealing and destroying evidence.

Conspiracy at common law is an agreement between two or more persons to commit a crime such as a theft. This country does not like conspiracies; remember Guy Fawkes?! Whilst we do not burn people anymore, we do send them for trial on indictment and if found guilty there is a fairly lengthy prison sentence. With conspiracy there is no requirement that any steps should have been taken to put the plan into effect (compare attempts which require proximity to the full offence). The actus reus is a continuing one and parties may join the plot later and incur joint liability. Conspiracy can be charged where only one of them is on trial or where the co-conspirators have been acquitted or cannot be found. Once you are involved, repentance does not prevent culpability.

Rebecca Brooks and Andy Coulson are accused of covering up the offences committed by others under section 79 of the Regulation of Investigatory Powers Act 2000 (RIPA). The Act regulates the powers of public bodies to carry out surveillance and investigation, and covers the interception of communications. On the 13th of November 2005, The News of the World (NOW) published an article written by their royal editor Clive Goodman. As a result, Prince Harry concluded that it was likely his voicemails were being accessed and an investigation team searched the London office of the NOW, finding incriminating evidence. In August 2006, Clive Goodman and a private investigator, Glenn Mulcaire, were arrested



and later charged with hacking the telephones of members of the royal family, by accessing voicemail messages, an offence under section 79 of RIPA. The court heard that Mulcaire had also hacked into the messages of supermodel Elle Macpherson, publicist Max Clifford, MP Simon Hughes, football agent Sky Andrew, and the Professional Footballers' Association's Gordon Taylor. On the 26th of January 2007, both Goodman and Mulcaire pleaded guilty to the charges and were sentenced to four and six months imprisonment respectively. On the same day, it was announced that Andy Coulson had resigned as editor of the NOW. So who knew and who participated?

It is said that Rebekah Brooks and her husband plotted to hide important evidence. As chief executive of News International (owner of NOW) Brooks had tried to conceal evidence of wrongdoing at the NOW, by deleting email records and destroying her notebooks. Her husband Charlie Brooks is accused of helping her to dispose of two iPads and an iPhone which, according to electronic records, the couple had been using recently and was said to contain information relevant to the phone hacking case.

She denies two counts of conspiring to pervert the course of justice. It is also accused that Brooks conspired with Coulson, fellow editor, to make an illegal agreement to hack phones.

It has also been revealed that Rebecca Brooks had a 6 year affair with Andy Coulson, at the time of the hackings. Why was this steamy and secret affair important?

Spanning for six years between 1998 and 2004, the affair took place in a vital period in the overall investigation, starting before and ending after Brooks' tenure as editor of NOW while she was married to her previous husband. The prosecution say the affair is relevant because both Brooks and Coulson were together on the offence and revealed it to the jury in the opening speech. "How well did they know each other", said the prosecutor. "How much did they trust each other?" Investigators apparently learned of the affair from a love letter Brooks sent to Coulson in 2004, after he had seemingly tried to end their secret relationship; "The fact is you are my best my friend," the letter read in part. "I tell you everything, I confide in you, I seek your advice, I love you, care about you, worry about you."

The ever revealing, twisting and riveting trial continues, as we all await the main players giving evidence and facing cross examination under oath. Will they tell the truth, will they implicate each other, what will the jury make of them?



Banking Reform Bill 2014

by Jessica Denardis

It is a common feeling in the UK that one cannot trust banks following the economic collapse of 2008. With many people still feeling the pinch of the Conservative-led coalition's austerity measures, has the government learnt its lesson?

The call for an overhaul of the United Kingdom's banking sector has been actualized by the Banking Reform Bill, which seeks to restructure accounts to improve the banks' ability to recover from financial shock during difficult times, and also to minimise the effect of potential financial crises. Earlier this week, the Banking Standards Commission, chaired by Conservative MP Andrew Tyrie, announced their success to the House of Commons.

The Commission was established after Lloyds Banking Group

and Royal Bank of Scotland faced colossal fines for the mis-selling of financial products and being in breach of United States sanction rules, respectively. Among its various duties was to recommend legislative changes, and this resulted in the Banking Reform Bill. The Bill has recently reached the final stages of being passed through the two Houses, having gone before the House of Lords earlier this month. Speculation that the Bill will become law as early as the Christmas recess has sparked the interest of investors, bankers, business men, politicians and the like - and for good reason.

Of pertinence for this article is the Bill's suggestion of a "ring-fence" to separate High Street retail banking from risky investment banking activities. The motive for this is twofold: increased investment security and increased confidence in the banks. This ring-fencing (which originally was proposed to be a total separation before amendments) seeks to steady the implications felt by all in the event of financial crisis. Unlike the current scheme, in which banks essentially rely on taxpayers to climb their way out of losses, this separation will ensure that retail customers are not excessively depended upon. In the wake of a global financial crisis, the likes of which have not been seen in nearly 80 years, banks have been quick to safeguard their actions, in order to prevent the easily made slip into mayhem.



Whilst banks are not solely to blame for the economic crisis, the central banks' failure to provide adequate foresight into the consequences of actions proved catastrophic. As provided by Parliament, this Bill has been put in motion to negate the risk of such a thing occurring again. To his fellow Members of Parliament, Andrew Tyrie described the Bill as the "burly doors of a stable built to restrain the charging horse of financial crisis".

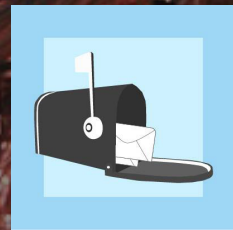
Provisions of this type are very highly regarded by those both inside and outside the banking spheres, because they attempt to make the financial system more responsive to consumers. In reality, what this means is that those seeking involvement in the financial world will not be as easily frightened into the demoralizing belief that one cannot trust the banks. Increased accessibility is likely to be accompanied by increased confidence. This will be an indirect but welcome result of the Bill.

However, some have criticised the Bill for not going far enough with respect to the accountability of key players - for not adopting the same approach as, say, the Icelandic government. However the Prudential Regulation Authority, working alongside the Financial Conduct Authority, will, under the new legislation, be able to hold banks accountable for the ways in which they separate retail activities from investment activities, in order to ensure that the package of protective measures stays in force. The prospective legislation will also force senior bankers to take responsibility when things go wrong, and ensures that banks as a whole can be penalised when things go wrong. Thus as we move towards the light at the end of the economic tunnel, I am definitely reassured that the government and the banks have learnt their lesson.

"As an editor I was given a large degree of discretion as to which direction I would take the section – it was this creative freedom that attracted me to write for 'Law Talk'" – Editor

"As a student project 'Law Talk' provides a non-pretentious platform for everyone to get involved in, especially those not yet ready to make submissions to journals but who remain active in the legal community"

Guest Contributions



Jeremy Dein QC and Monica Stevenson provide an overview of the key changes to sentencing law made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 as well as considering a new offence aimed at curbing the increasingly lucrative trade in scrap metal theft.



The Legal Aid, Sentencing and Punishment of Offenders Act 2012 [hereafter “LASPO”] was a relatively long time in the making and it shows. A voluminous piece of legislation, it contains a total of 154 sections, 27 schedules and (at the time of writing) 5 separate commencement orders.

BACKGROUND

The political thinking behind the reforms can be found in the Green Paper “Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders” which was presented to Parliament in December 2010. The ministerial foreword to this document decried the “failed and expensive policies of the past”, and heralded the plans as “radical and realistic”.

Most ambitious of all the aims was the agenda to “simplify and reduce a great mass of legislation” in an effort to clarify the sentencing process. Some critics have pointed out that parts of LASPO achieve the complete opposite, adding further confusion to an ever-increasing trail of badly drafted criminal statutes.

Whatever the merit of this debate, the Act has brought some welcome (not to say long overdue) changes to certain aspects of the sentencing regime. Foremost of these is the new power to suspend sentences of 2 years’ custody (an increase from the previous cut off point of 12 months). Many practitioners and, perhaps more importantly, judges, will agree that this is a welcome move from the old law, which imposed an unnecessary constraint on judicial discretion, often producing unjust results.

If there is a central theme to LASPO then it is the clear political drive to reduce expenditure on legal aid. Whether it be the increase in victim surcharges, the courts’ enhanced duty to consider compensation orders, or the sensible and welcome increase in the duration of curfew orders (as a cheaper alternative to prison), many of the reforms are targeted at making criminal justice more cost-effective (and, where possible, shifting the financial burden to the defendant).

The provisions relevant to sentence can be found in Part 3 (Chapter 1) of the Act. Most (though not all) of these changes came into force on 3 December last year by way of commencement order No.4 (2012/2906).

GENERAL

The first of three general changes to sentencing principles is an enhanced duty on the court to consider imposing a compensation order where

empowered to do so [section 63]. The key change here is the courts’ requirement to consider compensation orders where appropriate. Although a subtle reform, it stems from a justified concern that such orders were being underused, and is part of a wider objective to ensure sentencing law “provides a greater focus on reparation to victims” (para.72, Green Paper).

Another broad-spectrum change of practical relevance relates to the duty on courts to provide clear and detailed reasoning before passing sentence [s.64]. During the consultation period concerns were voiced about the ability of victims (and other interested parties) to fully engage in the sentencing process. This new provision requires tribunals to state in open court “in ordinary language and in general terms” the reasons for passing a particular sentence, as well as recourse to any relevant sentencing guidelines.

Finally, section 146 of the Criminal Justice Act 2003 is amended by section 65 of LASPO so as to add “transgender identity” as a statutory aggravating feature marking uplift in sentence. Note: This has no effect in respect of such offences committed before 3 December 2012.

COMMUNITY & SUSPENDED SENTENCE ORDERS

More specific amendments relate to the courts’ deployment of community and suspended sentence orders, with the new regime affording greater flexibility to judges and advocates alike. Most significant of these changes is the following: firstly the power to suspend a prison sentence of “at least 14 days but not more than two years” [s.68 amending s.189 of the CJA 2003]. Secondly, judges being able to impose fines of up to £2,500 for breach of such orders. This is an innovative departure from the previously stark choice of activating the custodial term or intensifying the community requirements (both of which of come at a greater cost to the taxpayer) [see s.69 amending Schedule 12 of the CJA 2003]. Finally, section 67 of LASPO will introduce the same power for proven breaches of community orders (although this provision is yet to come into force).

REQUIREMENTS UNDER ORDERS

A more controversial aspect of the Act is the increase in both the length and time frame of curfew orders which is brought about by section 71. The curfew window is extended from 12 to 16 hours, with the length of such orders from 6 to 12 months. This change is no doubt inspired by concerns at spiralling prison costs; curfew orders present a cheaper alternative that nonetheless satisfies the punitive element.

Section 66 clarifies the duration of community orders by providing for an “end date” and allows the court to impose a time by which two or more requirements must have been complied with. Section 72 permits the court to make an order “prohibiting foreign travel” for as long as 12 months. As with s.65, this does not apply to offences committed before 3 December 2012.

YOUTH SENTENCES

The changes to youth sentencing are predicated on the belief that the “purpose of the youth justice system is to prevent offending” [Breaking the Cycle, p.67]. To that end, greater flexibility is given to the courts in dealing with young offenders, with a clear emphasis on rehabilitative measures.

Section 79 of LASPO widens the circumstances in which the court can pass a referral order (reference of an offender to a youth offender panel) allowing the court to impose one where the offender has pleaded guilty even if it is not his or her first offence. The circumstances include where they have not previously received such an order, or they have on one occasion, but are deemed suitable for a repeat order by an “appropriate officer”.

In a similar vein to adult sentencing, the penalty for breaching a youth rehabilitation order now includes a fine of up to £2,500. It will be interesting to see how extensively such penalties are used given the limited means of such offenders which more often than not extends to the parent(s) as well.

Section 80 amends section 104 of the Powers of Criminal Courts (Sentencing) Act 2000 by extending the powers dealing with breaches of detention and training orders (DTO). The new law allows additional periods of detention or supervision to be passed as punishment for such a breach. Significantly this punishment can be enforced after expiry of the DTO period (meaning that delays in breach hearings will no longer have any impact).

FINES

Sections 85-88 of the Act deal with the power to impose fines and include a removal of the £5,000 fine limit in the magistrates’ courts. This is no doubt part of the wider strategy to compel defendants to reach inside their pockets. However at the time of writing, no commencement order relating to the provisions has been made.

SENTENCES FOR PUBLIC PROTECTION

Section 123 of the Act brings to an end the much criticised IPP, DPP and extended sentences. Undoubtedly this was an overly-complex, unwieldy and logistically difficult area of sentencing and its disappearance will not be mourned by those in the profession. A new form of “extended sentence” is introduced by way of section 124 which applies to persons posing a “significant risk...of serious harm” who have either been convicted of a scheduled offence or warrant a custodial term of at least 4 years. Section 122 creates a new “life sentence” for anyone convicted of a second “listed” serious sexual or violent crime. Such sentences must be passed unless the court is of the opinion that it would be “unjust to do so in all the circumstances”. It remains to be seen whether these provisions, substantially rewriting erstwhile provisions, are more “successful” than those they are replacing. It is doubtful that this will be the case.

BUYING SCRAP METAL FOR CASH

In addition to changes to sentencing law, LASPO has introduced several new criminal offences, one of which is targeted at the growing trade in scrap metal theft.

Section 146 sets out the ambit of this offence, which, in simple terms, amounts to a prohibition on the buying of scrap metal by way of a cash payment. Acceptable forms of payment are electronic transfer of funds (authorised by debit or credit card) or crossed cheque [s. 146 (1) (a-b)].

This element of LASPO amends the statute regulating scrap metal dealers (namely the Scrap Metal Dealers Act 1964) and stipulates that a person guilty of the offence is liable on summary conviction to a fine not exceeding level 5.

The thinking behind the new offence is fairly obvious and imposes a requirement that all such transactions have a clear audit trail by which the account for the payer and payee are readily identifiable.

Home Office guidance on this aspect of reform suggests that unacceptable forms of payment will include postal orders, foreign currency, electronic vouchers and mobile phone credits (Home Office Guidance on the Offence of Buying Scrap Metal for Cash, October 2012).

In addition to the prohibition on cash payments, the police will have the power to check the records of scrap metal dealers to ensure compliance with the regulations. Such documentation must include a copy of the cheque or receipt identifying the transaction with the particulars of the persons making and receiving the payment.

It remains to be seen how rigorous the police will be in the use of their enforcement powers and what hunger there is for prosecutions in this area. That being said, the legislative change shifts the onus on dealers to document their transactions, with excuses harder to come by. Time will tell whether this leads to a decline in the increasing spate of metal thefts.

CONCLUSION

Reminding ourselves of the stated objectives in “Breaking the cycle: Effective punishment, Rehabilitation and sentencing of Offenders”, only time will tell whether the reforms discussed come near to fulfilling these goals. In fairness, the majority appear well intended and have practical emphasis. Whether they survive the quagmire of ever-increasing criminal justice legislation is an open question. Over recent years, much has come and gone. LASPO will hope that, unlike IPPs and other transitory sentencing provisions, it has both impact and positive results upon a criminal justice system creaking under the pressure of modern-day constraints.

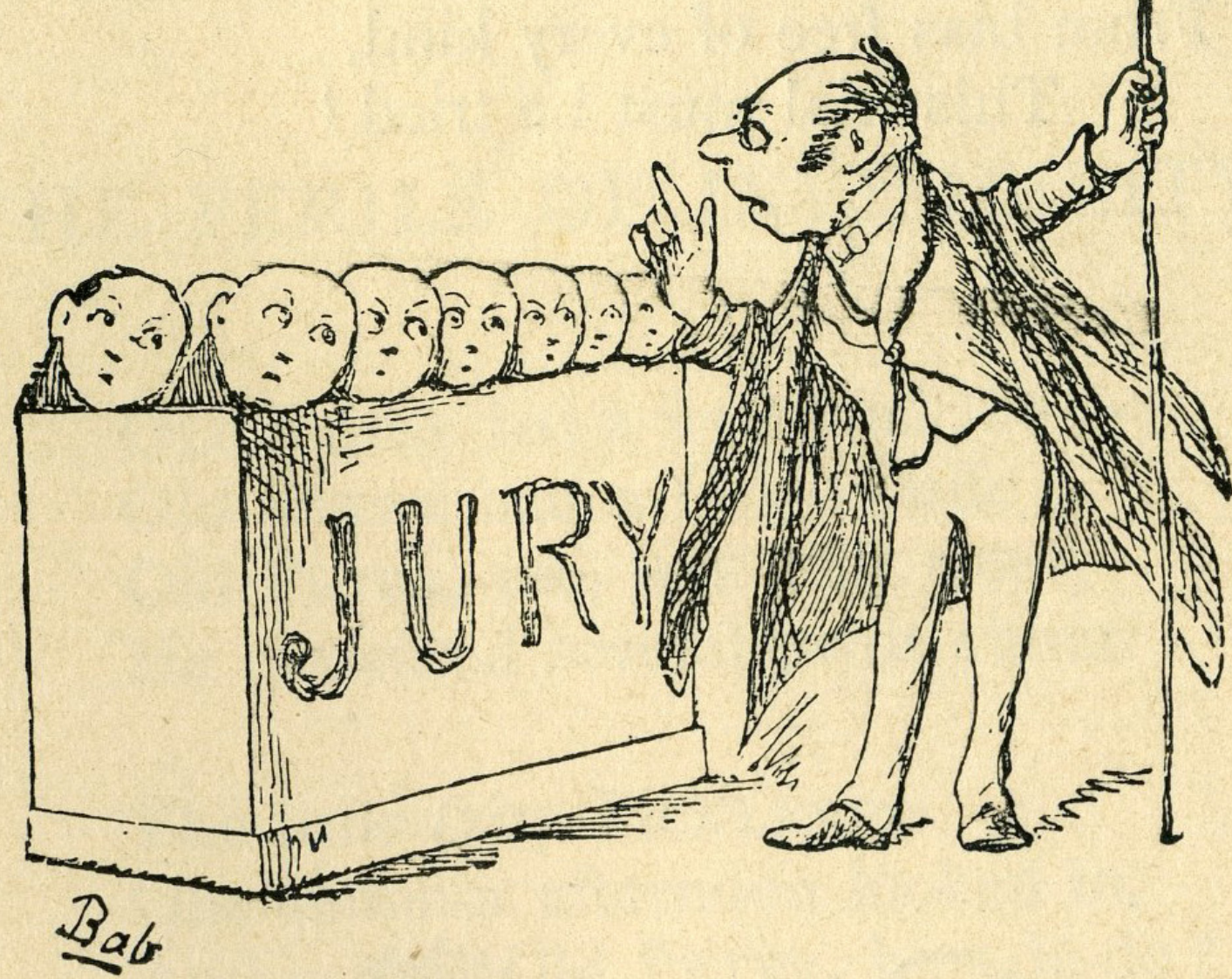
Jeremy Dein QC and Monica Stevenson are both criminal barristers at 25 Bedford Row. Further details can be found on their profiles at www.25bedford.com

Contempt of Court and the Internet: Law Commission Report No 340



by Professor David Ormerod QC

Law Commission Report No 340, published on 9 December 2013 is the first in a series of reports flowing from the Consultation Paper no XXX in 2012 on which I lectured in the Law School at Birmingham in March 2013. One aspect of the Report deals with jurors who search for information related to the trial.



