

Sally Penni:

Hello and welcome to Talking Law, the podcast where you can hear barristers, judges, solicitors, managing partners and more, talk about their lives and careers. I'm Dr Sally Penni, MBE, I'm a barrister at Kenworthy's Chambers in Manchester, the Joint Vice Chair of Association of Women Barristers and founder of Women in the Law UK.

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Before you meet today's guests, a reminder that tickets for the Women in the Law UK Annual Dinner and Conference in Manchester this November are on sale now. Please visit womeninthelawuk.com for more details. I'd also love you to watch my recent Ted Talk, where I discuss whether love can conquer hate. Please head to Ted.com and search for Sally Penni.

Today I'm Talking Law with Jo Sidhu QC. Called to the bar in 1993, Jo is widely regarded as one of the leading criminal trial lawyers in the UK and has appeared in some of England's most serious prosecutions. Jo has also served as Chair of the Criminal Bar Association and has been named in the top 101 most influential Asians in the UK.

I began by asking Jo why he chose to become a criminal barrister.

Jo Sidhu:

Well, I was a relative late come to the bar, Sally, because I started having left school studying social scientists. So I did PPE at Oxford. It was a course, which I enjoyed tremendously because my interest intellectually and my passions in terms of my political views were best suited, I think, to studying subjects like politics.

So I did that degree, enjoyed my time at Wadham college in Oxford. And then after that, I worked for about a year as a policy and research officer for my local authority in Ealing, which was a great experience for me to understand how local government operates and how people who are serving the public doing things in areas of work like education and housing, which matters to ordinary people, how you deliver those things to the ordinary man and woman in the streets. That was a great education for a guy who was just 21, 22 years old. After that, Sally, I started a masters in international relations, specializing in international political economy at the London School of Economics, because my aspiration was in fact to join the United nations one day and do development work in countries that needed that sort of help and expertise and having done that masters, I thought to myself, maybe I should do a doctorate. So I applied for a scholarship, not thinking that I get one. And as a sort of insurance policy in case I didn't get one, I joined the BBC as a senior researcher, which again was an eyeopener for me looking at programming and how the public is served by such a big organization, which has such a central place in our society. And I enjoyed that work hugely, but in fact rightly or wrongly ended up getting a scholarship for a doctoral research.

And I took it up. I wasn't sure whether I should or shouldn't. I thought maybe I could go one day upstream within the BBC and end up presenting Newsnight or something like that. <Laugh> I, I took the opportunity to take my studies as far as I could. And my actual research proposal was on south America. Chile and Argentina under military dictatorship. Now at the end of this story, Sally was, I eventually ducked out of that after a year, because as often is the case, people tried things thinking that that's the right thing for them to do. And as a young guy of 23, I thought that's the direction I wanted to head in,

but decided along that road that perhaps no becoming an academic or joining the UN wasn't quite what I was best suited to. And this is when I had that epiphany about becoming a lawyer casting around thinking, well, what might I be suited to? What sort of skill sets do I have? And one thing as you've probably guessed already from this very long answer is that I thought that I could make a living out of talking.

And so I did the conversion course, which was then called the common professional examination, which took a year. And then the bar exams after that having joined Lincoln's Inn as a student member. And I never looked back because I realized in fact that this was indeed the vocation, that best suited me as a personality. I applied for pupillage. I got two offers. One was from a medical negligence set. The other was from a criminal set. I was stuck as between which of those two I ought to opt for. I took some advice from a retired appeal court judge who asked me a very simple question, Sally.

And when I asked him, 'which one should I take'? Well, he said, 'well, what's the reason why you wanted to be a barrister in the first place'? And I said, 'well, that's an easy one. I wanted to be an advocate'. And he said, 'well, then you've answered your own question. Young man. And the criminal bar is where I needed to go'. And so I started pupillage in the autumn of 1993 at what is now 2-Hair Court. I did 12 months there moved through two or three other sets. In fact, after that, before eventually settling at Cloisters 1 Pump Court. Yeah. Under Laura Cox. And I had a wonderful time with amazing colleagues who are experts in their fields across all the divisions of law, but eventually decided that it must be right, that I specialize as a criminal advocate. And that's why I'm still doing it today, nearly 30 years on.

Sally Penni:

Wow. Wow. Well, I'm coming to ask you a question, a big question in a moment about the criminal bar, but I wondered given the many things that have been happening and the current bar action, whether you sometimes think, 'oh, maybe I should have gone the clin-neg, medical negligence route at all', or the, the back of your mind. Do you ever think about that?

Jo Sidhu:

Well, they, they say that all Barristers is, are frustrated actors, but some Barristers in fact may be frustrated doctors. And that, yeah, that's the reason why I was so interested in medical negligence. And in fact, in the course of the type of work that I do now, Sally, which is very much homicide cases, murders, multi handed murders. Of course we come across doctors, pathologists all the time, and it's a thrill for me actually to cross examine people of, of that background because it sort of touches all the right, you know, notes for me. It appeals to that side of me, which has always had an interest in medicine. And I have many family members who are in, in medicine, but ultimately the real appeal for of criminal work was the advocacy side of it, which I spend a lot of time promoting and teaching.

I've done it for Lincolns Inn, as a lead trainer for some years now. And I also teach internationally because I really feel that the, the great quality of the modern barrister is the ability to communicate with the public and not just with judges. And so being an advocate for me really served a lot of, a lot of purposes, the idea of communication the idea of packaging information into bite size chunks. So that ordinary members of the public could digest it, by looking at the law and thinking, well, the law should not be a, a remote body of knowledge. It should be something which in fact is accessible and bearing in mind, we still have, thank-goodness, a jury system. It's important to be able to deliver the law to people who are not well versed in it in a way that is readily, readily understandable.

So in fact, being an advocate for me is more than just delivering on a case. It's about performing. It's about presenting. It's about the art of communication. It's about the soft side of advocacy, which is the emotional side of it, if I can put it that way? Just really understanding that communication, not just

about delivering words in a particular accent or style, but adapting yourself and being versatile, which is, I think the singularly, the most important quality of any great advocate is to be versatile and therefore like a chameleon to adapt to the environment that you are in, whether it's in front of a high court judge in the court of appeal, in the magistrates court, in the crown court, in front of a jury or making legal submissions, whichever one it is, what's great about advocacy. It allows you as a human being to express yourself in different ways.

And it's the reason why I've never in fact veered away from criminal work all these years, Sally, though, the temptation has been there. I've never been money driven. I'm, I'm the, I'm the son of two people who worked in public services. My father was a school teacher in a primary school in Brixton for many years before he retired. And then he was a writer. My mother worked as a national health service nurse specializing in the last 20 years of her career in psychiatric nursing. I've always believed in the importance of serving the public, not being driven solely by money. Of course, people need to be able to live, but the, the real value for me of the, the job which I've chosen to do in my late twenties, which is the bar, is the fact that I can do my bit within society to serve the public and educate them about the value of the work that we do as criminal barristers.

Sally Penni:

Well, here, here! I wholly agree with that. And I thank you for doing so. I wonder if we might just move on because that, that leads me nicely to the big question I'm going to ask you, which is this: you are famous actually to members of the public.

