

Openness and Transparency

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John Sayer's post on Co-Cure ("Aftermath of the recent application for Judicial Review," 11 Aug 2009, also posted on One Click) is a thinly-disguised justification of recent attacks on Margaret Williams by Jane Bryant and Ciaran Farrell.

Mr. Sayer is not the neutral commentator he purports to be, and one can only view his exclusive focus on the disappointing failure of the Fraser/Short case as an effort to distract attention from the equally disappointing failure of the One Click case. In his post he loses no opportunity to provide positive publicity for Ms Bryant.

He suggests that only Ms Bryant has made available Mr Justice Simon's Judgment on the One Click website, inviting the reader to conclude that had she not done so, the Judgment would have remained inaccessible to public scrutiny. It has in fact been posted on various sites, including Action for ME, AYME, AngliaMEAction, Annette Barclay's Judicial Review website and on the Court Service's BAILII website, as any reasonably-informed commentator on the Judicial Review should know.

He has constantly attempted to insinuate One Click's agenda onto other lists, where Ms. Bryant's input is quite properly banned. This week two Moderators objected to this practice, and unsubscribed him forthwith.

Mr Ciaran Farrell

This week also, a similar fate befell Ciaran Farrell. Mr Farrell has repeatedly accused Margaret Williams of masquerading as an employee either of the Legal Services Commission or Leigh Day & Co, under the name Julia Hamilton. She did nothing of the kind. However now he himself has been discovered masquerading under the name "Jeff Blake" on a popular ME patients' list. When first challenged, he persisted in his dishonest behaviour, only confessing finally when presented with forensic proof. He was promptly unsubscribed. No further comment on Mr Farrell's neutrality, integrity or consistency is required.

In the interests of "openness and transparency", there are some points in Sayer's article that need to be addressed.

1. Three separate challenges to the NICE Guideline on CFS/ME.

Jane Bryant and John Sayer seem to have assumed that One Click had sole ownership of the ME community's protest about the NICE Guideline. They had no such monopoly. There were three challenges in total: one by Angela Kennedy's daughter Stephanie; one by Fraser & Short, and one by Jane Bryant's son Ben /One Click.

The Fraser/Short challenge began in September 2007, just after the Guideline was published on 22nd August 2007. There was a policy decision by the team to maintain a low profile. On 22nd November 2007 one of the Fraser & Short expert witnesses (who has over 20 years' experience in medico-legal work and who is highly regarded by the Judiciary) advised: *"I have been giving some thought to the issue of prior contact with the media. In my view this would not advance our cause. The Judge may feel that (we) were trying to put the issue beyond his/her remit by putting it in the public gallery first. He/she would probably appreciate the courtesy of hearing our arguments first, and exclusively. On the other hand, The One Click Group are doing precisely the opposite. We should be distancing ourselves from these tactics, not least because they might easily antagonise the Judge"*.

2. Did Jane Bryant mislead the Court?

On day two of the Judicial Review the One Click barrister from the Bar Pro Bono Unit, Conrad Hallin, informed the High Court that Ben Bryant *"was diagnosed with ME and the condition is for him debilitating and he is housebound"* (Case No. CO/10408/2007, Official Transcript page 49 E, 12th February 2009).

But on 5th February 2006 a One Click "Announcement" said: *"The One Click international pressure group founded in 2003 by Jane Bryant and Angela Kennedy was originally set up to assist sufferers of the neurological disease ME/CFS because our children had been diagnosed with this disease. It has now been found that our children have borrelia spirochetes – chronic Borreliosis. **Our children were originally misdiagnosed. The fact that our children have chronic Borreliosis means that they are excluded from being labelled and diagnosed as ME/CFS sufferers by the exclusion clauses of all the ME/CFS criteria currently in use"***.

If Conrad Hallin was instructed by Saunders LLP acting for One Click, it would seem that his instructions left him seriously exposed to a charge of misleading the High Court as to the medical status of Ben Bryant. Although he was acting in good faith, Mr Hallin's statement to the court does seem to have been inaccurate.

3. Funding Issues

On 7th November 2007, the Chairman of the ME Association, Neil Riley, issued a statement about the One Click appeal for funding. It said: *"The ME Association recently received an email from the One Click Group asking for a contribution towards the costs of bringing a legal action for judicial review of the NICE Guideline on CFS/ME. The*

Board of Trustees...has decided not to make any contribution. There are too many unknowns. The opinion of Counsel has not been disclosed and the judicial review expertise of instructing solicitors (and) barrister used is unknown”.

