Neutral Citation Number: [2026] EWHC 2722 (BP)

Case Nos: BL-2021-000365 AND BL-2023-001171

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY DIVISION
BUSINESS LIST

Business and Property Division
7 Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 23 October 2026

Before:
MR JUSTICE ADAM JOHNSON

- -

Between:

NEBAHAT EVYAP İŞBILEN **Claimant**

- and -

SELMAN TURK & Ors
- and -
HANSON ASSET MANAGEMENT LIMITED **Defendants**

Simon Colton KC and Andrew Gurr (instructed by **Cooke, Young Keidan LLP**) for **Mrs Nebahat Evyat İşbilen** (Claimant/Applicant)
Joshua Hitchens (instructed by **Janes Solicitors)** for **Mr Selman Turk** **(**Defendant in Claim No. BL-2021-000365**)**
Matthew Morrison KC and Zahler Bryan (instructed by **Brabners LLP**) for **Hanson Asset Management Limited (**Defendant in Claim No. BL-2023-001171**)**

Approved Judgment

This judgment was handed down in open court at 2pm on 23 October 2026 and by circulation to the parties or their representatives by e-mail and by release to the National Archives.

MR JUSTICE ADAM JOHNSON:

1. This Judgment deals with an application by the Defendant, Mr Turk, for a direction appointing an intermediary to support him at the forthcoming trial in these proceedings.

2. An intermediary is a communication specialist, appointed to assist a vulnerable litigant. They are well known in family and criminal proceedings, but are a rarity in the (now) Business and Property Division.

3. The application was made at the recent Pre-Trial Review on 7 October 2026, but the parties' submissions were somewhat undeveloped, and so further written submissions were filed on behalf of Mr Turk (on 9 October 2026), and on behalf of the Claimant (Mrs İşbilen) on 12 October.

4. The parties' submissions drew attention to the recent guidance given by the Court of Appeal in an appeal from the Family Division: M (A Child): Intermediaries [2025] EWCA Civ. 440. The present context is different, but the parties were agreed that the basic test to apply is the same: the question is whether the appointment of an intermediary for any aspect of the proceedings is *necessary* to achieve a fair hearing: see M (A Child) at [7(2)].

5. In the same case, Peter Jackson LJ said at [7] that decisions about intermediaries are person-specific and task-specific. Applications should be assessed on the evidence and with a degree of procedural discipline, including the giving of reasons, although that can be done very briefly.

6. In this case, I have decided that intermediary assistance will be necessary for Mr Turk during the period of his live evidence at trial, including in particular his cross-examination. I will therefore make a direction to that extent. I do not consider that intermediary assistance will be necessary during the rest of the trial process.

7. The necessary background is as follows:

    i) Mr Turk has for many years been diagnosed with ADHD, for which he takes medication.

    ii) During an earlier phase of the present proceedings, Mr Turk was the subject of an application for contempt of Court. He sought intermediary assistance in the context of that application, and obtained both a report from a consultant psychiatrist (Dr Gupta) and a report from an intermediary (Ms Ficzová).

    iii) These reports are dated 25 October 2023 and 8 November 2023 respectively. In their written submissions before me, counsel for Mrs İşbilen have criticised the fact that there are no updated reports; but it is clear from the Report of Dr Gupta, which contains information about Mr Turk's medical history, that the diagnosis is a long-standing one (Mr Turk was first diagnosed at the age of 11), and also that the condition is stable (Dr Gupta says in his Section 8: "… *ADHD is a neuro-developmental disorder and generally remains stable and gets better with time when medication is prescribed*"). Mr Turk has taken medication for many years. In the circumstances, I see no good reason to think there will have been

any material change in Mr Turk's condition since late 2023. Mr Turk did not suggest that there had been.

iv) Mr Turk is an intelligent person. Before taking on his role as a financial adviser, which brought him into contact with the Claimant, Mrs İşbilen, he worked as an analyst at Goldman-Sachs. Ms Ficzová in her Report described Mr Turk as "… *a well-educated, intelligent individual*" (para. 1.1.6).

