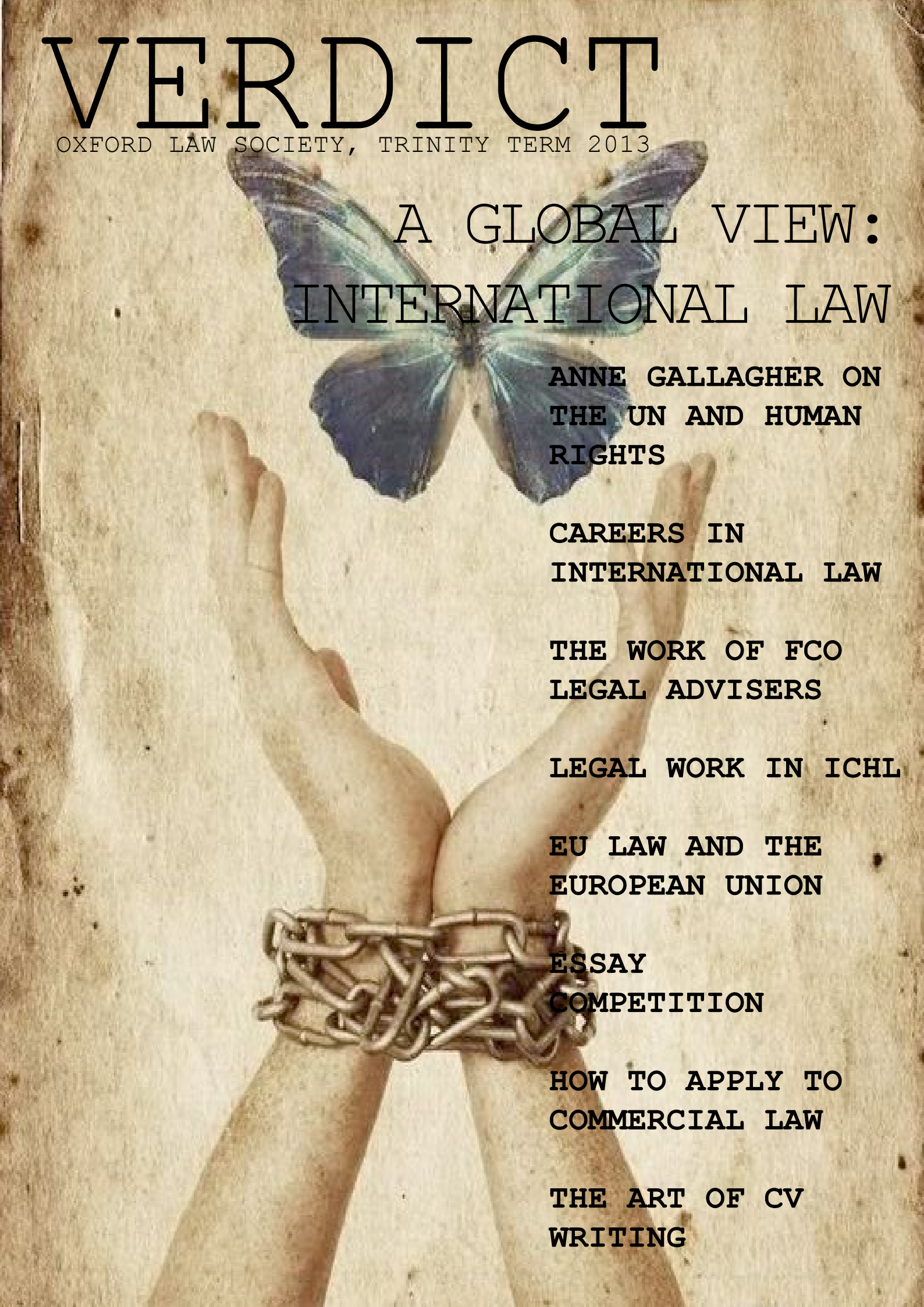
VERDICT

OXFORD LAW SOCIETY, TRINITY TERM 2013



A GLOBAL VIEW: INTERNATIONAL LAW

ANNE GALLAGHER ON THE UN AND HUMAN RIGHTS

CAREERS IN INTERNATIONAL LAW

THE WORK OF FCO LEGAL ADVISERS

LEGAL WORK IN ICHL

EU LAW AND THE EUROPEAN UNION

ESSAY COMPETITION

HOW TO APPLY TO COMMERCIAL LAW

THE ART OF CV WRITING

CONTENTS

Front cover: http://www.vismaya-maitreya.pl/wiersze_i_obrazy_wolnosc.html

EDITOR'S LETTER

As a recent recruit to the LawSoc committee, I've had a fascinating term witnessing all the hard legwork put in behind the scenes to create such a slick and popular society. With an array of highly successful events, culminating in a fantastic ball, I hope that this term's edition of *Verdict* provides a thought-provoking finish to such a spectacular term.

With my love of languages and all things foreign, the Deputy Editor and I thought it might be interesting to take a different tack with this term's edition of the magazine. So I'm proud to introduce a series of riveting articles from some of the world's leading experts in International Law, touching upon pertinent legal issues from across the globe.

A huge thank you must be made to the former Editor, Jonny Lyness, and my Deputy Editor, Julia Chen, without whom this edition could not have come to be published.

I do hope you all enjoy reading the magazine as much as I have enjoyed working on it this Trinity.

Charlotte Badenoch
St Catherine's College
Editor

FOREWORD

A very warm welcome to the Trinity 2013 edition of Verdict! Editor Charlie Badenoch and her Deputy Julia Chen have worked incredibly hard to produce this term's edition, which I hope you agree really reflects their enthusiasm for and dedication to the project.

This term's edition combines invaluable career insights with fascinating, expert perspectives on some of the world's most topical legal issues - from war crimes in Syria to human trafficking and the UN - making it invaluable reading for all our members whatever form their legal interest takes. We have been lucky enough to welcome contributions from incredibly prestigious figures and organisations, all of whom we would, as a committee, like to offer our greatest thanks to. Their willingness to involve themselves reflects the professionalism of the editorial team and their commitment to continuing the legacy of a publication which is often hard to believe is entirely student run.

I wish you all the best for the Summer and hope that you take a well deserved and much enjoyed holiday, ready for everything that Michaelmas will have in store.

Tabatha Bergin
Hertford College
Oxford Law Society President

HUMAN RIGHTS, HUMAN FREEDOMS: A LAWYER'S JOURNEY TO THE UN AND BEYOND

Anne Gallagher AO (BA, LLB, M.Int.L, PhD) is a lawyer, practitioner, teacher and scholar, widely recognised as the leading global authority on the international law of human trafficking. She is a former United Nations Official (1992-2003) and was Special Adviser to Mary Robinson. Here Dr. Gallagher recalls her entry into the UN and shares some of the insights she gained from her time as an international civil servant working in the field of human rights.

In 1992, at the end of a long series of gruelling examinations and interviews, I was offered a permanent job – a career - with the United Nations. It was the most thrilling moment of my young life. As a student and teacher of international law, the UN had been part of my imagination for years. I knew everything about the Paris Peace Conference, at which the world's most powerful men (and just a few women) hammered out a plan to create a global institution that would "end the scourge of war" forever. I'd read about Dag Hammarskjöld, the gentle and unassuming Swedish diplomat who, to the horror of his handlers, turned out to be more 'General' than 'Secretary' in placing his organisation firmly at the centre of conflict mediation and decolonisation. I'd followed the heady successes and spectacular failures of the UN as it struggled to create a leadership role for itself in areas as complicated and contested as arms control, environmental protection and primary health care.

There is nothing quite so absolute and righteous as a 20-something human rights lawyer, and the 12 years I served in the UN taught me some valuable lessons in humility. I learned for example, that many of the people I was trying to help had much more to teach me about how the world really worked, how power was allocated and how laws were made. Those 12 years also taught me to separate the idea of the UN from the reality. This is an institution built by states and run by individuals. Like states and like people it has great weaknesses and frailties, as well as great strengths. An overdue dose of reality did not, however, dim my faith in the idea of the United Nations – the idea that all countries could join together to prevent war, to promote prosperity and to protect human rights.

"Human rights are not granted by states, but are vested in individuals by virtue of their humanity"

It was an exciting time to be at the UN. The new criminal tribunals that would lay the foundation for an international criminal court had just been established and were hard at work. The issue of violence against women, silenced so effectively for so long, was now firmly on the international agenda. After a few decades of holding warring parties apart, the UN had begun to develop a revolutionary approach to peacekeeping, setting up its biggest ever operations in the Balkans and Africa. Peacekeepers were no longer just soldiers but also civilian police. Their job descriptions expanded beyond providing a buffer zone to supporting communities and even protecting human rights. I was fortunate enough to be involved in developing the first ever human rights training program for peacekeepers. Our guinea pig was the UN operation in Mozambique. Today, every UN peace operation has a human rights team and protection of human rights is a core responsibility of all peacekeeping staff. It doesn't work perfectly but it's a different world to 1994 when the Department of Peacekeeping Operations wouldn't return our calls.

