

19/12/2016

Your Honour HHJ PAWLAK

As you were made aware at the mention hearing in September 2016 and October 2016 and the letter that was sent by my self dated 26/09/2016 I am very worried in regard of my son Mr Simon Cordell having no solicitor to act on his behalf since you removed his solicitor from record just before the Appeal was due to take place on the 26/09/2016.

On the 26/09/2016 when you read the letter I wrote you said you felt it could be taken to judicial review, you then adjourned the Appeal until the 17/01/2017 and said we should look for a new solicitor to act for Mr Simon Cordell and you would make sure he got Legal Aid granted.

After the 26/09/2016 in every mention hearing we said no other solicitor wanted to take this case on due to it being at Appeal stage and the cost they would get from Legal Aid, and the work involved in going over all the bundles themselves which would cost more then legal Aid would allow.

Nothing was done to help my son find a solicitor by the court and you yourself said you would not put this appeal off again that it would go ahead on the 17/01/2016 no matter what.

I have since September 2016 called every solicitors company, wrote emails to the bono services, called the legal aid service, called I think everyone I possibly could to get any help or advice I could to be able to get my son a solicitor, and have not be able to do so.

It has been spoken about in court my son will not cope himself dealing with this appeal due to his heath and learning problems and that he needs a solicitor so he can get a barrister for this 3 day Appeal.

I have done all I can to try and get him one and have failed to found anyone that will take this Appeal on which leaves my son to deal with this himself which he can not do.

I am asking the court to step in and try and help find my son a solicitor so that he can have a barrister at the Appeal hearing, or this will not be a fair trail and my son's European Convention on Human Rights Article 6 will have been breached if this Appeal is made to go ahead without my son having council in place for the Appeal hearing.

Guide on Article 6 of the European Convention on Human Rights

Effectiveness of the legal aid granted:

66. The State is not accountable for the actions of an officially appointed lawyer. It follows from the independence of the legal profession from the State (*Staroszczyk v. Poland*, § 133), that the conduct of the defence is essentially a matter between the defendant and his counsel, whether counsel is appointed under a legal aid scheme or is privately financed. The conduct of the defence as such cannot, other than in special circumstances, incur the State's liability under the Convention (*Tuzinski v. Poland* (dec.)).

67. However, assigning a lawyer to represent a party does not in itself guarantee effective assistance (*Sialkowska v. Poland*, §§ 110 and 116). The lawyer appointed for legal aid purposes may be prevented for a protracted period from acting or may shirk his duties. If they are notified of the situation, the competent national authorities must replace him; should they fail to do so, the litigant would be deprived of effective assistance in practice despite the provision of free legal aid (*Bertuzzi v. France*, § 30).

68. It is above all the responsibility of the State to ensure the requisite balance between the effective enjoyment of access to justice on the one hand and the independence of the legal profession on the other. The Court has clearly stressed that any refusal by a legal aid lawyer to act must meet certain quality requirements. Those requirements will not be met where the

shortcomings in the legal aid system deprive individuals of the “practical and effective” access to a court to which they are entitled (*Staroszczyk v. Poland*, § 135; *Sialkowska v. Poland*, § 114 - violation).

I have tried all I can and am at a lose of what to do as I called so many people for help to try and deal with this issue we were not the ones that removed his last solicitors from record, we were not even in court when they were removed we had called the court and left a note that we were going to be 5 to 10 minutes late due to traffic, you still went ahead and removed them from record when we were not there and we was only told when we got to court which by this time was to late be able to say anything.

Nothing was even said about what had gone on 19th February 2016. When the solicitors again just before the Appeal date which was due to start on the 22/02/2016 tried to remove themselves from record at that point and it was dismissed by His Honour Judge Morrison with His Honour Judge Morrison also saying If any attempt is made to repeat this application the Court will require it to be made in person by the Senior Partner of Michael Carroll & Co on the 21/09/2016 when my son’s solicitors were removed from record there was no Senior Partner of Michael Carroll & Co in court yet they were still allowed to be removed from record.

There is also so many other issues in regard to disclosure which my son has never been allowed to see. Since this case started in 2014 that has been asked for many times, but the barristers acting for the Commissioner for Police Metropolis is allowed to somehow get away with it is down to us what we give and don’t give.

Something seems very wrong with how this case has been allowed to be carried on.

I am asking the court to please step in and help my son find a solicitor or Barrister to act for him for the Appeal hearing which is due to start on the 17/01/2017.

Would it also please be possible to have a copy of all the transcripts from all the mention hearings since this Appeal started as this will help to see what has been said at the hearings?.

Could someone please get back to me as soon as possible via my email lorraine32@blueyonder.co.uk in regard to this issue and if the court can help in any way in helping my son find someone to act for him.

Best Regards

Lorraine Cordell

Lorraine Cordell

From: woodgreencrowncourt [woodgreencrowncourt@hmcts.gsi.gov.uk]
Sent: 21 December 2016 12:57
To: 'Lorraine Cordell'
Subject: RE: Simon Cordell Appeal

Good afternoon

Your emailed was placed before HHJ Pawlak who replies:

'We cannot help

1. The Appellants solicitor came off the record at your request not at the direction of the Court
2. This is the Appellants appeal and it first came before the Court in January 2016
3. The Appellant has had long enough to find a solicitor and/or counsel
4. The Court cannot force a solicitor to act against his will for a client.'

This is incorrect the solicitors asked to me removed from record and the judge allowed this on the 22/09/2016

This is incorrect it was oct 2015 I have spent since Sep 2016 making calls to get a solicitor no one wanted to take the case on at Appeal stage.

Regards

If the court can not force a solicitor who am i meant to force one to take the case on after his solicitors put the application into court to be removed and the judge allowed this even when they done the same thing in Feb 2016 and the judge dismissed the application.

Susan Sloan
Support Services
Wood Green Crown Court
Woodall House
London N22 5LF
0208-826-4121
susan.sloan@hmcts.gsi.gov.uk

From: Lorraine Cordell [mailto:lorraine32@blueyonder.co.uk]
Sent: 19 December 2016 17:00
To: woodgreencrowncourt
Subject: RE: Simon Cordell Appeal

To Whom It May Concern:

Please could the attachments be passed to Your Honour HHJ PAWLAK for his attention?

Can you please confirm this has been done please.

Regards

Lorraine Cordell

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