

fieldfisher

# Personal Injury Review

Spring 2024





# Summary



## Welcome to the Spring edition of PI Review

Occasionally, in the course of our case work, we have the opportunity to expose long-term wrongdoing with wide implications for the public, beyond the specific interests of the client.

This was the case in the inquest into the death of Ben Leonard, whereby I, **Harvinder Kaur** and **Harriet Salvesen-Sawh** uncovered concerns about children's safety on trips with the Scouts Association.

This resulted in the sternest of warnings by the coroner and a call by families and the media for the Scouts to completely overhaul their practices. It may also result in historic inquests being reinvestigated, hopefully providing answers to families who lost children under the care of the Scouts and keeping children safe in the future.

The team remains well known for its expertise in recovering multi-million-pound awards in brain and spinal cord injury cases and acting for amputees, many of whom are injured on the roads and at work around the UK and, increasingly, internationally.

These claims are vitally important to people whose lives have changed dramatically. Having both the empathy and skill to help such clients is key to our success. We have also become the 'go to' firm for those seeking redress following allegations of sexual assault against high profile individuals.

I am immensely proud of the work of my whole team who are determined to achieve the very best for every client and do not shy away from

challenging and controversial cases, many with positive and long-term impact.

It is gratifying that the highest calibre lawyers are keen to work with us and our London and Manchester practices continue to grow with the hire of exceptional people. Star partner **Nick Godwin** joined the London team, along with **Adam Curry**, **Francesca Krauze**, **Mona Gholami**; and **Francesca Farrelly** joined our growing Manchester practice led by **Keith Cundall**.

You can read about a cross-section of our work below and as ever we are happy to discuss potential claims sensitively and in confidence.





# Ben Leonard inquest : Serious failings by the Scout Association

**Jill Greenfield, Harvinder Kaur, Harriet Salvesen-Sawh** represented the family of Ben Leonard in a long-awaited inquest into Ben's death. Ben died on a Scout trip to the Great Orme in Wales in 2018. Previous inquests had been disbanded by the coroner over concerns about evidence from the Scouts. Ben and his friends had been allowed to wander off with no map, route plan or adult with them and Ben fell 200 feet off a narrow track.

Jill and her team previously settled a personal injury claim for the family and were able to fully investigate tens of thousands of pages of documents over four years. The Scouts, via Counsel, apologised to Ben's family in court and accepted responsibility for his death. Findings from the inquest will have important and widespread impact on the responsibility of public organisations to keep children safe. The jury concluded an

unlawful killing and neglect verdict. The inquest was reported by BBC and ITV news, the Independent, Times, Telegraph, Mail and Evening Standard. The Sunday Times ran in-depth investigation into Scout activities and the Leonard family is calling for a public inquiry.



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# Motorcyclist hit by speeding police van

**Nick Godwin** acts on behalf of a man in his 20s who was struck by a police vehicle travelling under blue lights which 'jumped' traffic lights causing the claimant to be thrown from his motorcycle. The claimant, proceeding correctly through a green light and wearing a crash helmet, struck his head causing life changing brain injuries.

We have taken over this case from a Category 1 firm because the claimant and his mother were unhappy with lack of progress. The mother sought out four alternative firms and, following a meeting,

chose Nick Godwin to take over the case. We promptly secured further interim funds to enable the claimant to have recommended lower limb surgery for which he had been waiting for some time. We also instructed a highly specialist brain-injury case manager who now assists the Claimant with daily rehab needs. We are securing expert evidence to address both liability and quantum and planning to set up a trial of independent living with a full care and support package in the community.



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# Settlement for family of man killed by uninsured driver without a licence

The claim arose from a fatal road traffic collision in April 2021. The deceased was a pedestrian crossing the westbound carriageway of Great West Road A4 when he was hit by the Defendant, travelling westbound, causing fatal injuries. The driver was not insured to drive the vehicle, only held a provisional driving license and fled the scene immediately after.

Subsequent evidence demonstrated he was deliberately slowing to avoid speed

cameras and then speeding thereafter. He was eventually located and arrested. Despite the aggravating factors, he pleaded not guilty and put the family through the pain of drawn-out criminal proceedings. Shortly before the first day of Trial, he changed his plea to guilty and was given an 18-month custodial sentence and a 2.5 year driving ban.

