



CUTTING THROUGH

THE QM BAR SOCIETY NEWSLETTER



QUEEN MARY
BAR SOCIETY

WELCOME

A big welcome to all the freshers! Cutting Through is your monthly guide to upcoming deadlines, events, and opportunities to upskill. Dive into guilt-free entertainment recommendations, articles, podcasts, and so much more. We hope you will enjoy the 8th edition- and your first year with QMBS!

- Asteropi

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PODCASTS

Better Human Podcast, Adam Wagner

Presented by leading human rights barrister Adam Wagner (Doughty Street) and founder of [EachOther](#) and the [UK Human Rights Blog](#), the Better Human Podcast discusses the most pressing issues of today through a human rights lens. Do we have enough free speech? Why climate change is a human rights emergency? Do not miss last week's episode on the rule of law.

The Pupillage Podcast, Middle Temple

A must-listen podcast for anyone considering a career at the Bar. Hosted by Beatrice Collier and Georgina Wolfe (both of 5 Essex Court), each of the episodes goes through the different stages of pupillage; from putting together a CV, to applying to mini-pupillages, to choosing your practice area, and avoid common mistakes. Along with The Pupillage Podcast, you could also check out [The Search For Pupillage](#), an extensive guide prepared by Callum Ross (Pupil Barrister, Chavasse Court Chambers) with advice on applications, interviews, and all necessary preparations for your journey at the Bar.

Awake At Night, Melissa Fleming

What are the biggest challenges of being a United Nations worker in some of the world's most dangerous locations? What is keeping them awake at night? Three seasons of captivating episodes about UN's humanitarian workers and their world-changing contributions.

SERIAL, Season 3

In episode 01, [Bar Fight Walks into the Justice Centre](#) Anna, a skinny young woman, is slapped (many times) on the butt. A fight breaks out at the bar, which ends with Anna prosecuted for assaulting a police officer. Jennifer, the prosecutor, says that Anna's case is uncomplicated. Is it?

ARTICLES

Preservative or Transformative? The article analyses the constitutional complexities of the withdrawal of the United Kingdom (UK) from the European Union. Murkens discusses the models of preservative and transformative view of the constitution. He argues that the former, aiming at preserving the constitutional relationship of the governing institutions, ignores the significant constitutional changes of the past twenty years. The transformative view, on the other hand, does take into account the dynamic process of devolution of powers and the plurality of constitutional actors. The article acknowledges the unique nature of the UK constitution, and also the limited time that lies ahead for the necessary constitutional adaptation to happen. Could stability come from the acknowledgment of change?

The Populist Challenge to Human Rights is an edited version of Professor Alston's public lecture at the London School of Economics in 2016. Professor Alston describes the tools and ideas often employed by the populist political leaders to shut down human rights issues, and the challenges that may shadow the efforts of human rights proponents. In section three, he sets out the main challenges to be tackled, including the undermining of the international rule of law and the 'fragility' of the international institutions. Professor Alston encourages us to remember that human rights victories came from human rights struggles. In his words, defending human rights has never been a consensus project. Section four turns to the strategies and plans that the human rights community should start considering in order to adequately respond to the growing need for efficiency of their practices. He concludes:

The point is simply that we cannot wait, we need to start acting; we need to do whatever we can to strengthen respect for international human rights. We need to commit to the principles in our own lives, in our own areas. (...) The response is really up to us.



- Opinion: 'Activist Lawyers', the normalisation of undermining the rule of law?

On Wednesday, 26 August, the Home Office published a video on its Twitter account showing an animation of deportation flights removing migrants with no right to remain in the UK. These scheduled flights are delayed, the text in the video said, by 'activist lawyers' who disrupt the asylum system. The Home Office removed the video after being condemned by the Law Society, with a [press release](#), and by barristers, lawyers, and legal professionals across the nation.



Despite the uproar by the legal community, the Home Secretary reused the term in a [tweet](#) on her account commenting: 'Removals continue to be frustrated by activist lawyers, but I will not let up until this route is unviable'. The Law Society again condemned the comment.



That is not the first attempt by a Government department or official to depict legal professionals as 'activists' who put at the top of their list their agenda of radical social change and reform.

This Government, repeatedly, has been trying to limit the applicability and effect of the law on its policies. The Court of Appeal, in *R v Secretary of State for Transport*, ruled the Government's Airports National Policy Statement on Heathrow expansion unlawful, on the ground that the Government did not consider its commitments under the 2016 Paris Agreement on climate change. The former chancellor talked about that as 'overreaching undemocratic judicial activism'. Think tanks like the [judicial power project](#) also present the judiciary to hold excessive powers that violate their constitutional role. The *Miller* cases have similarly sparked a lot of heated discussion on the breach of the separation of powers and the inappropriate entrance of the Courts into the political arena. However, the [unconstitutional](#) element lies with the Government's actions, not the Courts'. Court decisions do have consequences on the Government's policy and agenda, but critics of judicial powers seem to overlook that the Court does not decide on political reasons. A continuous executive power grab should not be threatening Parliament's laws or the judiciary's independence to uphold the rule of law. Lord Bingham, in his book *The Rule of Law*, underlines that it is the law that should govern the legal relationship between the citizens and the executive, and not arbitrary power. Recent developments with Britain prompt to break international law with the [Internal Market Bill](#) in a 'specific and limited way' do not paint a picture different than discretionary and unruly decision-making.

