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**Could Appropriate Medical Care Have Saved Your Loved One's Life?**

If you believe that a loved one's death is attributable to a lack of appropriate medical care, you should consult a clinical negligence lawyer without delay. The point was made by the case of a troubled pensioner who lost his life after he accidentally aspirated prescribed medicine.

The 66-year-old, who had experienced mental health difficulties, inhaled the contents of his stomach, including partially dissolved tablets that he had been prescribed. He had alcohol dependency issues but, at the time of his death, the level of alcohol in his body was only about a quarter of the drink-drive limit.

His daughter and grandchildren took action against the NHS trust that bore responsibility for his care. They argued that, had a timely and appropriate mental health assessment been carried out, he would have been admitted to hospital prior to the fatal incident. It was agreed that, had that course been taken, he would have enjoyed an additional three years of life.

The case raised complex issues: given his health difficulties and disordered lifestyle at the time, there was, in particular, no agreement between medical experts as to the extent to which he could have provided for his family financially. Nevertheless, a £70,000 settlement of the claim was successfully negotiated, part of which would be invested for the grandchildren's benefit.

In approving the settlement as fair and in the grandchildren's best interests, the High Court observed that no amount of money could turn the clock back. Wishing the family well for the future, the Court noted that the man clearly meant a great deal to his loved ones, who were deeply affected by his loss.

Negotiating a suitable settlement requires awareness of many factors. Our experienced team takes all relevant issues into account in helping our clients achieve the best possible compensation awards.

**Couple Injured When Taxi Braked Hard Receive Substantial Award**

It is often impossible to discern with absolute certainty the cause of road accidents that occur in the twinkling of an eye. As a case concerning a couple who were injured in the back of a taxi showed, however, judges are well versed at seeing where the probabilities lie.

After the couple lodged personal injury claims, it was undisputed that they fell from their seats during the taxi ride. What was contentious, however, was the cause of them doing so. They asserted that, without warning, the driver slammed on his brakes at a roundabout. He was adamant that he braked in a perfectly smooth and normal manner.

In upholding the couple's claims, a judge noted that passengers do not end up on the floor of a taxi unless something has gone wrong. The driver had provided no plausible explanation as to how they came to be injured. The inherent probability was that he left it too late to brake safely after another vehicle crossed his path.

Although the driver bore primary responsibility for the accident, the judge ruled that the couple's damages awards should be reduced by 25 per cent to reflect the fact that they were not wearing seatbelts. The ruling entitled each of them to thousands of pounds in compensation for their pain, suffering, loss of amenity and financial losses. It was left to lawyers on both sides precisely to calculate the sums due to the couple in the light of the judge's ruling.

If you have been injured in an accident through no fault of your own, you could be entitled to compensation. Contact us to discuss your claim.

**Falsely Imprisoned Window Cleaner Receives Police Damages**

If you are unlawfully arrested or detained by the police, the law will see to it that you are compensated fairly. In a case on point, a window cleaner who was arrested and held in custody after a financial dispute with a customer reached boiling point was awarded damages.

The customer had accused him of aggressively demanding money and subjecting her to a threatening telephone call. He denied any wrongdoing but, after learning that the police wished to speak to him, he attended a police station voluntarily. Once there, he was arrested and detained for about seven hours.

Criminal proceedings against him were subsequently discontinued. Text messages and voicemails that he left on the customer's phone were calm, professional and courteous. He subsequently succeeded in a money claim against her in respect of unpaid cleaning fees. Following a hearing, however, his false imprisonment claim against his local police force was rejected by a judge.

Upholding his appeal against that outcome, the High Court noted that the central issue in the case was whether the police officer who arrested him had objectively reasonable grounds for believing that his arrest was 'necessary', within the meaning of the Police and Criminal Evidence Act 1984. The test of necessity represents a high bar and, if his arrest was unlawful, then so was his detention.

The Court noted that the man's voluntary attendance at the police station indicated that he was willing to assist the police in their inquiries. The officer had struggled to explain why conducting a voluntary interview, without arresting him, was not a practical and sensible option. He arrested the man without any discussion or investigation of what he was prepared or not prepared to do.

He posed no realistic threat to the customer whilst he was in the police station. Given the nature of the alleged offences and his apparent willingness to cooperate, it was clearly necessary for the officer to consider whether steps short of arrest would suffice. He was required to give that issue more consideration than he apparently did. Overall, his decision to arrest was objectively unsustainable.

