The Newsletter of the British False Memory Society
Vol. 26 No. 2 November 2018

Serving People and Professionals
in Contested Allegations of Abuse

Dear Reader

I have sad news. Roger Scotford, the founder of the BFMS, passed away on 15 October 2018. Our thoughts are with his wife, Guri, and family. Even though Roger had been ill for some time, this has come as a terrible shock. Roger campaigned tirelessly to raise awareness about false memory and to provide help and support to families fractured by false allegations. His impact in this area was enormous and the legacy of Roger's input will live on. Elsewhere in this newsletter, you will see an obituary by distinguished professor of psychology, Elizabeth Loftus. Roger set up the BFMS when false-memory-type allegations were at a peak. The science of false memory was in its infancy at that point in time. Roger's enormous contribution to our work will be considered in detail in the next newsletter which is due out in March 2019.

My, how time flies. Our successful AGM and annual conference was held in London on Saturday 21 April. A big thank you to all who were able to attend. We remain a member-based organisation and your enthusiastic support – under trying circumstances – is what makes the work of the society worthwhile. In some ways, the conference represented a watershed. Mark Pendergrast, our keynote speaker, spoke about his recently-published book, *The Memory Warp*. His talk was erudite and illuminating. In essence, working outwards from his earlier publication, *Victims of Memory*, Mark's latest tome is a social history of the *Memory Wars* over the last 25 years. It is in many respects a remarkable book and one that I intend to re-visit.

Our 2nd speaker was barrister, Pamela Radcliffe. Pamela spoke about the inherent weaknesses/ failings of the criminal justice system; the disclosure process, the role of the police and crown prosecution service in historical abuse allegations and the justice pathway from the initial complaint/crime report to trial by jury. This newsletter has a distinctly legal emphasis: I make no apologies for that because the legal system – and its endemic failings has been the subject of fierce public debate by social commentators in the national press of late. A number of our members are currently facing investigation and it is important – to avoid wrongful conviction – that they understand fully the shortcomings of the criminal judicial process.

Our 3rd speaker was Patrick Graham. His talk was entitled: *Guilty until Proven Innocent – the reality of false allegations*. Patrick, along with his four co-defendants, was exonerated at Newport Crown Court in January 2017 following a series of demonstrably false allegations by a complainant who had received regression therapy. Patrick's talk was powerful and immediate as he re-lived the nightmare situation into which he was catapulted. There is a short feature on this case in the news section.

Our final speaker was Brian Berry. Brian's talk was aptly entitled: *A Husband's Story: How to remove the cancer of false memory therapy*. Brian's wife, Maxine, fell victim to false memory allegations after undergoing protracted regression therapy. She later came to realise that her abuse 'memories' were false and she retracted the untrue allegations. Maxine and Brian are still together in spite of what they went through and it was fascinating to hear Brian give his perspective on this testing period in their life together.

Kevin Felstead

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IN THE NEWS

Satanic Panic

According to *Private Eye* (1477, 24.08.18), a witness who gave evidence to the Independent Inquiry into Child Sexual Abuse (IICSA) after claiming to have been abused by a Westminster VIP paedophile ring had her claims rejected by the inquiry. Her allegations – which included Satanic Ritual Abuse (SRA) were rejected outright. Professor Alexis Jay, the chair of the inquiry, concluded that the fantastical allegations were not "plausible". The 49-year-old woman who requested 'core participant status' alleged that she had been abused by former Prime Minister, Sir Edward Heath, who died in 2005, aged 89. Historic allegations against Heath between 1956 and 1992 have been investigated and proven to be baseless. Criminologist, Dr Rachael Hoskins, who investigated the 'evidence' against Heath provided a telling assessment about the police investigation, describing the case against Heath as "a catalogue of fabrication." She described the claims of SRA as "pernicious" and the inquiry "a disgrace."

"The impact on those she falsely accused has been devastating, however hopefully the outcome now fully exonerates all the men she falsely accused…"

It is staggering that lessons from earlier satanic panics in Nottingham (1987), Rochdale (1990) and the Orkney Islands (1991) have not been learnt. In 1994, Victoria Bottomley, the Health Secretary, commissioned a report into the SRA allegations. Professor Jean La Fontaine investigated 84 cases and concluded that the allegations were without foundation. In a period of austerity, following enormous cuts to the public purse, it is, to put it mildly, alarming, that millions of pounds have been wasted on these ridiculous allegations which have proven to be demonstrably false.

Operation Midland 'witness' charged with perverting the course of justice

Operation Midland was launched by the Metropolitan Police on 14 November 2014 to investigate the claims of a single individual that there had been a vast paedophile ring at the centre of the political establishment in the 1970s and 1980s. Murder, rape and child abuse were some of the main accusations made against a number of very senior figures in public life, including as discussed above, Sir Edward Heath. Also accused were Lord Bramall, a former head of the army, Leon Brittan, a former home secretary and Harvey Proctor, a former MP. Many other figures were vaguely or specifically implicated. Yet despite a £2.5 million pounds' investigation, spanning 18 months and involving 31 full-time detectives, no corroborative evidence whatsoever was found. The fantastical allegations turned out to be a tissue of fantasy. As the investigation progressed, however, the credibility of the accuser (who cannot be identified for legal reasons) was drawn into question. In consequence, a decision was made on 2 July 2018 to charge him with 12 counts of perverting the course of justice, and one count of fraud. The story was covered widely in the national press. According to the *Daily Telegraph,* 'The charges allege that 'Nick' sought to back up his story by setting up an encrypted email account and allegedly inventing a witness called 'Fred' to corroborate his claims … In 2013 he made a successful claim to the Criminal Injuries Compensation Board (CCRC) for the alleged sexual abuse.' Nick appeared in Newcastle Magistrates Court on 20th October. He was remanded into custody and will appear in Newcastle Crown Court on 19th November.

The Head of Special Crime Investigations at the Crown Prosecution Service explained the decision to prosecute 'Nick': 'The police investigation provided evidence that the man had made a number of false allegations alleging multiple homicides and sexual abuse said to have been carried out in the 1970s and 1980s. Following careful consideration (of the evidence) we have concluded there is sufficient evidence to bring a number of criminal charges.' A decision that is long overdue.

Woman convicted of perjury and perverting the course of justice after making false allegations of sexual abuse

Jemma Beale, aged 25, was convicted at Southwark Crown Court of perjury and perverting the course of justice, after making false allegations of rape and sexual assault. Judge Nicholas Loraine-Smith sentenced Beale to 10 years' imprisonment. The judge said: "This trial has revealed what was then not obvious, that you are a very, very convincing liar and you enjoy seeing yourself as a victim."