Saunders LLP is not a Public Law firm and does not hold a Legal Services Commission franchise to bring Judicial Reviews – a JR is a public law issue, but how many Judicial Reviews had Saunders LLP previously carried out? It is unclear why Saunders LLP and not a Public Law firm were acting for One Click in the first place. Saunders LLP had to apply formally for legal aid as they did not have the devolved powers that Leigh Day & Co possessed.

What happened to the £10,250 contributed by the Pledgers? When will an audit for this public appeal be published? Was there any need for Jane Bryant to seek funding from her “Pledgers” in the first place, since legal aid is available for Judicial Reviews?

On 7th January 2008 a One Click “Announcement” stated: *“Instead of us having to find the £20,000 that was our original target set for the legal fees, we will now need to find only £10,250 with the Legal Services Commission (LSC) proposing to fund the remainder”.*

That same Announcement also stated: *“The LSC most kindly responded to our plea and a few weeks ago, provided us with interim funding to formally appoint and work with our barrister, Kate Marcus (sic) from Doughty Street Chambers and to select and obtain the expert witnesses we need to prosecute this action”.*

This serves to confirm that barrister Kate Markus was not paid out of the Pledgers’ money but out of Legal Aid (and Conrad Hallin came from the Bar Pro Bono Unit, so no fee was involved). In her posting dated 14th October 2007 Jane Bryant stated about Saunders LLP: *“This firm has provided pro bono legal advice to One Click for years”.*

Jane Bryant had previously announced: *“We lodged our formal Application to the High Court last week. Our barrister, Kate Marcus (sic) from Doughty Street Chambers, is simply formidable. It’s an absolute pleasure to be working with her on behalf of ME/CFS patients”.*

4. Viability of the One Click Case.

On 25th February 2008 Jane Bryant announced: *“Saunders informed the Legal Services Commission that we had reached their £10,250 target. To our considerable dismay – nay outrage – the Legal Services Commission response to our £10,250 contribution was to elect to deny us the funding that we required to place our expert witness testimony before the High Court. At that juncture it seemed to us that above all, the British Government wished to place obstacles in the way of the pro bono expert witness testimony of Dr Bruce Carruthers. It was this man’s expert witness testimony that the Legal Services Commission was refusing to allow us to place before the Judge with other expert*

testimony on the issue of Randomised Controlled Trials. We are now pleased to report that on the 20th February 2008, the Legal Services Commission were obliged to reconsider their position after the excellent work carried out by Saunders Solicitors LLP. I would like to particularly thank Saunders Solicitors LLP...and also to thank our barrister Kate Marcus (sic) from Doughty Street Chambers who is now in a position to work up our expert evidence”.

Two issues in that One Click announcement are important. The first is that Dr Bruce Carruthers supported and worked with the Fraser/Short team and provided a witness statement for them that was submitted by their lawyer, extracts of which are now on the internet.

The second is that barrister Kate Markus informed the barrister acting for Fraser & Short that she would be advising her clients (One Click) that they did not have sufficiently strong grounds to bring a claim. Kate Markus subsequently ceased acting for One Click. For the record, in her Grounds prepared for the One Click case that were settled before she ceased acting for them, Kate Markus relied quite heavily on Margaret Williams’ material that was available on the internet.

One Click was thus apparently left with no barrister and simply a witness statement from a General Practitioner who, by definition, is not an “expert”.

In such a position, the One Click case could not even have proceeded, let alone succeeded.

This should be compared with the fact that the Fraser/Short case was supported by The UK ME Association; The 25% ME Group for the Severely Affected; TYMES Trust, and 88.9% of local ME/CFS support groups representing 20,852 patients. They were also supported by international experts in ME/CFS including Professor Nancy Klimas, Professor Mary Ann Fletcher, Professor Julia Newton, Professor Martin Bland, Professor Malcolm Hooper, Dr William Weir, Dr Neil Abbot, Dr Terry Mitchell, Dr Jonathan Kerr, Dr Irving Spurr, Dr Nigel Speight, Dr Charles Shepherd, Dr Byron Hyde, Dr Eleanor Stein, Dr Derek Enlander, Dr Terry Daymond, Dr Layinka Swinburne and including Dr Bruce Carruthers, amongst others.

