

30 July 2009

**How The Judicial Review Of The CFS/ME NICE Guidelines Was Lost
By Jane Bryant
The One Click Group**



**In The High Court Of Justice
Queen's Bench Division
Administrative Court
Before The Honourable Mr Justice Simon
In The Matter Of A Claim For Judicial Review
The Queen On The Application Of
1. Douglas Fraser
2. Kevin Short
Versus The National Institute for Health And Clinical Excellence.
Interested Party: "BB" (by his Mother and Litigation Friend, Jane Bryant)**

Summary

- A salutation of the deepest respect and thanks to the Pledgers, a formidable force of hundreds of people who got together from around the world to make our legal action the most honourable reality in the British High Court.
- A celebration of thanks and good will to all those involved in the One Click Judicial Review litigation campaign that has made legal history in the most positive way possible.
- How and why this case was lost by solicitors Leigh Day & Co, their clients Douglas Fraser, Kevin Short and their advisors.
- How and why the National Institute for Health and Clinical Excellence (NICE) is crowing all the way to the bank having just been awarded £50,000 because of the negligence and bad behaviour of Leigh Day, acting for the aforementioned in this case. This is the worst outcome for any case that could possibly be devised.
- Life lessons learned.

Introduction



Sir Peregrine Charles Hugo Simon

The Judicial Review against the CFS/ME NICE Guidelines that took place in the High Court on 11 and 12 February 2009 was pronounced lost by Mr Justice Simon on 13 March 2009. See [Judgement – Judicial Review, CFS/ME NICE Guidelines](#). The outcome of this case was anticipated eagerly by thousands around the world.

This was the first time that a quango like NICE had been challenged on any of its Guidelines in the High Court. Acting for Claimants Douglas Fraser and Kevin Short in this case were solicitors Leigh Day & Co. Acting for us, the Interested Party, were Saunders Law Partnership.

I am writing this account of the Judicial Review today for the magnificent Pledgers and for my son who became the Interested Party in this case. This is not the role that we sought, wanted or worked for on behalf of the Pledgers. On behalf of my family and the close advisors of One Click, we have all been on a white knuckle legal rollercoaster involving a huge amount of work by all for many years throughout the development on the Guidelines and since One Click announced its case against NICE in public in September 2007.

For readers new to One Click, the Pledgers group consists of hundreds of ME/CFS labelled patients, their support organisations, doctors, academics, journalists, friends and family and many others from around the world who supported this case by word, deed and action to bring it to court. We have the biggest per capita stake in this action by far.

A huge vote of thanks is due to the many who worked magnificently on this case: Saunders Law Partnership, barrister Conrad Hallin of 3 Serjeants' Inn Chambers, Dr Malcolm Kendrick, Dr Bruce Carruthers and those many individuals who gave of their time and expertise in its preparation from around the world. You know who you are. All of you. You helped so much. Thank you. Mere words cannot even begin to do proper justice to your efforts, your commitment, your contribution and your valour.

Above all, I would like to thank the Pledgers group. The magnificent Pledgers who made legal history by coalescing to raise the funds needed to legally challenge these CFS/ME NICE Guidelines in the High Court and match the financial contribution dragged out of the UK Legal Services Commission (LSC, previously known as Legal Aid) for our case. From the UK, Canada, America, South

America, Australia, New Zealand, Switzerland, Netherlands, Finland, Turkey, South Africa, France, Spain, Ireland, Austria, Monaco, Belgium, Hong Kong, the Channel Islands and many more besides, this was a formidable achievement by so many getting together to challenge injustice. It was the first time that this has ever been done by anyone. We had such high hopes. The evidence for this extraordinarily powerful campaign is all over this website and the internet at large, right around the world.

The Final £50k Bombshell

When writing a piece over an item as controversial as CFS/ME NICE Guidelines and this Judicial Review that has involved many years of my life since One Click became an official Stakeholder in their development, one is immediately pole vaulted into the morass of the good, the bad and the ugly mix, splat, right on the mat. There is no skirting around this issue possible in any account of these proceedings.

