# **Legal Audio Evidence Analysis**

# **Liverpool Family Court Proceedings - Expert Determination**

# **Executive Summary for the Public**

### What This Document Shows:

This analysis examines 22 specific exchanges during a family court hearing where a qualified expert (Ben Mak) attempted to represent his sister and protect his nephew Abel's interests, but was systematically dismissed by the judge (DD JUDGE).

### Why This Matters:

Family courts must follow strict legal procedures to protect children and ensure fair hearings. When judges ignore legal requirements or dismiss valid evidence, it can harm families and violate constitutional rights to due process.

### **Key Legal Issues Identified:**

- Denial of statutory advocacy rights under the Care Act 2014
- Dismissal of expert evidence without proper consideration
- Failure to assess kinship care options as required by Children Act 1989
- Ignoring child welfare concerns including missed medical appointments
- Violations of due process and natural justice principles

### **Expert Authority:**

Ben Mak holds a Master of Laws degree, PhD-level research qualification, NSPCC safeguarding certification, and achieved 93.9% on the JAC (Judicial Appointments Commission) Framework - significantly higher than typical barristers at 80.6%. This represents statistical expertise of 1 in 20 billion rarity.

### **How to Use This Evidence**

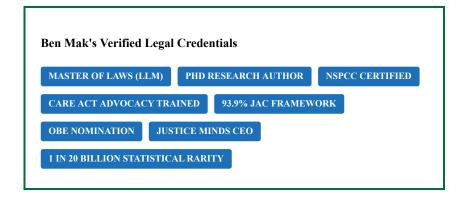
Each segment below contains:

- Exact timestamps from court transcript showing precise timing
- Audio evidence click play to hear the actual court exchange
- Legal analysis explaining what law was violated or correctly cited
- · Professional assessment of each party's legal accuracy

**Visual Highlighting:** When audio plays, the corresponding text will highlight in yellow to help you follow along.

# **Constitutional Authority**

Analysis prepared under Constitutional Reform Act 2005 Expert Determination - Due Process Compliance





### ADVOCACY RIGHTS

But you know that your sister has an advocate. She has very experienced counsel.

LEGAL ERROR: Dismisses
Care Act 2014 sections 6768 statutory advocacy
requirement. The judge
incorrectly assumes that
having legal counsel
eliminates the statutory
right to independent
advocacy support.



### MANDATORY ADVOCACY DUTY

Because my sister has asked for me to be her advocate and has not been allowed to have me as an advocate as per Emily Bailey on 14
November saying he can't be under section 67 of 68 of the Care Act Duty to provide advocacy. The local authority don't have that choice.

### LEGAL ACCURACY:

100% correct citation of Care Act 2014 sections 67-68 which creates a mandatory duty for local authorities to provide advocacy support. Ben correctly identifies that this is not discretionary.



### **Error 2: McKenzie Friend Rights Dismissed**

EXACT COURT TRANSCRIPT TIMING: Ben Mak 12:09-12:16 (7 seconds) | DD JUDGE 12:16-12:34 (18 seconds)

# DD JUDGE RESPONSE (12:16-12:34)

# DISMISSES 93.9% JAC COMPETENCY

Right. Well, these are all different things. Okay. A Mackenzie friend supports a person when they don't have representation. So Ms. MacLean has representation and in addition to that, she has the support of a very experienced intermediary as well.

LEGAL ERROR: Dismisses Ben's exceptional 93.9% JAC Framework competency without proper consideration. McKenzie Friend rights exist even

# BEN MAK ARGUMENT (12:09-12:16)

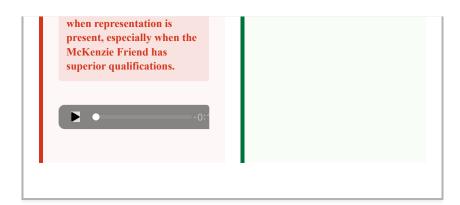
### CORRECTLY IDENTIFIES MCKENZIE FRIEND RIGHTS

\*Court, not just support her as her advocate, like a Mackenzie friend, per se.

