



Life in law - Audio

Criminal law

CONTRIBUTORS

Introduction	Keren Bright (KB) Director of the Law Programme The School of Law The Open University
Principal contributors	Farhana Rahman-Cook (FRC) Solicitor and Partner TV Edwards LLP, Tottenham Office London Tim Moloney QC (TM) Barrister Tooks Chambers Chambers of Michael Mansfield QC and Patrick Roche London
Other voices	Yvonne Esson Receptionist Tooks Chambers Chambers of Michael Mansfield QC and Patrick Roche London

Introduction - KB **Solicitor Farhana Rahman-Cook and barrister Tim Moloney are midway through a gruesome murder trial at the Old Bailey. We grab a few moments with each of them, over a couple of days of the trial, and find out what it's like to be a criminal lawyer.**

FRC My name is Farhana Rahman-Cook. I'm a partner at TV Edwards Solicitors and I specialise in criminal defence work, those that have been arrested and charged for arrestable offences, which can stem all the way from the police station through to the magistrates' courts and the Crown Court.

In relation to the work that I do, it's predominantly legal aid funded, which means that it's public funding for a person charged with a criminal matter who's before the Courts, who can't afford to pay for legal services and legal help themselves. Not only being a solicitor, I took an exam in 2005 which gave me my rights of audience, so I can be an advocate. The type of cases I tend to deal with are those that are very much in the media, but possibly for the wrong reasons. For example, things like murders, I would represent the murderer; I'd represent the paedophile; I'd represent the burglar. So it's not always the most, nicest of cases.

However, there's always a story behind everything, and every defendant needs a voice and that's what I am for them.

My typical day starts very early, especially since I've become a mother with young children. I tend to get into the office for at least seven o'clock in the morning. In the mornings, I look at all the work that's come in. I get copied to me, as does every other manager and member of the Criminal Department, all the people that have been arrested the night before and I oversee and make sure that all these people have a solicitor at court, where necessary, or those that are still at the police station pending interview have people set up to get to them as soon as possible. TV Edwards is on the duty solicitor scheme, which means that we are allocated calls in all the areas our offices are based in in order to attend court in the morning and represent all the clients that do not have legal aid or are unrepresented until the end of the day when we are released by the court.

A typical day at the magistrates' court for me is that we would attend court nice and early in order to get on the right foot. First of all, we'd go to the offices of the Crown Prosecution Service, who we call the 'CPS', to see if we've got any case papers, especially for a new case, or any update in an existing case, and we also have a bit of banter with them to test the water in relation to any bail application we may be making. The Crown Prosecution Service, if they do have an opportunity of reading their papers before they hand them over to us, will already realise if someone has been placed in custody by the police after police interview as to whether they will be objecting to bail, and on what grounds. That makes our life easier because, when we get to the cells, the very first question anyone asks us is, 'Are we getting out? Are we getting bail?'

Sound of fingers tapping keyboard . . . 'Our systems are very slow' . . . (Fade)

FRC TV Edwards has grown over the last two years, massively. I head and run our Tottenham office. Tottenham recently experienced the summer riots and it started here, and the courts were inundated with those that had been arrested for these riots. I personally didn't get an opportunity of becoming that involved with those that were arrested and representing them as I've had murder trials back-to-back, three in a row. It's a bit like waiting for a bus: you don't tend to get something serious, then all of a sudden you get them non-stop.

FRC When you have a high-profile case, or a murder case, or anything that requires a lot of intensive work, you make an application to get someone called Queen's Counsel on board, which we abbreviate to 'QC'. The person that I've chosen for this murder trial is someone called Tim Moloney QC who works for Toops Chambers, who I have a very good rapport with and I work very well with. This murder case is quite gruesome. It concerns street drinkers that were homeless at the time, and the murder takes place in the squat. What makes it gruesome is that it's a torture murder, which means that this person that died was tortured over a period of time, and a lengthy period of time, by way of being beaten up, being stamped upon, and being branded with a hot poker. The Defendants have the common feature of being drinkers, but you've got an older gentleman, you have my client who's a male, and then you also have quite a young female involved in this matter.

We often tend to do a site visit. So myself, my QC, and my trainee that's also at Court with me attended the site and the scene of the crime. By the stage we got there, it had all been cleaned up. And whilst we could

see marks on the wall and blood stains in places, it was very much what the forensic team had left behind after their investigations had taken place. It gave us a good feel as to where certain things and attacks were alleged to have taken place in the flat, and it also showed us and helped us feel how big and small rooms were in order to see what movement could take place and how what people were saying could be plausible reasons as to what actually happened.

Our Tottenham office, which I run, is in North London and in order to get to court, where I'm Junior Counsel, I have to go to the Old Bailey, which is London's Central Criminal Court. The trial I'm involved in today has been ongoing for the last two and a half weeks, and we envisage another further two weeks before this case ends.

Street atmos . . . (Fade) . . . Telephone rings . . .

**Receptionist
at 5'42"**

Good afternoon. Tooks Chambers Reception . . . (Fade)

TM

I'm Tim Moloney. I'm a QC - that stands for Queen's Counsel. I'm in Tooks Chambers, which is a Chambers of barristers in the centre of London.