Background

At present jurors are told in a DVD shown on their first day of service, and by the judge trying the case, that they must not search on the Internet or elsewhere for information about the defendant or the trial. If they do so, they are in “contempt of court”, and at risk of imprisonment for up to two years.

Following its provisional proposal which was widely supported on Consultation, the Law Commission recommends that jurors who intentionally engage in research for information about the trial should be dealt with under a specific criminal offence created by Parliament and tried in the Crown Court.

Under the present law, the precise limits of what a juror is permitted to do are defined by each judge on a case-by-case basis at the beginning of each trial. Although the judges follow guidelines in the Crown Court Bench Book, there is no specific form of words they must adopt. Despite the best efforts of judges jurors remain confused about what is permitted. In a recent survey conducted by Professor Cheryl Thomas almost a quarter of jurors were unsure of what internet use was permitted during their jury service. Equally worrying was the revelation that up to 7% of jurors in that survey admitted to having used the Internet in an impermissible manner while serving as jurors: that averages out at one juror per trial.

This lack of clarity about the scope of the prohibition is obviously unsatisfactory for defendants. The defendant has a right to a trial by an independent and impartial tribunal – one that is not only not prejudiced in fact, but is perceived to be free from prejudice. If jurors are confused about what they can do there is an increased risk that they will conduct research and thereby prejudice the trial. The lack of clarity is also unsatisfactory for the jurors themselves who are at risk of committing a contempt carrying a maximum 2-year sentence

of imprisonment without understanding the boundary of what is forbidden.

Having a statutory offence created by Parliament will clearly have a symbolic effect. It will also bring greater clarity as all jurors become aware that it is a crime to engage in this form of conduct. A statutory offence will also bring consistency and greater legitimacy because all jurors will be subject to the same rules as defined by Parliament and not the individual judge in the case.

When jurors search the internet they risk the trial being stopped, with all the consequent delay, distress to the complainant, the defendant, witnesses, and the cost to the public purse. By producing greater clarity and consistency, jurors are likely to have greater understanding of what is forbidden and therefore be more likely to comply with the limits on internet use. That should reduce the risk of jurors engaging in such conduct and the serious practical consequences for them and for the trial they prejudiced.

There are also procedural concerns with the present law jurors who research on the Internet are tried in the Divisional Court under a unique procedure based on the Civil Procedure Rules. Although the criminal standard of proof applies, the trial does not involve all the usual criminal trial processes and protections such as an indictment, criminal disclosure, a right to bail, and a right of appeal to the Court of Appeal etc. Under the Law Commission recommendation, jurors who commit the offence will face prosecution in the usual way in the Crown Court with all the usual criminal procedural protections.

Creating a new criminal offence is not a matter to be taken lightly, but in this case the arguments are compelling. In the Commission’s view, if behaviour can result in someone being imprisoned for up to 2 years then it ought to be defined in clear terms by Parliament and tried in the usual way for criminal offences.

Is the lack of female justices in our courts a problem for democracy?

by Katie Knafler

The United Kingdom is seen as a pillar of democracy not just in Europe but around the world: from the signing of the Magna Carta in 1215 to the signing of the Gay Marriage Act in July last year, the UK has appeared to be at the forefront of fairness, justice and equality – except, that is, as far as our male-dominated judiciary is concerned. According to recently released statistics, just 23% of our judiciary is female, and of course, there is still only one female Supreme Court judge.

Thankfully, we are now hearing loud voices from the few women at the top about the dearth of female justices. Lady Hale of the Supreme Court has blamed ‘unconscious sexism’. It is no wonder she has become tired with her all-male workplace. In the 10 years since her appointment, no other woman judge has been promoted to her level, while 13 male justices have reached our highest court during the same period of time. Moreover, a recent change in the law means that the Deputy President of the Supreme Court is no longer entitled to sit on selection commissions for appointments of judges to our highest court. The current Deputy President is Lady Hale herself, so the change has been seen as a blow to any hopes of more women appointees.

On the subject of appointments as a whole, Lady Hale has stated that ‘it is always much easier to perceive merit in people who are like you than it is to discern the merit of those who are a bit different’ – perhaps this is a hint that change in the selection process is highly unlikely. In any case, it is apparent that this rigid system has created a vicious cycle that will be difficult to break... when will a woman be seen by men as being better than her male counterparts?

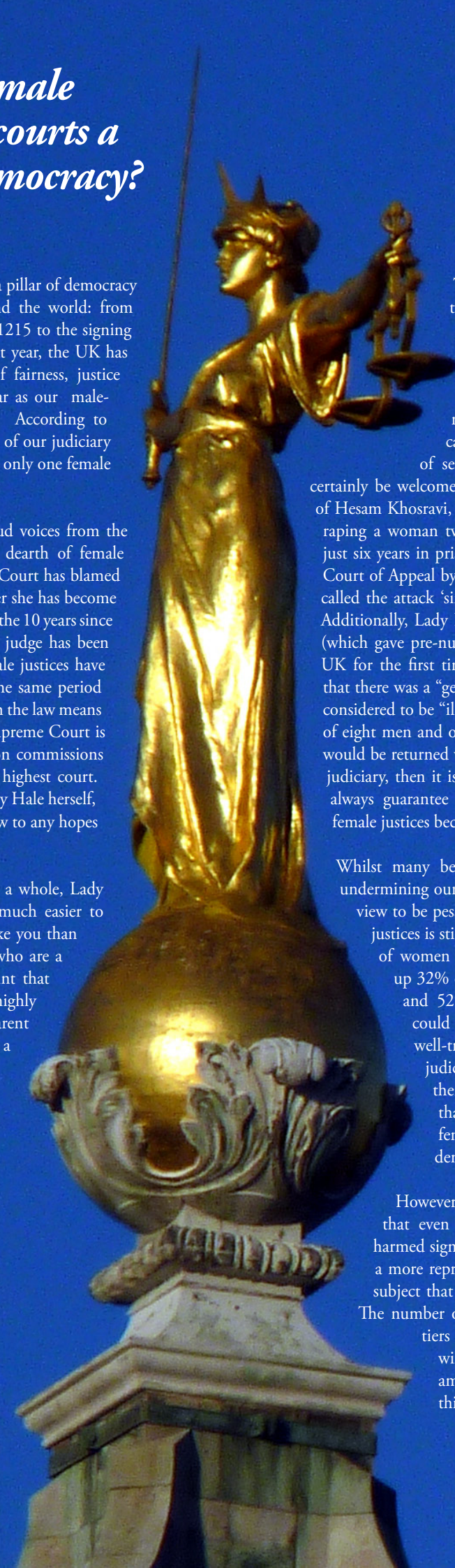
The lack of female representation is only the face of the problem. More pressing is the suggestion that an increase in female influence at the top of the judiciary would return significantly different rulings, with a possibility of more sympathetic settlements in divorce cases and longer terms for perpetrators of sexual abuse (an outcome which would

certainly be welcomed by many in our society). In the case of Hesam Khosravi, for example, a man who filmed himself raping a woman twice was sentenced by a male judge to just six years in prison. This was increased to eleven in the Court of Appeal by female judge Lady Justice Hallett, who called the attack ‘simply cruel’ and ‘excruciating to watch’. Additionally, Lady Hale herself in *Radmacher v Granatino* (which gave pre-nuptial agreements full legal status in the UK for the first time) stated in her dissenting judgement that there was a “gender dimension” to the issue, which she considered to be “ill-suited to decision by a court consisting of eight men and one woman”. If a different, fairer verdict would be returned with a more balanced and representative judiciary, then it is clear that our current system does not always guarantee true justice. Thus the need for more female justices becomes even more vital for democracy.

Whilst many believe that a lack of female judges is undermining our democracy, others may consider such a view to be pessimistic. After all, the number of female justices is still rising, and there is a higher percentage of women in lower tiers of courts: women make up 32% of all district and deputy district judges, and 52% of unpaid voluntary magistrates. It could also be said that our experienced and well-trained justices – across the whole of the judiciary – are perfectly capable of treating their cases with fairness and equality, and that, although there is a need for more females, there is no real problem for democracy at the moment.

However, many professionals are taking the view that even if democracy is not at present being harmed significantly, there is still a pressing need for a more representative judiciary. This, therefore, is a subject that cannot be overlooked for much longer. The number of female justices in the higher judicial tiers must rise from 8%, otherwise the UK will risk losing its reputation of being among the most modern and forward-thinking democracies in the world.

Photograph: “Lady Justice,” (http://en.wikipedia.org/wiki/File:Lady_Justice.JPG)



Interviews: Student Views



An interview with Mr Mahmudul Islam.

Guest Contribution by Rubel Miah

During my three years of reading law at the University of Birmingham, I have noticed myself and fellow peers fantasizing about careers in commercial law. Indeed, the majority of students at Birmingham Law School will go on to work for commercial law firms.

This article, however, aims to provide an insight into the criminal justice system and its many wonders; one of which is Mr Mahmudul Islam. Mr Islam is a Judicial Magistrate and sits in the First Class Magistrate Court in Rangpur, Bangladesh. He is currently studying for a master's degree in Human Rights and the Criminal Justice System at the University of Birmingham's Law School. On completion of his first degree, at Dhaka University, Bangladesh, Mr Islam undertook a six-month pupillage with a lawyer of the Supreme Court in his home country. Having worked with a leading Human Rights NGO in Bangladesh, he provided legal advice and representation to citizens, in a manner similar to the UK's own Citizens Advice Bureaus.

Mr Islam, what made you want to study law?

I was attracted to the human rights side of law in Bangladesh which I felt was required to be addressed by its national legal community. There are lots of governance issues. The legal system of Bangladesh is not friendly to the poor. The legal literacy is inaccessible amongst the population making the mechanism [of the Criminal Justice system] oblique to the people. So a progressive segment of students, lawyers and judges should step forward to better the people. I felt the need for myself to step up and push my country forward in the right direction.

Tell us what made you want to study law in the UK?

I personally applied for the Commonwealth Chevening scholarship programme funded by the UK government. There was a selection process, and many people applied – from judges to lawyers to activists. 2000 people applied but only four people received the scholarship. The University of Birmingham provided great modules for criminal justice and human rights. These were connected to my professional responsibilities. Judges have a limited scope to introduce the high ideals and phenomena of law, and have little access to broader legal knowledge so I want to get further knowledge to enrich judges back in Bangladesh.

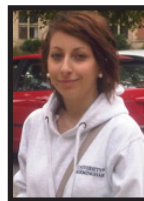
When you complete your master's degree, how do you think you can benefit the Criminal Justice System in Bangladesh with the knowledge you have gained?

I will return to Bangladesh at the end of my master's degree. The education I have received here should definitely be beneficial to the

Criminal Justice system there. I want to get a post in the Judicial Administration Institute which trains judges in Bangladesh. I want to reform this Institute. I have learnt lots of things from the UK Criminal Justice system and want to implement my knowledge to reduce the backlog of cases in Bangladesh. The Bangladeshi Criminal Justice system prioritises Alternative Dispute Resolution methods which ignore lots of aspect of reform, in dealing with the police, prosecution and the court. I would also like to establish a Criminal Justice Studies Institute in Bangladesh which should spread knowledge amongst the legal scholars and have a catalytic role there."

What advice would you give to students aiming for a career in the Criminal Justice system?

The Criminal Justice System is constantly evolving and refining. Students need to bring their intellects and focus their attention on making it more pro-people, pro-rights. They should scrutinise legislation and unlawful practices. Law students should get involved in this rewarding process, and what better way to start off than a local NGO in Birmingham.



Aspiring Barrister

An interview with Arrin Nouri

Arrin Nouri graduated from the University of Birmingham in 2013. She recently commenced the Bar Professional Training Course, having received a Major Scholarship from Inner Temple. She is studying full-time at the University of Law in Birmingham.

What are your ambitions?

Ever since I can remember, I have wanted to be a barrister – and I am determined not to let the current legal climate put me off! I am aware that a career at the Bar will be extremely tough and competitive, but I hope that it will also be extremely rewarding. I am interested in all areas of law but criminal law is of particular interest to me. I am looking for pupillage at a multi-disciplinary set, where I can establish a mixed criminal/civil practice.

What advice do you have to undergraduates who are aspiring barristers?

The first piece of advice I would offer anyone who is aspiring to be a barrister is to get involved in mooting. It is the closest thing a student can experience to acting in court and will provide you with essential skills. A moot itself will give you an excellent opportunity to demonstrate and build upon your ability to advocate. In terms of preparation, you must carry out legal research to prepare your arguments and draft a skeleton argument for the court. Furthermore, once a moot is over, you can

develop your professional social skills by obtaining some feedback from judges over drinks and refreshments!

Mooting is an activity I was heavily involved with at the University of Birmingham and something that I feel greatly strengthened my CV. In my second year at university I won the Camm Cup Mooting Competition 2011/2012, which was judged by Lord Neuberger (Head of the Supreme Court) alongside barristers from No5 Chambers and Birmingham Law School lecturers, James Lee and Martin George. I was subsequently appointed Mistress of the Moots and had a key role in organising the mooting competitions at Birmingham Law School during my final year. Yes, mooting is a time-consuming and challenging extra-curricular activity, but when you are in that all-important scholarship interview you will be very glad you chose to do it!

The second piece of advice I would offer is to apply for mini-pupillages. For those aspiring to the Bar, you should aim to undertake at least two mini-pupillages during your time at university. You need to be able to demonstrate that you have an idea of what life at the Bar involves and there is no better way of obtaining this insight than shadowing a barrister. Mini-pupillages are a confirming or confuting experience for many people. I know some who expected to love the experience and found it rather disappointing, and others who expected to be overwhelmed and thoroughly enjoyed it. You will not know how you feel about the Bar without the experience of mini-pupillages and so I would say they are a must-have if applying for the Bar Professional Training Course. If you find your mini-pupillage applications being rejected, do not give up. Determination and resilience are vital at the Bar. You will eventually find yourself with a few offers!

If you could go back in time and meet with yourself whilst you were at university what one bit of advice would you give yourself?

Be confident in your ability from the start and get fully involved. In my first year at university I didn't feel quite ready to take on extra-curricular activities and I was under the impression, like many other students, that I had plenty of time to get involved later on. However, time at university really does fly by and your workload will only ever increase. University is one of the most exciting times of your life where there are literally hundreds of things you can get involved in, so make sure you do not leave with regrets. Grasp as many opportunities as you can and try to make something of them. In my experience, extra-curricular activities are nearly as important as your final degree result.

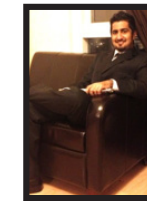
What optional modules did you do?

So, having completed the seven compulsory modules and the dreaded jurisprudence module in the first two years of the LLB, you actually get to choose what you study in your third and final year! I selected the following modules: Human Rights and Criminal Justice, Youth Crime and Youth Justice, Criminology, Counter-Terrorism Law, Civil Procedure and Evidence and Environmental Law. I ensured that my choices represented a good balance of essays and examinations so that the examination period would be manageable. Four of the options I selected were assessed by examinations and two of the options I selected were assessed by essays, which worked well.

My choices focused largely on my area of interest – criminal law. However, I felt it was important to have a balance of subjects and I achieved this by selecting modules in the areas of civil law and environmental law. My favourite module, without a doubt, was Youth Crime and Youth Justice. This covered topics included the age of criminal responsibility and police contact with children, which I found extremely insightful and thought-provoking.

What is your best memory of studying at UoB?

After an amazing three years studying at the University of Birmingham, I can't say I have a single best memory. My favourite aspect of my studies was interacting with the brilliant team of lecturers at Birmingham Law School, who are experts in their field, a great bunch of characters and always have time for you. My most memorable moment, undoubtedly, was being presented with the Camm Cup by Lord Neuberger, and my most proud moment was being awarded the Lady Barber Prize for Mooting by Birmingham Law School for two consecutive years.



GDL, Aspiring Barrister

An interview with Musavir Gajani

Musavir Gajani did the GDL at the University of Birmingham from 2010 – 2012 and is now doing the BPTC at City Law School. He is a student of Lincoln's Inn.

How did you find your time at UoB?

Overall it was a brilliant experience. I must admit the course was very intense at times in that we had too much to do in just a single week for the post Easter. At the same time, the more intense it got, the more interesting it became. It was because of the interesting nature of the courses that the intensity kept fading away.

Any advice for those on the 2 year course?

The mistake that I made in my first year was that I started my revision quite late in the Easter holidays. I thought since I had attended all the seminars and prepared for each of them that I simply would not have time for revision. When I started the revision, I realized it was a time-consuming task. We have to start everything from scratch again to make sure we have the best possible summary of the entire course well before the exam.

So how can students get around this problem of exam prep?

My advice is that you should get your revision plan set in place in Term 2 and then ready to implement well before the Easter Holidays. 30 days are not enough to start and finish revising for the 4 courses. Also, with the gap between the exams, do not leave things to learn from scratch at that point.

What of work experience Musavir?

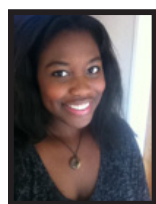
When they say work experience counts, they mean it in truest sense of the words. I believe emphasis should be given on just the 'experience' rather than 'work experience'. I didn't have much legal work experience when I was applying for the Bar. This was one of the many things I was panicking about. Much to my surprise, while I was planning my application I realized that every experience, irrespective of its nature, can leave a monumental impact but if and only if you know how to associate it with your application. For instance, I was a Student Representative of Law School, General Secretary of Pakistani Society and member of the Debating Society. These were not 'work experiences' as such, but it was an experience. For example, my experience of public speaking as a member of the Debating Society proved to be of significant importance. So my advice is to do as much 'extra-cric' and work experience as you can even if it is not directly useful as it will still

be useful in applications – your future self will thank you!

How is the BPTC?

The BPTC, as you might have heard, is very, very intense. But as I said earlier, interesting stuff gets more interesting when it gets intense. Although they demand a lot, and every week is spent like a week before an exam...at least it means the day doesn't get any boring!

They specifically emphasize on shutting the academic door of our mind and building a practical door instead, so we don't have to read full cases anymore! My experience so far has been amazing, and although I always wonder how on earth one can appear in 13 exams in a year, I am hoping for the best!



Law with French, Second Year

An interview with Catherine Adams

Catherine Adams took A-levels in French, Maths and History. She is now a second-year Law with French student at UoB. She is unsure as to her career ambitions, but she knows she would like to use her French.

So Cat, how is Law with French?

It's great, quite hard work. We do one more module than the straight law people – a language one. But it's great fun.

So you do tort, criminal, public and contract, plus a language module?

No – we do tort, public, contract, a language module and a French law module. We don't do criminal until fourth year and the 3rd year is in France.

So is our legal system better than France's?

Well it's certainly different. First and foremost, France has a constitution, so all the stuff we did in public law about not knowing whether we had a constitution or not is irrelevant. Also, in the UK, judges have a lot more freedom in interpreting the law and applying it to individual cases, whereas French judges have a lot less.

Surely it is less flexible if it is codified? And therefore inferior?

You have to ask yourself if flexibility in law is really what you want. For example, the French constitution is supported and amended by elected officials. Judges are not elected, so in the French system they have less flexibility to create and apply law. Whereas here, judges have more 'wiggle room' and can kind of move law as they see fit. Just look at Lord Denning in High Trees – he basically brought estoppel back from the brink.

