

THE EMPLOYED

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INTRODUCTION

The Crown Prosecution Service (CPS) and the Government Legal Department (GLD) offer trainee schemes, which provide the junior barrister with early exposure to important criminal or public law cases as part of the excellent training. The CPS and GLD also recruit barristers and solicitors who have completed their training.

TRAINING AND WORK IN THE CPS

Everyone's career is different, but it may interest you to hear about mine. I did my training with the CPS, which was divided into a first six in the chambers of a leading criminal set with my second six on my feet as a prosecutor in the magistrates' court. As an employed barrister in the CPS, from a very early stage of your career you will be in court constantly, dealing with a variety of prosecutions—from shoplifting to murders. Daily you review and decide how to present cases. One of the most important tasks the prosecutor performs is deciding whether to seek a remand in custody which requires real advocacy skills as you present the facts, seeking to persuade a District Judge of the merits of the prosecution case.

The work of a prosecutor is stimulating and varied. You have the chance to be involved in landmark cases and shape the law—for example, I was the prosecutor in the case of *R v Dica* [2004] EWCA Crim 1103, the first successful prosecution for inflicting GBH by transmitting the HIV virus. You may also manage and co-ordinate large scale and complex cases involving specialist police squads. CPS Crown Advocates have rights of audience in the Crown Court and here I conducted jury trials, and I also appeared in the Court of Appeal. At CPS HQ I worked in the Special Crime Division (now Counter Terrorism and Special Crime Division) which involved liaising closely with the DPP. The Special Crime team deals with complex, high profile and unusual cases

including serious police corruption, assisted suicides, corporate and medical negligence, manslaughter and cases involving VIPs. This involved fewer court appearances but still required oral and written advocacy skills. Senior figures such as the DPP and the Law Officers needed briefing, which required presenting facts succinctly and honestly whilst ensuring a strong case was available to justify decisions which could, the next day, be the lead story in the papers. These cases were often the subject of judicial review and sometimes went to the Supreme Court.

ATTORNEY GENERAL'S OFFICE

An appointment at the AGO led to a whole new level of advocacy. The Attorney General is the Government's chief legal adviser and nearly everything that happens in Government at a senior level will at some point come across the desk of the Attorney General. Ministers and senior officials want reassurance that their actions or policies are lawful and for this they turn to the Attorney General. This means the employed barrister at the AGO sees a range of absorbing and important work. Criminal lawyers at the AGO advise on prosecutions which require consent, sentences which are unduly lenient, and lawyers may also advise on Bills which go before Parliament, as well as complex constitutional issues, inquests and inquiries, not to mention issues of international law. While at the AGO my areas of responsibility included contempt and media law, national security, international humanitarian law (which

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often involved the use of military force) and acting as speechwriter to the Attorney General.

Let me expand on a few of these. Advising on international humanitarian law was fascinating and challenging. Nothing quite concentrates the mind more than advising if the military can be deployed or whether the UN Charter permits a particular action. Advising the Attorney General and other Ministers on such issues you need to recognise that there are not just legal questions in play but also diplomatic, political and presentational concerns. Advice in this field requires advocacy skills, not least remembering to tailor your advice and words to your audience. Ministers and senior officials are busy people—you do not get long, and your voice may be one of many. Speechwriting requires legal knowledge and the ability to shape and deliver a persuasive and powerful message. No speech is an orphan — everyone will have a view. You often need to liaise and negotiate with other departments, pressure groups, Parliamentarians and colleagues in the office. The speechwriter needs to reflect, consider and reconcile multiple views whilst all the time maintain the integrity of the core message.

HOME OFFICE LEGAL ADVISERS

After the AGO I moved to the Home Office Legal Advisers Division in the GLD where I became a Deputy Director heading the Policing, Crime and Fire Team. This was a wide-ranging role as the team advised on varied topics such as a police powers, the use of firearms, police pay and discipline, safeguarding the vulnerable and UK drugs policy. We also worked closely on reforms to the fire service particularly in the aftermath of the Grenfell tragedy. An exciting aspect of being an advisory lawyer at the Home Office is the chance to work on Bills going through Parliament. As lawyers we are familiar with interpreting, advising on and enforcing the law but it is rare that we get the chance to help write those laws.

Lawyers in government are integral to the drafting of legislation—they advise policy officials and Ministers as to what is or is not possible, draft detailed instructions to Parliamentary Counsel (who draft the Bills), use advocacy skills to explain policy objectives, the current law and what change is needed and why. They also use negotiation skills, not only with Ministers but also with Parliamentary Counsel and Parliamentarians to help shape and influence the content of the Bill.

In just two years I had the privilege to work on a number of Bills including those on Modern Slavery, Policing and Crime, Immigration, Wales, and Psychoactive Substances. As a Bill progresses through Parliament, the departmental lawyer is there at every step of the way: handing speaking notes to the Minister; answering questions raised in debate and thinking on their feet as how to deal with tricky questions and arguments advanced. The lawyer often meets outside the chamber with Parliamentarians to advise on legal queries and explain what clauses and amendments seek to achieve. This requires advocacy just as challenging as that required in court before a judge—indeed it is often necessary to discuss proposed laws with senior legal figures, including retired judges.

CONCLUSION

A career in the public sector is in my view well worth considering by any barrister. It is highly competitive to enter, but aside from the exceptionally interesting work, lawyers in public service enjoy other advantages. These include a secure and regular salary, paid holidays and a pension. Often overlooked, but of great importance, you will usually have access to excellent training programmes and the chance to complete your yearly CPD without having to spend any of your own money. When looking at your next career move or starting at the Bar may I urge you to remember the variety of opportunities in government as well as elsewhere. ■