

Questions sent to Counsel on 3 February 2025 via email and mail

19 February 2025 no response to date

Research Questions
Ms Hxxxx
Regarding your Representation of
Banking Inquiry Whistleblower

Dear **Ms Hxxxxxx**

We hope this message finds you well.

We are currently researching your role in representing the Banking Inquiry Whistleblower, **Ms Xxxxxxx**, on behalf of a production company and a number of matters have come to our attention. We are very keen to understand the complexities of this case generally and particularly from a legal perspective. To assist us in our research, we would appreciate your answers and insights on the following questions:

1. General

- (a) When were you first engaged by the relevant Solicitor's firm to represent **Ms Xxxxxxx** and
- (b) when and why did you withdraw from the case?
- (c) Ms Xxxxxxx alleges that you did not take on any independent investigations to verify the claims made by **Ms Xxxxxxx** prior to taking the case, as you were on notice that former Governor **Honohan** had deemed her Protected Disclosures credible and that all times you were of the view that all of **Ms Xxxxxxx's** Protected Disclosures were credible. Is that correct?

We have seen no evidence in the file to suggest that you challenged the veracity of the Protected Disclosures and it seems that you believed that the Protected Disclosures were completely credible.

- In which case, how much did you know personally about the underlying frauds that were concealed by the Banking Inquiry?

2. Drafting Delays

- (a) Please explain why it took almost two years for you to draft the Summons?
- (b) During the drafting, how did you come to overlook that **Ms Xxxxxxx** was identified as a **female** lawyer and not just a lawyer in **Senan Allen's** Report?
- (c) Were you acting under the instructions of Senior Counsel or any other individual(s) to delay the drafting process?

Continued

(d) Do you believe that you were acting in the best interests of your client at all times when tasked with basic legal work?

3. Undisclosed Conflicts of Interest (Personal & Professional)

- a) Did you encounter any conflicts of interest in representing Ms XXXXXX?
- b) Information was evidenced in a public magazine that you were attending paid funds raisers for Fine Gael and provided to her by a colleague.

Please comment.

- a) Ms XXXXXX has evidenced correspondence from you in which you regarded her query about this obvious conflict as her trying to access “*personal information*” from you.

Please explain your understanding of a professional conflict of interest.

(d) How many Fine Gael fundraisers did you attend from the time you began working on this case until you withdrew from the case?

(d) What are your current connections to Fine Gael?

(e) Do you have family members who are members of Fine Gael or who have represented Fine Gael members?

(f) How long has there been a relationship between your family and Fine Gael?

Given the fact that Mr Enda Kenny Fine Gael, was Taoiseach as the time of the Bank Inquiry and Senan Allen bragged about access to his bathroom provides the basis for many of these conflict-of-interest questions

- Did Senan Allen to your knowledge ever act as a Barrister representing Mrs (Enda) Kenny before his role in the bank inquiry?

(f) Did you have any prior relationships with the organization or individuals implicated in Ms XXXXXX's Protected Disclosures?

(g) How do you typically manage the balance between advocating for a client and ensuring ethical representation, especially when conflicting interests arise?

(h) Were there any instances where you felt that your own interests might have been misaligned with those of Ms XXXXXX, and how did you navigate that or did you simply disregard it?

Continued

(i) Can you discuss any actual conflicts of interest that arose during your representation, particularly regarding financial incentives or relationships with other stakeholders?

4. Witnesses

(a) What is your view of the concealment of supportive witnesses from Ms XXXXXXXX? This is repeated below.

(b) Did SC, J. R. ever instruct Solicitor to contact witnesses and take a statement?

(c) Based on my review of correspondence from xx xxxxxx solicitor no witness statements were taken

- Why were no witness statements actually taken?
- Please explain in as much detail as will be helpful.

(d) What is your view of the Solicitor telling a witness that Ms XXXXXXXX was engaged in a defamation action and did not need witnesses when she was not?

- This is evidenced.

5. State Claims Agency (SCA) – Office of the Parliamentary Legal Adviser (OPLA) – House of the Oireachtas Service / Commission (HoO)

(a) Ms XXXXXXXX has recently been advised that the SCA is issuing instructions to Hayes solicitors in this case?

Is this your understanding?

(b) If the SCA is issuing instructions to Hayes, why was Ms XXXXXXXX not informed of this?

(c) Has anyone from the SCA, OPLA or HoO contacted you regarding this case?

(d) Has anyone attempted to influence your representation of Ms XXXXXXXX in any way?

6. Retaliation against Ms XXXXXXX

(a) Please elaborate on the detailed steps you took to ensure your client was protected against retaliation during the litigation process regarding her Protected Disclosures

(b) Our research unveils that that no action was taken or no assistance offered when Ms XXXXXXX referred to:

- (i) unlawful surveillance and intercepted communications;
- (ii) facing the opposing lawyers wishing to delve into her private life going back 12 years;
- (iii) indicating there would be a “*trawl through her medical records: (terminology used by [redacted] – 12 January 2024)*” and references to “mental health concerns”.

