



March 2014

Talk is cheap and litigation is expensive.

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THE ADVOCATE

The Newspaper of the QMPBS Since 2004

Just(ice) Fashion

A London Legal Support Trust Event

Rosa Coleman

On Thursday the 13th of February over five hundred people descended on the Royal Courts of Justice to enjoy a night of glamour, fashion and fun. The London Legal Support Trust's first ever fashion event, 'Just(ice) Fashion' provided an exclusive evening in the heart of London for professionals and fashion lovers to revel in a unique event with a clothing sale of pre-loved high quality items donated by professionals from all over London, boutique clothing and jewellery, a fashion show, live music, fantastic raffle, designer silent auction and express nail bar.

Although this was the London Legal Support Trust's first fashion event, they run a number of events throughout the year to provide vital funds for free legal advice provision in London and South East England. All the profit made goes towards grants to provide specialist free legal advice to provide key support for vulnerable individuals within local communities.

Generous donations of wonderful items for the clothing sale, the raffle, and silent auction were made by many people and businesses. Items ranging from Lady Hale's beautiful brooches, The Citypoint Club's luxurious spa experiences, the Vivienne

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Hope for the Hopeless

Access to Justice: Lessons from East Africa



Female prisoners with their children in an African prison
Image: LCF/CLEAR

Mark Barrell

Today I met Sam. In many ways we were similar. He was a year older than me. We talked for a long time about football. He supported Manchester United. I told him I supported Spurs. He laughed and said that nobody in Kenya supported them. He told me that one day he wanted to visit the UK. I told him what live Premiership games were like (and how expensive they were!). I told him how crazy live Kenyan football was in comparison. We got on well. He told me he wanted to be a Gospel musician. He said if we met again, he would show me the CD he was trying to release.

Sam had dreams. Big dreams. In another world, he could have been me. But

in many ways we were different. I didn't meet Sam at a party, or a friend's house. I met Sam in prison.

Sam was charged with an offence he most likely didn't commit. His story was that he and 2 friends were on their way to a friend's graduation party, when police stopped them, beat them up, and accused them of going to the party to cause some mischief. The exact offence they were charged with was 'preparation to commit a felony'. Sam had a young wife and 2 children (1 on the way). He worked as a garbage collector, earning just over £1 a day. There was no way he could afford his 20,000Ksh cash bail (roughly £140) - or a lawyer.

This was his story anyway. Maybe he was telling

the truth. Maybe he was lying ... Something was telling me that Sam was being honest.

CLEAR projects in East Africa

The reflections above were written at the beginning of this year by Sam Moody (read his blog and the full story at <http://kenya-believeitsanotherblog.wordpress.com>), a law graduate who is taking a 6 months sabbatical from the UK to work as an intern with an access to justice project called CLEAR Kenya. His thoughts reflect the experiences of many others who have gone before him over the last 15 years to support the vital ministry that is being carried out by three organisations

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Dazzle, Dine & Dance!

The First Queen Mary University of London Law Ball

Queen Mary Law Society

The 14th of January 2014 will be a milestone in the history books of Queen Mary. The date will be held in high regard for those who wish to trace the origins of Queen Mary University of London's First Annual Law Ball.

After months of planning, organising and teamwork, the Law and Bar societies' efforts have finally come to fruition.

Queen Mary's School of Law is rapidly becoming increasingly recognised as one of the top institutions in the country. Further, the University's recent incorporation into the Russell Group meant that it was only fitting that, as a mark of recognition, Queen Mary began creating its own traditions to embody its success and prestige.

Location can be instrumental in setting the tone and the atmosphere for an evening. It seemed that the location for our event, Lincoln's Inn, provided the perfect backdrop for the celebrations to take place. Having a venue of such relevancy for the students, law faculty and distinguished guests was an inspired choice.

The black tie event really began as soon as our guests

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News Briefs

■ The United Nations has released a damning report on the human rights abuses in North Korea. The Council wishes to take North Korea to the International Criminal Court. There is a fear that China will veto the approval of the report, however it is hoped to raise awareness on these crimes against humanity.

■ The trial of the South African Paralympian and Olympic athlete Oscar Pistorius began in Pretoria. Mr. Pistorius, popularly known as the "blade runner" is charged with the murder of his girlfriend, Reeva Steenkamp. The trial has aroused intense interest in South Africa and some commentators are calling it the country's trial of the century. If found guilty, Mr. Pistorius could face life imprisonment.

■ The producers of Oscar-nominated film *Wolf of Wall Street* are being sued for \$25 million (£15m) by a former stockbroker who claims he has been depicted as a "depraved" drug-fuelled criminal.

■ Lord Neuberger has showed reluctance to the UK's involvement in the European Union. During a speech at Cambridge, he stated that due to "the absence of a written constitution and the existence of Parliamentary sovereignty" allowing the courts to overrule Parliaments decisions "is little short of offensive to our notions of constitutional propriety."

■ Russian President Vladimir Putin has said that the use of force will only be a measure of last resort in Ukraine. The statement comes in the wake of rising tensions between the country's ethnic Russian east and the ethnic Ukrainian dominated west. The major flashpoint of the crisis is the Crimean peninsula, which the Ukrainian government alleges Russia has unlawfully taken control of.

■ The EU Commission is to take the UK to court over failures to adequately deal with air pollution. This is the first time that the European Commission has launched legal proceedings against a member state for failing to comply with limits placed on NO₂. This could land the UK in the ECJ facing massive fines should it be found to be breaching EU rules.

The Advocate

The Advocate is a student-run legal newspaper delivering up-to-date legal news and comment. Established in 2004 and sponsored by the Queen Mary Pro Bono Society, The Advocate provides a platform for students to express their views on current legal issues.

If you are interested in writing for The Advocate email your contributions to theadvocate@qmprobono.org.

You can find the latest legal news, comment and past issues of The Advocate at:



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**Pro Bono
Society**

"There are many pleasant fictions of the law in constant operation, but there is not one so pleasant or practically humorous as that which supposes every man to be of equal value in its impartial eye, and the benefits of all laws to be equally attainable by all men, without the smallest reference to the furniture of their pockets."

- Charles Dickens, 'Nicholas Nickleby'

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Note from the Editor

Welcome to the final issue of the 2013-2014 academic year and the first in A4-size print. We're excited to have covered such a vast range of topics, including financial regulation, ethics in the fashion industry, UK immigration and career advice, to name a few. We have been privileged to receive articles not only from students but also three Queen Mary law lecturers, the Attorney General of India and professionals representing many well-known organisations. These organisations include Barclays Bank, Advocates for International Development, Lawyers Christian Fellowship, London Legal Support Trust and Thomas Bingham Chambers. Thank you very much to all of you who have contributed or agreed to be interviewed. Thank you also to our printer Paul Jacobs at The Copy Shop, who has been tremendously helpful. Happy Reading!

- Stacey Smith, Editor-in-Chief

Meet the 'A' Team



Editor-in-Chief
Stacey Smith



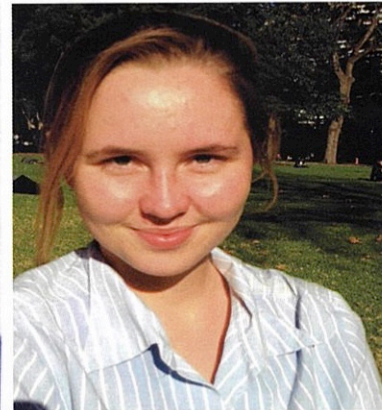
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The View of an in-house solicitor at Barclays Bank

Robert Dixon

regulatory landscape.

Working in-house

I qualified as a solicitor in the Legal department at Barclays Investment Bank last October. My team is made up of lawyers from various backgrounds, including solicitors who have moved from private practice and ex-barristers.

What do I do on a daily basis?

As a newly qualified solicitor, the tasks I'm required to perform are broadly split into two camps. In the first camp, the work revolves around responding to queries from the business units I cover in addition to other infrastructure areas of Barclays, such as Operations or the Compliance function. Responses can require drafting amendments to contractual arrangements, reviewing comments raised by another lawyer, preparing notes on industry calls, or working on developing know-how for team members. In the second camp, due to the fact that regulatory change is such an important focus, much of my day-to-day work is spent on projects relating to European regulation, for example, the European Markets Infrastructure Regulation (EMIR).

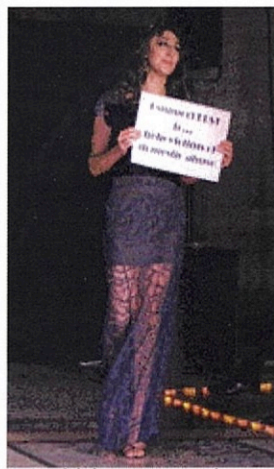
It's important for investment banks in Europe to ensure compliance with all European regulations as they have direct effect and do not have to be implemented by national legislation. Compliance, Risk and Operations teams, working alongside Legal, are vital to ensuring banks and other financial services can effectively and efficiently navigate the developing

Having spent six months at a law firm and as a paralegal before starting my training contract, there are differences between private practice and in-house, but there are also many similarities. For example, in both you must have great attention to detail, understand your client's needs and the commercial challenges facing their business.

In-house you are only advising one client, although the teams you advise may be different. My experience in-house has deepened my understanding of the financial products that investment banks offer. As an in-house lawyer you are in a position to develop excellent working relationships with your client because you meet with them on a daily basis, and as a result you are able to develop a very in-depth understanding of the client's needs. You are also able to get really good exposure to senior management in both the Legal department and in the business teams you advise as you can be given responsibility for completing certain pieces of work.

After meeting current graduates at the Queen Mary University speed-networking event at the end of 2013, I was frequently asked why I decided to pursue a career in-house. After participating in vacation schemes at various law firms during the middle of the financial crisis, I began to read a selection of books which offered an insight into how it had come about. In particular, I also became

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Model showcases crucial reasons why free specialist legal advice is needed.

Image: Kevin Birch

Continued from front page

Westwood handbag (which had everyone practically drooling!), and a pair of Sophie Gittins designer shoes were star pieces in the silent auction and raffle, whilst scores of individuals around London donated one-off items of wonderful clothes for the main sale. All of these amazing contributions enabled all the guests to delight in browsing exquisite items whilst enjoying a complimentary glass of wine. Boutique owners including Bohemian Rose Vintage, Paper London, Lolley's, and many more enjoyed the evening selling a selection of their own merchandise with a percentage of profits going to the Trust.

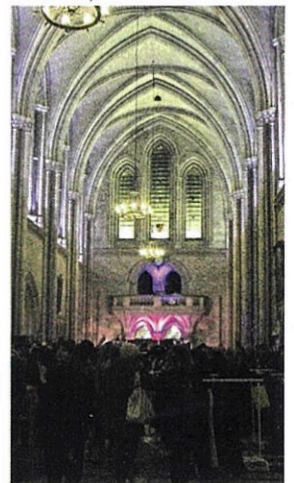
As this was the first time running such an "ambitious and innovative event", and probably the first ever event of its kind for the legal profession, a large number of volunteers were involved in supporting the LLST staff in its preparation. After weekends spent sorting and labelling clothes, days of space planning (how exactly does one create a changing room and a catwalk in the Great Hall...?), and countless hours of talk about clothes, it was an ex-

citing day when it finally arrived. On the day, local professionals and commuters looked on in bemusement as enthusiastic volunteers emerged from the National Pro Bono Centre pushing rails of clothes to battle pavement traffic and kerbs to set up at the Court.

The Royal Courts of Justice's Great Hall, with high ceilings and beautiful stained glass windows provided the perfect backdrop for an atmosphere of fun and grandeur with guests saying that they "loved the whole experience". A superb evening followed full of laughter and music as people perused clothes, collected their Spa goody bags or had a pampering and indulged in a manicure. Pay points throughout the Hall provided a chance to purchase chosen items, and changing rooms allowed people to model their new outfits with guests feeding back that the "organisation was excellent, all the staff were helpful polite and offered assistance when needed". Once people were satisfactorily shopped-out, the fashion show began. Brilliant volunteer models (some professional, some from the legal profession and related companies) strutted their stuff with glamorous hair and make-up whilst highlighting key areas of assistance that the Trust provides; attendees thought that the "fashion show with real women was FANTASTIC". Guests were then treated to a live music performance from London-based vocalist and songwriter Py whilst they made their last silent auction bids and snapped up the final clothes left to buy.

