



Clare Wade

Called 1990

Areas of Practice

Crime

Notable Cases

R v Stratford [2011] EWCA Crim 888 (mortgage fraud disparity-sentencing)

R v Dixon [2011] EWCA Crim 924 (women- firearms strict liability and minimum term)

R v Williams [2010] EWCA Crim 2226 (identification-vulnerable defendant)

R v Kirsty Scamp [2010] EWCA Crim 2219 (murder-abused woman who killed)

R v Sharon Akers [2007] EWCA Crim 2066 (murder-abused woman who killed)

R v Barrat [2009] EWCA Crim 1069 attempted murder

R v Djahit (1999) 2 Cr App R (S) 142. (guideline case supply drugs)

R v Simsek, Kaynak & Honz (1998) 2 Cr App R (S) 283 (class A drugs).

R v Black and others 1995 CCC (armed robberies)

Publications

- The Criminal Procedure (Insanity and Unfitness to plead) Act 1991 and the Juries Act 1974: Irreconcilable Problems, CLR 1999 656.
- Prevention of Harm - Legislative Strategies For Law Reform, The Journal of Criminal Law Vol 72.3 2008.
- Partial Defences to Murder Law Commission Consultation Paper no 173 (contrib.)

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- Partial Defences to Murder Law Com No 290 (contrib.)
- A New Homicide Act for England and Wales? Law Commission Consultation Paper No 177 (contrib.)
- Murder Manslaughter and Infanticide Law Com No 304 (contrib.)
- Conspiracy and Attempt Law Commission Consultation Paper 183 (contrib.)
- Conspiracy and Attempt Law Com No 318 (contrib.)
- Unfitness to Plead Law Commission Consultation Paper No 197.
- Reforming the test for unfitness to plead (a capacity based test) Legal Action (Nov 2010).
- Reforming the law on unfitness to plead CBQ Dec 2010

Speaking Events and Training, Seminars

Clare has given seminars and written on subjects such as the Serious Crime Act 2007 and reform of the law on provocation. Presently speaking on Unfitness to Plead and special measures for vulnerable defendants. She gave a paper on Competence to Stand Trial and the Nature of the Offence at International Academy of Law and Mental Health Congress in New York (2009), assisted on Feminist Judgments Project (2010).

Membership and Societies

Amnesty International
Criminal Bar Association
Justice for Women
Member of Bar Council Law Reform Committee

Other Relevant Information

Background

Experienced in representing clients in all areas of crime from offences such as armed robbery, kidnap and murder to trident missile protesters and children on trial in the Crown Court for serious offences. Has extensive experience of large scale drugs importations and money laundering.

Areas of special interest include abused women who kill their abusive partners; regularly advises on appeals against conviction, assisted in written submissions to HL in Smith (Morgan James) [2000] 4 All ER 291 in 3rd party intervention on behalf of Justice for Women and Southall Black Sisters. Worked on Law Commission projects on reform of the law of homicide with particular reference to abused women who kill (now ss [52-56] Coroners and Justice act 2009.

Other areas of interest include unfitness to plead (led Law Commission Project and wrote CP 197 (which addresses question of a 'capacity' based test for criminal law), "The Criminal Procedure (Insanity and Unfitness to Plead) Act was cited in B and others [2009] 1 Cr.App.R 19

and Crim.L.R 2009 608-610, mental health defences i.e.infanticide, diminished responsibility, vulnerable defendants.

Recent and ongoing trial and appellate work includes supplying class A, conspiracy to supply/import class A, false imprisonment, money laundering, fraud, mortgage fraud, stabbings, murder appeals-involving abused women and young offender with ADHD and learning difficulties-fitness to plead hearings, deaf defendants as well as a case involving a deaf and without speech prosecution witness. Regularly advises on IPPs and minimum terms under s269 Criminal Justice Act 2003, CCRC referrals.Led Law Commission project on statutory conspiracy.

Personal

Married two children