The bad is clearly NICE and the unreasonable process that this quango adopted in formulating these CFS/ME NICE Guidelines that have been castigated by so many throughout their development. The ugly is the manner in which this Judicial Review was lost. The good is you, you the Pledgers of which there are so many and all those involved in our case.



What has so singularly failed to be placed in the public domain by any of the perpetrators is the greatest bombshell of all. Not only was the Judicial Review lost on 13 March 2009, but because this case was handled so badly by Leigh Day, their clients and advisors, this firm now has to pay NICE £50,000 compensation via a Wasted Costs Order ruling.

A Wasted Costs Order is granted if the legal representative (in this case solicitor Jamie Beagent of Leigh Day) is considered to have acted improperly, unreasonably or negligently with such behaviour causing another party (in this case NICE) to incur unnecessary costs. Subsequent to the judgement in this case being handed down by Mr Justice Simon, Beachcroft solicitors acting for NICE applied to the High Court for such an order. See [CO-10408-07, Wasted Costs Application](#), 13 March 2009.

This application is over and above the usual costs incurred in any legal proceedings, i.e. the bill. In anything but name, this is in fact a fine. A fine that represents the court's view that Leigh Day and their clients are a bunch of shoddy ambulance chasers at best.

On Thursday, 9 July 2009, the Wasted Costs Application was granted when it was agreed in the High Court that Leigh Day must pay NICE £50,000 to compensate for the former's appallingly unprofessional behaviour. See [Consent Order, Wasted Costs](#). This is the worst outcome possible for any case. This is way over and above just losing.

The latest development in the Judicial Review aftermath is that Claimants Douglas Fraser and Kevin Short (together with the ubiquitous 'Margaret Williams' of which we publish more anon) have terminally fallen out with ALL of their lawyers claiming that what went down over this case was not their fault. Not Me Guv! they cry as they complain to the Bar Council et al. Yeah, right. Having worked at extremely close quarters with the legal profession over our Judicial Review for

many years now, I can assure you that what goes down with the lawyers over a case like this is in large part based on client instructions. Leigh Day and their clients have behaved appallingly badly throughout, not just in court.

The Leigh Day Tactics

The troubles with Leigh Day and this case began a very long time before the Judicial Review ever got to the High Court. What went down over this case is a cautionary horror tale of how not to conduct oneself when involved in litigation.

The first tactic that Leigh Day and their clients deployed in November 2007 was to launch a secretive, competitive spoiler Judicial Review action designed to hijack the Pledgers case - months after it had been publicly launched as they very well knew – to damage it entirely and wrest control.

The Leigh Day case was structured by a secret cabal whose private funding of the action on top of the Legal Services Commission (Legal Aid) contributions they received has never been revealed. This is by stark contrast to One Click who had placed all their initiatives in the public domain in the most honest, open and transparent manner possible.

This behaviour by Leigh Day, their clients and advisors was particularly iniquitous because prior to launching any One Click Judicial Review, we had stated in public that if any of the UK ME/CFS charities and their associates would care to step up to the plate and take on this case, please be our guest. Answer came there none. One Click announced our proposed Judicial Review because nobody credible had publicly stepped up to the plate. We therefore sought to gain public support for this legal action to correct injustice. With One Click as a formal Stakeholder on the NICE Guidelines, we had much experience of this business throughout, as had our solicitors, Saunders Law Partnership.

Cooperation Refused

In November 2007 with two cases now challenging the CFS/ME NICE Guidelines running on parallel planes and both being part funded by the Legal Services Commission (Legal Aid), we gave our barrister formal permission upon request to share our draft Grounds with Leigh Day and their clients for joined up thinking and for the greater good of all constituents – ME/CFS labelled patients.

One Click made this offer in the spirit of cooperation despite the fact that Leigh Day and their clients had been conducting a vicious campaign behind the scenes to destabilise our Judicial Review since it began. Leigh Day and their clients refused our offer and all cooperation. In legal circles this is known as spiteful behaviour orchestrated by avarice.