One of my neighbors is a retired headmaster came across, but the copy of the guardian, and he'd been watching the news who asked me about lawyers fees. And there you were the photograph of you outside the Old Bailey. You, you are currently and have been for the last year prior about your vice chair of the criminal bar association. It was a professional organization that I'm a member of and most criminal barristers will be, and there is bar strike action. And I wonder if you can explain what that action is about?

This podcast and people who listen, listen from all parts of the world, largely England, but I know we're in 12 countries. Why have barristers been taking bar action? Criminal barristers - let's be clear and not, not taking fees. What's it about because people will have seen embarrases protesting outside of court. Protesting as in wearing wigs and gowns. There's a lot of data on the fees. What has it been about, why are you passionate about the bar action?

Jo Sidhu:

Well, there's a great difference, of course, in perception of what criminal barristers in England and Wales do, both from the public within this country, but indeed internationally as well, Sally, because obviously we have a perspective on the English legal system where in fact, much of it becomes caricatured people, no doubt abroad have a high regard for our system. They are familiar with seeing people in wigs and the gowns. They know that we are highly trained, highly skilled, and they have a great respect for our judiciary, which of course is drawn largely from the ranks of the bar. And that is indeed a perception, which is rooted in reality, but some of it of course gets skewed. Not least because there are those within our society, certainly, sectors of the media and indeed politicians who have an interest in depicting us as people who are only motivated by money. And so we unfortunately get slanted in a way so that we begin to look like, I don't know, lawyers in other jurisdictions, we all know about the caricature of American lawyers being very money driven yes. And having no ethics. So you and I have always had to face questions, like 'why do you do a job representing people when you know that they're guilty'? Which of course begs a host of other questions, which we tire of answering. But the

important point really is this: we as a criminal bar have an important role to play within the justice system, but more broadly within society because no society can function efficiently or fairly as a democratic entity, unless it has respect for law and order. And unless it has a justice system, which is indeed fair and equitable, so that all citizens feel that they have a part of it, they can, they can feel that the system serves them, that the system is truly objective and independent that no, one's got a particular axe to grind.

And that there is a cadre of women and men who work as lawyers delivering for the public who are indeed driven by the highest ethics and morals. And I think that is in fact, the truth about our colleagues in the criminal bar and indeed the bar generally, and indeed within this solicitors profession. But I'm here, of course, speaking on behalf of my friends and colleagues at the criminal bar. And they are a breed of people who for the last couple of decades have become increasingly worn down by a process of attrition and by neglect from successive governments. And if those of you who are listening abroad want to understand why we are so unhappy it's because there has been a deliberate withholding of the necessary investment within the criminal justice sector, whether it's the upkeep of courts, which of course are crumbling up and down the country, something which has been noted by law, chief justice on a number of occasions, whether it's to do with the pay that barristers receive on legal aid.

Jo Sidhu ([00:12:05](#)):

And of course, legal aid is the source of the vast majority of payment for defendants giving money to their representative lawyers, whether it's lists or barristers in our country. And so people like us, Sally, you and I have taken up this work knowing full well that we're never going to earn as much money as our commercial barrister cousins. But we're driven by an interest in criminal law and we want to do our bit, but the problem we have, of course, is that in order to do our bit we need to be able to make a decent living and people haven't been able to do that for many years indeed.

So we've had a 28% reduction in our real earnings over the last two decades. And of course the pandemic did nothing to help that we lost another 23% on average of our earnings at the peak of the pandemic.

And so you've got now a body of professionals, women and men who have come to this profession as criminal barristers for the right reasons, not for money, but for public service who are now saying that after many years of trying to stay in this service and do their jobs, they can't do it anymore because their real incomes have declined so drastically that they can't afford to pay their bills. And I know it's difficult sometimes for people outside the profession to understand that because there is this thinking that barristers earn a lot of money. Well, they don't. And just to give you an idea - someone who's in the first three years of their practice as a junior criminal barrister doing legal-aid work expects to earn no more than a median income of £12,200, which is below minimum wage. And just to convert that into pounds, shillings and Pence, that means if you were doing a 40 hour week on those wages, you'd be paid six pounds, 25 Pence an hour.

Now whether you are listening to this podcast and you come from a country in dollars or in euros, you will quickly realize that £6.25 an hour is not going to be an incentive to keep our younger barristers doing this job. And that's why we've seen over the last five years that we've lost a quarter of our workforce. And last year alone, we lost 300 barristers doing criminal legal aid work. And 40% of those were criminal juniors. And that doesn't bode well, because what it means is that we're going to lose the recruits that we've gained because they won't stay for long. We're going to lose people who come from non-traditional backgrounds, people who come as minorities, people who come from low income

backgrounds, people who come from working class backgrounds and also women in particular who face the greatest as you know, Sally, the greatest challenges in establishing a practice.

And we know that there's a real significant difference in earnings for women as compared to men doing the same sort of work at the same level. And that's not acceptable. So what we are at risk of losing now, if we do not deal with this problem of low earnings for the criminal bar is we are going to forsake all of the gains we've made over the last several decades in making the criminal bar open space, accessible to people from all walks of life and therefore a diverse cadre of people. If we lose that, we are gonna spin back to the 1950s. When most of the people at the criminal bar we're doing it because they had family money behind them as a safety net and almost turned the job into a hobby. And of course they were almost universally white men from private educational backgrounds who went to Oxbridge.

And I'm afraid to say in 2022 and beyond, we cannot contemplate a criminal bar, which reflects a society from half a century ago. But the only way we're gonna fix this problem - that's why people are taking action and going on strike - is if the government listens to us and understands that they've got to put the money in quickly in order to stabilize the patient, otherwise the patient will die even with life support. And so Sally, it's a critical juncture. We have reached. And as the leader of the criminal bar association, I've made it my mission to try and bring this into the public domain so that people out there will understand that we're not just fussing about nothing. We're talking about saving a system, which is essential to their own lives as citizens of this country, because without a healthy criminal justice system, they can be no law and order, and there cannot be a meaningful democracy in the true sense of that word.

Sally Penni:

Thank you for explaining that, you know, so plainly in detail, because for those of us who dedicated days out of court to visits primary schools, FE colleges, universities and so on to encourage people from all backgrounds to come into the profession that we both love - we can't do that. I don't feel I can do that. now, if we don't resolve this, we can't say to people come to this job because you can't actually earn a living and there are so many difficulties. And so thank you for explaining that so that the public understand it. And the difficulties.

Can I ask you this, Joe though - What about the delays in the court system? Because some might say, well the bar action is contributing to that, but it's a misunderstanding isn't there because there were, there was a backlog of about 35,000 cases before COVID. But actually the backlog, that means the delay in cases being heard has increased. Hasn't it? And that's not due to the bar action. That's due to other issues. Isn't it? Could you explain that for those who are not in the know.