Beale, from West London, claimed to have been repeatedly raped in one incident by nine men. She also claimed to have been sexually assaulted by six men in a series of incidents over a three-year

period. Police investigations into her claims cost more that £250,000.
In spite of overwhelming evidence to the contrary, counsel for the defence proclaimed: "Ms Beale stands by the claims she made in this matter and if she had her time again she would again plead not guilty to these matters and contest the trial." A police spokesman said: "The impact on those she falsely accused has been devastating, however hopefully the outcome now fully exonerates all the men she falsely accused of such heinous crimes."

Regression therapy a factor in yet another case collapse

Five men falsely accused of rape and historical child sexual abuse were exonerated two weeks before they were due to stand trial in Cardiff Crown Court, after a judge directed not guilty verdicts on all charges. One of the accused, Stephen Glascoe, 67, a former GP, was also accused of performing an illegal abortion between 1988 and 1996. One of the other men, Patrick Graham, 61, a retired social worker, was a speaker at the BFMS annual conference in April.

The charges against the men were dropped after prosecutors admitted having concerns about the evidence. During controversial regression therapy, the complainant claimed to recall being abused throughout childhood. She exchanged hundreds of e-mails and text messages with the investigating police officer. The accused men have called for a national inquiry into the handling of rape and sex abuse cases by police and prosecutors. They have described the woman as a serial fantasist.

The woman claimed to have been raped at parties held in Cardiff in the late 1980s and early 1990s. Her claims only arose after she had received regression therapy. A consultant gynaecologist who presented evidence to the court said that her account of the abortion she claimed to have undergone was a result of watching an episode of the BBC drama, *Call the Midwife*. The procedure described by the complainant, who cannot be named for legal reasons, was 'completely impossible.' Nevertheless, the woman had previously been awarded £22,000 from the Criminal Injuries Compensation Board (CICB).

Dr Glascoe said that during the 18-month investigation he had spent £100,000 in legal costs. Speaking to *The Times* newspaper, he criticised Alison Saunders, the Director of Public Prosecutions over her comments that men cleared of rape charges were not falsely accused. He said further that he feared being sent to prison for the rest of his life in what he says would have been a 'huge miscarriage of justice.' To add insult to injury, the Legal Aid Board has determined that Dr Glascoe will only receive £7,280 as a contribution to his legal expenses. Yet his accuser has been financially compensated by the CICB for making allegations which are demonstrably false.

As a result of the collapse of numerous high-profile trials, the Crown Prosecution Service undertook a national review of rape and sexual cases.

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BFMS Volunteers

Since 2012 we have received help from BFMS volunteers who work to a rota to provide telephone helpline cover on Fridays.

Our volunteers deal with anything ranging from a desperate call from someone finding themselves in the frightening situation of being falsely accused to a utility company offering us a better deal. Ensuring that there is someone on the end of a phone line to listen and to talk with people who suddenly find themselves confronting the bizarre world of being falsely accused is our priority. Helping them when they have been denied contact with a family member or to how to cope with a call from the police to attend an interview is invaluable.

Our members have impressed upon us the value of finding someone who understands on the end of the telephone line. The best help for anyone in this 'nightmare' situation is to be able to talk to someone to gain some understanding of how this could happen and what can and can't be done. Our volunteers all have personal or professional experience in these areas and are good listeners. Any calls they take are referred to the BFMS team. Every so often we call our team of volunteers together for a training day, to share experiences, hear from the professionals working in our field and to gain confidence in handling the array of calls. We held a training day for our volunteers in October.

Our volunteers are valuable assets to our small team and we are very pleased to be working with them on enhancing our telephone helpline service.

FACT Spring Conference

The FACT (Falsely Accused Carers and Teachers) spring conference was held in Birmingham on Saturday 12 May 2018. Sister Frances Dominica, the president of FACT, opened the conference. A series of workshops were then convened which provided the opportunity for attendees to share their knowledge and experience. The legal workshop was chaired by Dr Ros Burnett, editor of *Wrongful Allegations of Sexual and Child Abuse* (Oxford University Press 1990) and Ghurpal Verdi, a former detective sergeant in the Metropolitan Police Service. Ghurpal is the author of *Behind the Blue Line: My Fight Against Racism and Discrimination* (Biteback Publishing 2018).

The workshop examined the failures of the disclosure process (discussed in more detail in our last newsletter) which have been apparent in recent high-profile cases. The end product of poor practice around disclosure is that the accused are disadvantaged throughout the legal process and there remains a serious risk that miscarriages of justice will occur. There is a widespread failure to disclose key material by fixed dates in line with the Criminal Procedure and Investigations Act (CPIA) and its related code of practice, which states: 'In conducting an investigation, the investigation should pursue all reasonable lines of inquiry, whether these point towards or away from the suspect …' The high-profile case of criminology student, Liam Allen, who was charged with 12 counts of rape and sexual assault which collapsed at trial in December was given as an example of late disclosure with almost catastrophic impact.

Dr Kevin Felstead, our director of communications, gave a talk at the conference entitled, 'The sex allegations shambles: how do we reduce the incidence of miscarriages of justice.' Extracts from Kevin's talk are set out below.

What is happening?

There is a moral panic about child abuse. We are fixated on this as a society. It is easy for anyone to make an allegation, especially relating to young children. In one recent case a child said that her grandmother had abused her emotionally after calling her granddaughter a 'spoilt brat.' If that was escalated in school, safeguarding procedures would kick in and the allegation would be recorded. Complaints are treated seriously and may be subjected to investigation.

The 'Savile Impact' is also of much significance. This is a term which solicitors sometimes use to say to me that the pendulum has swung from one extreme to the other. In contemporary society, the accused is now disadvantaged from the outset and are seen as guilty until proven innocent. Sentencing can be savage in sex cases. Complainants are referred to as 'victims' from the outset. None or late disclosure of important material can significantly undermine the case of the defence.

National fixation on sex abuse allegations

There has been widespread media coverage regarding historic sex allegations – especially in the VIP cases. These types of cases are reported incessantly in the press. Sexual abuse is of course widespread. We should not shy away from that. However, I would argue that there are two distinct data sets. If we look at the examples of Harvey Weinstein and Barry Bennnell, the complainants claim to have always had a cognitive memory of events. For good reason, it would appear, they delayed reporting. This is quite different from the types of case which the BFMS sees where complainants often claim to have 'recovered memories' usually following psychotherapy or hypnotherapy.

A herd of elephants in the room

Barrister Pamela Radcliffe recently described historic allegations – when speaking about non-disclosure – as 'the elephant in the room.' I would go further and suggest that in crown court there are a herd of elephants in the room. There is a complete lack of understanding about mental health – which has arisen in virtually every case I have been involved in. There is even more of a lack of understanding about memory – that is memory *per se* and not just false memory. Memory does not work like a video recorder. The accused can be asked verbatim questions about allegations and events which supposedly took place 10, 20, 30 or 40 years ago. Many (not all) legal teams are ignorant about the nature and function of memory. So are many judges. Confirmation bias is often evident in the investigation of historic sex allegations.