You got beef with the great Denning?

No, no! He is an opinionated sweetheart.

Good! So, does studying two legal systems better help you understand the English and Welsh system?

Yes, I think so. For example, France has had five or six different

constitutions since the Revolution of 1789, and knowing that helps you understand exactly why legal scholars don't want to codify the UK constitution.

What has been the worst thing about the French component so far?

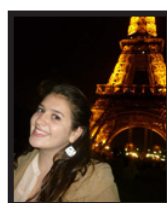
Grammar. Every single time! I am no good at grammar.

And the best thing?

The small French law lectures you get with 20 people on the course – it's like a larger seminar! It is great because you can freely ask questions.

Anything you would like to warn new law and French students about?

The two-part plan – it's a special way of writing essays that all French students have to learn... apparently we'll work it out perfectly... but I'm still waiting for that day.



Law with Business, Second Year

An interview with Gillian Jaravaza

Gillian Jaravaza studied the IB and got 36 points (I am told this is good). She is studying Law with Business Studies at UoB, and has now gone into her second year. She aspires to be a commercial lawyer for a top global law firm.

So, Gillian, how's business?

Law with business is not what I expected it to be. We are given little to no room to choose our modules. I find some of my compulsory modules rather boring and a bit too easy. I expected my course to build on my commercial awareness, but the modules I have taken thus far have not really added much value. It is a good course, but my main problem has been dealing with the disappointment of having set my expectations a little bit too high. My finance and economics modules have helped me understand business a bit better, but I was expecting something a little bit more.

So business isn't going well?

The worst thing about the business component is that the choices of modules are poor. This year I am doing a module that seems exactly like another that I had to do in first year. The business school offers so many modules, but the law school only allows us to do the very theoretical, almost flowery ones. If I had a choice, I would not do any of the modules I am currently doing at the moment.

But surely there must be something good about business?

The best thing would be how the business modules can help your average. Although the volumes of work are high, the business modules tend to be easier than the law ones. I hope I do not spark any debate here. The easier business modules can be scored highly in and raise your average to get that 2.1 or first class degree.

Law with Business – you must be commercially aware?

I would like to think I am commercially aware. I am not one who

believes commercial awareness can be taught. I think it is all about the way you think. If you are given a case, it is up to you to fully understand the circumstances of the case and think of everything that can impact it. I don't think any amount of reading the Financial Times can teach you that way of thinking outside the box. Likewise, I do not think my degree course has taught me that either. My degree course has helped me understand financial matters a bit better, but commercial awareness rests in knowledge and the way you think.

Any advice to first year law with business students?

I tried to change my course to straight law at the end of my first year, but I was told I would have to withdraw from the university and start all over again. If you feel the course is not for you, my piece of advice would be for you to change to something else whilst you are still at the beginning of your first year!

I hear you have done some work experience, tell me about it.

I did the first year seven-week placement in retail. 5000 people applied and only 56 were taken across the board. It looks bad but to be honest I didn't find it that difficult... just long... really long. The application process lasted about four months. It included a situational judgement test, a numerical reasoning test, application form and CV, a telephone interview and an assessment centre...but I was paid £450 per week.

The best programme to join, in my opinion, is called the Executive Management Trainee Scheme where you spend six months each in four different banking areas. So, much like a training contract, two years and four seats. After that you can qualify into whichever area you liked the most at management level. So it's a programme that allows you to by-pass a number of stages and get into the management tier at just 25.

With regards to the scheme itself I gave presentations to people such as the Midlands regional manager of HSBC retail banking. I did a retail placement but next year I will do commercial or corporate banking. They are flexible and sometimes all you need to do is ask for what you want, I asked to sit with the legal team and they made it happen.



Law with German, Second Year

An interview with Srikar Govindaraju



Srikar Govindaraju studied German, English Literature, politics and Economics at A-level. He is now a second-year Law with German student who wants to practise and do so in German.

German, the language of romance eh? How has law with German been so far?

It all depends on inflection!

Law with German has been challenging, but really good. It is interesting to learn about a different legal system. Their setup is completely different to ours so it's interesting to compare. The biggest difference is that they have a written constitution. So everything hinges on that. No matter how high up an appeal gets it will simply get struck down on constitutional grounds. In some aspects their system is more efficient.

Efficient? That seems to be the German way to do things, so does this mean less room for creativity?

Laughs Yes, it's pretty restrictive so it's easier to predict the outcome as it takes judges' personal views out of things.

What has been the best thing about Law with German so far?

Probably just seeing and learning about a whole different way of looking at the law. It helps you appreciate how organically the English system has evolved and how it's tied into the way our government works in a way.

Whereas their system is hinged on simply preventing the rise of another party like the Nazis.

It is a root cause of a lot of laws. A lot of laws simply have the suffix 'freiheit', which means freedom, so berufsfreiheit is the freedom to work in whatever industry you choose – something which would have been controlled under the Nazi regime. Similarly with kunstfreiheit – all art is permitted so long as it isn't slanderous or plagiarised.

How are you finding the language component?

Concepts that are intuitive in English can be tricky to get hold of straight away such as subjunctives or conditional futures/pasts saying, for instance, 'by this time next week our term will have started'.

What is the worst thing about Law with German?

The terminology... definitely the terminology. Every aspect has a different and sometimes pretty unwieldy word to describe it, such as Verfassungsgerichtbarkeit.

For the love of Lord Denning! What does it mean?

Honestly? No idea – I just picked it out from my book.

Anything you would like to warn new law with German students about?

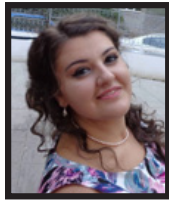
Be prepared to read a lot in both languages. A lot of what you read you will have to translate and read again to understand properly.

A right pain in the arsch?

Laughs Occasionally, yes.

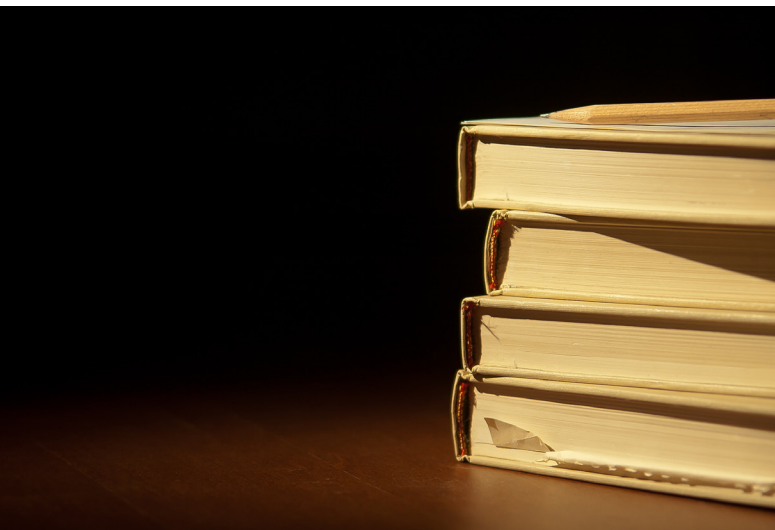
Any other advice for new students?

Law is best learnt with friends. They make it a lot easier to get through the mountains of reading. Plus they stop you from hitting that point when you want to throw your books out of a window and then follow them to the pavement.



Second Year Modules

An interview with Deniz Sezis



Deniz Sezis is a third-year straight LLB student at UoB; she has been kind enough to share her experiences of and advice regarding second-year modules.

So Deniz, jurisprudence: I have heard it can reduce a grown man to tears. How is it?

Ah, the philosophy of law, and the one subject everyone seems to be reluctant to study. Yes, it will be quite different to what you have done so far: very little case law, no real applicability in the real world – or so you would think – no need for a statute book, longer seminars and it is entirely essay-based... which means no exams, the exams are replaced by a 6,000 word essay.

The trap most students often fall into is to simply state what other writers and philosophers think about a certain theory or concept. Although beautifully reformulated, these answers are never appreciated by markers, who want to see what you have understood about the subject. The best way to go about this is to use examples, and I mean real-life examples, which clearly show you have grasped the concept.

What happens if I have not grasped it?

Read, read and re-read. If you still do not know what the likes of Hart and Rawls are talking about, ask your lecturer. They will be very helpful, and visiting them in their office hours will definitely make a difference. As a side note, I started off in a sea of confusion at the beginning of the year, but it turned out to be my highest mark and yes, I am talking about a first class!

And what of EU Law?

Taking into account latest events – such as the Eurozone crisis and talks about the UK leaving the EU after several bailout policies – makes this subject interesting.

It will give you a better perspective of what the EU is, and the extent to which it affects you as British and/or European citizens. There will be a lot of legislation involved and you need to familiarise yourself with your statute book as you will be using it quite a lot in seminars and in the exam. This is because EU law is basically civil law, which tends to

give more importance to legislation rather than case law. Not to worry – since we are studying in the UK, you will have a lot of case law on top of that as well.

Assessment is represented by a project and an exam. I enjoyed the module and I found cases to be much easier to read, and constantly checking your statute book instead of remembering common law rules was a blessing at times. The administrative parts at the beginning tend to be quite tricky, but again, lecturers are very helpful and willing to help.

They say land law is fairly hard.

It is rumoured to be one of the most complicated types of law, but you should not let that put you off as it turned out to be one of the best. Martin George (module leader) has quite amazing interactive lectures featuring hundreds of PowerPoint slides that explain everything thoroughly.

In my year, he did not give out any hand-outs, but he had the quite amazing initiative of recording every single lecture which could then be easily found on WebCT (now Canvas). If you find things particularly difficult just ask and he will go over it again. So if you pay attention you have every chance of successfully absorbing information. Oh, and also be warned of his ‘frisbee of death’!

“Tip! Try to take in-lecture notes as completely as you can, it will really help when revising; going back a few months to look for missing info is very time-consuming.”

Assessed by way of a two-hour exam, it has a relatively large number of cases to keep in mind. These are, however, incredibly useful when dealing with problem questions, which are always very entertaining: almost everyone dies by the end, and people’s names tend to be based on musicals.

On a more serious note, it also involves legislation, so the sooner you are acquainted with your statute book the better, especially for the dreaded subject of registration. Read the Acts thoroughly, as sometimes things seem to be overly complicated if you don’t understand what different sections refer to. If you feel lost, ask your lecturer. MG also has a Twitter account, so that makes communication even easier!

What is equity all about?

I think the best way to describe equity is by using a maxim of equity, namely ‘equity will not suffer a wrong to be without a remedy’ – even if that remedy is not a common law one, I might add. I remember it being one of the more complicated modules, but needless to say case law is particularly important here, so read everything, as it will save you a lot of time later on. Revising this module is demanding enough without needing to go back to read cases you might have missed.

Tip! If you think there are too many cases, read the really important ones, and skim through or read summaries of the smaller ones; the important thing is to never simply ignore a case thinking it will not come up in exams.

James Lee is the module leader and he is an excellent lecturer, with a really effective teaching style; he always gives thorough explanations peppered with little jokes and generally keeps students interested. He does tend to speak somewhat fast at times, so try to take notes as effectively as possible. I recommend abbreviations – they speed up your typing/handwriting.

He also has a Twitter account and is very helpful, so do ask if you are having trouble.

Also, he also seems to know everything going on in the Law School, including giving career advice. Oh, and I even have a picture for this one!

Citizens Advice Bureau

An interview with Sheeba Sheiybani

Sheeba Sheiybani graduated from the University of Birmingham in 2008 and went on to do the LPC. She has since worked as a tribunal advocate for two years with the Citizens Advice Bureau. This required her to fight benefits appeals and also a number of sole practitioners. She now advocates in the county court, primarily preventing people from being evicted.

So Sheeba, you graduated in 2008, in the heart of the recession. Did that damage the number of opportunities available to you?

Definitely, but I also know that many chambers haven’t been offering pupillages for years. So it has been bad for solicitors and barristers. In fact, the county court is full of people without a training contract or pupillage.

How was the LPC?

It was awful. The work wasn’t hard as such, but there was loads of it and very little help.

One girl failed in a module and emailed a teacher asking for help. He then emailed every other lecturer and accidentally included her, saying this girl will never pass the LPC so no one should help her. They were rather unprofessional, but I loved the law degree.

Did the LPC prepare you for practice?

No, because it is all about procedures. You don’t need to pay £10,000 for that. Back in the day you just learnt on the job. Being a barrister or solicitor is about people skills and you cannot teach those.

Also, being a lawyer is about thinking outside the box. Many lawyers don’t do that, and the LPC doesn’t really teach that. It just seems like the legal profession’s way of not allowing the poor in. £14,000 is just ridiculous. The old system of learning on the job was better and more fair.

How many people on the LPC got training contracts?

Very few, mostly just those with family contacts.

Would you recommend doing the LPC even if a person does not have a training contract in place?

Absolutely not, even if the parents are loaded! I know loads who did the LPC and regretted it.

What is your best memory of studying at UoB?

Generally it was the lecturers and the people. I loved all the lecturers – they really think about law in a different way. I think what I got from my degree was an insight into how the law works – that most things are not simply black and white.

You used to advocate at the tribunals with the Citizens Advice Bureau how was that?

I found that I had to learn on my feet but I liked that. It really prepared me for my County Court work and is a fantastic training ground. The tribunals are generally fair. It is a good way of dealing with government agencies who are just ticking boxes. I also loved seeing different judges

adjudicate.

The problem with tribunals is that judges differ in their approach: some want you to lead and others want you to have a marginal role because the rules are relaxed. Some judges are stricter and some give you more of an opportunity to talk. You just have to assertive – it is definitely not the same as the magistrate’s court. There is still lots that needs to be done in terms of representation, as many people are not being represented.

Is the work emotionally hard?

Yes, so many people tell you that they have no one. Doing county court work – stopping people from being evicted – is also emotionally hard. In the benefits tribunal, seeing mentally ill people who have no support and very little money can be tough. What the CAB (Citizens Advice Bureau) do is fantastic. I do not think many people are aware of the under-representation of these sorts of people.

Are there many vexatious appellants?

There are very few frivolous cases, but the majority of people, in some way, are not well enough to go to work. Kamran, how did you find it? (NB: The interviewer shadowed Sheeba before advocating in the tribunals himself.)

It was an amazing experience but it was really hard, especially when you lost and the person you represented was clearly so ill that they should have had their appeal allowed.

It is always made much worse when you get such vulnerable people who have no one; no one should have to go to court without a friend or a relative, mum or dad, no one should be so alone in this world that not even their mother will come to court with them in their hour of need... but that’s what we are here for right?

Would you recommend that students get involved in the CAB’s tribunal advocacy?

Yes, it is invaluable – real life advocacy experience; it allows you to understand relationships. I think it will be especially useful for those who practice commercial law as it shows how the other half lives: the disabled, the mentally ill, those on a very small amount of benefits who are scraping along the bottom to get by. It will open your eyes to problems and look incredible on a CV.

Advice to aspiring lawyers?

Try to get as much practical experience as possible by doing vacation schemes. They are usually only offered by the big firms so if you cannot do those do the tribunal work with the CAB. You could also work for a charity in some capacity with people contact – whatever lawyer you will be you will have to deal with people and understand how to build relationships.

“Carrying out interviews under the umbrella of ‘Law Talk’ not only helped me develop confidence but also exposed me to leading practitioners, many of whom I will continue to keep in touch with”
- Writer/Interviewer

Interviews: A Summer Experience



Working on Projects Abroad

An interview with Megan Baker



Megan Baker is a first-year law student on the straight LLB at UoB. She took A-levels in Law, Psychology and English Language. She did some quite phenomenal work experience with “Projects Abroad” before she joined us here at university. What follows is her story...

In the summer I was lucky enough to go to South Africa to complete a two-week human rights volunteer project, for the duration of which I stayed with a host family.

The first week I was there felt like a crash course in getting to know Cape Town and its history in human rights. It included visits to places such as the Slave Lodge, the District Six museum and Robben Island.

I also got to visit several townships where I was able to talk to South African citizens. This included helping out at a soup kitchen, which many of the children attended. Those children displayed a tremendous amount of energy and love, attaching themselves to you at any opportunity! I definitely felt like a piece of my heart was left behind there.

It was during the second week that I was really able to focus on the human rights issues that South Africa is currently facing. I met people who are currently tackling these issues, such as those involved in the African Scholars Fund and Gun Free South Africa. These groups really made me aware of what exactly were the causes of issues such as children not being able to receive education and illegal gun ownership. I finished the week by presenting to the other volunteers in the Human Rights Office on “The Access to Sufficient Food in South Africa.”

The experience was amazing and really furthered my knowledge of human rights. It even helped me to understand more about our own Human Rights Act and the ECHR, as I now have a point of comparison.



Mistress of Moots

An interview with Rachel Pavey

Rachel Pavey is a 3rd year LLB student at UoB. She is the current Mistress of Moots, and aims to become a barrister.

[Tell us about your summer. What have you been up to? What were the highlights?](#)

I think the highlight of my summer overall was the five weeks I spent working as a volunteer for Pleasance, one of the leading Edinburgh Festival Fringe Venues. Before the start and after the end of the main festival period (2nd – 26th August) we spent some very long days setting up and taking down the temporary venues. This involved a lot of heavy lifting, sorting out and decorating, working in teams to ensure that the venue was ready for the public (or packed away) as quickly and safely as possible to the highest standard of quality.

I then took on my main role as a Box Office Operative. I worked every day for the whole period, working days ranging from 7 to 13 hours in length. My role involved working on the counters serving the public in either of our two main venue areas, taking calls in the phone room, operating ticket collection or being ready to answer any questions on the Info Booth.

[How do you think this aided you so far as a career at the Bar is concerned?](#)

I think the main attribute I have developed is stamina. The Fringe is relentless and there are shows going on and things happening from early in the morning until late at night. I was there working for the vast majority of it. Therefore I made sure I was alert, professional, enthusiastic and punctual throughout. These are essential qualities required of a barrister in their day-to-day life, since working hours at the Bar are often long and switching off from work is not always an option.

I have worked in a pharmacy for five or so years, so I have a decent amount of experience of working with the public, but this was a great opportunity to interact with customers in a different sort of environment, with different issues attached. Through working for Pleasance I continued to develop my problem-solving and advocacy skills. Customers would often ask for last minute recommendations which could be tricky as I was obliged to give every show on our books a fair outing, and issues would frequently arise relating to refunds, exchanges, lost tickets or latecomers.

[So you saw a lot of comedians right?](#)

Yes, lots of comedians and other artists came in to the Box Office, and sometimes they gave us sweets! I was also able to see shows when I wasn't working if I organised my time carefully so that was great fun. It

was a very exciting place to be.

[Dare to give us a legal joke? And please don't say the state of the criminal Bar!](#)

Ooh I don't know about that. I have always enjoyed that Meme with a picture of Bear Grylls that says 'Urine: safer than ginger beer since 1932.' though.

[Mistress of moots? That title sounds rather unnerving! But in seriousness what do you personally see as the benefits of getting involved in mooting?](#)

I think it's just a traditional name for my role, so students have nothing to fear and it definitely shouldn't put you off mooting. There will be nothing of the R v Brown sort involved! I should also point out that if I were a boy I would be a 'Master' of the Moots.