The success of the fashion event highlights an exciting development in the charity's impressive decade long history, and shows a

move to even bigger and better diverse events. Guests said that they enjoyed the variety and atmosphere of the event, with one guest saying "I absolutely loved the event - it was unique and a lot of fun" and others commenting that they "can't wait for the next one" so anyone who missed out this year has a lot to look forward to for the next fashion event. Not only did the event provide an opportunity for people to have a wardrobe clear out and experience a unique social occasion, but it also raised an incredible £5,000! All of the money the Trust raises goes towards providing essential grants for free legal advice organisations so this substantial amount will be making a practical difference in the lives of many people. Other events this year include the 10th anniversary London Legal Walk, the autumnal Magic and Mystery Ball, Just Art, and a Dawn to Dusk Golfing Challenge. To find out more about the London Legal Support Trust, their aims and their upcoming wonderful events (including some more new ones!), visit www.londonlegalsupport-trust.org.uk/our-events/ (registered charity number 1101906).



The Great Hall full of clothes and guests. Image: Kevin Birch

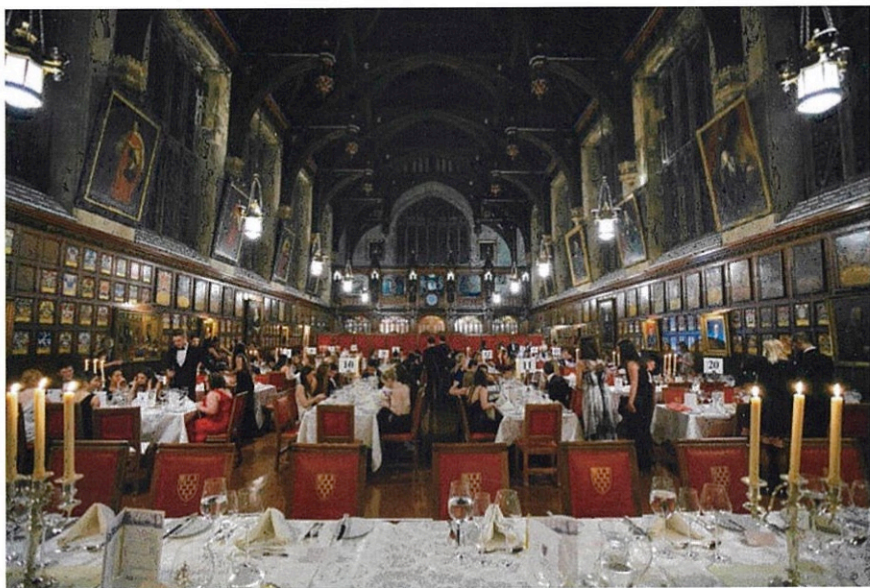
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THE LONDON LEGAL WALK 2014

May 19th
2014

Join us in London or Guildford for a 10km walk, or Newbury for an 8km walk for our biggest and best walks yet!

Sign your team up now at www.tinyurl.com/llw2014



The Great Hall at Lincoln's Inn
Image: Queen Mary Law Society

Continued from front page

had walked through the Gatehouse and into the Inns of Court. It started with a champagne reception where guests, faculty and students were able to discuss anything from the grandeur paintings on the wall, to the latest talking points in the world of law. The elegant mood of the evening was encapsulated by the harmonious performance of the string quartet.

Shortly after, everybody was summoned to the Great Hall, as the dining portion of the evening was about to begin. As students took their seats at their tables and distinguished guests took theirs on the dais, the welcoming speech was dawning. Presidents of the Law and Bar society, Shaun Malone and Kristina Moeller-Jensen, spoke of Queen Mary's academic excellence and about how it was finally time to have a Ball that would really reflect Queen Mary's status.

After a splendid three-course dining experience, it was time for the after-dinner speeches. A short opening speech from Queen Mary's Head of Law, Val-samis Mitsilegas, where he praised the efforts of the societies that had organised the night as well as the progress the School of Law had made. His words were met with a vociferous round of applause.

Both societies had worked tirelessly to secure not only two incredible legal figures, but also two individuals who had attended Queen Mary and who therefore were symbols that reflected the success of Queen Mary University of London. The first guest speaker was Robert Elliott, Senior Partner of Linklaters. All the prospective solicitors in the Hall were treated to an insightful speech about the legal market and what challenges and success can be forthcoming for those who work hard.

The penultimate speaker was Sir Christopher Pitchford, Lord Justice of Appeal. Those students who were aspiring barristers were in for a truly inspirational speech. The anecdotes told certainly provided an afterthought for everybody. The passion for law that Sir Christopher Pitchford possessed resonated through all four corners of the Great Hall.

This professional, sophisticated and memorable occasion was marked by the closing speech from the Social Executive, Meenal Selvaratnam and the Vice President of the Bar Society, Alex Davidson.

We would like to thank Linklaters and all our other sponsors who have been ever so wonderful in their support for the Law Ball; without their generous support, this landmark evening would not have been possible.

(Following the dinner the students set sail on the Erasmus boat and danced the night away along the river Thames.)



Queen Mary Bar Society
University of London



Guest Speakers: Robert Elliott (left) and Sir Christopher Pitchford (right)
Images: Queen Mary Law Society

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interested in how the regulators, governments and other stakeholders thought the situation could be made better. A legal career at an investment bank provides an ideal platform to continue learning about how the improvements to the financial world suggested by the national and international regulatory bodies are going to be implemented.

In-house careers

Aside from working in-house at an investment

bank, there are legal careers to be found in a variety of private and public sector organisations. For example, FTSE 100 companies, local authorities, not-for-profit organisations, even Premier League football clubs are likely to have an in-house legal function. If you are interested in a career in-house then it may be useful to do some further research on the Law Society website, there is a section called the "In-house Division" with links to news stories and further information.

Professor Thoughts...

Featuring Queen Mary Land & Trust Law Lecturer: Mr. Rupert Seal

In your opinion, what has been the most significant legal development and/or case in recent years?

Changes to the legal aid system. I fear greatly that access to the English legal system, envy of the world except for those who don't understand it, will be denied to a very substantial number of people, simply due to money. That is a wholly avoidable yet terrible, tragedy.

What is the most bizarre law that you have ever come across?

Well, there are some pretty amazing ones in the US. For example, in Georgia, apparently it's illegal to tie a giraffe to a lamppost; and in South Bend, Indiana, it is illegal to make a monkey smoke a cigarette. In the UK, however, apparently under the terms of the Polish Potatoes (Notification) in England Order - 2004: No person shall, in the course of business, import into England potatoes which he knows to be or has reasonable cause to suspect to be Polish potatoes.

What is your favourite cartoon character?

King Louis because he is an innumerate, banana-obsessed, megalomaniac arsonist!

If you could change the outcome of any legal case, which one would it be, in what way would you change it and why?

I would like to reverse the outcome of the first case ever decided - that of Adam and Eve. The actual outcome seems to have been the basis

for the blame culture and discrimination against women. I shouldn't think snakes were terribly impressed with their sentence either.

Who is your favourite Judge? Why?

On the basis that I'm not allowed to select Judge Dredd, I'd go for Lord Hoffman. His particular speech in A and others v Secretary of State for the Home Department [2004] UKHL 56 was magisterial in its contempt of the Government's approach to the underlying issue and an inspiration in illustrating the part that English common law plays in underlying the ECHRFF. That said, he has made some truly heroic messes of some jurisprudence; compare his approach to the elements of equitable dishonesty in Twinsectra Ltd v Yardley [2002] UKHL 12; [2002] 2 AC 164 with that in Barlow Clowes International Ltd (in Liquidation) v Eurotrust International Ltd [2005] UKPC 37; [2006] 1 All ER 333

Tell us about the funniest or most entertaining case that you have read.

No doubt at all, R v Collins [1973] 3 WLR 243. Every law student knows this case but what made it so funny for me was the way my lecturer simply read out the facts, deadpan, straight from the Report. I was crying with laughter and ached for hours afterwards. Still, I won't forget it.

If you could go back in time, where would you go? Why?

I would go back to the dark
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days of the Battle of Britain to meet and fly with my total, utter and complete hero, Douglas Bader. If you don't know who he is, look him up – a truly extraordinary character.

If you could have any super power what would it be?

Invisibility – at my option, like whatshername in *The Incredibles*. Imagine what you could get away with! No, actually, I think the power of flight. No, actually, the super power of being able to make up my mind....

If you could be anyone or anything in the world who/what would you be? Why?

The England No.8. Why? Because I would be the England No.8!!

What is your biggest pet peeve (a.k.a. pet hate)?

Why can't they stack the dishwasher properly – what's WRONG with them????

Highlight some of the points on your 'bucket list'.

I've never made one! More sport fishing, I guess; watch England beat the All Blacks and the Springboks on consecutive weekends; watch my boys grow up, get married and have their own children (to watch them suffer for a change); own an SLS.



Mr. Rupert Seal

What is your favourite song and music artist/group?

Favourite song: Paranoid by Black Sabbath. Favourite band: The Clash. Nothing comes close to either nowadays, there's less rawness and sense of revolution against "the system".

What has been the greatest moment of your career so far?

Being published for the first time. It took about three years to research and write the article in collaboration with a col-

league (who was my former lecturer) and a huge amount of work. There was a great feeling of accomplishment when the piece was reviewed and approved for publication but there's nothing like actually seeing your name in the journal.

Is there a quote that you live by? If so, what is it and what does it mean to you?

"She is always right". It relates to The Her and it constitutes the instructions under which I exist.

What was the best advice you received when you were in law school?

Undoubtedly, the best advice I received was "You need to work out HOW to read the cases."

We all know the standing instructions from everyone who lectures or teaches Law: you need to read the cases. I had read *Westdeutsche Landesbank Girozentrale v Islington LBC* [1996] AC 669, in full, twice, trying to work out what it was trying to tell me about

resulting trusts. It's a 90-pager and by the time I reached the salient part of Lord Browne-Wilkinson's speech (both times), my brain had turned to mush and I missed it. When I asked my tutor why she had been torturing me with meaningless drivel about compound- v simple-interest, restitution, unjust enrichment, etc. that was the advice she gave me. So I did work it out, very quickly.

My efficiency and work rate increased by a factor well over ten almost overnight, meaning that I had masses of spare time to read relevant secondary sources. And I worked out how to do that efficiently as well, so that I would pre-read, comprehensively, for lectures and seminars. Then I could sit and actually listen to what was being said, adjusting my notes if necessary and engaging with the academics on a pretty high level.

The whole thing was a revelation and is probably the reason why I enjoyed my degree so much. And just in case you think that you would just never have time to read all the material to reach that sort of level – I never worked at weekends and I never worked during evenings. I treated my studies as a job and worked from about 8.30 to 5.30.

I was asked by a student recently, to participate in a workshop aimed at 'How to get a First'. Unfortunately, I am unable to do so but if I could, this is the sort of advice I would pass on.

Digital Currencies: the Future of Commercial Law?

Emma Randall

In 2013, the world's top performing currencies featured the Brazilian Real (+2.5%) and the Russian Rouble (+2.6%). These markets emerge into a global economy which is rapidly evolving itself, continuously producing new technology. One example of these developments are online currencies, most notably Bitcoin. 2013 proved to be a successful year for the digital 'crypto-currency' too (+2000%). Could Bitcoin be the global currency of the future? If so, international law firms must navigate what remains a legal grey area. This article first explains the concept of Bitcoin, then addresses its growth in emerging mar-

kets, and finally discusses its legal status and implications.

The Development of Bitcoin

The first Bitcoin was 'mined' in 2009 and by December 2013, there were an estimated 12million in circulation, entirely without commodity backing. Users of this \$12billion shadow market require an online 'wallet' to send or receive bitcoins and transactions remain entirely anonymous. The decentralized nature of Bitcoin immunises the currency from state intervention or shutdown. Without the regulations of a bank or the costs of a government agency, Bitcoin continues to expand organically and moves at an astonishing rate. In any

one day last year, up to 1.6 million bitcoins changed hands, around 10% of the existing stock at that time. A growing number of merchants are accepting online payment by Bitcoin for example, WordPress.com and Richard Branson's Virgin Galactic. From its early price of \$4.87, the value of Bitcoin has exploded, as the creation of around one Bitcoin every 10 minutes has been unable to keep up with demand.

