

Typed Copy of Notes of Meeting at 148 Old Street,
London, on 28th January 2014.

SC: Admissions of liability: Headline – If admit – considerable impact.

New Culture: Proactive and try to understand SPM.

SC: POL considering accepting some fault.

AP: Comparing it to new regime.

RW: Won't close issues down with Alan Bates, Arbuthnott etc unless look at. Need for us to volunteer something.

SC: Learning from what gone past. If we had done things then different to what we do now...If have one non criminal PM – should have intervened earlier – would not have been this much; becomes disclosable.

RW: These are settlement discussions; duty of disclosure trumps litigation privilege, what disclose?

- Nice to have gone in earlier – ok
- If say should have gone in earlier disclosable.

SC gives examples – One criminal and one not sufficient evidence. If say should have gone in earlier – if had – losses would have been less.

RW: How that get him off the hook?

SC: Doesn't excuse him from offence. Relevant to sentence and confiscation process.

- Because prosecuting wrongdoer, any information coming into possession goes out.

AP: Looking at lots of decisions being made by Chesterfield.

SC: (Brief discussion as to circs in which issues escalated to Wed call)
Settlement by C'field: Contractual resolution; not admission.

- If say had this case now, would have done differently. OK. If say at fault in past issues arise.
- POL Changing for better. OK. Stop.

- Because didn't do it that way cost you money - No.

RW: Put contract hat on: Must have been acting reasonably. If it wasn't reasonable - wouldn't have done it.

SC: The fact you have found a way to make a car go faster doesn't mean it didn't work in the first place.

AP: 25 guys in investigation team.

SC: Can train them.

Point at which say, "We are sorry." That is disclosable. Why? If say sorry for experience: OK...If point to something...

RW: Keep the focus on what they did.

SC: Given that they say forced into it, be careful.

AP: No, that's a hard line.

AP: As long as maintain line, we just do it better now, here is some money. Can we still say sorry?

SC: Its what you are apologising for. **We will put some bullet points and draw a line in red.**

AP: If get to position, need to apologise - could lead to disclosures - how assess if conviction unsafe?

SC: Not the safety of conviction. All about sentence. Could go back ex post facto.

AP: If admit in just one case is that going to be a problem?

SC: Yes because SS generic.

AP: Some are case specific - eg didn't go through training. Are there any specific cases?

RW: Someone says inadequate training.

SC: Looked at Misra. She asserting 106 calls - only 2 dealt with losses.

- If someone says bad training and bad backup - wrong - not disclosable - can be case specific.

RW: I didn't get the training, we didn't and should have - Apologise. Case specific: Can look at spreadsheet developed following BA.

SC: I don't see too much difficulty with training and black letter - but would be cautious of admitting fault in Hz - would be re-review.

RW: Misra and Lee Castleton.

Castleton, sorry 300k of lit and 6 day trial. (Shoosmiths picked wrong SPM) Judging litigation management decision, we could have done it differently. Inescapable truth that Hz worked as designed - not the tombstone - but J sailing as close as he can.

(Fire Alarm)

Second sight. Will be getting their reports: Risk that they will comment on proceedings. Tried to get it out - uproar. So silent on the point. Maybe. If they say Miscarriage of Justice, Criminal Lawyers looked at it. No problem.

If make a comment like that, prepare to be called as a witness.

SC: Some applicants have MS Risk. They are not lawyers. If we treat them as lawyers in breach of the 2007 Act. Litigation has narrow description. Not conducting litigation, they v close. If respond like for like perilously close.

One other problem. What is the process for mediation?

Will be face to face mediation hearing. Informal. Mediator says wants to hear opening statement from either side.

What concern is: What is said around the table. Proposition if not written down - not disclosable, doesn't stand up.

That's not just criminal stuff.

RW: Tracking and monitoring too fluid. No Notes and No Recording. Agreement to protect mediator. Notes - usually numbers on a board. Understand attending criminal...Need to nail down what/what not attending.

Simply because informal doesn't absolve of disclosure.

Going to settle:

- Terms
- Fault.

AP: Mediation: Rarely have concessions save concessions for the day. It's the way give round.

RW: Mediators push parties to settle. Agreement drawn up on the day. Doesn't have recital of facts...Agreed statement careful drafted - possibly within 7 days.

SC: Big concern - criminal mediation - **Need criminal lawyer - Anything said by other side - Need to gauge it.**

RW: **Agrees with Misra and others with long custodial sentences.**

SC: Understood don't want to over lawyer - Are danger areas.

RW: Business Representatives - 10 names. Know 5. They understand the business and riss. Heads. Network based and deal with lawyers a lot.

Those need training and will need input from CK.

SC: So run of the mill case, those HoD's conduct with civil lawyer there; **some sort of brief from the criminal side - these are the issues involved.**

Pack from CK, this is what theft is, false accounting, case specifics and parameters/range for response

SC: Accept that - want to protect POL - need to get past business and perception of criminal lawyer.

RW: Outlines mediation hrg. Retire to rooms. Don't see other side again after initial statement. Mediator goes to and from. Can make progress by getting clients to speak to each other.

SC: Can see advantages, they speak SPM.

RW: That is where risk element is - when put them in room.

SC: It's the public side, what you are saying.

- Setting parameters.

RW: Crim conviction cases - as explore - issues need to be pursued with CofA.

As cases come in, THooper suggests put criminal cases in a siding - deal with the others - easier to settle and then look at criminal cases.

AP: Need to know what the risks are out of non criminal cases.

All about public relations – real.

Low profile, briefing to whoever – on issues to be wary of.

Would be difficult to sell criminal lawyer being there.

Complex cases – ID Issues.

RW: May be issues not raised in App that SS aware of. Can't legislate – where briefing comes in.

- Migration to New Servers discussed. SC preparing MoU.
- Expert Witness. AP describes ICON contract as woefully inadequate. They in process of drafting new agreement.