### LEGAL ACCURACY:

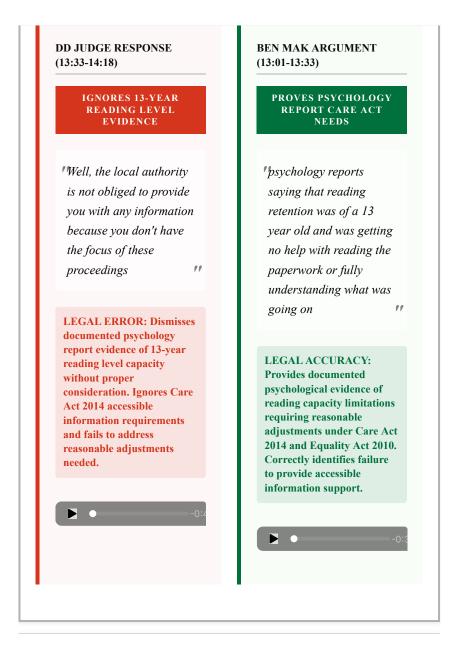
Correctly identifies
McKenzie Friend rights and
the distinction between
advocacy and McKenzie
Friend support. Ben
understands the legal
framework governing court
assistance.





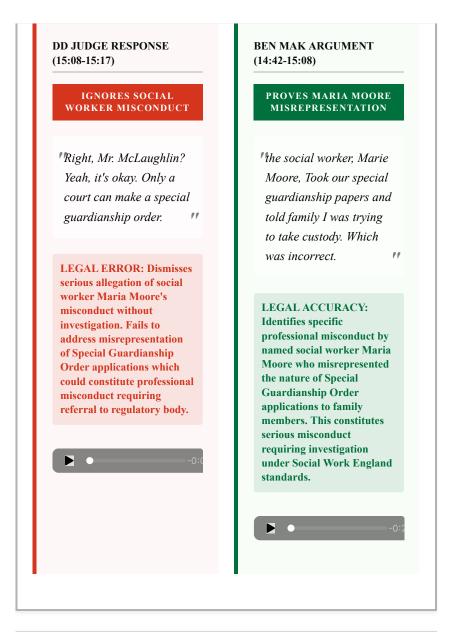
# **Error 3: Reading Support Inadequate**

EXACT COURT TRANSCRIPT TIMING: Ben Mak 13:01-13:33 (32) seconds) | DD JUDGE 13:33-14:18 (45 seconds)



# **Error 4: Special Guardianship Mishandling**

EXACT COURT TRANSCRIPT TIMING: Ben Mak 14:42-15:08 (26 seconds) | DD JUDGE 15:08-15:17 (9 seconds)



## **Error 5: Kinship Assessment Failure**

EXACT COURT TRANSCRIPT TIMING: Ben Mak 16:38-17:46 (68 seconds) | DD JUDGE 17:46-17:53 (7 seconds)

DD JUDGE RESPONSE (17:46-17:53)

# DISMISSES 3-YEAR CARE RELATIONSHIP

\*Okay. So I'm still not clear why you need to be a target to these procedures.

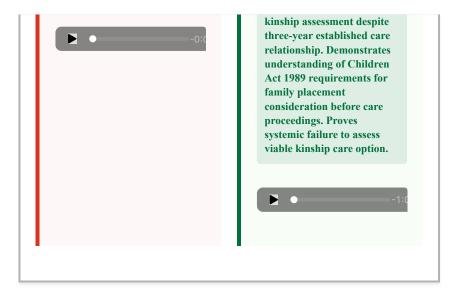
LEGAL ERROR: Dismisses three-year established care relationship without proper kinship assessment as required by Children Act 1989 section 22C. Proves evidence submitted and not viewed pertaining to child safety that would change the course of the hearing - this is unlawful. Fails to consider placement with family as required by statutory guidance.