From this we knew as early as November 2007 that Leigh Day did not have the best interests of all ME/CFS patients at heart. At this nascent stage in the proceedings, we predicted that Leigh Day's and their clients' displayed greed would hijack the entire constituency and do an appalling job. Nearly two years later in 2009, we have been proved entirely correct by the High Court – £50,000 worth of entirely correct.

The Litigant Couple From Hell - Jamie Beagent And 'Margaret Williams'

What Leigh Day solicitor Jamie Beagent and pseudonym 'Margaret Williams' cooked up for the Judicial Review together will go down in history as one of the best 'How Not To Behave' litigation guides ever written.

'Margaret Williams', who also refers to herself as 'Julia Hamilton', is in reality one Kate Stewart, a Gloucestershire resident at last count. For ease of reference, we will refer to Kate Stewart by her pseudonym 'Margaret Williams' throughout, because it is by this that she has become a legally notorious laughing stock. Leigh Day's Jamie Beagent certainly was not acting on his lonely only in this case – very, very far from it.

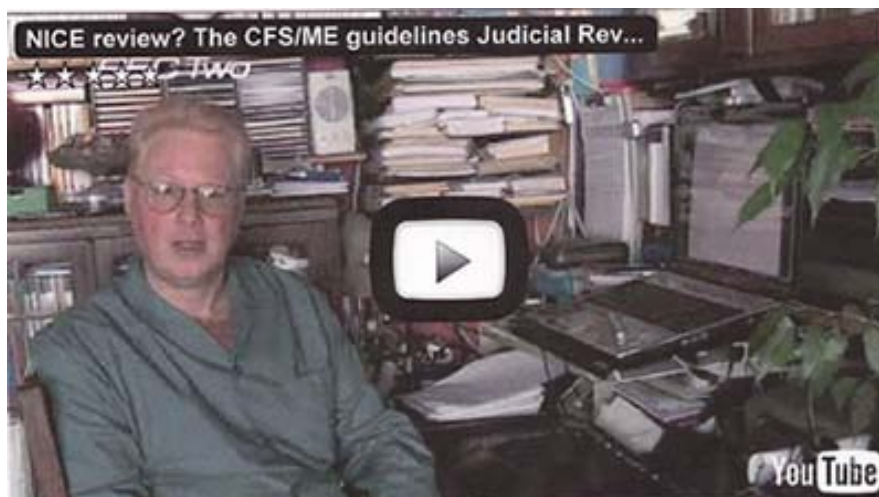
Stephen Hocking of Beachcroft solicitors acting for NICE blew Margaret Williams apart in court when his Witness Statement revealed that during the legal proceedings running up to the Judicial Review, she had masqueraded as 'Julia Hamilton' and contacted NICE whilst pretending to be an employee of Leigh Day. On another occasion she pretended to be an employee of the Legal Services Commission in her attempt to corrupt this case.

You couldn't make this up if you tried. You are not allowed to behave like this in legal proceedings. If you do get publicly caught (twice), you are instrumental in the wrecking of the case as has indeed transpired. See Beachcroft's [Stephen Hocking Witness Statement](#).

What went down with Margaret Williams has been very effectively covered by Ciaran Farrell in his YouTube clip below that makes for excellent viewing.

ONE CLICK CIARAN FARRELL ON YOUTUBE OVER THIS SCANDAL

> > [HERE](#) < <



ONE CLICK CIARAN FARRELL ON YOUTUBE OVER THIS SCANDAL

> > [HERE](#) < <

The damage done by those Margaret Williams phone calls emblazoned in the High Court was considerable. Worse was to follow.

Oops! Never Mind Me, I'm A Lawyer!



Leigh Day Solicitor Jamie Beagent

Knowing that it is extremely ill advised to act as both advocate and witness in legal proceedings, Leigh Day's solicitor Jamie Beagent chucked all professionalism down the drain when he filed his very own First Witness Statement with the High Court at his clients' behest. See Jamie Beagent, [First Witness Statement](#), 8 December 2008.