Electronic Communications and Non-Disclosure

It is astonishing that-last minute disclosure are

sometimes sent electronically just prior to trial. Some of these electronic communications can amount to hundreds, even thousands, of pages. There is a danger that they may not get read. Liam Allen is a case in point. On the first day of his trial his barrister applied to the judge to request police release phone records of the complainant which they had previously refused to hand over to the defence. His barrister said: 'I read them (40,000) messages through the night and into the next morning. It was laborious, but I found messages that completely undermined the case.

Myth of progress

This is my personal viewpoint. There is a myth that as a society advances, it improves. Well I don't think that we have improved in this area. We had witch hunts 370 years ago. We seem to have gone back in our thinking and our ability to rationalise things. Moreover very often the accused enter legal proceedings with a faulty perception of the legal system. We don't expect it to convict the innocent. There is a myth that British legal system is the best in the world. It isn't. The impact of funding cuts on the entire legal system has had a dramatic impact and I would say that the criminal justice system is in crisis.

'The 'Irish' cases

Miscarriages of justice are not new. Think about Judith Ward, the Maguire 7 and the Guildford 4. We have not resolved the mistakes of the past. Recent high-profile cases show that mistakes still happen in the criminal justice system. Many people continue to believe that our justice system is the best in the world. How many people, with their eyes closed, have said: 'Don't worry, I have not done anything, I won't be convicted.' It is not true, as many of you know.

Legal Cuts

Have had a massive impact, just read the *Secret Barrister* who points out that some solicitors may be working for less than the minimum wage. Over 50% of cases in Crown Court involve sexual abuse allegations.

Accused is disadvantaged at every level.

From day one the accused is disadvantaged. Before you get into court there is the believe the 'victim' mantra. Once in court complainants are normally placed in special measures and may give evidence from behind a screen so that the defendant and members of the public gallery cannot see them. The accused is placed in a 'glass dock' with a prison warden. The accuser does not have to attend court and may give evidence via a video link.

Justice on the cheap

Neurosurgeon, Henry Marsh, in his book *Do No Harm*, describes how for many of his operations he operates via the back of the head, not fully knowing what he is going to find. It is a very skilled job, which requires years of professional training. The *Secret Barrister* is essential reading for anyone interested in understanding how our legal system is on the brink of collapse. He/she questions whether these skills qualify a surgeon to become a magistrate. Astonishingly in 2016 the budget allocated to training each magistrate was cut to £36. *The Secret Barrister* recalls a case where he was told that the chair of the bench was a neurosurgeon. This led the Secret Barrister to speculate:

No doubt that the surgeon's next patient would find little comfort in looking up on the operating table to see me brandishing a scalpel and cooing: 'It's fine, I'm a barrister. But I've done a weekend residential in Troon and there's a junior doctor in the corner whose advice I might listen to …' In what other area of public life do we allow amateurs to carry out the functions of qualified and regulated professionals? … But when it comes to criminal justice, we are happy to subcontract lay people to perform a strictly legal function.

Why are we asking amateurs to make these important decisions? *Caveat Emptor* – 'let the buyer beware'. If you are accused or you know someone who is, open your eyes. Do not think that you will go to court and it will all go well. It may, or it may not.

Recent case studies

'Helen' was always going to trial. I was present in court appearances. The defence instructed an expert witness who examined the statement of the complainant. The prosecution instructed their own expert witness. Guess what happened? They both agreed that the allegations were sincerely believed (in other words, the complainant wasn't malicious) by the accuser, but they were not credible. The charges were dismissed and the judge instructed formal not guilty verdicts.

'H' was on trial in 2016 facing multiple counts from two complainants. The defence obtained Facebook and other information from the complainant's social media profiles. The jury retired for 30 minutes before returning not guilty verdicts.

'R' is present here today with his wife. The accuser was a fantasist who made a specific allegation describing the penis of the accused ('white, curly and coiled like a snake'). I asked: 'where has that come from?' It sounded like it had been lifted from a book. It had – a *Mills and Boon* novel. I advised R to instruct his solicitor about the discovery and to then insist that he then instructs the barrister to use this as a line of defence. He said that he did not wish to become known as the '*Mills and Boon'* barrister, but it was later put to the jury who deliberated for 30 minutes before returning not guilty verdicts on each count. In hindsight, there is a humorous aspect to this case, however the allegations were treated with deadly seriousness. The accused and his family were profoundly affected by this false allegation.

'E' is an interesting case – for all of the wrong reasons – because this person was formerly a magistrate and chair of the 'bench.' There were two accusers and the case dragged on and on. In the meantime, the accused got heavily involved in his defence and undertook detailed background work on the allegations, constructing a timeline of events which completely undermined the false claims. He was exonerated, but at great personal loss. The judge said that he left court 'without a stain on his character.'

'Anita's husband got a savage sentence and is now in prison. A single judge recently refereed the case onto the Court of Appeal. The appeal is strong. But who can predict what will happen in the Court of Appeal? It's a lottery.

Susan is in prison. I attended her trial. In my opinion (and in the opinion of her legal team), this is an appalling miscarriage of justice. Her appeal has been referred to a single judge who will decide whether to refer it to the Court of Appeal.

Sister Frances – I use Frances as an example of how easy it is to make a false allegation. This is a woman who has devoted her entire life to helping people and was accused by two complainants who I feel strongly were fantasy-prone individuals with false memories. Frances was not supported at work, losing her job and although she wasn't charged, the fantastical allegations have had a dramatic impact on her life. My point is this: if you can make a false allegation against Frances, you can make one against anyone.

What can be done?

1. Be proactive from the outset. The first point is the main one. It is crucial that you get involved in preparing your defence. Do not leave it solely to your legal team.
2. Construct a timeline of events. Collate family photographs etc and any documentation which casts doubts on the allegations. The devil is in the detail, so try to assist your legal team by providing pertinent information. This is very, very, difficult with historical allegations about events which were supposed to have taken place decades ago. But it must be done.
3. Check all checkable facts. Accept nothing, question everything.
4. Scrutinise all statements and assumptions. Do not take anything for granted.
5. Use an experienced legal team. This point may seem obvious, but you need specialised legal knowledge.
6. Instruct your legal team to interrogate all available sources. Use any lines of enquiry or any witnesses that could assist you but do remember that you will need to drive this because most criminal defence solicitors are overworked and underpaid. So you must assist them.

ABC: Assume nothing; believe nobody; challenge everything. This has to be the approach.