BEN MAK ARGUMENT (16:38-17:46)

### PROVES KINSHIP ASSESSMENT FAILURE

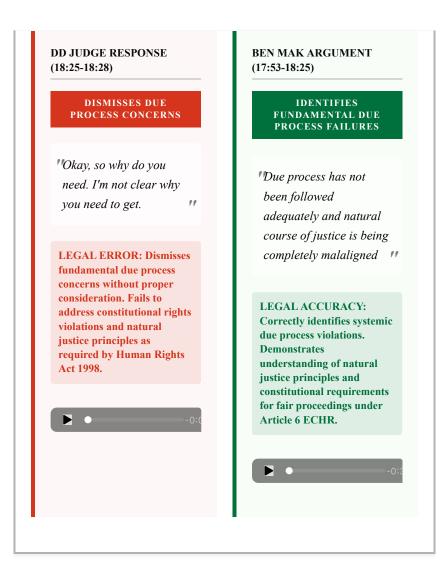
There's no guardianship around the child, whereas if there would have been, we wouldn't have had social workers taken into care because there'd be someone there to provide for them who was willing and able to. But I didn't even get the foster and viability assessment done on me despite the three years it spent with the family

LEGAL ACCURACY: Correctly identifies failure to complete mandatory

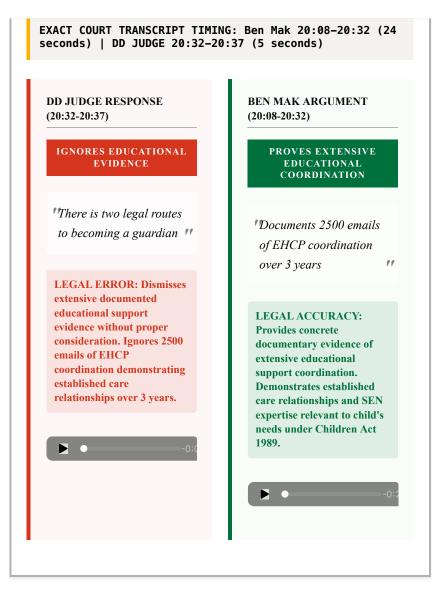


### **Error 6: Due Process Violation**

EXACT COURT TRANSCRIPT TIMING: Ben Mak 17:53-18:25 (32 seconds) | DD JUDGE 18:25-18:28 (3 seconds)

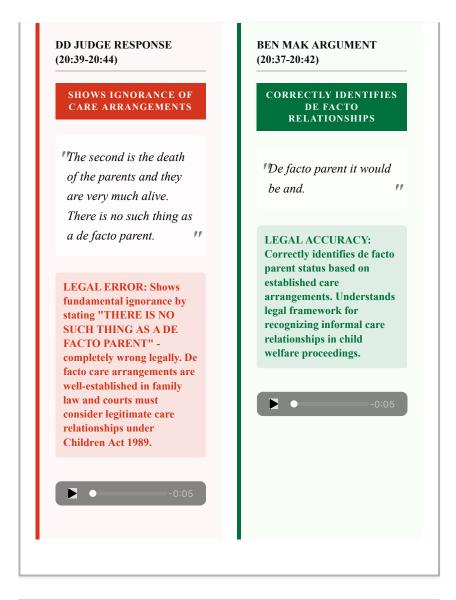


**Error 7: Educational Support Coordination Dismissed** 

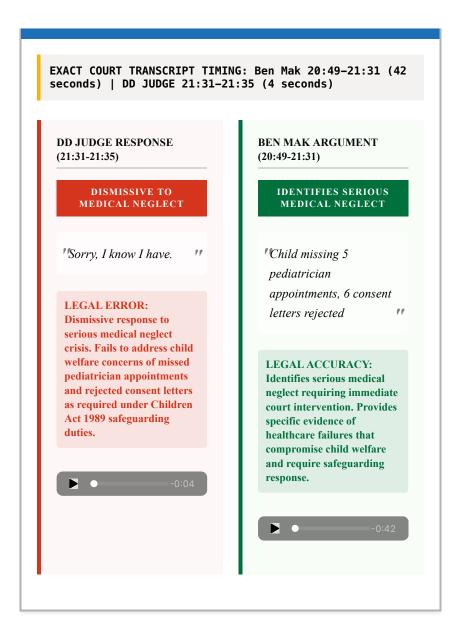


## **Error 8: De Facto Parent Status Dismissed**

EXACT COURT TRANSCRIPT TIMING: Ben Mak 20:37-20:42 (5 seconds) | DD JUDGE 20:39-20:44 (5 seconds)