In relation to Jamie Beagent's First Witness Statement, Mr Justice Simon said: *"As part of the new case the Claimants subjected the selection and the background of members of the GDG (apart from the patient members) to close scrutiny, in order to demonstrate an impermissible preference for the socio-psychological approach. These allegations were (a) not prefigured by any correspondence, (b) contained grounds for challenge of the Guideline for which Permission had not been given, and (c) were advanced in a highly contentious form.... It is quite plain, following service of the witness statements from the professional GDG members that some of those perceptions of bias held by the Claimants are demonstrably false, or premised on a false basis....the information in Mr Beagent's 1st witness statement is now shown to be unreliable."*

Stephen Hocking said in his Witness Statement regarding Jamie Beagent's behaviour: *"It appears to me that Mr Beagent may not in fact be the author of significant parts of this statement (in particular as they relate to the purported views of members of the guideline development group, and misquotes attributed to those members) but rather, has adopted the work of an activist in the CFS/ME "community", without attribution and apparently without proper checking....It is quite wrong of Mr Beagent to have made these allegations with no proper factual basis to support them, particularly if I am correct that he is in effect acting as a mouthpiece for the true author of the allegations [Margaret Williams], and can have no meaningful view as to whether they are sustainable or not."*

As this appalling saga unfolded in the High Court, Leigh Day's Jamie Beagent apologised to the court in public for what he had done. Beagent said: *"...I wish at once to apologise to the Court and to members of the Guideline Development Group for the fact that certain paragraphs are capable of being and have been construed as containing "highly misleading quotations".*" See Jamie Beagent, [Second Witness Statement](#), 12 February 2009.

As soon as Beagent proffered this apology to the High Court, the case was entirely lost as a result of Leigh Day and their clients' improper, unreasonable and negligent conduct of it. Barrister Jeremy Hyam acting for Fraser and Short was pretty much reduced to a small ball of crumpled embarrassment throughout the rest of the proceedings after that.

Claimants Douglas Fraser and Kevin Short



"It is unclear how Mr Beagent and the Claimants came to believe they could speak on behalf of 'the CFS/ME community'."

Mr Justice Simon

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

13 March 2009

It should be noted that neither Claimant Douglas Fraser, Claimant Kevin Short or the ubiquitous 'Margaret Williams' will be held in any way financially liable for the £50,000 compensation being paid to NICE by Leigh Day over their mishandling of this case, although morally and ethically they are all up to their necks in it. This financial penalty payment is down to the solicitors alone. The amount of work put into this Judicial Review by Claimants Douglas Fraser and Kevin Short should never be underestimated or minimised. This is in part what makes their behaviour so difficult to live with.



Judicial Review Claimant Kevin Short,
instrumental in the ['Gibson Inquiry'](#) debacle

Douglas Fraser and Kevin Short have been rendered very ill with ME/CFS. We will therefore never know to what degree their illness and medication, if any, sufficiently clouded their judgement in the way that their part of the Judicial Review has been handled and in their dedicated destabilisation of our case and the evidence. Closely involved in this destabilisation were some of the ME/CFS charities, always first in the wreckers' queue on pretty much every occasion, often through incompetence with malice aforethought.

Judicial Review Hijack

The fact that Leigh Day on the instruction of their clients refused to share the draft Grounds of their case with ours at that early stage in November 2007 must be firmly laid at Douglas Fraser, Kevin Short and Margaret Williams' door. This was an unforgivable piece of pure spite that has informed much in relation to these legal proceedings to the detriment of the best interests of ME/CFS patients.

Leigh Day and their clients so arranged affairs that the Pledgers case for Judicial Review of the CFS/ME NICE Guidelines was frozen out. In law, one may have a long list of claimants and co-claimants, but Leigh Day and their clients refused to cooperate. Our position as the Interested Party was not what we ourselves or the court wanted. Leigh Day and their clients, having muscled their way into the position of being the sole claimant, disadvantaged everybody else in the court's view. The court, rightly, did not want to hear claims put forward on parallel planes.

