

Hotmail[®] alfrededonovan@hotmail.comInbox | [Previous Page](#)

From : "alfred donovan" <alfrededonovan@hotmail.com>
To : mark.platts-mills@8newsquare.co.uk
CC : richard.m.wiseman@si.shell.com
Subject : MR TOM MOODY-STUART
Date : Thu, 30 Jan 2003 04:19:44 +0000

FOR THE ATTENTION OF MR NICK WISE C/O MR MARK PLATT-MILLS QC

Dear Mr Wise

I have printed immediately below copies of self-explanatory emails which I recently sent to Mr Justice Laddie and to Mr Tom Moody-Stuart. They both have relevance to your chambers.

12th November 2002

Mr Peter Smith
Clerk to Mr Justice Laddie

Dear Mr Smith

CH 1998 D No. 2149

JOHN ALFRED DONOVAN and SHELL UK LIMITED

My name is Alfred Ernest Donovan. I was a Defendant to the Counterclaim in the above action and I am the father of John Donovan. I am now residing overseas and amazingly still alive at 85, although probably with only a short time left.

About a year ago Mr Richard Wiseman, the Legal Director of Shell, used the "Judges Comments" arising from the above trial to deliberately torpedo my son's relationship with a third party company. He made derogatory comments in writing based on what he claimed Mr Justice Laddie had stated. Mr Wiseman offered to supply the relevant company with a copy of the Judges Comments. During the course of subsequent correspondence, my son deduced (and Mr Wiseman did not deny) that contrary to the terms of the peace settlement approved by the Court, Shell had used the same information in other material circulated after the trial had concluded. My son consequently informed Mr Wiseman that Shell had acted in material breach and had thus repudiated the relevant agreements.

Because of these events and a gratuitous comment made by Mr Wiseman about me, I decided to write my memoirs, with a focus in particular on my extraordinary relationship with Shell, which stretches back over 40 years and of course the legal battles with them.

Over the last 12 months I have carried out a considerable amount of research and now have a complete draft manuscript. However I would like to confirm whether one assumption I have made is true as I do not want to publish (on the Internet or elsewhere) anything which is inaccurate.

Commonsense suggests that it is safe for me to assume (as I have) that as Mr Justice Laddie felt it proper to disclose his participation in the Shell Smart scheme prior to the trial, he would have also disclosed if he had any professional and/or social contact with Mr Tom Moody-Stuart. I say this bearing in mind that Tom Moody-Stuart is the son of the then Group Chairman of the Royal Dutch Shell Group and consequently any such connection would have much greater potential significance than being a mere participant in the Shell Smart scheme. I am aware of the mutual association with 8 New Square and with various individuals at the chambers.

By way of further background information, you may possibly recall that during the course of the trial Mr Justice Laddie was given copies of my correspondence with Lady Judy Moody-Stuart (correspondence instigated by her). The Moody-Stuart family name was caught up in the trial and we were subsequently informed that Sir Mark personally approved the eventual settlement of the case even though it involved a subsidiary company. I would be grateful if Mr Justice Laddie would confirm through you that my assumption is correct.

Yours sincerely
Alfred Ernest Donovan

RESPONSE BY EMAIL THE FOLLOWING DAY (Wed, 13th Nov 2002)

Dear Mr Donovan,

<http://lw14fd.law14.hotmail.msn.com/cgi-bin/getmsg?curmbox=F000000001&a...> 29/01/2003

Thank you for your e-mail re John Alfred Donovan and Shell UK Limited.
I have been instructed to inform you that Mr Justice Laddie is unable to enter into any correspondence or make any comment on this matter.

