A black and white close-up portrait of a man with a beard and intense gaze. The man's face is the central focus, with his eyes looking slightly to the right of the camera. He has a serious expression. The background is blurred, suggesting an outdoor setting with foliage.

LEIGH DAY

**Friendly Fire:
Supreme Court
Victory**

ANNUAL REVIEW 2013

**Leigh Day
Priory House
25 St John's Lane
London EC1M 4LB**

**(T) 020 7650 1200
(F) 020 7253 4433
postbox@leighday.co.uk**

Follow us: @LeighDay_Law

**Front cover - Daniel Twiddy
Back cover - Linda Peanberg King and her son Carl**

Photography by Angus Young
www.angusyoung.com.au

Welcome to the Leigh Day Annual Review 2013

2013 has been an exhausting but ultimately satisfying year.

The storm clouds very much remain. The Government's ideologically driven proposals to reform the legal sector continue unabated and represent the biggest threat to access to justice in a generation. In this increasingly harsh climate, long established legal firms are going under or being gobbled up by legal leviathans.

Against this unpromising backdrop, we remain convinced that the need for a firm such as Leigh Day, offering high quality legal services, often to the most vulnerable in our society, and not being afraid to take on difficult and challenging cases, is as vital as ever.

This Review includes some highlights of our work during the last twelve months and the sometimes heart-rending, often inspiring client stories. Notable successes include the Supreme Court ruling that the Ministry of Justice do have a legal responsibility to provide adequate equipment to service personnel engaged in military operations and the Court of Appeal confirming that the Government acted unlawfully when downgrading and closing services at Lewisham Hospital.

The Review gives some indication of the sheer breadth of our work. The increasing prominence of our younger partners and solicitors demonstrates that the firm's future is in safe hands.

We wish to thank all of those whose contribution is so vital to our success, including the barristers and experts we instruct, who routinely go beyond the call of duty. Most of all, we wish to thank our clients. The firm exists to give support to ordinary men and women who have found themselves facing the might of the Government, Big Business or other daunting entities. The Annual Review tells you some of their stories.

From all at Leigh Day

Abbie: Throwing for Gold?



Like many 17 year old girls, Abbie Hunnisett likes shopping, eBay, and boy bands. She is looking forward to celebrating her eighteenth birthday with a chocolate fountain and a shot of coffee vodka. And after that? Maybe a gold medal for club-throwing at the 2016 Rio de Janeiro Paralympics.

Paralympic athletes are classified by degree and type of impairment. Abbie is classed F32 - suffering from athetosis, ataxia and/or hypertonia. She has cerebral palsy, due to brain damage at birth.

Abbie's heartbeat during labour was suspicious, but the paper trace showing her heart rate was switched off. When it was switched back on, it revealed a lack of oxygen which went on to cause permanent brain damage. Severe disability seemed certain. But Abbie went on to prove how much she could achieve despite her condition.

Nicola Wainwright of Leigh Day is claiming for compensation so Abbie can go on to live independently, enjoy sporting success, and have a family.

Paralympic classifications are designed to ensure that athletic success is determined by skill, fitness, power, endurance, ability and mental focus – all of which Abbie displays in full measure. Her event, club-throwing, is like throwing the hammer from a chair. She trains in throwing at least twice a week with her father after school and at weekends with her coach. In between, she works on strength and conditioning three times a week at the gym.





Toby Butler

Toby is a blind, deaf six year old with cerebral palsy. He can't walk or sit up but enjoys assisted swimming and messy play. He has fits, can only eat food that's been through a blender and will be totally dependent for the rest of his life.

Things were different in March 2008. Toby was a happy, healthy toddler. But at Easter he developed cold-like symptoms. His mother contacted NHS Direct and Toby was admitted to the Paediatric A&E department of Portsmouth Hospitals NHS Trust.

A junior doctor and a consultant paediatrician decided Toby had asthma but kept him in for observations. Over the next day he was vomiting, had blood stains in his nappy and was in serious pain. Toby's distraught parents kept reporting his symptoms and challenging the diagnosis but the doctors took no notice.

33 hours after being admitted to hospital Toby began fitting. The medical team tried to stabilise him, but it was far too late. He had meningitis and encephalitis causing catastrophic brain damage.



Toby's solicitor, Russell Levy, was able to persuade the NHS Litigation Authority to accept liability very quickly. An early interim payment was secured enabling Toby's parents to purchase a suitably adapted home, and in June 2013 Toby received one of the largest ever damages awards of a lump sum of £1.5million, plus index-linked annual payments starting at £225,000 and rising to £327,000 per annum at present values for the rest of Toby's life.



