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'For heaven's sake, Bernard. He's only 12!'

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Judge pleads guilty to being confused by expert witnesses

By **Graham Grant**
Home Affairs Editor

A LEADING judge yesterday admitted she was bewildered by the evidence of some expert witnesses at complex trials.

In candid remarks, Lady Clark of Calton said that when she became a judge she found disagreements between expert witnesses baffling.

As a result, she would 'sit there wondering whatever is coming next' - and trying to work out what the dispute was about.

The surprising comments were made by the former Advocate General for Scotland at a meeting of the Forensic Science Society.

It also heard claims from experts that the variable quality of evidence from expert witnesses - as well as juries' difficulties in understanding evidence -



Candid: Lady Clark of Calton

were a 'ticking timebomb' which may have created miscarriages of justice.

Some of the warnings were backed up by Lord Advocate Frank Mulholland, Scotland's most senior law officer, who admitted he had worked with 'downright awful' expert wit-

nesses. Scottish Law Commission chairman Lady Clark, 64 - formerly Edinburgh Pentlands Labour MP Lynda Clark - became a judge in 2006.

Addressing the conference in Edinburgh, she said judges could be left confused and bewildered by the complexity of evidence - while juries' knowledge of forensic science such as DNA was often sourced from the TV.

She said judges had not had the same opportunity as lawyers on opposing sides in the trial to learn about technical evidence, which left them at a disadvantage if the evidence was poorly presented at trial.

The judge said: 'I'd be sitting there as judge wondering, "Whatever is coming next?"'

'Sometimes counsel forgot the judge hadn't had the advantage they had - of being encouraged to learn about the subject beforehand. Although I had had years of experience as an advocate, I found that dealing with expert

evidence was quite a difficult task. One wasn't always helped very much by the way the case was presented or sometimes one was left in doubt for a very long time as to what the actual dispute was about - what were the experts disputing about?'

'If you don't know that, it's sometimes very difficult to home in on points that may be of importance.'

The judge also raised concern over the amount of information confronting juries during long and complex trials. Lady Clark said it was 'very challenging' to brief a jury about their duties in civil trials, who are also tasked with deciding how much money should be awarded in damages.

Lady Clark said: 'It's very difficult for judges to deal with expert evidence but there is even more concern about the situation when 15 citizens are drawn off our streets and chosen at random to sit as juries in a particular case.'

Council's £30,000 bill to 'focus' bosses

OFFICIALS at a Scottish council were sent on 'farcical' training sessions costing a total of almost £30,000 to 'improve their focus'.

Fife Council gave 33 senior staff time off to go on the £208-a-day course, spending four days working 'on tools and techniques to improve their focus on tasks, negotiation and productivity'. The training sessions have been widely condemned as a waste of time

Daily Mail Reporter

and money by the council, which recently chopped £250,000 from the budget for training teachers to be more effective.

One council insider said: 'It is an absolute farce and typical of the poor leadership of the largely unseen £100,000 senior directors.'

'The senior management team of Fife Council have no grip on reality and seem to

live in a corporate bubble, oblivious as to what happens on the frontline or in local communities.'

Sharon McKenzie, the council's head of human resources, said the course was provided by an outside company. 'It teaches real practical techniques to improve decision making and productivity which have led to significant cost savings in other organisations,' she said.

Corruption police raid home of IMF chief

From **Pater Allen** in Paris

THE home of International Monetary Fund chief Christine Lagarde was raided by anti-corruption police yesterday.

It follows claims that she authorised a £270million payout to a prominent Nicolas Sarkozy supporter when she was French finance minister.

It is not known what officers seized after entering the £1million Paris apartment of the world's most senior banker.

The Court of Justice of the Republic, a tribunal qualified to judge the conduct of government ministers while in office, said Mrs Lagarde, 57, may have abused her position to help a businessman.

The case dates back 20 years. Bernard Tapie, former head of Adidas in France, claims he was cheated out of millions by the then state-owned Credit Lyonnais bank when he sold his stake in the sports



'Too generous': Mrs Lagarde

kit empire in 1993 for around £300million. Within months the bank sold the company for more than twice that amount, which led to Tapie demanding compensation.

Mrs Lagarde is said to have allowed the equivalent of £270million in compensation to be awarded to Tapie in 2008 when Mr Sarkozy was French president and she was finance minister.

Critics said the settlement was too generous. Mrs Lagarde, whose salary as IMF managing director is £300,000, denies wrongdoing.

In 1997 Tapie, an ex-government minister, was jailed for match-fixing after owning one of France's biggest football clubs, Olympique de Marseille.

Mrs Lagarde's lawyer, Yves Repiquet, said: 'This search will help uncover the truth [and will] help to exonerate my client from any criminal wrongdoing.'

An IMF spokesman said its executive board had considered the Tapie issue when appointing Miss Lagarde and had been confident she could do her job.

Retrial finds two men liable for Omagh attack

TWO men have been found responsible for the Omagh bombing in a landmark civil case.

Colm Murphy and Seamus Daly faced a retrial after they successfully appealed against a finding of liability made against them and two other republicans at the end of the original civil case four years ago.

But their second trial delivered the same outcome at the Belfast High Court yesterday. Between them, Murphy, Daly, Real IRA chief Michael McKeivitt and republican Liam Campbell now owe the 12 bereaved relatives who brought the case £1.6million in damages.

Speaking after the ruling, the victims' families said they had not given up on securing a criminal conviction for the August 1998 attack that claimed the lives of 29 people, including a woman pregnant with twins. Stanley McCombe, whose wife Anne was killed, added that the families were determined to make the men pay up.

However, the civil action could still be subject to another appeal.