In 1998, when Mary Robinson became High Commissioner for Human Rights, she brought something that, at least for me, was completely new to the UN. Unlike her predecessors, the High Commissioner did not consider herself a servant of the states. Her constituency was captured in the first six words of the UN Charter: "We the People of the United Nations". Mary Robinson didn't pander to any country or regional group. For her, the rules of international law and principles of justice and rights were what mattered. For four years she led our Office with dignity and integrity. It didn't come as a great surprise when the Member States of the UN, shepherded by the US, refused to renew her mandate.

It's worth reflecting on why human rights are such a politicised and controversial part of the UN's work. I came to understand during my time at the UN that this is a reflection of their essential nature. Human rights are not granted by states, but are vested in individuals by virtue of their humanity; they can't be denied to someone on the basis of race, sex or religion; they can't be taken away on the whim of someone or something more powerful.

"Human rights fly in the face of human history, which has always accepted the domination of the strong over the weak, the rich over the poor."

It's easy for us to take human rights for granted: to accept them as an integral and indispensable part of our law and culture. But that would be a terrible mistake. These ideas are still new; they are still very fragile. They fly in the face of human history, which has always accepted the domination of the strong over the weak, the rich over the poor. The idea of human rights in fact, is a dangerous and radical one. This is because it is about the redistribution of power. Quite simply, human rights is about taking power away

from the strong – from those who have too much – and giving power to those who don't have enough. This means taking power from states and giving it to individuals, from men and giving it to women, from majorities and giving it to minorities.

"Freedom can be tricked out of someone. It can also be forced or coerced from them."

History and our own personal experience teach us that human beings do not give up power easily. Once we understand that, we also come to understand that the struggle for human rights is not a one-off battle. It is, rather, a slow process of chipping away at structures, attitudes and behaviours that have defined the human condition and human relationships for a very long time.

Since leaving the UN in 2003 I have been working much closer to the front line, helping national criminal justice agencies in Asia to develop more effective responses to human trafficking, one of the greatest human rights scandals of our time. When I started working at the UN, the issue of modern slavery was not even part of the conversation: forced labour, bonded labour, servitude, sexual exploitation, and forced marriage were all concerns that were off the table. At least in relation to these issues, the sovereignty of states seemed to be impermeable. All that has changed. Today, it is politically impossible for any country to defend exploitation of foreigners or nationals within their territory as not being the business of the international community.

It is also impossible to hide this exploitation. Today we know very well about forced labour and the sale of girls in China, about bonded labour in India, about the exploitation of farm workers in the Southern states of the US and forced servitude of Indonesian and Filipino domestic workers in the Middle East. We know about the debt bondage that traps foreign women in the UK and Australian sex industries. The forced labour of migrant children in drug cultivation is not the stuff of tabloids; it has reached your Court of Criminal Appeal.

The link between all these practices is the denial of freedom. Whatever their particular manifestations, all have involved taking the freedom away from one person in order to serve the interests of another. Freedom can be tricked out of someone. It can also be forced or coerced from them. Sometimes, the capacity to play on vulnerabilities caused by poverty, violence and abuse of human rights is sufficient to be able to take away someone's freedom.

My work on human trafficking has convinced me that, in relation to all human rights issues, freedom is the most appropriate starting point from which we should be thinking and working. This is mainly because it expands our view of what is important and what can be done. Freedom is not just about the people we are working to liberate; it is also about us. Nelson Mandela said it much better than I ever could:

"For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others."

In the case of modern slavery, it's easy for us to be horrified while absolving ourselves of direct responsibility. But that is wrong. As Mandela reminds us, true freedom is also about how we live. Human exploitation has

built our world and continues to drive glob

al economic growth. Cheap labour, cheap sex and cheap goods are woven into the fabric of our national economies, our communities and our individual lives. It's sobering to wonder just how big our individual "slavery footprint" might be.

In his address to the British Parliament that signalled the end of the transatlantic slave trade, William Wilberforce used his gifts as an orator and writer to win minds and hearts over to the cause of equality and freedom. Wilberforce said something in that address that has stuck with me throughout these past 20 years. It has particular resonance for the issue of human trafficking, but in fact can be applied to all issues of justice and human rights. I give the last word to this remarkable man:

"You may choose to look the other way but you can never say again that you did not know."

CAREERS IN INTERNATIONAL LAW

Stephen Bouwhuis, former Assistant Secretary in the Office of International Law in the Government of Australia and the former Legal Counsel to the Commonwealth Secretariat speaks to Verdict *about the variety of careers in international law.*

Q: Is international law just a niche area; who works in international law?

A: International law is more and more relevant to governments as they seek to work together to address global problems and to trade goods and services. International law governs everything from how mail is sent between countries to how we might work together to address global problems like climate change, the depletion of global fish stocks or poverty more generally. It also concerns questions like the global availability of medicines, the subsidisation of environmental technologies and the subsidisation of agricultural products.

International law is also increasingly relevant to companies as they expand globally, and to people when they travel or live in different countries. As a result there are plenty of people working in the field of international law. This includes people who work in governments, international organisations, NGOs, larger corporations or law firms.

A particular growth area in recent years has been in the field of international arbitration where law firms have sought out clients interested in bringing claims under what are known as investor state dispute settlement processes. These processes allow companies to bring disputes before international arbitral bodies contesting the decisions taken by governments that may be seen to impact on their interests.

These firms in turn have built upon their expertise and a number of governments have also increasingly engaged such firms. Hence there are more and more lawyers in the larger law firms who specialise in international law.

Q How do you get a job working on international law?

A The processes for applying for work in this field depends on where you are applying, in particular whether you are applying to a government, international organisation, NGO, corporation or law firm. The best advice is to look widely. Everyone tends to think of their Government or the United Nations. However, some of the most interesting work is with lesser-known organisations.

In terms of educational qualifications, a Masters degree tends to be the bare minimum and so you will need something further to differentiate yourself. Publish articles, give papers at conferences, do internships in international organisations. Such experiences will give you a profile to stand out from the crowd. Such events are also useful in building your networks which can be crucial in securing that position, in particular in providing you with people to talk to about what certain organisations look for in recruiting.

Language skills help, particularly if you happen to be a specialist in a particular language that is suddenly in demand and for which few others can translate at the time. Aside from which studying languages will help you appreciate the difficulties of translation and how words and sounds don't translate precisely from one culture and language to the next.

Cover the basics. Many government departments and international organisations will get thousands of applications so these

"Publish articles, give papers at conferences, do internships in international organisations."

will often be screened by junior staff from a human resources area or a recruiting firm. These people may know little about the specific content of the job and will assess your application rigidly against the selection criteria provided. Should you fail to adequately address these criteria in your application you will not even make it past the first stage.

Keep an eye out for graduate recruitment openings. There tend to be standard rounds for government departments and international organisations and these are often the best entry points into organisations. Entry in this manner will usually mean that you are provided with standardised training and a broad range of experiences intended to develop your skills base.

Q What makes for a good international lawyer?

A You need strong communication skills in order to be able to present your advice in a clear and concise manner. In an increasingly globalised world you also need to be sensitive to the different approaches to issues that people from different cultures and traditions bring. You need to be able to get your message across to them. People see the world in particular ways. It is good to keep this in mind as well as to be conscious of what sort of background you yourself may bring to an issue or how others may perceive you.

You also need to be prepared to give advice even where it may be seen to be unpopular. As legal counsel you will be responsible for making sure that decision makers in your organisation are aware of the legal implications of any decisions that they are taking. In this regard I take a 'conventional legal' view to the provision of such advice. In my view the function of an international lawyer is to provide advice exactly as they assess the state of the law. Law and morality are different entities; a lawyer should provide advice on how they see the law, without being swayed in their response by questions of policy or morality. In short you should provide 'independent advice'.

That is not to say that you should not provide what is known as 'wise counsel', particularly when questions of law or morality arise. However, there is a need to carefully distinguish the provision of advice on matters of law from that on matters of policy. First and foremost your role is to provide advice on the legal position. There will be others whose role it is to decide what action to take based on your advice.

Q Any other advice?

A It's a small world, it really is. You often meet the same people again in different roles, often years if not decades later. I have met people that I know from my time completing a summer course in international human rights law at Oxford and from my time at The Hague Academy. In such a small world people will remember you and so you always want to take care with how you treat people as they may well be the person whose support is later crucial in getting agreement for a treaty or other project.

the work of foreign and commonwealth office legal advisers

Martin Kuzmicki speaks to us about his experiences of international law as a legal advisor to the Foreign and Commonwealth Office.

The Foreign and Commonwealth Office (FCO) Legal Advisers provide advice to FCO Ministers and officials on law and practice arising out of the Office. Predominantly such advice relates to questions of Public International law, EU law, Human Rights law, Constitutional law, the law relating to the British Overseas Territories and domestic law. There are four Legal teams: International Institutions and Security Policy; Counter Terrorism and Human Rights; General Law and Litigation and EU and Wider Europe. In addition a number of lawyers serve as members of FCO posts in, amongst other places, Brussels, Strasbourg and New York. We also have lawyers who are seconded to the EU institutions and the Attorney General's Office.