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Diary Date

BFMS AGM 2019

Saturday 6th April

in Central London

LEGAL FORUM

Carol Felstead Update

Dr Kevin Felstead

We have fought for over 13 years to establish the truth about Carol's life and death. In our attempts to establish how Carol died there has been a High Court Hearing, two full Inquests and three Pre-Inquest Review Hearings (PIRHs). The first Inquest was convened in Westminster Coroner's Court; subsequently we attended four hearings in the Royal Courts of Justice. There have been at least 27 newspaper articles about the case in the national and international press. These include: the *Daily Mail*, *The Times*, the *Sunday Times*, the *Evening Standard*, the *Daily Telegraph* and the *New York Post*. The story has also been covered in detail in *Private Eye*, the *Observer Magazine*, the *New Scientist and Fabulous Magazines.* Multiple Data Protection requests, Freedom of Information requests and other investigations, all instigated by ourselves, have been made, involving three separate police forces, DVLA and Transport for London. There have been many other enquiries and extensive communications with hospitals, medical assessors, journalists, PR outlets and Forensic Laboratories. Detailed official complaints have been made to the General Medical Council, to the Independent Police Complaints Commission, to the Ministry of Justice and to the Information Commissioner's Office. The Directorate of Legal Services at New Scotland Yard, the Mayor of London, the Home Secretary (now Prime Minister), the Attorney General, the Solicitor General and my local MPs have all been involved. Much more has taken place but, for the sake of brevity, I will stop here.

The first inquest into Carol's death was quashed in the High Court sitting in the Royal Courts of Justice in December 2014 on the following grounds:

> MR JUSTICE OUSELEY: This is an application brought by David Felstead, the brother of Carol Patricia Myers, with the fiat of the Solicitor General, dated 4 March 2014. The applicant seeks an order under section 13(1)(b) of the Coroner's Act 1988 (as amended) to quash the inquisition into the death of Ms Myers and to direct that a fresh inquest be heard … The applicant now seeks a fresh inquest into his sister's death. He puts forward a number of grounds, the first of which is presented on the basis of "the discovery of new facts or evidence," one of the bases upon which it may be just to hold a new inquest pursuant to section 13(1)(b).
> The principal point concerns a Dr Fleur Fisher, a former clinician who had years before treated Ms Myers … She had described herself as the 'next of kin' of Ms Myers and 'executor' of her estate. Dr Fisher was not called to give evidence at the inquest.
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> The point arises in this way. At around the time of death of Ms Myers, it was Dr Fisher who made the 999-emergency call, at 3.14 pm. In this significant call, she told the police that she was a friend of Ms Myers, and had serious concerns for her welfare, and that she might have taken a drug overdose. Dr Fisher added that she had been unable to reach Ms Myers by telephone and that Ms Myers would be in the bedroom at the rear of Ms Myers' property. It was as a result of this call that the police went to the flat and forced entry. At the time of the inquest, this 999 call was said by a police witness to have been made by a "friend" of Ms Myers, as she was concerned for her friend … No mention was made at the inquest to Dr Fisher.
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> Subsequent to the inquest, enquiries by the family revealed that this call had, indeed, been made by Dr Fisher. Enquiries to the coroner also revealed a letter from the coroner dated 10 October 2006 that this "initial informant" had described herself to the coroner's officer as the "next of kin," stating there was no family to contact … Dr Fisher also provided a photograph for the coroner for identification purposes.
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> In addition, the "friend", Dr Fisher, had provided to the coroner's officer a document (allegedly written by Ms Myers) in which she claimed she had been sexually abused as a child, referring to ritual satanic abuse both by her family and others. The document was subsequently given by the coroner to the family. Dr Fisher also made arrangements for cremation …
> In my judgement, some of this is potentially material evidence, which, if available at the time of the inquest could have

> made a difference to the coroner's decision … At the very least there should have been, and now can be, enquiry into the reasons for the 999-phone call by Dr Fisher, and whether she knew or suspected that Ms Myers may have taken an overdose and, if so, why
> … There should be exploration of what Dr Fisher … knew about the deceased's health and state of mind shortly before her death, and of her behaviour. She may have been the last person to have contact with Ms Myers before her death. I am therefore satisfied, as a result of new facts and evidence, that it is necessary and desirable in the interests of justice under section 13 (1) of the Coroner's Act 1988 (as amended) that another inquest should be held. Accordingly, if HHJ Thornton agrees, under section 13(1)(2) the inquisition taken on 12 August 2005 will be quashed, and a fresh investigation will be ordered (including an inquest to be held into the death by the Senior Coroner, (or an appropriately experienced coroner nominated by her).
> MR JUSTICE OUSELEY: In those circumstances, this application is granted and the inquisition is quashed. There will be a new inquest in this investigation as soon as possible.

Securing this judgement was a major achievement and added significant legal weight to our concerns about what had – and had not – taken place in 2005. We had been advised that our chances of obtaining rare permission from the Solicitor General to apply to the High Court were slim in the extreme. We were advised further that our chances of securing a favourable judgement in the High Court were also minimal. In fact, following the ruling by the Honourable Mr Justice Ouseley and His Honour Judge Peter Thornton QC, Chief Coroner for England and Wales, a member of the Press Association approached me in court and expressed surprise at the verdict. In his many years of covering the Royal Courts he had never before witnessed litigants in person overturning an inquest.

We had made a giant leap forward in our quest to establish the truth. Our expectations were high. There was a real sense of satisfaction and optimism in the family. Back in June 2005, the authorities did not inform us about Carol's death until two weeks after she had died. We know now that they were perfectly aware of our existence on the day that Carol died. That two-week period was critical. Dr Fisher emptied the contents of Carol's flat which, according to the coroner, she sold, and she arranged cremation of Carol's body; the service was scheduled to take place on 15 July 2005. We were informed of Carol's death on 14 July. If my brother had not been at home when the coroner's officer telephoned him at 8.58 am, then we are of the opinion that Carol's body would have been cremated. In sum, we believed that a 2nd inquest would provide answers addressing the errors and omissions that were evident during the first inquest. The High Court judgement was explicit and the grounds for granting a new inquest were very clear. At last, it seemed that we would get our day in court.

At the first Pre-Inquest Review Hearings (PIRHs) in March 2015, the Coroner disclosed contemporaneous police logs and other information pertaining to Carol's death. Yet the atmosphere in court was tense. Scene of Crime photographs were missing; the photographs used to identify Carol were also missing. This was frustrating in the extreme. The 2nd PIRH was convened in June. It was contentious from the outset. There was heated discussion about Dr Fisher's whereabouts. Police logs showed that after she made the 999-emergency phone call from Manchester, Dr Fisher then made a series of calls to police from her mobile phone, first from a platform at Wolverhampton railway station and later from Nottingham railway station. I pointed out that these journeys were not possible in the timescales stated. In any case, there is no direct train route from Wolverhampton to Nottingham. It is necessary to complete the journey by boarding a further train from Birmingham to Nottingham.

