2 KING'S BENCH WALK NEWS

Issue 10 – Winter 2018

Chambers news and announcements

Welcome

William Mousley Q.C., Head of Chambers

Welcome to the Christmas 2018 newsletter.

2018 has been another excellent year for 2 King's Bench Walk. We have put into place all the appropriate measures for GDPR, are continually updating and revising our Equality & Diversity measures, and remain extremely busy in all our areas of practice—Crime, Civil, Family and Immigration. We continue to attract barristers of the highest calibre and are delighted to have our two pupils from this year taken on as tenants, in addition to attracting new tenants.

We sadly said farewell to David Jenkins, who passed away earlier this year after serving 50 years at the Bar.

Our involvement in the community remains active and we have supported and participated in a number of charity events including 3 rock concerts. We look forward to similar participation in 2019.

Our members of Chambers and staff have contributed current and bespoke articles which I hope you find helpful, informative and of use. As always, we welcome feedback on the content of the newsletter. Please do let us know if you have suggestions for improvement. We continue to strive to be a modern and enlightened set of Chambers; providing an exceptional level of service to our professional and lay clients.

Finally, may I wish you all a peaceful and restful Christmas.

In this issue

From the clerks' room

Advocating Excellence

Daren Milton

Another year rushes by and so much has happened at 2KBW in the past 12 months it's hard at times to take it all in and impossible to recite. Highs and lows as ever, from the sad passing of David Jenkins, a true Western Circuit "legend", to our 5 new junior tenants—Nesa, Harper, Daniel, Matilda and Luka.

The criminal Bar in particular has faced huge challenges this year. It's been well documented and whilst practitioners are not particularly content with what's on offer, our membership continue to toil for their chosen profession and are always looking for ways move forward.

I am very proud of them for that and for the fact they work so hard for one another, for the 2KBW brand and above all for their clients. They are passionate about what they do despite the pressure they often find themselves under and the same can be said for my staff, because behind every troupe of hard working and successful barristers is a dedicated group of administrative staff.

It's the way a team plays as a whole that determines its success.

2018 has seen us attract many new clients and theses clients have continued to use our services, saying how well we're administered and how helpful my staff are compared to other sets.

My staff genuinely care about our clients, taking nothing for granted and that is very much part of the appeal of instructing 2KBW. My dedicated clerks here are amongst the best in the business, they're modern-thinking, pro-active, upbeat, good-humoured, respectful and approachable, combining a traditional approach with innovation. Importantly my clerk's room is respected amongst the legal profession.

So even with Brexit looming and the endless shenanigans (for which I proclaim utter boredom now despite its significance), bring on 2019 we are ready for you…

Thank you for your loyalty & wishing you all a happy & healthy 2019 from all the staff at 2KBW.

Daren, Simon, Scott, Chris, Stephen, Charlie, Alice, Megan & Tracey

Profile: Sarah Morris

Sarah Morris was Called in 1996. She spent the first eight years of her career at 4 Brick Court where she built considerable expertise defending and prosecuting. She joined 1ITL in 2004, and 2KBW when the two sets merged.

Her practice is exclusively in crime and she has significant experience in a broad range of serious criminal matters, both defending and prosecuting.

Sarah is a Grade 3 prosecutor and a member of the CPS Rape List.

What was your route to the Bar?

I arrived at the Bar via a fairly traditional route except that I didn't want to give up German after A level and so I decided upon the double whammy of a Law and German LLB. At the time there were very few institutions that offered the course—as I recall there were only nine places in the entire country. I embarked on the four-year course at Liverpool University, spending my third year studying German law at the University of Bremen and living with a German family: by the time I left I was completely bilingual. I had also developed a taste for Becks bier, which is brewed in Bremen (*is that a tongue-twister? – Ed.)*.