Growth in Emerging Markets

The supranational nature of Bitcoin holds its potential to infiltrate the growth of emerging economies, currently at the centre of international commercial law, by opening them up to the

developed world. While conventional cross-border transfers charge excessive fees, Bitcoin is virtually free. Until now, Bitcoin has faced several hurdles before reaching these countries such as the level of technology required and a cultural emphasis on cash payment, particularly in the Arab world. In these states, Bitcoin has a long way to go, for example in Egypt where the BTC Facebook page has 63 likes.

However these issues are gradually being overcome through increased internet coverage (e.g. global mobile phone usage reaching 4.3billion, Financial Times) and the introduction of cash-Bitcoin ATM's by Lamussa (WSJ Blog). Some African countries could be ideal converts to Bitcoin be-

cause the concept of digital money already exists for example, Kenya's M-Pesa service (Economist). Overall, there is no reason why a digital currency similar to cash, with instant settlement and a negligible transaction fee, could not become accepted equally in New Delhi as in New York.

Legal Implications

As a young currency, the legal parameters of Bitcoin are largely yet to be defined. Cooperate 'wallet' owners will need to know their legal rights, responsibilities and how to arbitrate disputes. There are widespread concerns that user anonymity will facilitate money laundering, tax evasion and the trading of illegal products, such as the Silk Road website which

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was shut down by the US FBI in 2013, who confiscated 144,000 bitcoins at a value of US\$28.5million.

Most recently the Reserve Bank of India stated that Bitcoin is 'under observation' and the People's Bank of China prohibited the use of bitcoins by financial services, sending the price crashing from \$1200 to \$522

in one day. However, this was not before the BTC China exchange became the world's most industrious trading platform, overtaking the original Japan-based Mt. Gox, and illustrating the potential of Bitcoin in second generation economies.

As the influence of Bitcoin grows and its legal implications begin to materialise, it

is clear that commercial lawyers must pay close attention to this changing judicial terrain. Law firms should take a conservative approach in emerging markets where it is not yet clear how less liberal governments will react to this wholly anonymous and unpredictable economic ecosystem. For example in January Russia's Central

Bank condemned Bitcoin (Rianovosti) and threatened users with jail time under anti-terror legislation. These firms should look to the USA's more advanced Bitcoin jurisprudence for regulatory direction such as the proposed 'BitLicences' (Financial Times) and compulsory due diligence questionnaires for all users. By working with specialised

firms and advising governments, international commercial law firms have the opportunity to shape the world's legal response to Bitcoin, while ensuring their clients accurately tailored legal advice to specific jurisdictions.

Down Under with DLA Piper

Ivana Dahl shares her 'Pro Bono Placement' experiences and interviews trainee Louise Carter

Ivana Dahl

In June 2013, I was lucky enough to take part in a Queen Mary Pro Bono Society placement at DLA Piper in Sydney, Australia. DLA Piper became one of the largest business law firms in the world in 2005 through a merger of unprecedented scope in the legal sector. Their clients range from multinational and Fortune 500 enterprises to emerging companies. My time in the placement was divided between research projects for the Pro Bono department, observing client meetings and doing a variety of court attendances. It was also a great opportunity to have informal conversations with different lawyers and ask them questions.

Can you please introduce yourself?

My name is Louise Carter and I started the training program (we call it a graduate program in Australia) in February 2013. I'm working at the Sydney office of DLA Piper.

In which departments have you worked so far?

The graduate program in Australia allows you to work, or 'rotate', in three different practice areas for 6 months each. It is an 18-month training contract. My first rotation was in the Pro Bono team. This was a wonderful experience and it genuinely surprised me

how much international and local pro bono work the firm participates in. I spent a lot of my time in this rotation developing a program to help female lawyers in Nepal.

My second rotation was in the Government Litigation team. This was a very challenging and dynamic rotation. I was very lucky that the team's partner gave me a lot of responsibility straight away and I was attending hearings with other solicitors quite often. It was a great exposure to litigation.

My last rotation is also in litigation in the Dust Diseases team. I have only just started this rotation and it is fast paced and challenging.

Why did you choose to pursue a career in law?

I chose to study law because I have always had an interest in social justice and problem solving. A legal career seemed like a great way to solve real life problems in a stimulating (and competitive) environment.

What kind of work experience did you have prior to your training contract?

Prior to my training contract, I worked part time during university as an administrative and research assistant for several barristers. I also volunteered at a local community legal centre. These experiences were

very different but both cemented my desire to continue to pursue a career in law.

Can you give me an outline of the application process?

The majority of top tier and mid tier firms in Australia have a similar application process. A typical applicant will first do a summer clerkship in between their second last and last year of university. A summer clerkship is a bit like a short internship. In the following year after you have completed your university studies, firms will usually pick their trainees/graduates. **Continued on page 7**

Review and Release: Whole Life Sentences and the European Court of Human Rights

Michael Rhimes

A double murderer, a child-killer and a sexual sadist. No, this is not a horror film or a prison break, but the case of *Vinter v UK*. The question before the ECHR in this case, basically, was whether life sentences are contrary to the Art 3 prohibition against inhuman treatment. Before examining the case in detail, it's worth taking a look at what life sentences actually are.

Sentencing Policy for Murder in England and Wales

Statute imposes a life sentence on anyone found guilty of murder. However, this does not mean life in prison. Rather, the criminal

will spend a minimum term in prison. The length of this is now determined by a judge based on complex sentencing policies.

However, the judge has the discretion to specify that the minimum term of imprisonment is for life. This is known as a whole life sentence and means the convict will die in prison. This is reserved for extreme cases, and there are currently only 47 prisoners serving such sentences. The only way out, bar escape, is if the Secretary of State uses his statutory discretion to allow release.

The Case of *Vinter v UK*

So when does a whole life sentence amount to a

breach of Art 3?

The court briefly states that grossly disproportionate punishment violates Art 3, although this will be "rare and unique". This was not in issue as the applicants didn't claim their case fell within this small minority.

The more difficult question regards life-long imprisonment. This is better broken down into two considerations.

The first consideration before the court was whether the mere fact of imprisoning someone for life automatically violates Article 3. This was rejected on the basis that the Contracting States are free, within limits, to decide the appropriate punishment for

offences. In other words, the UK is "free to impose life sentences on adult offenders" [106]. The court further impressed that the UK position does not impose whole life sentences, except in the most extreme of cases. In other words, contrary to popular press, the sentencing of a person to spend the rest of his days in jail is not a breach of Art 3.

The second consideration is whether detention for life can at some point become a breach of Art 3. The ECtHR said yes. In order to ensure a whole life sentence is compatible with Art 3, it must have "prospect of release and a possibility of review" [110]. The question then was whether the UK

satisfied these requirements.

First, currently, the UK does not provide for the possibility of review. Once the whole life sentence is given, it must be served. This contrasts the position before 2003 where the Secretary of State would review the necessity of whole life tariffs after 25 years.

Second, the Government sought to argue that there were genuine and real prospects of release. Their starting point is that Secretary of State has statutory discretion to release prisoners serving whole life sentences. True. In the cases of *R v Bieber* and *R v Oakes*, the Court of Appeal stated that this discretion could be read as allowing the Secretary of State to release a **Continued on page 9**

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tes from those that did a summer clerkship the previous year. This is how it usually happens though there are exceptions to every rule.

How many applications did you complete?

I applied for about 10 positions in both mid tier and smaller, boutique firms.

What do you feel gave you the extra edge necessary to be offered a training contract?

I think it was because I had shown a clear interest in the law throughout my time at university. Even if you're applying for a big corporate firm, it still looks great to have some volunteer, community legal centre experience. Working for some well-known barristers was also a factor. Good academic marks are important but they will only get you so far.

What is it about DLA Piper that appealed to you before you began your training contract? Has it fulfilled your expectations?

DLA Piper appealed to me because it is actually and truly global. There's a DLA Piper office everywhere. I also have a passion for social justice so the big pro bono focus and the 'New Perimeter' organisation were important to me. DLA Piper has lived up to my expectations (though I tried not to have many expectations going into the program). I have worked on projects with lawyers from Germany, Hong Kong and London and I have been pleasantly surprised with the amount of support I am given to take on my own matters.

What do you enjoy most and least about being a trainee?

I enjoy the camaraderie. You will find that your

fellow trainees quickly form friendships and you can share experiences (good and bad) with each other. I also like how, as a trainee, (most) lawyers acknowledge that learning and observing is a big part of a trainee's role. I have had great mentors.

The least exciting part has to be the occasional discovery task!

What general advice would you give to law students?

Get some practical experience! Not only does it look good on your CV, but it will help you realize whether a legal career is for you. A surprising number of trainees (not just at DLA Piper) have left the legal profession entirely in the first 12 months. Take the time to think about what kind of career you want.

Going to careers fairs is a good idea. However make the most of them. Remember that lawyer's name that you met at the careers event and send

them a polite follow up email the day after. It never hurts! Also don't be afraid of using distant contacts you might have. Send an email to that friend of a friend of a friend who is a lawyer and ask to buy them a coffee in exchange for a chat about the legal profession. It's never too early to make contacts, you never know when you could use them!

Try to get a paid or unpaid internship over the holidays at a law firm

you're interested in. This could be a great way to make connections.

Lastly, don't neglect your other interests. If you love painting or kite surfing – great! Law firms want to hire well-rounded people, not robots. Plus it will give you something to talk about in your interview when you run out of things to say. Good luck.



Sydney Opera House
Image: Ivana Dahl

Is it time to stop sanctions?

Asraa Al

"Peace, commerce and honest friendship with all nations; entangling alliances with none."

- Thomas Jefferson

Sanctions are used as a disciplinary tool with the aim of restoring peace and security. However, sanctions on countries have disastrous effects on its population and its economy. Iran is currently under sanctions due to its nuclear energy program. Yet, is this how we should deal with situations like this? Should we immediately use sanctions that harm innocent civilians?

No. Instead, countries should focus on diplomacy and promoting peace through free trade, not crippling sanctions. As Ron Paul (former congressman from Texas) has stated, "Nothing promotes peace better than free trade. Countries that trade with

each other generally do not make war on each other, as both countries gain economic benefits they do not want to jeopardize". Therefore, the sanctions on Iran

can be seen in UK courts, with Bank Mellat, a private Iranian bank. It is one of the largest commercial banks in Iran. It is currently suing the UK Treasury in a \$3.9bn

Court in June, overturning a ban from operating in the U.K. The Supreme Court quashed sanctions imposed against the bank over allegations that it helped fi-

Now, the bank wants compensation; saying it suffered "significant pecuniary loss" and damage to its reputation due to sanctions.

Clearly, we can see that sanctions are very disruptive to economies. For example, the inflation rate was pushed to over 30%, affecting the cost of living of many innocent Iranians. The impact on the civilians of Iran has been devastating.

The aims of the sanctions are to cripple Iran's energy sector especially because Iran is so reliant on its exporting of oil. The oil industry is responsible for about 20% of Iran's gross domestic product (GDP) of \$870 billion, and generates 80% of Iran's income from foreign exchange. The oil industry also generates about 50% of government revenue, which impacts Iran's military and other governmental functions, including education and health care. We also see trade ties sev-



Feb. 4, 2012: International Day of Action: NO U.S. War on Iran. Activists rally in Times Square, NYC and march to UN and Israeli Embassy to protest war mongering against Iran, sanctions and drone strikes.
Image: David D. Grossman <http://www.flickr.com/photos/worldcantwait/6844732543/>

can be seen to do more harm than good.

A recent development

lawsuit.

Last year, Bank Mellat won its case at the Supreme

nance the development of nuclear weapons in Iran.

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ered, which have created vast unemployment. We can see a truly destructive effect on civilians because they no longer have access to medication and due to the value of their savings eroding because of inflation, they can no longer afford certain foods such as meat and vegetables. Is this just? Should innocent civilians have to handle the consequences of government action? Is this not violating their human rights? This could be seen as a violation of international law because as pointed out by public policy scholar Soraya Sepahpour-Ulrich: Under the 1949 Geneva

Conventions, collective punishment is a war crime. Article 33 of the Fourth Geneva Convention states: "No protected person may be punished for an offense he or she has not personally committed," and "collective penalties and likewise all measures of intimidation or of terrorism are prohibited." Is seeing the weakest members of the Iranian society being hurt not enough to end these illegitimate sanctions?