Axel Dies: 'An Inadequate Performance'

“THE DOCTOR SPENT
LESS THAN A MINUTE
TAKING A HISTORY
BEFORE DOWNGRADING
THE CALL FROM ‘URGENT’
AND MAKING A ROUTINE
APPOINTMENT FOR AXEL”

“





Linda and Alistair were overjoyed by the birth of their second son Axel in September 2012. A big, cuddly baby, adored by his two-year-old brother, he was the picture of health.

When he was taken ill with breathing problems, lethargy and a lack of appetite, Axel's mother called the local out-of-hours GP service – Harmoni, a private company. They diagnosed a virus and advised her to see the family GP.

But Axel's condition got worse. The next day Linda arranged to see Dr Takhar at the Harmoni base at the Whittington Hospital in Highgate, north London.

Dr Takhar – despite Axel's breathing problems, his not having eaten for two days, reduced urine flow and general lethargy - reassured Linda and wrote a delayed prescription for amoxicillin.

This would avoid the need for re-presentation the next day.

Two days later, Axel's father – increasingly worried about his son's breathing and unwillingness to feed – contacted Harmoni again. Dr Shantikumar – in what the coroner later described as 'an inadequate performance' – spent less than a minute taking a history before downgrading the call from 'urgent' and making a routine appointment for Axel.

Axel died later that afternoon, collapsing in his mother's arms while waiting to be seen. He had bronchopneumonia, an entirely treatable illness.

Leigh Day represented the family at the inquest. A CQC report has now highlighted staffing insufficiencies in the service. Our investigation into its safety, and what happened in this particular case, are continuing.



Cycle Crash Ian Makes Excellent Progress

Ian Hetherington was cycling in a 90-mile road race when a car U-turned into his path. Travelling at speed, he had no chance of avoiding a collision. He sustained a severe spinal cord injury with a diagnosis of incomplete tetraplegia.

A spinal surgeon retained at the outset of his claim suggested that, with specialist rehab, Ian's prospects of recovery were promising. However, at the time Leigh Day were instructed there were no available beds in Stoke Mandeville or Stanmore spinal units.

The driver's insurer, RSA, were contacted and a collaborative approach suggested. Within a couple of weeks, RSA agreed to fund Ian's transfer to the Wellington Hospital for a period of intensive in-patient spinal rehabilitation.



Ian spent six months as a private in-patient and made excellent progress. He is now standing and walking. His upper limb function is continuing to improve. He has had access to specialist equipment such as the Lokomat pictured here.

Now back at home with his young family, Ian's progress continues as he participates in a multi-therapy outpatient rehab programme also funded by RSA.

All involved in Ian's care, treatment and rehab have commented on his exemplary commitment to the therapy regime. Access to the specialist physicians, therapists and equipment at the right time have also played an important role.

Ian's case demonstrates the benefits of a proactive approach from the outset – particularly to this client whose only desire is to get back to supporting and bringing up his family.



Full Time Care: Damages Secured

Jerry Sesay was born on 24 October 2006. During labour his foetal heart was monitored by a sonic aid and noted to be within normal parameters. He was delivered spontaneously at 02.03. Thick meconium followed delivery of the head. He was blue in colour and made a small gasp. His heart rate was 80-100 bpm.

The paediatric SHO was called and attended at 02.05. He commenced cardiac massage and resuscitation. Jerry responded poorly to the inflation breaths. Thick meconium and mucus was suctioned from his airway. His heart rate rose from 60 to 100 bpm.



Strenuous attempts were made to resuscitate him and he was eventually intubated at 12 minutes. He was transferred to the neonatal unit, where he had a stormy course. He was discharged home four weeks later.

Jerry is now seven. He has spastic quadriplegic cerebral palsy, is on a ventilator at home, has regular seizures throughout the day, requires regular suctioning, is peg-fed, has profound and severe developmental delay and is blind.

He has a much shortened life expectancy. Despite his injuries his mother cares for him meticulously at home. It is a result of her exemplary care that Jerry is still alive.

Jerry's damage was probably caused by an episode of profound asphyxia of about 25-30 minutes which went unnoticed.

Olive Lewin, a partner in Leigh Day's clinical negligence team, secured substantial damages. It will help to pay for 24-hour care for the rest of Jerry's life.

Legal action can't rewrite history. But what it can do is fight for people to get the practical assistance they need in order to live life to the full, despite catastrophic injuries.

Felix was born in 2002 at the Royal Surrey County Hospital, Guildford, premature but healthy. But he had neonatal jaundice, and it was getting worse. The hospital noted his condition – but did not treat it.