Without wishing to appear self-serving, the work of FCO Legal Advisers is important from a constitutional perspective; as section 1.2 of the Ministerial Code notes, '…the overarching duty on Ministers to comply with the law including international law and treaty obligations…'. As the experts within the civil service on these matters, our role is important and the burden upon us to provide efficient and accurate advice a serious one.

So what is the work that we do? To say that it is varied is an understatement worthy of Captain Oates himself: "I am just going out. I may be some time". Let me try and give a flavour of some of the issues that FCO lawyers have dealt with over the past 12 months:

— Members of the Counter Terrorism and Human Rights Team act as the Agents in all cases against the UK in the European Court of Human Rights (ECtHR) . The deportation case of Abu Qatada and the prisoner voting cases, Greens and MT, have involved working alongside colleagues in other government departments, on novel, complex and politically sensitive areas of law. The team has also provided advice in relation to the Syria crisis and provides legal advice in support of human rights activity in the UN system e.g. the Human Rights Council;

— The imposition of sanctions against particular individuals and regimes around the world is an increasingly used foreign policy tool. Colleagues in the International Institutions and Security Policy Team advise on the scope of obligations in the United Nations Security Council Resolutions that establish sanctions regimes (e.g. in respect to Syria). They are also involved in litigation (both at a domestic and EU level) as to the appropriate safe-guards that should apply when particular individuals are targeted by sanctions measures. The team has also ensured that international law considerations were taken into account in the recent crisis in Mali and were involved in the successful negotiations on the Arms Trade Treaty in New York;

— Colleagues in the EU and Wider Europe Team (where I am currently regretting my lack of attention to EU law over many years) have advised on legal issues related to the ongoing Eurozone crisis and the government's review of the balance of the EU's competences i.e. an audit of what the EU does and how it affects the UK. The team has also contributed to the successful conclusion of a package of efficiency reforms to the Court of Justice of the European Union;

— International law does not operate solely in international tribunals. Domestic litigation involving questions of international law and, in particular, cases brought against the FCO have risen dramatically over the past few years. Colleagues in the General Law and Litigation Team have advised on the recent Mau Mau litigation concerning liability for abuses of Kenyans in the 1950s in addition to the question of whether the FCO has a duty to provide the legal expenses of a UK citizen sentenced to death for drug smuggling in Bali. They also provided advice on Protocol legal issues for the Olympics and on the Justice and Security Bill.

At our desks we contribute to submissions to Ministers drafted by policy colleagues setting out a particular issue and a suggested action to be taken. Invariably such submissions are underpinned by legal analysis that will be read by senior officials and Ministers (including the Foreign Secretary), and that will be acted upon and therefore subject to scrutiny by Parliament, the press and the public. Often we may be called to discuss the content of submissions with Ministers and one must be prepared to explain in easily understood plain English a hideously complex legal point. Such encounters are both exciting and daunting. We also attend Parliamentary debates in support of our Ministers and it is a fraught experience attempting to scribble down an answer to a half-heard question from an MP whilst a Minister fixes you with a look of, 'anytime now would be welcome'. A number of my colleagues have also had the experience of multilateral negotiations in many far-flung and inhospitable places around the world – the Seychelles negotiating anti-piracy initiatives springs to mind…

In conclusion I would say that the work of FCO Legal Advisers is challenging, varied and rewarding. We are currently living in a particularly uncertain and challenging global context and in an age of ever-increasing inter-dependence. The Foreign Secretary is committed to delivering a first-class foreign policy with an emphasis on creative policy making to deal with the numerous foreign policy challenges faced by the UK. In this context it is clear that the work of Legal Advisers will continue to play an essential role in ensuring that the policy is compatible with our international law obligations.

From Oxford to Syria: Legal work in International Criminal and Humanitarian Law

"A Canadian wrote this closing argument!" interjected Saddam Hussein from the dock, cutting off the address of his Iraqi court-appointed lawyer who had just started to read the final brief prepared on behalf of the accused. "I know he's a spy."

The deposed President of Iraq was referring to me - a Canadian, an Oxford graduate, but alas, not a spy.

Such was my unanticipated moment in the spotlight during the trial of Saddam, a process during which I served as international law advisor to defence counsel at the Iraqi High Tribunal (IHT), the body trying Saddam and other erstwhile senior Iraqi officials for war crimes, crimes against humanity and genocide.

The trials of Saddam and others such as Ali Hassan Al-Majid (popularly known as Chemical Ali) proved to be a spectacular failure when viewed from the perspective of due process. A somewhat more positive spin might be put on the undertaking by those more accepting than myself of capital punishment and the desirability of removing by any necessary means a number of admittedly distasteful individuals from this mortal coil. Whatever one's pronouncement on the IHT, the trials of Saddam and others were plagued by Iraqi political interference, levels of violence which saw a number of colleagues killed, including several defence counsel, and the woeful ignorance of the Iraqi judges, prosecutors and defence advocates of the substantive law that the Tribunal was meant to be applying, that is, International Criminal and Humanitarian Law (ICHL).

What turned out to be a two-year engagement with the IHT came about for no other reason than that I had found myself in the right place (in Baghdad, on other business) at the right time (at the start of the inaugural IHT trial, when it became immediately apparent that insufficient ICHL expertise was to hand).

The Accidental Jurist

Years earlier, I had completed a doctorate in the field of war crimes at a time when this area of law was so little studied that I had experienced difficulties

finding a dissertation supervisor. Unexpectedly, my departure from graduate school coincided almost precisely with the rediscovery of ICHL by the international community in the wake of the disintegration of Yugoslavia and the Rwandan genocide. Having enrolled in graduate school with no purpose other than to avoid gainful employment, I was employed immediately upon graduation in a succession of what struck me then as dream jobs with, in turn, the Canadian war-crimes programme, the Yugoslavia and Rwanda Tribunals, and the International Criminal Court, where I was the first investigator.

Having been an infantry officer as a younger man, and anyhow not qualified as a litigator, I was at the start of my career in ICHL inclined towards the uncertainty of fieldwork, notwithstanding common sense, of which I had none, and despite my considerable temporal investment in the advanced study of ICHL.

During the 1990s, the mentoring available to a budding war-crimes investigator was limited by the novelty of the work; prior to 1995, few sustained war-crimes investigations had been undertaken since the 1940s. Over time, I did figure out what I was doing – or at any rate, I came to feel less of a fraud – and I developed, along with a handful of colleagues interested in the practice of ICHL as well as its theory, a certain expertise in collecting as well as linking information of evidential quality to the elements of the modes of liability provided for in ICHL.

Building ICHL Cases

Since 1995, a number of now old hands have come up with a more or less standardised approach to the building of an international criminal case for prosecution. Broadly speaking, the crime base, which is concerned with the physical elements of the offences (e.g. killings as opposed to murders, or physical acts against persons, as distinct from torture), is easily established. Unlike, for instance, murder investigations undertaken in domestic jurisdictions such as England, international investigations invest limited resources in the determination of the fate of victims; forensic evidence, whilst collected on occasion, usually from mass graves, is never in my experience essential to ensure a conviction.

International criminal investigations and prosecutions hinge on what is termed linkage evidence. In ICHL, modes of liability ranging from individual perpetration, through aiding and abetting, to (criminal) command responsibility, are determined by clearly defined mental and material elements which can be readily understood through reference to a large body of jurisprudence, principally from the periods 1945-1949 and post-1995.

Establishing individual criminal responsibility, most especially in international cases, where the accused are very rarely the physical authors of the underlying criminal acts, invariably revolves around a painstaking process of re-establishing institutional structures and their internal workings, in turn proving beyond reasonable doubt that the target of an investigation enjoyed de facto authority over perpetrators connected with more physical immediacy by investigators and analysts to the crime base.

Investigations are document driven, rooted in large volumes of paper secured, by any lawful means, from the organisations thought likely to be responsible for the prima facie crimes. Of particular interest are, invariably, the records of military, security and intelligence organisations as well as those of key institutions such as ministries of the interior and defence. The bulk of the witness testimony in an international case is not normally collected from victims so much as from persons, often themselves of dubious moral standing, who served within the organisations and alongside the individuals whose conduct is being questioned by the investigative team. The work is laborious but not without interest; it has few parallels with domestic homicide investigations beyond the fact of killing but rather is broadly akin to the methodology underlying complex fraud enquiries.

The Ongoing Conflict in Syria

Through my consultancy, Tsamota Ltd, I have been engaged in and around the conflict in Syria since 2011. Our flagship project is the Syrian Commission for Justice and Accountability (SCJA), a non-profit vehicle registered in The Hague which operates with multi-million-dollar funding from the European Commission as well as the Governments of the United Kingdom and the United States.

The SCJA undertakes war crimes and crimes against humanity investigations in Syria, pursu-

ing allegations of wrongdoing by forces on both sides of the conflict. The investigative effort is unique insofar as no private body has ever taken on a project of this nature in the midst of a conflict with an eye to post-war prosecutions, which is precisely what the SCJA is preparing for. Indeed, even public bodies such as the United Nations and the ICC have never engaged in the midst of a conflict to the extent that the SCJA has, for a number of reasons ranging from bureaucratic inflexibility to the highly restrictive security protocols which tend to hamstring even the least risk-averse international functionaries.