It could be argued that Iran is merely exercising its right to enrich uranium as stated in the Nuclear Non-proliferation Treaty (NPT) to which Iran is a part of. In Article IV it states: "Noth-

ing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty." Undoubtedly, Iran has the legal right to enrich uranium. So, why is the US reluctant to recognise Iran's right? Is this hypocritical? If we look at other countries such as India and Israel, which have refused to sign the NPT or allow any inspections despite having nuclear weapons. Or. Let us not forget the US itself, which is the only country to

have ever used nuclear bombs in warfare! On the other hand, Iran has not attacked any country for over 200 years. In fact, Iran itself has been a victim of aggression (Iraqi invasion in 1980). Consequently, it seems that Iran does not seem to pose a real threat to any country's national security.

Moreover, despite Iran being known as an oil rich country, Iran needs an alternative source of energy. Its population is continuously growing and already demand outpaces production! Nuclear energy will really help Iran satisfy demand. Why is Iran being punished for exercising its right to en-

rich uranium for civilian and peaceful purposes?

Recently, talks between Iran and the five permanent members of the UN Security Council have shown some progress. The initial "landmark" deal (P5+1), agreed to in Geneva on November 2013 that took effect in January saw an easing of some sanctions in exchange for a restraint on Iran's nuclear activities. Currently, talks are resuming in Vienna with an aim of reaching a long-term nuclear deal. It will certainly be interesting to see the outcome of these talks and whether a long-term deal will be reached.

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ions across East Africa in Kenya, Rwanda and Uganda.

Local Christian lawyers in each country manage these projects and seek to represent vulnerable and marginalised communities, regardless of their background, or religious belief, by informing them of their basic legal rights and offering free advice and representation to those who have no means to pay for it. Those represented include street children arbitrarily arrested by the police, accused people who have waited for up to 10 years for trial and widows who have been forced off their land and made destitute by their dead husband's family. In addition through carefully selected cases, CLEAR has sought to highlight injustices through public interest litigation and advocacy specialising in criminal justice, public law and family law. The Lawyers' Christian Fellowship in the UK have been delighted to support CLEAR both financially and by encouraging UK lawyers to volunteer practical and legal help.

The importance of access to justice

If you were asked the question "What does the denial of justice to an individual say about the person and society?" the likely answer is that the person was not being treated as a valued

and equal member, and as a result society is demeaned and undermined. The possibility of further abuse of power and injustice is inevitably heightened. Good "access to justice" provides an invaluable link to the concept of accountability of the state, and thereby society, to all persons. One of the key aspects to destabilising this concept is financial inequality where the lack of resources will often create an imbalance of power which is capable of being abused. The poor are often vulnerable in the justice system simply because they are poor, which has the potential of their being abused by the rich and powerful – who can play on this inequality. So the courts and justice system should act as a counter-balance to this possibility and pay special attention to the claims of those who lack the opportunity to have their case put before the court, and ensure that the justice system takes its proper course.

Why CLEAR?

CLEAR is an acronym for Christian Legal Education Aid and Research. But why do these Christian lawyers do this and give up their time to get involved with these difficult and oppressive situations? At the heart is their faith. A desire to serve Jesus Christ using the skills they have as lawyers and the conviction that the Bible speaks deliberately



A CLEAR Advocate speaking to prisoners in Kenya
Image: LCF/CLEAR

about the need to provide all with access to justice on an equal playing field, as discussed above. We read in Proverbs 31:8-9 these words "Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy". As Christians we hold that all are made in the image of God and are equally valued by God. As a result, we should actively defend the rights of those in need and deliver people from oppression. Through Jesus, Christians understand the role of advocacy and the importance of an advocate in securing justice, helping a judge to do justice, enabling the judge to see the real issues in the case and so to discern who is in the right and who is in the wrong.

But if the poor are excluded from access to justice, and the government is failing or refusing to ensure that people have effective representation and access to justice, then as Christians we should serve our neighbours by standing in that gap, speaking up for them, especially when they are at their most vulnerable.

Back to Sam and what about us?

Sam's story is just one story. There are hundreds, if not thousands of other similar tales. Every week, a team from CLEAR talks to as many inmates as possible in the allotted time; hearing their stories and offering basic legal advice. Many inmates have never seen their charge sheet or witness statements. This is a basic right. For many CLEAR are

their only hope.

The example of CLEAR is also a challenge to us when the issue of access to justice is becoming a more pressing issue in our society. What is our response to this in the UK as well as abroad. Now that's a thought.

If you want to know more about CLEAR then do look at the Lawyers' Christian Fellowship website, www.lawcf.org, on which you can also find out more about a Christian response to the access to justice debate. If you want to know more about the Student work of the LCF please contact Matthew Price on matthew.price@lawcf.org.

(Mark Barrell is the Executive Director of LCF)

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prisoner whose detention violated Art 3. True.

Accordingly, they argued, the UK position was not incompatible with Art 3. False.

Why? First, the Secretary of State's discretion is drastically reduced by statutory instruments and can only allow for release when the prisoner is terminally ill or permanently incapacitated. The wide interpretation accepted in Bieber and Oakes sits uneasily with the wording of the instrument. Second, in any case, the Secretary of State made no attempt after those cases to revise his policies. Last, the release effectively granted the convict a chance to die in a hospice or hospital rather than in prison. In that sense, it could not really be described as a prospect of release.

Accordingly, there was a violation of Art 3.

100-Year Sentences

The question now is where that leaves us with the 100 year sentences that were proposed as a way of getting around Vinter. With respect, I can only compare this solution to one of Baldrick's "cunning plans". In line with most of his alleged flashes of genius, it is unlikely that this will have any prospect of success.

Let us set aside the requirements of "review" and "release", and focus on why the court took objection to whole life sentences. Two that are particularly important are as follows. First, a whole life term can-

not take account of the fact that there may, at some future point, be no valid penological ground for the convicts' continued detention. Second, the very nature of the sentence deprives the punishment of his rehabilitative effect: the criminal can "never atone for his offence". As the court stresses, this is contrary to the European consensus that punishment should have reformative qualities.

The flaw in the proposed sentence is obvious. Justifications for detention can fade. But the 100-year term would still require the convict's continued detention. Further, it fails to provide the convict with an opportunity to atone for his sins and regain his liberty.

In the final analysis, therefore, it is easier to slate Vinter than it is to actually understand it. On the one hand, the tabloid press overestimate the effect of the decision in claiming that it is against human rights to imprison a person for life. It is not. On the other, the suggestion that the decision can be circumvented with 100-year sentences is under-inclusive. It is fanciful political claptrap. It neglects not only the spirit of the judgment but the idea that convention rights are "practical and effective" (*Airey v Ireland*).

As the government goes back to the drawing board, they might want to bear in mind these two concepts. It might possibly lead to sane penal policy. Possibly.

The Skills You Need to Succeed

Eveanna Reddy

Think of 5 essential skills that you think recruiters look for; now demonstrate them in an application or interview. The task isn't as easy as it sounds, which is why the Women Working in Law society invited top careers consultant Gwyn Day to host a workshop on how to write successful applications and CVs, interview techniques and how to demonstrate commercial awareness.

Translating skills from practice onto an application form can be difficult. To help, he shared with us 'Gwyn's Grid', which allows you to effectively display the skills that firms look for. The first step is to list all the activities that you have done since the age of 16. Then identify 2 competencies that are appropriate for that story. For each competency, set the context of the story, describe the action that you took and state the result. Do this in 50 words and make every word count. To help minimize the use of words, Gwyn has a forbidden list. These include all fillers and discourse markers. Word limits on applications are tests; recruiters want to see that you can be concise but effective. In addition, you can now easily expand those 50 words to fit the word limit for the application.

Moreover, Gwyn emphasised that you need to apply for 20 vacation schemes, 8 that you want and 12 as backups. A spelling mistake, a grammatical error or a nervous interview can lead to rejection. Put the odds in your favour. You can be convinced that you have a strong application, but you never know what can happen.

Any student pursuing a career as a solicitor will know that commercial awareness is key. To test ours, Gwyn gave us a short quiz: what is the current price of oil? Who is the chair of the Federal Re-

serve, what is forward guidance and QE? Name one acquisition or merger that has taken place this week. What Gwyn made perfectly clear, was that reading the news isn't enough. You need to read it, understand it and learn it. Not just once a week but every day, you need to stay up to date on all commercial issues of importance. For example, in the 3 months between Gwyn's workshop and this article, what the commercial world considers emerging economies has changed. At the time of the workshop, the world was talking about the CIVETS countries. Now, the rising powerhouses of the economy are the MINT countries - Mexico, Indonesia, Nigeria and Turkey.

Gwyn provided some tips to help improve this all-important skill. Read a Christopher Stoakes book. His books are aimed at helping law students build up their knowledge of business and financial markets. Instead of pouring over the financial times and not understanding a word, read City AM. Most importantly, start familiarising yourself with financial jargon. You can do this by following company blogs or listening to Bloomberg. You want to show that you understand the words, not just that you are able to recite them.

However, skills are just one item on a list that recruiters have. They want to know that you understand their firm. You need to show that you have an interest in their firm. Find out who their competitors are. Begin to understand the firm as a business; where is the firm expanding? In 5 years' time, what practice areas will they be specialising in? Geographically, where do you think the firm is going? Furthermore, do the SWOT analysis of the firm: strengths; weaknesses (internal); opportunities; threats (external). Question: how do you do all of this? Listen to trainee and partner podcasts, read their blogs, and set Google alerts. It is unlikely that you will be able to raise every

point in an application, but this knowledge is just as prevalent in interviews.

The next challenge that most students find difficult is the group assessment day. Teamwork is another of those vital skills that firms want. The best way to conduct yourself on an assessment day is to be aware of everything. Introduce yourself and confirm you know who everyone in the group is. There is often a follow-up question asking what you thought of someone else's contribution. You also need to make sure that everyone understands their task; doing this shows that you are thinking about the group. Above all, allocate a timekeeper, set out an agenda and encourage others to participate.

Gaining work experience usually requires applying through the traditional CV and cover letter method. Gwyn's tips for a CV are these: have two CVs, a 1-page one and a 2-page one. Make sure that you put your languages before your education, law firms interact internationally and every language is considered a benefit. For work experience, follow the context, action and result model. However, you need to concentrate on your cover letter. It should be ¾ of the page and overtly state why you want to work for the firm. The first paragraph should be a reiteration of your current status as a student. The second should state why you want to work for that firm. You should focus on 4 areas, their values, their clients, the structure of their training contract/vacation scheme and the awards that they have won. In your third paragraph, you need to sell yourself to that firm. Why should they pick you? Look at their values again, pick the most important ones and say how you fit that. Finally, conclude with a parting message that reiterates your enthusiasm.

Gwyn has been extremely successful in helping students get their desired jobs. His workshop provided us with much

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Call for submissions

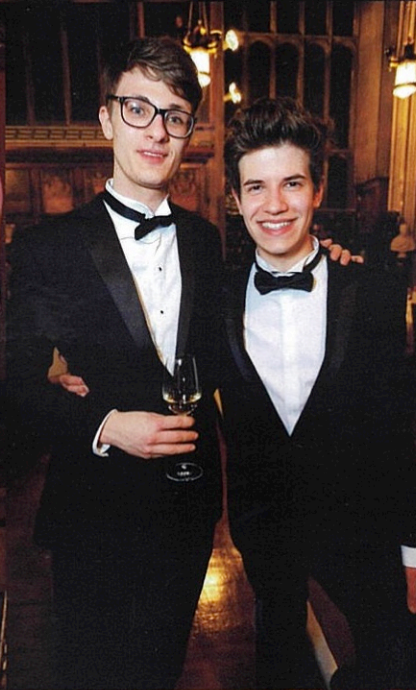
Want to have your say on current legal affairs?
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We are looking for students, academics and organisations who are keen on writing a piece for our issues throughout the year.

Have an idea for an article? Drop us a line at:
theadvocate@qmpubono.org

The Queen M



ary Law Ball



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needed practical advice. Before leaving, Gwyn presented 3 missions to fulfill whilst at university. Get a 2:1, get involved in societies and spend 2-3 hours a day on either commercial awareness or applications. Doing these things will set you up for a good chance to succeed.

LAW STUDENT VOICES



What is your name?

