

Message

From: Rodric Williams [GRO]
on behalf of Rodric Williams <[GRO]> [GRO]
Sent: 12/07/2013 09:21:09
To: Susan Crichton [GRO]; Parsons, Andrew [GRO]
CC: Hugh Flemington [GRO]; Alwen Lyons [GRO]
Subject: RE:
Attachments: Overview of cases [BD-4A.FID20472253]

Susan, Andy,

I attach an email from Andy Pheasant at Bond Dickinson summarising the status of the 6 cases they were instructed on out of the 47 under SS's review.

This is what he said on Castleton. Let us know if you need more:

- Judgment was granted at trial (copy attached) on 11 January 2011.
- We subsequently obtained a final charging order over Mr Castleton's property.
- Mr Castleton has made himself bankrupt on 23 May 2007.

As for mediation/arbitration, mediation could be a runner because:

- although arbitration would result in a binding outcome (with very limited rights of appeal), it is very legally formal
- mediation is a better forum if you're looking at non-legal solutions, like we have with the "toxic" cases
- it's also formal enough to make a SPMR feel like they've had their "day in court"
- there's no guarantee that mediation will conclude the matter
- but mediators will push parties hard as they measure their ability on the number of concluded cases (this can mean they try to squeeze the deep pocket)
- either process will be costly, especially arbitration. A good mediator is expensive (c. £2,500 per day), but a bad mediator is a waste of money.

I was involved in a mediation process for a "class action" type scenario years ago in New Zealand. It was far from perfect, but I'll discuss the experience with Andy so he knows where I'm coming from.

Please let me know if you want to discuss any of this.
Rod

-----Original Message-----

From: Susan Crichton
Sent: 12 July 2013 09:17
To: [GRO]
Cc: Rodric Williams; Hugh Flemington; Alwen Lyons
Subject:

Andy - I have been giving some thought to how we might 'sort' what JFSA calls the 'toxic' cases. So a couple of things firstly given that this is about reaching a conclusion I wondered if we could use either an arbitrator or a mediator - both would be independent tho paid by POL, they could even sit between POL and SS?
Secondly we know that Castleton is on the list can you get one of the BD team to do a summary of the facts and suggest what we can do ...?
Thanks
Susan

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