Jo Sidhu:

You're quite right, Sally, in fact, the backlog which has been building up and of course has a direct impact on the length of delays for cases to be heard. Because of course, if there's too many cases, stuck in a pipeline, it takes ever longer for individual cases to be heard. And let's not forget, Sally. We are talking about real people, real lives, real human beings who are suffering because of these extraordinary backlogs. There are victims, there are defendants, many of whom are in custody, languishing in custody, waiting to have their day in court. There are witnesses who've been put on hold. There are thousands, indeed tens, hundreds of thousands of people who've been impacted by these backlogs and continue to be demoralized by the news that they are not going to get justice in a timely fashion. So let's just recap on how on earth we, we got here.

It's absolutely right to say, as you pointed out, the backlog was there before the criminal bar association elected to take any action whatsoever by about 2019, just before the pandemic broke, there were

approximately 39,000 cases already in the backlog. During the pandemic, of course, that spiked. But in fact, at the point of March, 2020, we had 43,000 cases in the backlog. After the pandemic broke, it added another 46% to that tally. And so by the time we got to the summer of 2021, the backlog had leapt from about 43,000 before the pandemic up to about 60,000. Now, as you've said, Sally, this is not something which has been caused by the criminal bar. The government has made deliberate decisions. Government doesn't do things by accident. They made deliberate decisions to underfund the justice system. And the way in that, which that underfunding manifested was back in 2019, for reasons, which we simply cannot fathom, the government decided that it would cut the number of days that judges could sit in courtrooms.

So in simple terms, what that means is judges who are salaried they're paid by the taxpayer, were sitting in their rooms in courthouse buildings, not in the courtroom, but in their own chambers drumming their fingers on a table because they had been told that they can't go into a courtroom because from the government's point of view, that would save money. And so judges in their frustration couldn't understand why they were being paid to do a job, but not being allowed to do the job. And so the backlog began to rise and rise and rise. The pandemic of course, added to that. But what this is all a reflection is a complete absence of any form of planning, whether short term or long term on the part of government, the view that's been taken of government - let's face it - is that the criminal justice system is really the poor cousin of the justice system generally.

And that the, it really relates to victims and defendants, and who really cares about them, except when it comes to a political election. And suddenly you'll hear politicians leaping up and down saying, 'we care about victims', but people judge politicians, not by what they say around election time, but by what they do in between elections to promote the interests of the people who are the most vulnerable within our system. Nothing's been done really to help victims. If helping victims is achieved by increasing a backlog, that's a very perverse way to look after their interests. So what we've got right now, Sally is this: the average length of time it takes for an offense to be completed. That means from the time that an offense is committed to the time that it finishes its life in a courtroom with a jury verdict, or perhaps a plea of guilty by a defendant is for most cases about 700 days.

But hear this! if you are the victim of a rape or serious sexual offense, and that's overwhelmingly, we are talking about women. Yeah. It could be upwards of 1500 days before you will see justice in court. And that's the reason why many women, nearly half of those who are victims of such cases in such offenses, in fact, feel so despondent and demoralized and disaffected by the waiting time that they are faced with that, they leave those prosecutions in the numbers of nearly half of them. And that's an outrageous thing for a society to have to contemplate - people who are victims of such serious offenses in despair, walking away from them. And now we've got a situation where many, many trials are simply not happening. And just to give you an idea again, Sally, this is way before criminal barristers decided to take action. So the government's not gonna blame barristers for this. Between March of 2021 and March of 2022, there were over 1000 criminal trials in this country that in fact at the last minute had to be postponed because there wasn't either a prosecutor or a defender available to deal with that case. And so victims who turned up to court, expecting to have the whole nightmare over with, and indeed defendants who wanted their day in court were told that the 11th hour and 59th minute were very sorry, but you're gonna have to come back in several months from now, perhaps even more than a year from now, because we don't actually have enough barristers to deal with the case. And that's the point I was making earlier about the loss of about 25% of our workforce. It means that they're walking away from the, from a job that they love because they're paid so poorly. And because they're so overworked and often doing work, many times writing documents, which take hours and hours and hours, they're never paid for that work. And that means that they're being in old fashioned terms, exploited by government, who are expecting them to deliver that service to the public, but not be paid for it or not

be paid adequately for it. And the people who are suffering are not just those barristers, but the victims and defendants who are really in a hope with a hope and a prayer, desperate to have justice done. But 1500 days is just unconscionable. Over a thousand trials being postponed last minute is unacceptable. I'm afraid to say, Sally, it's going to get worse and it's not getting worse because we're taking action. It's getting worse because government has simply taken it itself off the job and pretended that it's, somebody's somebody else's problem to solve. Well, it's not it's their job to solve it.

Sally Penni:

It breaks my heart as somebody who prosecutes and defends. When I get these notes of the witnesses, the complainant simply don't want to come anymore because the delay is too long. And we know already that this process to actually get complainants victims of crime to court in the first place is so long in any event - before they get there, you know, the process before anyone is even charged and women coming forward. And that leads me to another issue about rape convictions, which isn't for this podcast being so woefully low, still that actually the backlog is not going to assist that.

Jo, I saw that Chris Daw uses this hashtag: #justicedelayedisjusticedenied. Would you agree with that?

Jo Sidhu:

Absolutely. you know, talking about justice as some abstract concept, isn't particularly helpful. I mean, we all like to use the word justice, but what does it actually mean? Justice means something very real and practical for those who are caught up in the net of the criminal justice system, whether it's because they're a victim or someone charged with an offense or need someone who was a bystander and saw something in the street and then was asked by the police to provide a statement and then become a witness for the prosecution. Real justice is about what happens in our courts. And we have a huge history behind us and a very proud one in British justice of actually delivering it on a day to day basis, up and down the country in all our courts, whether it's the crown courts or the magistrates court, but it can only be delivered if there are human beings involved.

This is not justice by remote. I know there's a big trend towards, you know, making everything as digital as possible, trying to put things on computers, trying to do things by remote, but ultimately - let's face it - If there's not a human face, there, there isn't a case. There isn't a case to prosecute. There isn't a case to defend and there isn't a victim and there isn't a defendant. So everything that we do as a society in particular, those we elect as our politicians who are charged with the responsibility of ensuring that we have a justice system, which is functioning. All of those people have this collective responsibility to make sure that the individual human beings who are caught up in this system receive justice in a timely fashion. So that old saying, you know, Justice Delayed is Justice Denied is not just a hashtag. It is in fact, a, a moral point. It has a moral value because if, if we don't deliver justice in a timely fashion, as a society, we are not operating morally. We are not operating ethically. We are falling below the very high standards that we rightly set for ourselves as an advanced civilized democratic nation. That we must always ensure that the public feels that when things go wrong and that's what criminal acts are all about, something has gone wrong. How do we deal with it? How do we find redress for it? We can't make it not happen. But what we can do is to ensure that if someone has done something wrong, they face the music and they face it quickly so that victims can get on with their lives. And if a defendant is wrongly accused of a crime, that they should not spend a day longer than they absolutely need to, whether in custody or on bail, before they are able to clear their name. And this is a fundamental human right, that we are beginning to lose sight of in our society, because politicians have buried it. What they've done is it elevated trite ideas about victims without actually understanding that you can't help victims unless you support the system, which is there to give victims justice.