The deceased leaves behind his wife and two sons. The Defendant alleged

contributory negligence because the man was crossing on a red light, despite that he had almost completed his crossing and other vehicles had noticed him. A claim was made for the loss of dependency (both financial and services) suffered by his wife and sons.



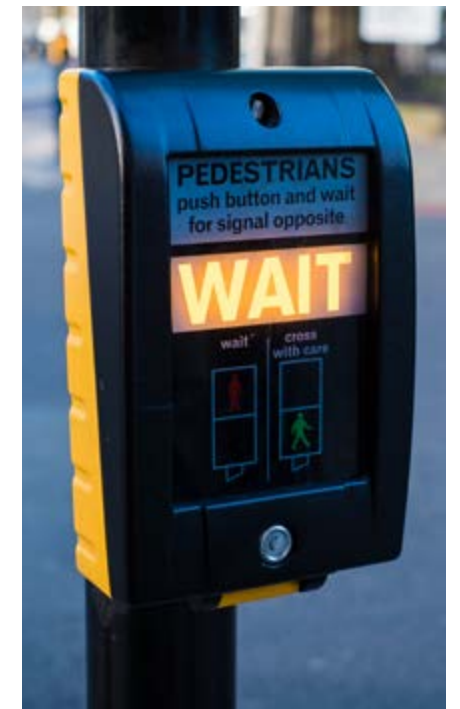
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# 84-year-old amputee told she would never walk again climbs O2



Our client was told she would never walk again but abseiled 17 floors of the Royal London Hospital. Gulshan Billimoria was hit by a bus and had to have her right leg amputated at the scene. She also fractured her spine. She was attended to by the London Ambulance Service and the Helicopter Emergency Medical Service and was taken to Queen Mary's hospital. The bus driver quickly admitted

liability and the employer supported and engaged in her rehabilitation. This early collaboration allowed for a remarkable recovery. Previously she had lived an independent and full life, living alone walking, gardening, spending time with family, seeing friends and travelling. Once instructed, **Jennifer** recommended a Case Manager and sourced accommodation for Mrs. Billimoria to fit her wheelchair, on the same road as her son. She arranged therapies, aids and equipment and a live-in carer. Following final settlement, Mrs. Billimoria will be looked after for life, be provided with prosthetics and ongoing rehabilitation and therapies. Most remarkably, she was determined to prove wrong the doctors who said she would not walk again. She persuaded Fieldfisher's **Adam Curry** to abseil with her to raise funds for the London Air Ambulance. She also scaled the side of the O2 Arena with Jennifer and Lewis Ayre, raising £5,000 for the Limbless Association.

my accident and the way forward. I found Jennifer friendly and easy to approach. She is a ready listener and sympathetic too. She and her team worked tirelessly to get the case settled and I will always be grateful for the diligence and hard work that delivered a settlement that enables me to get on with my life.'



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Mrs. Billimoria said: 'I am very lucky to be alive. Jennifer Buchanan fought tirelessly for me. I was introduced to her in hospital. My daughter felt Jennifer was the right person and the best - she proved right! After I was discharged, Jennifer came to my house to introduce herself, very gratifying to see her personally and discuss



# High profile sexual assault claims against financier

**Claire Glasgow** and **Jill Greenfield** issued five personal injury claims against financier Crispin Odey and his former company Odey Asset Management for alleged sexual assault. Several other women have accused Mr Odey of the same.

Comments around the alleged abuse include a toxic work culture with a highly powerful man at its centre, rendering female staff too scared to report alleged criminal behaviour.

The claims for damages are against Mr Odey and also his company for allowing apparently well-known behaviour to continue for several years. The team is highly experienced in running sensitive sexual abuse claims having previously represented UK claimants against Harvey Weinstein and Jeffrey Epstein. The Financial Times originally broke the story and continues to report proceedings.



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# Teenager suffers life changing injuries after being hit by car mounting the pavement

**Keith Cundall** represented Fraser, now aged 16, who was on his way to school when a 4x4 vehicle travelling at speed mounted the pavement and collided with

him. The speed of the vehicle pushed Fraser through a stone wall several feet thick and down into a wooded area.

Fraser suffered a head injury and limb threatening injuries to both legs. The case is complex as prior to the accident, Fraser spent time with both parents who were separated.