Hannah Fry (*Pro Bono Society President, 2014-2015*)

Where are you from?

Brentwood in Essex (England, UK)

What year are you in?

Second year

What programme are you in?

LLB

What do you enjoy most about studying law at Queen Mary?

The variety of subjects, you can learn any law that you want to do, so if you have an interest in economics you can focus more on that. Also there is a really friendly environment.

What is your study strategy?

I'm quite a last minute person, but I do try and plan. I try to catch up if I miss something and try to keep track of what I am doing.

What current legal issue are you following and what is your opinion of it?

Cuts to legal aid is a big issue at the moment. You can keep up to date through things like BBC news and Financial Times, also Lawyer2B is quite good. It's a really important issue at the moment, I think it is going to affect all of us going into the profession. I can see why its happening because of the economical situation, but overall I am against it. I think its more about how do we solve the problem and who's going to solve it? To a point it might have to be the solicitor commercial firms who start to pull their weight and do more pro bono work because everyone has a right to access to justice.

Bulgarians and Romanians: Invading UK?

Gabriela Hristova

Following the fresh "dreadful" memories of the Polish immigration wave, scary images of Bulgarian and Romanian citizens have occupied a significant space in the United Kingdom's media for the past few years. Tensions peaked last year after the leader of the UK Independence Party - Nigel Farage said that it will be a "huge mistake for the United Kingdom to open its doors in 2014 for 29 million Bulgarians and Romanians." In an episode of BBC Question Time aired last January, he commented that 50% of the Bulgarian population lives on or below the poverty line and the average wage level is 200 Euro. He said: "I am afraid that this is a country in an incredibly awful state-the justice system is not independent, the mafia runs the economy. If I was a Bulgarian, I would have started packing my luggage right now." Mr. Farage even suggested that a referendum on whether Britain

should leave the European Union take place. Recently, Prime Minister David Cameron's attempts to pass the EU (Referendum) Bill were quashed after the Bill did not receive adequate support in the House of Lords.

It sounds unbelievable how two small Eastern European countries with population of 28 million in total which are already part of the EU free trade area may be such a great threat to a country known for its historical success and stability. Speculation that Bulgarians and Romanians are beggars and thieves are everywhere: from local newspapers to mass media. The Guardian even wrote an article about the plans of the government to launch a vast anti-advertisement of the Kingdom such as: "Here it is wet and cold, the public transport is bad, the food is not tasty and our streets are not covered with gold." to prevent immigrants from coming.

The time has come and

since the 1st of January this year Bulgarian and Romanian citizens who wish to work in the UK can exercise their treaty rights as workers. Now they do not need to get a registration certificate to show that they are allowed to work, but have to comply with the conditions and requirements of the Immigration (European Economic Area) Regulations.

Just a few weeks before that date, the Westminster Parliament was panicking over the upcoming lift of the restrictions. Therefore, the government of David Cameron tried to make a last ditch attempt to put new provisions in the Immigration Bill 2013-2014, in place, to impose further restrictions on Bulgarians and Romanians without violating the European Union's anti-discrimination laws. If the Bill is enacted in spring it will impose obligations on landlords to grill tenants about their immigration status, the procedure when an immigrant is judged to

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Snowed over with Controversy

The Sochi 2014 Winter Olympics and Russia's LGBTI Laws

Daniel Holt

The Sochi Winter Olympics is over and many medals have been won. Much of the world coverage, however, focused on the Russian 'anti-gay' laws. We hear that lesbian, gay, bisexual, transgender and inter-sex (LGBTI) rights activists have been arrested and beaten. But the Russian President, Vladimir Putin, says that gay people are welcome as long as they stay away from children. Team Germany has seemingly shown their disgust with the Russians with their brightly coloured rainbow uniforms. The Canadian Institute of Diversity and Inclusion, similarly, published a gay themed TV advertisement with the slogan - "The winter games have always been a little gay. Let's fight to keep them that way." Google, and other international organisations, have also shown their support with their LGBTI-themed pages and logo.

But what are these 'anti-gay' laws? They are federal provisions that came into force on 30th June 2013 banning the propaganda of 'nontraditional' sexual relations to minors. The new law is supplemented by existing regional legislation that broadly has the same aim. Protecting minors, traditional values and the ideal family is the official agenda.

Article 6.21 of the Code of the Russian Federation on Administrative Offenses defines 'propaganda' as: "distribution of information that is aimed at the formation among minors of [1.] nontraditional sexual attitudes, [2] attractiveness of non-traditional sexual relations, [3] misperceptions of the social equivalence of traditional and non-traditional sexual relations, [4] or enforcing information about non-traditional sexual relations that evokes in-

terest to such relations" The term 'nontraditional' is particularly vague. Some would say that this is purposeful vagueness to disguise how the law will be used and it is difficult to argue otherwise.

The new law sets fines for propaganda at 4,000 to 5,000 rubles for individuals (about £67 - £84) and up to 800,000 to 1 million rubles for NGOs, corporations or other legal entities (about £13,423 - £16,779). Provisions for more severe administrative fines are in place for propaganda transmitted via the Internet or other media networks or by a foreign citizen. Foreigners are also subject to 15 days in prison and deportation from Russia.

But are they really anti-LGBTI? Are they a necessary protection for minors and traditional family values? It is true that they don't mention any LGBTI terminology or identify a target. But what else could be considered 'nontraditional' but LGBTI people? Bestiality maybe? It is also said, in defence of the law, that Russia has agreed to protect LGBTI people against homophobia under the United Nations (UN).

Russia is also a member of the Council of Europe and is a signatory to the European Convention on Human Rights. This, however, does not deter them from wide-spread human rights violations. The European Court of Human Rights has affirmed that measures to "protect" children from information about homosexuality do not meet the test of necessity in a democratic society and also constitute discrimination. These anti-gay laws clearly offend Convention rights.

Of course they persecute the LGBTI community. Such laws send out messages of concern: same-sex relations are wrong and

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MEDIA LAW UPDATE WITH Mr. GAVIN SUTTER



Stacey Smith

From the Leveson inquiry to the Snowden revelations, media law has been riddled with shock and scandal in recent years. Technological development has dragged this niche field on a roller coaster like none other. Mr. Gavin Sutter, media law lecturer for Queen Mary University of London's undergraduate law department and the postgraduate Centre for Commercial Law Studies, recently shared his views on some of the major developments.

Mr. Sutter has been teaching at Queen Mary for ten years and said the content of his course has changed and continues to change quite radically: "I pick up the metro at the tube station in the morning or surf the papers online and there's always something that crops up every

day or every couple of days that's directly relevant to the things I look at in class."

With the Contempt of Court Act 1981 currently under review, he began his discussion by examining the relevant challenges posed by the internet. For example, the nature of publication for contempt purposes has changed significantly because online information spreads like wildfire. "Suddenly you're not only dealing with a newspaper with a concrete office location where somebody can go there with an arrest warrant for a specific person. Now you just have anonymous people on the internet passing things on and it happens very easily. It happens by text message as well." Unlike previously where readers would often focus on the views of one newspaper, stories can be followed from various

news websites and viewer comments can also be read beneath them. This leads to a cumulative effect on the readers' psyche, he said.

Another obstacle is the problem of the continued availability of information on the internet. Contrary to the law on defamation where it has been abolished, the 'multiple publication rule' is still valid as it pertains to contempt of court. Therefore something is considered to have been 'published' when it's downloaded and read, regardless of when it was originally uploaded to the website.

This has posed a significant threat to the jury system he said, as "there have been cases where jurors have gone home and searched Google, Facebook and Twitter to get a hold of information that they shouldn't have and poten-

tially had their decisions affected by information other than what was put to them as evidence in the trial." In addition, some jurors have also been sharing information that has been discussed in the jury room via such media outlets.

Although Mr. Sutter said he's not entirely sold on the proposed idea of getting rid of juries, and he is aware that it would place more power in the hands of the judiciary which is already lacking in diversity, he realises that some form of radical change to the legal process might be required. "At the end of the day, it's easier to keep track of a judge and they are individuals who have training. I'm not suggesting that they're necessarily always brighter than anybody on a jury, but separating out what's under consideration and what's not is second nature to them in a way that it might not be for a jury." The Defamation Act 2013 has already led the way in this arena by creating a presumption that there won't be a jury unless it is decided that there should be, whereas it was previously the default norm. (For the media, this also has the added bonus that the judge can run an early hearing on meaning, avoiding much more costly proceedings by allowing either party to move to settle the case if the result goes against their argument.)

Speaking of the new Defamation Act, Mr. Sutter expressed his disapproval of the new defence of 'truth' (replacing that of 'justification') and said he had a spirited debate over the use of this word with Lord Lester, who introduced the term. "I don't think 'truth' really has any place in court. To me the idea of truth is something much more ethereal, you know. It's a philosophical, maybe a theological concept." He believed a better defence would've been one of 'fact' whereby claimants could have simply proven

that a statement was a fact or substantially factual. "I felt truth was inappropriate because we're deciding in a civil court where we're thinking about things on the balance of probabilities. Are we going to then say 'oh we think that's probably true'? It doesn't sit easy with me."

He's also not a fan of the 'publication in the matter of public interest' defence, which was previously known as the Reynolds defence. "I feel that we've really ended up with a defence that tries to take something quite complex and subtle from case law, and hammer it into statute; I'm not sure that that's going to work just as smoothly as they'd thought. I'm not entirely convinced that there was a need to radically alter Reynolds because it actually seemed to have taken shape quite nicely." He referred to cases such as 'Jameel v Wall Street Journal Europe Sprl' to illustrate instances where the Reynolds defence was proven to be effective.

On the flipside however, Mr. Sutter is pleased that the defence of 'honest opinion' has replaced that of 'fair comment': "I like this change because fair comment didn't have to be fair. It could be absurd."

The next topic of discussion was 'whistle-blowers', particularly Edward Snowden and his revelations. Mr. Sutter asserted that whilst such activity is nothing new (referring to Clive Ponting as an early whistle-blower), again "the internet has been a game changer." Elaborating, he said "what is new about the kind of information that we have now and the way we store information is that it can be hacked and it can be spread. It's easier for somebody to e-mail out lots of copies of documents than to be walking out with a sheet of A4 under their arm, with all their printouts or photocopies."

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As a justification for the government surveillance methods that were exposed by Edward Snowden General Keith Alexander (Director of the U.S. National Security Agency in the U.S.) has said, "you need the haystack to find the needle." However, Mr. Sutter does not believe such mass surveillance is justified even if the purpose is to prevent terrorism, and he is in support of Snowden's actions. "I have a right that the government can't just target me for routine surveillance with no reason to do so, they can't just go on a fishing expedition. They have to comply with all sorts of regulations." He said he is not prepared to give up his civil liberties for a small risk of terrorism, although he understands the difficult situation that the government is in because they're also pressured to do everything they possibly can to protect society at

large. However, "I feel they diminish their own argument about the protection from terrorism card because they play it too hard, too often, and too willingly."

Nevertheless he said the fact that there is a tension between the government fighting earnestly to prevent such information from being exposed and the press fighting just as much to expose it might be a good thing: "we're seeing very clearly the press acting as a watchdog, which is what I firmly believe the press should be doing in its most idealist form."

Whilst there are basic legal rights in the UK for whistle-blowers Mr. Sutter explained that it doesn't apply if by letting information out you would be breaking another law, particularly the Official Secrets Act 1989. As a result, the law doesn't protect people in the position of Edward Snowden or Julian As-

sange. However the bravery that Snowden has demonstrated through his actions is one reason Mr. Sutter sympathises with him, whilst many in the U.S. are calling for him to be put to death for what they view as the ultimate betrayal. "If he felt he was doing something wrong, then he probably would've made more of an effort to try and conceal who he was."

Moving on to press reform - a topic hotly debated since the 2012 Leveson Inquiry into the Culture, Practices and Ethics of the Press - Mr. Sutter said "in the ten years since I started teaching this stuff the Press Complaints Commission (PCC - an independent self regulatory body that deals with complaints about the online and print editorial content of newspapers and magazines) has been regarded as a bit of a lame duck and all the same criticisms have

been put at it". However he believes that the PCC was treated unfairly because they were actually acting within their intended ambit. He even referred to individuals such as Jack Straw (British Labour Party politician), who have argued that the problem was not that the PCC had failed but that more useful laws weren't enforced (e.g. those pertaining to data protection which may have prevented the phone hacking incidents).

