

Issue: June 2016

CLSA protocol on Inadequate Disclosure

Every practising lawyer in the Magistrates Court and Crown Court will be familiar with the problem of late or inadequate disclosure of the Case by the Prosecution. Target led Judges and Magistrates are reluctant to adjourn cases and Defence Solicitors are faced with the choice between the risk of acting negligently by advising on plea with inadequate disclosure and the threat of loss of credit and judicial hostility by seeking an adjournment.

The fightback has begun, led by the CLSA and your committee has devised a protocol to assist in these situations. [Click here](#) to access that protocol.

Firm membership

The CLSA was formed as an individual member organisation and remains just that. However, firms that subscribe multiple members or would like to do so have often suggested that firm membership would be fairer. After careful consideration we agree and now offer what we shall call Firm Membership as shorthand but what in reality is discounted membership for multiple members of the same firm. To take advantage of this you must complete the firm membership form and return that and the Direct Debit and you can join multiple members from now and the revised fee shall take effect from October. [Click here](#) to take advantage of this. This is not without its risk to the Association's finances and if you have previously only joined a single member, now is the opportunity to sign your whole Criminal Team to the CLSA.

What has the CLSA ever done for us?



CLSA Committee meeting, London, 3rd June 2016
Robin Murray nods off whilst Bill Waddington makes a point.

Consultations - It seems no Government can resist extensive legislative change to the criminal justice system. Every significant change is pre-empted by a consultation document. Members may not find they have time to respond to every consultation but the CLSA does. An example was the recent response by the CLSA to the consultation on credit for guilty plea cases which you can read [here](#).

Ok, yeah, yeah they did that. That's true.

Consultative body memberships - CLSA committee members take part in the Criminal Contract Consultation Group, the National Practitioners Digital Working Group Committee, and the Criminal Justice Council. We also attend at meetings with the CPS and feed in to the Criminal Procedure Rules Committee. We put forward the case for Criminal Defence Practitioners at every stage.

And apart from Consultations and numerous hours attending Consultative groups ...

Your representative body when times are tough- the so-called 'two tier' contracts were divisive and unpopular with the majority of the profession. The CLSA had concerns at the design and implementation of the contracts and challenged them in the High Court. Ultimately, they were abandoned. Those with longer memories may recall the CLSA being at the forefront of fighting and gaining better terms for the 2001 general criminal contract. It is at times like these that the CLSA, with its dedicated committee, comes to the fore in the fight on behalf of practitioners and where strength of membership is at its most important.

Oh yes, representation. You remember what it used to be like when we only had the Law Society represent us...

E Group - there is a vibrant CLSA email group that has for many years been a sounding board for members and a way of getting quick advice on legal or procedural points from a fellow criminal defence expert. It is rare that someone on the group has not come across an issue that you may be wrestling with.

Well yes, obviously the e group, consultative body membership, consultations and representing us...

Influencing the decision makers – we have good links with the MOJ and Chair and Vice Chairs have met with recent Lord Chancellors to put the case directly for Criminal Defence Solicitors. We meet regularly with senior MOJ officials. We do not claim the system is perfect, far from it, but do say that it would be worse without the influence that we have had. As working grass roots lawyers we are

able to identify and raise issues as they occur.

E Alerts - the CLSA will regularly send by E Alerts significant updates and issues affecting criminal practitioners. Conference- membership brings a discounted price for the conference which usually carries five CPD and is an entertaining and informative day.

Member database - the CLSA is upgrading its website and member database to allow members of the public and fellow professionals to find a criminal defence expert in their area. We are collecting more data from our members so that anyone searching can quickly find the right lawyer in their area. If you are not in the database then you won't be found.



All right...all right... but apart from the e group, consultative body membership, consultations, representing us, influencing, e alerts and the Find a Solicitor database ... what has the CLSA ever done for us?

We are offering free membership (subject to a modest administration charge) between now and the end of September for new members.