I cannot recommend mooting highly enough. The way I see it, taking part in a moot is really a win/win situation. Engaging in a moot alone, regardless of the competitive side (although that is of course an important factor) will prepare you for some of the challenges you might face as a trainee, pupil, intern or any sort of graduate employee. This is because you have to process a large amount of information and distil it into something presentable, well structured, and persuasive. Tackling a moot problem, researching the surrounding law, putting together a sound argument and finally standing up in a mock court and trying to persuade the judge to find in favour of your hypothetical client is a lot of hard work but an extremely valuable experience. Through taking part in mooting I found I immediately gained confidence in my public speaking ability and actually learned a lot about which studying methods I find most effective. It's also, strangely enough, really good fun and the people you meet make it an enjoyable activity.

[Any advice for second years with regard to which modules to watch out for?](#)

I definitely enjoyed all of the modules – some more than others, of course, but overall I absolutely loved second year. So, new second years don't have anything to worry about in that regard – there is something for everyone.



Immigration Advice Service

An interview with Shuheb Ahmed

Shuheb Ahmed is a second-year law student at UoB. He studied Sociology, Law and Media studies at A-level. He is currently aiming to practice in personal legal services.

It was probably the most effective and productive summer for as long as I can remember. Firstly, through countless emails and continuous nagging, I secured work experience with the Immigration Advice Service.

In a nutshell, the IAS is a private organisation with offices up and down the country that comprises solicitors and caseworkers who provide legal advice and representation for anyone with an issue relating to immigration.

During my time with the IAS, I've observed that law is extremely different in practice. Initially when I started, I was assigned mundane and monotonous duties, namely answering calls, matching files, and booking appointments for clients.

However, the duties did increase, as did the workload, intensity and excitement. Within a week, I was asked by the senior solicitor to read a 42-page case, find errors in the judgment and draft up grounds of appeal – of course, it would be given the go-ahead by the solicitor, I'm sure clients would not want an work ex to be dealing with their case alone!

It was greatly satisfying reading a case, and, rather than commenting on its legal validity from a theoretical perspective, I actually found errors and sent them off to the UK Home Office.

From a networking perspective, I've developed a great rapport with the partner and she has sorted me out with a mini-pupilage. The senior solicitor also has friends from Lincoln's Inn and No 5 Chambers so they are next on the list. To conclude, I have absolutely loved my time at IAS.



European Law and Politics

An interview with Sofia Karttunen



Sofia Karttunen is a third-year LLB student at UoB. She did some work experience in the summer, and has been kind enough to share it with us...

European law and politics have always interested me. At the start of the second year I was really excited for the Legal Foundations of the European Union module. As the course went on, it became even clearer to me that I would like to gain some work experience in that field.

Most of the internships in the EU institutions are offered to university graduates. However, while I was researching all the work experience opportunities, I discovered that the national EU information

offices might offer shorter work experience schemes for second year students. These are unpaid positions but the work is similar to the graduate placements. Excited about these findings, I submitted an online application to the EU Traineeship office in Luxembourg, which governs all the applications to different European Parliament offices. I selected the Information Office in Helsinki, Finland, as my first choice because my family lives in the area. Not long afterwards, I was invited to an interview and secured a four-week internship with them.

Those four weeks last summer were to become my best work experience so far. The staff turned out to be very friendly and welcoming and the internship gave me a lot of insight into the legislative work of the European Parliament and the upcoming European Parliament elections.

My daily routine in the office consisted of writing press reviews of the national EU news and organizing various press conferences. The writing of press reviews required me to keep up-to-date with the newest developments in the European Parliament, including the content of the plenary sessions. It gave me a sense of pride and responsibility to know that a number of EU representatives in Brussels would be reading my reviews on a daily basis.

The internship offered me a priceless opportunity to be in the forefront of the EU politics, attend seminars and meet several MEPs and MPs just under a year before the European Parliament 2014 elections.

I found my that my background in law was useful for the job. Although the internship was not directly of a legal nature, the work involved concepts and issues that had been discussed in the second year EU law module. I was already familiar with the basic structures and powers of different EU institutions.

EU legislation is gaining an increasingly influential role in today's Europe. That is why it is good to be informed of how such laws are made at a practical level and what drives them. Decisions made in Strasbourg and Brussels are in no way distant directives and regulations; they affect the economy and rights of many. I hope this internship will open more doors for me after graduation. Who knows, maybe I will find myself working in Brussels one day!



Commercial Law Placements

An interview with Zahid Reza

Zahid Reza is a third-year law student at UoB whose A-level background was about as mixed as it comes. He studied History, Chemistry and even Applied Business. Following his study of the latter, Zahid gained a hunger for business matters. This, together with his progress on the LLB course, means that he is well-placed to become a commercial lawyer.

The highlights of my summer have been my two work experience placements. My first one was at a local High Street firm called Blakewater Solicitors, and the second one was at a medium-sized firm called Gramdan Solicitors. During the first placement, I experienced many areas of law, including immigration, conveyance and personal injury.

During the second placement, I experienced areas such as commercial litigation and corporate law. My time at both firms was enlightening, both as to the work lawyers generally do day-to-day as well as the core skills lawyers need in order to be successful in the workplace.

The first of these skills is confidence, which is important because clients must believe in what you are telling them. Secondly, there is the skill of administration: solicitors have to do much administrative work

such as filing, copying etc. Thirdly, interpersonal skills are paramount – solicitors need to be able to communicate with people of all ages and personalities. The fourth core skill is problem-solving. It is important for a solicitor to be able to think on his feet to find a solution to a problem.



Third Year Choices

by Laura Brown

When the time came pick my third year modules I must admit, I felt apprehensive. There were so many things to take into account. How many exams would I have? Which modules would employers value? Which subjects would I enjoy and do well in? With so many modules to choose from it took me a long time to pick just six that I would study in my final year of university. This semester I have studied Company Law, Environmental Law and Law of Adult Relations.

I chose company law because I believed it would be essential if I wanted to apply to corporate law firms and it would also help to secure my enthusiasm for such a career path. Company law has been much of what I expected it to be. It is a dense and difficult subject with a range of complex principles to understand. At points, I felt as though I was in an accountancy lecture as the lecturer explained the balancing of company spreadsheets and the rules of share capital! Fortunately, the module is very well structured, and the lectures provide a brilliant foundation for a solid understanding of such difficult topics. The reading is very manageable and, although complex, the topics are truly interesting.

One thing which has made this module more difficult is the considerable number of judgments passed this year in relation to different areas of company law which have significantly modified the law. Unfortunately for those studying company law this year, these developments have yet to be added to the textbooks, leading to a lack of academic commentary (which is often useful to one's understanding of a case or topic!). For those thinking of choosing company law, be prepared for a challenge!

Environmental law really took me by surprise. It appealed to me because I considered it increasingly relevant and corporate social responsibility towards the environment increasingly important. However I have been faced with an invariably ambiguous and abstract module. Concern for the environment is a relatively new priority for governments across the world, so this means that laws regulating the environment are also fairly new. There is also limited harmonisation of environmental law at an international level because of the disparities in wealth within the international community. This leads to a module where very little is certain and where there are lot of theories with very little case law to secure them!

Although at first I found this frustrating, I can now see this is developing important skills. I have got something different out of it to studying my other modules. What I mean by this is that the study of environmental law is very critical and analytical. Not only are you learning about the body of environmental law, but you are constantly scrutinising its success and effectiveness. After realising this I have learnt to enjoy the module much more and have developed vital analytical skills.

Law of Adult Relations is my favourite module. I find the topics current and relevant, for example the study of the Marriage (Same Sex Couples) Act 2013. You are given an overview of the vast changes that have occurred in family law over time and it is interesting to see how the law has adapted with social change. There are a variety of interesting

themes throughout, and a lot of discussions relating to gender and sexuality. I would say it is not a particularly cheerful module! You have to read a lot of things about domestic violence and divorce and the negative impacts this has on families and their children. In addition, this module gives me the most reading out of all my choices.

I think that an extra advantage of this module is that it is assessed by an essay and a short exam. This allows you to demonstrate your understanding in more than one way and is one of the reasons why the module appealed to me.

People often express what a variation of modules this is. Overall, I am happy with these choices and the variation they have created has lead to a challenging and interesting semester of work.



Paralegal Activity

An interview with Thomas Richard Horton

Thomas Richard Horton, originally instilled with the ambition of wanting to become an actor studied, among other things, drama at A-level. He was then bitten by the “law bug”, dropped drama for law and has since developed an ambition and passion for law that he never knew possible. He graduated in 2013 and is now a practising paralegal.

He tells me that ‘the intellectual stimulation that can be provided at any level of legal study, combined with the ability to have a fulfilling and rewarding career, make me determined each day to progress towards my ambitions. I have my heart set on practising at the Bar and to write in some sort of capacity.’

So Tom, what is your best memory of studying at UoBirmingham?

Being known as the guy who contributes a lot in seminars, and being put in my place by the intellectual brilliance of Keith Uff in a final year Domestic Sale of Goods seminar concerning ‘sale by a non-owner’.

What advice do you have to undergrad who aspire to be lawyers?

Exam technique is vital, and it is something that proved to be my downfall – I realised this too late. Graduating with a 2:1 is one of my biggest regrets to date. Working hard to crack exam technique is the key to success. Also, as essays are the other means of assessment, read as much as you can in order to develop and identify a good writing technique, Lord Neuberger’s judgments and extra-judicial pieces are my personal recommendation.

If you could go back in time and meet with yourself whilst you were at Uni what one bit of advice would you give yourself?

Technique, technique, technique. And don’t move your hands when you’re mooting, otherwise you’ll be criticised.

What optional modules did you do?

Political and legal theory; domestic sale of goods; international sale of goods; company law; a dissertation on equity and advanced constitutional law.

My modules were all very testing, which is what I wanted. It was important to choose modules that I had a general interest in, and therefore the modules ticked that requirement too. International Sale of Goods was the most difficult to grasp, and I am disappointed I did not grasp a thorough understanding of it despite my enjoyment of the

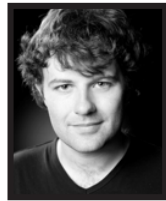
module.

I believe doing a dissertation is a fantastic opportunity to be able to really show your own writing ability and your research technique. Political and Legal theory and Advanced Constitutional Law really allowed me to explore theoretical aspects of law; the way certain areas of law amend the thinking process of one’s opinion is something that I truly enjoy.

Further, being able to read some of the best theoretical pieces of work made those two modules a great escape from reading case law. The module choices are crucial, as they are pivotal to your final degree classification and your overall enjoyment of the law course. So, choose wisely.

Tom, tell me a little bit about your current work.

I am currently working as a paralegal in the property law department of Howard Kennedy Fsi. Whilst the law course may not have prepared me for the drafting of leases, contracts and negotiations with clients (as it is not meant to do anyway) the intellectual development and confidence are widely transferable into my position, as they will be for any career path one may choose. Academically, law is a fantastic course to study, and you really do feel your mental capabilities augment throughout the three years of study and beyond!



Aspiring Barrister

An interview with Timothy Patrick Kiely

Timothy Patrick Kiely read English Literature at the University of Oxford. He went on to do the GDL at Birmingham, and graduated in 2013. He is currently studying the BPTC at City Law School. His long-term plan is to go to the Criminal Bar, or anywhere that allows him to give his time and effort to promoting civil liberties, human rights, access to justice and the equality of all before the law.

What is your best memory of studying at UoBirmingham?

The fact that the GDL at Birmingham was run by a research-heavy academic body meant that I was invited to think about many things in greater depth than I imagine I would have had on a comparable, more vocational programme of study. For me, this means debates in criminal law about the substantive content of what exactly the ‘Rule of Law’ means, the norms which are created and reinforced by our concept of criminality and, occasionally, where those norms might need to be challenged or overturned. If you’re as much of a nerd for this kind of philosophical back-and-forth as I am then you’re very grateful for any opportunity to get some Kant, or Foucault, or Sandel into your lectures! I will also give Martin Trybus tremendous credit for supplying his lecture-attendees with small samples of Creme du Cassis by way of getting us into a more receptive mood for discussing Free Movement of Goods under EU Law.

What advice do you have to undergrads who are aspiring to be barristers?

The biggest piece of advice – start early. What I mean by that is just keep your ear to the ground about both debates on the nature of law and legality (any good-quality newspaper will be full of it) and then just investigate as many chambers as you can who practise in areas which hold your passionate interest. Working your way through the

Bar section of the Chambers UK website is a really good starting point. Assuming that you’re a convert, like I was (my guess is that anyone who’s doing Law already will regard this as old news), there will come a point where a very slim window suddenly opens for you to start applying all this knowledge, and it took me a LOT of panicking and flapping before I finally got a grip on things. If you want to avoid that, just keep your ears open. It needn’t be a big thing - following a few prominent QCs on Twitter (I know, I was surprised they use it too) might lead you to an article or a discussion to tickle your interest. But just stay tuned in.

It’s also never too early to polish your skills as an advocate, but the good news is there’s definitely more than one way of skinning this particular cat. I would say my interest in drama and performance has probably taught me as much about public speaking as mooting or debating. Just learn to get comfortable on a platform, and you’ll find your mind is much clearer, sharper and more ready to actually analyse points on the fly. And have fun!

In fact, on ‘having fun’, it’s important not to forget – if you don’t love the job, and you don’t get excited by the idea of doing it, find something else. It’s not worth punishing yourself with something you loathe just because you think that’s what you’re supposed to do. All the best barristers, including the ones currently being ravaged by cuts to legal aid, are there for the love of the job more than anything else.

If you could go back in time and meet with yourself whilst you were at Uni what one bit of advice would you give yourself?

Brace yourself - things are going to get really tough. There will come times when you wonder why the bloody hell you decided to take this job on in the first place. But I can absolutely promise you that if you hang in there, you WILL find out why, and you WILL find your feet. Don’t beat yourself up, don’t despair, just keep putting one foot in front of the other and things will come together.

In addition, the government – most governments, in fact – hate Criminal Lawyers and want them to suffer. But I’m guessing you already knew that.

What about the prosecutors? They love them no?

Based on the latest series of dispatches in the wake of the Crime and Courts Act, the government would still prefer we dispense with all this “justice” business and get on with punishing these frightful yobbos good and proper – but that’s just my view.

Do you think that the unattractiveness of being a criminal lawyer given societal views and legal aid cuts will actually make your job of getting pupillage easier?

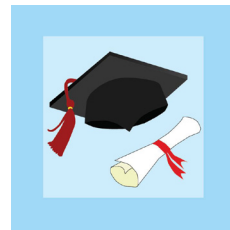
I try to eliminate the ease or difficulty of getting a pupillage as a concern. I’ve been told all my life that the Bar is difficult – that’s not why I’m doing it. I’m doing it because it strikes me as meaningful, important work which I enjoy doing.

What optional module did you do and how was it?

My optional module was in Counter-Terrorism Law and, while I am grateful for the opportunity it gave me to become more familiar with something I have been interested in even before I decided on becoming a lawyer, if I were being brutally honest I’m not sure how wise it was to include it as part of a GDL. Everyone involved had 7/8ths of a standard law degree to do in a third of the normal time, so it was always going to be crowded, and throwing in a completely new topic meant that, one way or another, it was never going to be your best work.



Interviews: Law School Updates



How to Survive First Year at Birmingham Law School

by Shahnaz Khan

First year as a law student can be an extremely overwhelming and daunting experience, but at the same time, it may very well be the best year of your life. The Law School provides countless people, workshops and support in order to ensure that everyone manages to get as much out of their first year as possible. ISOL, lectures and seminar preparation may seem to be piling on top of you; however, the majority of us manage to get through unscathed, with the exception of a few late nights and emotional breakdowns in the library in May!

Keeping on top of your workload is probably the most common advice you will hear from second- and third-year law students and honestly, that is the best way to remain organised. Revision will seem a lot easier in the summer if you have clear and concise lecture notes to work from. To ensure this, it is advisable to write up lectures right after you have had them. This is beneficial for two reasons. Firstly, it will refresh the information for seminars and make sure you've got a full grasp of the content covered. Secondly, it is much easier trying to decipher potentially messy scrawls that you've scribbled down in lectures a few days afterwards, rather than a few months later. Also, taking a few trips to Ryman and investing in dividers, folders and plastic wallets will help keep in order the masses of paper you will inevitably acquire!

Some other helpful recommendations would be to have a look at past exam papers throughout the year, as this will help you to ascertain the key areas to focus on and the style of the exam. Office hours are often forgotten about by students, but are an invaluable tool as lecturers are in their office for two hours a week waiting to help students!

Getting involved in extra-curricular activities is a great way of meeting new people, and it is important to have something you enjoy doing as an escape from work sometimes! Employers and graduate recruiters look favourably upon what you do outside of academia as it demonstrates your personality and interests.

Many say that 'first year doesn't count', and thereby imply that you don't need to put in all that much effort. Whilst it is true that this year won't go towards your final degree, it may affect career plans in other ways. Commercial law firms and chambers often look at first-year grades when you apply for work experience, so it's important to try your best in order to avoid missing out on all important placements!

Therefore, make sure you enjoy first year, and make the most of all the opportunities avoided, but a little bit of hard work won't go amiss: it will save you coming back in summer for resits!



A day in the life of a third year law student

by Sofia Karttunen

The final year at Law School may seem like a distant prospect for many first years who are just getting used to the new surroundings. So it did for me. Unsure of the right study techniques and even of progression to the third year, I just tried to focus on surviving the weekly seminars and passing the scary end-of-year exams. The purpose of this short article is to give an insight into my average day as a third and final year student at Birmingham Law School after two years of learning.

This year almost all of my days begin with a walk to the University for a 9am Lecture. To some, this will sound unpleasant, but I think it has proved to be a blessing. In previous years, I must admit that I've had far too many lie-ins in the middle of the week. The morning lectures are a good reason to get out of bed and begin to do something productive. To overcome my sleepiness, I usually have a cup of coffee to start the day, or pack it with me to have it later on.

In the lectures, we may be given new information concerning the essay deadlines, seminar timetables or staff office hours. I mark these down on my calendar, which is often bursting with all kinds of papers and little post-it notes. I have to use a lot of highlighting in order to make the new markings to stand out from the general scribbling on all the pages. My planner is definitely one of my best friends in third year – it contains all the contact hours, to-do-lists, reading plans, birthdays, meetings, travel arrangements and career information. I always carry it around.

After the morning lectures I usually head to the library. I have found myself working more efficiently there, rather than at home. The plan is normally to stay in the library until lunchtime, when it's time to take out my packed lunch and go to meet some friends. It's important to distance yourself from the seminar and essay madness every once in a while during the day, although I must admit that the work is often on my mind. With 75% of the degree grade being earned this year, the pressure is always there.

I have tried to do regular working hours – from 9am to 5pm – but it doesn't work every day. Due to my commitments to certain student groups, I might occasionally need to take some time out from the library sessions in the afternoon. I regret to say that I'm also a fairly good procrastinator. The inevitable outcome and the general rule of thumb, however, is that doing fewer hours in weekdays practically means going to the library in the weekend. I've sometimes found myself waiting for the law library doors to be opened at 10 o'clock on a Saturday morning. Is this, I wonder, a low point or a sign of dedication in a student's life?