Sally Penni:

Yeah, here, here. And Jo, let's not forget young people who are turning, becoming young men because they are in custody, remanded, awaiting trials. They're not on bail. They're young people. Who've made several well, not just young people - accused persons who've made several attempts on their lives because of the continued incarceration whilst they're waiting to have the trials heard. And I'm sent weekly people who've taken their lives from other barristers in my own cases. So, you know, the coin does flip on the other side of those who are accused as well as importantly, victims of crimes. Doesn't it?

Jo Sidhu:

It is. And that's a stark illustration that you've given of the human consequences of delaying justice and not delivering it as efficiently as we should. I know that politicians don't want to hear about that, but they need to be told. Human beings who are incarcerated. It is an extraordinarily stressful time. Imagine being in a very small bedroom with a single bed and you are innocent and you are told that you have to stay here for possibly years before you will ever have a trial in court where you can clear your name. It is not a civilized way of treating human beings. So what is happening particularly with young people as you know, Sally, from your own practice, we've heard so many sad cases of teenagers taking their lives in young offenders, institutions, people who are vulnerable, mentally vulnerable, physically, many of whom have mental health issues.

A large number of whom have very troubled backgrounds, broken families. People who have been taken out of school, people who have been living on the streets, people who have been on drugs, people who have sometimes been in contact with psychiatric services, people have been abused in all sorts of different ways. Ending up in a tiny cell with a single bed and being told that you may not get your day in court for another year. For another two years, they are taking their lives. They are engaging in self-harm. Their mental health is deteriorating, but of course they are out of sight. And out of mind, as far as politicians are concerned, and from their perspective as politicians, they work off the completely incorrect notion that if you've been charged with an offense, then automatically you must be guilty. And as a consequence, less deserving of human sympathy.

And that says that we are rolling back really Sally to a time when justice is almost medieval in the way that it's being dealt with putting people in cells and the same applies across the victims. Because even if you are as a victim at Liberty to walk around - the case walks around with you. If you're a woman who's been raped, you know, you can't go out of the house, go down to your local shops, meet your friends, engage with your family, sit and watch television. Without that thought constantly going around and around in your head. 'When I go to court, what is it going to be like? Will they ask me all these questions? How stressed will I become?' And this is why people eventually say, I'm sorry, I can't do this anymore. I'm going to give up. And they contact the officer.

Who's looking after them and say, I'm afraid I'm pulling out of this case. And that means someone who is a rapist gets away with it. Now is that justice? Of course it's not. What's the solution. The solution is to make sure that when things go wrong, we deal with them quickly. Is the government giving that a priority? No, they most certainly are not. What are they giving a priority to? Well, they getting a priority to the platitudes that they ordinarily serve to the public, which is all about law and order and dealing with victims in a, in a sensitive fashion. But ultimately those victims are saying back to government. 'I don't feel you are dealing with me. Sensitive. If you are making me wait 1500 days for my, my time in court, why can't you fix this problem? Why can't you make sure there are enough barristers there and enough judges to be able to service the cases? Why aren't you putting the money into that rather than putting into other things, which don't seem to me as a victim to be a real priority in our society'.

Sally Penni:

Jo, just before we leave this topic, I mean, we could carry on the entire time actually just talking about this, but I'll move on in a moment just before we leave it can I ask you this? I've been sharing, obviously the action, the bar action, and the reasons for the bar action on my various social media channels and my preference is LinkedIn on Twitter. And one of the results of that has been a huge amount of engagement from solicitors and barristers, of course, who've left a criminal bar who said they cannot believe, you know, that nothing has changed effectively since they left. And they've been other actions prior to this. I've been at the bar for 23 years. So I have a long memory of this issue going back some time. But you have managed to unify the bar to understand the issues and support colleagues.

But one of the things that my post revealed was this - people asking well in America, they've got the, in the public defenders service haven't they, and in England we have, we have got that. And I got into an conversation about the importance of the independent bar. So people say, well if the fees are derisory, if you people are leaving, if this, if that, why don't people just leave and go into the independent defense? It's not independent. Forgive me the public defense. It's where you are employed. You would have an employed barrister, defending people like they do in America. And then a CPS, which is that the attorney's office who bring prosecutions. We are the bar are independent. What is that importance? Because I've made this point repeatedly and I'm not sure people quite understand it. Why is it important for the bar to remain criminal bar, to remain independent?

Jo Sidhu:

It's absolutely vital in my view that we retain an independent criminal bar and indeed a, an independent bar altogether. Yes. What we've seen, I think Sally in recent years has been an almost deliberate and conscious push by government and politicians with their own interests to repress the role of the judiciary and to contain the autonomy of the bar. And the reason why they are doing that. It's because if one thinks about the way in which we organize ourselves as a society, where we have a separation of powers within parliament, between the executive and the legislature. And of course the judiciary, all of these different component parts can only operate effectively and fairly if they are truly independent, there has to be mutual oversight. And the role of the bar in civil society is integral to that. If we have a non-independent bar, which is effectively becomes a supplicant on government, then government will have so much more control over us. And it will be able to neutralize the bar when it is thinking about bringing in repress measures or unconstitutional changes, having men and women at the bar who are able to stand up and say, 'well, I will represent a party that is bringing an action against the government, whether it's by judicial review or otherwise. That I will stand on the side of that party as an independent professional and I will argue the case. And I will not be intimidated and I will not be sidelined because I'm an independent professional I have a voice of my own and I will jealously guard it'. Now that is absolutely fundamental. It's not just fundamental to our century. It's been so for many centuries before, and it's actually part and parcel of how we within the checks and balances of our society, ensure that no one particular component part becomes overbearing and over controlling.

So what we are seeing here for example is in the English bar, there continues to be so many of us, thousands of us, there are 17,000 barristers in the country. I think 14,000 of them are in the independent bar and 3000 work for the state in one capacity or another. And those 14,000, which is a small minority of lawyers in the country. Bear in mind, there are about 170,000 solicitors. So it puts it in perspective. And yet that 14,000 people who do this job as independent barristers punch way above their weight, they are highly trained, highly intelligent women and men who understand their practice area and are able to argue their case very effectively. And of course, if you are a government with ill intentions, you want to bring in anti progressive measures. If you want to push society backwards, if you want to roll back human rights, if you want to extinguish opposition, the best way that you can do that is

to silence the voices of those professionals who are most best equipped to express the view of the other side.

And I'm afraid that is the sort of change that we are seeing. And it's been a creeping change going on for some time. And it is at the behest of politicians who are working to their own agenda. So as someone who's a proud member of the bar of England and Wales, I will continue to express my own support for our independence. I don't want to end up with a public defender system akin to what we've seen in the states, no disrespect to our American cousins, but even they will recognize that those who work in the public defender service there dealing with cases of murder in the deep south, where there may be capital punishment. So the consequences of things going wrong would be absolutely catastrophic and they're paid peanuts. So here we have a public defender system to the extent that we have, it's a small number of people about 28 people who are based in central London, in Petite France. They are there acting as employees of the government. The government, no doubt would like to expand their number. And by draining the independent bar of our professionals and drawing them off towards the public defender service, that is another way of chipping away at our independence, which we will resist fiercely. We must retain our independence.

