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THE BRIEF



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'I wish I'd become lord chief justice'

Lady Justice Hallett is turning 70 and must retire. She disagrees with this policy, she tells Catherine Baksi



Lady Hallett, 69, believes that making judges retire at 70 is holding women back

Lady Justice Hallett, the vice-president of the criminal division of the Court of Appeal, has only one regret as she prepares to hang up her wig this week after a long and notable career. "I didn't become lord chief justice," she says.

Speaking exclusively to *The Times*, she adds: "I'm not suggesting that I would have done it better or worse than anybody else, but it was a job that I really wanted to do."

The judge turns 70 in December and under the present requirements must retire. Hallett, the state-educated daughter of a policeman, studied jurisprudence at the University of Oxford before being called to the Bar in 1972. She took silk in 1989 — only the 34th female to do so — and in 1998 became the first woman to chair the Bar Council, which represents barristers in England and Wales.

After joining the bench in 1989 as a part-time judge, she rose quickly, becoming a High Court judge in 1999. She was promoted to the Court of Appeal in 2005 — the fifth woman on the appellate bench. She then applied twice for the role of lord chief justice, the most senior judicial post in England and Wales. Her first attempt was in 2013, when Lord Thomas of Cwmgiedd was appointed, and then in 2017, when Liz Truss, at the time the lord chancellor, imposed a justice term that the new lord chief justice must serve.

"Neither I nor Sir Brian Leveson could do the time to be served before we

retired," Hallett says. She declines to speculate on the reason for the rule change, but says: "I was assured it was against the advice of lawyers."

She is sanguine about the blow. "It wasn't to be. There are many worse things than professional disappointment. Bitterness only eats up the individual, so I've come to terms with it."

Realising that she was "reaching official judicial senility" this year came as a shock to Hallett, who supports raising the retirement age to 72 to give women more time to get to the senior ranks. She believes that making judges retire at 70 is affecting diversity.

"We're losing women who were held back and now feel they've hit the buffers when they've got a fair bit to contribute," she says.

Perhaps as consolation, Theresa May gave her a peerage in her resignation honours list. Sitting on the cross benches, Hallett, who thought it was a

practical joke when she got the call, wants to be an active peer "to prove myself worthy of the appointment".

The justice system, hit with "disastrous cuts", is an issue she intends to highlight. She says that the impact of cuts is felt even at the Court of Appeal, most noticeably by the increase in litigants in person. Litigants without lawyers "creates huge problems" and risks "denying access to justice to the person who can't put their case properly".

"The justice system [is vital] to a healthy functioning democracy," she says. "I've never understood why it isn't given more attention and respect by those responsible for its funding."

Hallett is also concerned by what she views as the decline in quality of some advocates because many are chasing dwindling amounts of work and taking longer to gain experience. That position has changed significantly from when she was at the Bar. "Some days I'd

do ten plea or committal hearings. On others, if I was doing a jury trial, the jury would go out in one case and I'd immediately start in the same court on the next trial."

While she "desperately hopes" that the independent criminal Bar survives, Hallett fears that many good people will quit or be put off joining because of inadequate legal aid rates, and predicts that it will be smaller and made up of more employed, rather than private practice, barristers.

She says that morale among the judiciary has been low because of issues over pay, pensions and working conditions. She also claims that "for some time judges have felt the public don't understand what they do and the politicians are against them, and they have always come in for ill-informed criticism from some sections of the media".

There is also a general feeling on the bench that "people don't control their emotions in the way that they used to" which means that judges face greater threats to their safety.

While she has not had a problem with this, Hallett says: "I know lots of judges who have been verbally attacked. A friend of mine had her whole house virtually turned into a fortress because of threats made against her."

There are more female judges than when she joined the bench, but Hallett is concerned that not enough attention has been given to improving social mobility or appointing more from ethnic minority backgrounds.

Elsewhere, she says the legal profession has addressed the overt sexual discrimination and harassment that women endured when she became a barrister. She fears, however, that some women are still afraid to speak out and wants to see reporting structures and support across the profession to embed a "no tolerance" policy.

Law Diary
Edward Fennell



Balancing the books

Philip Wood, QC, the former Allen & Overy partner and Yorke distinguished visiting fellow at the University of Cambridge, has just published nine books simultaneously in his revised *Law and Practice of International Finance* series. These are enormous tomes of authoritative analysis. Wood is the first author to produce summaries of the relevant law of every jurisdiction in the world.

