

## **Emeritus Professor David Smythe's update**

### **The following is David's update on his challenge against his academic freedom of expression being denied by corporate lobbying**

It has been three months since I last gave you all an update. In October I told you that my solicitor Ziqyia Riaz had written to the University with a final offer to settle before going to court. Our demand was for immediate reinstatement of my access rights, together with a public apology from Professor Paul Younger for his defamatory comments made about me in the national press in 2014.

On 9 November Ms Riaz received a response, coming for the first time from a law firm (CMS Cameron McKenna LLP of Edinburgh) and not directly from the University. The University lawyers appear to be playing dumb:

*"Having considered the Compromise Agreement [my retiral agreement] in detail, we fail to understand the basis upon which your client considers himself entitled to these items [email address, access to journals etc.]. There are certainly no express provisions relating to either a University email address or access to online journals, and particularly given the court's strict attitude to contractual interpretation we cannot see any basis upon which these entitlements could be implied in to the Agreement."*

This is curious, given that Dorothy Welch, acting for the Secretary of the University Court, wrote to Paul Younger in 2014: *"We cannot easily withdraw access to UoG email as it was part of an agreement when he left us ..."*.

Ms Riaz wrote back to CMS Cameron McKenna on 13 December, pointing this out, and asking that the firm obtain some more detailed briefing from its client. She also stated that further protracted discussions, along the lines of what view a court might take, would not be fruitful.

After one month we have not had a response from the University's lawyers. So Ms Riaz has now instructed Sir Crispin Agnew QC to raise an Initial Writ. This will set the legal action rolling.

It is almost a year since I was deprived of my rightful access to enable me to pursue my research. For me, this has proved to be a distressing and depressing period, and has materially held up continuing research, and progress in publication of my results in fracking, in particular. The University has behaved in an intransigent manner, for example, in refusing to grant me interim access while the dispute is resolved.

I will keep you informed as the court action progresses. I just hope it will not drag on as long as *Jarndyce vs. Jarndyce*. Somehow I think not.

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