After graduating I came down to London to the Inns of Court School of Law. In those days, it was the only place one could study for the Bar exams. I have remained in the Capital ever since and am glad I was 'forced' to come and live here. I often wonder whether, had there been a choice, I would have plumped for London. I doubt I would have done as I knew absolutely no one here when I arrived in 1994 and it was, predictably, terribly expensive! I was fortunate enough to obtain a pupillage at 4 Brick Court where I was subsequently taken on as a tenant.

Who would you say was your role model?

I'm not sure there is one person whom I would consider my role model. Before I came to the Bar, Helena Kennedy was someone I admired: it seemed to me she was wholly unafraid to challenge the patriarchy, highlighting the plight of many women in the criminal justice system.

I remember during the same period being aware there were those who advocated the 'slow-burn' principle in relation to the defence of provocation, and specifically women subject to domestic abuse who killed their abusers. Emma Humphreys was such a woman who was successful on appeal, some years after her conviction in 1985, after a huge campaign run by the group Justice for Women. I suppose anyone who is prepared to stand up and speak up for those who cannot, must be worthy of role model status.

Other than that, my parents were great role models in demonstrating a truly tremendous work ethic (I give them credit that I have only telephoned the clerks once in over two decades to say I was too ill to attend court); for instilling me with a 'can do' attitude and for teaching me never, ever to give up when the going gets tough. They remain my greatest role models.

Is there anything you would change about your career?

I would not change my career choice to become a criminal advocate at the Bar. It has provided an exciting, challenging and rewarding professional life and I'm sure it will continue to do so. I might, however, have been well advised to utilise my language skills. I have used my knowledge of German but once: I represented a Hungarian national facing importation of cigarettes concealed inside the fabric of his motor vehicle. The interpreter failed to materialise, and it transpired he spoke German. We conducted the conference without difficulty. Who needs a lucrative career in private practice in Europe anyway?

What has been your most challenging case to date?

I represented a man who was alleged to have stabbed a fellow inmate in HMP Elmleigh. He was extremely aggressive and expressed that very loudly. Jurors sent a note to say they had heard him in court threaten the prosecutor and his family and what should they do about it. The trial judge decided we should press on. Such was his behaviour, the judge ordered that he give evidence from within the secure dock. I had to sit in the public gallery in order to conduct examination in chief. Not something I have done or heard anyone else do. He was acquitted despite all of this. No one was more surprised than me.

What has been your most memorable day as a barrister?

I'm not sure that there is just one day that I can choose from the thousands of days at the Bar. The first day on one's feet is pretty memorable: I remember the terror on that very first day when outside court at Brentford Magistrates' Court I shouted my lay client's name. I can recall his name even now and how petrified I felt when called on. My knees were actually shaking!

There was the much desired 'Perry Mason' moment in another case one day at Woolwich Crown Court when I had a voicemail message recorded, in which I knew a witness completely undermined herself. Once she was well and truly backed into the desired evidential cul de sac, I played the message with the inevitable dramatic effect. Gasps came from the jury box.

There are then the multitude of days upon which acquittals and convictions were attained in cases that seemed quite impossible at the outset and against the odds.

What has been your most memorable case so far?

Again, it is difficult to pick just one case above all others. Many cases have stayed with me over the years for a myriad of reasons. The ones in which there is an unexpected and crucial turn in evidence are perhaps the most memorable: more than once when defending, evidence has been discovered in pockets of items exhibited by the Crown. A piece of brick, a prostitute's calling card, a small weapon, even drugs! There are many cases too, which have caused me sleepless nights: those I still remember. A career at the criminal Bar certainly provides its participants with a large vault of memorable moments: some have been simply breath taking, as many readers can no doubt attest to.

What advice would you give to those joining the Bar now?

If your heart is set on life at the Bar, don't let anyone deter you. When I started out, there were the doomsayers who would foretell an imminently diminished criminal Bar amid talk of fusion of the legal professions. Then, some years later when solicitors were finally given rights of audience in the Crown courts there were those who predicted its immediate collapse for many. Well, it didn't happen quite like that. There are certainly major challenges now faced by the criminal Bar and the future for many is uncertain, but we are a necessary and valuable part of the criminal justice system: that won't change.