The SCJA is not troubled by hurdles of this nature. Rather, the Commission is limited in its operations, which conform to established international-investigative practices, only by the financial resources to hand. To date, large volumes of regime documentation, generated in particular by Syrian government-controlled military and security-intelligence forces, have been removed from Syria for analysis against the various modes of criminal liability. Additionally, several hundred defectors from the regime as well as prisoners held by the opposition forces have been interviewed, amongst them foreign nationals. The investigation of offences perpetrated by armed opposition forces follows a less complex path.

There have been casualties. A number of SCJA associates in the field have been taken prisoner by belligerent parties, wounded and, in one case, killed. Despite such sobering reminders of the risks inherent in this effort, we have every confidence that the SCJA, working in an apolitical manner with the assistance of a small handful of international mentors, will be fit for integration, along with its considerable collection of information and evidence, into the appropriate Syrian State institution as a dedicated war crimes and crimes against humanity investigations and prosecutions unit.

Career Advice

The day has long passed when a naïve student such as I once was, keen on the study of war crimes, might stumble without design into the now relatively mature practice of ICHL. Graduate programmes in Public International Law abound in the United Kingdom and elsewhere, battalions of interns have passed through the halls of the ad hoc United Nations Tribunals as well as the ICC, and the competition for the declining number of entry-level posts in the field of ICHL is fierce.

The savvy student who is nonetheless keen on working in this field should:

1) secure a LLM focussed on ICHL or at any rate Public International Law;

2) upon graduation, decamp straightaway for a field post with whoever will offer employment, ideally in some sort of metaphorical tip gripped by conflict as well as systematic violations of ICL being perpetrated by State as well as non-State actors;

3) in the field, learn to deal with the rigours of a life of relative privation and physical risk whilst mastering, with whatever mentoring assistance might be found, the mechanics of evidence collection; and

4) if any interest in field life and ICHL remains after what might prove to be a chastening experience, seek employment in his or her domestic prosecution service, gravitating wherever possible towards cases with an international-criminal dimension.

All this is to say that only persons with a mixture of field-operational and relevant domestic-prosecutorial experience are likely to be hired for junior positions by international bodies such as the ICC.

Would the effort be worth it, were an international post to be secured at the end of such an apprenticeship? For anyone with a sense of adventure, the answer is likely to be in the affirmative; the company of psychopaths is not always as disagreeable as one might think. However, ICHL work, particularly when one is employed on the investigations and prosecutions side, draws heavily upon the mental energy even of those who are untroubled by the subject matter. My advice to a younger generation keen to get into this area of law is that those who do manage to find a post will not regret so doing - and ought not to stay too long.

William Wiley

A vision of European Law and the future of the European Union

Judge Julia Laffranque has led a varied and fascinating career, currently serving as a judge in the European Court of Human Rights. She previously acted as judge, and legal scientist at the Supreme Court of Estonia as well as being Professor of European law at the University of Tartu. She discusses with us her experiences in European law across her career and shares her opinions on the future of the EU.

It was as an exchange student at High School in Connecticut that I decided to study law. Indeed, upon returning to Estonia I immediately focused my legal studies on International Public law, but soon realised that International law was not enough for me due to my growing suspicions concerning the enforcement and real practical effect of international legal instruments and court judgments.

Suddenly a completely new opportunity arose before me: European law. This was the perfect melange of international, or at least European, issues and law. Thus my passion, and later my profession, became engrossed in European Union law, at that time still most commonly known as law of the European communities. It was unknown to all in Estonia, so my passion took me to study abroad: first in Germany, then later at the European University Institute in Florence.

In the mid 1990s Estonia was in the thick of applying for membership to the European Union. My studies and knowledge proved their worth as I advised for the Estonian Ministry of Justice where I was responsible for approximation of Estonian legislation to the *acquis communautaire* of the European Union. This was a considerably challenging period; we had to analyse and adopt around 80 000 pages of European law into the Estonian legal system and culture. During Estonia's preparations and negotiations to accede the European Union, I also played the role of ambassador of European law in Estonia and of Estonian law in the rest of Europe and in other European institutions; a challenging yet fascinating experience.

That was a time of ambition and opportunity, energy and eagerness; we had considerable hope in the construction of a common Europe. For Estonians it also meant the restoration of our historical place among other European countries. Our goal was clear-cut: membership within the EU and NATO. Yet I also wanted all the information available concerning the EU to be as objective as possible, for us to join the Union as a democratic state in accordance with the rule of law, such that we would do nothing which would violate our Constitution and the common values of Europe.

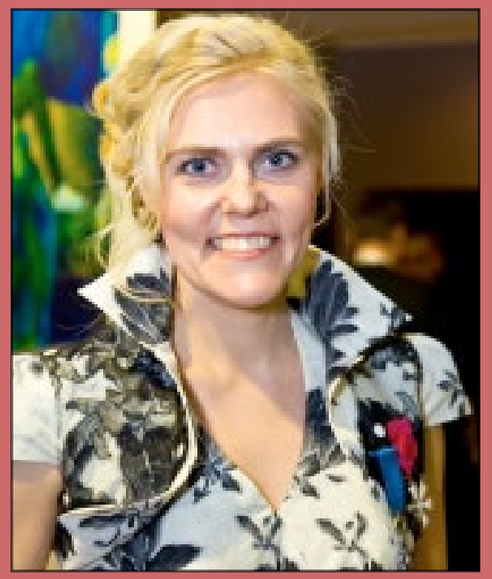
The image of the EU needed to be altered: no longer should it be seen as dull details and norms, but rather as a common project based on moral and legal values. This did not mean overlooking the question of whether the EU is in fact all-knowing about a field which it is legislating and whether this legislation is in line with the founding treaties and general goals, nor did it silence the question: 'what, after all, is the purpose of new European rules?'

After Estonia's accession to the EU my role evolved once

more. The harmonised legislation needed to be implemented, applied and interpreted in order not to remain illusory, theoretical and non-effective. So I became a judge at the administrative and constitutional law chambers of the Supreme Court of Estonia. I was confronted by a new challenge as I was involved in the dialogue between the Estonian courts and the Court of Justice of the European Union, as well as the Supreme courts of other European countries. It was a novel experience for me to draft my very first Estonian preliminary reference to the Court of Justice in Luxembourg: I waited excitedly and impatiently for the reply, for the preliminary ruling! Up until then I had only written about it in my academic works, master and doctoral thesis and lectured about it, but in practice it turned out to be quite different, far more complicated than the theory.

In my role as a judge I discovered many new aspects of EU law; connections between this and the European Convention of Human Rights as well as the European Court of Human Rights in its own right.

I have been extremely fortunate to have combined, over the course of my life, all different aspects of European law: EU law, European Convention of Human Rights, legislative drafting, implementation and court practice, as well as academic research. Nothing can be more rewarding than to see how a new school of thought in European law is emerging in Estonia, how students look bright-eyed and bushy-tailed when faced with European issues. Unfortunately they seem to be among the few who remain optimistic about the 'European' future. From where I stand, it seems that the passion which has guided and driven me throughout my professional life in European law is dwindling across Europe. Be it due to recent crises or perhaps a mere lull, be it a result of the differences that inevitably emerge between the East and the West, the North and the South, and the Old and the New, there is no doubt that Europe is lacking its former passion, energy and innovation. Whatever solutions may be found, they must be based on the trust of the people, on legal and solid rules, the rule of law and democracy, they must be transparent and responsible, not ad hoc solutions, but rather preventive ones. We may know what the problem is, but have we discovered the cure? How should we move forward?



One integral feature is of course the accession of the European Union to the European Convention of Human Rights. When I became a judge at the European Court of Human Rights back in 2011, I believed all my past experience in EU law would serve me well, just as my experience in judging and teaching had done in the past. However, EU law does not yet have a strong presence in Strasbourg because inhabitants from the EU are still unable to turn to Strasbourg when they feel that the EU institutions have violated their human rights. As long as the process of accession of the EU to the European Convention of Human Rights is being reinvigorated and propelled forward, so may the dream of a common European legal space materialise into reality.

In Spring 2012 one of my very own European law dreams was realised. As a president of the International Federation for European law and the Estonian Association for European law, I succeeded in making Estonia the first Eastern European country ever to host the Congress of the International Federation for European Law. In 2012, Tallinn was not only the capital of Estonia, but also of European law and Estonia was visited by many key figures in the European law arena including the president of the Court of Justice of the EU and the president of the General Court of the EU. With numerous EU law professors giving highly interesting speeches and contributions to the Congress as well as information events for students and the public, European law was no longer an abstract entity for many Estonians, but entered into the realms of reality.

My task now, here at the European Court of Human Rights, continues to pose challenges and responsibilities . Every day more than 800 million people from across the 47 member states of the Council of Europe are able to turn directly to our court; it is the only international jurisdiction of this kind in the world. The people seek justice and help, we are often their last hope and their problems are grave and diverse; often it takes a lot of effort to find the light at the end of the tunnel. And yet, despite this, I remain steadfast, fascinated by European law and riveted by its daily challenges; if drafted, applied and interpreted with justice and honesty, I truly believe it can make the difference it initially intended.

essay competition

Each term Verdict organises an essay competition open to all Law Soc members. Here we have the entries from the winner and runner-up. A huge congratulations to all who entered and we hope you enjoy the opinions expressed from a student's perspective.

