

# Brief encounter

The transition from undergraduate to barrister is a notoriously tough ride. Though some pick up a few tricks along the way, only the brightest and hardest working make it. Newly qualified barrister **Simon Gledhill** is one. He talks to us about the journey, recent cases and his use of the time-saving research tool JustCite.



*Simon Gledhill offstage: doors will soon open for him*

### Showmanship and excitement

Relishing the prospect of the “showmanship and excitement of the court arena” for as long as he can remember, his words could fit with the public’s somewhat stereotypical image of an over-confident, extroverted young barrister.

In print, that is; for in person and offstage, Simon Gledhill is mild and self-effacing, diffident even. But these traits disguise a ferocious intellect and a tenacity that rewarded the 25-year-old Yorkshireman with a pupillage at a top criminal set two years ago, where he has seen his case portfolio swell.

Apologizing for what he worries is a “desperately predictable answer” to a question on his ambitions – he wants to “establish as strong a practice as I can, both in the Crown and Appeal Courts” and to “become an increasingly appealing brief for solicitors to instruct and for clients to trust” – Gledhill cautiously admits that “any benefits that arise from that in the long term, such as judicial positions or Queen’s Counsel,” would be no bad thing.

Listening as he describes his achievements in and preparation for court – methodical, research-based yet time-saving through his willingness to embrace new technologies like JustCite – I find myself agreeing.

So how did Gledhill get to where he is today? How does he get the best from his research and case preparation? And what sort of cases has he worked on in his short career?

**“I like to think, if I were opposing this, what would I say?”**

Originally from Leeds, Gledhill studied law at Lancaster University. Favouring the independence enjoyed by barristers over a professional life within law firms, he went straight onto a BVC, which he undertook at Northumbria University. Called to the Bar in July 2005, he fought for and won one of only three pupillages at the prestigious Chambers of Andrew Trollope QC – aka 187 Fleet Street – which he joined in October 2006 after saving up for the move to London. He became fully qualified there last year.

### Quid pro quo

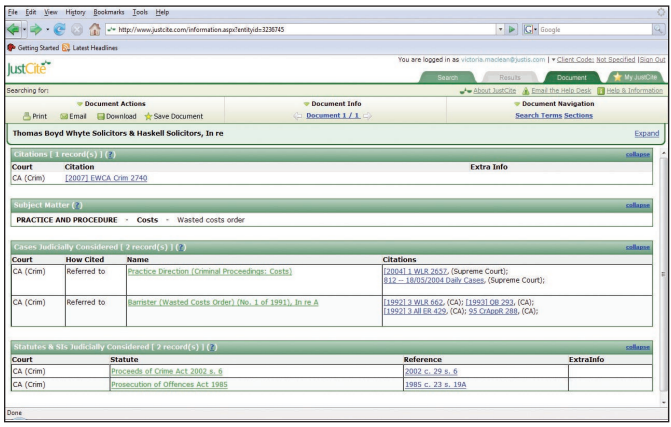
Gledhill appears to accept the quid pro quo associated with the Criminal Bar: there may be slightly less quid to earn in the criminal courts than in the civil courts but the quo – the stimulation of the subject matter – more than compensates.

Given its particular expertise in serious fraud and white collar crime, along with homicide, terrorism, serious organized crime, revenue law and money laundering, 187 Fleet Street seems like a wise choice of chambers from which Gledhill can launch himself.

With members’ work including the Stansted hijack case, the Tonbridge Securitas robbery and the conspiracy to bomb Heathrow, he has a lot to live up to. But Gledhill is on the right track.

He says that from the outset he will often consider the arguments and likely case citations of the other side. “I like to think, if I were opposing this, what would I say?” he explains. This preemptive process is less clear-cut than at first it might seem. Ahead of litigation, one routinely searches

for precedent to show that if X was the judgment in Case Y, in which the circumstances were Z, X should also be the judgment for one’s own case if the circumstances are similar to Z.



*JustCite results screen for one of Gledhill’s own cases*



**The imposing frontage of 187 Fleet Street, Gledhill's chambers**

However, at the risk of peppering this piece with gratuitous algebra, the circumstances can sometimes differ significantly – and crucially – from Z.

If subsequent cases can be shown to have been judged differently, and their specific circumstances match the case in question more closely, the opposing counsel's argument could be fatally undermined. In other words, these cases have – to use the legal terminology – been "distinguished". Finding cases where past precedent has legitimately not been applied can therefore be essential.

This is just one of the many areas for which Gledhill has come to rely on JustCite. Introduced to the time-saving, provider-neutral citator in chambers last year at a demonstration by JustCite's trainer David Finch, Gledhill is now a regular user of the versatile online research tool.

### A frequent starting point

Now a frequent starting point for his court preparation, does he wish he'd had access to JustCite at Northumbria? "If it had been available I'd certainly have used it and it would have been of assistance on my BVC," Gledhill says. "It's a useful tool and it gives more of an overview," he adds. "If you don't know where to start, JustCite gives you a direction."