Please join now either individually or through the new Firm Membership scheme. [Click here](#) to join.

Better Case Management

BCM is up and running. We have received feedback from many members and the common complaint appears to be the lack of disclosure or late disclosure by the CPS. The CLSA are increasingly concerned that pressure is being put upon practitioners to advise clients without having sight of the evidence. This is something that as defence practitioners we should be fighting against. The risks of advising clients with only a case summary to rely upon are substantial and we would not wish members to find themselves facing allegations of negligence. Please use our protocol to assist.

You can report problems via the following link. [Click here](#).

LAA Portal & CJSM

At a time when we are moving towards a digital era this has been nothing short of shambolic.

The portal itself has become so unreliable that it places an increased burden upon the profession. We regularly receive emails from members reporting the problems they face and we are doing what we can to support them by providing regular updates to the MOJ about this failure. Please feel free to feed us with your continuing problems.

Survey

We always learn a great deal from those on List A, and we want to know what you want, and more importantly, how to provide you with the information that you need. The value of List A has always been that as a forum, many Solicitors, through their ideas and experience have provided

a great deal of help to others. It is both a useful debating forum, and a help group. We are in the process of preparing a survey as to what our members want. please participate, the more we get from you, the more that we can help you. We will be enlisting your input in the very near future.

On-going Engagement

We are often heard referring to 'engagement' because it is something that as a committee we fought hard for. We represent the views of a large number of practitioners, both individuals and firm owners and we feel passionate about the fact that your views should be heard. We recently received a letter from the Lord Chancellor acknowledging the engagement and our commitment to making improvements within the system and inviting us to submit further representations. We will be seeking the views of our members in relation to areas of concern to the profession.

Membership Levels

There are now three types of membership:

Firm membership application [Click here](#)

Single membership application [Click here](#)

Associate membership application [Click here](#)

Associate Membership is open to any person, in the permanent employment of a firm of solicitors and engaged in or interested in the practice of criminal law. Applicants must be proposed and seconded by at least two full members of the Association. Associate members are

entitled to attend all general meetings of the Association but are not entitled to vote. Associate membership is on an individual basis.

Find a Solicitor search

The CLSA website has long had a search facility to help members find agents. That database is now being expanded and targeted at members of the public as well as fellow Solicitors via the following button:



Existing members need to update their details to show full details on the search and we are working on ways of ensuring the CLSA shows well on Google searches throughout the country.

You can update your details by clicking the "Member Update" button from the home page. This allows results to be shown by Police station, Magistrates Court, Crown Court and HCA availability. The website is being revised for full Search Engine Optimisation and you have to be "in it to win it". So, update your details using the form downloadable from the website to ensure the best chance of being found by members of the public or fellow professionals.

Meet the Committee

The CLSA wants to be as effective as possible in representing their its members. In order to achieve this it is important for members to get to know the

committee and to have the ability to contact them directly should the need arise. In each newsletter we will introduce two members. Daniel and Jonathan are two of our more recent and very welcome members.

Daniel Bonich joined the committee in 2015. He is a Partner in Clarke Kiernan LLP in Tonbridge, Kent having joined in 2013 and prior to that worked for 12 years at a highly regarded London-based firm. He was called to the Bar in 2001, practising in-house and later admitted as a solicitor and HCA in 2007. He has a particular interest in financial crime and confiscation. He is currently representing the CLSA and its members at the CPS/Defence Liaison Meetings.

Jonathan Cousins is a new member of the committee, having joined in January 2016. He qualified in 2005 and has practiced Criminal Law since that time. He qualified as and HCA in 2010. He also represents bereaved families during inquest proceedings and prisoners before the Parole Board. Jonathan is originally from the North East and is an associate solicitor at Newcastle based firm David Gray Solicitors. To pay penance for his sins, he punishes himself with a Newcastle United season ticket.

For information about CLSA membership, contact Sue Johnson; telephone: 01273 676725, e-mail: sue@clsa.co.uk or see: www.clsa.co.uk