

EZY trials for 'guilty people': Porter QC delivers inaugural lecture for the Bar Association's Speakers Program

On Wednesday, 18 May 2005, Chester Porter QC delivered the inaugural lecture of the Bar Association's Speakers Program, entitled 'EZY trials for guilty people'.

Members of the public and the profession braved the inclement weather and gathered in the Dixson Room of the Mitchell Library. They came to hear the retired silk dispel eloquently some of the common misconceptions about the role of barristers in our criminal justice system: in particular, the notion that 'tricky lawyers' can use 'technicalities' to defend 'guilty people'.



Chester Porter QC. Photo: Murray Harris

Drawing upon more than 50 years of experience at the Bar, Porter QC explained why the 'technicalities' and 'lawyers' tricks', so often criticised by the media, are vital for the protection of our civil rights: including the presumption of innocence and the fundamental right to not be unjustly imprisoned by the state. Attempts to 'reform' or simplify procedures in the criminal justice system (hence the title 'EZY trials') are sometimes, he warned, knee-jerk reactions that may increase the risk of unsafe verdicts. Porter QC, with customary eloquence warned that: 'Conviction of the "guilty" on inadequate evidence will inevitably be followed by conviction of the innocent'.



Photo: Murray Harris

He discussed a number of instances, both in Australia and abroad, where there was a proven miscarriage of justice, often involving emotionally-charged allegations of child sexual assault or terrorism. Porter QC reviewed the more common causes of wrongful convictions: including police corruption, tainted evidence and mistaken identification of the accused. The aim of his address was to reinforce in the minds of the public the necessity for all evidence and allegations to be challenged and tested in court. In respect of this, Chester delivered a powerful argument in support of the common sense and reliability of juries.

A number of the cautionary cases also illustrated key premises of the New South Wales Barristers' Rules: particularly the requirement for a barrister to diligently and skilfully represent the client, uninfluenced by public condemnation, and to let the court and the jury determine guilt or innocence based upon the evidence before it.

A copy of Chester Porter QC's lecture is available on DVD from the Bar Library.

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