Ms XXXXXXX was left to face dealing with these matters entirely alone and even today she is dealing with unlawful surveillance and intercepted communications.

- Our research indicates that Mr JR raised in voice in a June 2023 meeting and said “what do you want me to do” re illegal surveillance
- Even though you were not in attendance, did Mr JR ever discuss these items with you

(c) In your view, are the above actions acceptable rather than breaches of Irish legislation – the Protected Disclosures Act 2014? Please explain.

7. Lack of Interest in Progressing Case

This section deals with a similar theme – permitting your client to be retaliated against and the fact that you and Mr JR SC appeared to lack interest in progressing the case to Ms XXXXXXX advantage.

We have read correspondence from a friend of Ms XXXXXXX to her former legal team, that you were part of and he uses the word leverage. He states that no where in the files he read did you look for any leverage to progress Ms XXXXXXX case. He states there was no push back on Hayes requests for medical records over 12 years, surveillance concerns were curiously ignored.

Continued

- (a) Given it took approximately 7 years to reach a mediation conference, it seems that this individual is completely correct.

Please comment.

- (b) It is clear that [Ms XXXXXX] Protected Disclosures regarding the Central Bank of Ireland are substantiated.

Why did you not use this publicly available evidence to resolve this case or advance to trial as [Ms XXXXXX] requested numerous times in writing which is evidenced?

- (c) From our research, solicitor and [JR] SC acknowledged this case would never reach an Irish Court, so why didn't you use all tools available to advance it and resolve it?

8. Conditional Settlement and Misleading of Citizens

- (a) Did you receive instructions that the case could only be resolved if [Ms XXXXXX] allowed the fabricated Report about her to remain on the record?

Who provided these instructions?

- (b) When you and [Mr JR] SC and [Mr O'R] and [Mr O'D] all knew that the Report was fabricated, with [Mr O'D] even saying [Ms XXXXXX] was treated scurrilously (as confirmed by [Ms XXXXXX] brother)

Did this not present an ethical dilemma for all of you as you are conspiring to ensure that Irish citizens were **and continue to be misled?**

9. Alleged Collusive Representation

- (a) What measures did you take to ensure that your representation of [Ms XXXXXX] was not collusive in nature, especially in relation to other parties involved in the case?

- (b) Why do you believe that [Mr JR] SC lost his temper with [Ms XXXXXX] when [Mr XXXXXX XXXXXX] indicated his public support for [Ms XXXXXX]?

- (c) Were you made aware that prior to mediation [Mr JR] SC had attempted to influence [Ms XXXXXX] to accept that the fabricated report about her would remain on the record?

10. Concealing Witnesses / Not Taking Witness Statements

(a) Why did solicitor conceal at least two witnesses from [Ms XXXXXXXX] that we are aware of, that supported her Protected Disclosures about the Central Bank of Ireland?

(b) In one meeting in June 2023, [Mr O'R] denied over ten times about meeting [Mr XXXXXXXX X XXXXXXXX].

You were not in attendance, but [Mr JR] seemed nonplussed by the whole thing, which was very strange as his Solicitor (who “does nothing without instructions from [John]”) lied repeatedly.

[FHOR] subsequently acknowledged this witness after a sworn affidavit was produced by [Mr O Hanlon].

(c) In a role reversal with you as a client, what would be your response to these nefarious activities?

(d) Are you aware of any other witnesses that were concealed from [Ms XXXXXXXX]?

(e) [FHOR] Solicitor spoke with a further witness who wished to support [Ms XXXXXXXX] and [FHOR] falsely stated that [Ms XXXXXXXX] was engaged in a defamation action and did not need witnesses – this is evidenced by a telephone recording.

Why do you believe that [FHOR] would lie to a proposed witness in this case?

- Was [FHOR] under instruction to do so from you or from [Mr Rogers] SC?

(g) So another witness was excluded and [FHOR] would not take a statement from him that would have further supported [Ms XXXXXXXX] Protected Disclosures about the Central Bank of Ireland?

(h) [FHOR] was concealing and lying about witnesses while [Mr Rogers] reaction to [Mr XXXXX]'s public support was highly peculiar and bordering on bizarre, stating that [Mr XXXXXXXX] was not entitled to write to “high ranking officials”.

This struck [Ms XXXXXXXX] as very strange as surely any Irish citizen is entitled to write to any one they should choose to write to.

Furthermore, [FHOR] has said “*he does nothing without [Mr Rogers] approval*”.

(i) Why was the entire legal team covering up witnesses that further supported [Ms XXXXXXXX] Protected Disclosures?