Nevertheless, Mr. Sutter realises that the negative public perception of the PCC makes it inevitable that it will no longer be a viable regulating body. However he said we shouldn't be creating a system where "the famous and rich and those who can afford it can sue you in court while everybody else goes for some Mickey Mouse alternative because they can't afford it. They need to

make the courts more accessible and I think that's a big thing there. Maybe the idea of a tribunal specifically for libel and privacy could fast track things and that should be open to everyone." A purely self-regulatory body specifically responsible for dispute resolution and issues such as accuracy has value, he added, because sometimes all people want is an apology and an acknowledgement that someone did something wrong. "That, however, should never be allowed to create a two-stream system, where lack of access to the courts owing to financial cost perpetuates inequality at law."

Commenting on the possibility of the government having any involvement in the new regulatory system (e.g. as a co-regulator via the proposed Royal Charter) he said: "I don't trust the press to regulate themselves, but I trust the State to regulate the press even less."

Are Fashion and Ethics Compatible?



Manhattan Fashion Ave Street Signs (Garment District in NYC, U.S.)

Image: Glyn Lowe Photoworks <http://www.flickr.com/photos/65354164@N02/11113042424/>

Ruby Wright

In April 2013 over 1100 people lost their lives when a garment factory collapsed in Bangladesh. It wasn't the first factory to collapse in Bangladesh. Only six months previously, 112 people lost their lives when the Tazreen factory caught fire, but has the tragedy led to any real change in the fashion industry? And what needs to happen in order for the industry to learn from these tragedies?

In order for fashion to be ethical, attention needs to be paid at every stage of the supply chain - from the cotton farm to the factory. Perhaps encouragingly, Berlin

fashion week 2014 (which took place in January) incorporated pledges to improve conditions for both farmers and garment workers. Whilst this is a positive step, ethical fashion still seems somewhat tokenistic. The problem with ethical clothing is that it's currently a drop in the ocean, or put another way, a fringe event at fashion week.

A4ID's (Advocates for International Development) partner Labour Behind the Label (LBL) believes that garment workers should be paid a living wage and provided with safe working conditions. Samantha Maher, In-

ternational Solidarity and Policy Co-ordinator of LBL says, "In Bangladesh workers have paid the price for the failure of the clothing industry to address serious health and safety problems in their workplaces, it is time for the companies supplying our high streets to take immediate action to ensure that similar tragedies don't occur in the future."

Through A4ID's broker service, LBL were introduced to a law firm who were able to provide legal advice regarding their campaign to highlight the deaths at Tazreen Fashions' Factory in Bangladesh. LBL

required legal advice regarding naming companies who were buying from the factory. LBL are calling for companies who were using the Tazreen Fashions Factory to provide compensation to victims and their families, and to take steps to prevent future tragedies.

A4ID's Chief Executive Yasmin Batliwala says, 'The world of fashion is associated with frivolity. Yet behind the scenes countless farmers and factory workers are facing exploitation. A4ID believes that the law can, and should, be used more effectively to protect the rights of vulnerable people. It's good to hear that LBL have had the confidence to name and shame companies who were buying from Tazreen Fashions Factory, where so many people tragically lost their lives'.

In the Wake of the Rana Plaza Factory collapse, LBL have called on brands and unions to sign the Bangladesh Fire and Building Safety Agreement. An agreement has already been signed to make systematic changes to factories in Bangladesh. Over 90 cloth-

ing companies have signed the agreement, which will help improve working conditions in over 1000 factories, which will ultimately save lives.

Samantha Maher says, 'The Accord is ground breaking in that it is the first multi-stakeholder agreement on improving standards that is legally binding. This means that neither the brands nor the unions can simply walk away once the glare of the spotlight that was once on them immediately following Rana Plaza fades away'.

Whilst the fashion industry undoubtedly has a long way to go in terms of making fashion ethical: organisations like LBL are affecting change in the industry. There's an appetite for talking about what needs to change in the industry during London Fashion Week. And you can join the debate. The 13th of February marked the launch of 'Stitched Up - The Anti-Capitalist Book of Fashion'. The launch was open to the public and included debates around exploitation, gender and race in the fashion industry, with speakers Katharine

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Hamnett and Susie Orbach.
For information about
A4ID's work, including our
broker service, please con-
tact Ruby Wright, Head of
Communications and
Policy, on:
ruby.wright@a4id.org.

LAW STUDENT VOICES



What is your name?
Leah Khayat

Where are you from?
Paris, France

What year are you in?

Second year

What programme are you in?

English and European Law

What do you enjoy most about studying law at Queen Mary?

I like the opportunities given by the different societies. Also all the optional modules were very interesting, I am doing Comparative Asian and African Law and I also did Comparative European Legal Systems in the first semester.

What is your study strategy?

I usually do flashcards, but I think I am going to change this year because it didn't work last year!

Now I read my notes and complete my notes with lecture recordings.

What current legal issue are you following and what is your opinion of it?

The last thing I was interested in was the homophobic laws in Russia, because I saw this video that was

published by the Human Rights Watch which was showing people that would kidnap homosexuals and beat them up. I was planning to boycott the olympics, but then I really like figure skating so it didn't really happen.



What is your name?
Amir Ben-Shabat

Where are you from?
Canada

What year are you in?
First year

What programme are you in?

LLB

What do you enjoy most about studying law at Queen Mary?

The challenge of being able to expand your mind.

What is your study strategy?

Start early! Make sure to cover all your basis and use q-cards to be able to memorise cases.

What current legal issue are you following?

I was very interested in the 2008 Credit Crunch, so I've been following that.



What is your name?
Alexis Michael

Where are you from?
Cyprus, Greece

What year are you in?
Second year

What programme are you in?
LLB

What do you enjoy most about studying law at Queen Mary?

The diversity of students, there are students from all around the world.

What is your study strategy?

Go to lectures, get some notes, go to the book, read some pages and gets notes from them and then go to the tutorials.

What current legal issue are you following?

The current Cyprus problem, they are trying to make a new plan for the unification of the islands.

The importance of legal control in the financial markets

Todor Nanov

Post the 2008 credit crunch there has been an ongoing debate regarding issues of financial regulation and how the lack of such has had a catastrophic impact on the global economy. What some describe as an unexpected and unavoidable crisis has been argued by many to be the child of high speculation and the Castle-in-the-Air theory. In

this article I aim to briefly explain the impact deregulation has had on the financial industry up to it's current state. In doing so I shall introduce some concepts which you might be familiar with and examine them in line with historical financial events. In order to truly understand the current economic state of global financial markets one needs to consider that there is no such thing as a

"Black Swan", financial crises are somewhat like hurricanes as Nouriel Roubini said, their exact path cannot be predicted, however they tend to move in patterns and stumbling into one could be avoided.

Historically there have been two leading investment theories, The Firm-Foundation theory and the Castle-in-the-Air theory. For the purpose of this article our main focus shall be on the second one. The first is based on evaluating the intrinsic value of a com-

pany and investing based on whether its current market price is higher or lower than that intrinsic value. Investments based on this theory can encounter two main issues, they can sometimes take a very long period of time to produce a return and the evaluation of a company's intrinsic value is not always accurate. The Castle-in-the-Air theory is one which is almost entirely based on speculation and encourages risk taking. It does not rely on analysis, but relies on investors buy-

ing more and more stock and therefore increasing price and demand. If a stock is "hot" this means that there is a lot of interest in it from investors and based on this theory the share price is very likely to go up. The Castle-in-the-Air theory provides good explanation for many economic events throughout history, however it does not provide justification.

An early example of the theory is the Tulip-Bulb Craze in the Netherlands in the 1600's. Interest in tulips which had been infected by a non-fatal virus that

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should be discouraged, gay people might infect 'normal' children with their disease, it's okay to be gay but don't make our children that way.

You only have to look at the way the law is being implemented. Gay Pride, on numerous occasions, has been forced to cancel its events. It is encouraging vigilante groups to attack and sexually assault LGBTI people. On occasion this has been filmed and posted

on social media causing humiliation and pro-LGBTI activists have been arrested

These laws should not be tolerated and the world is right to condemn them. The state should be protecting its citizens and allowing them to flourish and be themselves regardless of sexual orientation, religion, gender, disability and so forth. We can only hope that Russia makes a U-turn and takes steps to create a more inclusive society.



The Sochi Winter Olympic Games - Ski Jump
Image: Atos International <http://www.flickr.com/photos/43871518@N07/12560903663/>

In Conversation With Toby Cadman

Asraa Al

Toby Cadman is a barrister specialising in war crimes, international terrorism, extradition and human rights. He has been senior legal counsel to the Chief Prosecutor of the Bosnian War Crimes Chamber, and Defence Counsel at the Bangladeshi War Crimes Tribunal. It was recently announced that he will be representing the Former President of Pakistan, Musharraf in his treason case.

He is a member of several bodies including the International Criminal Bureau in The Hague, the Founding Partner of the TMC Advisory Group and Serves on the Board of the Syrian Commission for Justice and Accountability.

On Tuesday, 28th January 2014, he visited Queen Mary University of London and spoke about a large range of issues relating to his specialisms, from human rights abuses in Bangladesh to a discussion on War Crimes in Syria.

Background

He first began by giving us

an insight into his background and how he became a barrister. "It was not a conscious decision" says Cadman. He first began studying Business at University and then transferred to Law. He qualified in 2000 and went to Bosnia where he dealt with human rights cases. He was counsel for a Bosnian national who was sent to Guantanamo and his second client was a defendant in the September 11th Attacks.

He then decided to move from war crimes to specialise in Public International Law. However, he was still given war crime cases for example, an extradition request from Serbia.

His typical day

There is no typical day for Cadman, 95% of his practice is international and 60% of his time he is travelling. A typical day in the UK would consist of taking his children to school, attending meetings and working in an International Arbitration Commercial Law firm where he is a partner.

Cadman's job has forced him to turn to lobbying.

The Bangladesh case in particular because the cases he deals with are very political in nature and require politics. For example he has had to speak to members of the House of Lords, UN and has even had to go to the White House to promote sanctions against particular countries.

The situation in Syria

Did the U.S make the right decision to not interfere militarily? Cadman believes that on "legal grounds" it is not justified but on "moral grounds" it is. Yet, should the use of force be justified on humanitarian grounds?

He also highlighted key flaws with international justice, for example international tribunals take too long to deal with cases and are very costly. He also questions the deterrent nature of courts and bringing war criminals to trial, for example he believes the Syria case will not land in the International Criminal Court (ICC).

Advice for Law students who want to follow his steps

Becoming a barrister is (as we all know) particularly difficult and competitive, therefore "be prepared for unpaid internships" and start getting experience now.

Cadman considers himself extremely lucky, claiming to be in the "right place, at the right time". For example, he got the case on Bangladesh by being the first name that came up in the Google search engine. He got the Syria case by discussing the Bangladesh case in Washington DC, where he met two Syrians and he got the Bahraini case by working on the Syrian case.

A few questions from the audience

1. How do you deal with problems between your personal views and professionalism?

Cadman said "You don't choose your clients, clients choose you" and "you don't fight the cause, you fight the case."

He has received around 300 death threats from the Bangladesh case he worked on from angry family members of the killed. However,

this does not prevent him from fighting for justice and fair trials.

2. Do you ever feel desensitised?

"Yes. You see beheadings and shocking things which can give you nightmares for weeks" and his hardest role ever was working in the prosecutor's office in Bosnia, where he had to go to families of victims and apologise because their case could not be prosecuted.

3. What suggestions would you give for the reform of the United Nations Security Council?

"Remove China and Russia" jokes Cadman. He believes the veto has become a tool that paralyses the Security Council and that the UN system is painfully slow: "If the UN had been around in 1939, we would all be speaking German."

4. What brought you to defend Musharraf?

Despite being a very controversial man, Cadman accepted the case because he did not want to say no on the grounds of him being a dictator. Everybody deserves a fair trial.

LAW STUDENT VOICES

What is your name?

Camilla Nicoletti

Where are you from?

I am Italian but I have lived most of my life in England.

What year are you in?

Second year

What programme are you in?

English and European Law

What do you enjoy most about studying law at Queen Mary?

I like my elective a lot, I do

public international law and that's really what I would like to advance in later on.

What is your study strategy?