The man was awarded £2,750 in compensation. In declining to make a further award of aggravated damages, the Court noted that there was nothing out of the ordinary in the circumstances of the arrest. A mistake was made, but he was otherwise dealt with by the police in a calm and professional manner.

Instances of false imprisonment are rare but can cause emotional or psychological distress. In these cases, there may be grounds for compensation. Contact us for advice.

**Lawyers Cut Through Complexity to Achieve Good Outcome for Disabled Boy**

Some clinical negligence claims raise issues so complex that even the most eminent medical experts struggle to disentangle them. As a case involving a disabled seven-year-old boy showed, however, lawyers have a way of cutting through the morass of conflicting evidence and achieving good outcomes for their clients.

The boy was delivered at 33 weeks' gestation. As a result of damage to his brain, he suffers from asymmetric cerebral palsy. His mobility and dexterity are impaired, with his right side more seriously affected than his left. His visual, feeding and cognitive abilities are also compromised.

The cause of his prematurity was his mother's pre-eclampsia, a condition involving high blood pressure which can lead to a lack of oxygen reaching the foetus. It was alleged that brain damage occurred progressively during the last few days of his mother's pregnancy. His case was, however, complicated by evidence that the damage might have been caused by an apparently unconnected intraventricular haemorrhage.

Proceedings were launched on the boy's behalf against the NHS trust that ran the hospital where he was born, alleging that his mother received an unacceptable level of ante-natal care. It was contended that she should have been advised to take aspirin and that foetal growth should have been serially monitored after the 19th week of pregnancy. It was also alleged that she should have been admitted when she telephoned the hospital five days prior to going into labour, complaining of swollen legs.

The trust apologised unreservedly after admitting certain shortcomings in ante-natal care. However, in disputing liability, it denied that any of them caused or contributed to the boy's injuries. It presented expert medical evidence that the haemorrhage happened post-delivery and would have occurred in any event.

A high-risk and costly trial was avoided, however, through the negotiation of a settlement whereby the trust agreed to pay 80 per cent of the full value of the boy's claim.

In approving the settlement, the High Court found that it was a sensible compromise that represented a big step forward for him and his family. The amount of his compensation, which was likely to run at least into seven figures, would be assessed at a further hearing, if not agreed.

Sometimes, achieving a fair outcome requires doggedness and determination. Our experienced team are here to help.

**National Boundaries No Obstacle to Big Settlement of Birth Injuries Claim**

Where personal injury claimants live abroad, lawyers can face formidable difficulties in negotiating appropriate financial settlements. However, as was shown by the case of a 12-year-old girl whose family emigrated after she sustained catastrophic injuries at birth, there are few such legal hurdles that cannot be leapt.

The girl suffers from cerebral palsy affecting all four limbs. She endures cognitive and behavioural difficulties and is dependent on others for all her daily needs. She was nevertheless described during a High Court hearing as a delightful child with a very strong sense of self and a determination to play an active role in the country where she and her parents have settled.

After a clinical negligence claim was launched, the NHS trust that manages the hospital where the girl was born made no admission of liability. Following negotiations, however, it agreed to settle her claim for 75 per cent of its full value. On that basis, she will receive a lump sum of US$13,980,399, together with annual, index-linked, six-figure payments to cover the costs of her care for life.

In approving the settlement, the Court commended the girl's parents for the utterly devoted care that they have given her. Her father gave up his career to become her primary carer and her mother juggles her extraordinarily demanding job with her caring role. In achieving a compromise, both sides had successfully confronted daunting complexities arising from the different education, healthcare and tax systems prevailing in the country where the family lives.

Says **<<CONTACT DETAILS>>**, "Nothing can truly compensate for mistakes on the part of medical staff during a child's birth that cause permanent damage to health. However, a financial settlement enables the family to achieve the best quality of life possible for their child, without the stress of money worries. Our specialist legal team is experienced in handling claims of this kind."

**Partially Sighted Hydrocephalus Victim Secures £1.25 Million Payout**

An individual's disabilities may have both negligent and non-negligent causes and that can pose a difficult challenge to clinical negligence lawyers. The seven-figure settlement of a partially sighted woman's claim, however, showed that such difficulties are there to be overcome.