It has to be remembered, though, that every day is different. Whereas I sometimes go home at 2pm, on other days I may stay on campus until as late as 8pm. With nice coffee breaks and support from my peers, the process overall seems manageable. And there is often something to look forward to in the evening, be it a friend coming for a visit, a night out, or just chilling whilst watching a good movie.



WebCT is dead, long live Canvas! Why I love the new VLE

by Deniz Sezis

Having read my title, you are now wondering why the introduction of a new VLE is so exciting to me. For those of you who are new to our Law School this will not be news at all, but the rest of us have only recently recovered from mourning our beloved WebCT. Don't worry; it was its time to go! Canvas is the University's new virtual learning environment. Designed by Instructure, an American educational technology company, its main function is to store digital learning materials, much like WebCT did, with the addition of some new innovative features designed to enhance our learning process.

Despite the very mixed responses from confused students and annoyed lecturers, I am willing to declare myself a fan. In a society where rapid technological advancement is key, change was only to be expected. We had better get used to it, people – Canvas is the future! The first thing I noticed was the brand new, shiny interface – and God, does it look swanky! Each student and staff member gets an individual profile, which allows for more online interaction; groups can be set up, along with discussion boards, so students can message each other, exchange ideas or ask questions about their modules. I personally have a different group for each of my seminars and one for a team project. Whether it is its user-friendly features or just the excitement of having a new toy, people seem to engage with it, students and lecturers alike. Some of them like it a bit too much, as I have recently discovered: one lecturer's idea of replacing ALL 9 o'clock lectures with super-hip online conferences may have been a little bit too avant-garde for us. We all politely declined; maybe we are not as modern as we thought.

You might also be wondering why your tutors have asked you to submit formative essays over Canvas instead of simply handing them in during seminars; well, Canvas also includes applications such as Panopto (the life-saving video/lecture recoding system) and Turnitin (the dreaded plagiarism detector from hell). Formative essays can now be uploaded onto Canvas and that is where you will also find your graded essays as pdf files containing your tutor's annotations. Thus, you will know EXACTLY where you went wrong in your paper. This may look slightly disheartening at the beginning, but I assure you that feedback is always helpful! So far as summative essays are concerned, there is no need anymore to worry about printing receipts before the looming deadline – just upload your essay onto Canvas and hand in a hard copy at Reception. There you go, life made easy!

My own favourite feature is that I can finally open documents on my iPad now! It only took three years of University before I could check what seminar group I have been assigned to while on the go. WebCT would usually crash

or open only one screen's worth of document. Not Canvas – it has its own app that you can download for free, and, so far, it has worked beautifully. There is also a very helpful feature that allows for every single announcement relating to my programme or any specific module to end up in my inbox, so no event or deadline can ever be missed. The Canvas emailing system may also come in handy whenever Outlook or mybham are under maintenance. This usually happens when you desperately need to send an email; just like printers, the intranet can smell fear!

All in all, people might still need to get their head around it and click on everything before locating much needed info, but generally speaking, the new VLE has been a practical innovation. And let's face it, WebCT had to go; we're only keeping up with the times, really!

Inter

Letters of a Law Student



Letter of a 1st year law student: The Competitive Law Student's Handbook



by Will Copping

‘So, what sort of law are you interested in?’ Throughout the duration of ISOL, and up until the end of week two-ish, this question tripped smoothly enough off the tongue, often accompanied by other bland queries, like name, halls and hometown.

We’re well into first year now (I can still count visits to the Law Library on one hand), but that question still makes my hackles rise, and I’m not alone. Back at the flat, my medic friends are also working their guts out, but at least they know a job of some sort is lighting up the end of the tunnel. The whole inconvenience of people getting ill and dropping dead isn’t going away; the world will always need more doctors.

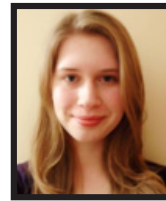
But will we always need so many lawyers? Law firms, for one, may not be coming out of the recession with a thirst for new trainees – the rise of alternative business structures, manpower-reducing technology and flexible hours packages aren’t looking magnificent for aspiring solicitors. Prospective barristers are also feeling the pinch, now much of their rights of audience could be snapped up by future solicitors. Cuts to legal aid haven’t helped a great deal either.

For more mercenary law students, this means keeping up an edge over the competition any way possible. Whilst this isn’t always the case (law, like any other degree course, suffers from its fair share of students with little idea about the shape of the job market, and no idea at all about their future job, despite applications opening in second year), the competitive vibe is nevertheless increasing, as more and more students cotton on to just how tough it is to land a job, and come to view their very own peer group as ‘getting in the way’. The fact that large firms look at first-year grades, and the increasing number of events tailored to freshers mean we don’t even get a year to make a load of law buddies before the jobs rush sets in. With the heavy workload, there’s little chance of bonding in a darkened room and repetitive music at 3am. The only socialising option on the table is another firm-sponsored drinks event, where even dropping a canapé feels like a career-ender.

I’ve not heard of actual instances of sabotage or foul play at the time of writing, and it seems highly unlikely that anyone would go that far when they’ve got a degree to pass. No, the rivalry will probably just hang around in the pettiest form imaginable. Hoarded law firm literature, conveniently “forgetting” to bring your notes to a seminar group meeting, and – my personal favourite – dropping demotivational comments about firm application ratios. This will likely (or even hopefully) be as bad as it gets, but its irksome nonetheless.

I reckon mooting will get worse too, as teams vying for some sort of trophy will take the adversarial nature of advocacy to heart even outside the mooting room. It’s not an epidemic problem – only a small minority of students are willing to plunder you for everything you know about

A&O’s preferred method of handshake – but when the Director of Careers specifically brings up the phenomenon in an introductory talk, you realise it may actually be more than myth passed down from that seemingly knowledgeable second year, and it’s probably something we could do without.



by Karina Dearden

Reflections of a Third Year Exchange Student

First year at a new university, third year of law. Back to square one. And may I say that the law building does not help. Is it just me or are there more entrances than there are lecture theatres? On that note, why is it that law lectures are never held in the law building? Tell me, have any of you law students actually had a substantive lecture in the ‘law’ building? Also, I think the designer of the building had something against lawyers, or students, or both. I walk through a door along the corridor that looks exactly the same as every other door and all of a sudden I am in a part of the building I have never seen before. One day I am going to enter that building and never find my way out. I’ve heard returning students say they still haven’t figured it out. Great.

Attending second and third year modules means that my semester has consisted of lecturers expecting me to know the law, and me, not having lived in the country for the last 13 years, often having no idea what they are talking about. For instance, they keep talking about ‘PACE’ as if I am supposed to understand what it is. I thought it was a heart regulator. They also talk about supposedly well-known cases and policies, and I sit there nodding my head like everyone else (you know that nod, you’ve done it before) pretending that I know what is going on when, for all I know, they could be speaking a foreign language. Well-known English cases are not necessarily well-known halfway across the world. I feel as though all my previous legal knowledge (and I have to confess I’m starting to wonder whether I had much in the first place) is of no use to me.

But, on a brighter note, the campus is lovely, especially in autumn with all of the falling leaves (although not when they are wet – that is a disaster waiting to happen for those of us that have as much coordination as a newborn giraffe). Plus, it is The Times aaaand the Sunday Times’s ‘University of the Year’... I think... possibly... I may have heard that somewhere... once or twice... or fifty times! So please do not think that I am trying to put you off studying abroad. So far it has been the most rewarding experience of my life. You really learn about yourself and what you are capable of when you are cut off from your usual means of support. There are a lot of challenges (attempting to find your way around the ‘supposed-to-be-for-law-but-not-actually’ building for one) but overcoming those challenges makes you a better person, and I like to think a better lawyer someday, because let’s face it, it isn’t the easiest career path. So, if you are thinking of studying abroad, I say ‘go for it’!

Finally, I lay down a challenge to all you law students out there. I

challenge you to be able to locate, and direct people to, every room within the ‘supposed-to-be-for-law-but-not-actually’ building by the end of your degree. Good luck!



Letter of a Second Year Law student

by Annalisa Mendez

And finally!! Here it was, SECOND YEAR! Yeah... I was so not looking forward to it. First year for me hadn’t gone too well. I could go on for quite a while about that. For starters I was an international student. Not that it affected me too much, but fitting in did take some time. Although I enjoyed the campus and the very fact that I loved being where I was, I couldn’t shake the thought that I didn’t belong.

I told myself to suck it up and get on with it. And I did exactly that. But alas!! The Universe had different plans for me. It gave me WebCT!!! (Cringe.) Not to be rude, but I think it has the worst layout I have ever seen. It looked ancient and cluttered and very confusing. It might just be me, but I honestly had tough times manoeuvring through it. This finally resulted in me missing a couple of tort lectures and some seminars in my first month. My very foundation was crumbling already! ‘Oh no, what would I do?’ Go to the law careers fair, of course! It was one thing I was finally looking forward to and by the end of the day I was surprised that my friend and I walked out with as many coffee mugs and USB drives as we did. I swear I made use of the fair, and the mugs too.

It was a new year and I had started missing home. I couldn’t concentrate anymore. I still got the feeling that everything was new, and honestly I wasn’t sure what I was supposed to do. Life back at home was so much different. And just as quick summer vacations came and weirdly enough I started missing the overpriced London Midland services and the random drunk people and fish & chips. Sadly, the biggest drive to come back for a second year was for the fish & chips.

At the start of my second year, I told myself that I’d turn a new leaf and look at things with a new perspective. The Universe seemed to want to help me with that – it gave me CANVAS! I could not have been any happier; it was elegant and sleek and had such a nice hue of green. Also it was clutter free! It was everything I could ask for. I was so overjoyed that I spent hours on it (I’m probably starting to sound like I have issues).

I had come prepared to face new challenges. Luckily for me, second year just started with a bang. I remember seeing a depressing article on the pathetic job scene for lawyers. It honestly motivated me to want to do better (quite honestly I was shocked by my optimism). I used to feel a bit unaccomplished in my first year in comparison to most others, but then I realised I was only 17 while most of my peers were much older (Yay for being young!). I’m working my way up the ladder as quickly as I can.

Once upon a time, people responded with ‘OMG you must be really smart to be studying law.’ In my head I was usually like, ‘yes... me and the other 150+ brainiacs in my class.’ These days it’s them who motivate me to want to do better. I see them work as hard as they do and I just want to do well amongst these really smart people. Second year opened my eyes. I’m still not sure what I want to do in Law but this has been a great start for me, and I’m sure glad that the ghost of first year has stopped haunting me. If anything I’d say start now, you don’t have to know where you’re going... just keep occupied and pursue what you like. Oh and I got fish & chips.



Letters of a 1st year law student

by Laura Matthews

The competitiveness of Law students was evident from day one, with eager learners hurdling to show how advanced they already are in their legal careers, and embracing their egos by telling anyone who’d listen how much work experience they completed over the summer break. At the same time, many of us had faced the harsh reality of the fact that we had some serious catching up to do. Meanwhile, the other half of students had been partying maybe a little too hard during Freshers Week and were faced with the stark realisation that a vast amount of seminar work needed completion.

Whilst the rest of our flat enjoy nights out, law students have to make do with the company of McKendrick, Chen-Wishart or Poole. Working nine ‘til five already seems daunting; especially when you capture snippets of conversations of others bragging that they study until the closure of the library doors, appearing to revise the contents of core module books. We envy these hard working students when we are struggling to cope with the module reading lists.

Meanwhile, some students are ruthlessly competitive, and go out of their way to undermine the learning of their peers. Shouting and asserting their opinion to all in seminars; showing off about the vast amount of research they have completed; occasionally bragging about the five A*s achieved at A-level – not to mention how advanced their legal portfolio is with experience. Despite this, the most caring and helpful people throughout your degree will be these competitive high achievers.

During the first week, we learnt so many maxims that we were left questioning which degree we were actually studying; lectures were as more boring than watching paint dry; and the length of cases led to us skipping a few. The longest case I have seen so far has to be R v Brown – not only was it a horrific 70 pages long, but the content was also very shocking! It led me to believe that the case will always be scarred upon my legal knowledge.

Law school seems like a complex battle, especially when most nights we seem to be loaning about five books from the library (though we secretly enjoy the admiring looks we get). But then it clicks how much we learn: good precedents, loopholes in cases, knowledge we can pass on outside the law degree. For the first few weeks, law school was not something I loved, but it has grown on me, and this always shows when I defend the subject. Sitting here today, I know that there is no other degree I would rather be doing.



Letters of a 2nd year law student: Reflections

by Toyosi Bamiro

When you achieve a place at University, especially at an “elite” one like the University of Birmingham, you strive so hard during sixth form to fulfil your offers, and when you find out that you’ve made it, you celebrate like there’s no tomorrow. Of course, university is about bagging those 2:1s, and, for the really ambitious few, getting first class honours. But it is also about balancing so much more: there’s

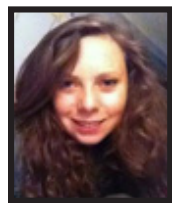
budgeting, managing your time, making friends and the small matter of actually putting food on your own table each night!

That classic saying – ‘you’ll meet your friends for life at uni’ – is somewhat accurate yet slightly mythical, as I’ve come to find that most people have already found those friends, during their developmental stages in secondary school. However, at university – unlike at secondary school – you find yourself outside of your comfort zone, interacting with everyone, as there are no established ‘cliques’ when you arrive. In doing so, you find yourself making friends rapidly and literally it feels as though you have known these people for years until you realise you’ve only really been at university for a fortnight! It’s a weird but nice feeling, especially knowing that everyone is in the ‘same boat’ as you.

Managing your time well is something that you have to adapt to (and quickly) when starting university; you no longer have your parents – mostly your mother – breathing down your neck, asking you whether you have completed the given work. You are quite literally on your own. You have to learn to curtail bad habits, such as sleeping in until extremely late, or in some cases not getting enough sleep. As daunting as this may seem, it is also a time to experience freedom and to really discover who you are. You may have thought that you were established as a person before you came to university, and if you did, well, you’re in for an awakening of sorts! You may think that you are mature and ‘up to par’ when, in reality, as a second-year student, you will look back and realise just how immature you really were. This realisation is enlightening, and helps you to grow into a (hopefully) more mature and wise second-year student.

You see your lecture classes getting smaller, and the people you sat next to in the first year may not be the same ones you sit with now. Everything changes: some things for the better, others for the worse and some things just change. For instance, someone who used to be in your class may have transferred to another course after finding out that law was not actually for them. This could be something that one finds shocking (and personally I did): to know that a person probably worked so hard in sixth form to meet grades to sit this course, only to find out in the end that it wasn’t for them.

On the whole, your outlook on life, friendships, relationships, money, family, and most importantly, yourself, it all changes. Enjoy your university experiences for their highs and lows as they will make you who you are as a person and you will see a light at the end of the tunnel. Hopefully at the end of it all you can say it was all worth it.



Reactions to Law Students

by Emma Bergin

‘So, what course do you do?’ ‘Law’... cue the standard reaction. It didn’t take long after arriving in my halls as a first year to notice a pattern of behaviour when I tell people I study law, and I’m sure that I’m not the only law student familiar with it.

The facial expression could be interpreted in a number of ways. It seems that the way I view it differs to reflect my current relationship with law. If I’m excited, I tend to interpret their stare as if they share my interest in subject and are impressed. However, I will admit there have been times when the amount of reading I have to do hits me. It’s then that I realise perhaps I shouldn’t be playing the socialite and asking everyone what they study in the hope I will remember (doubtful). Deep down, I know I should be in my room reading about Professor Atiyah’s take on everything. It’s at this point I interpret the raise of eyebrows and bobbing of the heads as if they are offering sympathies and might be slightly fearful for me. Or, heaven forbid... of me.

Then there’s what they say. Some people like to offer me warnings. Apparently it’s hard work and requires a lot of reading. Of course, this is all well-intentioned, kind advice to help a fellow fresher or a younger year. I might be being cynical thinking that they’re suggesting this is a bad thing rather than an encouragement. The irony is that amongst the reasons I and many others chose to study law was specifically this: it is hard work, you have to gain an in-depth knowledge via reading. Putting this aside, it becomes slightly disconcerting after the fifth person.

On occasion I will meet someone who studies law, they may be a second year, third year or someone who has already graduated. I always enjoy meeting these people; it makes me excited and reassures me. After the stress of the previous reactions it is a much needed pleasure to be told that it is actually all OK and the intensity of what you are told time and time again (more so by lecturers) is almost a way of making you fear the worst, so that it never happens. It sounds obvious, but I am much more inclined to listen and take note from people who have studied law than those who have not, yet profess to know the course of events that is about to unfold before me. I will try to refrain from being cynical again but must mention that this may be a sign of what is to come. It is also interesting to hear what people bring up as some of the best things – the Holdsworth Club is often mentioned, so I have joined it with high expectations.

Before coming to university I was able to speak to professionals about my choice to study law. I was met with a mixture of responses. Attending a debate about euthanasia and peoples’ rights to refuse treatment, I was asked by a barrister why I wanted to do law. We were easily able to agree that a subject which deals with such interesting and contentious issues is one worth considering. However, as there are currently severe legal cuts and the legal profession is changing and being stretched, professionals have commented that I ‘must be mad’ to be entering into the field. Luckily for me as a result of this they are always willing to offer advice and encouragement - knowing the chance is I might need it! One of the last things I was told, was I should do what I enjoy, aim high and make the most of it. This is what I intend to do.



Letters of a 3rd year Law Student

by Chris Pembridge

Well, I can honestly say that a lot has changed in my head over the last two years. I could drone on and on about how I’ve ‘grown’ as a person, about how this has been the ‘most amazing time of my life so far’ and how ‘third year is the most work you’ve ever done’, plus other clichés that everyone expects to hear. I think, though, you’d all rather hear what I really think, and what gems of experience I’ve picked up along my way.

Firstly (and perhaps it’s a little generic, but I shall begin with this because it’s quite a big one), this is the time when you begin to realise the mortality of your student life. Walking around campus, the thought has popped into my head that I’m further through my degree than two-thirds or so of the undergraduates around me. The freshers still don’t have a care in the world; the second years are beginning to get away without being IDed whilst settling into their newfound intellectualism – and kudos to the lot of them, because I went through all the same. I’ve seen two year-groups come and go now, each with their own funny characters, and it occurs that there’s a relentless churn of life going on with all of its magnificent diversity... and all packed into the microcosm of this fair university. Gosh, this must be how the lecturers feel!

But away with such profundities – you probably want to know what it’s like to start third year. Well, I’m ever so slightly concerned about the fact that 75% of my final grade depends on what I do in the next few months, but the fear is positioned alongside a comforting air of confidence. I’ve got this far, I didn’t do badly last year, so I’ll probably be OK. Third years are generally more individualistic too, and I think this comes from a developed feeling of comfort with an environment that you’ve finally got used to. As a fresher you didn’t do anything without your friends or flatmates; I don’t know about others, but as a second year I couldn’t really be bothered to do much at all; but now I feel at ease, and there’s rarely any situation in which I’d feel overwhelmed by strangers (as is so common when you’ve just started university), because the friends and acquaintances I’ve made in my time here are spread all over the place. Recently I’ve gone out and done things more so than ever before because the years have here have taught me not only to revel in challenges, but also that keeping yourself active and amused is more or less halfway to happiness.