Now here's the point. If we are working on legal aid, legal aid is of course public funds. It comes from the tax payer who holds the purse strings, government holds the purse strings. What can government do in fact to emasculate us if they want to and silence our voices step by step - well they can reduce the amount of money which we receive through legal aid over a period of years, to make it less and less attractive, to be a criminal barrister and what will happen then? We won't be able to recruit people who are coming out of universities because we can't offer them a viable future, earning enough money to pay their bills. And what the government then does by stealth is it effectively shifts the balance away from the independent bar and into those who are on the payroll of the government, who are therefore less likely to complain about things when it comes to injustices taking place. And I think we all need to be watchful of this historical trend because the consequence of this trend continuing at the behest of government is that we are going to find that there are fewer and fewer people left in society who are equipped to make the arguments against government overbearing and being too pushy about its own agenda. We're going to lose the ability to resist and I'm afraid the consequences of that will be paid by the public who will find that there is only one narrative that they ever get to hear. They don't get to hear a balanced debate or argument.

Sally Penni:

Very well said.

Have you got any memorable cases in your long career that perhaps you can share with us? So maybe, I don't know, the beginning of your career, or perhaps some of the high profile cases because you have been involved in, you know, some very high profile murders and high profile deaths. So I wondered if you could share perhaps one that remains memorable to you and perhaps the reasons why.

Jo Sidhu:

Wells, as I mentioned earlier, my sort of specialist area is dealing with homicide cases. So I am habitually dealing with murder trials most weeks of the year, but one case that stuck out for me, which ended up being in a crime documentary and became there for accessible to the public was the case of Sabah Khan who was a young woman from Luton of Pakistani heritage who had moved to this country from Holland when she was in her early teens. And she lived in a household with her parents and her older sister and older brother. And the reason why this case was memorable for me is because it was the only instance of what's called soricine, which is the killing of your own sister. Yes, I've done many gang murders. I've

done domestic violence murders. I've done cases of people within their own family, dispatching a member of their family, maybe a child and even a parent.

I mean, much as these cases are so disturbing because you, you can't imagine actually killing a member of your own family's, you know, apart from killing other people, it just seems too close to the bone. And too literally close to home.

This was a case in which a young woman whose older sister was older than her by some eight years the older sister got married by an arranged marriage to a man from Pakistan. And the man came to live in the household and shared, therefore, you know, the dinner table, the house, the life of this young client's family. And unfortunately that particular man had an eye for my client, even though he was married to her older sister. And he and her older sister eventually had four young children and my client and that man ended up in an affair. And things went very badly wrong.

The affair was going on under the roof of that family, and it was happening without the older sister knowing and what eventually transpired was that my client became so resentful of her older sister's relationship with a man who had become her lover, who was her brother-in-law that she decided that she must plot her sister's death. And she went about it quite systematically figuring out how she might be able to kill her in a way that wouldn't be detectable thinking about poisoning, her thinking about putting a spell on her - all sorts of different ways that she had researched on the internet. And eventually she settled for the good old fashioned way, and I don't mean that in a trite sense, but the good old fashioned way of stabbing her to death, which she did in the family home, having lured her back one evening when no one else was at home and then stabbed her in the hallway of the family house some 60 plus times, and tried to decapitate her.

Now, this for me was deeply, deeply, deeply disturbing. Yeah. And it was deeply disturbing because you don't generally have cases where women kill other women and you really don't get cases where a sister kills her own sister. And given the cultural context of this case, which was a very close Pakistani Muslim family, just in terms of the cultural aspect of it, you know, doing something like that within a very close-knit family would be unthinkable, but it happened. And what it taught me, Sally was that in fact, there are no lines that human beings won't cross, if they are pushed to their limits. There are no limits because human beings, when in extremis are capable of doing the most unspeakable things and this stayed with me for a long time because it made me understand that whilst I thought I'd seen it all. In fact, there's probably other things yet to be seen, which will be deeply traumatic. And it really leads me to this point that the CBA, the Criminal Bar Association here in, in, in our country has put on a series of webinars and zoom sessions for our members to help them deal with trauma. Because I know the public thinks that, 'oh, you are all tough barristers. I'm sure you've got a thick skin. I'm sure you get a good sleep at night'. What they don't realize of course, is that we're exposed to the most extraordinary violence and images and stories, or whether it's to do with physical violence or sexual violence. And it cannot be the case that we simply brush it off. We absorb that it seeps into our subconscious and it comes out in other ways that sometimes we're not even aware of. And so whilst, you know, people may think, 'well, you know, you should just suck it up. Do the job accept the money that you are paid'. What people don't really fully understand is that in doing this job, we are getting damaged ourselves. It's called vicarious trauma. And so the professional body of women and men that I work with, who of course are strong individuals with strong personalities, are all of them to a woman and man hiding behind their eyes, all sorts of dreadful traumas that they are dealing with every day of their working lives. And I feel for them, hugely. And that's why we decided to put these sessions on. So I want people to understand that, you know, I can talk about a memorable, memorable case in a dispassionate way, but the truth is that all of us are affected as you are Sally, by what we are exposed to and we keep doing it because we know somebody's got to do this job, and this is why we have this sense that we're not

respected and appreciated as professionals as we should be because of the sacrifices we are making, not just in our professional lives, but in terms of our personal and mental health as well.

Sally Penni:

Absolutely. Joe, I noticed in that case, and I'm glad you you said it because I was always horrified by that case when it was being tried in 2017, I think it was that the sister, the defendant also severed the hands of her sister and her throat. And just you read things and you think we conduct these cases all, all, not all the time, but, you know, cake of violence as you've said, but it was quite an extraordinary case in its own right in so many ways. One of the things I wanted to ask you, Joe, is about wellbeing. You've mentioned Criminal Bar Association webinars, which are brilliant. And certainly, you know, I founded women in the law UK. We have wellbeing sessions every Thursday, but what do you do for wellbeing? Because we're standing the caseload of the type of cases we conduct, actually the job leads to burnout, you know, our weekends are spent drafting, skeleton arguments and openings and schedules. And it's very hard to maintain any sort of family life and actually have holidays where you're not checking your phone to see this, you know, service of more evidence.

So how do you do it to keep a, an eye on your own wellbeing? Or what would you like to do is probably the better question. Isn't it?

Jo Sidhu:

It's, it's, it's a great question say, and you, and I get asked this question that quite often, and we sometimes have a little ironic laugh about it because it's it sort of presupposes that we have all this extra time in order to look after our wellbeing. And as you've just rightly pointed out anyone who chooses to come into the criminal bar is signing up for a lifestyle, which is 24-7. And I mean that, I mean, how many nights Sally, have you stayed up almost all night, if not all night and gone to court on a cup of coffee to get some caffeine into your system, because you've been prepping a case and you turn up to court and maybe the case doesn't even start. And so you're not even paid for that work, but you've given up a night sleep to do it, or the weekends that you sacrifice.