The 2nd Inquest was scheduled to take place on 30 September 2015. Prior to the inquest our relations with the coroner's team deteriorated so badly that we gave serious consideration to withdrawing from the proceedings. Witness statements were served last-minute and when we finally received the statement of Dr Fisher it was heavily redacted. We had waited 10 years to hear the testimony of former head of ethics at the British Medical Association and this was frustrating. We later reported the Coroner to the Information Commissioner who ruled in our favour, however the Coroner refused to disclose the full statement.

Prior to the 2nd Inquest, we made a detailed complaint to the Ministry of Justice. Identification photographs and scene of crime photographs were still missing; the Coroner ruled that detailed dis-

cussion of Carol's psychiatric history and psychological therapy were beyond the remit of the inquest. Carol was found dead by police on 29 June 2005. According to police logs, Dr Fisher stayed overnight in Carol's flat on the 23 June. Carol cancelled an appointment with her psychiatrist on 24 June. Dr Fisher's evidence about this vital piece of information was confused and contradictory. Ultimately, she testified that she couldn't remember when she last spoke with, or saw, Carol. Expert medical witnesses were called. The cause of Carol's death remained unknown. The inquiry returned an Open Verdict. The coroner ruled that the allegations of sexual abuse and Satanic Ritual Abuse were "found to be absolutely unsubstantiated." The inquest was reported widely in the national press, but from our perspective it was unsatisfactory in every respect. It raised more questions than answers.

We reflected about what to do next. After careful consideration of the evidence, David Felstead prepared a meticulous application to quash the 2nd inquest. The application took several months to prepare. We found ourselves in new territory: could the Solicitor General be persuaded for a second time about the merits of our argument? By now, we had received audio recordings and written transcripts of the proceedings. We had sifted through the evidence, including all of the witness statements, thoroughly paying careful attention to detail. This process took several months.

On 10 January 2017, 64-page application was submitted to the Attorney General's Office. It was detailed and evidence-based. We created an index of supporting documents including the full inquest transcripts and transcripts of the pre-inquest review hearings, together with the rare legal authorisation (*fiat*) from the Solicitor General. In total it amounted to several hundred pages which were then paginated and appended to the application. My father and I took the train to London, paid the application fee, and filed the claim in person. When we finally handed it in, we were satisfied with our efforts and confident about the logic of our argument.

Our main complaint points were focused on what we contend were irregularity of proceedings and insufficiency of enquiry. A main contention remained Dr Fisher's whereabouts. When she first contacted police in 2005 by 999-emergency phone call, she said that she had been unable to contact Carol and was concerned that Carol may have taken her own life. Dr Fisher stated that she was in Manchester when she contacted police. This had long been a source of puzzlement to us because Dr Fisher was put through to the Metropolitan Police Service. It is not possible to phone police in Manchester and to then be connected to the Metropolitan Police Service. We checked the call-handling procedures for British Telecom (BT), Greater Manchester Police (GMP) and the Metropolitan Police Service. When an individual makes a 999-emergency call, it is received by a BT operator who will ask which emergency service she/he requires. If the service required is police, the BT operator will transfer the call to the Force Control Room in the local area. The operator will pass over the caller's telephone number. If Dr Fisher was in Manchester as she claimed in her witness statement to police and in her live testimony (by video link) in the High Court, the procedures dictate that she would have been automatically transferred to GMP because, physically, she was in the area of Greater Manchester. We contended in our application, that because Dr Fisher was connected to the Metropolitan Police Service, then she must have been in the London catchment area. We argued that it is impossible to make a 999-telephone call and to then be connected to the Met police.

We have checked this out very carefully. Dr Fisher testified, under oath, in the Royal Courts of Justice that she was in Manchester when she made the 999-emergency telephone call. We argued that Dr Fisher did not tell the truth – rather she committed perjury. David argued that this point alone undermined the veracity of the entire inquest. This was our first point. There were many, many other complaint points.

The legal threshold to be granted permission (*fiat*) from the Solicitor General to apply to the High Court is understandably very high. However, the application was successful. On 18 October 2017 Robert Buckland QC, The Solicitor General stated:

> Having considered the application, I have given consent to the family of Carole Myers to apply to the High Court for a new inquest into her death. I am satisfied that it is in the interests of justice for the application for a new inquest to be heard by the High Court.
> Before an application can be made, the Attorney or Solicitor have to be satisfied that there is a reasonable prospect that the Court will be persuaded to open a new inquest.

Our optimism at this rare ruling was short-lived

however. David submitted a detailed application to the High Court. On 21 November, we were entered on the Warned List. The Coroner failed to respond to the application within the designated timescales and we argued that she was now out of time and therefore could not participate in the proceedings. On 7 December the Coroner was granted an extension by Master Gidden in the Queen's Bench Division Administrative Court to file and serve written evidence by 4.00 pm on 17 January, on the following grounds:

> The Claimant seeks an order to quash a second inquest into the death of his sister, Carol Myers, who died in June 2005. The Claimant's opposition to the application is entirely understandable but in the overall circumstances in which the parties now find themselves it is unlikely to be to any advantage to the Defendant to be compelled to respond to the claim without the extension of time that the application explains is necessary. In my view sufficient reason has been given and the additional two months is not unreasonable given the lengthy passage of time since 2005, the long history of proceedings and events that have followed and the extraordinary prospect of what would be a third inquest.

The Senior Coroner had argued in her submission that she was unable to respond to our application because of the demands being placed on her team because of the impending Grenfell Tower Inquests.

On 18 December the Coroner submitted to the High Court her First Witness Statement. That was instructive. She addressed the SRA allegations noting that:

> The Felstead family obtained more information about the supposed allegations and took the view that they were the result of false memories developed in therapy sessions.

The Coroner confirmed that in 2005 Dr Fisher had completed cremation forms, prior to my family being informed of Carol's death. She stated further that:

> The Felstead family also discovered that it was Dr Fisher who contacted the police on the day of Ms Myers being found dead. They also found out that, following Ms Myers' death, Dr Fisher took steps to transfer the insurance on Ms Myers' car to herself and to sell the contents of Ms Myers' flat. Dr Fisher offered explanations for these matters, but the Felstead family have not accepted these explanations.

That is a significant understatement: we have emphatically rejected the 'explanations' robustly and repeatedly. To our utter astonishment, the Coroner insisted that Dr Fisher's whereabouts when she made the emergency 999-telephone call to police was of 'marginal relevance to the facts which the inquest had to determine.' Once again, it is a significant understatement to say that we disagree.