At Last: Settlement for Felix



“THE HOSPITAL NOTED HIS CONDITION – BUT DID NOT TREAT IT”



The result for Felix was severe cerebral palsy with excruciating muscle spasms. Leigh Day issued court proceedings and finally the hospital admitted liability. Interim payments followed. Eventually, last year, after lengthy negotiation, his case was settled.

Felix' damages include index-linked annual payments for life. They help pay for the 24-hour care and specialist nursing he needs. At last he and his family can start getting their lives back on track. At last they can get some sleep at night.



Katie Sues for Pregnancy Discrimination and Wins

Solicitor Katie Tantum brought a case of pregnancy discrimination against City law firm Travers Smith earlier this year, and won. This in itself was something unusual - not because claims of pregnancy discrimination by women working in the Square Mile are rare - but because so few of these cases make it to trial.

Many claimants settle their cases and are then subject to various confidentiality clauses. The impetus to settle is understandable; win or lose, there is fear that the publicity will damage their career prospects. Fortunately, many Leigh Day clients not only win their cases but do go on to bigger and better things.

Katie Tantum's case was important because it followed a series of reports showing the push for gender equality in the legal sector hasn't produced anything like the progress hoped for. Women in City law firms still make up less than 20% of all partners and on average women are earning only two-thirds as much as their male counterparts.

“WIN OR LOSE, THERE IS FEAR THAT THE PUBLICITY WILL DAMAGE THEIR CAREER PROSPECTS”



The statistics are no brighter from the Bar. While 53% of those called to the Bar are women – with 44% securing tenancy – only 15.8 % take silk. A recent survey showed that over a quarter of women leaving did so because of childcare responsibilities.

Katie Tantum won her pregnancy discrimination claim but the battle for equal pay and better promotion prospects for women in the city goes on.

Care for Older Prisoners is 'Disgraceful'



Sean Humber and Benjamin Burrows of Leigh Day's prison law team recently gave hard-hitting evidence to the House of Commons Justice Committee's inquiry into the care of older prisoners.

Their evidence was based on many years' experience of successfully acting for older prisoners in a variety of claims. It highlighted their problems in getting the most basic levels of care and participating in day-to-day prison life.

**"THE REPORT
CONCLUDED THAT
CARE WAS POOR OR
NON-EXISTENT IN
MANY PRISONS"**

“

Older prisoners are often unable to use the toilet, wash or dress, get in and out of their cells, and use the chairs or beds provided. They cannot get around the prison to go to the canteen, healthcare, education or work, to the library, chapel or visits hall.

Their evidence was extensively quoted in the Justice Committee's very critical report. It concluded that care was poor or non-existent in many prisons and described the overall situation as 'disgraceful.'

British Intelligence and CIA Drone Strikes





Malik Daud Khan was a member of the local jirga in Miranshah, North Waziristan, Pakistan - a peaceful council of tribal elders whose major functions include, for example, the settling of commercial disputes.

On 17 March 2011, Malik Daud Khan was presiding over a meeting of the jirga at the nearby town of Datta Khel, near the Afghanistan border.

“AN UNMANNED DRONE, BELIEVED TO HAVE BEEN OPERATED BY THE CIA, FIRED A MISSILE AT THE GATHERING”



During the course of this meeting an unmanned drone, believed to have been operated by the CIA, fired a missile at the gathering. Malik Daud Khan was one of more than 40 people killed in the strike.

Various reports have suggested that British intelligence agencies have been – and are – providing information on the whereabouts of alleged militants targeted by the CIA’s drone strikes.

Leigh Day’s Rosa Curling is now representing Malik Daud Khan’s son Noor Khan in a challenge to William Hague, Secretary of State for Foreign and Commonwealth Affairs, about the UK’s involvement in CIA drone attacks. The case, listed before the Court of Appeal in December 2013, seeks to determine if this UK-US intelligence sharing is legal or not.

We argue that UK officials providing information could be committing serious criminal offences, including conspiracy to murder and crimes against humanity. Both are statutory offences under the International Criminal Court Act 2001.

Lewisham Hospital – Saved!

In 2013, Leigh Day successfully represented the Save Lewisham Hospital Campaign, challenging the decision taken by Jeremy Hunt MP, the Secretary of State for Health, to cut services at Lewisham Hospital and close some of its departments.

In a judgment handed down in July 2013, Mr Justice Silber ruled that the decision of the Secretary of State be quashed as he had acted outside his legal powers and in breach of the National Health Service Act 2006.

The Save Lewisham Hospital Campaign includes patients, community groups, GPs, hospital doctors, nurses and other health professionals working in Lewisham.

