

From convicts to clients: a developing appreciation for pro bono work in criminal appeals

I have made no secret of the fact that my criminal law experience prior to engagement with the Freedom Law Clinic (FLC) was sparse. Indeed, this was partly the reason I was so keen to take on the forewarned additional workload; this area of law was so vastly different from my everyday life working in private client that I could not pass up the opportunity.

My expectations were negatively preconceived to say the least. Although I have always believed in the right to a fair trial, I could not see how defence fit into the idea of social justice through pro bono in the same way as perhaps, housing or immigration assistance may do. I noted prior to the project that “defence work seems like an area for barristers looking to make a quick buck helping the guilty escape justice” (Extract 1), a view I believe was largely shaped by the media.

The reality could not have been further from the truth.

Firstly, the case workers we met were nothing like the money-grabbing, morally-corrupt barristers I had seen on television. These were people committed to upholding a fair and non-discriminatory justice system in light of the cuts to legal aid following the Legal Aid Sentencing and Punishment of Offenders Act 2012. My thoughts after meeting them for the first time were that it was “extremely thought-provoking to hear the sympathetic way in which [the caseworker] spoke about [the appellant] and his case” (Extract 2). From this, I began to think of the appellant as our client, knowing that it was my job for the next twelve weeks to represent him as professionally as I could.

The second revelation came when I began to review the case papers and piece together the story so far. Prior to this, I had built up an idea of the client and his situation in my head but the further I read, the more I realised the matter was in fact a tragic one with many complex issues exacerbated by seemingly inescapable circumstances. I began to sympathise with the client, realising the “impact that pro bono help could have on his life and those in similar situations” (Extract 3). This was compounded by the wide expanse of specialisms a case can cover. My day job involves one area of law in which I have become well-versed however, our client’s case involved not only legal issues but medico-scientific ones too, for which I had

only pedestrian knowledge. With around twenty of us working on the case, we were able to divide the research between us and I reflected that “I cannot imagine being an appellant attempting to tackle this alone” (Extract 4). It was at this point that I truly began to appreciate the value of pro bono in ensuring those convicted have their voices heard and receive the guidance needed to navigate such tricky waters.

My journey with the FLC was more than I could have anticipated. I went into the project believing it to be a great career opportunity and left with the conviction that “organisations like the FLC provide an unrivalled opportunity to truly help those at the fringes of society” (Extract 5). Without the FLC and others like it providing pro bono assistance to the wrongfully convicted, our entire justice system is at stake. These individuals are not just convicts; they are human beings with lives and personalities, the same as you or I, and they deserve the chance to be fairly represented. This cannot happen without pro bono. I am thankful to have been given the opportunity to do my part and I will carry these lessons with me for the rest of my life and my career.

References

Portfolio extracts

Hutchings, C. (2020) ‘Extract 1’, originally written 28 November 2020

Hutchings, C. (2021) ‘Extract 2’, originally written 6 January 2021

Hutchings, C. (2021) ‘Extract 3’, originally written 14 January 2021

Hutchings, C. (2021) ‘Extract 4’, originally written 17 February 2021

Hutchings, C. (2021) ‘Extract 5’, originally written 28 March 2021