More generally, you must, as a junior barrister, be able to recognise when to ask others for advice, to listen to that advice and to act on that advice. It is also imperative to trust your own judgment. Try to remember too that brevity is a virtue often overlooked by barristers. Less is frequently more. Trust me. A sense of humour is also a real bonus: if you are without one then, when you find yourself working into the night, cancelling plans, sitting on a train at a godforsaken hour, either end of the day, you just won't cut it. Finally, if it is criminal law you wish to practice, for goodness sake, always, always check the pockets.

(Christmas) News

Editor: Jamie Culverwell

Jolly Old Saint Nicholas? New Head of Family and Civil Team

Chambers is pleased to announce that Nicholas Barnes has been appointed as our new head of the Family and Civil team. Nick, although jolly and perhaps even saintly, is certainly not 'old'. He does however have a long connection with chambers, having been a member between 2003 and 2007, before returning to his legal home in 2016. Nick's family practice includes all aspects of financial remedies. Nick also has an expansive civil practice which encompasses land and property disputes, commercial, contractual and tortious disputes. Nick takes on the role following the departure of Beresford Kennedy who has taken a partnership in the firm of Jackson West.

Let it Grow! Let it Grow! Let it Grow! Chambers continues its expansion

2KBW has welcomed three more juniors into chambers. Nesa Ostad Saffar and Luka Maxted-Page have been offered tenancy and will join our Civil and Family, and Immigrations teams. Ellie Sheahan joins chambers as a third-six pupil working in the Criminal and Immigration teams. We wish all three well in their flourishing careers under the 2KBW umbrella.

Chambers continues to welcome applications from talented practitioners in our core fields of Crime, Family and Civil. Applications should be addressed to Daren Milton (daren@2kbw.com) in the first instance and are treated in complete confidence.

LawRockin' around the Bar Mess tree: the Battle of the Bands rages on

Bar Mess, chambers' talented house-band, were unfortunately robbed of the national title when they competed at the finals of 'Law Rocks! 6 of the Best' on 7 November 2018. Having won the regional final last year, they were entered into the national finals battling for a place in the European finals in Vienna. Despite a characteristically outstanding performance of some classic rock anthems, they lost out to Keating Chambers, but raised lots of money for charity in the process.

Two weeks after rocking the 100 Club at '6 of the Best', Bar Mess took to the stage at 'Law Rocks! Unplugged'. The acoustic version of the charity legal rock events was held at The Water Rats near King's Cross. On this occasion, their talented performance was complemented by a guest vocal/harmonica performance from our esteemed Head of Chambers and leader of the Western Circuit, William Mousley, Q.C.

Oh, Hayley Night: An Indian adventure for Hayley Manser

Congratulations to Hayley Manser, who has just returned from a charity cycle ride in Kerala, India. Cycling 384km in 5 days and climbing a total of 17,600ft (nearly the height of Kilimanjaro), Hayley cycled every km and has so far raised just over £1,000 for Horatio's Garden and the Christian Aid Kerala Flood Appeal. You can continue to support Hayley's fundraising efforts by donating on her JustGiving page.

On the feast of Stephen: Clerk competes in Cardio for Charity

First Junior Clerk, Stephen Mayne, threw himself in at the deep end when, just ten days before the starting gun was fired, he agreed to partake in 'Cardio for Charity'. This gruelling event sees participants cycle 75km, run 26km, row 8km and then - if that wasn't enough - perform 360 burpees. Steve and his team completed this feat in a little over 8 hours. Steve said he "slept and ate like a King afterwards." So far he has raised nearly £500 for Movember which works to tackle prostate cancer, testicular cancer, mental health issues and to prevent suicide. Donations are still being collected so please help Steve and this worthy cause by visiting Steve's Movember Page.

