



FIELD FISHER WATERHOUSE

Our ref: MSL/2515880 v1

Strictly Private & Confidential

Detective Inspector Nigel Niven
Hampshire Constabulary
Western Area Headquarters
12-18 Hulse Road
Southampton
Hampshire SO15 2JX

*Letter sent
to AH
date 16/10/03*

7 October 2003

Dear Nigel

Operation Rochester

I write to confirm the substance of our recent conversation, and our meeting today, concerning conflicts of interest and set out my view on this matter now I have had the opportunity to review the position.

I understand that an issue has been raised with you as to the propriety of the involvement of Field Fisher Waterhouse in Operation Rochester. It has been noted that as a firm we have been acting both for the General Medical Council in their now dormant investigation into Dr Barton and for Hampshire Police supporting your investigation.

We have of course considered the issue as to whether a conflict issue would arise as a routine matter as we would with all our instructions. We are content that no conflict of interest has arisen in our work thus far. This situation is not unique; for example we have previously advised a Health Authority on the investigation of a doctor locally whilst simultaneously advising the General Medical Council on bringing proceedings.

That being said I am mindful of the importance to Hampshire Constabulary of this investigation and the need for it to withstand external scrutiny and maintain public confidence. In such circumstances and in order to remove any contention in the matter of our instruction, I have informed the General Medical Council that I will no longer act for them in respect of the case of Dr Barton. This action should not be viewed as a corrective measure but one where we are proceeding with excessive caution in view of the sensitive nature of the case.

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I hope this resolves the issue substantively.

Yours sincerely

Code A

Matthew Lohn

Partner

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