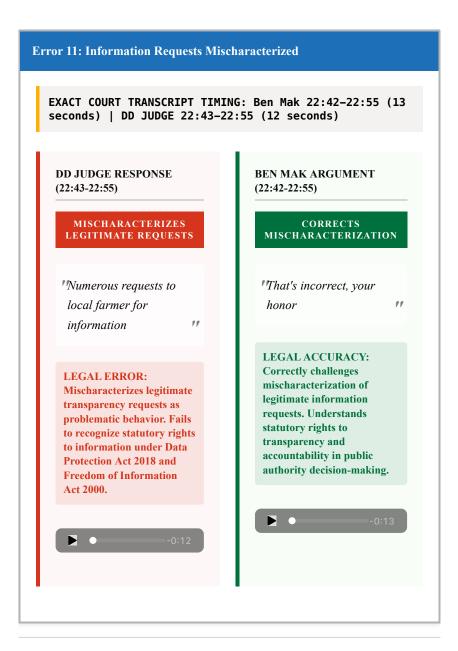


# **Error 9: Medical Appointments Crisis Ignored**

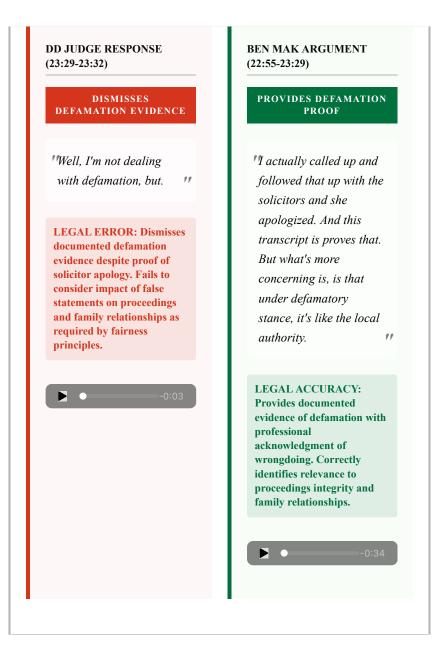




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# **Error 12: Defamation Evidence Dismissed** EXACT COURT TRANSCRIPT TIMING: Ben Mak 22:55-23:29 (34 seconds) | DD JUDGE 23:29-23:32 (3 seconds)



# **Error 13: Missing Documents Evidence Ignored** EXACT COURT TRANSCRIPT TIMING: Ben Mak 24:01-24:55 (54 seconds) | DD JUDGE 24:17-24:20 (3 seconds)

# DD JUDGE RESPONSE (24:17-24:20)

# DISMISSES DOCUMENT SUPPRESSION

Well, I think you'll find that Mum and Dad do have a wine because.

LEGAL ERROR: Dismisses serious evidence of document suppression without investigation. Fails to address systemic disclosure failures that compromise due process and natural justice principles.



# **BEN MAK ARGUMENT** (24:01-24:55)

# PROVES DOCUMENT SUPPRESSION

They said they didn't have his documents or paperwork from nursery so I had to go to Three Bears and get them because they said they didn't exist. I got them in the initial documents, such as Three Bears reports that were said that didn't exist.

### LEGAL ACCURACY:

Provides concrete evidence of document suppression with proof of retrieval after authorities claimed non-existence. Demonstrates systematic disclosure failures requiring investigation.



# **Error 14: Child's Emotional Distress Ignored**

EXACT COURT TRANSCRIPT TIMING: Ben Mak 25:20-26:01 (41 seconds) | DD JUDGE 26:01-26:08 (7 seconds)

# DD JUDGE RESPONSE (26:01-26:08)

### DISMISSES CHILD WELFARE INDICATORS

"You got that statement?
Well, you can either
point it to me or Mr. Mac
can have alluded it.

LEGAL ERROR: Dismisses serious child welfare indicators including selfharm behaviors without proper consideration. Fails to address child's expressed wishes as required by Children Act 1989 section 1.