I like to get everything done in advance so I don't end up rushing in the last minute, I attempt to do that anyway!

What current legal issue are you following and what is your opinion of it?

I am against Switzerland putting a quota against immigration, I feel that it could exclude lots of very good individuals who have qualifications and all the

requisite requirements. Immigration touches me as well because I am an immigrant too. I am not completely pro free movement of people because there should be some kind of limitation to everything but I am more pro than con!

What is your name?

Ervis

What year are you in?

Third year

What programme are you in?

LLB

What do you enjoy most about studying law at Queen Mary?

It has a lot of subjects that deal with human rights for example; International Human Rights, UK Human Rights and Law Modernity and Holocaust.

What is your study strategy?

Read as much as you can!

What current legal issue are you following and what is your opinion of it?

The criticism that the European Court of Human Rights is facing at the moment. It came from both the

Justice Secretary, Chris Grayling and from the former Law of Chief Justice, Lord Judge. They say that the reason why they are against the ECHR having extensive power is because that court has no democratic basis, but what court does - you don't vote for judges do you? In a certain way, the Parliament has delegated to the ECHR to make such decisions. Especially in the case R v Special Adjudicator (ex parte Ullah), Lord Bingham says that the ECHR have the last say when interpreting the Convention. I don't understand why there is all this worry. I think the ECHR is an important thing in protecting people rights and doesn't tamper with democracy.

Professor Thoughts...

Featuring Queen Mary Public Law Lecturer: Dr. Mario Mendez

In your opinion, what has been the most significant legal development and/or case in recent years?

Using 'recent years' loosely I would say the Constitutional Reform Act 2005. Its three most well known changes have been of considerable significance, namely, creating a Supreme Court, a new system of judicial appointments, and reducing the role of the Lord Chancellor. To move beyond an exclusively UK focus I would say the Treaty of Lisbon which contains many significant reforms to the functioning of the EU. In terms of cases, the first Kadi ruling of the ECJ. The UN individual sanctions regime was astonishingly deficient in terms of compliance with basic rights and the ECJ's ruling (along with successor rulings from the Luxembourg Court, national courts and the ECtHR) has contributed to making valuable improvements to the sanctions regime.

Are there any changes that you would like to see made to the UK justice system?

Yes, for legal aid to be increased rather than reduced and for judicial review to become more rather than less accessible (in other words precisely the opposite direction from that in which the coalition government has been taking us).

What book are you currently reading?

The controversially titled *The Spanish Holocaust* by Paul Preston who used to be a Professor at Queen Mary.

Who is your favourite judge? Why?

In terms of current full-time judges it would be the enormously impressive current Deputy President of the UKSC, Baroness Hale. She writes wonderfully and her

judgments – as with her public contributions whether by lectures or otherwise – always make for a fascinating and thought-provoking read.

If you could amend, repeal or reform any piece of legislation, what would it be, how would you do it and why?

Whilst I am in favour of greater control of important EU level decision-making, I am no fan of many of the locks (by direct democracy and Act of Parliament) that the European Union Act

I would take superman's capacity to fly. Assuming I continued to work rather than become a superhero it has the advantage that I would no longer have to get the train and tube to work, and I could pop over frequently to see my family who nearly all live outside of England!

If you could be anyone or anything in the world who/what would you be? Why?

I am tempted to say a top tennis or football player say a Lionel Messi or a Rafael

I don't have one.

Who has inspired you and had the greatest influence on your career?

Kenneth Armstrong and Joanne Scott who are currently professors of EU law at respectively Cambridge and UCL. They both taught me (and inspired me) as an undergraduate at QMUL. Kenneth was also my dissertation supervisor and I had invaluable input from Joanne. They acted as referees for my graduate studies applications and both had spent time at the EUI where

as well as barriers to – judicial review. It also offers inadequate protection for socio-economic rights and has been witness to a host of intrusive measures in the post 9/11 period. The UK's justice system is also marred by having extremely high incarceration rates, in contrast to say the Nordic countries with some of the lowest.

What is your favourite movie?

I don't have a favourite movie so I will throw out instead a few films that are in my favourites: *Cinema Paradiso*, *One Flew over the Cuckoo's Nest*, *Life is Beautiful*, *The Beat that My Heart Skipped* (the inaccurate translated title), *Butterfly's Tongue*.

What is your biggest pet peeve (a.k.a. pet hate)?

The capacity of various media sources (especially tabloid newspapers) to confuse the EU and its judicial system with the Council of Europe and the Strasbourg court. [SPACE PERMITTING] 'The reason for my particular dislike of this is that I have long suspected that this conflation often takes place on purpose to cement an anti-Europe sentiment.'

Is there a quote that you live by? If so, what is it and what does it mean to you?

No, but perhaps I should and 'carpe diem' springs to mind.

What was the best advice you received when you were in law school?

The best advice was probably to do what interests you rather than what you think potential employers would have wanted you to do. It is advice I often give now but I confess unfortunately to not having fully followed it myself.



Dr. Mario Mendez

2011 imposes. The locks extend to relatively unimportant EU level changes and have repercussions for all other EU Member States. It can generate referendums on issues of little importance in a constitutional system that has not had referendums on constitutionally important issues such as e.g. the Fixed-Term Parliaments Act 2011. You can simply repeal or alter many of the locks that one might consider undesirable via an Act of Parliament, though the political costs in doing so are such that I don't see it happening.

If you could have any superpower, what would it be?

Nadal just to experience the thrill of having that level of skill. However I wouldn't actually want to be anyone else. It would be great however to wake up one morning with the bank balance of a Bill Gates, Warren Buffett or George Soros. Then I would devote my time primarily to philanthropic purposes.

What pastime do you enjoy most?

It is either playing tennis or football, the one I enjoy most depends on how well I played!

What is your ultimate goal in life?

I completed my PhD. I wouldn't be where I am without the support I received from them.

Which justice system is, in your opinion, the best in the world?

I don't know enough comparatively about other systems to be able to answer this question confidently but I suspect with full facts before me (and using justice system broadly) I might end up nominating one of the Nordic countries. The UK has its strengths but also significant shortcomings such as barriers to access to justice flowing from e.g. substantial cuts to legal aid and the constraints of -

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have broken the law will be to deport him/her first and hear the appeal later. Also MPs are trying to impose a six-month limit on new migrants claiming jobseeker's allowance.

No newly arrived EU jobseekers will be allowed to receive housing benefits, a new minimum-earning threshold will be introduced before benefits such as income support can be claimed and any EU national sleeping rough or begging will be deported and barred from re-entry for 12 months. Moreover, the British government banned student maintenance loans for Bulgarian students. Furthermore, the last proposal from Conservative Grassroots to the PM was to use a safeguard

clause in EU law which they believe can extend controls to restricted working until 2018 due to the fact that the UK is in "exceptional economic circumstances".

Asked why they were rushing the Bill in the last weeks before Christmas, Downing Street said that this was long on the agenda and changes will be imposed as soon as possible after the restrictions on Bulgarians and Romanians are lifted.

Disapproval of these measures was expressed not only by the two Eastern European countries, but also by the European Parliament. Lazlo Andor, the EU employment commissioner said that the UK is risking being seen as a "nasty country". He also

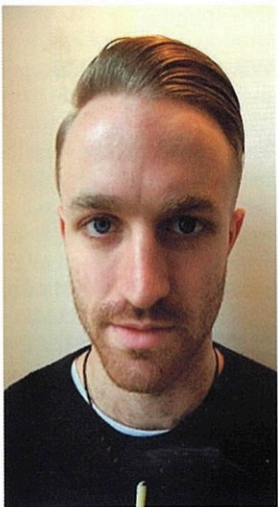
suggested in a BBC 4 radio show that Cameron was misleading the public about the scale of immigration from those countries. In an interview with the Observer two weeks before 1st of January 2014 the Bulgarian president, Rosen Plevneliev described David Cameron's attempts to handle immigration as pandering to nationalists and asked Britain to stay true to its legacy as "a great global power that pioneered integration" and not play on people's fears so as to make them believe that the government is working to protect them from a serious potential threat.

Currently, there are no indications that there has been a mass movement of people from the East to the Island. Then why are British

people so scared? The reform only abolishes the lengthy process for working permissions, which makes people now eligible to work from the moment they enter the country - like anywhere else in Europe. There is no ground for any worry that Bulgarians and Romanians are desperate to move here - high living standards, small flats for extremely high rents, cold weather. But the majority of those who come and did so even when the restrictions were on, are highly motivated people who get out of their comfort zone and come here alone so that they can achieve something and be beneficial for UK and its economy with their knowledge and high working potential. For instance, a Romanian (Varnescu), an

engaging 23-year old boy with a first class science degree from Exeter is moving to the UK this year. Is he a threat to British people? Is he a beggar? The answer is no. Moreover, who would want to come and live here only on public benefits? It is widely known that they are hardly enough even for the basics. The idea is to prevent this discriminatory view from ruining people's chances in life, just because of the stereotypical image that has been haunting the media for the last couple of years: "millions of beggars and thieves, coming from a 'third-world country' to invade Britain."

LAW STUDENT VOICES



What is your name?
Ted Meddick-Dyson

Where are you from?
Huddersfield, West Yorkshire (England, UK)

What year are you in?
Second year

What programme are you in?
LLB

What do you enjoy most about studying law at Queen Mary?
Its hard!

What is your study strategy?

It alternates between each week, I sometimes use the textbooks, cases etc. It really depends on what the topic is.

What current legal issue are you following and what is your legal opinion of it?

The most current thing I was following was the zero hour contract launch by Sports Direct.

I was of the opinion that they were not using them correctly and that they should have some sort of sanctions.

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changed their appearance and made them unique led to a more than 20 fold increase in their price, making them more expensive than gold. This eventually led to a crisis as there was no reason for tulip bulbs to sustain such high prices and the majority of the bulb owners dumping their assets, the prices dramatically fell forcing a huge number of people to suffer great losses. During the South-Sea Bubble, the value of a number of businesses was greatly pumped up by speculative opinions as to their growth and even in some cases by misleading information. Similarly,

upon reaching a boiling point and realizing the lack of justification behind the high stock prices, investors dumped their shares and stocks started plummeting down. History has provided us with numerous such examples of speculation and risk taking on huge scales; The Florida Real Estate Craze, the Great Depression and all the way up to the Liquidity Crisis that led to the Credit Crunch of 2008. Regardless of the numerous changes in legislation and financial regulation, banks and investors have consistently either found ways around the system or, as was the case in our most recent financial crisis, haven't

needed to. The current state of deregulation and the introduction of derivative trading have served as a solid foundation for the financial market's present condition. Thanks to the legal freedom given to investment banks, and I am talking on a global scale, not just the US, numerous trading instruments have been created which allow you to virtually "gamble" on anything. The US investment banks gambled on sub-prime mortgages for example, they incentivised risk taking and it strongly backfired on them. What the real power and downfall of the market consists of however is its ability to dramatically raise and

lower values of companies, simply based on the interest of the investors. Recent IPO's of businesses which had made no profit prior to their public offerings (Facebook, Twitter) paint a good picture of the market's power to create billion dollar corporations with almost no liquidity. Are the stock-exchanges becoming a synonym for the gambling industry? Unfortunately unlike the gambling industry, stock-markets have a much greater impact on the economy and society, they directly affect the working class, employment rates, GDP and almost all vital characteristics of a nation's financial well-being.

Speculative investments and the financial freedom banks and institutions have been given has led us to a global state of crisis, only to wait for history to repeat itself once more.

Painting a detailed picture of the state of the global economy would be a challenge that I am unfit to do, furthermore, analysing it would prove an even greater task. However I hope that this article has given you an understanding, even though limited, of the paramount importance of regulation and hence the legal sphere to avoiding economic catastrophes.

Is the definition of the word caste really needed in this day and age in the UK?

Jayesh Jotangia

There has been so much said over the past year on the introduction of the word "caste" into legislation and neither faction, pro-introduction nor anti-introduction have really been effective. But possibly the main reason for the ineffectiveness has been because of the complex nature of the word itself and that the word has been misinterpreted in the past that it is far easier to accept the misinterpretation than to go back to basics and understand the true nature and concept of caste and of its existence. That is why the politicians have kicked the topic into the long grass and I don't get any sense of urgency from any party wanting to re-ignite the debate as there already has been serious and often heated discussion on it from lobbyists. This day and age especially in this country, if I as a third generation British Hindu have complete difficulty in defining what caste I belong to, how would you expect the legislator and the judiciary to even attempt to grasp it. In short, I have never discussed my caste, attempted to educate anyone about what it could be, neither have I discriminated or thought differently of others. I have been brought up not even recognising caste in any shape or form, but the irony is that all of a sudden as a result of this political and social debate, I have become conscious of the word caste and started to define myself.