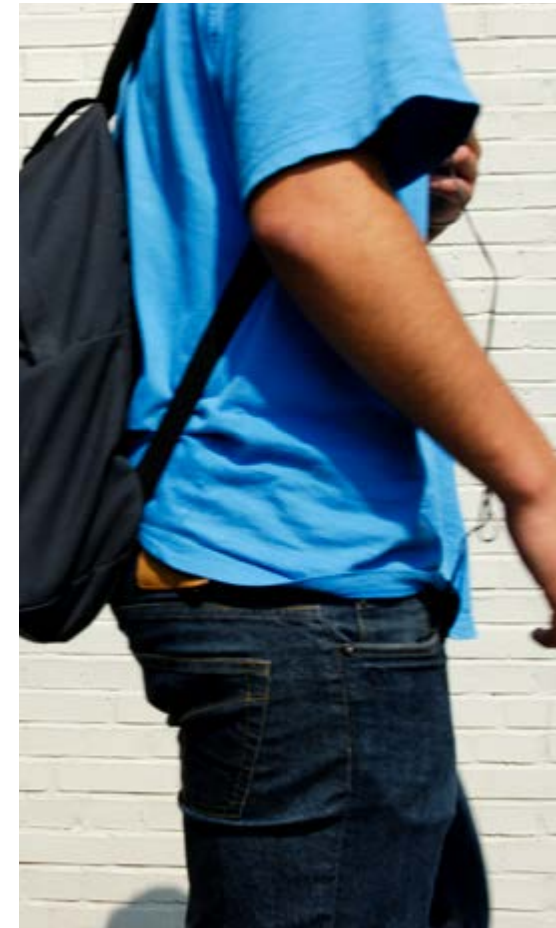
Two care packages and two sets of equipment are therefore in place to ensure can spend time with both parents and not miss access to vital rehabilitative services. We supported Fraser and his family through the criminal trial in December 2023 and have put psychological support in place for his parents to enable them to cope better this significant life changing event.

Fraser's claim is ongoing and expected to settle for several million pounds.



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# Successful outcome for take-over claim

**Emma Hall** settled an RTA claim for Aneela Ehsan after Aneela requested Emma takeover her case following lack of progress



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with previous solicitors. Aneela had received no private rehabilitation and in 3 years had only received one small interim payment. She was in chronic pain, suffering from anxiety and depression, and was struggling financially.

One Part 36 offer had been made in the case, and Aneela had been advised to take the offer. Liability was not in dispute, and hearing of Aneela's difficulties and lack of progression in her case, Emma agreed to take over the claim. Emma had to act quickly.

Directions needed to be agreed almost immediately and that meant Emma needed to make a quick decision as to what expert disciplines would be needed. Multiple reports had been obtained from an orthopaedic expert and a psychologist but in view of Aneela's chronic pain disorder and associated PTSD, Emma quickly deduced that reports from a pain management consultant, psychiatrist and a care expert would be instrumental in assessing Aneela's prognosis and future needs.

The subsequent reports confirmed Aneela suffered from chronic post-traumatic pain and chronic widespread pain in multiple areas, primarily organic but made worse via a large psychological component. This took Aneela's case from one of a simple orthopaedic fracture and soft tissue injuries, to a chronic pain case with a guarded prognosis.

On service of expert evidence, the parties agreed to engage in a Joint Settlement Meeting. Prior to the meeting, the Defendants attempted to rely on surveillance evidence to compel Aneela to accept the Part 36 offer made earlier in her claim without the need for a settlement meeting. Emma successfully refuted the importance of this evidence which did not show Aneela doing anything she had not said she could do.

The Defendant's conceded and damages secured more than 5 times higher than the original offer she was told to accept by her former solicitors.

# Serious injuries in dune safari accident

Acting for one of two individuals who suffered life-threatening burns following an incident in the United Arab Emirates. Ms A was driving an Off Road Vehicle (ORV) with her friend sitting in the passenger seat.

While travelling behind an instructor during a dune safari, the ORV rolled and caught fire. Both women were taken to hospital for emergency treatment. Both were then repatriated back to the UK. Proceedings were brought in the US state of Minnesota where the manufacturer and distributor of the ORV were based. Our opponent applied to have the lawsuit

transferred to the UAE but failed. The case was fully prepared for trial. A large amount of factual and expert evidence was obtained to support the case. Lawyers from the US were retained to act as our Lawyer Agents.

The most important issue in this case is that Ms A would not have recovered any damages if she brought the case in the UK or the UAE against the owners of the ORV because they were not insured and would not have had the funds to satisfy any Judgment entered against them.