Leigh Day and their clients chose to run their case in such a way that they prejudiced both their claim and ours and then having hijacked the action entirely, bugged it up to the tune of a £50,000 Wasted Costs Order. This is a pretty clear statement from the court.

As the Interested Party, the evidence that we were eventually able to put forward to the court from the excellent Dr Malcolm Kendrick, despite all the roadblocks purposefully put in our way by the aforementioned in regard to this and much else besides, was a valuable contribution to the argument and to the substance of it.

Shockingly and appallingly, Leigh Day and their clients did everything in their power to prevent this evidence ever seeing the light of day in court.

Having been refused further funding by the Legal Services Commission because of Leigh Day's hijack of our case, we approached Douglas Fraser and Kevin's Short's barrister, Jeremy Hyam of One Crown Office Row Chambers, and asked him to present Dr Malcolm Kendrick's evidence in court for us, alongside theirs. Leigh Day and their clients refused. At all stages in the Judicial Review process, cooperation for the greater good of ME/CFS patients was denied by these people.

The ultimate effect is that the combination of Leigh Day, their clients and Margaret Williams, who all had an entirely selfish approach to the action, was to cut out other contributors and ruin the action itself so badly that the result is that the NICE coffers have now been enriched by £50k. This is the most terrible insult to patients and the worst result possible.

Having dealt with the bad and the ugly but only in part and certainly not in full, it is now with considerable relief that we turn to the good, of which there is much to impart.

The Pledgers Day In Court

Sent to us like the proverbial White Knight from the Bar Pro Bono Unit, barrister Conrad Hallin from [3 Serjeants' Inn Chambers](#) did the most formidable job for us in the High Court, but not without meeting and deflecting the disgraceful tactics deployed by barrister Charles Béar QC acting for NICE, first.

So concerned had Béar become over the impact that Dr Kendrick's evidence might have on the court that he pulled one of the dirtiest tricks in the book to attempt to suppress it.



Charles Béar QC threatens Mother and child

Gliding up to our barrister Conrad Hallin just before he was due to begin presenting to the court, Béar announced that if Conrad proceeded and if we lost, I might well be held personally responsible for NICE's legal costs.

Ensuring that Béar could hear perfectly, my response was to announce that since this was my very ill child's case as the Interested Party, if we lost NICE should by all means obtain a court order to take it out of his pocket money. The attendant publicity over this would serve to damage NICE nicely. Would 10p per week suit, I asked? My remark made barracuda Béar's frozen smile that never, ever reaches his granite money chip eyes slip considerably, I can tell you.

In fact, because our case was part funded by the Legal Services Commission, the question of my child having to pay costs to NICE if we lost was never at issue. This ghastly man Béar, a Queen's Counsel, pulled this stunt in the High Court purely to threaten and try to intimidate a Mother and her child to try to get us to withdraw, such are the gutter tactics deployed by him and his ilk. How Béar can manage to look at himself in the mirror some mornings as he works on his how to kick the sick plans for court is an issue open to wide debate, but I'm sure that the money helps.



Barrister Conrad Hallin, 3 Serjeants' Inn Chambers

With barrister Jeremy Hyam acting for Douglas Fraser and Kevin Short having remained in pretty much crumpled ball position ever since Leigh Day's malfeasance was exposed in the High Court on day one, it was an absolute pleasure to see Conrad Hallin in action on behalf of ME/CFS patients.

Conrad presented Dr Malcolm Kendrick's evidence that focussed on the fact that NICE is *required* to consider the cost-effectiveness of any healthcare intervention recommended in its guidance and has failed to do so in respect of Graded Exercise Therapy ('GET') at all, while its appraisal of the cost-effectiveness of Cognitive Behavioural Therapy ('CBT') is Wednesbury unreasonable, irrational and flawed. See [Skeleton Argument, Interested Party](#), Conrad Hallin, 27 January 2009.