In the 'activist lawyers' saga, the focus turns on immigration barristers and solicitors. There is a pattern of Government departments and officials targeting legal professionals who do their job and do it well. This tactic poses a graver danger than an offence to lawyers and judges. That is a threat to the integrity of the democratic system and the checks we can put on Government officials to hold them into account. With pompous rhetoric and disregard for the rule of law, it seems that democracy in the UK could only be sustained in a 'specific and limited way'.

#90's

FILMS

Despite the film's commercial colour, **Primal Fear** (1996) tells an intriguing story. A prominent and all-known in Chicago archbishop is found dead in a grisly crime. The police arrest the suspect Aaron Stampler (Edward Norton), covered in the archbishop's blood after a -full OJ-Simpson like- televised chase. Martin Vail (Richard Gere), a leading defence attorney in Chicago, takes the case pro bono, usually embracing an opportunity for publicity. The most fascinating about the film is the character of Aaron Stampler, who raises questions about identity, innocence, and the legal profession throughout the film. With Norton giving one of the best performances of his career and the continuous overlaps of crime, trial tactics, and legal ethics make this film a great Friday-night Netflix watch.

Divorce Iranian Style (1998) could leave a few -if any- unengaged. Kim Longinotto's and Ziba Mir-Hosseini's film develops inside a Tehran court, following women trying to negotiate and enforce their rights after the breakdown of their marriages. The film shows much more than a battle against oppression. It is a comprehensive study of gender inequality, the society and morals that nurture it, and the application of the law.

John Grisham's **The Rainmaker** (1997) is a classic David and Goliath story with Rudy Baylor (Matt Damon) fresh out of the Bar fighting against an insurance company represented by an experienced and well-paid legal team. Rudy learns all the tricks of the legal profession from his somewhat anti-hero partner Deck Shifflet (Danny DeVito), who has never managed to pass the Bar. Coppola directs a riveting courtroom drama, revealing the shady deals of the insurance industry, the impact they have on the ordinary people of Memphis, and the determination of a young idealistic lawyer.

#around the world

DOCUMENTARIES

The Accused: Damned or Devoted?**BBC Storyville**

Follow the riveting full-length documentary about the blasphemy law in Pakistan and the stories of people that make it. Mohammed Ali Naqvi directs an eye-opening documentary and raises questions about the misuse and politicising of the blasphemy law. Find more about his work [here](#).

Period. End of Sentence. Netflix

In a village outside of New Delhi, women and girls for generations battled against the lack of essential sanitary products and the stigma around menstruation. The battle was often defeating, with girls missing or dropping out of school. The short documentary follows the women of Kathikhera, who install a sanitary pad machine to manufacture and market their own pads. This extraordinary story of independence and empowerment, as directed by Rayka Zehtabchi, moved the world and won numerous awards, including the Academy Award for Best Documentary (Short Subject). Find more about [The Pad Project](#).

The Trial of Alex Salmond, BBC iPlayer

While in March, everybody's attention was on lockdown restrictions, Alex Salmond, Scotland's former first minister, walks out of the Edinburgh High Court cleared of 14 (!) charges of sexual misconduct. Kirsty Wark follows the intriguing story from its first reveal by the Daily Record two years ago, until Salmond's acquittal. The case is much more than a political scandal, and it goes at the heart of the criminal justice system, the #metoo movement, and Scotland's politics.

America's Child Brides, BBC iPlayer

Ellie Flynn investigates the child marriage laws in the US and discovers some disturbing patterns. In one of the cases in Missouri, Heather, only 14 at the time, gets pregnant by 24-year-old Aaron. As one parent's consent suffices, Heather marries him, and thus he avoids prosecution for statutory rape. The conflicting views on religion, parenthood, and gender roles shed light on one of the most controversial legal loopholes.



HELLO FRESHERS

SIX SIMPLE STEPS FOR YOUR FIRST SEMESTER
(AND BEYOND!)

GET INVOLVED

You will find so many events, competitions, and opportunities offered by the QMBS team to get involved. Choose, register, join!

STAY CONNECTED

Organise a weekly coffee/tea study group via Zoom! Ask questions, study together, and make friends.

START A JOURNAL

You could keep together all the feedback you receive during your webinars and reflect on them before essays, problem questions, and exams.

BE PROACTIVE

Map out the opportunities you want to go after and start planning. That way, you could avoid last-minute applications!

STAY ACTIVE

Physical exercise is vital for your wellbeing (and academic performance!). There are plenty of opportunities online and in Covid-secure facilities!

BE EXCITED

The first semester may be a little bit different than what we all expected, but it is up to us to go through it and make it productive and fun!

QMBS Mentoring Scheme

- QMBS is now offering a year-long members-only Mentoring Scheme!
- Your mentor will support you with interview and application tips, networking, and so much more.
- Become a member [here](#) to apply.
- Applications close on the 25th!

New Writers

Do you like reading books and sharing your thoughts? Researching new developments on the law and the Bar? Then you could write for Cutting Through! All you need is a topic/book/idea that excites you.

- Email us at info@queenmarybar.society.org with the subject line: 'Cutting Through New Writer'.

CALENDAR

DEADLINES

Mini-pupillage

Monckton Chambers
30 September

Crown Office Chambers
30 September

Falcon Chambers
30 September

4 New Square Chambers
16 October

Farrar's Building
21 October

2 Temple Gardens
23 October

Fountain Court Chambers
30 October

EVENTS

Introduction to Law
29th September

What is a Mini-Pupillage/Pupillage and How Do I Get One?
1st October

Non Law Panel
6th October

See more events [here](#).

COMPETITIONS

BARFIGHT 2K20

The event will be held online on the 17th of October, and the Semi-Finals and Finals will be held on the 24th of October. Find out more [here](#).