Winner:

To what extent is a blanket ban on a prisoner's right to vote a breach of human rights?

Natasha Holcroft-Emmess

The issue of prisoner voting rights has caused a great deal of controversy and strained relations between the key political bodies of the UK and the European Court of Human Rights, based in Strasbourg. Currently in the UK, legislation imposes in effect a blanket ban on prisoner voting. This legislation has been challenged as breaching the right to vote, one of the fundamental rights protected under the European Convention on Human Rights (ECHR), an important international treaty to which the UK is a party. A key question for judges, lawyers and politicians is: does the UK's blanket ban on prisoner voting violate human rights?

The right to vote in elections, to influence the determination of who will represent the people in Parliament and who will make up the executive, is a right of fundamental importance in a democratic society. Although the ECHR does not explicitly enshrine a right to vote, one has been implied into Article 3 Protocol 1 ECHR, which imposes an obligation on States to hold free elections to ensure the free expression of the people's opinion in the choice of the legislature (*Mathieu-Mohin and Clerfayt v Belgium* (1987)). The Convention has direct effect in UK law through the Human Rights Act 1998 (HRA), and Schedule 1 incorporates Article 3 Protocol 1 ECHR. Thus, international human rights law and domestic human rights provisions have expressed a commitment to protecting the important democratic value in suffrage as a human right.

The relevant UK legislation is the Representation of the People Act 1983, section 3 of which states:

'A convicted person during the time that he is detained in a penal institution in pursuance of his sentence… is legally incapable of voting at any parliamentary… election…'

This provision of UK legislation disentitles prisoners from voting in general elections whilst in prison, and in effect constitutes a blanket ban on prisoner voting. Domestic courts considered the issue of prisoner disenfranchisement under the HRA in *Pearson and Martinez v Home Secretary*, but the blanket ban was not held to be a disproportionate interference with the right to vote. This decision was appealed to the Strasbourg Court, which came to the opposite conclusion.

In the landmark case of *Hirst v UK*, the Strasbourg Court held that the statutory blanket ban on prisoner voting violated the implied right to vote in Article 3 Protocol 1 ECHR. The applicant, John Hirst, had been convicted of murder and a mandatory life sentence was imposed. During his imprisonment, he was unable to vote. The Strasbourg Court accepted that the statutory scheme constituted an interference with the right to vote by incapacitating certain persons (in this case prisoners) from taking part in the democratic process. The next question for the court was whether the interference could be justified, and the statutory scheme saved from amounting to a human rights violation. The analysis of justification for rights infringements under the ECHR must demonstrate three criteria: legitimate aim; rational connection (or, in the language sometimes used by the Court, necessity and suitability); and proportionality in the strict sense of the least restrictive means of interfering with protected rights.

It was accepted that the UK's ban on prisoner voting served the legitimate aims of enhancing civic responsibility and deterring the prospective commission of crimes. It was also accepted that the means of total disenfranchisement of imprisoned offenders was rationally connected to (or necessary or suitable for) the achievement of this aim. These conclusions may be questioned, given the lack of conclusive empirical evidence of the deterrent effect of such a sanction and the apparent lack of fit between the essence of the punishment and the nature of the crime. Nonetheless, the Strasbourg Court accepted these first two points of justification. But where it differed from the UK courts was in relation to the proportionality of the measure restricting prisoners' right to vote.

The principle of proportionality requires that the limitation of any human right may only be permitted where there is no other less restrictive means of achieving the legitimate aim that justifies the limitation. The UK's blanket ban on prisoner voting was held by the Strasbourg Court to fail to satisfy this requirement of proportionality. There was little European consensus regarding electoral process arrangements, so the UK legislature was afforded a wide 'margin of appreciation' to fashion its own enfranchisement laws. However, the Court concluded that the UK had overstepped even this wide margin in the imposition of a blanket ban. The Court principally took issue with the way in which the legislature, in enacting the statutory ban, had failed to consider the issue of proportionality in imposing a comprehensive prohibition, as this gave an undue lack of consideration to the importance of the right to vote in a democratic society.

The baseline of the Court's judgment in *Hirst v UK* was emphatically not that the legislature could not by statute disenfranchise imprisoned offenders; Parliament may still restrict prisoner voting without breaching the UK's human rights obligations. However, the decision in *Hirst* clearly stands for the proposition that a blanket ban on prisoner voting does violate human rights because of the automatic and indiscriminate manner in which the limitation is constructed. The Court's objection to this approach is clear from the following passage:

"There is no evidence that Parliament has ever sought to weigh the competing interests or to assess the proportionality of a blanket ban on the right of a convicted prisoner to vote. It cannot be said that there was any substantive debate by members of the legislature on the continued justification in light of modern day penal policy and of current human rights standards for maintaining such a general restriction on the right of prisoners to vote… Such a general, automatic and indiscriminate restriction on a vitally important Convention right must be seen … as being incompatible with Article 3 of Protocol 1…" (Hirst v UK)

The Court's decision was influenced by compar-

ative jurisprudence, including, for example, the Supreme Court of Canada's judgment in *Sauvé v Canada* that a blanket prisoner voting ban was not 'minimally impairing', as is required by s1 of the Canadian Charter of Fundamental Rights. The Strasbourg Court's decision is moreover supported by declarations in other jurisdictions that blanket voting prohibitions are unconstitutional, such as the South African Constitutional Court's holding in *Minister of Home Affairs v National Institute for Crime Prevention and the Re-Integration of Offenders (NICRO) and others*. There is thus an emerging international consensus that imposing a blanket ban on a prisoner's right to vote will breach States' human rights obligations.

Since the *Hirst* case, the UK Parliament has debated the issue of prisoner voting, and decided (234-22) in favour of retaining the current legal position. Would this satisfy the Court's request for a reasoned discussion of the proportionality of removing the right to vote from prisoners? The unfortunate difficulty in giving an affirmative answer to this question is that the debate did not centre around the proportionality issue, but rather focused on the competence of the Strasbourg Court to compel the UK legislature to re-address this matter (an issue of subsidiarity). The parliamentary debate therefore missed the crucial rights issue and it is not clear whether such a superficial resolution would satisfy the baseline of rights protection which the Court set in its *Hirst* judgment.

The persistence of the UK political bodies' attitude towards retaining a blanket denial of the right to vote poses a problem of enforceability for the Strasbourg Court. As a supranational court, it must rely on the co-operation of States in implementing its judgments. The clash between the two entities has caused media controversy, with the current UK Prime Minister, David Cameron, calling for greater deference from the Strasbourg Court and the latter's former President, Sir Nicholas Bratza, requesting that the UK respect the authority of the Court and protect in practice the human rights obligations which it has voluntarily assumed under the Convention.

It is argued that the indiscriminate nature of the UK's blanket ban on prisoner voting does and should constitute a violation of human rights. It has been accepted by both European and domestic courts that the starting point for human rights adjudication in the criminal justice context is that prisoners enjoy the same rights as free persons which are not taken away by necessary implication of the administration of prison life. People do not forfeit their human rights merely because of the fact that they are in prison. That proposition is a basic expression of the principle of equality of all human beings. It is sometimes said that those 'who break the law, cannot make the law', however, this view misses the point that participation in democracy is not a privilege to be earned, but a fundamental human right which the courts have a responsibility to protect.

It is important to note that this conclusion does not inevitably entail that all prisoners must be granted the vote. Parliament still has a wide discretion in legislating, and could conclude that persons convicted for specific serious offences or those imprisoned for a certain lengthy period of time ought to be denied the vote. But what the government and legislature cannot do consistently with human rights is to ignore the fundamental interest in meaningful participation in democracy of a large class of people in the country they purportedly represent. It is especially inappropriate for the political bodies to be able to define their own electorate and then subject those outside of that definition to the most extreme rigours of the law's coercive power. Imposing a comprehensive prohibition on prisoner voting is a denial of fundamental human rights.

Runner-up:
To what extent is a blanket ban on a prisoner's right to vote a breach of human rights?

Rebecca Butt

The current ban on a prisoner's right to vote is a breach of human rights because it is a blanket ban that does not have sufficiently good reasons to support it. The European Court of Human Rights (ECtHR), the Supreme Court and the Government would all agree with this. However, the ECtHR and Supreme Court would disagree as to the precise reasoning behind their eventual arrival at the same conclusion. The ECtHR is of the opinion that it is the fact that the current law imposes a 'blanket ban' which is why banning prisoners' right to vote breaches their human rights. Whereas the House of Lords (and now the Supreme Court) think that such a ban is acceptable in principle as long as it is backed up by good justifications. In this essay I am going to firstly outline the current situation and the ECtHR's stance. I will secondly highlight the position of the House of Lords in relation to blanket bans and evaluate whether there are sufficiently good reasons to justify it. Finally, I will discuss the Government's opinion on the matter.

