

## Judge steps down over counsel's conduct

An acting judge has recused himself from hearing a murder trial, saying counsel on both sides had behaved so badly that he was unable to trust them. In her [A Matter of Justice](#) column on the [Legalbrief](#) site, Carmel Rickard writes that Acting Judge James Grant, formerly one of SA's leading academic experts on criminal law, refused an application by the prosecution that he step down, saying the application was not made in good faith. However, the **behaviour of counsel for both the state and the defence was such that he had no confidence in either** and could thus not continue to hear the matter. Criticising the 'unethical conduct' of both lawyers, he said his judgment should be sent to the Legal Practice Council and to the NDPP. Among his concerns about counsel's behaviour was that the prosecutor asked for his recusal based on a claim that the judge had 'struck evidence from the record'. This, after the record had been reviewed and counsel on both sides had agreed the judge had done no such thing. As for defence counsel, the judge found he had not properly consulted with his client before deciding on a guilty plea. The judge said he was further 'perplexed' by defence counsel's behaviour in court: 'sitting while engaging with the Bench, rocking in his chair, speaking to others while being addressed by the Bench, and hiding behind the lectern while he sniggered at something that amused him, during proceedings that "could not have been more serious".'