

POL BOARD DATE IN.
11.45 $\Rightarrow$ 12.10

①

20-3-19

Same M
Lord Greabner
TMB
Tim Parker
Tara C
2x Female voice

BACKGROUND

Judge warned he was admit material

That would trickle over - warned.

he allowed material in - rejected S/O

- he appreciated that problem might

be. But at trial went well beyond

- Judge make conclusory obj

on rape issues breach contract

and credibility,

ADVICE

Views has been believe quite improper.

Proper to ask to him stand down.

Unusual case procedurally as we will

do further trials. But has

concluded views as N° deaters.

The views are so strong that

②

he cannot approach trials with open mind.

no other way to deal with this

if not recuse he will do balancing trials. If go to CofA later they say ~~if~~ why not? would have been possible to.

firm — you have no choice but to make the applic

Don't give guarantees But have stray case.

Stray recommendation IS should instruct us to proceed.

Tim Parer: Stray advice.
unusual applic.

③

AGQC

Diff' between actual bias and apparent bias. Through eyes reasonable person appearance given unfairness.

rare and unusual. This judge has crossed line.

Also unusual circumstance due to Sequence of Trials.

He will be looking at same witnesses and same issues in later trials.

[Female voice]

POL BOARD Q'S:

If we do put in applicⁿ and fail then what.

QC:

If he refuses & recusal - we will go to CofA.

If we fail CofA we want to be popular with Judge - he will be emboldened -

But views he had already said

~~He~~ bad things about us already

(4)

So if we fail - he will be exonerated
but want make diff to outcomes.

middle way Q:

QC

If we do anything short of anything
short will fail.

need adjournment of horizon. no middle
course which works

Agree with DCQC e mail

Tan Cooper should Q:

overall context of dispute. Assume it is
true all bad stuff about PDL

Do rescue and

Judges analysis about good faith is
implied terms - wrong - he has law
wrong - so if law was right
in front diff judge.

Assume diff judge

If another judge gives you a fair hearing
and you get to same place -
so be it.

⑤

I understand you are reluctant to criticize
Trial judge.

But tell me your view.

[voice]

We should be avoiding the downside to P/L
There is material impact if ~~the~~ things go
the way

Q: Is there any way of getting to same place
by a different route

QC:

I cannot conceive any mechⁿ that
would give you protection you entitled to

If don't take step you have certainly
he will be judge and you will get
more of the same. He has
concluded view.

If there were a middle way
I would have discussed it with
you.

Cannot see another way.

⑥

[voice]

Judges community will look @ this.
tight knit.

QC:

Impossible to know. Similar case Peter Smith
Judicial appointment removed.
Conduct committee forced to resign.

I don't know about this Judge
low grade judge.

David Nagora - don't get higher
advice than that.

QC - have to go.