It was formed in 2012, in response to the South London Healthcare Trust Special Administrator (TSA) Matthew Kershaw's proposal that, as part of the cost-saving measures put forward for South London Healthcare NHS Trust, services at Lewisham Hospital should be reduced.

Despite being appointed TSA for the South London Healthcare Trust, in his final report to the Secretary of State in January 2013, Mr Kershaw not only proposed changes to South London Healthcare Trust but also to Lewisham Healthcare Trust, in particular to Lewisham Hospital which it runs.

Mr Kershaw proposed that the Hospital should close and downgrade services, including A&E, acute admitting wards and adult intensive care unit. The maternity service at the hospital should be downgraded or closed completely.

On 31 January 2013 Jeremy Hunt MP announced to Parliament that he accepted most of the TSA's recommendations for cuts.

But following a brave campaign by Save Lewisham Hospital and a hard-fought legal battle by Leigh Day, this decision has now been ruled unlawful. Mr Justice Silber said: "The Secretary of State did not have vires to make his decision relating to Lewisham Hospital...therefore the decision of the Secretary of State insofar as it relates to Lewisham Hospital must be quashed."

The celebratory cheers could be heard from the Strand across the whole of South London.

To the great disappointment of all supporters of Lewisham Hospital, Jeremy Hunt appealed against Mr Justice Silber's decision. At the end of October 2013 the Court of Appeal rejected the appeal to the relief of the community in south London.





of Justice

VICTORY FOR LEWISHAM HOSPITAL!

SAVE LEWISHAM HOSPITAL!

VICTORY FOR LEWISHAM HOSPITAL!

Seeking Redress for Winterbourne View Patients

It's hard to forget the images that shocked a nation - the cruelty both physical and mental being inflicted on patients at Winterbourne View, a private hospital at Hambrook, South Gloucestershire.

BBC Panorama broadcast its undercover report into the 'specialist' hospital placement in May 2011. Now, over two years on, a group litigation is being pursued on behalf of a number of its former residents.

Leigh Day is acting for two of the claimants in the group - Miss X and Mr Z, both vulnerable young adults with learning difficulties and mental health issues, placed at Winterbourne View for specialist care.

Miss X's family's worst fears were realised when they saw her in the Panorama programme. A carer dragged her out of bed and then along the floor. Mr Z has since moved from Winterbourne View, but the shocking footage shed light on previously unexplained injuries he had sustained whilst resident at the care home.



More cases of abuse and neglect are still coming to light. It would appear that the cultural shift in the health and care sector promised as part of the legacy of Winterbourne View has not yet been realised.

Leigh Day is now working out viable routes of redress for clients where commissioning arrangements for their care make litigation complex, considering the respective responsibilities of their care providers - often private companies - against those of the public sector bodies who were funding them and supposed to have regulated their care.



“A GROUP LITIGATION IS BEING PURSUED ON BEHALF OF A NUMBER OF WINTERBOURNE VIEW'S FORMER RESIDENTS”



No Safety Blisters Cause Station Fall



Andy Shipley and his guide dog Winnie make the journey by train from Princes Risborough to Aylesbury, where Andy works, three times a week. They have done so for several years. Andy is an experienced guide dog owner and Winnie enables him to travel on his own, without sighted assistance.

On December 1st 2011 Andy and Winnie boarded their usual train in Princes Risborough, where there is special tactile blister paving running parallel to the platform edge, warning visually-impaired passengers of the danger.

But there is no such tactile paving at Aylesbury station. When Andy and Winnie alighted and walked along the platform they couldn't locate the exit stairs as they usually did. Andy became disorientated, mistakenly took a step backwards, and fell from the platform edge on to the tracks below.

Andy managed to climb back on to the platform and find Winnie on his own, before any station staff came to his help.

Leigh Day alleges that the train company responsible for the station and Network Rail discriminated against Andy by their failure to install tactile blister paving at Aylesbury station. We are seeking a declaration that Andy has been discriminated against and an order requiring the defendants to install safety paving at the station, warning visually-impaired passengers that they are near the platform edge.

“ANDY MANAGED TO CLIMB BACK ON TO THE PLATFORM AND FIND WINNIE ON HIS OWN, BEFORE ANY STATION STAFF CAME TO HIS HELP.”





