

## **MEDICAL CLAIMS & COMPLAINTS NEWSLETTER**

### **Lower Cost investigations**

Many people who instruct us do not actually want to enter into a piece of lengthy and costly litigation. Quite often solicitors receive instructions from patients or loved ones who simply wish to have some appraisal of the quality of care received from an independent medic. Traditionally the problem has lay with the costs of obtaining such opinions. Medical experts would routinely charge up to £1,000 for such reports.

*We have now put together a database of experts who are prepared to provide preliminary opinions. That is, rather than spending several hours ploughing through medical records, they will consider the facts of a case usually on the basis of perhaps some limited notes, the client's statement and any complaint correspondence. The expert then prepares a letter or very brief report providing some outline thoughts on the medical treatment in question. Often these are sufficient to answer the client's questions.*

*The experts that we have placed on our preliminary report database are consultants who have indicated their willingness to provide such opinions for a cost between £100 and £300 approximately. That is clearly within the budget of many more patients or their families.*

*Please contact either Ken Thomas or Pauline Kent for further details.*



### **AVMA Name Change**

In December 2003, AVMA announced that it was changing its name. Instead Action for Victims of Medical Accidents, it is now to be known as Action against Medical Accidents. The website remains the same – [www.avma.org.uk](http://www.avma.org.uk)

*Harding Evans is a member of the Lawyers Resource Service. We regularly attend the South Wales and South West Lawyers Support Group*

*Meetings. Ken Thomas has for many years now been a member of the AVMA Panel of Approved Clinical Negligence Specialists. Harding Evans is one of the few Welsh firms to feature on the AVMA website.*

### **Chambers Entry**

As you may be aware, the Harding Evans clinical negligence team has for some years now been recommended in the Legal 500 Guide to the legal profession. We are pleased to say that the other leading such guide, Chambers Directory, now also rates Harding Evans very highly for its clinical negligence work. Ken Thomas in particular is singled out for his high profile in the field, being referred to as a leading individual in this niche field of the law.

*The clinical negligence team continues to go from strength to strength receiving a record number of new enquiries from potential clients in 2003. The team has a new Legal Assistant, Debra Davies, who now assists with new client queries.*

## **Recent settlements**

We have achieved some notable settlements over the last few months. These include:-

- A mother of two children left incontinent after a haemorrhoidectomy was negligently performed, thereby causing sphincter damage.
- Damages secured on behalf of a mother whose teenage son was sent home from a Casualty Department after complaining of pains in the head, only to die the following morning.
- A tradesman who ended up losing most of his thumb after an infection was missed by several doctors.
- A businesswoman who suffered a fracture to a bone in her foot which was missed by staff at her local A & E Department

## **Dentistry Claims**

In October 2003 the Employment Appeals Tribunal handed down an interesting Judgement in a case involving a dentist, and her employment status in particular. There the practitioner was held to actually be an employee of the main practitioner. The

latter had argued that the applicant was an independent contractor.



This was an important decision not just for dentists, but also patients who may have dental negligence claims. We act on many such cases.

*Traditionally, individual dentists have been seen as independent contractors who should be sued in their own right. This EAT case suggests that in fact the main practitioner may be held liable for mistakes made by the dentist "employee".*

## **Welsh Lawyer of the Year 2003**

We are pleased to be able to say that Ken Thomas, Clinical Negligence Department Head, was named as Western Mail Welsh Lawyer of the Year in October 2003. An exclusive awards dinner was held at Cardiff Coal Exchange, and Ken received the award after receiving most votes in an Internet poll. Just a few weeks later Harding Evans was named Gwent Business of the Year in the Five Counties Awards Dinner in Newport.

## **Training in 2004**

The Harding Evans clinical negligence team is always willing to provide free training by way of seminar to those who come into contact with potential clinical negligence claimants. Topics could include time limits, funding or maybe recent developments in this ever-changing field of the law. Please contact us if you would like to discuss further.

## **Organ Retention Up-date**

The Nationwide Organ Retention Group Litigation is listed for trial in London on 26<sup>th</sup> January 2004. All cases against Welsh hospitals (68 of them) will be bound by the UK Court decision. Three lead cases are to be tried covering the various different categories of case.

Harding Evans holds a clinical negligence franchise and are specialist panel solicitors. Contact us for an initial free consultation (at home if requested).

**Harding Evans, Solicitors**  
Queens Chambers, 2 North Street, Newport, South Wales, NP20 1TE

**Tel: 01633 244233**  
**Fax: 01633 246453**

Website: [www.hevans.com](http://www.hevans.com)

**Deaf Aware:**  
**Minicom 01633 760690**