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# Jennifer Kelly promotes safety for horses and riders on the roads

**Jennifer Kelly** quizzes barrister Nathan Tavares KC and Alan Hiscox director of safety for the British Horse Society about the intricacies of running a personal injury claim involving a horse, rider and driver, not least when untraced drivers are involved and certain judges consider simply taking a horse on a road means a rider is asking for trouble.

Jennifer asks Alan to explain important changes to the Highway Code to keep riders, and drivers, safe and explains the

additional dimension of a horse's brain when considering road safety.

New research that shows a horse hears the approach of an electric car long before a rider, meaning the rider may jump and pass that scare the onto the horse. The same rules – 10mph and 2m space – applies to electric cars as all other vehicles.

Sadly, there were 3,400 incidents on the roads involving horses in 2023, but with only one in 5 riders reporting them, the figure is actually much higher.



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# Terrible injuries for client in van driven by colleague

**Dushal** and **Charlotte** achieved a 7-figure settlement for Stuart, injured in RTA as a passenger in a van driven by a colleague, driving 60+ mph around country lanes. He lost control of the van, crossed into the opposite carriageway and collided with a tree. The van caught fire. Stuart's primary injuries were a pelvic fracture, anterior haematoma, focal dissection of the right external iliac artery, left shoulder dislocation, a rupture of the urinary system and damage to the prostate gland, plus ongoing infections including sepsis. He was in hospital for 10 weeks and in a wheelchair and then crutches for 14 months. Stuart's right leg is permanently shorter than his left, he suffers daily back, hip, pelvic and foot pain and has altered sensation in his right leg.

The sites of the screws in his hip are palpable through his skin. He has weakness, clicking and stiffness in his left shoulder. Stuart also suffers from occasional urinary urgency and has episodes of stress incontinence. He will likely require IVF assistance to have a family. Stuart also suffered with PTSD. Settlement will compensate him for his past losses and for his past and future loss of earnings and the cost of future private surgery to include his hip replacements, orthotics, fertility treatment and psychological treatment.



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## Judgement against speeding police vehicle one day before trial

**Jack Sales**, assisting **Keith Barrett**, successfully negotiated liability settlement the day before trial for a client severely brain injury when she (a pedestrian) was hit by a speeding police van.

The police maintained full denial of liability after proceedings were issued, necessitating a trial to determine liability, due to commence in March 2024, almost five years from the collision, during which time the team's client had not been able to access funds for treatment, because of the full denial.

Emergency service vehicles are exempt from complying with speed restrictions when responding to an emergency. Although the police appeared to view this as a blanket

exemption, we argued that the exemption still requires drivers to adapt their driving and speed to the conditions of the road and still owe other road users a duty of care, particularly pedestrians.

It was acknowledged fault would be found against our client who was crossing when it was not safe to do so, but the issue of the driver's speed was crucial. Collision reconstruction experts agreed upon a lower speed at which the police van could have stopped in time to avoid a collision.

No offers were made by the police until only two days before trial. After some negotiations, a settlement was agreed the day before trial, approved by the High Court.



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## Vital interim payments for Deliveroo driver seriously injured on the roads

**Eman Hassan** secured interim payments to fund essential rehabilitation for a young Deliveroo driver involved in a road accident in May 2021.

Our client was hit head on by a driver who crossed over onto the wrong side of the road. The claimant suffered a serious traumatic brain injury and traumatic stroke which has resulted in left-sided weakness. In addition, he suffered complex musculoskeletal injuries to his shoulder, spine and femur that required surgical treatment.

He spent a period in the ICU and more than a month in hospital. He was discharged and his brother and wife care for him. Eman was instructed to make a claim. Initially the insurers disputed liability and failed to provide the man with any support for his rehabilitation and or financial concerns. Eman obtained independent witness and reconstruction evidence that assisted with our liability investigations.

Eman reached agreement with the defendant solicitor to fund inpatient rehabilitation stay with STEPS to help the Claimant to return to his life before

the accident. A case manager was also appointed to support him with the rehabilitation programme and support for his family. The case continues towards full settlement.



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Jennifer Kelly (left) and Jill Greenfield (right) with High Court judges in India

## Cross-border RTA claim

One student was killed and three sustained catastrophic injuries, including Sanjay, in a RTA on the M1.

