
From: Rodric Williams [GRO]
Sent: Tue 30/10/2018 4:07:38 PM (UTC)
To: Mark R Davies [GRO]; Patrick Bourke [GRO]; Jane MacLeod [GRO]
Cc: Mark Underwood1 [GRO]; Andrew Parsons [GRO]; Melanie Corfield [GRO]
Subject: RE: Litigation attendance

All,

As it is a public hearing, UKGI can attend just as any other member of the public.

That to me is the key bit – they are there as members of the public, not as a representative of either of the parties. Clear boundaries will therefore need to be understood, including:

- they won't be able to influence or otherwise contribute to how we conduct the trial - indeed they need to be excluded from those conversations.
- that is essential for ensuring they don't compromise our conduct of the trial. As David Cavender QC says, trials have good days and bad days, but it is essential to hold the course over the full distance and not change tact on subjective whims.
- they must refrain from speaking to anyone about the trial, which extends to identifying who they are and why they're there:
 - o for the big picture reason Mark D gives;
 - o which ties in to not sending the wrong signals around settlement – having government's "deep pockets" hanging around is unhelpful when mediation needs to be considered once judgment has been given; AND
 - o to ensure they don't compromise our conduct of the trial (i.e. "loose lips sink ships...").
- they need to be extremely careful with note taking / reporting to ensure that whatever they generate and then circulate is privileged / not disclosable under FOIA.

Happy to expand as required.

Thanks, Rod

From: Mark R Davies
Sent: 30 October 2018 11:43
To: Patrick Bourke [GRO]; Jane MacLeod [GRO]
Cc: Mark Underwood1 [GRO]; Rodric Williams [GRO]; Andrew Parsons [GRO]; Melanie Corfield [GRO]
Subject: Re: Litigation attendance

Very bad idea. Journalists will ask them who they are and then write stories about govt watching over P.O.

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From: Patrick Bourke [GRO]
Sent: Tuesday, October 30, 2018 11:16 am
To: Jane MacLeod; Mark R Davies
Cc: Mark Underwood1; Rodric Williams; Andrew Parsons; Melanie Corfield
Subject: Fwd: Litigation attendance

I think this is poor judgment to say the least.

Could you advise whether you agree and that we should remonstrate ?

Patrick

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From: Aldred, Tom - UKGI [redacted] **GRO**
Sent: Tuesday, October 30, 2018 10:01 am
To: Patrick Bourke
Subject: Litigation attendance

Patrick

We have previously discussed whether UKGI would attend the trial. I've discussed with our legal team and they believe there is real merit in attending - to get a feel for how each side is presenting their case, what the key issues are between them and, sometimes, what way the Judge might be leaning.

They will, of course, be discreet.

I wanted to let you know

Tom

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