

MEDICAL CLAIMS & COMPLAINTS NEWSLETTER

Welsh Law Firm of the Year

Harding Evans has been named Welsh Law Firm of the Year 2004/5. The award was received at a glitzy award ceremony held at City Hall, Cardiff in November of last year.



We are pleased by this further success for the firm. In the previous year Harding Evans had been a finalist in Law Firm of the Year. As things stand, Harding Evans has now picked up three awards in the space of two years. The firm was named Gwent Business of the Year in 2003/4 and Ken Thomas named Welsh Lawyer of the Year for 2003/4.

Child Brain Injury Trust

The Child Brain Injury Trust are to hold a launch for their Welsh handbook in March. The event, to be held at the Museum of Welsh Life at St

Fagans, Cardiff on 16th March will be of interest to families and professionals who have dealings with children with acquired brain injuries.

Ken Thomas will be attending on behalf of Harding Evans. Ken is a member of SCOPE and has significant experience of acting on behalf of children with brain injuries. In the last four years, Harding Evans has secured damages for such children totalling over £3 million.

Recent settlements

We have achieved some notable settlements over the last few months. Damages have been secured on behalf of:

- A teenager who witnessed the traumatic death of her mother from a mis-managed respiratory condition, and was left to be brought up by her relations.
- A housewife who needed hospital treatment after a pharmacy dispensing error resulted in severe skin irritation and emotional upset.

- A rugby player who had been left disabled after a straightforward knee injury was negligently operated upon meaning he could not return to work.
- A young mother left disabled after a fracture which was missed by a local A & E Department and diagnosed only several months later.
- A South Wales couple whose daughter died within a few days of birth as a result of injuries which had been sustained in the course of delivery. These could have been avoided had the mother's labour been properly handled by medical staff.

Welsh Language advice

Harding Evans now has several lawyers able to offer legal services in Welsh, not only for clinical negligence, but also individuals needing advice upon Wills, elderly client issues and conveyancing. The firm took part in the Eisteddfod held at Tredegar Park, Newport last summer, raising money for the children's charity, Sparkle.

Further praise ...

Harding Evans has again been praised for its clinical negligence work in the two major guides to the legal profession. The Legal 500 and Chambers UK Guides to the Legal Profession both recommend Harding Evans for its Claimant clinical negligence work. It is now the eighth largest law firm in Wales and the second largest outside Cardiff.



AvMA Conference Cardiff

The Action against Medical Accidents conference is to be held in Cardiff in June 2005. This is the main event in the calendar of clinical negligence Claimant lawyers. The conference is attended by solicitors, barristers and many medical experts alike.

Harding Evans is a member of the Lawyers' Resource Service. This enables us to gain access to AvMA's large database of expert witnesses and attend regional group meetings where current issues are discussed and explored with other lawyers. Ken Thomas has been a member of the AvMA Panel of Accredited Solicitors since 1999.

Speedy Resolution

The recently launched Speedy Resolution Scheme has attracted some negative comments from English lawyers. A report in a recent Law Society Gazette stated that some English clinical negligence practitioners were predicting the Scheme would prove unsuccessful. In particular, doubts have been raised regarding the lack of an independent body to oversee the Scheme.

We at Harding Evans welcome the Pilot, albeit the outcome of the Scheme will need very close scrutiny. Patient views on the acceptability or otherwise of the expert opinions pivotal to the Scheme must be of paramount importance. We already have a number of cases that we are considering for entrance into the Pilot Scheme.

NHS Complaints files

Two recent cases have called into question the validity of NHS complaint responses received from NHS Trusts. Copies of Trust internal files obtained in the course of investigations showed that key comments from senior clinicians on the quality of care received had been omitted from the Chief Executive's replies.

We routinely obtain copies of the Trust's internal files when we are instructed by patients. These are disclosed without resistance by NHS lawyers on the basis they would be discloseable

in any event in any subsequent Court action. In both these instances, comments from Consultants that the care received was substandard had clearly been deliberately omitted from the letter sent out to the patient. Arguably, such examples indicate that complaint responses received should not too readily be accepted at face value.

Nursing Home care

We have recently received several instructions to investigate deaths pursuant to allegedly negligent nursing home care. In each case the CSIW upheld family complaints.

Last year a family succeeded in such a claim where a 80 year old gentleman died after receiving extremely poor care at a residential home.

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

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