Criminal update

Food that kills—gross negligence manslaughter

Ghulam Ahmed

Mohammed Abdul Kuddus and Harun Rashid who were the owner and manager of a Lancashire takeaway were recently convicted and imprisoned for three and two years respectively. This has caused much concern amongst restaurateurs, particularly amongst Indian restaurateurs, but has far reaching consequences for any food establishment.

This was the second case where death had resulted from the failings of not taking food allergens seriously. Mohammed Zaman was also convicted and imprisoned for six years in 2016 where death also occurred.

In both cases the customers had informed the restaurants of their allergies. Despite that, they were provided food which contained peanut protein in the recent case and peanut in the 2016 case. The consequences could not have been more severe; two customers died having suffered allergic reactions to the food they had eaten.

In both cases the restaurateurs were convicted of gross negligence manslaughter and health and safety offences. Health and safety within food establishments is important; this article considers what food providers must be aware of to safeguard against prosecution for gross negligence manslaughter if someone dies from eating their food.

What is gross negligence manslaughter?

Following the test in landmark case of *R. v. Adomako* [1994] 3 All E.R. 79, Sir Brian Leveson in the case of *R. v. Rose* [2017] EWCA Crim. 1168 laid down the relevant principles. Where there is a prosecution, a person is guilty of gross negligence manslaughter if the following is proved:

a. the defendant owed an existing duty of care to the victim;

b. the defendant negligently breached that duty of care;

c. it was reasonably foreseeable that the breach of that duty gave rise to a serious and obvious risk of death;

d. the breach of that duty caused the death of the victim; and

e. the circumstances of the breach were truly exceptionally bad and so reprehensible as to justify the conclusion that it amounted to gross negligence and required criminal sanction.

Where a customer purchases food from an establishment, that establishment would owe the customer a duty of care. The establishment would have to take reasonable steps in ensuring the food is safe to consume.

Where the customer informs the establishment of a food allergy, the food provided must be safe to consume taking account of that allergy. Where food is provided that is not safe the duty of care is breached.

Where there was a duty of care and unsafe food was provided, the provider would be negligent if a reasonable and prudent person in the food provider position foresaw providing unsafe food would cause a serious risk of death. It would not have been enough if the foresight were anything less than a serious risk of death. This must be at the time of the breach. The test is an objective one.

Also, the breach of that duty must have caused or had been a significant factor in the death.

Finally, the failure will have to be characterised as gross negligence. Gross negligence requires a high degree of negligence. Another way of knowing if the negligence is gross is if the risk was obvious.

There were also convictions for health and safety offences. Failings in health safety therefore became important factors in the subsequent manslaughter convictions. In Mr. Kuddus and Mr. Rashid's case, trading standards attended the takeaway and found levels of poor hygiene and there were no records of the ingredients used in dishes. The menus also failed to contain information about allergens and there was no system in place for allergen control. The trial judge, Mrs Justice Yip, commented, "*it appears that no one at the takeaway had any way of knowing what allergens were in the food supplied*."

In Mr. Zaman's case, there were no lists of ingredients for recipes and therefore no system of identifying what exact ingredients were going into food and potential allergen triggers. It was also the prosecution case that staff had not been adequately trained, instructed or supervised. Even where staff had been trained, no steps had been taken to ensure compliance of the training.

What should food providers do?

The above cases demonstrate the severe consequences of food providers not taking food safety seriously. Two customers sadly died and the defendants were imprisoned. Mrs Justice Yip in the recent case stated "*it is hoped that the message is heard that those who fail to take proper care in the supply of food to the public will face significant custodial sentences if a death results*".

Food providers must train their staff about the importance of food safety; know what kind of foods can contain allergens; and how to provide food that is safe. This should include knowing what ingredients go into dishes. Food must be accurately labelled with information about known allergens. Where they cannot be labelled the menus should include this information. This is particularly important where food is ordered online or taken away from the establishment to consume.

Staff should be able to advise customers who ask about allergens. A system of regular training on food safety would also be essential. All staff should undertake food safety courses. This is not an exhaustive list.