We were somewhat surprised at this turn of events having legal authority from the Solicitor General. We reflected carefully about our next move. It is important to note that the Coroner is supported by an active legal team funded by the taxpayer. We were Litigants in Person responsible for our legal costs. While we were not fazed by that at all and we remained confident about the logic of our argument, we were concerned about potential costs – which can be incurred even if the application is successful. As the applicant, David Felstead was particularly concerned about costs in the likely event that proceedings became protracted. The following week, we reluctantly withdrew from the proceedings. We had no idea at that time that this was to become a watershed moment for completely different reasons.

Christmas over, we licked our wounds. David, not one to give up easily, telephoned one evening: "I think that we should apply to the Ministry of Justice for an exhumation licence." For once, I was lost for words. One of our main complaint points to the Solicitor General concerned the identification process allegedly used to identify Carol. We were sceptical about the official narrative that the Coroner's Officer took a photograph of Carol in the morgue and later compared it with a photograph supplied by Dr Fisher. The photographs were missing and this matter was the focus of intense debate in the Pre-Inquest Review Hearings in 2015. There were different sets of Scene of Crime Photographs. We know that because when we initially were given access to the photographs in 2009, my brother made detailed notes

Back in 2006, we considered applying for an exhumation licence, but we were advised by a Home Office Pathologist that it might be more prudent to instigate proceedings to quash the original inquest.

and recorded the reference numbers. Inside Carol's file, held by the Coroner, was a death cover sheet which recorded Carol's name together with a unique reference number. However, there was a separate death sheet which recorded the name of a different deceased person (female) with the same reference number. The 2nd Inquest did not allay my families' concerns about these matters. Back in 2006, we considered applying for an exhumation licence, but we were advised by a Home Office Pathologist that it might be more prudent to instigate proceedings to quash the original inquest.

On 12 April 2018 we applied to the Ministry of Justice for a licence to exhume Carol's body. On 25 April, the licence was granted. On 5 June, in what can only be described as an extremely traumatic day for the family, the exhumation was carried out. Because my mother's body (she died in 2009) was buried in the same grave, two exhumations were undertaken. Carol's body was taken to a local hospital for pathological analysis involving an all-female pathology team (I mention this because most of the therapists who inflicted harm on Carol were female) supervised by a Senior Home Office Pathologist. He expressed astonishment that the licence had been granted so quickly.

When the pathology was completed, the bodies were-reburied. The following day, five members of our immediate family provided DNA samples for comparative purposes. On 22 June we received official confirmation from a Forensic Laboratory that had established definitively the deceased was in fact Carol. The DNA results are conclusive and we have no doubts at all that Carol has been positively identified. It was an immense relieve and the result we had hoped for. As it is now 13 years since Carol died, it is impossible to do further toxicological analysis to establish a definitive cause of death. Therefore, it remains highly unlikely that we will ever find an actual cause of death. We now accept that the exhumation is the nearest we will get to closure with regards to Carol's death.

On behalf of my family, I would like to publicly acknowledge, the Cemetery Manager and her team, the External Exhumation Team, the Pathology Team at our local Hospital, the Forensic Laboratory and last, but certainly not least, a quite brilliant Home Office Pathologist, for their exceptional professionalism, kindness and humility. After 13 years of protracted investigations and obfuscation, we finally met the good guys. Thank you. Your efforts are greatly appreciated.

Huge pay rises for judges may stave off disaster, but where will the judges come from in 10 years?

Matthew Scott Barrister Blogger

The Top Salaries Review Body has announced that judges should receive a stonking pay rise. High Court judges who sit near the pinnacle of the profession – should get an extra 32%, which works out at about another £60,000 per year, while middle-ranking, Circuit judges, who sit in most Crown and County Courts should get a smaller but still very helpful 22%, taking their salaries to a basic £165,500.

Some years ago, Barristerblogger decided that he had slogged around criminal courts long enough. He had imbibed enough of the elixir of wisdom that comes from prosecuting burglars in Bournemouth, mitigating the transgressions of sex minibeasts in Swindon, and eating army packed-lunches in military courts from Bulford to Bielefeld. More to the point, with no pension provision beyond a mis-sold critical illness policy that would, at best, pay for two-weeks off work if I was diagnosed with terminal pancreatic cancer, the time had come to rise above the blood and dust of the arena, to don a purple robe and to accept elevation to the judicial bench.

There were, of course, one or two preliminary details to be sorted out. The first of these was to get in some practice as a Recorder, a junior judge who is temporarily vested with most of the powers of a Circuit Judge and most of the privileges too, apart from the right to wear purple in court or, of course, the salary or (at that time) the pension.

Until not that long ago judicial appointments were done rather differently from the way they are done today. Things called "soundings" were taken, old-school ties adjusted and subtle hints dropped by friendly judges that So-and So was a good chap (or rarely a chapess) whose time had come, and that he would be quietly "sounded out." If he showed interest – "*Haha! Me? A judge I'm sure no-one would ever think of making me a judge*" – a few discrete background checks would

be made, which went something like this:
"Know anything about Higgins?"
"He's very sound. Wasn't in my house, but a bloody good scrum-half"
"What's his practice like?"
"Prosecutes a lot, safe pair of hands."
"No, happily married."
"Drinker?"
"No more than normal."

Then, Hey Presto, Higgins became a Recorder. From there, if the presiding judge liked him and he was clever, lucky or cunning enough not to be appealed too often, a prominent appointment might follow and with it the coveted purple dressing-gown and almost complete security of tenure until it was time to close the judicial notebook for the last time and gratefully accept the solid gold pension. There was a certain amount to be said for such a system if you possessed, or at least were entitled to wear, an old school tie but it cannot be denied that it had its flaws.

The modern system is certainly fairer, and on the whole it has produced better judges, although that may simply be that as one gets older the "old darlings" (as Rumpole called them) ceased to be terrifying and start to become at first contemporaries, and then, gradually, terrifyingly brilliant young upstarts.

It begins with a form, in which you are asked to explain in excruciating detail "why I would make a brilliant judge," although not quite in those words. It is not enough to say, diffidently, "oh, I don't know, I think I could make a fist of it, but I would say that wouldn't I?" Instead you have to blow your own trumpet. And it's not enough to just blow it loudly, you have to demonstrate examples of how "decisive," "independent," "authoritative," and generally Solomonic you are in your everyday life. To adopt the metaphor slightly, you have to praise yourself not just on the loud cymbals but also on the well-tuned cymbals.

This was not so easy, not least because I find it hard to make my mind up about anything and have never held any positions of authority at all, apart from captaining the chambers' cricket team to a series of defeats so heavy that the once popular annual fixture had to be cancelled. This was the first hint that the application process wasn't going to be such a walk in the park. Days went by, then weeks while I racked my memory to think of a single example of where I had ever been more than averagely decisive – which obviously wouldn't be good enough – and the more I tried to think of one, the less decisive I felt. All I could think of was that I was usually very quick to select items from the menu in restaurants, but that was hardly the sort of thing they were looking for.