'Count me out, I don't want to lose my vote at the next election'

Firstly, human rights are rights that are thought of as so fundamental that everyone should be entitled to them. In the UK our human rights are mainly protected by the Human Rights Act (HRA) 1998 that incorporates the European Convention on Human Rights (ECHR) into domestic law. The UK not only helped to draft the ECHR but was also the first country to ratify it. Therefore, the UK is internationally acknowledged as generally being a leader in the field of protecting human rights. However, our current electoral ban on prisoners voting has led to some people questioning this status. Article 3 of the First Protocol gives people the right to vote, although reasonable restrictions may be put on this right. But in the UK, due to the Representation of the People Act 1983, a convicted person is legally incapable of voting at any parliamentary or local election during the time that he is detained in prison. The disqualification does not apply to persons imprisoned for contempt, default or on remand.

The European Court of Human Rights (ECtHR) in *Hirst v UK* [2004] held that the law breaches the prisoners' human rights. The Grand Chamber accepted that the voting

ban pursues a legitimate aim, namely to punish and incentivise citizen-like conduct [75]. However, it held that the general, automatic and indiscriminate restriction on a vitally important Convention right must be seen as falling outside any acceptable margin of appreciation, however wide that margin might be, as being incompatible with Article 3 Protocol 1 [82]. Therefore, it is clear that a ban on prisoners voting does not in itself breach human rights, it is the fact that it is a blanket ban which is what makes it illegal. However, the UK is reluctant to rectify the situation, as there is strong political opposition to the idea of giving prisoners the vote. David Cameron even went as far as saying that "the idea of prisoners voting makes him physically ill" (Bagehot, 2011).

In its Chamber judgment in *Greens and M.T. v. the United Kingdom* in 2010, the ECtHR again found a violation of the right to free elections, as the UK Government had failed to amend the blanket ban legislation. The Court held that the Government needed to amend this and enact new legislation within 6 months. In 2011, the

politicians defied this ruling by debating and agreeing, by 234 votes to 22, that: That this House notes the ruling of the ECtHR and acknowledges the treaty obligations of the UK to abide by the rulings of the ECtHR but is of the opinion that legislative decisions of this nature should be a matter for democratically-elected lawmakers and supports the current situation.

Secondly, in contrast to the European Court's stance, the House of Lords in *R(Animal Defenders International) v Secretary of State for Culture* (2008) held that blanket bans did not breach human rights if they were sufficiently justified. In this case the blanket ban on political advertising was being challenged as breaching Article 10 of the HRA - the right to freedom of expression. The Court held that there was a strong need to restrict political advertising on television and radio because of how much influence such advertising can have and the potential for richer political parties to exploit this. They decided that a blanket prohibition was acceptable because Parliament had judged that it was not possible to devise a more limited restriction which was fair and workable and would suffice to address the problem. The blanket ban was justified as being necessary in a democratic society and compatible with the Convention. This case is similar to the *Hirst v UK* (2004) case in that both cases were concerned with rights that are associated with the important notion of freedom of political speech. Therefore, in the view of our highest court blanket bans which restrict political speech (the right to vote is a form of political speech) do not prima facie breach human rights.

Does the blanket ban on a prisoner's right to vote have sufficient justifications to mean the Supreme Court would not view it as breaching human rights? The main argument that is often put forward in support of the blanket ban is that people who commit a sufficiently serious crime that warrants them being imprisoned have breached society's rules, and therefore, they should not have a say in making the rules. The other justifications that supporters of the ban often cite are ones of punishment and deterrence. People who have committed a crime do not deserve the vote. The problem with these propositions is that they assume that the right to vote is a privilege that can be taken away for bad behaviour. This is simply not the case: having the vote is a right. Furthermore, it must be remembered that the punishment and deterrence for people who commit crime is the loss of liberty that comes with being imprisoned. It is not necessary to deprive them of the vote too. Finally, one must not forget that prison has three purposes: punishment, deterrence and rehabilitation. Rehabilitation is important because most prisoners will be released back into society at some point and when they are we want them to be able to reintegrate. The fact that they do not have the vote whilst in prison isolates them further from the community and alienates them against society. The UK has one of the worst re-offending rates for prisoners in Europe. This may have something to do with our electoral ban. Therefore, there are insufficient justifications to support a blanket ban, and the Supreme Court would join the ECtHR in concluding that the outright ban on prisoners' voting breaches their human rights. In *Animal Defenders* the House of Lords placed a lot of emphasis on the fact that not only was the ban on political advertising in pursuit of a legitimate aim, but also on the fact that Parliament had tried to find a way to achieve that aim without resorting to the ban, but could not find one. In the present situation of prisoners' votes it is debatable whether the ban is in pursuit of a legitimate aim, and even if one concludes that it is, Parliament had not looked into alternative ways of achieving that aim without having a blanket ban.

Finally, whilst the both the ECtHR and the Supreme Court would agree that a blanket ban on the right of prisoners to vote would breach their human rights, what does the UK Government think? Their views on the subject matter became apparent in November 2012 when the Coalition Government published a draft bill on prisoners' voting eligibility. The draft bill included three proposals:
(1) ban from voting those sentenced to four years' imprisonment or more;
(2) ban from voting those sentenced to more than six months;
or (3) ban from voting all prisoners (i.e. maintain the status quo).
The bill went on to conclude that the Government is of the view that the provisions contained in proposals 1 and 2 are, on balance, compatible with human rights but those in proposal 3 are incompatible with those rights. This means that in the opinion of the Government a blanket ban on prisoners voting does breach human rights set out in the ECHR, and so, a section 19 statement of compatibility that is required under the HRA would not be able to be given.

In conclusion, a blanket ban on a prisoner's right to vote breaches their human right under Article 3 of the First Protocol. The ECtHR, the Supreme Court and the UK Government are all in agreement on this. The ECtHR makes this clear in *Hirst v UK* and subsequent cases such as *Greens and M.T v UK* where it stresses that it is the 'blanket ban' element of the rule which causes it to be in breach. On the other hand, the Supreme Court is of the view, following the House of Lords decision in *R(Animal Defenders International) v Secretary of State for Culture*, that just because it is a blanket rule that does not necessarily mean that it breaches human rights. However, on the facts of the situation there are insufficient justifications to support a blanket ban and an inadequate attempt by Parliament to find alternative solutions to it. The Government in its draft bill on prisoners' voting eligibility clearly indicates that it does not believe that the blanket ban is compatible with human rights. Therefore, we are currently in a situation where UK legislation is breaching prisoners' human rights and Parliament, due to its reluctance to change said legislation, and is breaching its international obligations to abide by the ECHR.

A 'Bright' little guide to Commercial law

It's almost that time of the year again… and application open-dates are fast approaching... so the team at Bright Network – the exclusive online careers network - have put together a handy little guide for those interested in a career in Commercial Law – detailing the sector at a glance, all you need to know about what to apply for and when, and some handy hints and tips on how to succeed in your application…

The sector at a glance

So far removed from law learnt as an abstract notion in dusty old university libraries, commercial law is all about providing practical support to companies across the spectrum with contracts they enter into as they go about their day-to-day business. To this end, commercial law primarily deals with contract and/or tort law issues which arise at any stage of the commercial cycle. Almost all cases have issues grounded in English common law, though in more recent globalised times issues concerning EU law and other international legal principles have also begun to be directly relevant.

"Law firms attract intelligent, well-rounded, ambitious people"

All of which is to say, the work is incredibly varied, ranging from negotiating headline-grabbing deals such as the takeover of supermarket chain Somerfield by the Co-op to writing a one-page set of terms and conditions on the back of an order form, from drafting a distribution agreement to putting in place the suit of documents necessary to build and maintain a series of power stations in a developing country.

Given the potential breadth, commercial law firms divide their activities into different areas, such as banking, corporate, employment, litigation, media and sport, with their lawyers specialising in one of these as they progress up the career ladder. As a corporate lawyer you may be advising on a multi-billion-pound deal; as a sports and media lawyer you could act for a world-famous footballer or rock star.

Beyond its variety and frequently high profile nature, there are plenty of reasons to find the work in commercial law firms very satisfying. Focused on solving specific, often complex, problems as efficiently as possible, the work is fast-paced, intellectually challenging and almost always completed within a team. Law firms attract intelligent, well-rounded, ambitious people, who pull together to support each other in delivering challenging and accurate work under pressure, and who can still enjoy socialising together when the deal is complete.

Entry into the lofty heights of a commercial law firm, whether Magic Circle or other, follows a well-trodden path. Both law graduates and conversion course graduates then need to study the legal practice course (LPC), which is a vocational course designed to help you apply law to practical issues. After this you will need to complete a training contract, usually with a solicitors' firm. During this time you will be known as a trainee solicitor. Once you have completed your training contract successfully you will be allowed to call yourself a solicitor.

Commercial law, particularly in the big City firms, is known to require long hours and plenty of stamina – even more so when deals near conclusion - but for those who are lucky enough to possess the dedication and perseverance, the hard works pays off: career prospects and remuneration packages for trainees and qualified solicitors are incredibly promising, and the atmosphere always stimulating.