“THE RADIOLOGIST INSISTED THAT THE TUMOUR WAS INVASIVE, AND WITHOUT FURTHER INVESTIGATIONS, INSTEAD OF RADIOTHERAPY, EXTENSIVE SURGERY WAS DONE ON BARRY’S NECK”



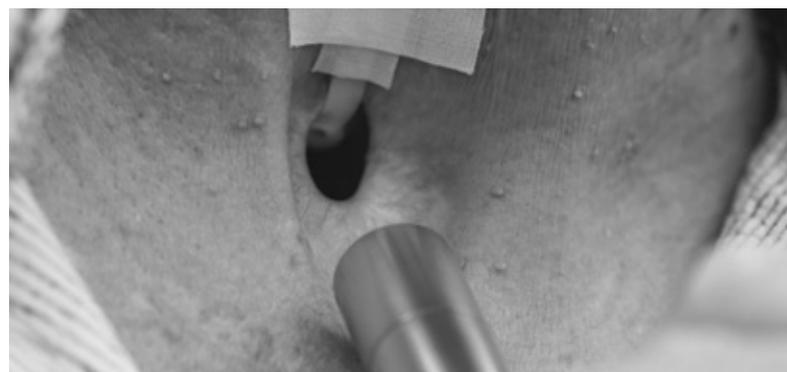
Wrong Cancer, Unnecessary Surgery

Barry Merriman was a specialist panel beater working on prestige motor cars including Ferraris. In November 2009, aged 55, he noticed that his voice had become hoarse and was referred by his GP to ear, nose and throat specialists at Wexham Park Hospital, Slough. They carried out a biopsy and a CT scan. All findings suggested non-invasive cancer of the vocal cords.

On 3 February 2010 the consultant explained that the likely treatment would be radiotherapy. But at a multi-disciplinary team meeting a week later a consultant radiologist said the condition was much more serious because there was definite evidence of invasion of the thyroid cartilage.

The radiologist insisted that the tumour was invasive, and without further investigations, instead of radiotherapy, extensive surgery was done on Barry’s neck – including the removal of his whole larynx and a tracheostomy, leaving him with a permanent opening in his neck.

After the operation, the tissue specimens were examined by a pathologist who found that the cancer was not at all invasive. The pathologist also examined nine lymph nodes removed during the surgery. None of them showed any evidence of the cancer spreading. The removal of Barry’s larynx had been completely unnecessary.



With radiotherapy, Barry’s cancer would almost certainly have been cured, with no more than temporary hoarseness. Instead, he has been deprived of normal speech, requiring reconstruction of his voice. His swallowing is impaired, and he fears drowning by aspiration of water through the hole in his neck. He will never work again. His social life has been drastically curtailed.

Russell Levy, head of the Leigh Day clinical negligence department, will be seeking full compensation for Barry. If agreement can’t be reached Russell will pursue the case to trial so that a High Court Judge can decide compensation.

Helicopter Crashes on South Bank

On 16 January 2013, a helicopter crashed into a high-rise crane in the Vauxhall area of London's South Bank. In a city sensitised to explosions by the 2005 terrorist attacks, the impact of the accident was devastating. Two people lost their lives - the pilot, and a pedestrian killed by the falling helicopter exploding on the ground.

The captain had been warned about the possible need to delay or cancel the flight, but nevertheless tried to make headway in low cloud and freezing temperatures. But finally he turned back to his starting point in Redhill. Shortly after this the fatal collision occurred.

Although perhaps a freak accident, it was not altogether unexpected given the amount of low-flying helicopters in London and the ever-increasing height of new buildings. Commentators have since called the accident "preventable". Indeed, crane operators have reported that they were worried about exactly such an event occurring.

Daniel Easton, partner at Leigh Day, has been instructed by a number of workers and pedestrians in the area who were injured by the incident either from falling debris, or from or the psychological impact of seeing such a devastating catastrophe. Claims are proceeding against the helicopter company's insurers, whilst investigations into the accident itself continue.





Woman filtering asbestos into powder in a workshop outside the shipbreaking yards of Chittagong © Ruben Dao

Asbestos: “It’s Not My Problem”

Asbestos is a known killer and remains a problem for us all, writes Leigh Day partner Harminder Bains. We have been fighting for the rights of its victims for over 25 years. But did you know that asbestos is still being produced in vast quantities, mainly in Russia, Brazil, China and Kazakhstan, largely for export to Asian countries?

The asbestos market – banned across Europe – is actually growing in some countries. In Russia, the world’s leading asbestos producer, mining and processing of chrysotile asbestos is very profitable. The International Labour Organisation and the World Health Organisation want asbestos outlawed. But the global asbestos lobby, led and financed by Russia, seeks to continue to profit from this carcinogen.

I took part in a demonstration outside the Russian embassy organised by the International Ban Asbestos Secretariat on 26 April 2013. Laurie Kazan-Allen, coordinator of IBAS, said: ‘The Russian authorities banned the use of asbestos at the forthcoming Sochi Olympics. If asbestos is too hazardous for international athletes then it is not safe for Indian, Indonesian and Chinese workers.’

