**Ethical Dilemmas in Criminal Practice**

**Part 1: Pre-reading**

The following scenarios cover many of the issues we will cover in Part 2 of the course in the Specialist Crime Session. As part of your preparation for Part 2 of the course, you need to read through these scenarios and consider:

* What ethical issues do each of the scenarios raise?
* What are the possible options open to you?
* What are the Core Duties that arise in each scenario?

**(1) The Conference**

You are instructed to represent a defendant with legal aid, charged with burglary where there is forensic evidence linking him to the scene of crime, he cannot account for this evidence against him and he has several previous convictions for similar offences.

A 4-day trial is scheduled next week. Your client informs you that he also has a trial pending in the same court at about the same time which is a much more complex and longer trial with a private fee. He has just been let down by a barrister in this case. At the conference, your instructing solicitor encourages you to get the defendant to plead guilty to the burglary and you can then take the longer case.

* What do you do?

**(2) Day of Trial**

You represent a defendant with several previous convictions. At a pre-trial conference, when reviewing the PNC printout of these previous convictions with your instructing solicitor, the defendant informs you that the printout is incorrect. He has another previous conviction that does not appear on the printout, but he is very clear to you that he does not want to disclose this error.

* What do you do?

**(3) At Trial**

Your client is charged with burglary, and the prosecution open the case on the basis that your client was identified by two eye witnesses as being present at the scene on the day of the burglary. Your client asks you when his alibi witness is scheduled to evidence. You were not aware of any alibi witness, but it turns out that your client did in fact give details of his alibi witness to the instructing solicitor ay the first consultation. No notice has been given to the prosecution of the court.

* What do you do?

**(4) Witnesses**

Your client’s main witness has given a witness statement confirming his alibi. When you arrive at court you find the witness sitting outside the courtroom with your client and the instructing solicitor. Your client tells you that the solicitor has explained the prosecution case to the witness and the type of questions the witness is likely to be asked. Your client then asks you to go through the witness statement with the witness and identify any areas that mean need more clarification. He tells you this will be helpful because the witness is nervous.

* What do you do?

**(5) Post-trial**

When you secure an acquittal for your client, he is delighted and insists he treat you, the solicitor and his main witness to a meal at a nearby restaurant. On the way to the restaurant your client thanks you again and hands you a box. Inside is a Montblanc pen.

* What do you do?