The skills and qualities you need to excel

Commercial law firms are very clear on what they look for in their potential recruits, expecting applicants to have a consistent academic record, i.e. 2:1, predicted or attained, and A or B grades at A-Level. But academic success is only half the story. Beyond your grades on paper, they also want to see:

- Appropriate knowledge and motivation
- High ethical standards and an understanding of the role of law
- Self-confidence and good interpersonal skills
- A variety of sustained interests which reveal a high level of achievement
- Initiative and responsibility
- Commercial awareness (all law firms are businesses and their work revolves around supporting other businesses in solving commercial issues)
- Good negotiation and project management skills
- Attention to detail
- Knowledge of the firm and justification of your suitability for it
- Language skills are a plus – so find ways during your time at university to maintain any that you acquired at school or through travelling

How to get noticed

Due to the competitive nature of the legal profession, firms are relying more and more on open days and vacation schemes as part of the wider recruitment process for training contracts.

Open days run throughout the year, and are open to graduates and undergraduates from all degree disciplines. It is worth noting, however, that many firms also run specific open days in the summer just for first-year undergraduates who are keen to gain experience at an earlier stage. Attending an early open day is an incredibly powerful way to show your ambition from the outset.

"Attending an early open day is an incredibly powerful way to show your ambition from the outset."

Vacation schemes are formal periods of work experience within a law firm, lasting between one and three weeks, with the added bonus of a pay cheque or paid expenses. Unbeatable in the opportunity

they provide for you to get to know a firm, its clients and the real nature of their day-to-day work, vacation schemes also help you develop new skills, start to build up a professional network and gain real legal experience to enhance your training contract applications. Ultimately, the more that you know about the world and the city, the better you will do in applications and the early stages of your career.

From a firm's perspective, vacation schemes allow recruiters to see potential trainees in action over the course of a few weeks. So the importance of keeping the fact that this represents an extended job interview at the forefront of your mind throughout your time in a firm cannot be stressed enough.

Most firms offer vacation schemes to second-year law students and final-year non-law students, but there are some exceptions to this. In general, schemes run in the summer and Christmas break (with a few running in the Easter break as well).

Spaces are limited and competition is fierce so it is necessary to demonstrate your aptitude and interest in commercial law and the specific firm, via a covering letter / online application and interview. On the whole, these schemes are used as a pipeline for graduate training contracts – you may even find yourself being interviewed for a training contract during your time at a firm. It is possible to gain a training contract without having done a placement at a particular firm, but you will need to show other strong evidence/experience and motivation to be a solicitor.

When to apply

In the first year of any degree…
• … in the autumn term, you can apply for first year open days at certain firms. Some vary depending on your subject (i.e. Law or non-Law). Take a look at Clifford Chance, Hogan Lovells and Slaughter and May for opportunities.

In your second year of a Law degree…
• … in the autumn term again take a look at which firms offer vacation placements. The closing dates for Christmas schemes, such as Travers Smith, are normally in October. You can then apply for Easter and Summer schemes at Christmas and in your Spring terms – the closing dates for these are towards the end of January (like Travers Smith and CMS Cameron McKenna) and sometimes earlier (like Allen & Overy, Clifford Chance, Hogan Lovells and Slaughter and May) so don't miss out.
•… then you should look to apply for your training contract by the end of July the following summer (i.e. before your final year at university). The majority of firms keep their deadline as 31st July, but it is always best to check.

In your final year of a non-Law degree…
• … you can apply for vac schemes and training contract over Christmas. The closing dates for these are towards the end of January - sometimes earlier! – so don't miss out.

So… you've read everything you need to know. You know when you need to apply. You can see yourself fitting in to the buzz, dynamism and constant intellectual challenges that a career in commercial law provides. You are aware that you have chosen one of the most competitive routes out there… but how do you stand out?

Bright's top five tips for success

1. Become an enthusiastic expert
Background reading on commercial law, its role in the global markets, the various divisions active within law firms and how they fit together is key. Knowledge of the intricacies of working in commercial law and the ability to speak of the areas which interest you most with enthusiasm and realism further highlights your credibility for the profession.

2. Create and utilise your network
Talking to professionals already in the profession is another vital way to increase your knowledge and understanding of how life at a commercial law firm works, and the area in which your skills may be best suited. Being at the Bright Festival on 17th September is an amazing place to start, particularly the Bright Commercial Law Network where we select 150 of the top future lawyers looking for vacation schemes and invite them to speed network with representatives from ten top Law firms – both partners and members of their recruitment teams – over a two hour period . Beyond the people you might meet at this event, try contacting your university careers service to put you in touch with graduates already a way down the commercial law route.

3. Become a master communicator
The importance of top notch communication skills is stressed over and over again in the requirements for commercial law recruits. As is the importance of excelling to a high level in a range of interests outside your university degree. So use your time as a student to gain experience of working in teams (be it sports clubs, theatre or debating), both diversifying your friendship groups and your skill set. Work experience and internships also present great ways for you to push yourself out of your communication comfort zone. And don't just think this relates to how you present your ideas verbally. Find opportunities beyond your set essays to write a variety of texts, and take care how you go about it – whether in emails to friends and family, or writing for your university magazine.

4. Increase your commercial awareness
We've said it before and we'll say it again: law firms are businesses and deal constantly with the business world. The best way to make a client happy (and your senior colleagues) is by showing a deep understanding of their commercial realities. The abstract nature of your academic work is not really going to set you up with a deep commercial awareness, so this is something you need to proactively work on outside of your degree. Legal work experience is a good start, but even better is to look for work experience in a different kind of business. Whilst there, keep a note of the business challenges they face, who their customers are and how they go about tackling problems for maximum commercial success. Another idea might be to try setting up your own online business at university, giving you first-hand experience of profit margins as well as a bit of extra cash (hopefully). And you can't beat regularly reading a good financial newspaper to keep up to date with what's going on.

5. Know your firm
Finding a good culture fit with the firm(s) to which you apply, and having a clear idea of the direction within commercial law you think would suit your skill best – whether or not this ultimately ends up being the route you pursue – will significantly increase your chances of success. Here research is crucial: read up online; watch recruitment videos and see what attributes particular firms stress; talk to your contacts; and attend as many events as you can. Don't feel you have to apply to forty firms for vacation schemes or training contracts. You are much better off focusing your applications on four or five firms, and using your knowledge to treat each application as if it is the only one you are doing.

So, now that you've got all of that on board – and Commercial Law is definitely for you – you can start your research.
For lots of other hints and tips on how to succeed, join Bright Network www.brightnetwork.co.uk.

From basic hitman to ultimate ninja: the art of CV writing

You have excelled academically. Now it is time to get some much needed work experience and to do this you'll need know everything there is to about what is known in the business as a "killer CV".

Here, Sara from Bright Network will take you through the arcane knowledge of CV writing step by step, with three levels "basic hitman CV", "journeyman assassin CV" and "ultimate killer CV", depending on which level you're already at.

Basic Hitman

Never had a go at writing a curriculum vitae? Or just have an outdated A4 personal statement lying around at home? Then here is the basic CV fact you need to know: most recruiters spend about 2-5 seconds on each CV. Therefore your CV needs to be as efficient a transmitter of information as 'The Times' front page, and just as interesting.

Start with the basics, keep it to one page. At graduate level, that is more than enough. Recruiters don't need to know about every prize you have won since age nine… or that day of work experience with your Aunty aged fourteen. It's hard to read two pages in under five seconds. More importantly, if you can do this it will prove to your prospective employer that you can collate and condense information effectively: a great skill to have. This will then also force you to boil down your life path so far (curriculum vitae does after all mean course of life) and draw out what actually matters. What are you actually good at? What definite skills do you have? The exercise will ensure your CV is relevant as you will have to save space by cutting out anything not relevant (more on this in 'Ultimate Killer').

So we have a blank A4 page. What to put on it? I'm about to tell you the basics, they may seem obvious, but you'd be amazed the number of people who fail to do even these things….

First, we need your name, and contact details. This is not a joke – people forget to do this. Put these at the top, clearly legible, not taking up too much space. For contact details, you only really need phone number and email address. Make sure the number is one you use, like your mobile; if an employer can only get through to your mother in Hampshire while you're in a punt on the Isis, you might miss out. Your email address must also be one you check regularly. University ones look good but if you only check them once a week, that's not enough. However, beware of using personal email addresses you thought were a witty idea at the time. Don't opt for kissmebaby@hotmail.com or ihatemyjob@yahoo.co.uk. Just don't.

Next we have two main sections: Education and Employment History. These are the two sections every recruiter's roving eyes are vainly searching for on a CV. Make them easy to find. At graduate level, put education at the top, starting with university and degree. In 1 of the 5 seconds a generous recruiter will give you, they should know you're at a top university and doing a relevant degree. If you have graduated, put your classification; if you're in your final year put your prediction. If you're in your first year, don't put you're

"You have to spell out your fabulous skills because no recruiter is going to search for them on a page."

predicted a First Class degree - it just looks like hubris. Then, put your A Levels (or equivalent), then a summary of your GCSEs etc. Remember to include any academic prizes that are relevant.

Employment history is the most important section in that it's the area you can really bring your personality and skillset out. Always list in reverse chronological order except if you have work experience which is really relevant. For example, applying for a business development role? Done a month's stint as a student caller? Bung it at the top. Then in 2 seconds the recruiter will know you're at a good uni, and also have the phone skills they're looking for. They'll then spend a good sight longer than 3 seconds on the rest because they'll know you're worth examining.

