

LIE 10
(CHARLES DOBSON
FILE)

Ref: LIT7dec

POLICY IN CONFIDENCE

Mr Dobson

From: Dr H Pickles
Med ISP3

Date: 7 December 1990

Copy: Mr Powell
Dr Rejman

HAEMOPHILIA/HIV LITIGATION

In your note for S of S on the 5 December, you provided in annex C comment on legal advice on the likelihood of losing the action.

We had discussed this and you know my views that this estimate from one (the most junior) of our Counsel was so insecure that it was misleading to present it to Ministers. CMO has now put on record his view, with which we all agree, that there has been no negligence by the central defendants and those advising them. If this Counsel persists in emphasising the chance of losing then I would expect to see a more detailed explanation. It may be that, like last time, major arguments had been omitted. Or more likely, the problem is not the legal strength of our case, but how a biased judge might handle it. The correct reaction to such an assessment is to recommend an appeal if necessary, not a settlement.

If a settlement is to be reached, there are plenty of other reasons for justification. We do not need to pretend we might lose.

GRO-C

Hilary Pickles
Room 414
Eileen House
Ext: GRO-C