From: Anthony de Garr Robinson [GRO]
To: Andrew Parsons [GRO], "Simon Henderson [GRO] [GRO] [Owain Draper [GRO], "Rebecca Keating [GRO] [GRO]
Cc: Jonathan Gribben [GRO]
Subject: RE: 1700 Peaks [WBDUK-AC.FID26896945]
Date: Thu, 28 Mar 2019 19:23:39 +0000
Importance: Normal
Inline-Images: image001.png; image002.png; image003.png

Dear Andy,.

My immediate reactions to this suggestion are as follows:

1. on its own, the sheer number of peaks referring to claimant branches (1700) looks very bad for us;
2. so far, there has been no suggestion of any evidence of a bug affecting any claimant branch, this exercise appears to give rise to such a suggestion, why would we ever want to do that;
3. it feels dangerous even to mention these peaks unless and until we have read them all and satisfied ourselves that they do not record any bugs affecting claimant branch accounts;
4. putting the last point the other way round, if we had read them all and satisfied ourselves of this, I would love to talk about them, but not before;
5. RW suggests a sampling exercise, but what if a significant proportion of his sample looked as if they might be claimant-branch-affecting bugs;
6. we already have too much maths, too much averaging and too many assumptions about what it would take to make Post Office go mad;
7. I doubt that this new calculation will help much (in the sense of establishing something that might cause the judge to take a more positive view of our case) and I strongly suspect that it will do more harm than good (in the sense that the optical problems which it will create for us as discussed above will be greater than any help it might give us); and
8. this is the sort of exercise to be done in breach trials, not this trial;
9. it troubles me that RW has already found 1700 peaks without discussing it with us first – thereby creating a risk that if Green gets in a lucky question, RW could be required to talk about them in cross examination; and
10. what the hell does RW think he is doing moving the goalposts in this dangerous way this close to the endgame?

I would welcome any further thoughts that the rest of the counsel team might have, in case I'm missing something important going the other way.

Best wishes,

Tony

From: Andrew Parsons [_____ GRO _____]
Sent: 28 March 2019 17:55
To: Anthony de Garr Robinson [_____ GRO _____]; Simon Henderson [_____ GRO _____]; Owain Draper [_____ GRO _____]; Rebecca Keating [_____ GRO _____]
Cc: Jonathan Gribben [_____ GRO _____]
Subject: FW: 1700 Peaks [WBDUK-AC.FID26896945]
Importance: High

Argghhh… Robert is threatening more maths!!!

I've spoken to him about this today and he is reconsider his position. Unless anyone shouts, I presume our collective view is that more maths is bad?

A

Andrew Parsons
Partner
Womble Bond Dickinson (UK) LLP

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t:
e:

GRO

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From: robert worden [_____ GRO _____]
Sent: 27 March 2019 11:33
To: Andrew Parsons [_____ GRO _____]; Jonathan Gribben [_____ GRO _____]
Cc: 'Chris Emery' [_____ GRO _____]
Subject: 1700 Peaks
Importance: High

Andy, Jonny -

I'd like to give you an early heads up on a type of analysis I have been doing recently, which I think is very promising.

It can give me another independent way to estimate the 0.4% upper limit on the impact of bugs on claimants, that can be done quite quickly as follows:

- If there is a bug affecting a branch's accounts, the branch FAD code is quite likely to appear in a Peak (as is confirmed by Callendar Sq, Receipts Payments mismatch, suspense account). Say the probability is as low as 50%; it is probably higher, for any significant financial impact.
- Out of 218,000 Peaks, there are about 1,700 which mention the FAD code of one or more claimants, at a date when the claimant was in post. (I have written a program to find them)
- To calculate the total impact of bugs on all claimants accounts, we just have to sum the likely financial impact for each Peak that indicates a bug, over those 1,700 Peaks.
- To get a total impact of £18.7M, the average impact on a branch per Peak has to be £10,000 (or £5000, if you allow for the 50% factor above). This is very high indeed, for an impact on one branch. PO would have been going mad about it.
- For most of the 1700 Peaks, it is pretty obvious that they had no impact at all, and were not bugs - they are about ISDN or something irrelevant.
- It would be quite simple to examine a random sample of 100 Peaks out of the 1700, and scale up by 17
- I have not done this, but I will bet that the resulting number is tiny - probably less than 1% of £18.7M

This would give three very independent upper limits for the proportion of claimants' losses arising from bugs - which will probably be 8%, 0.4% and say 1%.

These limits come respectively from the claims data, KELs, and Peaks. Three very different sources and assumptions. It will be very hard for the Cs to get away from these three independent analyses - i.e. to prove that they are all wrong.

Note that for future trials of lead claimants, it is very easy to pick out the small number of Peaks which mention each claimant's FAD code or codes, and examine them one by one. Those Peaks will tell you all about remote access as well as bugs - to put each claimant under the spotlight - even without ARQ data.

Peaks have been churning out at a rate of 50 per working day since 2000 - there is not much they miss.

Perhaps we can discuss tomorrow at chambers?

Robert

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