However, entirely because of the £10,250 that One Click had raised so publicly, the Fraser/Short team had to raise in excess of £10,250 or else there would have been no legal challenge to the NICE Guideline at all, because if two separate parties are competing for legal aid funding on the same matter, the LSC takes a commercial view. The One Click fund placed the Fraser/Short case in serious jeopardy, even though the Fraser/Short case was fully prepared and backed by the evidence of eminent experts in the field, whereas the One Click case was not fully particularised and did not have the support of expert evidence.

In an effort to save the more prepared of the two cases, on Friday morning, 18th January 2008, Margaret Williams single-handedly managed to raise £12,850 within three hours.

This meant that the Fraser/Short case could proceed. The funds contributed were conditional upon the anonymity of the donors.

5. Saunders LLP & Jane Bryant.

For the nature of the relationship between Jane Bryant and James Saunders of Saunders LLP see, for example, Jane Bryant's posting on One Click dated 2nd January 2004: *"The One Click lawyer has been consulted...This senior partner is a senior player at one of the most illustrious firms in London. Who has known Ben since prior to eye glimmer. And the Ben Mum since the dim darks. Way back. Since we were kids"*.

The One Click list constantly advertises this legal partnership:

1st February 2004: *"my lawyers tell me that I have the most excellent grounds for defamation of character and libel"*;

11th June 2005: *"Please see below for a copy of a letter that the One Click pressure group has just despatched to Ms Vivienne Parry of the PRIME Project. A copy of this letter has also been sent to the One Click lawyers, who are, we are pleased to report, of the very first Central London division"*;

1st October 2005: *"our lawyers are itching for a court case"*;

4th November 2007: *"This malfeasance has been passed on to the One Click lawyers where it will form part of the record of the case"*;

25th November 2007: *"All the evidence of this attempted destabilisation has been lodged with our lawyers and is on file"*.

It is common knowledge that Jane Bryant continually engages in unjustified vicious and offensive personal attacks and intimidation of many people (behaviour that did not go unnoticed by the court) and evidence of her defamation abounds on the internet. "Defamation" is *"anything which exposes a person to hatred, contempt, ridicule or disgrace in society"*.

For example, her 23rd November 2006 post refers to the CEO of NICE as "Dildo Dillon" (*"Andrew Dillon, CEO of NICE, has apparently vibrated off in a huff.....What will Dildo's next excuse be for NICE refusing to accept the One Click Stakeholder evidence?....If this carries on, Dildo today, far worse tomorrow"*) and on 24th November 2007 she publicly continued: *"If Dillon fails to take the appropriate action, he will be subjected to legal action"*.

Previous malicious harassment of Margaret Williams by Jane Bryant

In the One Click Group Health Advocacy statement, updated in January 2009, Jane Bryant describes herself a “*mass communications professional*” and states that One Click is a “*formidable health advocacy resource used by millions. One Click sits on committees, makes presentations to Members of Parliament and the Lords, distributes, promotes the work of other meritorious advocacy groups and liaises with the media. One Click has many contributors who frequently jostle to get their information published by us on a daily basis. We despatch the One Click Newsletter to a vast number of strictly targeted global opinion formers, including many members of government, most days of the week. We are a resource for good. Our objective is to try to help others, particularly patients in conflict*”.

Is it not therefore notable that there have been at least four complaints about her criminal behaviour lodged against Jane Bryant?

Having been urged in 2003 by the Countess of Mar to co-operate with Jane Bryant, despite concerns, Margaret Williams agreed. During a short working relationship, Jane Bryant became privy to the fact that Margaret Williams was involved in a case concerning ME in the High Court.

Jane Bryant was insistent that Margaret Williams should provide her with personal and legal details of that action, even though she knew that it carried an Order preventing disclosure.

When Margaret Williams refused to concede to her wholly unreasonable demands, Jane Bryant claimed that no such Order existed and that Margaret Williams was therefore a proven liar who should be publicly discredited.

Jane Bryant then alleged that by refusing to comply, Margaret Williams was infringing her freedom of expression under the Human Rights Act to comment on an ME-related court case, and James Saunders himself advised Jane Bryant to pursue Margaret Williams through the High Court.