This year an Italian appeal court upheld the criminal conviction of a former director of Eternit, guilty for his role in asbestos-related deaths of thousands of Italians some of whom had worked at the company’s asbestos-cement factories but most of whom had been exposed environmentally to Eternit asbestos. Meanwhile, asbestos products such as asbestos boards and roofing material are

contained in many UK public buildings - including state and public schools, hospitals and offices - where it remains a potent threat to building users, maintenance workers and the public.

Asbestos products from China and other countries are being imported to the UK, despite the fact asbestos is banned – in such products as thermos flasks, toys and cars.

Epidemiologists confirm that deaths from asbestos exposure have yet to peak. Many of us will continue to be exposed to asbestos for years to come as a result of ‘indirect exposure’. We cannot be complacent.

*for more information see: www.ibasecretariat.org



Thousands of Nigerian Fishermen Continue to Fight Shell

In 2008 the Bodo community in the oil-rich Ogoniland region of the Niger Delta was left devastated following two massive oil spills on the Trans-Niger Pipeline operated by Shell Petroleum Development Company of Nigeria (SPDC), a subsidiary of Royal Dutch Shell. The spills crippled a once-thriving fishing industry, destroying the local economy and causing widespread environmental devastation. Five years on, a comprehensive clean-up has yet to occur and thousands of villagers continue to fight for the payment of adequate compensation.

The spills caused the worst loss and damage to mangroves by an oil spill the world has ever seen. What now remains is a polluted wasteland devoid of aquatic life. Leigh Day is instructed by over 15,000 members of the Bodo and surrounding communities in a case being brought before the Technology and Construction Court in London. While SPDC accepts liability for the two spills of 2008 which occurred due to corrosion and equipment failure on the decrepit pipeline, the extent of the damage and the number of persons affected by the spills remains firmly in dispute.

Week-long settlement talks were held in Nigeria in September 2013. These broke down. Martyn Day, the senior partner leading the litigation, described SPDC's offer for compensation as "totally derisory" and "insulting". Unsurprisingly, the offer - which amounted to two to three years' loss of earnings in a community which will not revive its fishing industry for decades to come - was unanimously rejected at a mass meeting in Bodo in mid-September.

Chief Kogbara, chairman of the Bodo Council of Chiefs and Elders said:

"I had hoped that this week would at last see the end of the litigation and enable us to start the process of rebuilding the community. We told them in 2009 and we tell them again now, the people of Bodo are a proud and fiercely determined community. Our habitat and income have been destroyed by Shell oil. The claim against them will not resolve until they recognise this and pay us fully and fairly for what they have done."

The Court action continues. The trial has now been fixed for May 2015.





How Compensation Can Provide Rehabilitation

A brain injury can have a profound effect on the victim's life and their family. Although legal action cannot restore the health of a brain injured person, it

can provide compensation to assist with improving their quality of life and them becoming more independent.

The range of professionals involved in the assessment of a victim of a brain injury is wide ranging and usually includes the following:

1 **Consultants in neurological rehabilitation or consultant neuropsychiatrists to monitor mood and medical aspects of injury such as epileptic seizures and headaches and supervise drug treatment;**

2 **Clinical neuropsychologists to assess the precise nature and severity of neuropsychological deficits and treat behavioural difficulties;**

3 **Occupational therapists to identify assistance required with daily living, such as preparing meals, going shopping etc and recommend equipment which may assist in mobility and reduce disability;**

4 **Physiotherapists to provide information as to the appropriate exercises to keep mobility and physical fitness;**

5 **Speech and language therapists to treat speech problems such as dysarthria and dysphasia;**

6 **Nursing care experts to provide details of past and future costs of care and case management costs;**

7 **Architects to assess the accommodation needs and to obtain planning permission if necessary;**

8 **Case managers to coordinate the input from all of the above and continue with long term supervision.**

We regularly instruct all of the above professionals in our cases to ensure we have obtained full details of our clients' disabilities and to assess future needs.

We obtain early interim payments to allow funding for rehabilitation recommended by all or any of the above professionals. This has aided many of our clients to become as independent as possible. For example, in the case of our client, we instructed all of the above professionals and obtained interim payments amounting to over £500,000 which allowed him to obtain essential treatment recommended in all of the above disciplines. In addition, the interim payments allowed him to move to accommodation which was more suitable for his needs before his case was finalised.

