

GETTING THE BEST DEFENCE YOU CAN FROM A SOLICITOR

Your solicitor will probably be the most important person (besides you) when it comes to defending yourself against the courts and the police. Solicitors are meant to prepare your case, gathering evidence and witnesses and if you are going to the crown court they will brief your barrister. If your solicitor does a poor job then you go to court at best unprepared and vulnerable.

SOLICITORS IN GENERAL

There are very few good solicitors around. Most of them are into money and do not want to rock the boat. This results in solicitors being keen to take on a new case but not wanting to put a lot of time and energy into preparing your defence - particularly if you are on legal aid, because they get paid less for legal aid work. Most solicitors should not be trusted. In fact they should be actively distrusted. Solicitors are supposed to work on your instructions but many will not even give you the chance to say what you want. They like to run cases 'their way', this can mean plea-bargaining, avoiding anything controversial (eg. accusing the police of lying - what's controversial about that?), and doing as little as possible. Many working class people are in prison for offences they have not committed, when they could be walking around outside, if it wasn't in part for their solicitor.

PROBLEMS WITH SOLICITORS

They don't know how to deal with people. They presume you have recovered from the ordeal of your arrest, imprisonment, beating from the cops, etc, then using their professionalism, smooth talk, nice suits, etc, they will dominate you and take the case over. Many people, not knowing how to deal with solicitors, end up not knowing what is happening with their case.

They are not aggressive enough. Most solicitors put court etiquette before representing you. They have to work with the magistrates, prosecutors, judges, etc, all day long, so they want to keep in with them and are easily intimidated by them.

They are lazy. Often solicitors will go for the easiest approach in a case, which usually isn't the best. They can be unwilling to pursue any real investigations, chasing witnesses, etc. It is rare that a solicitor does a very good job in preparing a case.

They lie to you. Many solicitors suffer from pathological optimism - they will underestimate the prosecution case, assure you that there's nothing to worry about ... even though you may be facing a stretch inside.

They do deals. In court you can see how well all the solicitors from both sides and the court staff get on with each other. The pressure is on for everyone to work together to keep the court running smoothly, not waste too much time. But while the prosecution are eager to get a conviction as quickly as possible, the defence solicitor often has a lack of conviction and a willingness to see clients take a reduced sentence rather than run a strong defence and spend too much time on a legal aid defendant. The perfect conditions for doing a deal. They will advise you to plead guilty in your best interests, or to get a reduced sentence, and if you don't know what's going on, haven't been in court or trust your brief you are likely to accept. *We would not recommend any solicitor who encourages people to plead guilty or do deals, especially in cases of police frame-ups.* At worst, solicitors can be downright arrogant,

obnoxious, slimy bastards who work with the police and basically hold you in contempt, harbouring bigotry and prejudice against you.

FINDING A 'DECENT' SOLICITOR

An awesome task. When it comes down to it, they are all a part of the crooked justice system that is designed to keep us down. For most of them whether you go down or not is irrelevant, as they can go home to their comfortable house at the end of the day. But since we have to live day to day with getting nicked etc, till we can get rid of the lot of them, here's a few tips to help the unwary deal with them:

Some Tips ...

If you think it's likely that you will be getting into potential nicking situations, ask around for a decent solicitor's phone number and memorise it.

DON'T use duty solicitors at police stations or courts, they tend to work very closely with the police and will not go against them in court.

In general we would advise people not to use the senior partner of a firm (eg. Mr Nark of Nark, Twist & Sellout). Some firms have young solicitors from working class backgrounds, who can prove to be more understanding and willing to put up a fight. Be careful though that you aren't fobbed off with a trainee who doesn't know their arse from their elbow.

DON'T trust a solicitor to build up a case for you. Take as active a part in your case as possible - tell them what line of defence you want to take and what you want them to do ... and make them work for you.

If you want to expose police abuse, corruption and lies, or stir up the shit in any way - tell them as soon as possible to check that they are willing to put this defence forward. If they won't, sack them and get someone else.

Tell them everything you think may be relevant, but don't trust them with dodgy stuff if you're not going for a guilty.

Keep a note of everything you give them and all appointments with them. After each appointment they should write confirming what you have discussed and telling you what they are doing.

Constantly check up on them to make sure they are gathering evidence and witnesses - better still get witnesses yourself and put them in touch with your brief.

Don't let them make you feel small. Stand up to them, demand as much of their time as you need. Pushy people get action.

Don't let them persuade you to plead guilty, plea-bargain or whatever - unless YOU want to.

With the reduction of legal aid, changes in the 'right to silence' etc, we can expect things to get worse. We will have to develop our own skills and defences. What have most solicitors ever done for us anyway? At the end of the day they're just part of the class structure of the legal system - together with the cops, judges, prisons, etc, they keep the law under the control of our masters and out of our hands. Taking our lives into our hands, fighting for a better life of community, pleasure, co-operation; that's the only real defence.

This leaflet was produced by the Anarchist Black Cross.

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