Message
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From: Chris Aujard [IMCEAEX-
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on behalf of   Chris Aujard <IMCEAEX-
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80B7-40D2-ADE7-6F6FEAE19CC3F88@C72A47.ingest.local]

Sent: 7/16/2014 9:23:51 PM
To: Rodric Williams [GRO]
CC: Belinda Crowe [GRO] David Oliver1 [GRO]; Jarnail Singh [GRO]
Subject: Re: Call with Brian Altman QC - SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

Thanks Rob - much appreciated. Cheers Chris

Sent from my iPhone

On 16 Jul 2014, at 09:43 pm, "Rodric Williams" [GRO] wrote:

> Chris - here's a summary of our call with Brain Altman QC this evening. We were on the phone for 1hr15mins, so this is very high level.

1. BAQC identified the primary risk as:
   a. POL communicating something new to the Applicant;
   b. which would have been relevant to the legal advice s/he received on the prosecution;
   c. such that the solicitor would not have advised the Applicant to accept a Caution (providing grounds for JR), or plead guilty (providing grounds for an appeal).

2. Assuming POL's investigation has not identified anything to call into question the safety of a conviction (or Caution), the options for mitigating this risk (from lowest risk to highest) are:
   a. Do not accept any Criminal cases into the Scheme. Obviously, this ship has sailed.
   b. Refuse to do anything other than give a Criminal case Applicant our report. BAQC acknowledged that this would be politically difficult.
   c. If we have to do something, and cannot guarantee we won't introduce something "new", do not mediate.
   d. This is because mediation's format:
      i. tests positions, with a view to softening them;
      ii. aims to achieve some form of "resolution", which is a compromise from the status quo;
      iii. both of which are facilitated by a third party (the mediator), whose job is to extract concessions so as to achieve compromise.
   e. Instead, if we have to do something, have a tightly controlled "face to face" meeting which explains where we are, but does not give anything new or offer a "solution".
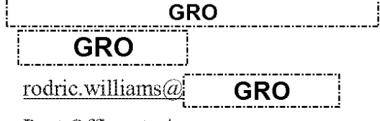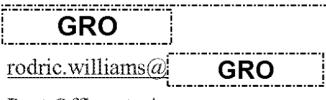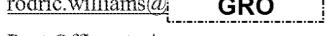
f. <!--[if !supportLists]--><!--[endif]-->In the one case where we have a conviction after trial (M012 - Misra), BAQC was very clear that we should not offer anything (i.e. not even the face to face meeting).

3. <!--[if !supportLists]--><!--[endif]-->BAQC acknowledged (and took comfort) that we would be approaching each case on its own merits, and care should be taken not to commit POL to a general course of action or approach. These principles would however help POL inform its position on each individual case.

4. <!--[if !supportLists]--><!--[endif]-->BAQC thought Cartwright King's structure for the face to face meetings was a good start. He is happy to advise further on its structure, and provide a written note of advice as required.

Happy to elaborate as required.

Kind regards, Rod and David

Rodric Williams I Litigation Lawyer
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