

Advocacy - What is its future?

It was not that Annie Brewer and her friend Elaine Thompson were morbid. It was just that, on a wet afternoon, Court One of the Old Bailey was an entertaining place to pass the time - and it was free.

Annie and Elaine had seen it all in from their lofty seats in the public gallery: murder, arson, fraud. They had listened to some of Britain's finest minds bounce polished arguments off the oak-panelled walls. They had stared into the eyes of ordinary-looking men and shuddered as they were convicted and sent down for life.

The drama was bewitching, it was undeniable, but you could get that on the television. What Annie and Elaine went for was the argument.

They loved to sit and listen to the clever debates that went on there, between barristers who, they said afterwards, could have made a good case for the Devil himself.

There was a set routine which the friends would go through. As the defendant entered the dock, they would take a long hard look at him - or her - and wink to signal if they thought he was guilty. It was just a bit of fun - you could never tell, really - but after sixty-odd years of life they liked to think they could spot the rogues.

Once the hearing was underway, they would keep score on their fingers of the number of times they changed their minds. It was like a football match; one minute the prosecution had the ball and looked set to boot the defendant into jail; the next the defence had seized possession and were tearing off towards an acquittal.

It was nail-bitingly close at times, and exhilarating to watch, but - just like a good football match - what Annie and Elaine wanted was "a fair game". Occasionally the jury reached a verdict which sent a frisson of disapproval around the court and the women went home tutting and shaking their heads. But most of the time, there was a sense of justice done.

It was not a happy feeling, ever, because crime was not a sport and there were always victims. But it was reassuring to see that, while the rain fell on the busy world outside, within Court One facts were being examined; evidence weighed; and the scales of justice brought to a fine balance.

The day came, however, when Annie and Elaine could not find shelter in Court One. It was closed temporarily for computer terminals to be installed. "To help the jury come up with the right verdict," the usher said.

When they went back after it re-opened, it was not the same. The nervous witnesses and notebook-at-the-ready policemen had disappeared from the corridor. Inside, the court was strewn with wires and dotted with buzzing computer terminals. A technician slumped in the seat where the shorthand writer had diligently scribbled before.

The judge tripped as he mounted the bench. In front of him, the clerk fumbled with a pile of computer discs. It seemed an age before the proceedings could start.

When the defendant was finally brought up from the cells, Annie and Elaine waited for his customary acknowledgement of identity. But the man was told to confirm his details on the computer before him. Without the voice, the women could not give their usual wink. He remained a silent stranger to them.

Confusion followed, as someone asked the defendant how he wanted to plead. Quick as a flash, his lawyer jumped up. "My client's plea is already on the database, M'Lord. Verbal questioning might prejudice his trial." The judge looked irritated, but accepted the point. Then, after a prompt from the clerk, he cleared his throat and began to explain the new-style proceedings.

The evidence in the case, he said, had already been inputted, by police, defendant and witnesses and this would now appear on the computer screens. He pressed a button on his keyboard and the terminals flashed into life.

There was a pause. Everyone stared intently at the screens, and then back at the judge. Struggling to bring gravity to this high-tech world, he turned to the jury.

"Members of the jury," he began in solemn tones. "From today your task becomes much easier. The CompuVerdict program displayed before you is, as I speak, processing all the evidence in this case. It will shortly produce a verdict which it would have taken you days, maybe weeks, to reach.

"Obviously, you are free to reject the computer verdict and read through the complex evidence yourselves. But before you decide, let me remind you of the facts.

"This program has been designed by experts. Its memory and powers of analysis are phenomenal. It may seem callous and indifferent to us humans, but it is meticulous, fast, and cannot be biased."

The twelve men and women looked perplexed. One of them looked at his watch. They retired for five minutes and, when they returned, the foreman announced that they would accept the computer verdict. He pressed a button and, after clearing his throat, announced a guilty verdict.

Sentencing was swift. The judge consulted CompuTerm and announced that the correct sentence for the crime was five years' imprisonment. The defence lawyer immediately asked for leave to appeal, but the judge shook his head in exasperation, and rapped on the Court User's Manual.

"Mr Irvine. Have you not consulted your user manual? There are no longer any grounds for appeal." The barrister sat down flustered and the judge ordered that the prisoner be taken down.

James Nicholls

Annie and Elaine, who had sat baffled throughout, turned to each other in disbelief. Had they missed something? Where was the discussion? Who had "inputted" the evidence and what did it say? It was alright the judge telling them to read it off the screen, but they did not have the right glasses with them.

That night there was nothing to argue about on the bus home. From then on the women played Bingo on wet afternoons.