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Aftermath of the recent application for Judicial Review By John Sayer Health Advocate



I believe the publication and dissemination of the "Statement from Professor Malcolm Hooper" of 29 July was ill advised. This is not meant in any way as a criticism of Prof Hooper himself, for whom I have the greatest respect, nor of those who published the statement on the internet, and should not be construed as such. I nevertheless believe this action to have been an unfortunate mistake.

The problem is that the statement appears to make the assumption that its readers will be fully conversant with what it refers to, but its publication has had the effect of sowing seeds of doubt, mistrust and in some quarters even paranoia in the M.E. community. Instead of dispelling misunderstanding, it has inadvertently created more.



**Ciaran Farrell, YouTube Video Presenter –
Stephen Hocking Witness Statement,
Margaret Williams/Julia Hamilton/Kate Stewart**

The statement begins by making reference, without actually identifying it, to a video on YouTube, described as "erroneous" and "defamatory". [See [Ciaran Farrell on YouTube](#) regarding the Margaret Williams/Julia Hamilton/Kate Stewart Scandal]

For my own part, not having access to YouTube, I sought clarification of the statement on the internet discussion group where I had read it. But far from informed responses, I attracted instead unwarranted insults, insinuations, defamation, censorship of my posts and the threat of being barred from the group - a threat which was very soon carried out. (I found this development itself to be alarming and worrying, more so since I've realised others are also being subjected there to this kind of treatment.) [One Click Note: This refers to the small MEAUK Yahoo Group]

In the meantime I finally managed to view the [YouTube video in question](#). I watched it several times over and became even more nonplussed, since the video, which consists of someone talking to

camera about the Witness Statement of the solicitor acting for NICE in the recent application for Judicial Review, did not strike me so much as an 'attack' but more a salutary comment on technical and tactical considerations when one seeks to pursue litigation. [See Stephen Hocking, Beachcroft Solicitor [Witness Statement](#) on Margaret Williams/Julia Hamilton/Kate Stewart]

It deals with aspects of the Witness Statement outlining activities of parties involved with the Claimants' team which had resulted in the granting of a [Wasted Costs Order](#) (to the tune of £50,000, as it turns out) against the Claimants' solicitors.

Further information on this episode is provided in the 29 July statement itself, which reveals that the Claimants, in the wake of the hearing, have issued complaints to the Legal Complaints Service and the Bar Council Standards Board about the conduct of their own solicitor and barrister.

It was inevitable that comment and debate on all of this would follow on the internet in the various discussion groups. Unfortunately, since one or two of these groups operate an unofficial policy of banning any mention of a particular campaigning web site (although this restriction is, in reality, only selectively applied), this has had the inevitable consequence of hampering and distorting free expression and legitimate debate, further resulting in polarising of views within the M.E. community and the engendering of artificial and unnecessary animosity between various parties.

All statements, pronouncements and commentary on any aspect of the recent application for Judicial Review of NICE's 'CFS/ME' Guideline aside, one need only read the actual Approved Judgment of Mr Justice Simon to understand why the application failed.

This judgment is available on the internet, but the only location I am aware of I cannot mention here, since it might result in this entire comment of mine being blocked on certain internet discussion groups, which itself illustrates the point made above about the hampering of legitimate debate. [[Judicial Review Judgement](#) kindly provided by One Click]

It is clear that technical and tactical errors were made in pursuit of this application for Judicial Review of a NICE Guideline. No one is perfect, but where the responsibility for this may or may not lie is not the real issue here; what is important is that valuable lessons can and should be learned for the future of campaigning on behalf of the M.E. community. But these lessons cannot be learned if discussion of the issues raised is to be censored, controlled and suppressed.

To err is human. All of us are capable of making mistakes and it cannot be taken for granted that anyone's 'status' within the M.E. community guarantees that whatever they say or do is always correct or unquestionable.

What should be relevant and valuable debate on the internet is often reduced to personal comment, through unquestioning support for certain groups or individuals, or, conversely, through hostility born of prejudice. This is neither useful nor helpful.

The fact that it came as a complete surprise to most people shortly before the first hearing (at which permission was sought to proceed with an application for Judicial Review) that there was a second application in the pipeline besides the one which had been publicised for some time already, serves to illustrate this point. Speculation and rumour began to abound, exacerbated by the lack of public explanation for this development.

The 'M.E. community' is not any kind of cohesive organisation, but it can sometimes appear to be akin to something like a Masonic lodge, with different degrees of 'initiation' and inner circles within

inner circles, where information is withheld from those not included in various cliques, who, in turn, often eye each other with suspicion and mistrust. This is getting us nowhere except going round in circles.

We should consider all relevant information first hand, for ourselves, and not rely on others to tell us what or who to believe or support. This is not a religious crusade we're involved in, but a political one. Everything has form and content, and it is important to distinguish these two aspects: we sometimes have to look beyond the language used and concentrate on what it is that is actually being said.

The aftermath of the Judicial Review application has made it clear that what is needed more than ever in the M.E. community is not knee-jerk reaction and assumption, but openness and transparency from all.

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* [How The Judicial Review Of The CFS/ME NICE Guidelines Was Lost](#)

Jane Bryant, The One Click Group

* [RE: How The Judicial Review Of The CFS/ME NICE Guidelines Was Lost](#)

John Sayer, Health Advocate

* [Heartfelt Thanks To TOCG For The NICE CFS/ME JR Review](#)

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* [The Margaret Williams/Julia Hamilton/ Kate Stewart Judicial Review Scandal Video](#)

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* [Judgement, Judicial Review CFS/ME NICE Guidelines](#)

Mr Justice Simon, Royal Courts of Justice

* [Witness Statement On Margaret Williams/Julia Hamilton/Kate Stewart](#)

Stephen Hocking, Beachcroft Solicitors

* [Witness Statement No. 1, Jamie Beagent](#)

Acting for Judicial Review Claimants, Douglas Fraser and Kevin Short

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* [Witness Statement No. 2, Jamie Beagent](#)

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* [Wasted Costs Order Against Leigh Day Solicitors](#)

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