It is the responsibility of businesses to comply with food hygiene law at all times. There are agencies that provide assistance and courses to improve food safety. Food Hygiene Rating Schemes are run by local councils to help businesses improve hygiene standards.

Food safety not only affects consumer confidence in the food market but food providers **must** take food safety seriously as these deterrent cases have illustrated. Failing to do this could result in significant custodial sentences for owners and managers if consumers die having consumed unsafe food from their establishments.

Articles

Put your case!

Nicholas Barnes

I recently dealt with a legal argument over putting reasons for disbelieving a witness to that witness (I won!).

The origin is *Browne v. Dunn*.[1] It is reported in an obscure set of reports. It is beloved in Australia and Canada and has a dedicated website at www.brownevdunn.com. Halsbury's Laws cites it as authority for the following proposition:

> Where the court is to be asked to disbelieve a witness, the witness should be cross-examined; and failure to cross-examine a witness on some material part of his evidence or at all, may be treated as an acceptance of the truth of that part or the whole of his evidence.

In *Browne v. Dunn*, Lord Herschell L.C. stated:

> … it will not do to impeach the credibility of a witness upon a matter on which he has not had any opportunity of giving an explanation by reason of there having been no suggestion whatever in the course of the case that his story is not accepted. [p71]

The principle continues today. In *Markem Corpn v. Zipher Ltd*,[2] the JCPC held that the judge had been wrong in making adverse findings against the defendants' witnesses where the claimants had not put the accusations that the judge purported to uphold. In *Chen v. Ng (British Virgin Islands)*,[3] the appellant's argument was that the respondent ought to have put to Mr Ng in cross-examination the two matters that the trial judge relied on for disbelieving Mr Ng. The JCPC accepted this, but the principle has lost some of its absolute edge:

> In a perfect world, any ground for doubting the evidence of a witness ought to be put to him, and a judge should only rely on a ground for disbelieving a witness which that witness has had an opportunity of explaining. However, the world is not perfect, and, while both points remain ideals which should always be in the minds of cross-examiners and trial judges, they cannot be absolute requirements in every case. Even in a very full trial, it may often be disproportionate and unrealistic to expect a cross-examiner to put every possible reason for disbelieving a witness to that witness, especially in a complex case, and it may be particularly difficult to do so in a case such as this, where the Judge sensibly rationed the time for cross-examination and the witness concerned needed an interpreter. Once it

[1] *Browne v. Dunn (sometimes Dunne)* (1893) 6 R. 67.
[2] *Markem Corpn v. Zipher Ltd* [2005] EWCA Civ. 267.
[3] *Chen v. Ng (British Virgin Islands)* [2017] UKPC 27, [2017] 5 LRC 462.

> is accepted that not every point may be put, it is inevitable that there will be cases where a point which strikes the judge as a significant reason for disbelieving some evidence when he comes to give judgment, has not been put to the witness who gave it (at [52]).

Mostyn J in *Sait v. The General Medical Council*[4] allowed an appeal because "*the failure to cross-examine the appellant comprehensively on the central allegation was procedurally unfair to such a degree"*. The same judge in *Carmarthenshire County Council v. Y*[5] was confronted with a father accused of raping his daughter years earlier but effectively deprived of the right to challenge the allegations in cross-examination. Mostyn J referred to the long-established common-law consensus that the best way of assessing a witness's reliability was by confronting that witness. He cited the famous decision of Scalia J[6] discussing the explicit command to afford cross-examination of witnesses in criminal cases contained within the Sixth Amendment to the US Constitution:

> To be sure, the clause's ultimate goal is to ensure reliability of evidence, but it is a procedural rather than a substantive guarantee. It commands, not that evidence be reliable, but that reliability be assessed in a particular manner: by testing in the crucible of cross-examination. The clause thus reflects a judgment, not only about the desirability of reliable evidence (a point on which there could be little dissent), but about how reliability can best be determined.