Journeyman Assassin

So now your CV is good enough to target recruiters, but just as a lumbering hit-man may not get the job done as skilfully or elegantly as a trained assassin, now we need more refinement.

First, how should you actually present your employment history? There are **three** things you need to say about every job you've ever done. And when I say job, I mean anything you learned skills from since you were about fifteen. For a graduate's purposes, being Head of Socials for Quidditch Soc may actually be just as interesting as your time waitressing at Fire and Stone. Soci-

ety responsibilities, competitions such as essay writing or Young Enterprise, or charity commitments should all go into your master CV, to be made relevant to the job application later.

Three things then need to be easily deduced from your experiences…

- What you did
- What you achieved
- What skills you learned

And when I say 'easily deduced'… I mean jump off the page, between the eyes obvious. You have to spell out your fabulous skills because no recruiter is going to search for them on a page.

Worked as a waiter? Put you learned how to interact with clients, organise bookings and collate information quickly. Say how your efforts led to a Team Member of the Month accolade, or increased profits etc. Then, boom, in two sentences you've put what you did and what you achieved. Everyone knows essentially what a waiter does, but each person will have learnt something different from the job. On the surface, waitressing experience isn't useful to an application for Deloitte or KPMG. It's fairly low skilled and most people will be able to do it competently – so what makes you so different and amazing? Well, you paid attention, achieved, went above and beyond, you didn't just coast through. And this applies to every role, hundreds get on financial summer internships, what did you get out of them which will put you on the next level, how did you prove you're better than all the rest?

In a role which is more obscure you will spend a sentence on explaining what you actually did. If you've been an "Insight Executive" you'll need to explain if that meant using Google Analytics, developing presentations, or if you literally just manned the phones. An ill-explained experience is worse than no experience at all because it will have failed to do what it should, impress your employer. Too many people just list what they did, incomprehensibly, boringly and unimpressively.

Ultimate Killer CV

Well done, you've reached the final level, you're ready to be an ultimate killer ninja at CV writing. Here's how to sharpen that samurai blade…

You've made your CV easy to read, it can hook a recruiter at a two second glance, and it effectively shows your skillset. Now you need to SS. Sell and Standout.

Once people have mastered the basic concise format of a CV, the next very common mistake is to fail to sell it. The art of selling always depends on finding a problem the consumer has, and then solving it. The problem the consumer/recruiter has is a shopping list of skills they need, the kind of potential they want to see in a candidate, and the right kind of culture fit- and yet their trolley is empty, you need to fill it. Read the job spec, every word. If they want a driven, hardworking analytical graduate you rework your CV's copy so that every work experience you ever did proves what a hardworking analytical cookie you are. You can also highlight courses you've done in your degree. Done an Arts course but they want an analytical thinker? Show how you had to collate data for a presentation. Done a science degree and they want someone with team working skills? Highlight a group experiment you did.

A killer CV writer will mould every sentence to be relevant to the job, mimic the spec's tone, its vocabulary. A CV is unique to each application, if you use the same one twice, you're not spending enough time on the application.

It's also at this point you will need to cull something to fit onto one page. It's painful to not let your future employer know you got your Gold D of E, but unless you're using it to highlight your skillset, miss it off, along with anything you did below the age of 18 which isn't relevant. Focus on the last few years at uni.

Once you've sold yourself harder than a finalist on The Apprentice, you then need to stand out like a cactus flower in the desert.

An important feature graduates often overlook is how the CV looks. The format is actually very important; see how The Times designs its front pages carefully for maximum effect. In the same way you will look at a flyer in the street for its colour scheme, so your CV will catch a recruiter's eye. They may see thousands of CVs, bumbling along with tedious irrelevancy and Times New Roman fonts.

So, change the font to something more professional and 21st Century, Calibri or some such, though nothing too fancy or arty – this is still a job application. Look at newspapers,

"Just as you need to dress well for an interview, your CV needs to do the same."

websites, posters and flyers. What do you like about them, what catches your eye? Replicate it on your CV, always with one eye on professional simplicity. Applying for a cool web start up? Introduce borders and headings in fun colours like orange and red. If the job is more corporate, stick with light grey. Want to project trust and strength? Use blue and green. Need to show your creativity? Pick purple. Actually applying for ninja school? Stick with darkest black. Just like Facebook uses colour sparingly but to great effect, so should you. Just as you need to dress well for an interview, your CV needs to do the same. And whatever you do, don't forget to proof read. A quick spell-check and a once over from your flat-mate could be the final step between you and that interview.

I have seen thousands of CVs and there are many ways to write a CV. Everyone will have their penny's worth. Ultimately the ones I remember are those which exuded competency, passion, drive, and had obviously had a lot of time spent on them. Write yours upside down, in neon, torn into a jigsaw puzzle, drenched in Old Spice, whatever you need to get it right, but so long as it shows those four qualities, you can't go far wrong.

TERMCARD

1 **President's Drinks**
Tuesday @ Oxford Castle Unlocked

2 **Crown Office Mooting Final**
Monday @ Balliol College
University of Law Presentation
Thursday @ Wadham College

3 **Cocktails and Cupcakes**
Tuesday @ Grand Cafe
Nabarrow Presentation
with OIFS, Thursday

4 **Cleary Gottlieb Presentation**
Tuesday @ Wadham
Sullivan and Cromwell Dinner
Wednesday @ Brown's

5 **Lindsay Scott Talk**
with OXWIB, Tuesday @ Wadham College

6 **Ice Cream Indulgence**
Wednesday @ G&D's
Ashurst Dinner
Wednesday @ Malmaison
Linklater's First Year Party
Thursday @ The Jam Factory
Champagne and Chocolates
Friday @ Camera

7 **CV Workshop**
with the Bright Network
Denton's Dinner
Wednesday @ Pierre Victoire

8 **Law Society Ball**
Monday @ The Roman Baths, Bath

THE COMMITTEE

President	Tabatha Bergin
Vice-President	Jonny Lyness
Treasurer	Emma Lewis
Secretary	Nick Salmon
President-Elect	Sophie McGuirk
VP- Elect	Pablo Simko
Treasurer-Elect	Gabriella Pereira
Verdict Editor	Charlotte Badenoch
Deputy Editor	Julia Chen
Publicity Secretary	Gayathiri Kamalakanthan
Membership Manager	Nicholas De Mulder
Membership Secretary	Marie Findlay
Social Secretaries	Victoria Speers
	Esi Armah-Tettah
Mistress of Moots	Isabelle Xavier
Mooting Secretary	Eliza Grimmond

COMMITTEE THANKS

From the President

I would like to offer a personal thanks to Charlie and Julia for their hard work both on Verdict but as all round members of the committee, for being a pleasure both to work with and get to know. This gratitude is something I would like to extend to the rest of the current committee who have truly made my presidency some of my most enjoyable months in Oxford. It has been an incredible privilege to be involved in Lawsoc, working with our ever generous and supportive sponsors, organising and attending some of the university's most enjoyable events at the city's most impressive venues, and meeting so many other members - many of whom I now count as friends. Most strikingly though my time on committee has been an opportunity to meet and work with, and under so many incredible people so thank you to past committees and presidents, and indeed to those in the future, to whom I wish the best of luck and have the greatest confidence in.

Finally, a special mention must go to the rest of this term's executive; Emma Lewis, Jonny Lyness and Nick Salmon who really have shared the whole experience with me from start to end, highs and lows. I cant imagine having managed this term without them, let alone having enjoyed it so much.

Tabatha

From the Vice-President

I'm sad to see the end of my time with LawSoc but I'm also happy to be able to say this has definitely been a term to remember. We've had some great events, rounded off with an amazing Ball - and I'm proud to have been part of the team to get everything organised. A massive thank you goes out to everyone in committee and especially Tabs, Nick and Emma, who have made this term so much more enjoyable. Another thank you (and well done) goes out to Charlie, who (thankfully) set me free from the chains of Adobe Indesign, and for getting this edition of Verdict sorted. I hope all our members have enjoyed this term as much as I have, and join me in looking forward to all Michaelmas has to offer.

Cheers,
Jonny

From the Treasurer

Being treasurer for Trinity term has been an absolute pleasure; we've put on some fantastic events, had a lot to laugh about and made every penny count! I hope our members have enjoyed the events as much as we have! My thanks go to the tireless efforts of the committee, without whom, none of our successes would have been possible. Our President Tabatha, you're a wonderful human and truly inspirational. Vice President Jonny, your Irish charm and good humour has kept me entertained all term. I'd also like to wish Gabrielle Pereira, Treasurer-Elect all the best for the future!

Emma

From the Editor

I must firstly say a heartfelt thank you to Jonny who has suffered my endless questions and badgering emails over the term: his advice has proven invaluable.

Secondly, a huge thank you must also go to Julia who has been a continuous support and whose contribution to the magazine has been vital.

Finally, I would like to offer a personal thanks to all those who have contributed to this term's edition of *Verdict*. I am enormously grateful for them for generously giving so much of their time to supporting the society.

I do hope that this edition has provoked thought and provided insight, and that you have enjoyed reading it.

Charlotte