And all of us have experienced that in our personal lives, personal relationships, family lives that we have essentially put all of those human relationships to one side because we've sacrificed them at the altar of our professional commitment to the cases that we are doing. And this is why we are experiencing burnout. It's why people become resentful about the fact that they feel they're being cheated out of a normal, healthy, balanced existence. And so whilst we see elsewhere, this discourse in society about the importance of keeping balance, we had it during, particularly with lockdown, people were saying, oh, you must stay balanced, take time out from your desk, go to the garden, you know, go for a walk. And, and here we, we are thinking, you know, that's alright for some people, but look at us, we're having to prep this case and it's taking hours and hours, days, and days and weeks and weeks, but we do it nonetheless.

But it's a really important question because I have felt very strongly as the chair of the Criminal Bar Association, that we need to have a shift away from this assumption that we are simply slaves to the work that we do, that judges ask us to write documents overnight. So we do that til four in the morning and we do it without any, any grudge, because we know it's important to the smooth progression of the case, but there's come a point now, I think, and I think you probably feel the same way Sally, that if we are doing this work and more often not, we're not even being paid for it, we're sacrificing our own mental and physical health to do it. How do we eek out time to look out for our own wellbeing? Well, I'll tell you what I try and do. Like most criminal barrister, I try and switch off.

When I do get those breaks in between preparing cases and being in court, I try to do something which is the complete opposite of being a barrister. So I try and pretend to myself that you're not really a barrister. You you're just a, a guy, you know, in a family, you, you almost reinvent yourself because you have to, in order to protect yourself mentally, because if your mind keeps drifting back to your work, then you're never really creating that safe space for yourself. So what do I do? I love walking in Kew gardens on a Sunday. That's one of my special places. Kew Gardens is in west London. It's as you know, Sier huge park filled with trees, plants, foliage, lots of areas to walk. It's got cafes in there. It's a protected space. And it's there for people who just want to, you know, literally switch off and just look at nature. I love that.

I mean, I come from a family of immigrants who came from India in 1964, but my family are farmers. My background, none of them had any interest in law. And, and so in a sense in the back of my mind is this belief that somehow my brain is wired to appreciate open spaces and for my mom and dad to come to south or in west London, which is where they settled into a small terraced house, must have been a bit like somebody going into prison. It was coming from open fields into a tiny house and being kept almost captive there except when they were going out to work. So in a way I feel I've inherited that. So Kew Gardens is my special place and on a sort of lighter note, I mean, I just love sitting on the sofa watching television and I've done since I was a young lad.

I love British comedy. I love watching American comedy. Some of my favorite series are things like Modern Family, Sheldon, Schitt's Creek. I mean, these that's, these are sort of like things that I use as a form of escapism. That's what I love. I love watching news and current affairs shows. You mentioned Sean Wallace yes, that he was an iconic figure. Actually Sean is a more mature black man at the criminal bar who came in at a time when they were hardly any black people at the criminal bar. And look what he's achieved with his life. Not only is he clearly one of the most intelligent people we have in this country doing that quiz show, but he also was the grand master of mastermind in 2004. And he symbolically made a huge statement by, by doing that, by showing the broader British public that, you know, don't think of black people in a stereotypical way here we are, says Sean, you know, winning competitions like that.

We are also barristers. We are also doctors. We are all these people. And as you know, Sally, it's been a very important part of my mission over the last year as chair of the Criminal Bar Association, to ensure that we have as much diversity to protect the gains that we've made. And that means also recognising the truth, which is that black people at the bar have in fact, been the ones who have been left behind. They are the ones who have had the least best deal out of being barristers. They are the ones who have paid the least. They haven't reached the operation of the judiciary when they should have done. And it's not fair. And I want to see that corrected. And I know that brown people like myself have also been excluded to a large extent, but I can see the differences as you can, Sally, I in what's going on here.

And so people like Sean and I hope people like myself will act as, as individuals that tell others that you can achieve, but I'm not so naive as to imagine that just telling people that you can achieve and almost wishing it and willing it to happen in and of itself is going to be sufficient. The only way that we are going to have a fair distribution of earnings and a fair distribution of power within the system. And by that, I mean, of course having judges of different backgrounds there at the highest level possible is if we make it happen by changing the structure, institutionally reforming ourselves, facilitating and promoting people from diverse backgrounds, not just giving them warm words. And as somebody who's learned his politics from demonstrations that I went on against racism, against fascism when I was a teenage boy on the streets of Southwall I know that you can only change the system if you challenge it.

And if you stand up and you exercise your rights as a citizen, we've seen it with the civil rights movement in America and in our own modest way, Sally, the efforts of the Criminal Bar Association over

the last number of months to demonstrate that we are worthy of being recognized and appreciated is a form of empowerment. It's empowering our women and men, white, black brown, all of the individuals who uphold the system as criminal barristers. I feel, and I hope this is true. Now feel more empowered because they've, they've recognized the, the value of their labour. And they've got the sense of self-confidence about being able to say no when they should say no to being exploited and being overused in the way that we have seen over a number of years. And so what we are doing in our own little way is adding to what the rest of society has been doing over decades, which is to say to people who have been disempowered and disenfranchised, that you do have a voice and you do have a right. And if you organize yourselves properly and you organize yourselves with loyalty and with faith, you can effect the change that you want to see. Saying it is not enough doing it is what we need more of.

Sally Penni:

I really couldn't say we're any better. Spot on. And by the way, Sean was due to come on this podcast in October last year. And he's still due to come on. So I, I can't wait for him to come on and reiterate some of those points.

Jo, tell me are you a keen reader I'm interested in if you've got a favorite book and also if you've got a favorite legal character and why.

Jo Sidhu:

Well, Sally before I came to the bar, I used to read a lot more than I do now. And perhaps that's a function of what we were talking about earlier about finding the space to look after your own wellbeing. You don't get a lot of space except when you're on holiday. So I try and make up for my deficit in reading when I do get that downtime.

Yes, I love books. I mean, I've always loved books since, since I was a, a small child. A standout book for me was one that I read as a, as a teenager that was *Germanil* by Emil Zola, which is a book written in the late 19th century. Had a big influence on me that book, because it was all about the coal mine strike in France in the, in the 1860s. And it was about the poverty that really typified the existences of the vast majority of people in Europe around that time. And the protagonist in that novel was a young man called Ettiene, who was a migrant worker. He was an idealist. He wanted to see change. And, and so he helped to galvanize minors in Northern France to strike, to take action, to stand up for themselves, to stop being bullied by their employers. And he became a natural leader who emerged from that throng.

And that was inspiring to me because, you know, as a, as a young guy who had seen a lot of racism, who'd seen a lot of discrimination, seen the police abusing their powers, sometimes police brutality, and seeing that the damage it was doing to individual human beings, I felt that I shouldn't stay quiet. And so books like *Germanil* by Emil Zola were very inspiring because they made me think even in the worst times, there will be people who want to say enough is enough.