v) A main point made by Dr Gupta is that, although his hyperactivity has improved significantly over the years, *inattention* continues to be a problem for Mr Turk (para. 2.2). As I see it, that was (and remains) Mr Turk's main vulnerability and thus the main issue of concern. That is certainly the way in which Mr Hitchens' submissions were advanced, although I note that Dr Gupta also recorded Mr Turk feeling anxious and low in his mood (see also para. 2.2).

vi) Dr Gupta made 6 recommendations in his Report. As I read them, a particular concern for Dr Gupta was putting Mr Turk in a position to give the best possible evidence when cross-examined. His recommendations seem to me to be directed principally at this issue. Recommendation (1) was for appointment of an intermediary with skills in speech and language, but in making that recommendation Dr Gupta referred specifically to the "*Advocate's Gateway*", Toolkit 5, para. 4.2. (According to its website, the Advocate's Gateway provides "*free access to practical, evidence-based guidance on communicating with vulnerable witnesses and defendants*".) Toolkit 5, para. 4.2 is concerned with improving the "*coherence, completeness and accuracy*" of the evidence given by a party or witness. Dr Gupta's recommendation (2) was for regular and frequent breaks, which also appears to be concerned with the process of cross-examination. So is recommendation (3): "*Questions need to be phrased in short sentences. Information should be delivered to Mr Turk at a slower than average rate, and in smaller manageable chunks*". Recommendation (4) is for Mr Turk to use a pen and paper; recommendation (5) is to use an "*empathetic and non-confrontational approach*" (again, this is obviously directed at the business of giving evidence); and recommendation (6) – a set of "*other measures which can be considered*" – includes reference to being appropriately prepared, and to adapting a flexible approach.

vii) All of this seems to me understandable in the context of Dr Gupta's basic diagnosis of ADHD, and the risks attendant on inattention, which are likely to be at their most acute during cross-examination.

viii) The Report of Ms Ficzová, who conducted her own assessment, contained more wide-ranging recommendations. She agreed with the idea that Mr Turk would benefit from the assistance of an intermediary while giving evidence and in the manner questions were put to him (para. 4.1.1), but she also said that Mr Turk would benefit from additional support "… *throughout the hearing and during conferences with his legal team to ensure his full participation in the proceedings*" (para. 4.1.2).

ix) In the event, during the contempt trial, an intermediary attended only during opening submissions and cross-examination, and not during closing submissions. The trial judge, Sir Anthony Mann, having observed Mr Turk during the trial, did not consider it necessary for Mr Turk to have assistance during that phase, because Mr Turk could have the closing submissions explained to him by counsel. This was the subject of complaint on appeal, but the Court of Appeal ([2024] EWCA Civ. 568) endorsed the propriety of the Judge relying on his own observations of Mr Turk, and of him declining to follow the recommendations made by Ms Ficzová if there was a principled basis for doing so (see at [32]).

x) It is clear from Sir Anthony Mann's judgment that, in the event, he was reassured by the manner in which Mr Turk gave evidence. At [61], for example, Sir Anthony said: "… *he did not demonstrate a key feature of his ADHD, which is a tendency to lose focus, to any significant extent. He manifested a clear understanding of the questions put to him and any elements of uncertainty or confusion were no more than afflict other witnesses who do not have this condition … I am quite satisfied that his ADHD in no material way impaired his giving of evidence. I am also satisfied that he demonstrated a good grasp of the facts and what he saw (and could remember) of the details of complex transactions*". These observations reflect the lived experience of a highly experienced Judge hearing Mr Turk give evidence in the stressful environment of an application for contempt of Court. They obviously deserve considerable weight.