Blooming marvellous

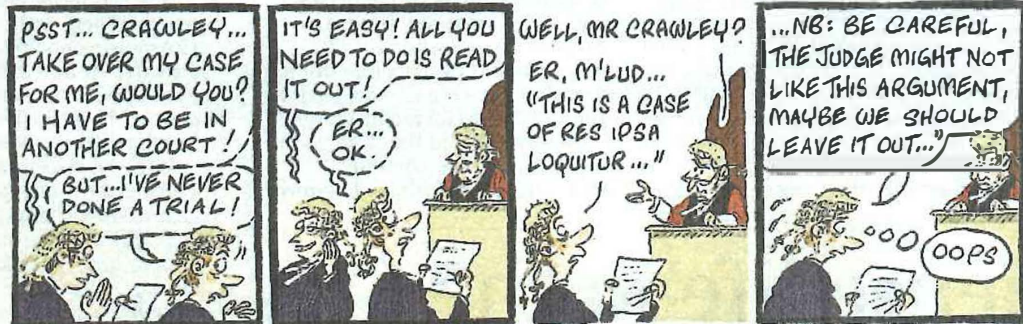
There are just four days left in the marvellously diverse Bloomsbury Festival, which is sponsored by the West End law firm *Bishop & Sewell*. As well as backing it financially the firm's lawyers and other staff are up to their necks as volunteers in the various arts, science, literature, performance, discussion and reflection activities that continue until Sunday. Pulling together all the diverse institutions and activities in this historic part of the capital is this year's theme and, ever eco-friendly, the firm has created a reusable coffee cup for the occasion. Also striking is the involvement of Maisie, the firm's mindfulness and wellbeing officer (and a dog).

Undeterred in Dubai

The relentless energy of the campaigners at *Detained in Dubai* continues to amaze as they take on one case of alleged abuse and miscarriage of justice after another. The organisation's attention is now also engaged in countering the misuse of the Interpol notice system, including allegedly by banks such as HSBC Bank Middle East. Radha Stirling, the group's chief executive, seems fairly blasé about the risks involved challenging powerful state bodies. "When you deal with clients whose lives are in crisis, often devastating situations; wrongly jailed, lost jobs, income, reputation, and with their families in a state of traumatic upheaval, you tend to focus on the risks and dangers they are dealing with rather than any risks involved with helping them," she says.

Queen's Counsel
Alex Steuart

The Queen's Counsel Official Lawyers' Handbook, Biteback, £14.99



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Lawyer of the week Rachel Crasnow

Rachel Crasnow, QC, at Cloisters, successfully defended the Labour Party against an application for an injunction by Chris Williamson, the MP for Derby North, to lift a suspension imposed on him after claims of antisemitism, which he denies.

What were the main issues in this case? Williamson received a warning from a disciplinary panel in June. The Labour Party reopened the decision and remitted his case to a fresh panel following concerns about the safety of the decision. He was subsequently suspended after a backlash from MPs,



peers and Jewish groups. The High Court accepted our submissions and held that it should not interfere lightly in the Labour Party's decisions to investigate or to resuspend Williamson pending such investigation. While it declared the decision to remit was flawed, the Labour Party had acted properly in suspending the MP.

The judgment is important for public and employment lawyers as it upholds natural justice concepts, yet it makes clear that the courts must not micro-manage disciplinary procedures.

What is the best decision you've taken? Working a four-day week when my children were pre-school age. Everyone said my practice would not stand it. It was fine. Clerks were supportive; clients, solicitors and judges didn't care. It is now less rare.

Who has inspired you? My first head of chambers, Laura Cox, QC, who showed me that women at the Bar could succeed just as men did. And Dermod O'Brien, QC, lead claimant — and my client — in the 13-year fight against the Ministry of Justice for part-timers' judicial pensions.

What is the oddest thing that has happened to you? Being taught criminal procedure by a sex worker at Bow Street magistrates'

court during pupillage. Top lecture.

What is the best advice you've received? Give something up every time you take on something new.

Which three qualities should a lawyer have? Read fast, talk slowly — and keep things in perspective.

What law would you enact? Insert a free-standing provision prohibiting work-place harassment into the Equality Act 2010.

How would you like to be remembered? Unstuffy, approachable and a team-player.

Linda Tsang
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Support from on high

The Queen's Speech put some vim back into law and order, but not much sign of restoring legal aid. Timely, then, that the Personal Support Unit, a legal charity that provides free, independent assistance to individuals facing court proceedings via some 750 volunteers, has renamed itself *Support through Court*. The rebrand is designed to express better what it does. Given that its most prominent patron is Lady Hale, the president of the Supreme Court, perhaps it should have renamed itself *Supreme Support*.

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