** to see Ben's story please visit our website*

<http://www.brainandspinalinjuries.co.uk/Brain-Injury-old/Client-Stories/Ben-Lewis-story>



Faulty Appliances: Leigh Day Fights Household Names

Shocking but true: in the UK, hundreds of thousands of recalled household appliances are still in use, potentially posing serious fire risks. Leigh Day's specialist product liability partner Jill Paterson has launched a number of claims on behalf of fire victims against such well-known names as Beko, Hotpoint and Bosch.

Dishwashers, tumble dryers and fridge freezers have all been the subject of manufacturer recalls, raising concerns about

consumer safety. The problem is that many people don't know about these recalls – which leaves huge numbers of potentially dangerous appliances posing a threat in homes.

The media has covered the issue extensively. The Leigh Day team have commented on TV and radio on the issues surrounding the recalls, and on specific cases relating to our clients, whose stories have exposed shortcomings in the law relating to recalls and how penalties for non-compliance lack teeth.

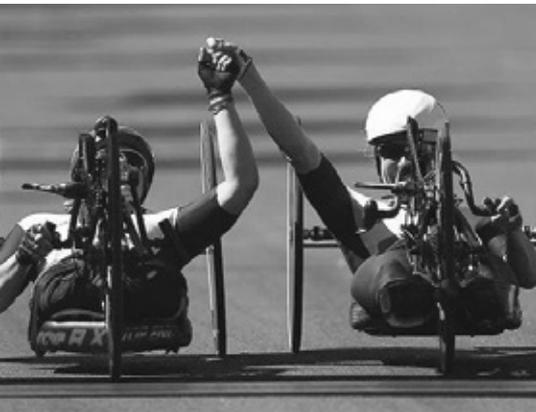
Leigh Day's work has led to the creation of the 'Expect It's Safe' campaign which aims to raise awareness about product safety and pushes for more clarity and tougher penalties for non-compliance with the current product recall procedures.

Some cases have successfully settled and others continue. The aim is to bring manufacturers to account and see that lessons are learned. The team seeks damages for injury and death - and for uninsured losses and distress and inconvenience suffered.





“WHEN IT CAME TO RACE DAY THEY HATCHED THEIR PLOT TO CROSS THE LINE TOGETHER”



Paralympic Cyclists Overcome Road Horrors

Cyclists Rachel Morris and Karen Darke held hands and crossed the line together at the London 2012 Paralympics. But officials gave the medal to Rachel, a fraction of a second ahead.

Fractions of seconds transform lives, as Karen and Rachel know, their lives devastated by motorists who didn't see them. Penny Knight of Leigh Day's cycling and sports injury team is currently fighting claims for both.

Rachel and Penny met in 2007, shortly after Rachel had been hit by a motorist turning across her path. Rachel recovered well enough to take gold at the 2008 Beijing Paralympics. But in January 2009 she was again hit, injuring her right shoulder and leg stump, meaning further surgery – and concern that she would be unable to defend her title at the 2012 home games.

Rachel battled hard to overcome her injuries, but she was cruelly thrown off course by another road crash in July 2012, just six weeks before her title race.

But even this did not stop Rachel's medal quest. Karen stepped in to provide support and they began training together. When it came to race day Rachel encouraged Karen to stay up with the pack, and they hatched their plot to cross the line together.

Though Karen missed the medal, she had already won silver in the time trial. London was her first Paralympics. She previously climbed the El Capitan precipice in Yosemite, California, cycled the length of Japan and hand-skiied across the Greenland ice cap.

Karen was hit from behind by a car in June 2013, days before she was due to compete in the paracycling World Cup in Segovia, Spain. Her plans to ski to the South Pole have been postponed.

** Leigh Day has provided accident advice to British Cycling and British Triathlon members since 2003.*



Security For Choreographer's Family

Claire Glaskin was a front seat passenger in the family car which was being driven by her partner when they were hit by another vehicle which caused the car to spin across 3 lanes of the motorway coming to rest across the fast lane.

Whilst her partner was attempting to re-start the car, another vehicle which was travelling in excess of the speed limit in the fast lane collided with the passenger side of the vehicle. Claire died at the scene. Her partner sustained a brain injury.

Choreographer Claire had worked on major productions around the world including BBC's Maestro in 2008. Highly regarded by all who had worked with her, she was undoubtedly destined for even greater success in the world of opera and television.

Personal Injury Partner Christine Tallon said:

“This was a tragic case in which a family's life was changed irretrievably by a few moments of inattention by two drivers. I am pleased that we have now managed to achieve a settlement which will at least give Claire's partner and the children some financial security though of course this will never compensate them for the loss of Claire's love and affection”





British Detention in Afghanistan: Legal or Not?