The citations of Scalia J are of interest:

- Sir William Blackstone, *Commentaries*, at 373 ("*This open examination of witnesses … is much more conducive to the clearing up of truth*"); and
- Sir Matthew Hale, *History and Analysis of the Common Law of England* 258 (1713) ("*adversarial testing beats and bolts out the truth much better*").

The present position cannot be better summarised than from *W Nagel (A Firm) v. Pluczenik Diamond Company NV*.[7] The appellant wanted to advance a case on appeal that it neither pleaded nor advanced at trial. In particular, it did not put that case to the relevant witness in cross-examination. Leggatt LJ stated:

> The obligation on a party to put its case in cross-examination to a witness called by an opposing party is not to be taken too far. It is not and has never been the law that every fact asserted in evidence by a witness is deemed to be admitted unless it is challenged in cross-examination. But if on an important disputed factual issue in the proceedings a witness called by one party gives first-hand evidence which contradicts a case which the opposing party wishes to invite the judge to accept, procedural fairness requires that this case should be put in cross-examination to the witness so that he has an opportunity to answer it (at [21]).

It is something that we must be mindful of in these days of increasingly complex cases, ever constrained times and written cross-examination to children and vulnerable witnesses.

[4] *Sait v. The General Medical Council (GMC)* [2018] EWHC 3160 (Admin.).
[5] *Carmarthenshire County Council v. Y* [2017] EWFC 36.
[6] *Crawford v. Washington* (2004) 541 US 36 at 62.
[7] *W Nagel (A Firm) v. Pluczenik Diamond Company NV* [2018] EWCA Civ. 2640.

Equality and Diversity update

Richard Hutchings

It has been a busy month in Chambers on the Equality & Diversity (E&D) front!

I am pleased to announce that the majority of our clerks recently attended a Bar Council-run E&D awareness course. By 11 December all of them will have done so. The training includes discussion of equal opportunities, and associative and perceptive discrimination, amongst other topics. Those clerks who have already completed the course commented in particular upon the practical role-play exercises. The course is an interesting and beneficial one.

Tracey McCarthy, our Diversity Data Officer, is in the process of preparing monitoring questionnaires. These questionnaires will be sent to all members of chambers in the near future. They are required in order to ensure that we are BSB compliant, and they will also allow us to take an evidence-based approach to our chambers' E&D review.

One of the big issues facing the modern bar is retention, including those who wish to start a family whilst maintaining a practice. At our recent AGM, chambers voted in principle to adopt a newly drafted Parental Leave policy, which will soon be incorporated into our constitution. The policy largely formalises established good practice which our Senior Clerk Daren Milton has been overseeing in recent times. Coming back to practice after taking parental leave is never easy, but we as a chambers should be proud of the way we have ensured (and continue to ensure) that those who are away from chambers are supported throughout their leave and upon their return.

Finally, I announced at the recent AGM that plans are in train to establish a link-up with a secondary school in South London whose pupils come from a wide variety of backgrounds. The idea is to give pupils the opportunity both to witness a snapshot of life at the bar and also see how a 'business'—chambers—runs. A number of tenants have approached me expressing an interest in getting involved.

The scheme is likely to involve Year 10 students. I have specifically targeted that demographic. The scheme I envisage is designed to open eyes: to pique an interest in a career that many youngsters may (wrongly) think is a closed door to them.

That age group will in itself provide challenges: given the nature of our work, this will need to be carefully managed and limited. That is a challenge which I relish. Since the AGM I have been in contact with the Deputy Head of the school and also the Head of Year 10. Planning is at an early stage but the possibility is a promising one, both for the pupils but also for us: watch this space.

GDPR Guidance

Richard Sedgwick

As we all know the GDPR came into force back in May this year. While the headlines have been dominated by the huge fines which individuals and organisations can potentially incur in the event of a breach, it is right that the ICO is predominantly concerned with educating people about what steps they need to take to ensure that data is properly held and losses are prevented.