Yours sincerely
Peter Smith
Clerk to the Hon Mr Justice Laddie

(END OF EMAIL EXCHANGE)

EMAIL TO MR TOM MOODY-STUART 4th DECEMBER 2002

Dear Mr Tom Moody-Stuart

As you may be aware, I have been in correspondence with Shell Legal Director, Mr Richard Wiseman in his capacity as UK General Counsel of Shell International Limited. He has kindly circulated my draft manuscript to various interested parties including the following:-

Sir Philip Watts, Group Chairman, Royal Dutch Shell Group
Mr Malcolm Brinded, Group Managing Director, Royal Dutch Shell Group
Mr Steve Miller, Chairman, President and Chief Executive Officer, Shell Oil USA
Mr Clive Mather, Chairman, Shell UK Limited
Sir Mark Moody-Stuart, Director, Shell Transport and Trading Co plc
Mr Andrew Lazenby, former Shell UK Limited Promotions Manager
D J Freeman (Shell UK solicitors)

Those parties named above who are mentioned in the manuscript have been invited via Mr Wiseman to let me have any comments they may wish to make by 9th December 2002 on the basis that I would then carefully consider them. After Mr Wiseman raised the matter, I offered via Mr Peter Smith on 28 November 2002 to supply a complete copy of the manuscript to Mr Justice Laddie on the same basis.

Mr Wiseman also notified me on 29 November that your father, Sir Mark Moody-Stuart, had asked him to send you a copy and that he had supplied it because he had my permission to do so (having previously raised the question with me).

I am aware that Mr Justice Laddie had an ongoing connection/association with your chambers (his former chambers) and has co-authored a legal text book with your colleagues at 8 New Square. I would like to know if that association extended to you personally. If you are able to confirm that you had no existing contact professional or otherwise with Mr Justice Laddie and never discussed the case with him or colleagues, then I will make that absolutely plain in a revised manuscript.

Even if Mr Justice Laddie had forgotten any connection/association then he would surely have realised this when he saw the letter from your mother at an early stage in the trial and/or one of the many references in documentary evidence to your father. "Moody-Stuart" is obviously a rare and distinctive surname and consequently instantly recognisable. When the name first came to the attention of Mr Justice Laddie it would surely have rung immediate alarm bells in terms of a potential conflict of interest if he did know you at that time. This is why I have assumed for the purpose of the draft manuscript that this could not have been the case, bearing in mind how scrupulous Mr Justice Laddie was in declaring his participation in the Smart scheme.

I would however like to obtain confirmation so that it can be accurately stated in the manuscript instead of having to make assumptions. I hope that you will feel able to assist even if Mr Justice Laddie still feels unable to do so himself. If you did not know him at the time and have never discussed the case then please confirm that information in unequivocal terms. It would mean a major rewrite but I would much prefer for the published information to be unambiguous and accurate.

If you want to take up this invitation but need more time to respond then please let me know. There is some haste because I am nearly 86 and will not live forever (Shell executives may at least be encouraged by this thought).

Yours sincerely
Alfred Donovan

END OF EMAIL

No response was forthcoming.

Commonsense suggests that Mr Tom Moody-Stuart MUST have been aware of our case against Shell at the time when we were being advised by his colleagues. The pending trial was widely reported in the UK national press including a front page story in the Telegraph. It must surely have been the subject of office gossip and discussion in chambers bearing in mind the aforementioned publicity and the obvious potentially conflicting interests; leading and junior Counsel at

8 New Square advising my son on his case against Shell while their colleague, Tom Moody-Stuart would naturally have been on the side of his parents.

Because of information we had given to him in correspondence, his father, Sir Mark, knew that his son's colleagues at 8 New Square were advising us. The affair was of great importance to Tom Moody-Stuarts parents as was evident from the unprecedented personal intervention of Lady Judy Moody-Stuart. Plain commonsense therefore also suggests that he discussed and advised his father (and/or his mother) on Shell's likely prospects of success in defending the action bearing in mind that the case fell within his area of professional expertise. What family would not have had such a discussion under the exceptional circumstances which then applied?

Since the reputation of 8 New Square may indirectly be brought into question as matters stand, I want you to have the opportunity to comment on what I have said. I am literally days away from authorising publication of my biography. However I am still prepared to delay publication and if appropriate redraft the manuscript if anyone would care to give me some answers and/or confirmation concerning the issues raised about a possible conflict of interest in chambers and in relation to Mr Justice Laddie.

I respectfully suggest that if Mr Tom Moody-Stuart has not yet supplied chambers with a copy of the draft manuscript provided to him by Shell Legal Director, Mr Richard Wiseman, you may wish to ask him to do so.

My strenuous efforts to establish the facts about these matters as opposed to indulging in speculation, or being forced to make assumptions, should speak volumes about my bona fides. Kindly let me know within the next 48 hours if you intend to give me a considered response.