Of course I’m no expert on how to live your life at University. I’m still very young myself, and I hope to continue on my way to becoming a better and more mature person. However one piece of advice I would give to anyone in the years below myself is to never compare your university experience to anyone else’s. Yours is probably great, if only you’d look at the minutiae of its details. I fondly hold on to the memories of my first and second years, doing the things that first and second year students do in my own interesting way whilst glossing over the harder times (and there were, of course, many). But I can happily say that it’s been wonderful thus far, totally not what I expected, and I hope to have another fantastic year ahead with new and unbridled things to enjoy.



Letter of a bewildered first year

by Aanisah Reid

So I’ve been at university for close to a month and almost everyone I know keeps expecting me to drop pearls of new-found wisdom about life on my own. Life as an independent, wild, free spirit, answering only to my heart’s desires. So here goes...

Life as a first-year law student is like being dropped on Pandora with nothing but a thong and a toothpick at noon and being expected to erect a home and catch dinner by the evening. You’re thrown in at the deep end to say the least.

Living with new roommates can be... a new experience. Managing your own expenses can be... costly, and of course, adjusting to all the ‘independent study’ (i.e. endless reading) they warned you about can be initially mind-numbing. However, fear not – I have been advised that reading four 70-page articles for one seminar will eventually become natural. As will going into university at 9am on one day, and 4pm the next.

Perfecting time management has been another maze of discovery, one I’m not entirely out of yet if I’m honest. What I will say is to make the most of your timetable. On days when you have a 4pm start, don’t get up at 2! Get up at 10 – 11 if you’re feeling lazy – and do work. Read, make notes, highlight, note down definitions of key terms, listen back on lectures if there’s something you’re unsure about. Basically, just be productive. Or, of course, you could just get a third class degree.

As far as the whole social scene goes, it’s great. It’s as amazing as all of the mythical, legendary stories your older siblings and cousins have told you. The dream of coming home at 6am every night for a week can finally be realised. Fresher’s week will be everything they said it



would, and you will love the search for the best nightclubs in town. Just don’t let that take away from the fact that you’re in town to study! You’ll regret it once the smoke clears and you have 3 weeks’ worth of reading to do.

But! I will say that at the end of it all, this is what university is about. Finding yourself and finding your feet through a series of mistakes, crazily hectic days and amazing, unforgettable (yet hard-to-remember) nights.

So, to all my fellow first years and to those of you on your way to university, enjoy the moment and the freedom that a new start in a new city (maybe) – with what is basically a new life, full of new people – can bring. Bewilderment can be brilliant.

Photograph: Tim Brighton



Letters of a 2nd year law student

by Kamran M Abdulla

THE VALUE OF WORK EXPERIENCE

In a conversation with graduate recruitment for Slaughter and May, I was told that the firm only considers those with a 2:1 or above. However, they are willing to consider 2:2s where the applicant has a great deal of work experience (which has been undertaken primarily during the academic year rather than in the summer). So what we see is that work experience really is invaluable, as evidenced by the fact that it can mitigate a low grade.

Moreover, most chambers and firms will not even take people for work experience without said work experience, which creates a paradox in that it now becomes impossible for those without experience to get anywhere.

THE DIFFICULTY OF GETTING WORK EXPERIENCE AND HOW TO GO ABOUT THIS

In my first year, I sent around 20 emails/letters for legal work experience that were tailor-made with cover letters. The result was 19 rejections and one offer. You receive so many rejections that your eyes scan the letters/emails for the word “unfortunately” just to save time. I applied for many other roles and positions as well, with an overall failure rate of perhaps 90%. These applications tend to take a minimum of three hours each to complete.

So it becomes apparent at this early stage that the law is very much what people said it was: “competitive”. The reason I highlight this failure rate is not to dissuade or demoralise you, but rather to show you that you have to try, try and try again to make headway. Have faith: plugging away will pay off!

Employers often demand previous work experience as a means to measure your commitment to a legal career. For many this issue is resolved by personal contacts, but others are not so fortunate.

The paradox can then be resolved by non-legal work experience, which is much easier to get than legal work experience. This can include pro bono activities through the University, or the Citizens Advice Bureau. I hope this advice helps and reassures you that failure is natural and part of the journey toward success.

Illustration: Hannah Hitchman



On a lighter note...



It's all about magic, poker, and spinny chairs.

by Andrew Cottrell

When considering a career in law from a non-law background, the wealth of information, different areas of work and technical jargon can seem daunting at best. Forget small fish in a big pond, you feel more like whitebait in a deep fat fryer. However this culinary analogy is easier to remove than you may think. There are ways of breaking down the wall of information, realising your interests, and deciphering the gobbledygook – that's an industry term – without going completely mad.

Deciding what type of law firm you'd like to work for is arguably the most important factor. Whilst picking a firm based on how interesting its name sounds can be a fun game, with words you wouldn't expect in the legal profession such as 'Slaughter' or 'Chance' scoring highly, this won't necessarily give you the best outcome. If sifting through the extensive list of law firms wasn't enough, fantastic legal jargon starts to make an appearance. Research into different firms may throw up the term 'Magic Circle'. Despite sounding like a guild society from Harry Potter, it is nothing more than a collective name given to the top five London law firms: Clifford Chance, Linklaters, Feshfields Bruckhaus Deringer, Allen and Overy, and Slaughter and May. Even before getting to the nitty-gritty of different sectors or how to obtain interviews, there are plenty of curve balls which may cause you to think again. Fortunately, helpful online resources such as Lex 100 or LawCareers deliver important information like culture, career prospects, and clientele in easily digestible chunks.

If you now have a list of law firms to investigate further then you have successfully passed stage 1. Congratulations. However, after loading the home page of your first law firm, it will become apparent that you have simply jumped into another minefield of jargon-based information delivered en

masse. But before you start hyperventilating and needing a brown paper bag, which is likely to cost you about 3p these days, there is an easy way to escape. This does not involve clicking the little red 'X' in the top right corner, but instead retreating to the careers tab. You will be whisked away from the sea of front page information, and taken to a place of detailed graduate recruitment, happy trainee videos, and step-by-step career guides. However this tab is not completely free of phrases which trigger nothing more than your imagination. Upon browsing through a trainees profile the term 'blue-chip clients' may begin to appear. Despite the name deriving from the high-value poker chip, it does not indicate a winner of the firm's annual poker tournament. Instead it indicates your chosen firm's ability to attract extremely profitable, stable and low-risk clients, an ability which should be considered when constructing your future career.

Assuming that the careers tab has extended your interest in a particular firm, it is now time to consider how you go about getting in. The simple answer is through applying for a vacation scheme or a training contract, the deadlines for which you will want to note down. Despite being called a vacation scheme a suitcase is the only holiday-related item you'll be taking. These are opportunities to experience working at the firm for one, two, or three week periods. The spaces are limited and the competition is high, but as your research should have shown, the legal profession is nothing if not competitive. Alternatively you can apply directly for a training contract, an official two-year training experience in which you will undertake four, six or eight seat rotations. This is not a reference to the style of seat you get, nor is it some strange initiation in which a trainee is made to spin on their chair, but refers to how many departments you will work in. Some firms have compulsory seats, some give you total freedom and others take a position in the middle.

A career in law may seem daunting from the outside, but logical hard-headed research can overcome this. Despite the thought-provoking gobbledegook not being as fun as your imagination had made it, I'm sure staff parties will contain magic, Friday evenings will contain poker, and every office will contain a spinny chair.

The Reasonably Well Dressed Man.

SUIT COLOUR

Safe bets for suit colours are charcoal grey or blue. Grey is the most versatile and the most useful for a cheapy student. Depending on the shade and material, it can hide dirt or small creases better, and you can whip it out for smart and semi-smart occasions. Navy can work wonders for looking professional and youthful at the same time – just be careful with the shade. A bright blue verges on night-out territory (Mechu night out, not Fab night out), whilst a dim, faded blue can look quite stuffy and worn. Black is a common choice but stay away: for a newbie lawyer sweating in the Noble Room, it looks authoritative or even mournful – save the black for black tie. Black can also drain colour and vibrance depending on your hair and skin colour. Keep this in mind as a general rule. Different suits will look better or worse on different people. If in doubt, try on.

LAPEL

First up is notch lapel, by far the most common and the most versatile. They come in a variety of widths and the notches themselves vary in terms of size and how high up the lapel they are. Don't go to extremes on this and you'll be fine. Choose a wider lapel if you have a beautiful narrow face like yours truly, and a narrow lapel if your face is more rounded. In the middle is the peak lapel, much less common but stylish, if in a very formal way. It looks particularly good with more traditional double-breasted suits (which you should keep done up, they don't hang well undone). The one on the right is the shawl lapel, the territory of womens' jackets and black tie.

SHIRT

Important but often neglected. You should be able to comfortably get one finger between your collar and your neck but no more. Find a shirt that doesn't balloon around the waist, go for slim fit and show off that figure. Every shop puts a different meaning behind "slim fit," so make sure you find a shirt which tapers down to your waist, rather than being narrow all the way up and down. Find the shirtmaker that works for you and save money by buying in a bundle. Don't bother with fancy super-wide or button down collars, your average semi-spread collar will go with any tie or no tie at all. Don't be afraid of some conservative shades of blue or pink,

and patterns can be your friends too if the tie at least matches the suit. Get your sleeve lengths right so they show a bit of cuff too.

TIE

Everyone notices the tie, so make sure it works with your outfit, not by itself as some novelty piece. The knot is also important; it needs to fit your overall style, but you also need to tie it in such a way that the tie hits your beltline and no more. Save the svelte skinny ties for nights out – they look preppy with a day suit. Massive Windsor knots do work, but only with a wider collar. A dimple on the tie is a nice touch, just press into the fabric underneath the knot with your thumb right before you tighten it. As for the pattern, keep it solid, stripped, small-spotted or club with a repeating logo.

FIGURE

Your suit should fit snugly around the waist, not hang from it. In salesman terms you're looking for that "tailored" fit. The best fit you could have would give you an hourglass shape, which emphasises the bulk of your shoulders but tapers down to hug the waist. The fashion for jackets now is to be shorter rather than longer, so you should easily be able to cup your hands under the rim of the jacket. This will make your legs look longer and give you a less stocky look.

TROUSERS

You can't belt your way out of trousers that don't fit. Knowing your waist size and leg length is very important. Get yourself measured up by someone in-store if you're not sure. Avoid the wearing-Dad's-suit look, and make sure the trousers just graze the tops of your shoes rather than cascading around them like some cotton waterfall.

SHOES

Make these fit with the rest of your look. As an aside, your belt should always match your shoes. Patterns on the tips are tempting, but if you're not looking to bust your budget then buy without, then you can use them on other occasions without looking too fussy. Whatever you buy, shine them up once in a while to preserve the material and eliminate that schoolboy scuffed shoe look. Loafers without laces are also very versatile, especially more modern ones that go nicely with jeans too.



Strange Laws

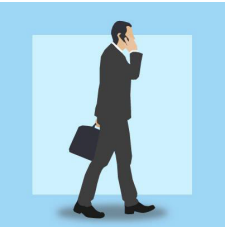
by Aanisah Reid

I know we've all had those moments when our parents have told us we can't or have to do something that at the time just sounds preposterous. Well, it seems like parents aren't the only ones who go on a bit of a power trip and create crazy rules. Governments around the world have been at it too. Check out some of the weirdest laws we here at TRM have discovered...

1. In Canada, the government demands that at least 35% of all music played must be of Canadian origin!
2. In the UK we have what is known as a constitution in the 'wide' sense. Meaning it is unwritten and consists of hundreds of laws dating back centuries. As such, Parliament has yet to get rid of a law which bans the sale of alcohol on both Good Friday and Christmas Day. Needless to say this law is not upheld!
3. In Thailand it is illegal to throw gum on the sidewalk. Avid footwear fans, you know where to head!
4. ALERT to all women. In the UK, those of us who are 'with-child' can pee wherever we want! A good excuse to remember on a drunken night out!
5. Dog lovers skip this one! In South Korea all dogs sold for consumption must be approved by the government and have a tattoo to prove it. However, cat lovers rejoice, as it is illegal to eat stray cats.
6. Singaporean people like clean streets. So much so that if you are caught littering three times you will have to clean the streets wearing a sign that says 'I am a litterer'!
7. In Mexico, fireworks are not allowed to be thrown by hand during Holy Week.
8. Republicans beware – the Royal representatives failed to deny that it is still an act of treason to put a postage stamp of the British monarch upside down on a letter!
9. Also from the Canadians comes a seemingly outdated law which decrees that all businesses must provide a rail for tying up horses.
10. In Denmark, it is illegal to start a car if someone is unfortunate enough to be underneath it!

So there you have it. 10 very strange statutes from around the world that make your mum's rule about no television past 9 o'clock seem reasonable!

Interviews: Careers Window



Dentons

An interview with Dr Anna Willets

Dr Anna Willets studied geology at the University of Manchester, and eventually obtained a PhD there. Having worked as an Environment Consultant for five years, Anna converted to law and is now an associate at Dentons.

So Anna, what are the current big issues in the world of environment law?

It is an incredibly fast-developing area of law. Some of the interesting parts are in regards to fracking (drilling into the ground and injecting high pressure fluid to fracture the rocks). Also, there is an ongoing debate regarding what “waste” actually is, the problem being that one man’s waste is another’s gold. There are also a number of criminal issues that are interesting such as the Proceeds of Crime Act and how this can have a bearing on the operation of criminal dumping sites not covered by the appropriate paper work.

I have heard the GDL is intense. What’s it like?

I didn’t find it intense. Having done a PhD and been at work full-time for 5 years, I found it to be fine! You even got Tuesday and Friday off! The people that found it hard seemed to be those who had come straight from a lightweight degree course, e.g. American Studies, or Politics, where they had had four hours of lectures a week... If you are organised, attend every lecture, and do all your homework, it should not be a problem. I heard all sorts of horror stories before I started about how hard and intense and time-consuming it was, but I did not find it to be like that. That said, don’t be lazy and miss lectures; take advantage of everything the University offers you and organise yourself and your time.

Any advice to aspiring solicitors?

One, turn up to all of your lectures! Also, you must go to any and all revision sessions that are offered by your lecturers. These were absolutely invaluable and aren’t just revising your course notes, but preparing you for the exam and how to answer exam questions, which is quite a different thing from learning notes. The only people that failed on my courses were, without exception, the ones who didn’t go to these sessions.

Two, don’t underestimate how long it takes to apply for training contracts! Prepare to spend time on these applications and complete forms carefully. You wouldn’t believe the number of applications where the applicant has spelt the firm’s name incorrectly, their own name incorrectly, and discussed areas of law that X firm does not practice!

Three, attention to detail is key, spelling, grammar and punctuation, in applications, and once you are in practice. If you aren’t good at it

now, start learning.

Four, work hard, listen and learn, understand how competitive it is, and don’t believe the world owes you living. You get what you work for!

If you could go back in time and meet with yourself whilst you were at university doing the GDL what one bit of advice would you give yourself?

Understand that the big firms recruit two years in advance, and it takes a long time to complete all the application forms! Law is very competitive and you need to apply to a large number of firms - you get a lot of knockbacks.



The GDL Experience

by Eline Sibia

The conversion course – officially known as the Graduate Diploma in Law (GDL) – is an alternative route into law. It’s for graduates from any discipline; a way for all those linguists, scientists and historians, such as University of Birmingham graduate Scott Treleven, to venture into law. Although a variety of universities will offer their own GDLs, the two main independent institutions that offer the course are The University of Law and BPP. The conversion is one year long and the fees, depending on location, range from £7,240 to £10,500. It is possible to find a law firm to sponsor the course but that can be competitive, so it is also possible to fund yourself. Once the conversion year is completed, the graduate is in the position of a law graduate and can progress to either the Bar Professional Training Course (BPTC) or the Legal Practice Course (LPC).

The type of GDL student is varied: some are older and have experienced working in different industries before changing career path and going to law school. Others, such as Scott, convert straight out of University: ‘I considered Law for my undergraduate, having done some legal work experience prior to applying to University. However, speaking to people at the time, their view was to do something else, something I would enjoy more and I could always convert.’ This is not uncommon. Indeed, it is estimated that only half of trainee solicitors read law at undergraduate level.

So why is the GDL increasingly being looked as a good alternative for getting into law? Well, it is based on the idea that if someone has a passion for another subject, they are free to explore it at undergraduate level, but are still able to access a career in law in the future. This is certainly the case for Scott: ‘I loved History and my undergraduate experience. My third year, which was my hardest, was also the best.’ When asked whether he would choose this route into law again, Scott unequivocally says he would. However, he is from an undergraduate class whose fees were more reasonable and whose debts nowhere near as high, so when asked to factor that in, he is less certain.

“The whole team is full of ideas, more than we thought possible to fit into 50 or so pages, it was a miracle we managed to condense it all without losing the essence of each section” – Editor

Yet change could be on the horizon. The Solicitors Regulation Authority is considering the removal of the qualifying nature of a law degree. Were this to happen, Martin George, lecturer at The University of Birmingham, believes that the law degree would have to defend ‘its intellectual place’ in the University environment, as it would no longer ‘be able to rely on the pure financial argument that doing law as an undergraduate degree, as distinct from not doing law and doing the conversion course, is cheaper.’ If that becomes the case, the popularity of the GDL could indeed rapidly increase, particularly amongst those who would choose law out of financial sensibilities.

The experience of undergraduate law and conversion law is distinctly different. The GDL is exactly that – a diploma and not a degree. One cannot be under illusions that they would gain the same level of exploration of the law or its abstract theories as they would in the course of a law degree. There also isn’t the same opportunity to explore the areas of law that are of personal interest, as the GDL does not have the time or scope to go beyond the core modules. However, this does not mean it is an easy ride. The GDL is undeniably intense and as Scott notes, ‘it’s a full-time course. You have to do the equivalent of working hours to keep up with the workload. It’s interesting and stimulating but you have to have the right mind-set. You dictate your own rewards by doing the work!’ Although many undergraduate law students will feel that also sums up their lives, what a law student would go through in depth over three years, a full-time GDL student would do in one.

Socially the GDL is also different, but Scott dismisses the idea that he might have missed out in terms of years of law banter or having a cohort of 350 course-mates who are all striving and motivating each other for the same things such as vacation schemes, work experience and law fairs. ‘I had that during my time as an undergraduate. And the people on my conversion course are really nice, but of course it’s never going to be quite the same as my history friends. But yes, you do have to be more self-motivated in a way because you don’t have quite the same collective which exists in undergraduate. And it’s actually really nice having non-lawyer friends!’ Wise words indeed.

The GDL is functional and clinical – ‘a means to the start of a career’ as Scott puts it. It is intense, it can be rewarding and it can certainly be stimulating. This route is a popular one, as it takes into account the fact that not every lawyer will know at the age of 17, when UCAS applications are due, that they want to be a lawyer. It allows people to have a career change at a later time in their lives. Finally, it permits those who first want to focus and develop other skills to bring those to the legal industry. Variety breeds different thinkers and the GDL facilitates that.