Speaking to Gledhill, I find it difficult to believe he'd ever not know where to start but I take him at his word and he sets his assertion in context. "We had a module called 'practical legal research'," he says, which he believes is standard across the Bar School in England and Wales. "We'd be given a description of a problem and have to identify five areas of the law," he

explains, which include established law, updates and past cases. Because "JustCite is particularly good for tracing the history of cases," he says it would have been useful to read JustCite's brief introduction to each case first before clicking through to other subscription services. Some other websites do something similar, he says, but it's "more comprehensive on JustCite," a message that will resonate within the increasing number of top-flight chambers and law firms that have subscribed to JustCite in the past couple of years.

### Research in practice

So has it changed his research in practice? "It's another option," says Gledhill. With JustCite, "if I have a case in mind, I'll start going through its history first," he adds, before he highlights its use in finding speculative cases. "JustCite, in essence, searches everything. It can be a good place to start as it's a springboard to what's accessible." In the past, he says, his starting point would have been one of the other services, from which he'd have taken information to manually feed into yet another service. But with JustCite, "you now have an eye on them all at once," he says, alluding to the citator's dual functions of deep-linking to third-party full-text cases and legislation, and cross-referencing between cases in all directions, showing the current status of judgments and laws.

But what of its use in specific cases?

Here the waters are slightly muddied. Gledhill's most significant court battle to date was fought before his chambers subscribed to JustCite. In the case of *R v Thomas Boyd Whyte*, which was important enough to be officially reported (see [2007] EWCA Crim 2740), he represented a firm of solicitors he'd been working with on another case. His clients accused – and initially convicted – of wasting the court's time in that other case, Gledhill used precedent and incisive argument to show that the procedure adopted by the first judge had been unfair. So the ruling was quashed at the Court of Appeal. Success.

But, says Gledhill, he "spent a long time researching" the case.

"JustCite may well have given me more direction and would have been a lot easier," he thinks.

Gledhill's case can now be found on JustCite and can be seen for free in the dummy sample at [www.justcite.com/tbwsample](http://www.justcite.com/tbwsample). Here the earlier cases he cited in the trial are clearly shown and, in the live version, deep links to the full text reports are given. If only he'd had access to the service when he first tried to find those other cases!

Thankfully, research for precedent in an ongoing case of his is proving easier. Acquitted of almost all counts in an earlier hearing, Gledhill's client is appealing the one conviction that remains, common assault involving the mother of the client's child who, at the time, was holding their child.

Their appeal is being argued more on the basis of the law than on the facts, which are largely undisputed. So to back this up, Gledhill turned to JustCite. He says his speculative search started with a simple query for likely terms. This led to a number of relevant cases, most notably the case of *Haystead v Chief Constable of Derbyshire* ([2000] 2 CrAppR 339), for which we've set up another sample at [www.justcite.com/hvdsample](http://www.justcite.com/hvdsample). Dealing with "indirect force", Gledhill argues that this case would be distinguished with respect to his case.

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**JustCite: "If it had been available I'd certainly have used it on my BVC."**

The other case Gledhill draws my attention to is *R v Brown* ([1992] QB 491), viewable at [www.justcite.com/rvbsample](http://www.justcite.com/rvbsample). Particularly interesting in its own right, it considered the issue of common assault with regard to what the defence argued was "willing consent" in acts of sadomasochism. It was an important test case and JustCite shows how numerous cases cited it, referred to it, mentioned it and distinguished it – essential distinctions when formulating a watertight argument.

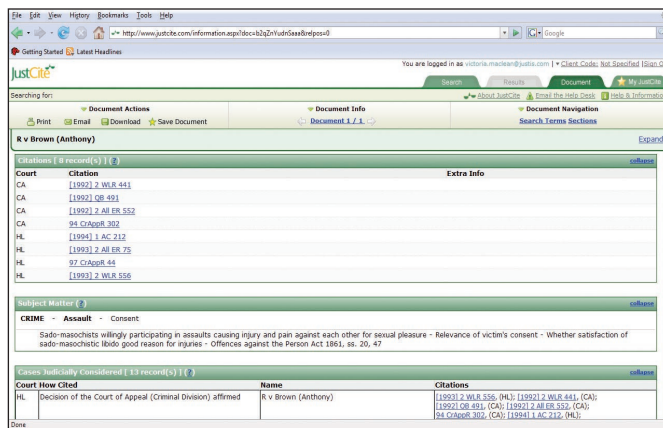
**Realizing his ambitions**

Which way the judgment will go in Gledhill's case, we of course don't know. Indeed in cases like this, outright victory is not always the realistic goal; giving one's client the best defence and ensuring that they're not too harshly sentenced can be enough.

Nor too can we be sure whether Gledhill's ambitions will be realized. Though the signs look promising, it will be a while

before we will hear of Simon Gledhill QC, let alone Lord Justice Gledhill.

Perhaps he will settle for the interim ennoblement we are prepared to offer: Lord JustCite Gledhill. It's yours for the taking, Simon.



Part of the extensive JustCite results screen for *R v Brown*

**Could JustCite help you too?**  
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