As soon as Conrad began speaking in court, the leaden atmosphere generated by Leigh Day's malfeasance entirely changed. The yellow poster notes started flying from NICE to its legal team and the taps on Charles Béar's shoulder became of woodpecker frequency. Oh, it was a joy to see, so discomfited had NICE become by Dr Kendrick's evidence.

I have no intention of going into the sterile territory of legal minutiae. As previously stated however, the outcome is that the court did not want to hear claims put forward on parallel planes. With Leigh Day and its clients high jacking our case in the way that they did and refusing to cooperate for the greater good of patients, what we were able to achieve was stellar under the circumstances.

In my thank you letter to Conrad Hallin dated 18 February 2009, I wrote: *"My son says thank you. The Pledgers (those good people from around the world who helped to pay the contribution demanded by the Legal Services Commission) and all of us are in your debt. So thank you, Conrad, from us all. Any time that you think to yourself, I'm getting fed up with this Pro Bono business: it's complicated, it's stressful and it's not gaining me a bean, please remember this case and how you tried to make such a difference. You are a good man."*

Expert Witness Dr Malcolm Kendrick



Dr Malcolm Kendrick

Another person who deserves a huge vote of thanks from us is Dr Malcolm Kendrick. What he has done for ME/CFS patients over this case will go down in history. We all owe him a considerable moral debt. The work of Dr Malcolm

Kendrick on this case was simply excellent in every respect. See [Dr Malcolm Kendrick Witness Statement](#), presented in the High Court.

Subsequent to the Judicial Review being lost, Dr Kendrick commented as follows:

“Trying to question the decisions that NICE make, in any forum, would be akin to citizen of the USSR challenging Stalin whilst he was in power. Your chances of success are slim as NICE act as judge, jury and - if they feel like it - executioner. They decide what evidence to include, which health economic unit to use to make their decisions. They decide on the experts to pick, they decide on every clinical and economic parameter, and their validity. There is no court above theirs, no body that can question their decisions.

“If you attempt to take them to court - as happened with the ME/CFS guidelines - you cannot win. No judge will overturn the clinical and economic decisions of the 'experts.' The judge would, with justification, claim that they were unable to make decisions on matters beyond their expertise. But who else can? No-one. In the area of evaluation medical treatments, NICE are the supreme court and the Law Lords rolled into one.

“Yet they are making fantastically important, life and death, decisions.

“With ME/CFS I was asked to review the vast document that made up the evaluation. When it boiled down to it, there was no paper which evaluated Graded Exercise Therapy (GET) from a cost benefit perspective - not one. Yet NICE decided that GET was cost-effective in the treatment of ME/CFS. When it came to Cognitive Behavioural Therapy (CBT), there was only one paper which looked at this form of therapy from a cost-benefit perspective - that's right, ONE. This was a small study, on less than two hundred people - where half received therapy and half did not.

“The two groups, however, were not evenly matched. The group receiving CBT had a lower quality of life at the start of the study than the group selected for treatment (a fatal flaw in any study). By the end of the study, the difference between the two groups (with regard to quality of life), was smaller than it had been at the start. Not only this, in the process of looking at the data NICE managed to get these figures the wrong way round, and thus they got the arithmetic upside down - which they admitted in the judicial review, but said it didn't make any difference.

“Essentially, we had six hundred pages of padding, all - it seems - to create the sense that some massive evaluation of the evidence had taken place. When it boiled down to it, their entire decision making process to support the use of CBT and GET teetered upon one hopelessly flawed study which - even the authors admitted - had two unmatched populations at the start. Compounding this, NICE got their basic arithmetic wrong. Had I been marking this as an exam paper, it would have got an F minus.

“It is difficult to look at this review and not feel that a reasonable process had not been followed. I have even heard it suggested that a decision had been made before the review had taken

place. One thing is certain. Once NICE have made a decision, that's that. The oracle has spoken."

In my experience, there are very few doctors prepared to raise their heads above the public parapet in this way for patients. Dr Kendrick, thank you very much.

Saunders Law Partnership - The Best

Saunders
— LAW PARTNERSHIP —



No article about this Judicial Review would be complete without giving the [Saunders Law Partnership](#) (SLP) an accolade of the highest degree.