Leigh Day is currently bringing a landmark case that challenges the lawfulness of the British detention regime in Afghanistan. The case of *Serdar Mohammed v Ministry of Defence*, due for trial in January 2014, involves a young Afghan man detained by British forces in Helmand in April 2010.

The British held Mr Mohammed without charge for over three months during which time they subjected him to repeated interrogation. Then they passed him over to the Afghan authorities, at whose hands he alleges he was tortured and forced to thumbprint a confession to being a Talib. He was convicted and is now serving a lengthy jail term in Pol-e-Charkhi prison near Kabul.

Leigh Day is claiming damages on Mr Mohammed's behalf for his detention and abuse by British forces, and for his transfer to the Afghan security services who are infamous for their brutal treatment of prisoners. The case is thought to be the first such claim on behalf of a detainee in Afghanistan, and is likely to set a precedent for other similar claims.

Leigh Day currently represents over seventy detainees who allege unlawful detention, assaults or torture by British forces. The Afghan President, Hamid Karzai, has declared that detention operations by foreign troops in Afghanistan breach national sovereignty and are a matter for the Afghan authorities. But the Ministry of Defence continues to maintain that detention of suspected insurgents is a lawful and a necessary part of its operations in Helmand.

South African Gold Miners' Silicosis: Leigh Day Acts



Alpheos Blom lives in a tin shack in Welkom, close to the President Steyn mine, formerly part of Anglo American South Africa (AASA). He worked at the mine for seventeen years, but can no longer do so due to his ill health.

At the age of 37 Mr Blom contracted silicosis, a respiratory disease caused by excessive dust exposure that increases the risk of contracting TB, which is endemic in South Africa. Rates of silicosis and TB are very high among black gold miners, who undertook the dustiest jobs.

Leigh Day represents around 4,000 former gold miners against AASA Ltd, which is now wholly owned by London-based Anglo American plc.

Twenty-three claims, including Mr Blom's, which Leigh Day litigated in South Africa together with the Johannesburg Legal Resources Centre, were settled in September 2013. Approximately 2,300 claims issued in the UK High Court in 2011 are

“RATES OF SILICOSIS AND TB ARE VERY HIGH AMONG BLACK GOLD MINERS, WHO UNDERTOOK THE DUSTIEST JOBS.



subject to an AASA challenge against jurisdiction, which was upheld in July 2013. The jurisdiction issue has been referred to the UK Court of Appeal. Leigh Day is also working with South African lawyers on numerous silicosis claims against AASA and Anglo Gold Ashanti in the South African courts.

New Hips That Failed

In 2007, Debbie B. had an ASR implanted in each hip. Aged 42, a netball enthusiast, gardener, teaching assistant, wife and mother of two, she expected the operation would improve her life.

But it didn't. The pain returned and soon she was completely immobile. Both her ASR components had catastrophically failed, destroying tissue and muscle. Three years on, she had more surgery on both hips, and then further operations due to the damage caused by the ASRs.

After seven complex operations, now reliant on crutches, Debbie will probably be wheelchair bound by 60.

Leigh Day's ASR team represents over 500 clients affected by what has been called the biggest disaster in orthopaedic history. Partner Michelle Victor said "Many live with constant pain and will need further surgery and some face being wheelchair-bound early in life and reliant on others for care. Our dedicated team has the scientific and legal expertise to obtain appropriate compensation for clients whose lives have been devastated by the early failure of the ASR component."





Friendly Fire: Supreme Court Victory

On 25 March 2003, the fourth day of the Iraq War, a British Challenger II tank was attacked by a fellow British tank. Two soldiers were killed and two crewmen seriously injured. Since 2006, Leigh Day has represented the family of Corporal Stephen Allbutt, who died, along with Daniel Twiddy and Andrew Julien, the injured soldiers.

In a novel action against the Ministry of Defence (MoD), Leigh Day claims that there was a negligent failure to adequately train and equip them and/or their tanks with technology that could have prevented their injuries and death.

In 2009 the MoD applied to strike out the soldiers' claims. It said it owed no duty of care because the deaths and injuries occurred in battle, and because the claims raise issues about military resources and procurement - matters for politicians, not suitable for judicial scrutiny.

“THE MoD SAID IT OWED NO DUTY OF CARE BECAUSE THE DEATHS AND INJURIES OCCURRED IN BATTLE”

“

But now the MoD has faced defeat in the High Court, the Court of Appeal and most recently in the Supreme Court. It cannot hide behind the doctrine of combat immunity or arguments relating to complexities in procuring military equipment.

As the claimants await final determination of their cases, it is hoped their sacrifices will at last be given proper recognition.