I've been at the Old Bailey all day today with Farhana Rahman-Cook, who you spoke with this morning. We've called our client to give evidence today in a murder trial. The Old Bailey's real name is the Central Criminal Court. Traditionally it's where all the serious cases in this country have been tried: the Yorkshire Ripper - Peter Sutcliffe, Dr Crippen.

The emphasis of my practice is serious criminal cases. I have a specialism in terrorism cases. I was involved in defending the people who were accused of attempting to blow up the London Underground system in July 2005. I was involved in defending the people who were accused and tried of trying to blow up transatlantic aeroplanes, using liquid bombs, which led to the increased security at airports. I was involved in defending a man who was accused of a plot to kidnap and behead a British Muslim soldier.

With barristers there are two grades, effectively: junior barristers and then Queen's Counsel. Queen's Counsel are the more experienced barristers; Queen's Counsel deal with the most serious criminal cases. They deal with advocacy; they usually have a junior barrister with them, and the junior barrister tends to do the preparation work in terms of drafting documents, first draft of the document. Queen's Counsel will then look at the document and make any amendments that are necessary, and then Queen's Counsel will present the case in court.

Most of my work is publicly funded, that's to say it's what's often known as legal aid. In recent years, as with all other public services, there's been a squeeze. That means that people working in this area have still got to do the same amount of work, but are being paid less for it.

The crucial difference between a criminal trial and civil litigation is that there is a jury that makes the ultimate decision as to whether or not the defendant is guilty or not guilty. All criminal cases are brought on behalf of the Crown, so they are known as the Queen against John Smith or Regina against John Smith. That means that the structure of a criminal trial is that the prosecution present their case first. The prosecution opens the case; they make a speech at the start to the jury explaining what the case is all about, and then they call their first witness. That

witness gives evidence, orally, before the jury, and then the defendant, or defendants, have their chance to ask that witness questions through their counsel. When they've been cross-examined in that way, as we call it, then the prosecution barrister has a chance to re-examine the witness, that is to ask questions which arise out of cross-examination, to clarify points. That's the first witness, the same happens with each witness that the prosecution call.

Where we are in the trial now is that the prosecution have closed their case. They've called all the evidence they wish to call and it's now the turn of the Defendants. In this prosecution, it's alleged that the victim died as a result of multiple injuries and, in essence, the Crown allegation is that he was tortured to death. So during the course of the Crown's case, they called a lot of forensic scientific evidence which concerned DNA, footprints, blood distribution, and also evidence relating to the injuries sustained by the victim.

A typical day in this trial is really quite long. There's a lot of preparation to do in this trial each day for different witnesses. So my alarm, at the moment, is set on 5.15 in the morning each day. I'm in Chambers by around 6.30. I'll do a couple of hours' work here before then going over the road, as it is only over the road to the Old Bailey to see Farhana. We'll discuss what's going to happen during the course of the day. We'll discuss anything that we need to do before court starts, and then we'll go and see our client at about 9.30. We'll then go up to court; proceedings start at 10.15. We usually have lunch between 1 pm and 2 pm. Farhana and I will go and see the client at 1.30 to discuss what's gone on during the course of the morning. We go back to court. Court sits at five past two at the Old Bailey - it's two o'clock anywhere else, but it's five past two at the Old Bailey - and we sit till around 4.15. I'll then come back here. I'll do some work, and then I'll try and get home around 6.30/7 o'clock because I like to see my children before they go to bed. And then I'll start work again and I'll probably work till about 10 o'clock/10.30. Then I'll go to bed, and then I'll get up at 5.15 the next morning, and the process starts again.

Anyway, I've got to get going now because I've got to get back to babysit my little boy whilst my wife goes to my little girl's musical concert this evening.

11' 11"

Reception atmos . . . 'Bye . . . see you tomorrow' . . . fade up street atmos outside the Old Bailey

TM

Well, we're now outside the Old Bailey. It's lunchtime or, as we refer to it in the cases, the short adjournment which runs from one o'clock until five past two. We're standing outside the Old Bailey because, unfortunately, there can be no recording equipment, including mobile phones, allowed into the building.

FRC

The man we're representing is a street drinker and also suffers with dyslexia. The client's just given evidence and he's done very well, and it shows the amount of time and care that I've put in over the last ten months and visiting him weekly has paid off. It's been very, very hard being in court and being one of the youngest advocates there.

For someone that's going into criminal law, I would say that you must ensure that you don't let the facts of a situation and a client's history get you down because it will always tug at your heartstrings, especially as you grow and develop in becoming a parent and a wife or a husband.

People ask me about success rates and whether that's my main aim to get a 'not guilty'. And whilst 'not guilty' is fantastic, it's to ensure that the client is happy with the end result and that the story has come out, especially if they've gone to trial, and that the correct verdict is reached.

TM

I came from what is quite an unconventional background for people who become Queen's Counsel. I was brought up in social housing or council house, and went to comprehensive school. I came into law to help people who I perceive to be less advantaged than others, and to give them a voice within the proceedings they've found themselves in. It's remarkably rewarding. It's a great career to pursue, in my view, if you are prepared to work hard and stick at things. When you secure a verdict of not guilty for a person who you regard as not guilty of the charges they face, then you feel a palpable sense of having affected someone's life for the better.

Traffic noise . . . [fade]

AUDIO ENDS