8. Coming to the present context, I would comment as follows:

i) The present trial will be longer than the contempt trial, and will involve more complexity: the contempt trial ran for 10 days, whereas the present trial has a time estimate of 11 weeks. That said, the 11-week timetable assumes only 4 sitting days per week. These regular breaks will provide opportunities for Mr Turk to be briefed by his legal team, and for him to check on any matters he is not following.

ii) Mr Turk will be represented at the trial by junior counsel, who will be present throughout. He has also now engaged solicitors, but they have been retained to provide administrative and other backup only will not be present in Court. Given these arrangements, I agree it will not be straightforward for Mr Hitchens while in Court to monitor his client's attention levels consistently, but he will no doubt be attentive to them and so will the Court and the other parties - all of whom have an interest in the fairness of the trial process. It has already been agreed that the Court will take regular breaks. If Mr Turk finds himself losing focus, he can be told to notify Mr Hitchens or to raise the point with the Court and ask for additional time. His vulnerability (the risk of inattention flowing from his ADHD) is essentially an internal matter, so there is a sense in which in any event, it will be important for Mr Turk to take the initiative if a problem develops. Steps can be made to reassure him that that will cause no difficulty, and that it is a priority for the Court to be clear that he is following the developing proceedings. He has the intelligence levels to do so: the danger is more about his losing focus.

iii) The trial will begin with a 5-day period for Judicial pre-reading of the parties' written opening submissions. That is time that can be used for pre-reading by Mr Turk also, and for a briefing by his counsel and/or solicitors to identify points of particular interest and significance. I am sure that will happen in any event and am confident that Mr Turk will be able to follow the points put to him: I am greatly reassured in that regard by the observations of Sir Anthony Mann, recorded above. While I can see it might be desirable to have the additional support of an intermediary during that phase, I am not persuaded it is necessary.

iv) For both oral submissions and evidence, Mr Turk will be assisted by delivery of a daily transcript of the proceedings produced by Opus, paid for by the parties (excluding Mr Turk himself). As to this, I agree with the point made by counsel for Mrs İşbilen in their written submissions: if Mr Turk finds he loses focus when listening, he can if necessary make a note of the time and will have the option of checking the transcript later. Access to a daily transcript is a facility very unlikely to be available in (for example) family proceedings. I think it is a highly significant point in this case, given the specific nature of Mr Turk's vulnerability.

v) Also relevant is the fact that a critical part of the evidence for Mr Turk will be that of the Claimant, Mrs İşbilen. That is because at the heart of the case is a basic disagreement between them about the nature of the role Mr Turk was to perform in providing services for her, and as to his *bona fides*. Mrs İşbilen however is an elderly lady. Moreover, the plan is that she will give her evidence in Turkish with the assistance of a translator. Her cross-examination is therefore likely to proceed slowly, and the trial timetable is designed to accommodate that. The reduced pace will assist Mr Turk in being able to follow it.

vi) Closing submissions will (like openings) include detailed submissions in writing, and a period of Judicial reading time for them to be considered. The points made at [8(iii)] above apply with equal force. I note again that in the contempt trial, Sir Anthony Mann was not willing to authorise support from an intermediary during closing submissions.

vii) I am however persuaded (just) of the necessity of Mr Turk having intermediary assistance during his own oral evidence. As I have said, that seems to me to have been a point of focus and concern for Dr Gupta. I can see it will be a period of particular vulnerability for Mr Turk, given the nature of the allegations against him, which include allegations of dishonesty. One of the observations made by Dr Gupta is that Mr Turk's attention and cognitive disabilities are subtle, and they get worse when he is anxious. One can expect the period of cross-examination to be one of heightened anxiety, and therefore heightened vulnerability. Although Sir Anthony Mann was confident in the evidence given by Mr Turk, the context was a trial in which he did have the assistance of an intermediary. It is in the interests of all parties that Mr Turk should be able to give the best and most reliable oral evidence he can. On the materials available, I consider it necessary that he should have intermediary assistance in order to do so.

9. I will direct accordingly. Mr Turk should have intermediary assistance during the period of his oral evidence in Court. The parties should consult together with a view to scheduling a Ground Rules Hearing as soon as practicable.

10. The question of payment for any intermediary is beyond the scope of this Judgment. The parties' submissions proceeded on the assumption that funding will be available via HMCTS. This Judgment makes the same assumption. It will be up to Mr Turk and his legal team to make the necessary arrangements.