

Barrister blows whistle on 'broken legal system brought to its knees by cuts'

Hannah Summers Sun 18 Mar 2018 *The Guardian*

Courts that are like an A&E unit on a Saturday night, violent abusers walking free because evidence has gone missing, and lawyers doing hours of unpaid work to keep the system from collapse, are all part of a damning picture painted in a new book on the legal system by a barrister.

According to the anonymous author of *The Secret Barrister: Stories Of The Law And How It's Broken*, the courts in England and Wales have been brought to their knees by government cuts and left so plagued by daily errors they are no longer fit for purpose.

The eponymous "secret barrister", a criminal barrister who works as a defence lawyer and prosecutor, uses the accounts of real people and cases to reveal the legal system as being so broken that the innocent can find themselves behind bars while "every single day the provably guilty walk free". He warns that our legal system is approaching a tipping point and in urgent need of funding and reform.

The book says: "Walk into any court in the land, speak to any lawyer, ask any judge, and you will be treated to uniform complaints of court deadlines being repeatedly missed, cases arriving under-prepared, evidence being lost, disclosures not being made, victims made to feel marginalised, and millions of pounds of public money wasted. "I wanted to bring the things I saw that upset me to a wider audience. They will not come as a shock to lawyers in the system. But whenever I [spoke] to a non lawyer about them they would look at me with horror and I realised there was a disconnect between the criminal justice system and the people it is meant to serve."

Defendants, victims and ultimately society are failed on a daily basis with life-changing consequences, the author claims, by a system brought to its knees by years of public service cuts and lack of funding. "The system is at breaking point and now running exclusively on the goodwill of the barristers and solicitors that work unpaid, after hours, through lunch, through nights, through weekends, to plug the problems in the system. Perhaps we need to say if we, the court staff and the CPS staff weren't going the extra mile, if judges weren't above and beyond, then everything will collapse."

There is also a warning that, with changes on the horizon concerning the way criminal barristers are paid, there may come a tipping point soon. "There is a lot of disquiet because reforms the government insist are cost neutral, upon inspection don't appear to be. They will continue to push people out of the profession."

However, for the moment, the secret barrister will not be among those departing. "People do not go into criminal justice for an easy life or because they want to earn a fortune but because they want to provide a public service and see justice done." [...]

People think it won't happen to them, but anyone can find themselves in the criminal courts. You never know when you might need a good lawyer and if you do you'd better hope they are operating within a system that works."