

His Honour Judge Seys Llewellyn, QC
Designated Civil Judge (Wales)

Ei Anrhydedd y Barnwr Seys Llewellyn, CF
Barnwr Sifil Dynodedig (Cymru)

Richard Booty, Governor,
H M Prison,
Knox Road,
Cardiff

Dear Governor,

Maurice John Kirk

Mr Maurice John Kirk is engaged in civil litigation which is currently (and has been for several months) listed to be heard as a trial at Cardiff Civil Justice Centre commencing on 26 April 2012. He is the Claimant in those proceedings.

My personal assistant Mrs Rosie Pahl wrote on 26th January 2012 at my request to ask for the early assistance of the prison authorities in connection with those proceedings. I understand that to date no reply has been made. I am therefore writing personally since the matter is important and urgent.

The trial is listed to last 43 sitting days. Thus considerable preparation is required on the part of each party leading up to trial, and it is to be expected that during the trial a considerable amount of work will be required outside court hours, dealing with court bundles of documents. Mr Kirk acts as a litigant in person and thus has no legal representation in the civil proceedings.

The civil court is aware that Mr Kirk faces criminal proceedings and is currently in custody. At present it is understood that trial is due of those matters on 2 May 2012. Since the criminal process involves the liberty of the subject those proceedings are likely to be accorded precedence over the civil proceedings. Enquiry is being made by the civil court of whether that trial is capable of being brought forward. However irrespective of that, it is essential to know whether facilities can, and will, be made available for Mr Kirk to work while in custody upon the papers in the civil trial, which run to several key lever arch files and it is possible on occasion, a considerable number of lever arch files of documents; and for him to work on a laptop. I appreciate that for reasons of security laptop communication with others outside the prison may be restricted or denied.

If it is not possible for these facilities to be made available it will have obvious consequence on whether the civil trial can proceed as listed.

The civil proceedings are to be heard at Cardiff Civil Justice Centre (2 Park Street Cardiff CF10 1ET). From the earlier experience of the civil court in 2009/2010 during the remand of Mr Kirk in custody, pending the eventual trial upon which he was acquitted, my understanding is that the prison authorities will at the request of the civil court ensure production of Mr Kirk day by day as necessary if the hearing of the civil proceedings listed over the period of 9 weeks from 26th April 2012 remains effective.,

I would be grateful for express confirmation that this will be the case, since it likewise has obvious consequence on whether the civil trial can proceed as listed.

At present I understand that Mr Kirk is held on remand. If he were to be convicted, and become a prisoner serving a sentence of imprisonment, would the position be any different? If so, I would be grateful for separate explanation of what facilities would be made available, and whether there would be difficulty in production of Mr Kirk on a day by day basis to be available at the Cardiff Civil Justice Centre during ordinary court sitting hours.

Yours

His Honour Judge Anthony Seys Llewellyn QC
Designated Civil Judge for Wales

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