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Representing Yourself in Court - by design or necessity ?

There has always been a good reason to represent yourself in court: when you want to present a political rather than legal defence. With attacks on legal aid being carried out by the government many people are finding they cannot afford legal representation and are having to represent themselves in court.

Unless you are in the first category, we would rather that people had good professional representation by lawyers. For those finding themselves in the position where they cannot afford it, they should have a chat with us. We may be able to help find a solicitor and also give you some low down on your legal position and possible lines of defence you could take in court.

If you are representing yourself you are entitled to request the magistrate that you have someone with you to assist, a so called McKenzie Friend. Permission is usually, but not always, given by the court. We have an information sheet about McKenzie Friends on our web site, explaining more about the process.

In June 1991 Michael Randle and Pat Pottle

stood trial at the Old Bailey for their part in George Blake's escape from prison. They represented themselves and, in the face of hostility from the judge, the jury acquitted them. Michael wrote the seminal guide: *How to Represent Yourself in Court*.

Long out of print, it is now available on our web site. Although a little out of date, it still has lots of useful information about the process and strategies.

Another useful volume is *The Protest Handbook*, by Tom Wainwright, Anna Morris, Katherine Craig and Owen Greenhall, published by Bloomsbury Professional. It is available at half price for activists.

Even if you have professional representation, it's not a bad idea to learn about court procedures and possible defence strategies and the kind of evidence material and witnesses that would help your case. Solicitors are often pretty busy people and if you can work with them from an informed position, you'll have an even better chance of success.

LDMG Update



LDMG

Legal defence & monitoring group

CRIMINAL LEGAL AID CUTS



The cuts to criminal legal aid will affect anyone arrested. Many criminal legal aid firms will go out of business and those that remain will be forced to compete for the smaller number of duty contracts. These will inevitably be awarded to the largest firms, not the niche firms specializing in certain areas, including protest law. Without a duty contract a firm of solicitors cannot survive.

The legal profession responded with a number of protests and lawyers withdrew from court work. Sadly much damage was done when, in March, a shabby deal was done between the Criminal Bar Association (representing barristers) and Grayling.

Last month the London Criminal Courts Solicitors Association and the Criminal Law Solicitors Association succeeded in a judicial review of the Government's cuts. There was an 8.75% reduction in criminal legal aid early 2014, but the next cut of 8.75% in Spring 2015 is now in doubt following the court action (but the Coalition is now "consulting" again on the cuts).

Rather late in the day, the Law Society launched its 'Access to Justice Campaign' in September. LDMG is part of the Justice Alliance.

Find out more at:

<http://justiceallianceuk.wordpress.com/>



No Comment: New Edition

First published by the Anarchist Black Cross (ABC), *No Comment* is now in its 5th edition. Recently updated and reprinted by LDMG, it was paid for once again by the cops – money donated by people who successfully sued Gloucestershire and the Metropolitan Police.

No Comment is essential reading for all activists. Even if you have read it before, this is a good time for a refresher.

- Pick up a copy from the LDMG stall
- Take extra copies if you run stalls etc.
- Download it from ldmg.org.uk
- Send us a self-addressed envelope with a 2nd class stamp for a single copy
- Email us about bulk orders

Suing the Cops

If you have been wrongly arrested, assaulted by the police or prosecuted for something that you didn't do then you should seriously consider suing the cops. You can take court proceedings when the cops release you from bail, drop any charges or you are acquitted in court.

Suing is better than making a complaint as when you make a complaint you end up in the hands of the IPCC, which favours the cops. There is a leaflet on the LDMG website with more information and we are happy to help if your case arises out of protest. Before taking any action take good legal advice.

LDMG survives on donations from people who sue the cops, so please donate so that we can keep going!



Operation Hotgates

On 7 September 2013 286 people were arrested for opposing the attempted EDL march into Tower Hamlets. The mass arrests followed the use of kettles by the cops. Only two people were charged and only one person was ever convicted of any offence.

Around 100 people have started proceedings to sue the Metropolitan Police, making it the largest civil action against the cops. Anyone who was arrested should join this action before it is too late. Solicitors that already have clients are, Bhatt Murphy, HJA, ITN, Bindmans and Deighton Peirce Glynn.

Police bail

The cops routinely put everybody they arrest at protests on bail. They like keeping people on bail because it's a punishment in itself, especially if there are conditions attached. This leads to people being on bail for months and even years with disruption to their lives, on-going psychological pressures and people feeling they cannot comment or campaign about the case. We need to resist this individually and collectively.

Breaching police bail conditions is not a criminal offence! Failure to surrender (turning up on the date given on your bail sheet whether to a court or to return to a police station) is a crime, but breaking conditions imposed when you are given police bail is not. You can be arrested but, and here's the good bit, they can only release you on bail again with the same conditions or charge you, and then either bail you or take you to Court the next day. Now some people may be afraid that the Court will remand them, but the Courts can only remand people who've been charged with an offence.

And that is what the cops don't want to do, because if you're charged you have to be told what you're suspected of doing and what the evidence is against you. This will help your defence by enabling you to gather information and witnesses to the incident and demand disclosure of the police's own misconduct. We suspect that the cops are not planning to arrest anyone for breaching bail; just hoping to put people off demonstrating. In any case it's almost unheard of for people to be remanded just for breaking police bail conditions.

The collective response needed is a robust defence campaign that firmly puts the blame on the police (as with the Trafalgar Square Defendants Campaign for the Poll Tax demonstration in 1990) and defying police attempts to prevent future demonstrations by bail conditions is an important step towards this. Keeping up the pressure with more demonstrations and broadening them to link with other struggles will increase the political and logistical pressure against this police victimisation of protesters.