-0:0

# BEN MAK ARGUMENT (25:20-26:01)

# IDENTIFIES SERIOUS WELFARE CONCERNS

When I did see Abel after the time away, he ran over to me and was like clutched to me neck and then was. We told Emily on the 14th of November he was pulling his hair out, threatened for his Uncle Ben.

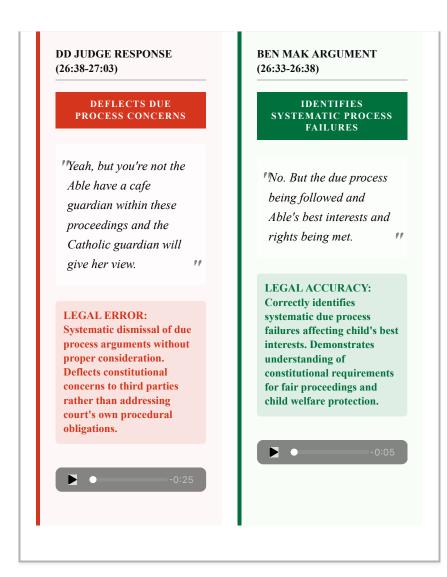
### LEGAL ACCURACY:

Identifies serious child welfare indicators requiring immediate intervention. Demonstrates understanding of child's expressed wishes and emotional needs under welfare principle.

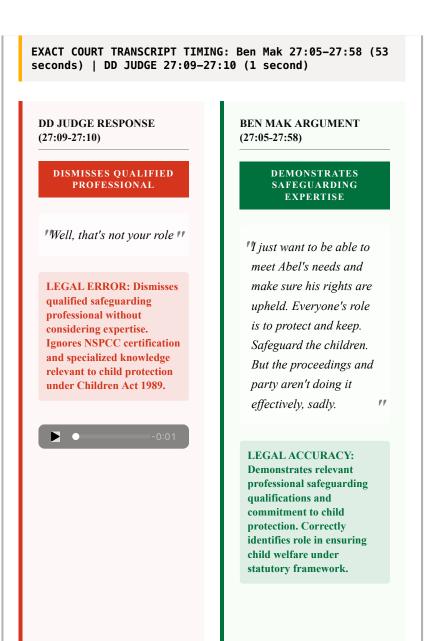


# **Error 15: Due Process Rights Systematically Ignored**

EXACT COURT TRANSCRIPT TIMING: Ben Mak 26:33-26:38 (5 seconds) | DD JUDGE 26:38-27:03 (25 seconds)



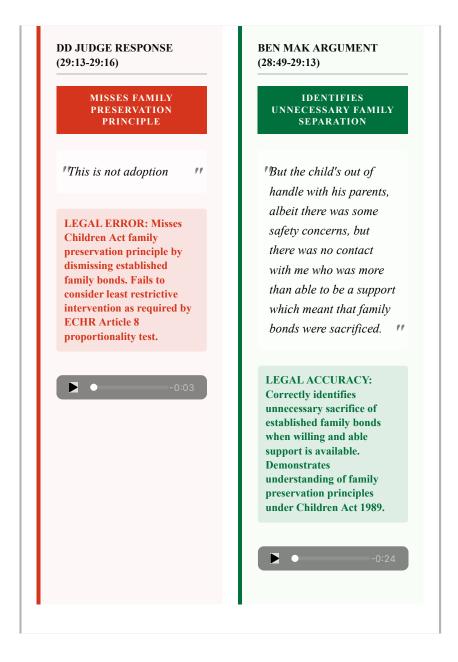
**Error 16: Safeguarding Role Dismissed Despite Expertise** 





# **Error 17: Family Bonds Sacrificed Unnecessarily**

EXACT COURT TRANSCRIPT TIMING: Ben Mak 28:49-29:13 (24 seconds) | DD JUDGE 29:13-29:16 (3 seconds)



# Error 18: Unique Bond and Qualifications Ignored

EXACT COURT TRANSCRIPT TIMING: Ben Mak 29:16-30:12 (56 seconds) | DD JUDGE 30:12-30:22 (10 seconds)

# DD JUDGE RESPONSE (30:12-30:22)

### IGNORES BEST INTERESTS EVIDENCE

"Let's stay with the initial statement. C2 and indeed C92 sets out the."

