

From: Anthony Grabiner [GRO]
To: Andrew Parsons [GRO]
Cc: David Cavender [GRO], Gideon Cohen [GRO],
Owain Draper [GRO], Amy Prime [GRO], Tom
Beezer [GRO], David Neuberger [GRO]
Subject: Re: Recusal judgement [WBDUK-AC.FID26896945]
Date: Wed, 10 Apr 2019 14:58:10 +0000
Importance: Normal
Inline-Images: image001.png; image002.png; image003.png; image181b8d.PNG; imagec0c780.PNG;
image003136.PNG

Dear Andrew,

I haven't downgraded anything. 'Reasonable' was not my word. I believe we have a strong case because the Judge decided more than he should have done or was necessary for him to decide at the Common Issues trial. He was asked on many occasions both before and during the trial to take great care not to trespass into the territory of the future cases and I believe that he wrongly failed to heed that request. Many of his observations are expressed as firm conclusions rather than cautious preliminary expressions of current thinking and that point was not seriously challenged by the other side in the recusal hearing. If he had case managed the litigation in a more disciplined way all this could have been avoided.

The latest recusal judgment is an aggressively strong defense by the Judge of his personal position. This is not surprising. He dug himself into it in the first place and he's now in the business of digging himself out. The collective view of the team - having observed him during the trial - was that this is what he would do and his refusal to recuse himself coupled with his refusal to give leave to appeal against that judgment was predicted by the team. As previously explained I also believe that in all the circumstances Post Office has no real alternative choice but to pursue appeals to the Court of Appeal against both the recusal and the Common Issues judgments.

All that said, and as previously advised, I cannot give a guarantee of success in the Court of Appeal. There are always risks associated with litigation. I think Lord Neuberger's view on prospects should also be sought by the clients.

Regards,

Tony

Lord Grabiner QC
One Essex Court,
Temple,
London, EC4Y 9AR

Tel: [GRO]
Mob: [GRO]

On 10 Apr 2019, at 13:06, Andrew Parsons <[GRO]> wrote:

Tony – do you have any comment on the question below? If you read up from the bottom of this short email chain this should hopefully make sense.

Kind regards
Andy

Andrew Parsons
Partner
Womble Bond Dickinson (UK) LLP

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From: Jane MacLeod 

Sent: 10 April 2019 13:00

To: Andrew Parsons 

Cc: Rodric Williams 

Subject: RE: Recusal judgement [WBDUK-AC.FID26896945]

Hi Andy


Sorry to be petty – LGQC told me when I met him (feels like ages ago) that we had ‘strong grounds’ to bring the application for recusal. When I challenged him on what our prospects of success were, he said (not an exact quote) he wouldn’t say ‘strong grounds to bring the application’, unless there were strong prospects of success


That now seems to be down graded to ‘reasonable’If that is deliberate then I need to be able to explain to the Board why.

Sorry


Jane


Jane MacLeod



From: Andrew Parsons 

Sent: 10 April 2019 11:23

To: Jane MacLeod 

Cc: Rodric Williams 

Subject: RE: Recusal judgement [WBDUK-AC.FID26896945]

Jane

Counsel's view on the prospects of success on appeal has not materially changed following the recusal judgment. They continue to believe the appeal has a reasonable prospect of success. If anything, Fraser has said a few things in the judgment that may even help demonstrate apparent bias.

Kind regards
Andy

Andrew Parsons
Partner
Womble Bond Dickinson (UK) LLP

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From: Jane MacLeod [GRO] >>
Sent: 10 April 2019 07:50
To: Andrew Parsons [GRO] >>
Cc: Rodric Williams [GRO] >>
Subject: Recusal judgement

Andy

Now that the Counsel team have had a chance to review yesterday's judgment, is there anything in that which changes their view of the prospects on appeal? I have been specifically asked this by the Board so an early answer would be helpful!

Thanks

Jane

Jane MacLeod
Group Director Legal, Risk & Governance
Post Office
GRO

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