And because it was about poverty. And because today, as we know, Sally, we're seeing all these awful things, resurfacing - people going to food banks, people really struggling to live people, suffering from the consequences of inflation, mental health suffering families breaking up. There comes a time in, you know, in a historical period, whether it's a late 19th century or the, you know, the early 21st century, when human beings, they go through these cycles where things can be good or stable for a period of time. And then they take a, a drastic downturn as we are seeing right now. And what it really requires from all of us, particularly those of us who have decided to be advocates, made a conscious choice to, to embrace a vocation where our voices are the instrumental tool by which we get things changed and alter, people's thinking it becomes incumbent upon all of us to stand up and say, it's important that we have a corrective to what's going on. We mustn't just accept at face value. What we are told by

government. If there are people who are suffering, then for goodness sakes, don't just give them warm words, find a way to help them use your voice, use your training and your education and all the skill that you have been developing over the years, particularly as barristers and solicitors, whose job it is to represent people, put that all to a good purpose and a, a book like Germanil, for me, really, you know, educated me into the importance of not standing idly by.

And really the other, the other sort of legal character since you've asked is another book. It's a book that most lawyers will be, of course, familiar with in people in wider society To kill a Mockingbird by Harper Lee. The figure in that the protagonist was Atticus Finch, a white lawyer in Alabama representing a black man who had been falsely accused of rape a man called Tom Robinson, which of course was based upon real life situations. And having been to Washington just a couple of months ago Sally and, and seeing the museum there of the history of black people and how they suffered in the United States from the beginning of slavery and right through the 19th century, what happened during the civil war and then into the 20th century, how they were lynched, how they were abused, how they were treated so badly, you can't but be moved by those things. But the one thing that I come away from is this - you can never be complacent. You can never think to yourself, the job is done, that we have the statutes there. We have the legislation in place, that we've got the equality act of 2010, that we've got the human rights act. You can never think to yourself that we don't need to do anymore because we can trust society to deliver that justice for people, because we've got the right legislation.

There is passed by parliament because legislation is just words and a piece of paper. The only way it comes to life is when you have a real case where an injustice is done, and then the advocates deal with that case and thrash it out. And sometimes that spills over into the public domain. So the public have an insight into what is going on with all the things that they may have thought are settled issues.

There is still racism in this society, Sally, it's everywhere. We see it every day. And sadly, our institutions I'm afraid to a lesser or greater degree are infested with racial or racially based thinking and we see that objectively it's manifested in the figures that we've, we've been able to collate to show that there is discrimination the way that people are being treated, even in the high level professions, like our bar, where we thought to ourselves, perhaps naively, that we would be immune to all of these things, because we put justice at the center of everything that we did.

But the truth is that there is no pocket of society, which isn't infact colored by racism. And we need to be on our guard because look, we have brilliant people out there, white allies who genuinely believe in having a society in which everybody gets a fair opportunity and no one is treated badly because of their colour or because of their sex or gender or any other protected characteristic. These aren't just high ideals that we mouth from time to time, they are real life things that are going on. And so I'm very proud actually, Sally, to have been able to play a, a role in making sure that those issues remain at the forefront of our debate and of our thinking. I want that program of work to continue. I want people to always say to themselves, 'the job's not done yet. It's not finished'.

We need to see that change only through human action. We are the vehicles through which that change is, is delivered to our public. And so if I'm speaking to anyone on this podcast, who is a young person thinking about a career, maybe toying with the idea yes. Of becoming a lawyer, maybe even thinking about becoming a barrister and even thinking about becoming a criminal barrister or a human rights barrister, just remember this thing. You get one life, you get one chance to make a change. Don't make it about yourself. Don't make it about enhancing your own career. Don't make it about money. Remember that you are just one cog in a wheel. You're part of a part of a wider fabric of society. Your Mum, your Dad, your brothers, your sisters, your friends, your school friends, your college friends, all of these people are human beings who are entitled to have justice and be treated fairly and with dignity. And if you can play a part as an individual in progressing that change, if you can stand up for them and

be a voice for them when they are unable to speak for themselves, because they're worn down or because they're frightened because they just don't feel that they've got the, the toolkit to do it, then you be that person, you be that change. And that's why in our society talking about an independent legal profession. So vitally important, it's something that you are proud of. I'm proud of. I'll always do this job to the best of my ability. And I hope that in our own little micro ways, incrementally, we make these changes on a day-to-day basis as individual people that somehow the composite of all of that one day will be that we have a society that we can look at and say to our children, 'do you know what? This is a better society than it was 10 years ago. I promised you because I lived in that society 10 years ago or 20 years ago, or indeed in my case, 50 plus years ago. And I know that we made progress, but we must guard that progress with real diligence, and with all the dignity that it deserves, it's our job to make sure that we don't roll back and we keep this thing moving forward'.

Sally Penni:

Absolutely.

Jo your successor, if you like Kirsty Brimlow Queens Council at Doughty Street has been on this podcast. And that all I can say, she's probably got tough boots to fill. Of course she's been in the, in the vice chair role - a brilliant woman. You yourself are Queens Council, as we know, and you are also a recorder, which is a part-time judge. And I'm just wondering what's next for you, Jo? Because the president of the Supreme court, Lord Reed has said, people will forget this, but I repeat it often on this podcast in lockdown that he would like to see a more diverse Supreme court, which was doing quite well if I may say so, but nobody brown and certainly nobody black. And he would like to see more diversity by the time he retires. Now he's got about five years left now from when he said it might be four. And so I wonder what's next, might the bench full-time be an option or are you loving what you are doing so much that that's nowhere in the horizon. I just wonder what's next for Jo?

Jo Sidhu:

Well, Sally anything that involves representing people is inherently attractive to me because of the job that I do. And because of the positions that I've taken on, particularly with the criminal bar association and previously having been president of the society of Asian lawyers.

I enjoy representing people. I enjoy representing my profession. So that's something that I hope I can find another space to fill in the future. There are many other things ahead. Like I always say to young people now who are at university, 'don't ever think of the legal profession as being the only thing you'll do in your life. Imagine yourself, someone born, let's say the millennial generation, imagine yourself as somebody who's got two careers inside them. So the law may be the first one and there may be another one beyond, and you can take the skill sets you've learned in the law, on, in your journey to doing something else'.

I'm always open to other avenues. I do love the job that I have, but I also love communicating with the public. I also love, as I say representing people in whatever capacity I've not ruled out the judiciary but I enjoy Sally having some sort of a platform from which I can express myself. And because my education happily has been a very broad one. As I say, starting with the social sciences and then moving into the law as you probably guessed, I, I have an opinion on, on many things and they're not always straight legal opinions. I don't speak just with the lawyers hat on.

So let's see what the future holds for me. As long as when I eventually hang up my boots, Sally, I can say to myself that I did my best, that I, I will do what I hoped my, what I think my Mum and Dad wanted me to do, which was to having come to this country and made a huge sacrifice themselves. They wanted me to to fulfill my potential. They made sacrifices for me. I will do that for my children. And I hope for all

those that I have helped along the way whether in mentoring, whether in teaching, whether in representing them as a representing them as a, as a professional body. I just want to see how many different people like, whose lives I can touch and hopefully have some positive influence on them. So let's see what happens next in this particular journey I'm on. But I have to say, I have no regrets about the life I've led so far. It's been colorful. It's had a lot going on in it. And having done all sorts of different jobs. I know I found the job that I was probably best suited to at the bar, but it, it's not my last stop. And, and so we'll see what happens next.