Sanjay suffered a severe traumatic brain injury and multiple orthopaedic injuries. He underwent emergency surgery to remove part of his skull to relieve pressure on his brain. He was then placed on life support. Once he was stable, we moved him to the specialist private Neuro-rehabilitation Unit at the Wellington Hospital.

After a year, Sanjay went back to India during lockdown and, despite some rehabilitation such as physio, his acute

needs were not being met and his recovery was in jeopardy. Jill and Jenny went to India to interview his family, therapists and observed neuro-rehab sessions. Two important issues existed regarding Sanjay's damages: who would be responsible for managing his finances, since he lacked the capacity, and would tax be payable in India on personal injury damages paid to him.

Sanjay returned to the UK within weeks. We secured suitable accommodation for him and his family, put in place suitable and experienced rehab team and carers.

Neurology consultations and scans were booked for his arrival. When he eventually returns to India, he will need suitable accommodation within a Jain community.

We work with lawyers in India to ensure the English Courts are satisfied that with all arrangement before any settlement or payment of final damages will be approved, including important issue of professional deputyship. The situation around tax for personal injury claims is unclear in India and has to be established before the claim can be fully quantified.



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# Meet the Team

## Jill Greenfield

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Jill has more than 27 years' experience acting for claimants and is head of the serious injury team. She is considered a leader in her field and has become a spokesperson for the vulnerable, particularly in high-profile sexual assault cases. Jill is recognised in the legal directories and was named Disputes Lawyer of the Year at the Women and Diversity in Law Awards 2023.

## Keith Barrett

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As a seasoned serious injury practitioner, Keith has represented victims of road crashes, accidents at work, accidents in public places and aviation disasters for more than 26 years. He is a fierce litigator and regularly takes over cases from other solicitors.

## Nick Godwin

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Nick is a Partner in the serious injury team. He has more than 20 years' experience representing clients who have suffered the most severe injuries. Nick has considerable experience of successfully running MIB claims where defendants are either uninsured or untraced. He acts quickly to commence court proceedings to ensure clients get the funding and support they need.

## Jennifer Buchanan

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Jenny works exclusively for claimants in high-value, catastrophic personal injury and fatal accident cases. She focuses on fully understanding a person's injuries, the impact on their lives and their long-term prognosis to be able to quickly access funds to provide financial support and rehabilitation. Jenny carries a caseload of complex cases, including brain injury and serious orthopaedic injuries, including amputees.

## Dushal Mehta

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Dushal specialises in complex, high-value personal injury claims and is expert in brain injury claims, fatal claims and claims involving serious orthopaedic injuries. He is recognised by the legal directories for his hard work and dedication in achieving the best results for clients and particularly for his client handling skills.

## Keith Cundall

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Keith has more than 15 years' experience acting for victims of road traffic collisions, accidents at work, cycling accidents, injuries caused during 'adventure' sports and other public and private settings. He is known for taking on complex, difficult cases and fighting hard for his clients' best interests.



# Meet the Team

## Claire Glasgow

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**Claire is a Director in the serious injury department.** Claire runs a varied caseload specialising in complex, high-value cases for clients who have suffered severe, sometimes fatal, injuries including brain, spinal, orthopaedic, and psychiatric injuries. She represents clients claiming compensation for psychiatric injuries and other substantial losses arising out of sexual assault, often perpetrated by high-profile individuals.

## Harvinder Kaur

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**Harvinder has worked solely in the personal injury field for 13 years and represents claimants seriously injured on the roads, workplaces or in public places.** Harvinder has experience in amputation, brain injury and other complex cases and works hard to ensure her clients receive the rehabilitation they need. She runs her own caseload and assists Keith Barrett and Jill Greenfield with their catastrophic cases.

## Adam Curry

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**Adam is an associate in the serious injury team.** His experience covers brain injury, spinal cord injury, fatal injury, amputation and severe orthopaedic injury. Adam assists Jill Greenfield and Jennifer Buchanan with their cases alongside managing his own caseload.

## Eman Hassan

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**Eman joined Fieldfisher in 2021.** She acts exclusively for Claimants suffering catastrophic injury, particularly brain injury, amputation and muscular-skeletal injury. Eman's focus is to intervene early to get rehabilitation and financial help in place quickly to ensure the injured and their family recover as best they can. She fights hard for her clients to achieve the best possible outcome.