As we have seen from the disastrous actions of Leigh Day, their clients and advisors, it is absolutely essential for anyone undertaking serious litigation to have an excellent relationship with their solicitors that is based on trust, honesty and the promotion of the greater good for all constituents.

The Saunders Law Partnership has been simply magnificent in legally assisting One Click and its various endeavours for the last six years, since 2004. Nowhere was this more apparent than in the firm's good conduct of our part of the Judicial Review.

Quite apart from the extremely arduous legal work, one of SLP's best bits from the very beginning of our case was the firm's agreement to set up a facility through their offices to handle the Pledgers fighting fund donations for the money having been demanded of us by the Legal Services Commission.

The amount of time and effort that it took for the SLP admin department to process the contributions of hundreds and hundreds of people from around the world in a very short space of time was extraordinary and way over and above the general level of service given by solicitors to their clients. The £5 here, £10 there, \$2 from a little boy who contributed his pocket money from the United States and all those other currencies and denominations in cheques, cash and credit cards, many of them very tiny, that flooded in to the Fighting Fund from people was a huge job. Legal firms generally just do not behave this well. SLP did and does. SLP did this for us because they recognised the crying need for the ME/CFS patients' voice to be legally heard properly and so rose to the challenge and delivered on this and much else besides.

The quantity of legal work that goes into the preparation of a case like this over a period of many years is enormous. I would particularly like to thank SLP Senior Partner James Saunders and solicitor Kim Vernal for their diligent care and attention throughout.

If any of you ever have a case that you want presented professionally and well in a litigation arena that they cover, I suggest that you contact the Saunders Law Partnership at www.saunders.co.uk. SLP pride themselves on their positive and proactive approach in assisting you to tackle issues head on. They believe that strong, personal yet professional client relationships are essential to success and so value their clients individually. My extensive experience of SLP indicates that these words are accurate and true.



James Saunders, Senior Partner

Senior Partner James Saunders 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."*

Conclusion



Jane Bryant, One Click Group Director and Ben's Mum

It is entirely possible that any challenge to NICE via Judicial Review of the CFS/ME Guidelines whether headed by Leigh Day or Saunders Law Partnership might not have succeeded. 50% of cases fail to win, obviously. As Dr Malcolm Kendrick so cogently put earlier in relation to NICE, *"There is no court above theirs..."* That notwithstanding, we would never have lost the case in this way with NICE now able to crow all the way to depositing £50k in the bank. This money is nothing to do with costs that always occur after litigation, but to do with compensation. It makes everyone wince.

What we had hoped to achieve at the very least was to conduct our case in such a way as to place the case for patients on the unblemished legal record, win or lose. This we all achieved and that should never be minimised by anyone. We behaved well over this litigation and in law that counts.

The hopes we had, the media campaign that we hoped to run with YOU as spokespeople, all lost. But it is pointless, absolutely pointless, to dwell therein. There is so much more that I could write about this saga, but it would serve no good purpose that I can detect at this time. However, if One Click is attacked for publishing this article and telling the Pledgers what was done by the aforementioned motley crew that generated the £50k present for NICE, then I may well decide to reconfigure my present attitude and let the chips crash where they may.

You, the Pledgers, were in this from the beginning. You behaved with honour over this Judicial Review - we all did - and in public arenas such as the law, this matters.

I have learnt a few life lessons over what has gone down over the CFS/ME NICE Guidelines over the last few years.

I will never forget the campaign that we all ran together. I will never, EVER forget the good, positive bonding from people resident in countries all over the globe to challenge injustice. We got together to make common cause and we did it against all the odds. This was a magnificent achievement by us all.

One never wins them all, but this should never, ever mean that people should stop trying. I saluted you at the beginning and I salute you now. We live to legally fight another day. Although we have lost through no fault of our own, our honour is entirely intact for the next. Bless you all. Thank you.

Jane Bryant

**The Interested Party's Litigant Friend
Judicial Review, CFS/ME NICE Guidelines**

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