

7 February 2008

Mr Jack Straw
Secretary of State for Justice
Ministry of Justice
Selbourne House
54 Victoria Street
London SW1E 6QW

An Open Letter

Dear Mr Straw,

Re: Guardian CiF: 'Seeing justice being done'

This is a version of the letter I posted in Guardian on-line in response to your article

Can you say that justice was seen to be done in the MMR affair? A decision was taken by the Legal Services Commission in secret, and upheld by a judge in secret, who turned out to be the brother of a businessman who was connected to the case in two ways. Just before the case was heard by the judge the integrity of the chief prosecution witness was attacked by the Chief Medical Officer and the Prime Minister. You have dismissed the complaint against the judge (though you apparently did not have the full information in front of you) and the investigation of the judge is itself currently being investigated. I do not wish to pre-empt the result, but I do not think that so far this is justice being seen to be done.

What we do not see is the Legal Services Commission standing up for ordinary citizens against powerful interests within the state, or in industry. Without this any real rights against the powerful are being eroded. When the MMR litigation was finally wound up last June, the remarks of presiding judge Mr Justice Keith were reported in the Financial Times:

"The judge stressed that it was the funding issues, rather than the merits of the case, which had driven the decision not to allow claims to proceed.

"It is not because the court thinks that the claims have no merit. Although this litigation has been going on for very many years, the question whether the claims have merit has never been addressed by the court," Mr Justice Keith said.

"The reason the claims had not been allowed to proceed, he said, was "because everyone has realistically recognised for some time that it is just not practicable for the claims to proceed without public funding"."

I also do not see any speedy attempt to seriously address the legacy of Drs Meadow and Southall, which has influenced thousands of decisions in the family courts, or the family court system being reformed with any sense of urgency. I draw your attention to a statement in Neville Hodgkinson's report on the Sally Clark case in the Spectator:

"An examination of related legal and other correspondence has now made clear the reason for this extraordinary omission. It is that child health experts, following public loss of confidence in vaccination when the risks of brain damage were first publicised, were trying to maintain a united front in preventing further debate. Even paediatricians who gave testimony on Mrs Clark's behalf told defence lawyers that if vaccination were mentioned as a possible cause of Harry's

death, they would dispute it. Not wanting to confuse the jury, and with judges having a history of bowing to dominant medical opinion, the defence decided to stay silent on the issue."

Surely, the position where a possible cause of death is not considered or investigated as a matter of covert official policy is an outrage against justice and decency? Sally Clark went to jail to circumvent the yellow card system. The Clark case brought some of these issues to light because it was conducted in a public court, but what about the many cases in family courts? Of these we know nothing, and can speculate much.

Please can you say what steps are being taken that ordinary citizens have adequate protection from the law in circumstances in cases of state or corporate negligence, without the Legal Services Commission trying to anticipate the views of the court at every stage, and consulting with hostile witnesses, in order to collapse proceedings before a court can ever hear them? Please can you say what steps are being taken to ensure that the possibility of iatrogenic damage is properly monitored in cases of infant death or sickness? Please can you say when the veil secrecy will be removed from the family courts, so that we can see whether justice has really been done?

Yours sincerely,

John Stone

(Hard copy will be forwarded)