## Emma Hall

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**Emma specialises in claims on behalf of consumers against the manufacturers and retailers of defective products.** As a keen sportsperson, she has also carved a niche in acting for clients who have suffered catastrophic injuries because of sporting accidents and after using defective sports and fitness equipment. Emma also assists Jill Greenfield with her caseload.

## Jack Sales

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**Jack is an associate in the serious injury team, with more than 10 years' experience.** He specialises in road traffic collisions, workplace accidents, public liability and occupier's liability claims for clients who have suffered life-changing injuries including traumatic brain injuries and complex orthopaedic injuries resulting from negligence.



# Meet the Team

## Lewis Ayre

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Lewis joined Fieldfisher's serious injury team in 2019. Lewis is working on high-value serious injury claims involving neurotrauma, amputation, complex orthopaedic injury and victims of terrorism. Lewis assists Keith Barrett and Jennifer Buchanan with their catastrophic injury cases.

## Charlotte Thorpe

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Charlotte joined Fieldfisher's serious injury team in 2021. Charlotte works on serious injury claims involving brain injury and fatal accidents, as well as industrial disease claims following exposure to asbestos.

## Francesca Farrelly

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Francesca is a solicitor in the serious injury department in Manchester. She acts on behalf of clients with acquired brain and other life-changing injuries. Francesca has been involved in multimillion-pound settlements for clients injured in road traffic incidents and accidents at work.

## Francesca Krauze

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Francesca is a solicitor in the serious injury team. She specialises in representing clients who have suffered catastrophic injuries. Francesca assists Jennifer Buchanan with her cases alongside managing her own caseload.

## Harriet Salvesen-Sawh

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Harriet is a solicitor in the serious injury team. She qualified in March 2023 after completing her training at Fieldfisher. She specialises in representing clients who have endured catastrophic and life-changing injuries, with experience in cases involving brain injury, spinal cord injury, and amputation.

## Jennifer Kelly

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Jennifer is experienced in assisting clients who have suffered brain injury, amputation, serious orthopaedic injury and fatal injury following accidents on the road, accidents at work and terror attacks, as well as those who have become seriously ill after negligent exposure to the bacteria EColi 0157.

# Beyond case work

## Mona Gholami

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**Mona is a solicitor in the serious injury team.** She represents adults and children suffering major trauma arising from sporting events, road traffic collisions, and incidents at work. Mona assists Claire Glasgow and Harvinder Kaur with their caseload.



## Coffee mornings

We continue to run social events with the Limbless Association for people affected by limb loss to meet, swap advice and ask questions.

## Seminar events

Keith Cundall and Dushal Mehta ran an important event to encourage the police collecting vital evidence at the scene of traffic accidents to share it more readily with us and our clients to speed up progress of any personal injury claim, often vital to accessing medical treatment and rehabilitation. The day included a talk by trauma surgeon Ross Davenport from the Royal London Hospital who said that although the NHS is outstanding in initial treatment of road traffic victims, only with

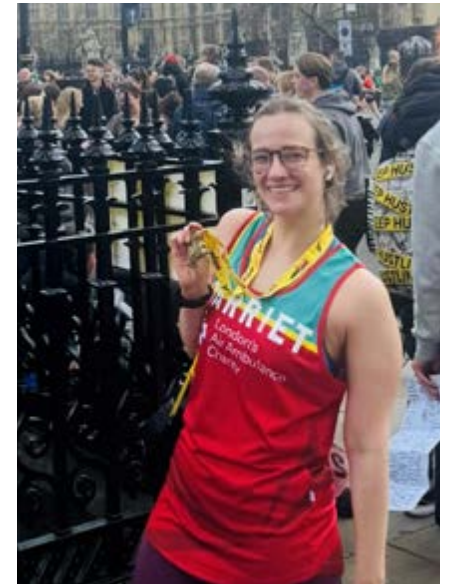
private rehab funded by a claim can he get people fully functioning and back into society.

## Fundraising

The team regularly takes part in (often hair-raising) activities to raise vital funds for charities, including Headway and the Air Ambulance. Claire Glasgow's initiative to fund a Helpline and Wellbeing call service for Headway Sussex goes from strength to strength.

## Podcast

Jennifer Kelly collaborated with the British Horse Society and a barrister specialising in claims involving horses and riders to raise awareness of how to keep motorists, horses and riders safe on the roads (see p.15).



Harriet (pictured) recently ran a half marathon for London's Air Ambulance.





## Key contacts

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