You had to demonstrate "independence." What did that mean? And then there was something about working in a team. Why would a judge work in a team? Surely, when you were on the bench your word was the law, never mind what any team thought. And how did you reconcile the two qualities anyway? The more you emphasised your independence the less you seemed like a team player and vice versa.

Anyway, you get the idea. It's painful and embarrassing and you don't really want to put yourself through it unless you really, really want to be a judge.

The next stage was a written exam. You didn't need to know any law as such: instead you are given an imaginary statute and rule book, and then asked to write judgements, under time pressure, on various imaginary scenarios, applying imaginary law.

Somehow, I bumbled my way through that and a week or two later the invitation arrived to go to a smart Westminster address for a day of role playing and interviewing.

The role playing involved a company of ham actors playing litigants, lawyers and witnesses, all of whom were doing their utmost to disrupt the quiet authority of the law that us judicial candidates were told to encapsulate. My court-room swiftly became an anarchic cockpit, as actors played a diverse crowd of dissatisfied defendants, weeping complainants and incompetent lawyers shouted and swore at each other and at me, while a Lord Justice of Appeal looked on with thinly disguised contempt as I dismally failed to "show patience and courtesy and even less to "assert authority when challenged." After a few minutes my patience and courtesy had evaporated along with any vestigial authority, and all I could think of was to demand that the usher arrest the key troublemakers, which of course would have been neither correct nor even legal, but by then I was beyond caring. I was like a supply teacher being tortured by Year 9.

Fortunately, the Lord Justice had seen enough and intervened to spare me further punishment. The interview that followed was another horror show,

but we do not need to go there.

So, you will understand, that although not cut out for judicial preferment, I have nothing but the greatest respect for those who are.

Unfortunately, the very best ones are increasingly refusing to do the job for the pay on offer. In the most recent round of recruitment for High Court Judges about one third of the positions were left unfilled, because the Judicial Appointments Commission could not find candidates of sufficient high calibre. What's more, many of the judges who were appointed wouldn't have made the grade in previous years. The Commission grades appointable candidates as A ("outstanding"), B ("strong") or C ("acceptable"), although I don't think they are told which category they fall into (I can guess in my case). Until 2015 all new High Court Judges had been A class; since then some Bs have been appointed. Amongst the Circuit judges, the Commission says that it has already started appointing C grade candidates: 19 in 2016, rising to 43 out of 96 in the last round of recruitment. Moreover, many of the latest Circuit Judge appointments have been made from District Judges who previously sat in the Magistrates Courts, which of course has itself weakened these courts. Before long some of the Ds ("poor") and Es ("=embarrassingly bad") might have to be appointed, simply to keep the courts open at all, and while that may be good news for long-in-the-tooth supply-grade hacks who haven't been able to afford to fund a pension, it's not such good news for those who want to get justice in the courts.

Judges, or most of them anyway, deserve good pay for the extremely difficult work they do. There is also, of course, a public interest in attracting the best talent with a high salary and other rewards, otherwise those able to earn good money as barristers and solicitors will simply not bother to apply. So it is a terrible dilemma. There is no getting away from it. 32% (for the High Court Judges) or 22% (for the Circuit Judges) is a huge increase. Politically, it could not come at a more difficult time for the Government, just after Theresa May foolishly announced, "the end of austerity" and just as Ester McVey admitted that some of the poorest people in the country are about to find their income reduced with the introduction of Universal Credit.

It will split the legal profession. Some will say – without even the merest whiff of self-interest, of course – that we need to pay top dollar to attract the best candidates. Other criminal barristers and solicitors, on the other hand, many whom struggle to get by on £20,000 or £30,000 a year with huge debts to finance, will think that giving large pay increases to already comfortably-off judges is not the best use of scarce resources.

The criminal bar and the profession of criminal solicitors is, almost literally, dying on its feet. In the whole of mid-wales there, for example, (or were in 2017) just 11 criminal solicitors, most of whom were over 50, and over England and Wales as a whole the mean average age of duty solicitors is 47, and increasing every year, as their income continues to decline.

While judges ponder whether they will receive the full 32% increase, few criminal barristers, who have seen a 40% reduction in income from legal aid in the last decade, are likely to be very sympathetic, even as the Government continues to squabble over exactly when a proposed increase of 1% (yes, 1%, not 11% or 21% or 31%) in their fees is to be implemented.

The criminal bar and the solicitors' profession will probably not die out altogether. Some barristers and solicitors will continue to work for pitifully low rates of pay. A few may be able to make a reasonable living from privately paying clients because it can be a fascinating job. But do we really want to go back to the days when membership of the criminal bar, and the pool from which future criminal judges are recruited, is for practical purposes only open to the rich? And although I write about the criminal law because that is the area I understand the best, barristers and solicitors acting for the poor in other areas of the law have seen their own, equally catastrophic cuts in income.

Huge pay increases for judges may stave off disaster for a year or two, but they will do nothing to attract new talent into the law. Unless the government somehow finds the money to reverse the disastrous cuts in legal aid that the profession has endured over the last ten years, the result ten years from today will be a criminal judiciary full of independently wealthy, hideously over-paid, and over-promoted Hooray Henries and Tim Nice But Dims. I'm not sure that overall that will be a good thing.

Legal Comment, Argument and Discussion. Comments Awards 2015 Best Independent Blog.

The editor is grateful to the writer for giving kind permission to publish the article.

Book Review

The Crisis in our Justice System – Guilty Until Proven Innocent by John Robbins, Biteback Publishing.com (2018) Dr Kevin Felstead

This is a terrifying book which lays bare catastrophic failings of our criminal justice system. Journalist, John Robins' research is detailed, meticulous and exceptionally well-written. He exposes the repeated failure of police and the Crown Prosecution Service surrounding non-/late disclosure:
The rule on disclosure is simply stated: every unused item held by the police that is considered relevant to an investigation should be reviewed to see if it is capable of undermining the prosecution or assisting the defence case. If either outcome is satisfied, then the evidence must be disclosed to the defence.

Citing watchdog bodies *Her Majesty's Crown Prosecution Service* and *Her Majesty's Inspectorate of Constabulary*, time and time again, Robins exposes that poor practise around disclosure is endemic – leading to repeated miscarriages of justice. Chapter 5 is entitled: 'Salem Comes to Salisbury.' It considers the distressing case of Harvey Proctor, a former conservative MP, and one of the VIP suspects in the now discredited *Operation Midland* (discussed elsewhere in this newsletter) whose focus was on an imaginary paedophile ring. 'Nick,' (not his real name) the central protagonist at the midst of these untrue allegations, made fantastical claims of rape, murder and torture and was believed by Met police officers. A number of Nick's allegations related to lurid claims in an upmarket residential area, Dolphin Square, located near to the Houses of Parliament. Nick appeared on *BBC News at Ten* on 18 December 2014, with his identity camouflaged and portrayed by an actor. Speaking about the allegations, he claimed:
It was a group of men; very powerful people and they controlled my life for the next nine years. They created fear that penetrated every part of me, day in day out. You didn't question what they wanted, you did as they asked without question and the punishments were severe.