Whatever first or second generation Hindus have done in the UK to almost eradicate recognition of caste within my generation, because of some thwarted view and belief stemming from the darker places of India, it has now found its way to this country and

sooner or later my fear is that we will start ticking various boxes that categorises a particular caste on HR diversity and equality forms. There is something not quite right about this, after all, I thought civilisations' main purpose would be to progress. It seems to be working the other way around here!

You can probably tell whilst reading that I am quite upset about how this has all come about. But I have two hats to wear and hopefully at the end of this article, I will start wearing one hat. As a barrister, I have to accept that may be certain individuals who choose to continue to define themselves within a particular caste do discriminate or get discriminated against. If I got a brief to represent someone who was discriminated against on grounds of caste, then I would have to fight vigorously to make sure that my client receives justice.

But on the other hand, I have been involved in many grass roots Hindu organisations including National Hindu Students Forum UK (NHSF). NHSF boasts approximately 10,000 members and I have to be completely honest, I never came across any incident involving caste. I had heard of cases in India, but not here in the UK. Whatever discrimination is occurring surely has to be isolated and diminishing, which is why the various national Hindu organisations were upset as to the thought of the introduction of the word. As a community, it would have been similar to taking 5 steps forward and 10 steps back.

During this political debate as Vice Chair of the Hindu Lawyers Association (HLA), I was told by various national Hindu organisations to fight the introduction of the word

caste into legislation as it would have a detrimental effect on Hindus and for future generations. I completely agreed, so took the approach to actually appraise Parliamentarians of the fact that current legislation was adequate enough to cater for the word caste and that there was no reason to typecast, define or educate anyone on the word. This advice was provided meeting after meeting with numerous Members of Parliament but one thing always came over paramount to any other argument, "if there is even one case in the UK of caste discrimination, then Parliament has a duty to protect that individual." I thought, that is fine, but there still remains adequate legislation in this country to cater for that scenario without profiling caste any further.

"Given the elasticity of the words race or ethnicity, there is adequate scope in present legislation to deal with caste itself under these categories without profiling or educating anyone any further."

Given the above, it is astonishing why caste was brought back into the forefront of debate within the Hindu community. Furthermore, it is a matter of fact now, that the debate in the House of Lords was based on misguided "facts". For example, it was stated that anything between 400,000 and 480,000 so called "Dalits" (Indian name attributed to "lower" caste) are being discriminated against and that members of the organisation such as the Hindu Forum of Britain are from the "higher caste". This was complete nonsense and factually incorrect. For example, there are around 816,000 Hindus in the UK, which means that every one in two was being dis-

criminated against!

Nevertheless, we cannot stop individuals pleading that they have been discriminated on the grounds of caste. Whether this type of discrimination exists or not is a matter of debate still, however, one point is clear, in that there already does exist legislation to adequately deal with "caste" and whether our Parliamentarians truly grasped this or not, certainly two Employment Judges have grasped what we (HLA) have been saying all this time and certainly advising Parliamentarians on.

Given the elasticity of the words race or ethnicity, there is adequate scope in present legislation to deal with caste itself under these categories without profiling or educating anyone any further. The submissions in the case of *Begraj v Heer Manak* (unreported) proved this, as the matter progressed where caste discrimination was pleaded (the case was abandoned for unrelated reasons and never got to a final determination).

But more recently on 24 January 2014, Employment Judge Sigsworth sitting at the Huntingdon Employment Tribunal in the case of *Tirkey v Mr and Mrs Chandok* delivered a judgment at a preliminary hearing to accept the Claimant's claim for caste discrimination despite no express caste discrimination legislation being in force. Employment Judge Sigsworth held that "caste" is already protected under the general concept of 'race', which includes an ethnic group.

He made the following clear in his judgment, in that, "there is no comprehensive and exhaustive definition of race in Section 9(1) of the Equality Act. It includes ethnic origin. This in itself is a wide concept, as is clear from the authorities. It can therefore be argued that "caste" is already part of the protected char-

acteristic of race, purely by reference to Section 9(1)".

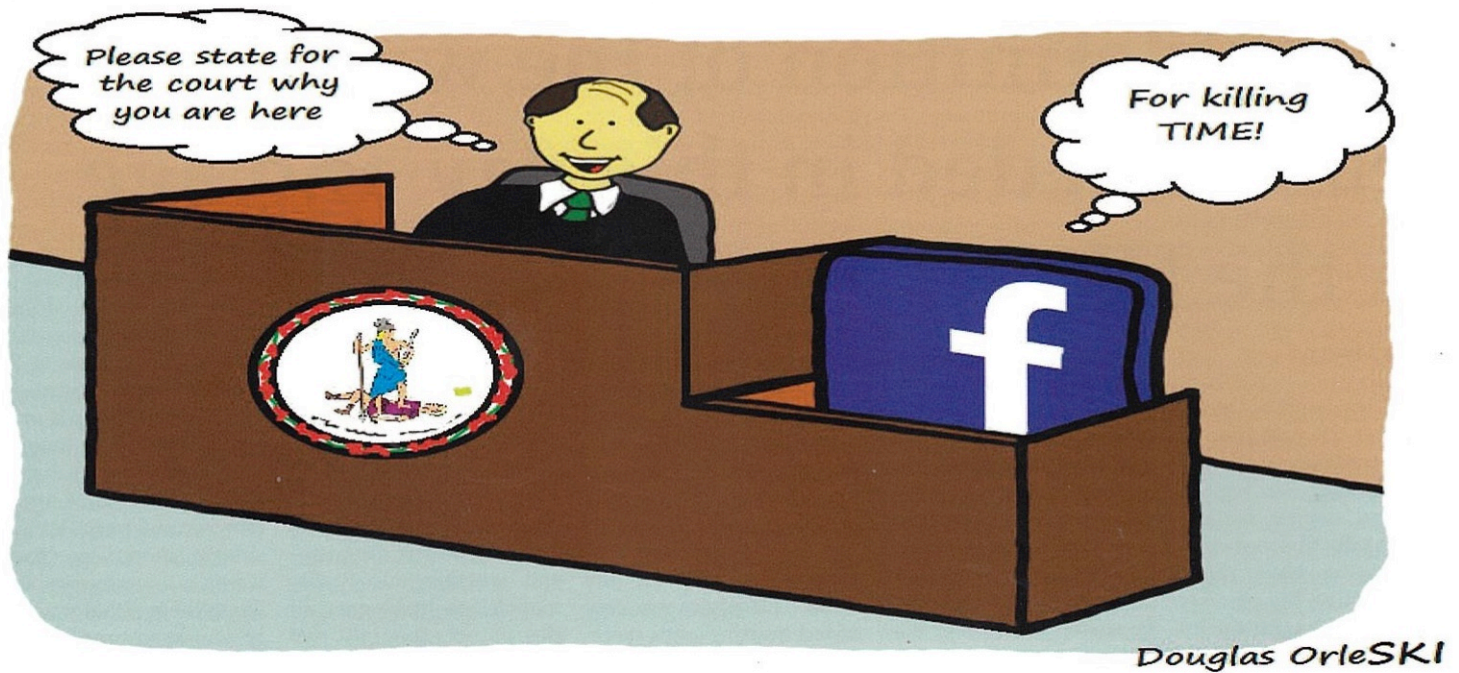
British Hindus do not want to profile themselves by caste whatsoever as the use of the word is virtually non-existent today. It is inappropriate to suggest there is a wider social problem on the basis of one or two tribunal cases. We just simply cannot go backwards as a community, similar to the fact that it would be wrong to profile social classes in the UK.

There are four pertinent points that ought to be mentioned now:

1. British Hindus will always condemn discrimination on any ground
2. British Hindus do not differentiate based on caste
3. The use of the word "caste" is virtually non-existent today in British Hindu society.
4. British Hindus want to eradicate caste and will assist any organisation or group with this process if it does exist.

In conclusion, this is where I merge the two hats into one. I will vigorously represent those that have been discriminated on grounds of caste, however, I will also do my utmost to put the message out there that like the thousands of third generation British Hindus, we will assist to eradicate caste discrimination. The world would be a better place if we simply ignored the misguided view that we need more education on the word caste in order to define it.

(Jayesh Jotangia is a Barrister at Thomas Bingham Chambers - 33 Bedford Row, Vice Chair of the Hindu Lawyers Association (UK) and Secretariat Lead for the All Party Parliamentary Group (APPG) for British Hindus.)



Douglas OrleSKI

Q & A with the Attorney General of India

Mr. Goolam Essaji Vahanvati, Senior Advocate has served as the Attorney General of India since 2009. Prior to his appointment as the Attorney General he served as the Solicitor General of India for 5 years. Here are some excerpts from a freewheeling chat.

What inspired you to join the legal profession? Do you have any advice for aspiring lawyers?

My father was my inspiration to get into law. My father was not only a successful lawyer but also a very sensitive and emotional person who shared his varied experiences with his family every evening. From early days, I was part of his legal life and cases and got a feel for the law through his eyes. There was no question ever of my even considering any other profession or career.

My advice to all those who are seeking to embrace the law as a profession is to give it everything you have. The law is a very demanding profession. There is no question of a halfway house. There are no short cuts.

Through your long career, how have you seen the litigation scenario develop? Is dispute resolution easier now than when you began your legal career?

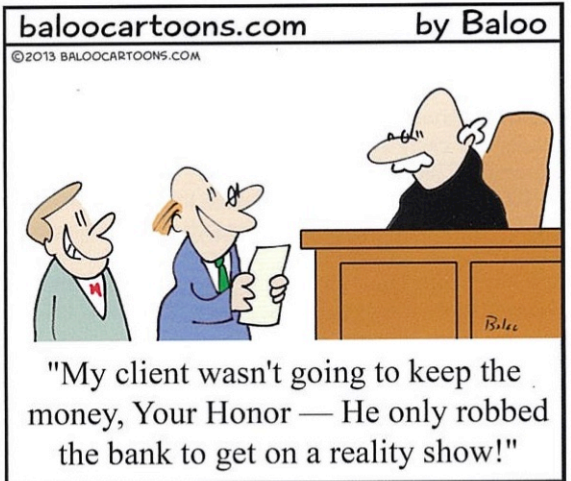
When I joined the Bar, the main litigation in the courts were property and commercial disputes. The practice in the High Court on the Original Side, the Rules and the Assignments were all geared up towards prompt disposal of all cases. They used to come up for initial consideration before a judge every week who decided whether it was a "long cause" or a "short cause" or a "commercial cause." Directions were given. Cases were then placed before the appropriate court. All such disputes were quickly disposed of. The judges were good and experienced. The system was not clogged and the lawyers were ready and willing to go on with their cases. A change has come over the years with the emphasis shifting to different types of litigation. Service law, labour law, writ jurisdiction has taken ascendancy over commercial disputes. The list of commercial dis-

putes became longer and the system got bogged down by the sheer weight of arrears. I have done several heavy commercial matters in the Bombay High Court before 1990. They need to be taken up on a day to day basis. Thereafter the nature of litigation changed. It is wrong to suggest that the Indian legal system does not dispose of cases. It does. Its record in matters pertaining to enforcement of fundamental rights is exceptional.

Does the Indian Legal system favour ingenuity or is it falling prey to dynastic inequalities?

This question assumes that people who are from a legal background get undue advantage. There appears to be a pejorative aspect underlying the expression 'dynastic inequalities'. I dispute this assumption. There is a lot of scope for talent in the present system. Several talented people have made it without there being any Godfathers.

Law students are increasingly choosing corporate law firms over practicing litigation. What advice would you give them?



I have recently been told that this trend is changing. The founder and head of a very highly successful, commercial and transactional firm told me a couple of days ago that he is losing more and more people to litigation. This is a welcome

trend. After all, there is nothing more satisfying than a good argument, a receptive judge and a successful result.

Congratulations to the class of 2014!

All the best on exams & don't forget to order one of the new Queen Mary School of Law hoodies!

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