It was the same James Saunders, Senior Partner of Saunders LLP, who in Jane Bryant’s item posted on One Click on 30th July 2009 said: “*I share Jane’s disappointment at the outcome of this Judicial Review, and the behaviour of others from whom the ME/CFS community was entitled to expect better. We should however all sleep better for knowing that Jane is tirelessly tackling vested and conflicting interests, hidden agendas, failures and concealments in the medical world. Her vigilance helps protect us and our freedoms. Her good humour in adversity is an example to us all*”.

In 2005, in an attempt to stop Jane Bryant’s malicious harassment and intimidation, Margaret Williams was compelled to instruct Bindman & Partners and on 21st September 2005 Bindmans wrote to her saying: “*We hereby confirm that we have seen a copy of the High Court Order to which our client referred. The terms of the Order are governed by a confidentiality clause which restricts disclosure. You are not entitled to be shown a copy of that Order, to know what is said in that Order and it may not be publicly revealed*”.

Jane Bryant and James Saunders refused to accept this and on 30th September 2005 James Saunders personally wrote to Bindmans saying: *“It would be wrong to attempt to stifle (Jane Bryant’s) freedom of expression. You write that you can give no further assistance as to the contents of the High Court Order which you assert restricts Ms Bryant’s normal freedom of expression. I regret that I am unable to accept from you that such an Order can be in force, and I have advised Ms Bryant that she should apply to the Court for relief”*.

On 4th October 2005 Bindmans wrote back to James Saunders saying: *“The Order referred to does not contain any provision which restricts Ms Bryant’s freedom of expression. I am not permitted to reveal the terms of the Order as it is confidential. The Court will not permit your client to see the confidential terms of an Order which has nothing whatever to do with her. Ms Bryant appears to be conducting a campaign of vilification against numerous individuals (some of whom have had cause to complain to the police). Her unwarranted threats and accusations against my client have had a devastating effect on her health. I hope that we have no further cause to correspond on this matter”*.

Predictably, the harassment and defamation did not stop, and Jane Bryant’s efforts to discredit Margaret Williams continue to date.

On 5th August 2009 Jane Bryant posted: *“Many thanks for your email and the expected response from Williams et al delivered via Hooper <grin>. OC has checked this with its various friends and advisors who laughed like drains. We’re not even touching this rubbish on One Click. What else can these people now say? Admit that they compromised the case with their very own work and have now been hung drawn and quartered in public by the court because of their malfeasance? These are rhetorical questions. On OC, we let the published documents, the court and our lawyers do our talking for us so effectively. Thanks for sending this over though. I SO wanted to write a piece entitled “NICE Dildo Andrew Dillon Gets Place In Sun Thanks To ‘Margaret Williams’ ” but really, One Click has behaved so legally well over the Judicial Review that it would be a shame to spoil it now by associating (sic) Margaret Williams any further with battery operated rubber toys. Oh, the temptation, though....”*.

On 8th August 2009 Jane Bryant publicly referred to Margaret Williams as *“the demented old hag ‘Margaret Willisms’ (sic), who lost the CFS/ME NICE Guidelines Judicial Review so execrably badly for us all”*.

On 13th August 2009 Jane Bryant referred to Margaret Williams along with Douglas Fraser and Kevin Short as *“the truly awful Margaret Williams (who) not only wrecked the Judicial Review through malice, spite, legal tactical errors and misleading misdealing...What this titchy cabal so closely linked to the corrupt ME/CFS charities have inflicted is a tragedy”*.

Perhaps this is what James Saunders refers to as Jane Bryant’s *“good humour”*.

With regard to the acrimonious comments concerning the Judicial Review, the Fraser/Short team will not be commenting further pending the outcome of the official complaints that are currently receiving consideration; when legally appropriate, it is anticipated that those complaints will be placed in the public domain.

See Also...

5th August 2009

Judicial Review of the NICE Guideline on CFS/ME:

A response to misleading information on the internet

Professor Malcolm Hooper

http://www.meactionuk.org.uk/MH_JR_Statement_2.htm

Jane Bryant's One Click reaction to Professor Hooper's Statement

http://www.meactionuk.org.uk/Bryants_Reaction.html

29th July 2009

Statement from Professor Malcolm Hooper

http://www.meactionuk.org.uk/Statement_re_videos_by_MH.htm