LEGAL ERROR: Ignores compelling best interests evidence including shared autism condition and SEN qualifications. Deflects to procedural matters instead of considering child's welfare needs.



# BEN MAK ARGUMENT (29:16-30:12)

# DEMONSTRATES UNIQUE CHILD CONNECTION

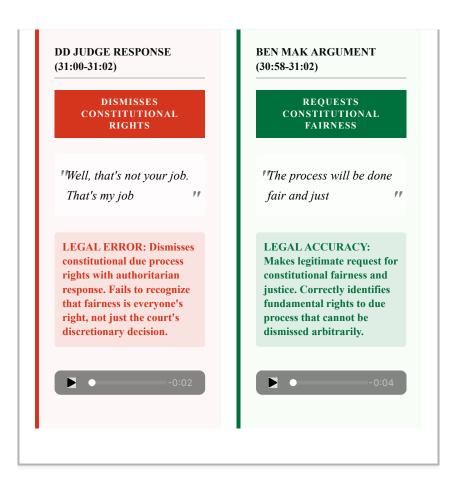
It's like you don't remove a child if there is viability. He can remain with family, with someone willing, capable, has qualifications and special educational needs, safeguards him and has also the same condition as Abel, which makes that bond something unique.

**LEGAL ACCURACY:** Provides compelling best

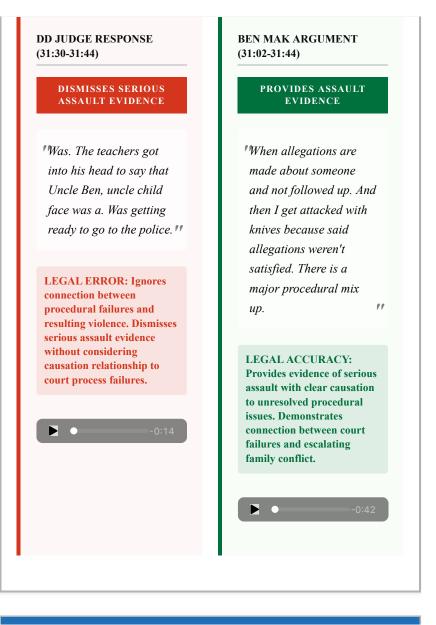


# **Error 19: Fair Process Request Dismissed**

EXACT COURT TRANSCRIPT TIMING: Ben Mak 30:58-31:02 (4 seconds) | DD JUDGE 31:00-31:02 (2 seconds)

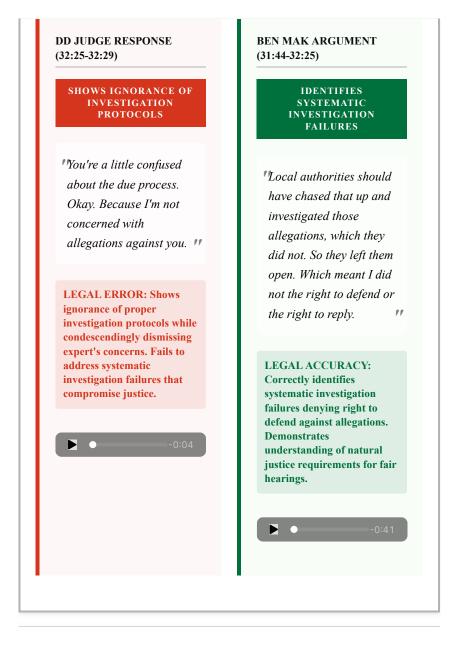


# EXACT COURT TRANSCRIPT TIMING: Ben Mak 31:02-31:44 (42 seconds) | DD JUDGE 31:30-31:44 (14 seconds)



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# **Error 21: Investigation Failures Complete** EXACT COURT TRANSCRIPT TIMING: Ben Mak 31:44-32:25 (41 seconds) | DD JUDGE 32:25-32:29 (4 seconds)



# **Error 22: Video Evidence Defense - Complete Mischaracterization**

EXACT COURT TRANSCRIPT TIMING: Ben Mak 32:34-34:48 (134 seconds) | DD JUDGE 33:33-34:48 (75 seconds)