**Think justice?
Work in human
rights.**

by Alim Hasan Islam

Envisage being a human rights practitioner. Envisage being somebody who can completely revolutionise the lives of the most helpless. Envisage being able to wake up every morning, go to work and know today is another step towards justice. This is what working in the field of human rights offers.

Human rights are inspirational. It represents the faith and principles of most human beings. A person practising in the field of human rights shares those inspiring values. Human rights practitioners set standards but also produce change. If we want a world where human rights abuses are consigned to history, then it is up to us all, as individuals,

communities and countries to be vigilant about human rights. This is where you, a student at the University, currently deciding on what career path to take, come in.

‘Human rights’ is a relatively new term, yet abuses of such rights have existed for centuries. History is plagued with examples. The first time the international community sought to properly define human rights was in the aftermath of the Second World War. The United Nations adopted the Universal Declaration of Human Rights.

Many of you reading this came into law school wanting to practise law; others do not quite know what path they want to take. For those who wish to become a solicitor or barrister, human rights is maybe an area in which you wish to work. It encompasses a number of fields such as family law, immigration and actions against the police. It can also include areas of employment law. If you want to make a real change to people’s lives, human rights is the place to be. If money is your sole goal then the City is where you may want to head.

There are other avenues into the human rights world, avenues that do not require qualification as a barrister or a solicitor. You could work for a non-governmental organisation (NGO) or pursue academia. Having spoken to people who work for NGOs, I have found that a postgraduate degree such as a LLM is an unwritten requirement. As somebody currently studying an LLM, I can say that they do not come cheap. The fees for the 2014 intake onto the specialist human rights course at the University Birmingham are £5940 (in 2013-2014). In the London universities they can range in between £7500 to £11000.

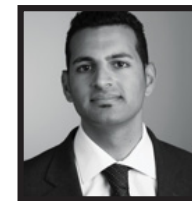
In spite of this, I believe, it is a worthwhile undertaking. As American tennis legend Arthur Ashe said, “success is a journey, not a destination. The doing is often more important than the outcome.”

Essentially, working as a human rights practitioner means confronting discrimination and defending the rights and freedoms of citizens and organisations. If working in human rights is the path you want to take, what drives you towards this? What causes are most important to you? What human rights abuses enthuse you to do something? These are questions that you would need to answer.

To get a feel of working in human rights, work for a pro bono organisation or apply for an internship at a non-governmental organisation. The University is home to the Centre for Professional Legal Education and Research (CEPLER). One initiative from CEPLER is called Birmingham Free Legal Advice Group (FLAG). This gives the opportunity for Birmingham Law students to participate in the process of offering free legal advice to the public. In addition FLAG is partnered by Mills & Reeves LLP and No 5 Chambers, so you will have a chance to work under a solicitor or barrister. Such opportunities are hard to come by nowadays. Applications open in November and, for more information, contact Dr Bharat Malkani, who is the FLAG director. This is undoubtedly the best time to seek out pro bono experience. Law centres are facing an influx of work as the current government withdraws legal aid from vulnerable groups who used to be eligible. This means there are lots of opportunities for volunteers all over the country.

If you are for justice, then, as Mahatma Gandhi said, “you must be the change you wish to see in the world.”

For more information on CEPLER and their activities and opportunities please visit: <http://www.birmingham.ac.uk/facilities/CEPLER/activities/index.aspx>



Newly Qualified Associate

An interview with Imran Bhatia



Imran Bhatia did an IB and went on to study law at UCL. He graduated with a 2:1 and went on to take the LPC at BPP. He is now a newly qualified associate with Herbert Smith Freehills.

Imran, is it true that city lawyers work 25 hours a day?

As is the case with the majority of professions, working as a city lawyer is not a 9 to 5 job. When, for example, you are working on a matter with a tight deadline, such as the run-up to a signing date for a deal or a court deadline, the hours can be long and the workload can be very intense.

Whilst these occasions can be mentally and physically tiring, I think that there are two important factors which do challenge the stereotypical view of the working lives of city lawyers and in particular, trainees. Firstly, in my experience at least, the occasions of working such long hours are confined to the times where there is a real and genuine need to work such hours, such as the examples above. This means that you at least recognise and appreciate why you are working such hours, as you are aware of the impending deadline which requires the heavy workload. This also means that, where there is no such need, there is no expectation that you will or should work such hours, and indeed more senior members of the team will encourage you to take advantage of quieter periods. In my experience, there is no expectation of “face time”; that is, the stereotype of staying in the office till late merely to be seen to be there.

The other point I would raise is that when you are working late as a trainee, it will be as part of a team. I think that sometimes a view is wrongly held that as a trainee you will often be left alone in the office to work late and that the experience is lonely as well as tiring. For me, this has never been the case and it makes a significant difference. Pitching in as part of a team who are working together under pressure can make a stressful experience a lot more bearable and even sociable, particularly once the task is completed.

Any advice on the pursuit of the elusive training contract?

I think, first and foremost, ensure that your results in your degree and at law school are strong. This sounds obvious, but sometimes people become so preoccupied with filling their CV with extra activities which they feel will add value to their applications that they can stretch themselves too thin and their degree results are not as strong as they otherwise could have been. Ultimately, academic results will be one of, if not the first parts of an application to be reviewed by a prospective employer. If these do not meet the minimum requirements, then the other activities and interests demonstrated on an application will seem

less impressive.

That said, clearly anything that you can do to distinguish yourself from other candidates can only help. If you work on the basis that everyone applying will have strong academic results as a baseline requirement, try to show that you have done more to find out and develop an interest in city law or the legal world in general.

A vacation scheme is probably the best way of truly gaining an insight into what it is like to work at a city firm and understand what they do. It is also a great way of being able to show what you are able to contribute when it comes to a training contract interview (which you will almost always have at the end of a vacation scheme). Two or three weeks of being part of an organisation will always be more effective than just a paper application.

Gaining work experience at a city firm outside of a vacation scheme is unusual, so be creative in finding ways of building up experience and gaining legal exposure. Try to arrange work experience with high street firms, organisations such as the Citizens’ Advice Bureau, with barristers, or even just attend court hearings (which are for the most part open to the public). Even if a training contract at a city firm is your ultimate goal, anything that provides you with exposure to the work of lawyers and how they interact with clients will provide useful and transferable skills and experiences. Many universities and community organisations organise free legal advice centres which students can help to run and become involved in.

My final advice would be to ensure that you are actually interested in a career in city law, as true enthusiasm will always ‘sell better’, particularly in an interview. People often regard the famous phrase of “commercial awareness” as an academic exercise of religiously reading the Financial Times or the Economist and being able to recite details of deals or the gross domestic product of various countries. Nobody’s favourite hobby will be reading about the world economy, but if you are discovering that finding out more about developments in the commercial world is always feeling like a chore and nothing that you come across is of genuine interest, you may wish to rethink whether it is really the right option for you, as it may be harder to convince a professional in that field (such as a Partner) that you are truly interested in it.

What was your everyday work like as a trainee?

The objective of a training contract is to provide a lawyer starting out on your career path with exposure to different practice areas or types of work, so that you gain as much experience as possible before deciding the area in which you wish to specialise and progress. Each of my four seats was very different and clearly a trainee in a Corporate seat will carry out very different tasks on a day-to-day basis to a Litigation trainee, for example.

In order to gain that variety of experience, you are very much made a part of the team in whatever you work on as a trainee, carrying out a variety of tasks that are designed to put you in a position of understanding the context of what you are working on and to gain an insight into what kind of work people at various levels will contribute to a wider project, which is important when it comes to deciding what you would like to do after completion of your training contract.

If you could go back in time and meet with yourself whilst you were at Uni what one bit of advice would you give yourself?

Enjoy it! Of course you have to think about what happens next and to focus on career options, particularly in such a competitive job market as law. There are a number of things you can do and get involved in at university which can help to get you there, but don’t let it completely preoccupy your university experience and make sure that you are enjoying it, as it is over far too quickly!



The Criminal Bar

An interview with Jeremy Dein QC

Jeremy Dein QC graduated from Queen Mary (UoLondon) with a 2:1 in Law, then went on to do the Bar finals. He took pupillage in the chambers of Alexander Irvine. Tony Blair was a tenant at the time. Irvine and Blair went on to become the Lord Chancellor and Prime Minister respectively, whilst Jeremy moved on to the famous criminal chambers of Richard Duncann QC before landing in his current chambers, 25 Bedford Row. This Chambers started as just two rooms in Gray's Inn and is now a leading defence set with 16 silks!

What is your best memory of studying at University?

I studied in London at the heart of the world-renowned East End, which made university life very fun. It was once a poor area but over the last 30 years it has picked up and now houses a thriving law school.

How is the criminal Bar?

Times are hard, fees are being cut and solicitor-advocates are taking a lot of the advocacy. Fees are now a very real issue for young barristers and there are few barristers being made judges. There has been an increase in the waiting time for trials and barristers are less motivated and consequently under prepared. We have also seen that good-quality students are shying away from the criminal Bar and opting out of publically funded work. This means that the general quality of criminal barristers is decreasing, which means that the most vulnerable members of the public are not being protected as fully as they should. This is the result of the legal aid cuts, and it is a scandal.

But the job itself remains challenging – even thrilling – and that's what keeps the criminal Bar going. The criminal Bar is a proud profession and one that is indispensable. We speak for the public and will fight to preserve our place in society.

Advice to aspiring barristers?

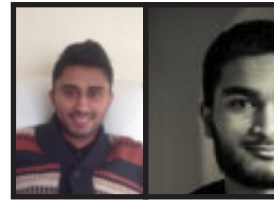
Work hard: the better your degree and the fuller your CV, the greater your prospects, which is important given just how fierce the competition is. But for those who are determined there are still opportunities.

How has the technology era affected the legal practice?

It has made things easier in that communication with other barristers and solicitors is streamlined, but it means you need to be available 24/7, and exposed to pressure 24/7, so although technology has enhanced the profession it has also added to professional pressures.

If you could go back in time and meet with yourself whilst you were at university what one bit of advice would you give yourself?

The best advice I can give would be to enjoy myself more but never lose sight of the need to excel. It is important to get on well with everyone and see the best in everyone. You shouldn't be judgemental and you should certainly maximize every opportunity and make contacts wherever possible.



A solicitor's experience of the Magic Circle

by Rubel Miah and Hassan Hafiz

Contrary to popular belief, securing a training contract does not require you to have run through Platform 9 ¾, or even to have discovered the cure for cancer (although the latter may help your application and the former... may possibly leave you with a broken nose). Despite a fiercely competitive legal jobs market, with swathes of student wrestling to secure an ever-dwindling number of training contract places, it still takes good old-fashioned determination, resilience and organisation to break through. How you choose to demonstrate those skills is purely up to you.

The path to becoming a solicitor should be – or, at any rate, will become – a familiar one. A law degree is followed by the LPC (Legal Practice Course), and then a two-year training contract at a law firm. It is the last of these, the securing of a 'training contract', that presents the most formidable challenge. Not since the prospect of getting your head around administrative law or a 6,000 word jurisprudence essay, have more law students been thrown into the clutches of dismay, bewilderment and madness.

We could at this stage, in an attempt to alleviate your fears, flood you with the usual barrage of clichéd application tips – which range from 'tailoring your applications to individual firms' to 'research firms thoroughly' and 'develop a wide range of extra-curricular activities' – but we will refrain from doing so.

It is not our intention, by any means, to belittle the importance of those points – you should NOT ignore them. Rather, it is to say, that we would like to offer you a real life example of a former student, Shozzol Miah, from the University of Birmingham, who has been through the legal machine and secured a training contract with a prestigious 'Magic Circle' firm. We hope that by paying attention to his journey, you will be able to draw out lessons for yourselves, which you can use to guide your own applications.

State your name and position within company.

Mr Shozzol Miah
Associate at Allen & Overy LLP, London

Tell us a bit about your background and motivations to study law.

I went to an inner-city school in Birmingham before going on to study at a sixth form college where I managed to obtain the relevant grades to study Law at the University of Birmingham.

Tell us how you got that all important first-class degree.

I started my undergraduate course in 2005 and completed it in 2008, graduating with a first. Getting a first was by no means an easy task and, for me, was a result of a gradual improvement as I familiarised myself with the demands of a Law degree. I passed with a 2:2 in my first year, following that up with a 2:1 in my second year and then somehow managed to do enough to get a first in my final year to get a first overall.

In terms of personal motivations, I would say that I genuinely enjoyed the modules I did during my degree, and chose those which I felt I would be interested in rather than worrying too much about what would look good on paper for certain careers. I strongly believe that in those crucial formative years, one needs to study topics which

genuinely excite you and the grades will follow – at least it worked for me! In my experience, as long as you can provide genuine reasons for choosing the modules you have, employers tend not to get hung up on which modules you have studied so long as you achieve consistent high grades. I should note that the graduate recruitment team at A&O now pay close attention to all module grades in every year and, in particular, on Contract and Tort. The basic legal skills required for the study of any subject are generally transferable and should benefit you whichever career you wish to proceed with.

My other tip, clichéd as it may sound, would be to take every single opportunity available to you during your degree, from utilising any assistance tutors are able to offer you through to making sure that you participate in all university events. Getting the assistance of tutors is crucial as it is they who will be marking your work and, in my experience, they are only too happy to assist students in getting those top grades.

What helped you stand out from the crowd in the interview process, vacation schemes and training contracts?

There were a few extra-curricular activities which I feel helped me to differentiate myself from others. In particular, I think managing to secure a place on the University of Birmingham team for the Willem C. Vis International Commercial Arbitration Moot in Vienna was a huge factor. Ultimately, the moot assisted me in two ways; it helped me to write and talk about something which was "out of the box" in interviews and, perhaps more importantly, it helped me to develop legal and practical skills which had a tangible effect on my performance in interviews.

Another factor was my ability to show how my other responsibilities had prepared me for a career in the "real world". I do not come from a privileged background and so I would never have been able to speak about ski trips or other experiences (legal or otherwise) which, impressive as they are, are not accessible to all. In my efforts to show how rounded I was, I pointed to the fact I had to juggle my studies around caring for my younger brother who had leukemia at the time. I think it is human nature to try and point towards the glamorous things you have done but forget that other tasks, which may seem routine and therefore not worth a mention, actually represent our true character. Any task which shows that you have taken responsibility or shown a particular skill should, in my view, be highlighted in an application.

What modules did you study on the LPC and how did they differ from general modules in the law degree?

I started my LPC in 2008 and completed it in 2009. Initially, I had started my LPC at the University of Law in Moorgate (London) but as a result of personal circumstances alluded to above, I had to complete this in Birmingham. The University of Law actually have a bespoke LPC set up for certain large City firms in London so it is very generous of A&O to allow me to complete my studies on the more generic course in Birmingham. Please note that A&O only authorised the transfer due to the exceptional circumstances in my case.

The LPC, as the name suggests, is a more practice focussed course. In particular, as I was training for a career in the City, my course was more business/company law-orientated. For example, my latter three modules were Public Companies and Equity Finance, Acquisitions and Banking.

What areas of the law are you specialising in and tell us a little about the significance of this area of law in the world today?

I currently specialise in corporate/company law and focus on mergers and acquisitions. I have particular expertise in infrastructure and private

equity transactions, having acted for private equity and infrastructure entities on a number of high-profile matters.

I think the significance of my area of law is clear for all to see. Corporate and company law provides the framework by which all of the companies in the country are regulated. In addition, London is one of the biggest centres in the world for commerce and industry, and English law is used by many companies across the world in regulating their dealings with other companies.

What is it like working in a Magic Circle firm?

Working for a Magic Circle law firm with wide international reach is exciting and challenging in equal measure. We work on high profile transactions which often involve companies and professionals in jurisdictions across the world. Many of our deals are reported in the business press, for example, the Financial Times.

As associates, we have very close working relationships with partners in the firm. The law firm model is quite unique and different to most other normal corporate businesses. We sit in close proximity to partners and, by and large, have direct access to them on any given deal. On large transactions, you tend to see teams of people made up of partners, senior associates, associates and trainees. Given the scale of the matters we work on and the associated time pressures, it is imperative that we have close-knit teams, something which A&O is renowned for.

Tell us what you can of an exciting case that you dealt with recently.

Perhaps the most glamorous deal I can remember being a part of was the acquisition of land on a Caribbean island by a private equity firm. The land was intended to be developed into a luxury resort.

In addition, I think my secondment at BAA (Heathrow Airport) was pretty special. Sitting in an office a stone's throw away from the runway was very interesting and I found myself quite distracted in the first week watching the planes taking off and landing!

For more information on graduate and undergraduate opportunities at A&O please visit www.aograduate.com



City and high street firms.

An interview with Mat Abdulla

Mat Abdulla is an alumnus of the University of Birmingham. He studied science A-levels and seven years of chemistry at degree, master's and doctoral level. He then went on to practice as an industrial research chemist for five years. Between 1992-1994, he studied the CPE (now the GDL) and LPC at the University of Birmingham. He then went on to do a training contract at a major city firm and has since practised for 17 years in small and medium-sized firms at an associate and partner level.

Who taught you contract law?

Keith Uff and George Applebey. Keith was somewhat disorganised – if anything was given to him it just disappeared into his room never to reappear. In between his funny stories, Keith managed to provide a lecture in contract law in his unique style. As for Applebey he was a great stand-up comedian who kept everyone entertained... he was worth the admission fee.

Fortunately for many of us lectures were not the be-all and end-all

“The ethos behind the editing process at ‘Law Talk’ is to leave the spirit of the original article intact, a light touch approach that respects the creative freedom of the writers” –
Editor

of learning and we were able to do independent study, hence there was no need for great input from these two gentlemen, but without meeting these two characters my academic life would be empty.

What is the core difference between practice in a City firm and small high street firm?

Workload. In the City you are expected to work all hours and even weekends. Although the salary tends to be higher, if one reduced it to hours worked they can be lower. I have seen many city lawyers, even young ones, suffering an early burnout at as young as 40.

So in the long run how do you prevent burnout?

It is a matter of priorities: whilst one is young and single, one can devote all their time to their career. As one gets older the family life gets more important. The decision of how to divide the work-life balance then kicks in.

Decent lawyers can still earn a good living in a medium-sized firm whilst having a work life balance hence prolonging ones career.

What are the problems facing law firms today?

Small firms have been hit by legal aid cuts and changes in rules and regulations. In particular, the referral of work has been banned. All firms have suffered from the recession and activity has slowed. Everyone has to work harder to stay in employment and unfortunately those who become unemployed are finding it extremely difficult to find employment.

It has become extremely competitive to enter the profession, firstly due to reduced opportunities and secondly because more institutions are offering more degrees and irresponsibly raising the hopes of many who would never become lawyers. This may be because they are not suited to the profession either because of their lack of aptitude or they will not put in the hard work that is required to make a success of a career in law.

You worked in graduate recruitment, so do you have an advice to aspiring lawyers so far as putting them in a strong position for a training contract is concerned?

Currently there is a huge backlog of candidates from years gone by who are competing with the fresh graduates. Consequently there is an abundance of choice. Large firms have more set and rigorous criteria in selecting candidates but with the small firms it is a matter of being at the right place at the right time as small firms tend to recruit on an ad hoc basis.

