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On 1 May, two ground-breaking civil liberties firms merged, in what is described as a ‘civil partnership between public and private law claims’. Here, Fiona Bawdon, a freelance journalist, describes the background to the move.

Deighton Guedalla and Pierce Glynn merge

The merger brings together two coalface legal aid firms that are known for pushing the boundaries of the law on behalf of vulnerable groups, like destitute asylum-seekers and people with mental health needs. Jane Deighton, founding partner of Deighton Guedalla, says that the enlarged firm will ‘provide an inspired and broader service to our clients’.

A shared philosophy

The link up will see the creation of a new company, Deighton Pierce Glynn, which will have 18 lawyers; the seven equity partners from the two firms will become its directors. Sue Willman, partner at Pierce Glynn, says: ‘Becoming part of a slightly larger organisation with more cross-fertilisation will enable us to take on more and bigger abuses of state power.’

In contrast to many recent mergers by legal aid firms, this one is for ‘positive, creative’ reasons, rather than defensive, financial ones. Although both firms are small, they are demonstrably successful but also, each insists, profitable and sustainable as they are. It was Jane Deighton who made the initial approach, and what drew her to Pierce Glynn was that they shared a philosophy of ‘excellence, respecting the client, putting the client first – and winning things’.

Jane Deighton, who is best known for acting for Stephen Lawrence’s friend, Duwayne Brooks, founded Deighton Guedalla in 1987, along with Vicky Guedalla. Previously the pair had worked at Seifert Sedley Williams, the law firm to the Communist Party, which went on to

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collapse in 1991 because of financial problems. Deighton Guedalla remained a small and tight-knit firm – the founders were close friends as well as business partners – building a reputation for its actions against the police, particularly in relation to racism and asylum work. Jo Eggleton and Sarah Ricca later joined as equity partners because of their particular expertise in supporting victims of crime.

Pierce Glynn, which was formed a decade later in 1997 by Stephen Pierce and Polly Glynn, specialises in judicial review and social welfare law and has been at the forefront of recent human rights challenges to government funding

cuts (*R (Hajrula) v London Councils*). Like Deighton Guedalla, its relatively low public profile belies the calibre and impact of its work in challenging areas for often unpopular client groups. In *R (SL) v Westminster*, a recent Appeal Court case (now being challenged in the Supreme Court), Pierce Glynn won social services support for a mentally-ill client who had been refused provision by Westminster Council; it is also challenging unlawful restraint used by the UK Border Agency.

Jane Deighton says that it was Vicky Guedalla’s retirement in 2010 which prompted her to look around for a merger partner. The firm had always had a culture of lawyers who were expert in different fields bouncing ideas off each other when dealing with difficult cases (‘two brains are better than one’) and encouraging support staff to contribute to discussions. However, with Vicky Guedalla gone, Jane Deighton was worried some of that creative spark would be lost. ‘When Vicky went, refugee work went with her – but we were still totally sustainable financially. I was concerned that there was a danger we might not be so innovative unless we joined up with people who were equally brilliant and dynamic in their area of law.’

Jane Deighton did not know Pierce Glynn well at that point, but partner Jo Eggleton did, and suggested that it might fit the bill – and the more the two firms got to know each other, the more common ground they found: both specialise in challenging state power and upholding fundamental rights of marginalised, often reviled, clients; both pride themselves on working collaboratively, quietly getting on

with the business of winning difficult cases in an unshowy and unshouty fashion. Pierce Glynn's managing partner, Polly Glynn, says: 'We had been approached by other firms before [about merging] but never felt it was a good match.' This time, however, 'it seemed an obvious thing to do'.

Co-operation and collaboration

Other similarities included that both firms emphasise the importance of work/life balance for staff (working long hours is actively discouraged, and most equity partners happen to work part-time). Jane Deighton says: 'We both believe that, in order to be a brilliant lawyer, you have to be grounded and not only do law.' Occasionally staff may end up working 18-hour days, but that will be because of an emergency on a case, rather than 'to ensure a certain income level for the senior partner,' she adds. Equally importantly, both believe in paying even their most senior partners salaries which are 'closer to that of a teacher than a doctor'.

The differences they discovered were important, too. Even where they do similar work, such as immigration detention, they have tended to take a different approach to it: Deighton Guedalla tends to reach first for private law remedies (for example, suing for damages); whereas Pierce Glynn's instinct will be to focus on public law solutions (for example, judicial review).

Sue Willman says: 'When you bring those claims, you are trying to highlight the fact that seriously mentally-ill people are kept in detention and the policy needs



Sue Willman says the merger will 'enable us to take on more and bigger abuses of state power'.



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Jane Deighton believes the merger will encourage innovative and creative thinking.

deighton pierce glynn

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to change. How do you do that? Do you do that through judicial review or do you do that through making sure the state has to pay six figures so that people are aware it's costing them money and they are going to stop doing it. They are both ways of trying to change the policy of keeping people in detention.'

Jane Deighton adds: 'If it's second nature to do a private law action, that's

what you do. When our immigration lawyers are working alongside Sue, they will be thinking: "My second nature is to do this, but actually after ten minutes' chat with Sue, maybe in this case, a judicial review might be appropriate" – or vice versa. That's one really concrete example of where we know we will bring absolute top specialism in both those areas of law to the same issue.'

Jane Deighton has long been a believer in the benefit of experience in one area of law leading to transformations in another. Much of her work has been in extending protection under the Race Relations Act (RRA) 1976 through a series of Court of Appeal cases which established – in the face of fierce opposition from the Metropolitan Police – that police owed victims of crime a duty of care under the RRA (*Farah v Commissioner of Police for the Metropolis* and *Brooks v Commissioner of Police for the Metropolis* and others). Later, against equally strong opposition from the Crown Prosecution Service, she established that witnesses to crime were also protected under the RRA.

Jane Deighton says that these advances only came about because of her experience of doing employment discrimination cases. 'Employment law was way ahead of other sorts of civil law, and thinking in terms of whether someone had been discriminated against because of who they were was day-to-day for employment lawyers. So, it was very easy for us to translate that type of thinking to civil actions for someone who has been beaten up or stopped [by police]. Whereas the run-of-the-mill, actions-against-the-police lawyers were thinking: "If you get stopped, it's false imprisonment," we were thinking: "Why were you stopped? Was it because you're black?" It was second nature to use the discrimination legislation to enforce clients' rights so that they (a) won their cases, but (b) the litigation was addressing the issues that they themselves really felt: "I was stopped because I'm black, therefore it's a race case.'"

The two firms will continue in their existing premises for now – Deighton Guedalla at Angel, Islington in north London, and Pierce Glynn near London Bridge in south London – but expect to move to shared offices in 2013 (when existing leases run out). Appropriately for lawyers who stress co-operation and collaboration, they are looking at premises in the EC1 post code, which would put them roughly equal distance between their two existing bases.