Sally Penni:

Fantastic.

Before you go, we are both advocacy approved trainers. On the advocacy podcast, your method, you know, you're a very senior, very experienced senior council, QC, you know, you're on the top of the food chain. You have a particular way of prepping cases. And I love this because it involves highlighters. And I am a highlighter lover. I wonder if you could just share that advice on here for some of my younger listeners, how do you prepare your cases? You talk about one folder and then you have different color highlighters to illustrate different things. And I just love this. I tell you, after 23 years, I love the highlighter, but I've changed my method slightly after listening to that brilliant podcast by Bibi. How is it that you prepare your trials?

Jo Sidhu:

Well, Sally, I, I, I like to approach things in a fresh way, sometimes an unorthodox way. I'm not sure if using highlights is particularly an Orthodox about this, but I'll say this it's, it's really a reflection of a broader philosophy that I, that I live by, which is this, that this is a very complex world. It's, it's complex, it's difficult to navigate. There's a million billion things going on all at the same time. As we know, you just have to glimpse at social media and realise my goodness, this is information overload times a trillion. We can't absorb everything. In one go one lifetime will never be enough to experience everything that's out there. So what we have to do is to find a passage through life that allows us to be able to live as human beings in a way that makes us personally happy. And as far as we can spread a bit of good karma to those that we care about around us. So what do I do? I try and simplify my life. And I look at my work as another challenge for me to simplify my life. I look at a, a case it may involve many, many folders, as we know these days, everything is digital. So you may have, you know, hundreds, thousands of pages of evidence. And my approach to all of that is 'how do I crunch this down' a bit like an accountant that has to grapple with numbers, they call them number crunches. So what do we do? We are word crunchers. As advocates, as Barristers, as solicitors. We're trying to reduce things to their bear essentials. And why does that matter? Because if you reduce it to its, to the bear essentials, and you can do a number of different things to achieve that you could use a highlighter.

As I do I use different color highlighters. I use a pink highlighter for dates and time. I use a green highlighter for locations. I use a blue highlighter for identifying exhibits in a witness statement. I use yellow highlighters for action, and I use an orange highlighter for my own clients. So when you are dealing with, as you know, Sally, a witness statement that may touch upon all of those things. Yeah. I reduce it to highlighters of different colors and why?

Because when I have that page in front of me, when I'm in court and when I'm preparing for the case, I can immediately have my eyes alight upon what I need to know. So when did this happen go to the pink bit on the page? Where, where did this happen? Go to the green bit? Who am I really focusing on my client? Oh, go to the orange bit. And what that does Sally, is that as you know, from your own experience, when you're standing up being court and sometimes being in court can be quite a stressful

experience, you know, that by having set out the information in a much more simplistic form, using that technique, you are not likely to get distracted or thrown off course by a question from a judge or, for an answer from a witness. So that's just my little way. And anybody who's interested in that please do listen to the Advocacy podcast that I did. It's called The Soft Skills of Advocacy. And it really fits in within a sort of broader thing. I, if you want to be a good communicator, don't make your life overly burdensome by putting information in front of your eyes, that is difficult for you to be able to read and relay at speed.

So if you want to be a good communicator, keep things at their bare essentials. Why is it also matter? Because it also happens, helps with fashioning what is relevant and what is not relevant. So if you are only highlighting the things on a page, which you know, are relevant to the issues in a case, then you are looking at it from that perspective and you are excluding by implication, extraneous words, extraneous information, and that helps your brain to focus in preparation. And it helps your brain to focus when you are standing on your feet in a courtroom. And I use that as a broader philosophy in life. So it's not just at work. I do that elsewhere. If I'm trying to learn about something else, I don't know, it might be about, you know cars or it might be about sports. What I'm looking for is what information is really interesting to me, what really matters here. And that's what my eyes will focus on so that when I remember stuff and I, I have a pretty good memory. So when I'm talking to somebody who I may not have seen for 20 years, I may remember something that they told me about their children or the school that they went to. And it's because that's the bit that I extracted from the conversation and retained in my, in my brain. And I, and I think that's important because if you do that, it then frees you, it liberates you because if you're not being dragged into the sludge of information, which isn't really important, it then allows you to rise from that and become free to do the other things you need to do. So if you are a barrister, if you're not being overwhelmed by information, you are then free to express yourself to think about your question that you want to ask, to make a speech to the jury that isn't one that you are simply reading out, but there are words on the page that maybe trigger notes as, as I do mine, then allows you to have the eye to eye contact. You need to feel liberated and let's face it. Sally, every human being has an innate desire to be free. <Laugh> that's why slavery was such a scourge on the face of humanity. We all want to be free. We all want to be liberated. So how do we do that in our day to day lives? The answer for me at least is simplify things as much as you can and therefore create space around those things that you can then fill with whatever you actually genuinely enjoy doing outside your work, whether it's swimming, reading a book or being with your friends or your family or your partner, you then have the time to do it because you've made the space for it.

Sally Penni:

Jo, you've been a wonderful guest. I feel like the length hasn't been enough. So we need to pick this up again. Maybe when you become chair of our council or in the, in the next progressive state, however, that might be. I'm so grateful to you. It's been so interesting talking to you about your career, your journey, your work of the CBA. Thank you for being a wonderful guest on Talking Law podcast.

Jo Sidhu:

And Sally, may I say this, your contribution that you have personally made to educating all of us in your writing, in the work that you do with your podcasts in interviewing people, not myself in particular, but many other people who are far off far more important than I am and far greater achievers than, than I've been able to do. But Sally, we, we all appreciate the work that you've done. And I think that those who are listening to this podcast, I would encourage them indeed urge them to listen to the other podcasts that you've put out there and to read the books that you've written, because you are a classic example, if I may say so of somebody who has added, added real net value to the sum, total of our

knowledge as barristers and as people who have interest in the legal system. And I hope that you continue to push that work out there because you are genuinely one of our own most respected people in our profession. Thank you very much, indeed, for giving me this opportunity to speak to you today.

Sally Penni:

A big thank you to Jo Sidhu for Talking Law with me, Dr Sally Penni MBE.

And thanks again to Salford Business Law Group for supporting this episode. Find out more about their unique law courses at Salford.ac.uk

If you would like to support Talking Law, then please get in touch. You can find me on twitter @sallypenni1 or search for Sally Penni MBE or Women in The Law UK on LinkedIn or Instagram.

Do make sure you catch up with previous episodes of Talking Law where you can hear my interviews with guests such as Dr Tunde Okewale MBE; a hugely successful Barrister at Doughty Street Chambers and founder of 'Urban Lawyers', a charity that aims to educate, engage and stimulate discussion amongst young people about their attitudes towards criminal law, policing and personal responsibility.

Before I go, just a reminder to get your tickets for the Women In The Law UK annual dinner and watch my Ted Talk at Ted.com

Thanks to our production team, Sam Walker and Michael Blades at What Goes On Media.
I'm Dr Sally Penni MBE, Bye for now.