The middle-aged woman's vision was severely impaired due to pressure on her optic nerve arising from hydrocephalus. After she launched proceedings, the NHS trust that bore responsibility for her care conceded that there was a negligent failure in diagnosing that condition.

She also suffers from other complex disabilities, however, and the trust disputed the extent to which they were attributable to the admitted negligence, as opposed to an underlying brain tumour. The value of her claim was disputed on almost every front but, following negotiations, a £1.25 million lump-sum settlement of her case was nevertheless achieved.

In approving the settlement, the High Court found that, in the light of clear litigation risks, an appropriate compromise had been reached. Praising the woman for her staunch efforts in coming to terms with her disabilities, the Court hoped that the settlement would assist her in leading a fulfilling life.

Says **<<CONTACT DETAILS>>**, "Nothing can adequately compensate for the loss of one's health and normal way of life. However, a financial settlement can help the victim of an accident and their family to adjust to the changes in circumstances and relieve them from financial hardship."

**Pedestrian Hit by Car in Early Hours Awarded £1,675,000 in Damages**

No two personal injury cases are the same and assessing the appropriate amount of damages always requires expert professional judgment. That was certainly so in the case of a young man who sustained a catastrophic brain injury when he was struck by a car in the early hours of the morning.

Aged in his 20s at the time, the accident left him vulnerable to exploitation. His vision is significantly impaired and he is deeply frustrated that he can no longer drive or play football. He lacks motivation and has difficulty forming and maintaining social relationships, leading to a sense of isolation.

After proceedings were brought, the motorist's insurers admitted primary liability. They alleged that the man bore partial responsibility for what happened but, following negotiations, agreed to pay £1,675,000 in compensation. That sum represented 50 per cent of the full value of his claim.

Approving the settlement, the High Court noted that there was a plethora of issues in the case, giving rise to litigation risks. It could not be known whether his somewhat chaotic lifestyle prior to the accident arose merely from the carelessness of youth. There was a debate as to whether he would have conquered his difficulties with alcohol and settled down to steady employment in due course.

There were issues as to the availability of care resources in the overseas country where he lives and whether he would be able to tolerate a care regime. He now recognises the problems his drinking caused and the Court hoped that a virtuous cycle of improvement could be established, enabling him to stay out of trouble and enjoy as fulfilled a life as possible.

Insurers will always employ arguments to reduce their costs, which makes the need for strong and experienced legal representation crucial. Contact us for expert advice.

**Personal Injury Lawyers Succeed in Identifying Dangerous Driver**

Dangerous drivers leave chaos in their wake, but it can be hard to identify them, let alone hold them legally responsible for the accidents they cause. However, in one striking case, personal injury lawyers surmounted that challenge and achieved a good outcome for a seriously injured child.

Aged nine at the time, the boy and his family were travelling home from a happy day out with his mother at the wheel. On a trunk road, she was tailgated by a black car that moved sharply into the inside lane before cutting in front of her in a sudden undertaking manoeuvre. She lost control and the family car was thrown down an embankment into a field. The boy, who was a rear-seat passenger, sustained life-changing injuries. The black car drove away and was not traced.

Proceedings were launched against a motorist who accepted that he was driving his black Mercedes in or around the location of the accident at about the same time. He vehemently denied, however, that he was the driver of the black car in question. He insisted that he had not been involved in any accident and that he had been mistakenly identified.

In upholding the boy's claim, however, the High Court noted that an older child who was also in the family car had described various details of the black car that were consistent with the Mercedes. The police had received an anonymous phone call from a driver who said that he had seen the accident and followed the black car, noting down its registration number – which matched that of the Mercedes.

Whilst the anonymous call provided only hearsay evidence, the Court found it highly persuasive and was satisfied that the black car and the Mercedes were one and the same. Far from being the unfortunate victim of a series of unhappy coincidences, it was the motorist's reckless driving that caused the accident. The boy's mother was in no way to blame. The amount of the boy's compensation, which would be paid by the motorist's insurers, would be assessed at a further hearing if not agreed.

"This case shows how dedicated and experienced legal representation can be vital when blame for an accident is denied," says **<<CONTACT DETAILS>>**. "If you have suffered an accident which was not your fault, we can advise you on the possibility of claiming compensation."

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