Perhaps my brain is fossilising but even leaving aside the question of any pre-existing connection between Mr Tom Moody-Stuart and Mr Justice Laddie (I have currently assumed in the manuscript given the absence of any comment from either party that there was none), it does seem to be a rather incestuous background in which to prepare and conduct a fair trial?

Of course it is possible that Mr Tom Moody-Stuart informed chambers of the unusual situation at the time and it was decided after due consideration that there was no problem. Alternatively it may be me who is being over-suspicious or wrongheaded in raising such distasteful matters. It is true that I am not a lawyer and only have my own sense of fair play and justice on which to rely. You have the opportunity to enlighten me.

Yours sincerely
Alfred Donovan

Cc Mr Richard Wiseman, Legal Director, Shell UK Limited

From : "Mark Platts-Mills" <Mark.Platts-Mills@8newsquare.co.uk>
To : <alfrededonovan@hotmail.com>
Subject : Re: MR TOM MOODY-STUART
Date : Thu, 30 Jan 2003 13:17:02 +0000

Dear Mr. Donovan

I have recieved you e-mail directed to Mr. Nick Wse c/o myself and I have passed it on to Mr. Wise.

Yours sincerely

Mark Platts-Mills QC

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

This footnote also confirms that this email message has been swept by MIMESweeper for the presence of computer viruses.

www.mimesweeper.com

Hotmail[®] alfrededonovan@hotmail.comInbox | [Previous Page](#)

From : "alfred donovan" <alfrededonovan@hotmail.com>
To : mark.platts-mills@8newsquare.co.uk
CC : richard.m.wiseman@si.shell.com
Subject : SHELL
Date : Wed, 05 Feb 2003 01:43:40 +0000

Dear Mr Platt-Mills

Thank you for having the courtesy to acknowledge my email. I am now sending further comments directly to you in your capacity as Head of Chambers at 8 New Square.

I asked Mr Wise if he would let me know within 48 hours if he intended to provide a considered response to the matters raised in my email. As Mr Wise has not responded, I assume that like Mr Tom Moody-Stuart, he does not intend to take up my invitation. Consequently I will be pressing ahead with my publication plans.

It seems to me that Mr Tom Moody-Stuart would not have been entitled to discuss the relevant High Court Action(s) against Shell with his father knowing as he must have done that fellow barristers at his own chambers were actively advising us. The question of his father's integrity in not disclosing to us the fact that his son was then working on a daily basis in the same chambers is another cause for unease. It seems rather shady to me.

It is also unfortunate that Mr Tom Moody-Stuart has not been prepared to simply confirm that he had no connection professional or otherwise with Mr Justice Laddie at the time of the trial. Why is no one prepared to tell me that no such connection existed? It does not give me confidence in the assumptions I am being forced to make because of the lack of cooperation in helping me to confirm the truth.

It leads to further suspicions e.g. whether Tom Moody-Stuart had sight of confidential papers supplied to chambers in good faith. I had no idea that the son of the Shell Group Chairman who had dismissed our reasonable proposals for putting the SMART dispute to binding mediation was working inside the chambers advising us. Any such insider information would have been absolutely invaluable to Shell. Why is Tom Moody-Stuart not prepared to tell me that no such insider informer was passed on to his father?

Furthermore, if, as I have speculated, the Donovan v Shell litigation was under the circumstances, bound to be a topic of conversation and gossip in chambers involving Tom Moody-Stuart, then surely someone should have pointed out to us the potential conflict of interest. I would have thought that the chances that no one ever discussed the subject with him in chambers in view of the global prominence of his father as the then Group Chairman of Royal Dutch Shell was zero. Why is no one prepared to tell me that no such conversations took place?

I would have liked to have the facts rather than engaging in speculation or assumption. However I cannot compel Tom Moody-Stuart to communicate with me and I will not attempt to contact him or your chambers again. Readers will be forced to draw their own assumptions for the universal lack of a response to the important issues raised. Kindly pass a copy of this email to Mr Tom Moody-Stuart.

Yours sincerely
Alfred Donovan

Cc Mr Richard Wiseman, Legal Director, Shell UK Limited (for onward circulation to Sir Mark Moody-Stuart)