

Client: Hampshire Primary Care Trust - 4007152-0002

Matter: Gosport Inquests (Joint Instruction)

Date of Attendance: 14 January 2009

Fee Earner: [REDACTED]

[REDACTED] calling Peter Mellor.

Peter apologised for not calling back but he had received my email yesterday and was aware that papers had gone to Kieran and that the Coroner was happy for him to attend the hearing on Monday. It is still Peter's intention to attend but he might be a few minutes late as he had to attend a Trust induction.

We discussed the format and I said that it was likely to be an informal discussion around the table although this couldn't be guaranteed because none of us knew how this Coroner operated but we noted it wasn't in the court but in the Guild Hall.

I indicated that I had an "unofficial" chat with the Coroner with regard to future evidence. I had "sounded out the Coroner" in respect of additional evidence. I told Peter that the Coroner informed me that he wanted to restrict the evidence before the jury and it was not his intention to examine the events after the deaths. He is going to concentrate on the cause of death. Almost certainly no Rule 43 letters because the events were some 10 years ago. I told Peter that the Coroner had told me unofficially that he had already excluded material from the investigation (presumably from the Police-disclosure) and that he was taking a robust view in that he told the families to "judicial review him" if they didn't like it.

I indicated that the Coroner told me he probably didn't want any disclosure of any further evidence from the NHS because he would necessarily give it to the family and put it before the jury and he didn't want to do that.

We both discussed that this was a robust view by the Coroner and perhaps a little surprising although we agreed it would be a good result for the NHS.

I reminded Peter that the Coroner had called me last week indicating that he had written to the Ministry of Justice re: a public enquiry. I had told the Coroner that the NHS wouldn't be happy with a public enquiry (it would be an administrative/PR disaster) but it would seem to me the Coroner is "covering his back" as he clearly feels (as do I) that the Inquest process is not going to satisfy the families. If he is criticised or being judicially reviewed then it looks as though he wants to divert some of the attention or blame.

Peter agreed with my suggestion to wait for our estimate on costs until Tuesday. It was agreed that we should meet together following the pre-inquest hearing on Monday so we could discuss action and tactics. Once those are decided, then we would be in a better position to give him an accurate figure as to costs and Peter agreed with that assessment. He said it would be no problem. I said that if the Coroner adopts this robust stance at the hearing on Monday (and I am minded to get it on the record at least as far as the family's are concerned) then it may be that we should restrict further legal preparations to the conference with counsel and supporting staff. There may be little further evidence gathering or action that we need to take. The Trust should then worry about the PR implications and the management and support of the staff and treat the Inquests as essentially "normal" Inquests save the fact there are 10 of them and they involve high profile relations.

Peter agreed with this and he was happy to discuss it on Monday when we can discuss action and tactics and how to take the matter forward.

Engaged: 2 units Call  
2 units Att note