If someone is already paralegalling and a vacancy arises with the firm, they, based on their track record, have a good chance of getting the training contract. Unfortunately many firms are exploiting paralegals on low wages and stringing them along with the implied promise that they will provide a training contract which they never do.

Has the digital revolution affected the way you work?

With the digital revolution, the work continues 24 hours – even when one is on holiday as everyone carries smart phones and iPads and they are expected to tune in regularly even on the other side of the world.

So how do you get moment of peace with this sort of work life?

With the smaller practices it is recognised that you will work regular hours, whereas with the large firms it is expected you will work all hours regardless of time or location.

How has the legal field changed pre and post-recession in regard to practitioners and aspiring solicitors?

Legal aid, which was the lifeblood of many family and criminal practices, has drastically shrunk. This means that there are very limited prospects of getting a training contract in these areas of law; this is equally applicable to doing legal aid work at the bar.

In addition there have been regulatory changes to the law for personal injury (PI) lawyers and employment lawyers. For PI there is a reduction in the amount of fees they can charge, and they cannot buy work from claim management companies. As a result there is both a reduction in work and income for PI lawyers and consequently a knock-on effect of reduced opportunities for budding trainees in this area.

In employment law there have been numerous changes to the law briefly including the introduction of tribunal fees and the qualifying period for claiming unfair dismissal increasing from 1 year to 2 years and a reduction in the amount that lawyers can charge on no win no fee to 35% inclusive of VAT.

Prior to the recession, gaining a training contract, although tough, was possible for the brightest of the candidates as large practices took a substantial number of trainees. As a result of the recession many practices either stopped or deferred taking trainees which further contributed to the huge backlog of people seeking a training contract.

Now the recession seems to be easing. As such the larger practices have begun to take their regular number of trainees but competition is fierce due to a large number of candidates. So far as small firms are concerned they are, generally speaking, still lagging behind in taking trainees and the market remains, although improved, still difficult.

Many people after hearing just how competitive the profession is may then wish to change direction, what else can people do with a law degree?

It is a versatile degree; as such accountancy is still open. Lawyers often think it requires numeracy but only a basic level is needed as most accountancy is managed by spread sheets

Final words?

Competition is fierce so aspiring lawyers need to get as much practical experience as they can in the legal environment, whether at legal practice, barristers' chambers, local government or an in-house role. Consistent work experience is needed throughout the degree to distinguish oneself from the competition. Remember, graduating from a redbrick university does not mean you are entitled to a training contract.



Graduate Recruitment

An interview with Puneet Tahim

Puneet Tahim studied Social Policy at university and has worked in the recruitment sector since graduating in 2006. She now works in the Graduate Recruitment team at DLA Piper.

What is your best memory of studying at Uni?

There are too many to choose from! But most of them are related to

the social side and I made some of my best friends during my university years.

What is the most common mistakes applicants for vac schemes make? And how can these be avoided?

Most of them are around attention to detail - which can be easily avoided by double-checking applications and asking someone else to proof read them. Also, applicants sometimes fall into the trap of not fully answering the questions and not providing balanced answers.

Advice to aspiring commercial solicitors?

Try to gain some legal experience if you can - even if it's on a volunteer basis. In addition, get involved with as many things as possible at university so that you can build a varied skill-set. This shouldn't be to the detriment of your academic work though!



Tim Pole studied French and Business at the University of Hull. He then went on to complete the GDL at the College of Law and the BVC (now the BPTC) at Nottingham Law School. He was called to the Bar 12 years ago and is currently practising at Number 5 Chambers, in criminal, regulatory and sports and media law.

So Tim, what is your best memory of University?

You cannot print that! *Laughs*

How is the criminal bar faring these days?

It is facing the biggest threat to its existence ever.

How does this affect you?

I do regulatory work so I am safeguarded but pure criminal barristers who have not diversified are going to be hit harder. The consequence of this is that fewer people will want to go into criminal so the most vulnerable members of society are going to get poor representation.

Does the business element of your degree help you in practice?

Somewhat – it has helped with some of the fraud cases I deal with.

Tell us a bit about fraud.

It is often too complex for the jury to understand and not taken as seriously as it should be.

Advice to aspiring barristers?

If you really want to do it you will have to persevere. I know someone who wanted it and it took them four years to get pupillage. Also those aspiring to the Bar need to know that it is a lot more than a job – it is more a way of life.

And what is the best thing about this way of life?

You are self-employed, so to a degree what you do is in your hands, you stand and fall by your own decisions. Success or failure is at your door so you do not have to rely on others.

What of the insecurity of self-employment?

You do not have the security of a salary and sometimes you can have bad weeks.

Tell me Tim, is the Bar elitist?

In one sense in that it targets the best, so it is elitist in terms of selecting those with the best ability, other than that it is open to everyone.

Everyone with a private education?

I didn't have a private education *smiles*

How did the recession affect business?

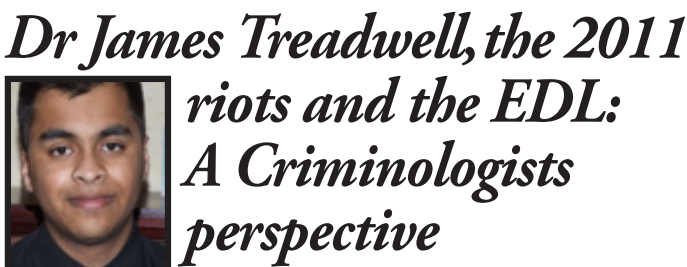
Oddly enough it didn't. We thought that it might "help" as more people may commit crime in an economic down turn but it doesn't seem to have affected much for me.

Has the digital revolution affected the way you work?

Not as much as it should, the courts need to be quicker on the uptake in this regard but for me personally, well... *looks down at phone*... I have 893 unread emails in my inbox.

I can see you are very busy so just one last question: if you could go back in time and meet yourself as an undergrad what one bit of advice would you give yourself?

Ditch the girlfriend from home!



by Zahid Reza

Dr James Treadwell joined Birmingham Law School in January 2013 as a lecturer of criminology. Now, James does not come from a traditional legal background, having attained a BA (Hons) in both criminal justice (University Of Central England) and community justice (University Of Birmingham). He went on to do a master's degree at the University of Central England, then a PhD at Birmingham City University. Finally he qualified as a probation officer.

James certainly has an interesting and different background compared to many other law lecturers. I wanted to find out why he choose to join Birmingham Law School and to find out more about what he does within his areas of expertise.

What made you want to join Birmingham Law School in particular?

"I studied in Birmingham while training to be a probation officer and knew the Law School and its fantastic reputation. I had been to lectures at the School and wanted to work at the University. It is a really friendly collegiate place that produces world-leading research, including my specialism (criminal justice and criminology), so I thought I might fit in."

Tell us why you became a criminologist?

"Growing up in Birmingham and being familiar with some of its less salubrious settings, criminology was always going to connect better than, say, ancient history. I fell in love with the subject and when I graduated I went to work for NACRO. I played football with young people involved in crime while I did a master's degree in criminology and this led me into the Probation Service to work with very serious offenders."

As we know, in 2011 riots broke out across the country sparking rage amongst the elder generation and a sense of moral panic portrayed by the media that the youth were out of control. Having been taught by James in Youth Crime and Youth Justice (which is similar to criminology but focused on the youth as the title suggests) we have read a very interesting article written by himself in the British Journal of Criminology called 'Shopolocalypse now'. It definitely gives a very different perspective to the riots and the causes of why the youth (rich and poor) joined the riots to loot.

I asked James about his research on the 2011 riots in England:

Can you tell us about your work on the English Defence League?

"I worked as a researcher on the EDL, and spoke to the rank and file members when the organisation first came to prominence. Some of their first demonstrations happened in Birmingham and I felt it was important to understand the perceptions of hate crime perpetrators because understanding can help shape criminal justice interventions"

James shared a bit about his sporting interests:

"I have been involved in martial arts for years, and I have trained and fought in boxing, kickboxing and Muay Thai (the Thai form of kickboxing) over the years. I plan some academic work drawing on it in the future."

I asked James a little about alternative law careers other than the traditional ones of solicitor and barrister. He provided an insight into careers within criminology, jobs directly related to criminology includes community development workers, police officers, prison officers and probation officer (as well as many others).

Community Development Workers work with individuals and whole communities to empower them to identify their assets, needs, opportunities, rights, responsibilities and to help plan what individuals and communities want to achieve and take appropriate action. If you are interested in such a career it is accessible for all graduates with a Degree or HND. The most popular employer is the local authority, Birmingham City Council being the largest local authority in Europe.

For more information visit, http://www.prospects.ac.uk/community_development_worker

Police Officers, (as we all know) work in partnership with communities to maintain law and order. Graduates can go through their fast-track graduate scheme or gain valuable experience in volunteering to be a police support officer or a special constable.

For more Information visit, <http://www.metpolicecareers.co.uk/graduates/>

Prison Officers have responsibility for the security, supervision, training and rehabilitation of people committed to prison by the

courts. The includes motivating prisoners to better themselves and others around them within a safe and healthy environment. If this interests you, you must pass an entrance exam, pass a medical and fitness test. Opportunities for promotion exist throughout the prison service and the four levels to aim for are senior officer, principal officer, manager and senior manager.

For more Information visit, <http://www.justice.gov.uk/jobs/prisons/on-offer/graduate-programme>

Probation officers work with adult offenders, supervising those serving non-custodial sentences as well as those released from prison on licence. They conduct risk-assessments and ensure offenders are aware of the impact of their crime on their victims and the public. There are two routes regarding qualifications. Route one is obtaining a three year Honours degree in criminal justice (like James did) and to have gained a vocational qualification Diploma in Probation Practice Level 3 (VQ3). Route two includes working to complete a graduate diploma in community justice and the VQ5. This route is open to all who are undertaking a joint or combined honours degree that includes 50% of either criminology, police studies, community justice and criminal justice (the Law School have in 2014 launched the LLB with criminology).

And finally for more information visit, http://www.prospects.ac.uk/probation_officer_job_description.htm



Will Greaves read American studies and English at the University of East Anglia. He is currently a second-year trainee at Travers Smith LLP, doing a seat in the competition department.

So Will, what is your best memory of Uni?

Definitely spending a year studying in the USA! It was a part of my course! It proved a fantastic opportunity to travel and immerse myself in the culture that formed the focus of my degree.

Any advice to aspiring commercial solicitors?

Carefully consider exactly what type of commercial firm you want to work for, and then dedicate a good amount of time preparing for each vacation scheme/training contract application you make. You have to tailor all the applications – you've no doubt heard this before, but it remains crucial.

What is commercial awareness and how should students go about attaining it?

Commercial awareness is, in essence, an appreciation of how the business world operates. Familiarise yourself with the business sections of newspapers; as a start, identify one or two stories that catch your eye, and follow their progress as they are reported in the press.

If you could go back in time and meet yourself whilst you were at University what one bit of advice would you give yourself?

Relax and enjoy it!

A Ton Of BRICS: Keeping An Eye On The Emerging Economies



by Will Copping

BRAZIL

- **What you know it for:** carnivals, football, favelas, that one level in Modern Warfare 2, Cristo Redentor.
- **What they know it for:** on the good, steady if slow growth, high Gross Domestic Product, a large and adaptable agricultural sector, renewable energy and a large consumer market. On the bad, poor infrastructure, rife corruption and generally an expensive country, making its industry less competitive.
- **Business culture:** bureaucracy to the max manifests in heavy tax and limits on the private sector. Lunch is sacred so don't discuss business during this. Also, try to avoid the 'OK' sign with your thumb and index finger in an 'O'. Brazilians find it pretty offensive.
- **Heyday:** a commodity boom over the last decade. Commodities are the raw materials that keep the world spinning and are traded in global markets. Brazil leads the world specifically in coffee, sugar and orange juice.
- **What it's doing now:** Brazil is a more mature economy with slower growth. The private sector is heavily taxed and the rotting infrastructure means more money is lost in moving exports around rather than producing more. Brazil fundamentally has potential for attracting foreign firms, if its economic climate does n't scare them off first.

RUSSIA

- **What you know it for:** vodka, Babushka, bears, dead bears in the form of hats. A president that rides bears in his spare time. Anything cold.
- **What they know it for:** on the good, lots of billionaires in the capital, huge oil supplies and masses of undeveloped land. On the bad, ageing Soviet-era infrastructure, corruption (again) and a stagnating population.
- **Business culture:** be prepared for an autocratic rather than collaborative business culture. Compared to modern western ways of doing business, there is a higher prevalence of face-to-face communication in Russia, even though you may notice much less body language. As a foreigner, don't expect to be best buddies straight away - always start formal and work down rather than the other way around.
- **Heyday:** hiking oil prices gave the country massive growth before 2008. This allowed for investment in some infrastructure and diversification, as well as presenting the first opportunity for modern Russia to move away from its Soviet roots.
- **What it's doing now:** said boom has definitely ended, with growth slowing to a crawl in the previous year. As with Brazil, bad infrastructure and deterrents to investors have caught up and are meddling with even the most conservative growth forecast.

INDIA

- **What you know it for:** a contrast of rich and poor, random animals in the roads, awesome clothes, cricket.
- **What they know it for:** on the good, a large and youthful population, a diverse economy, English-speaking educated population, entrepreneurial culture and improving infrastructure. On the bad, some tension between ethnic groups, corruption (Again? Really?), extreme poverty, suspicion of letting foreign companies in to stay.

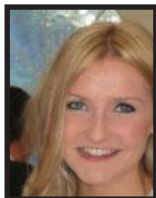
- **Business culture:** make headway by networking with your Indian counterparts and exhibiting trustworthiness. Be flexible - India places great importance on family so expect last-minute family responsibilities to triumph over meetings. There can be a tendency to say no without actually saying no, so watch out for this.
- **Heyday:** 20 years of explosive growth and a liberal economy catapulted India into the BRICS, with growth averaging around 8% in the last decade. Some suggested that India could skip early industrialisation and get straight into a service-driven economy.
- **What it's doing now:** economic growth figures are being revised downwards. Though disappointing, growth is still going at a pretty impressive rate. Many of the problems are governmental inefficiencies that will be whittled away in time. That said, government expenditure in all the wrong places and barriers to foreign investment are not insubstantial obstacles.

CHINA

- **What you know it for:** having about 1.3 billion inhabitants, paper dragons, having their own New Year, pandas, high speed trains, a human rights record that makes you cough politely.
- **What they know it for:** on the good, breakneck growth, a huge pool of consumers, a government that understands business and rapid urbanisation. Banks are in tip-top shape. On the bad, imbalanced demographics, lack of responsibility towards social and environmental problems.
- **Business culture:** the concept of 'face' is very important, in the sense of causing someone to lose face by embarrassing them. Make sure you stay clear of this, even inadvertently. Giving face (respect) is also important, so respect hierarchy. Cold calls and contacts can get things done but much the best business is done on a referral or recommendation. Expect a Chinese business relationship to become a social one after a while.
- **Heyday:** China has been growing on average at least 10% a year for the last three years. China has already taken top prize for manufacturing and exporting. Now the future looks bright for importing and consuming too.
- **What it's doing now:** frankly, China is still doing awesome. Its growth, as mentioned earlier, is slowing, but only to readjust to domestic consumers. Its worst growth rates in recent times are still better than the best in many other countries.

SOUTH AFRICA

- **What you know it for:** a large proportion of all rugby coaches and District 9.
- **What they know it for:** on the good, a good source of raw materials. On the bad, it combines many other factors from other BRICS countries, including corruption and a lack of governmental impetus to get through the necessary economic reforms.
- **Business culture:** culture here is relatively conservative, and very aware of power accumulation in higher levels of management. Don't expect to get huge changes through on your first meeting, take time to build trust. Referrals help with this.
- **Heyday:** we're not too sure on this one. South Africa remains strong in mining and metals but it hasn't had a game-changing boom like the other countries. It's more likely to grab headlines with workers' protests outside mines. Nothing that will send foreign investors flocking.
- **What is it even doing in the BRICS?** Many feared that to leave this exclusive club without an African country would be a major embarrassment, especially considering all the resources poured into the continent. Nigeria is on the cusp of improvement from its recent exploitation of raw materials, but South Africa is a mature economy. It also doesn't break the acronym, which helps.



by Roisin Noonan

Writing law firm applications, whether it be for an open day, vacation scheme or training contract is arguably one of the most arduous and time-consuming tasks you will face over the course of your degree. However, the prospect of securing a job offer off the back of a decent application and interview means it is worthwhile spending the time to get your applications right. I've noted down the following six pieces of advice to ensure your applications stands out:

PROOF-READING

Although this seems so obvious as to not warrant a mention, it is incredibly important to proof-read your applications. Law firms are big on this as proof-reading is the typical trainee task. Even if you think you have read your application a thousand times, give it to someone else to have a look over as they are bound to spot typos, grammatical errors or general mistakes you may have missed.

DON'T LIE

Again, starting with the obvious, do not lie on your application. If and when you get to interview, you will be expected to be able to discuss everything on your application in depth. You will just make life easier for yourself by telling the truth.

DO NOT UNDERESTIMATE THE IMPORTANCE OF FIRST YEAR

If you want to be offered a vacation scheme in second year, first year is incredibly important for CV building. This means attending lots of events and getting decent grades. After all, firms have to discriminate between thousands of identical applications on some basis and grades are an easy way in which to do this.

SHOW AN INTEREST

The best piece of advice I can give you is to actively display on your CV that you have an interest in law. Studying law is not enough. Try and attend lots of events held by the

Vacation Schemes

Law School and by individual firms (look on their websites): general law events like law fairs are good but the more specific the event the better. By attending events held by a specific law firm, you will have lots to talk on your application to that firm, for example, you may have learned more about the firm's outlook and strategy (information which may not have been available on their website) which you feel chimes well with your own outlook for the future, or perhaps you enjoyed chatting with the firm's fee-earners and could see yourself fitting in there.

PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES

Get involved in sports, drama, Law School committees and so on. Firms like to see that you are motivated, a team-player and can multi-task. Firms particularly love it when students have part-time jobs: they think you are really impressive for managing your time so effectively and they stress how much "commercial awareness" you gain from work – even if you are not aware of it. So, if you have been a shelf stacker at Tesco, you are likely to have gained a basic understanding of the way the business operates on a broader scale: why some products are taken off the shelves when they fail to sell, why other products are put on offer in order to promote them or boost sales and so on.

TAILOR YOUR APPLICATION TO THE FIRM YOU ARE APPLYING TOO

If you ever do read law firm brochures (a horribly time-consuming activity) you will notice certain "buzz-words" or phrases which are continuously repeated such as "globalised law firm" or "energetic law firm". These words are chosen because the firm feels that they best reflect the firm's ethos. Subtly repeat or replicate these in your applications: it will show you have read the brochures and understand what the firm is all about. I have also been told (and I do not know how true it is) that applications are screened for words like these, so using them will flag your application up to those going through them.

I hope this advice is helpful, and good luck writing applications!

Thank you!



Law Talk would like to take this opportunity to thank everyone who helped in the production of this magazine, from academics to practitioners right the way through to graduate recruitment and students. We would particularly like to extend our thanks to the editors, who worked tirelessly to write, edit, recruit and above all else inject a healthy (and legal) dose of enthusiasm into this project. We would also like to thank Martin George for his guidance and support.

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