- a. Even [redacted] Solicitors, 12 January 2024 indicated there was an issue with identifying and taking testimony from [redacted] (paraphrasing, but happy to share the exact phrase)
- (j) It has to be asked, especially given the concerns raised by [redacted], were you all colluding with the Defendant to ensure that the Central Bank (and the fraudulent activities that were concealed during the Banking Inquiry) was protected at all costs, just as Mr Senan Allen had been instructed to do?
- (k) Would you agree that [redacted] litigation was to have a predetermined outcome which involved her having “gotten on in years” *she would capitulate regarding the fabricated Senan Allen Report?*
- (l) Have you been involved in any other cases (recent or otherwise) that have similarly required a predetermined outcome for the Irish establishment?
- (m) What is your opinion on [redacted] SC issuing warnings to [redacted] not to speak with other whistleblowers?
 - a. What was the rationale behind this?
 - b. Do you believe that [redacted] SC was instructed to say this in the event [redacted] would come to learn about the extent of the Ulster Bank and other frauds?
 - c. Who was monitoring [redacted] new twitter account that she only created in May 2022

11. Mediation historical delays

An offer of mediation to resolve the litigation came in July 2019, but the mediation conference was delayed until 16 May 2022.

- (a) Please explain in as much detail as possible the reasons for this delay of 2 years and 10 months (34 months).

In considering delays, we have conducted research that has shown that CoVID 19 had a minimal bearing on delaying mediations and litigation as hearings and conferences were regularly conducted virtually.

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(b) Have you or to your knowledge [redacted] has Mr Rogers SC engaged in planning a discussion with the officers of the Defendant or the opposing legal representatives who were involved in the case without [redacted] Ms XXXXXXX knowledge consent or instructions?

(c) We have conducted detailed research on these matters.

These include (non-exhaustive)

Peter Finnegan, Dail Clerk [redacted]
Melissa English, Office of the Parliamentary Legal Adviser [redacted]
Joe O'Malley, Managing Partner, Hayes solicitors; [redacted]
Michael Kelly, Solicitor, Hayes solicitors [redacted]
Marguerite Bolger (then SC – now Ms Justice Bolger) [redacted]
Joe Jeffers (then BL now SC) [redacted]
Oonagh McCrann SC [redacted]

(d) If so, what was the nature of those discussions?

(e) Did you attend the planning call in January 2022 for the mediation?

(f) Why was [redacted] Ms XXXXXXX not informed of this meeting in advance or since it happened?

(g) As [redacted] Ms XXXXXXX has no correspondence / communications related to that meeting, which in our research suggests collusion among all parties, please feel free to share as much information as you would like regarding that “secret meeting”?

12. Mediation specific

(a) Do you understand that mediation is not permitted to be invoked with a view to concealing frauds and that this is settled law?

(b) Why was the law not explained in detail to [redacted] Ms XXXXXXX in order that she could have made an informed decision?

(c) When [redacted] Mr O'D stated that the [redacted] Senan Allen Report was required to remain on the government record – why, when you knew and your colleagues knew that the Report was fabricated, did you not interject given your obligations to the **wider public interest**?

(d) How many people from the Defendant's team attended the mediation?

(e) Are you in a position to name them so that we can forward them our own questions?

13. Concealed Bank Frauds

- (a) What is your own knowledge of the widespread banking frauds that were concealed by the Banking Inquiry?
- (b) Were (are) you personally aware that Ulster Bank has been fraudulently selling derivative products to trigger loan to value breaches?
- (c) From your frequent attendance in the Irish Courts, did you or do you have personal knowledge that the assets of Ulster Bank were being funnelled back to the Bank or its delegates despite the customers having been defrauded?
- (d) Do you know how the Courts manage to work out which Judges would be assigned these cases and which ones would not?

14. Timing

- What would you say if we told you that from the time you and Mr Rogers SC were engaged to take on this case in 2015 that it took over **7 years to arrive at a mediation conference?**
- Is this a typical timeframe for other cases in which you have represented litigants or is this an outlier?

15. Orchestrated Plan? - Damaging Effect on Client

- (a) Ms Xxxxxxx file of papers has now been placed out of reach by a subsequent solicitor who was influenced to terminate instructions by the State.

What is your opinion on this?

- (b) Does this not point to a very deliberate and orchestrated plan to obstruct Ms Xxxxxxx access to justice, a plan in which (in our opinion from review of evidence) one could also assume you seem to have participated in for 8 years?
- (c) Finally, how would you evaluate today the impact of your eight year representation on Ms Xxxxxxx's career and on her personal life?

Your insights will be invaluable to our project, and we greatly appreciate your time and consideration. Your right of reply is important to the production company and we reserve the right to publish our queries and your response in conjunction with the release of the documentary and as mentioned in our cover note if you wish to appear on camera we will share that information with the team. Thank you for your attention to this matter.