The Bar Council has produced some helpful guidance at the Ethics Hub which is well worth a read, although it is worth noting that this guidance is

not 'guidance' for the purposes of the BSB Handbook. Two areas which have repeatedly come up are how the Bar deals with holidays and data minimisation.

Holidays and International Transfer of Data

Most solicitors and barristers will be accustomed to taking their phones or laptops on holiday to keep an eye on emails, or to knock out a slightly overdue advice. This is fine as long as your holiday is within the European Economic Area, or a country where the Commission has made a 'finding of adequacy', (and you comply with the GDPR as a whole). More information and the list of relevant countries can be found on the ICO website here.

If you are not going to a country covered then it may be worth leaving your laptop secure at home, unless you have managed to obtain the consent of each instructing body or individual relating to a case on the device. The same applies for emails; if you open a work email when abroad you will have transferred the data outside of the EEA and may be in breach of the GDPR. If you have you work emails on a (secure) phone you may wish to consider deleting this function while you are away.

At the moment there is little guidance on how barristers are meant to deal with this. One suggested way is to set an out of office email which gives another email address for individuals to contact you but makes clear that this is not secure and you are outside the EEA. This may not be practical.

Data Minimisation

One point the ICO has repeatedly underlined is that individuals and organisations need to be able to justify holding the data they hold. A look around most sets of Chambers or robing rooms will confirm that barristers are natural hoarders.

When a case is ongoing it will generally be easy to justify holding data. After a case is concluded it should still be relatively straightforward, especially as so much material is now stored on the CCDCS if you are a criminal practitioner. Once the period of liability for negligence is up, it will become a lot harder to justify retaining material. This includes decade old laptops and piles of blue books. Keeping names and very basic details to ensure there are no clashes in the future is justifiable (and advisable). Keeping famous briefs with an eye on your memoires will not. Solicitors and barristers will have to be able to show that they have a process in place for reviewing old material and securely destroying it.

Chambers cases

See 2kbw.com/home/news for the most up to date news of chambers cases

Christopher Hewertson succeeds on appeal

Christopher Hewertson has brought a successful appeal against sentence for a client charged with attempted murder: *R. v. W* [2018] EWCA Crim. 2131. His client pleaded guilty to s.18 wounding as a lesser charge to attempted murder as the "knife man" in a joint-handed attack on a man in Woking. Found dangerous and sentenced to an extended sentence of 8 years, on appeal the extended sentence was replaced with a determinate sentence of the same length. More details can be found here.

Rebecca Austin prosecutes teenager who made nationwide bomb threats

Rebecca Austin appeared at Luton Crown Court to prosecute a teenager who sent thousands of hoax bomb threats to schools and triggered an American airline security scare. More details can be found here.

Kate Fortescue writes for the Evening Standard

Kate Fortescue's article on the issue of consent and how it applies in sexual offences was published in the Evening Standard on 22nd October 2018. The full article can be read here.

Barry McElduff and Kaj Scarsbrook secure convictions in drugs conspiracy

Barry McElduff, leading Kaj Scarsbrook, secured the final conviction after one trial and two retrials in a large drug conspiracy. Operation Daraga was a police investigation into a Liverpool-based Organised Crime Group, who recieved large quantities of crack cocaine and heroin into Liverpool and then trafficked them down to towns in Dorset and Somerset for onwards distribution to lower-level drug dealers and users.

Barry and Kaj worked closely with specialist police units during the prosecution. The convicted defedants represented all levels of the conspiracy from the overall leader to local "commanders" and, adding all sentences together, the conspiracy received 51 years and 11 months imprisonment.

Editorial

Editor: Kaj Scarsbrook

News Editor: James Culverwell

As always, I invite articles and submissions from members of chambers for the newsletter. They can be of any length and on any subject, within reason! Articles can be emailed to either myself or Tracey, and we are more than happy to discuss ideas for improvement. The continued aim is for 2KBW News to be a valuable resource for members of chambers, clients, and the public alike.

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