As noted *In the News* section, Nick has since been charged with fraud and perverting the course of justice. Yet in 2014 his lurid claims were treated by the Metropolitan Police Service with deadly seriousness. Detective Superintendent Kenny Mc Donald told a press conference:
Nick has been spoken to by experienced officers from the child abuse team and from the murder investigation team and they, and I, believe what Nick is saying is credible and true, hence why we are investigating the allegations that he has made.

At the risk of labouring a point, *Operation Midland* cost around £2.5 million. In effect, it was a chronic waste of police resources and tax-payers' money. How on earth did this 'investigation' – later abandoned by the Met police – help one single victim of child abuse?

The case of Elgin Varley (which is known to the writer of this review) is addressed in chapter 6. Varney was accused of rape by his former girlfriend who tragically took her own life in the summer of 2015. The case received extensive coverage in the national media. Varney was listed for trial in March 2017, but the case against him collapsed a few days previously. The impact of the false allegations nevertheless was – and remains – devastating for this wrongly-accused man.

As part of Varley's defence, his legal team instructed the services of Dr Peter Naish, chair of our Scientific and Professional Advisory Board. As such Dr Naish was aptly placed to provide a succinct insight into the devastating impact of the untrue allegations:
No one would dispute that Hannah (the complainant) *was a victim, because whatever the cause of the unfortunate woman's suicide, something has gone disastrously wrong when a person of her age feels that death is the only course remaining. It is less obvious that Elgan, too, has been a victim; after all, he has 'got off' without even having to go to court.*
But what if he had gone? It's said there's nothing to fear if you are innocent, but what about those miscarriages of justice. Elgan was staring into the abyss. Had he been found guilty, not just of the horrible crime of rape, but also, in effect, of the victim's death, then he would have been facing a long custodial sentence. Those convicted of sex crimes are not treated kindly in prison.
For month after month, Elgan lived in this dread, his life on hold; his mental health besieged. As an expert, I was privy to a wide range of information, not just the mental health issues of the key players, but communications between them, family matters, actions of friends and so on. If the case had come to court, I would have presented what I knew to Elgan's defence and everyone would have heard it. With no trial my lips must remain sealed. This is very unfortunate … The

hope of humane treatment for the accused has been thwarted by publicity where there should have been privacy, and silence where there might have been explanation.

The prison population in the UK is by far the largest in Western Europe. According to the UK prison population statistics, in December 2006, the prison population was 80,000, rising to 92, 500 in July 2018. The Criminal Case Review Commission (CCRC) was set up in 1997 to investigate suspected miscarriages of justice in England, Wales and Northern Ireland. It is now underfunded and over-stretched. In the period from April 1997 to September 2018, the CCRC received 24,249 applications completing 23,336. Throughout this period, it referred a pitiful 653 cases to the Criminal Court of Appeal – 436 of which were successfully appealed. Be cognizant of the fact that there is no material advantage, if guilty, for maintaining innocence in prison for the simple reason that one would serve a longer prison sentence for not acknowledging guilt. How many of those applications to the CCRC are in fact miscarriages of justice? To what extent, in part at least, can the rising prison population be explained by the incarceration of innocent (mostly) men accused falsely of sexual abuse? One of the most shocking conclusions of *Guilty Until Proven Innocent is that:*
The 'Irish Cases', the Maguire Seven, the Guilford 4, the Birmingham 6, Judith Ward, received widespread publicity in the 1990s and 1990s. This trend has continued however.

In other words, miscarriages of justice are not a thing of the past. Any reader interested in how the falsely accused can be convicted should read chapters 7 and 9 which cover the unrelated cases of Geoffrey Long, David Bryant and Ben Green. Prior to making a complaint to police, Bryant's accuser had visited his GP to seek help for pathological lying. The case was successfully appealed, but it still led to tragic consequences after the premature death of Bryant's wife who had worked like a one-woman legal team to overturn David's conviction. In the case of Ben Green, a former nurse serving multiple life sentences for murder, it is entirely plausible that no crime took place. The same would apply to Eddie Gilfoyle (discussed in chapter 1) who served a life sentence for the murder of his wife who was depressed and wrote a suicide note to her husband before taking her own life.

This book is powerful and hard-hitting. If you thought that our criminal justice system is fit for purpose, it may come as a shock. My advice is don't read it late at night. But do read it. You will not be disappointed.

Obituary

Roger Scotford

I met Roger a quarter century ago. It was not under the happiest of circumstances. The year was 1993, the place was Pennsylvania. Here's how it happened. In the US, a group of families and professions created the False Memory Syndrome Foundation. They saw a need for an organisation that could document and study the problem of families that were being shattered when adult children suddenly claimed to have recovered memories of sex abuse that supposedly occurred in childhood. All over the US, parents had been receiving phone calls and letters accusing them of committing horrifying acts that had supposedly happened years or decades earlier. The organization would be headed by Dr Pamela Freyd whose own family had been caught up in such a tragedy. Roger, in England, was noticing the same thing. Roger came to the first US conference in 1993, where I had the pleasure of meeting him. He then began to organise families in the UK, and established the British False Memory Society in 1993, and for years was its director. In the ensuing years, I would read about Roger's passionate efforts on behalf of his group - in the Independent, in the Herald - he was continually speaking out about this disastrous epidemic. He turned his sorrow and suffering into an effort to help many others. He used his boundless intelligence and energy to try to make things a bit better for others who had gone through similar messes. I last saw Roger just a couple years ago when I was getting an award in London for standing up for science and facing enormous hostility in the process. Roger unexpectedly (to me) showed up at the award ceremony and we were so happy to see each other. He was still so full of intelligence, energy, and warmth.
A few weeks ago, I learned about Roger's terminal illness and wrote to Dr Freyd. She responded immediately: "I am so sad to hear this." And now, learning of his passing, I feel her words: "I am so sad to hear this." Sadness knows no bottom. But Roger will remain a hero for me. He lived a life that he and his family can be very proud of.

Elizabeth Loftus, Distinguished Professor, Psychological Science, Criminology Law & Society, Cognitive Sciences, School of Law, University of California

Overseas False Memory Societies

Please feel free to write or phone if you have relatives in these countries who would like to receive local information. The American and Australian groups have produced newsletters.

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