fieldfisher

MESOTHELIOMA AND ASBESTOS CLAIMS

Caring for our clients | Commitment to our cases | Cutting edge expertise

Helping those with Asbestos Disease for over 30 years

Recovered over £250 million for victims of asbestos disease from all over the UK and overseas

Only act for victims of asbestos disease and conduct cases on "**no win no fee**" basis









Introduction

Peter Williams

Partner | +44 (0)20 7861 4825 | peter.williams@fieldfisher.com



Fieldfisher has acted on behalf of claimants in asbestos cases for over 30 years. At Fieldfisher we understand what a difficult time patients and their families may be going through when there is a diagnosis of an asbestos-related disease.

Our clients have the right to compensation for a terrible illness which they have contracted through no fault of their own, but through the negligence of their employers and others.

Up to 2020 we have recovered over \pounds 250 million on behalf of our clients and have concluded over 2,500 successful cases. Our lawyers are renowned for their expertise, their commitment and the care they take in such sensitive situations. The partners here have over 50 years' combined experience in acting for clients suffering from mesothelioma and other asbestos diseases.

We have been instrumental in changing the law for the benefit of victims both at Government level and through cases in the House of Lords. Cases conducted by our partners have resulted in changes to the law to allow hospices to recover the cost of looking after mesothelioma patients from those who we sue on their behalf.

We have pioneered the recovery of costs for immunotherapy treatment for mesothelioma.

We deal with cases very quickly, with minimal fuss and disruption, allowing clients to focus on enjoying time with their families.

If you would like to discuss a mesothelioma or asbestos claim, or would like more information about the legal claims process, please call me on **020 7861 4825** or email **peter.williams@fieldfisher.com**

Useful organisations

HASAG hasag.co.uk 02380 010 015

Mesothelioma UK www.mesothelioma.uk.com 0800 169 2409

GMAVSG gmavsg.org 0161 258 0166

Disability First disabilityfirst.org 01253 472202

CAVSG www.cavsg.com 01928 576641

Readley www.readley.co.uk 07929 391529

> "Market-leading industrial disease practice with an outstanding reputation for undertaking mesothelioma and asbestos disease litigation."

Chambers 2021

Testimonials

Peter is extremely professional and is obviously very experienced at his job. He is very friendly, compassionate and a truly nice fellow. I wish we had met under different circumstances. I have already recommended his services to Southend and Guy's Hospitals.

Graham Mason

Fieldfisher was able to get us above and beyond our expectations of a settlement for our father and the win was against all odds. We will always be grateful to them for their empathetic, competent, highly skilled and knowledgeable professional service.

Becky Card

The service I was given from Fieldfisher, and in particular Andrew Morgan who handled my claim and brought it to a very satisfactory conclusion, was absolutely first class.

Frederick Hickman

From day one Shaheen's professional attention to the details of my claim and her instruction of expert witnesses, QC and tracking my work colleagues is reflected in the outcome. She kept me updated at all times. Most importantly she believed in me and supported me throughout.

Patricia Diss

Dushal was absolutely brilliant. He was there every step of the way; before my dad passed away and after. Dushal was thoughtful, explained everything thoroughly and always kept us informed. We couldn't have done anything without him.

Sharon Arrowsmith

My previous solicitor said nothing could be done and it was not worthwhile pursuing a claim, at my first meeting with Fieldfisher it was clear they were in a different league. They never gave up and were successful in pursuit of the only justice open to us.

Sean Sinclair

Legal steps explained

Andrew Morgan, partner, explains how we conduct successful mesothelioma and asbestos claims.

As with all asbestos-related claims, it is necessary to show that a duty of care was owed to you, the injured person, by the party who exposed you to asbestos.

If you have been exposed to asbestos in the course of your employment, there is usually no difficulty in showing that you were owed a duty of care in those circumstances.

Sometimes there is exposure when family members bring dust home on clothing and tools. Alternatively you may have lived near to a factory manufacturing asbestos products.

It is usually possible to show a duty of care existed in these cases.

Who's at fault?

If you were exposed to asbestos at work, we will need to identify the relevant employers and/or their insurers. We will undertake detailed investigations to locate the relevant companies or their insurers.

We have established a database of over 2,000 companies and their insurers, who have previously been investigated. In many cases, we will be able to pursue a claim even if an employer and/or its insurers no longer exist.

If we cannot find a company to sue or its insurer, we will advise about recovery under the Diffuse Mesothelioma Payment Scheme (DMPS) or any Government compensation schemes available.

How was your illness caused?

Once the appropriate parties have been identified and the evidence of exposure reviewed, we will assess whether there is a reasonable prospect of proving that they were responsible for your condition.

Where there is a reasonable prospect of success, we will obtain a medical report from a consultant who is a specialist in asbestos-related diseases.

How have you suffered?

We will obtain information and documents relating to financial loss including pension, loss of earnings and out-of-pocket expenses (both past and future) which can reasonably be attributed to your condition.

We will also quantify your claim for pain and suffering as well as any care requirements and other financial consequences of your illness.

Asbestos conditions

Ask your GP or consultant exactly what the diagnosis is. Asbestos exposure can lead to various conditions – some more serious than others.



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Mr and Mrs Oliver, Clients

If you are suffering from an asbestos-related condition (like mesothelioma, asbestosis, or lung cancer) you may be able to claim damages for this condition, for the risks of your condition worsening and for the risks of contracting another asbestos-related condition in the future. In some cases you can claim "provisional damages" where you can make a fresh claim if you go on to develop a new asbestos disease in the future whilst getting some compensation now for your present illness.

You may also be entitled to some state benefits.

Timescales

We recommend that you speak to one of our lawyers as soon as you are diagnosed. If you or one of your family suffer from mesothelioma your case can be fast tracked. We can often complete your claim in weeks or months.

Your claim must be issued at court within three years of your date of knowledge. In most cases, this is the date of diagnosis.

The rules can be complex but in some circumstances we can apply to the court to extend the time limit. Delay does prejudice any claim so it is important to set the wheels in motion as quickly as possible.

Are court proceedings necessary?

Court proceedings are not always necessary. If they are, we aim to start them as soon as possible. With your permission we will approach the other side first with a view to negotiating a settlement.

This allows us to settle claims very quickly, often within three to four months. The vast majority of claims are resolved without the need for a trial.

Compensation

We cannot say how much you will recover before our investigations have been completed. Claims are valued according to your personal circumstances and the severity of your condition. See further information on our 'What you can claim for' page (p14).

Next steps

We will:

- take a detailed statement of your work history
- obtain your hospital and GP notes, scans and x-rays
- trace and contact any necessary witnesses
- draw on our archive of witness statements to help support your claim

How we work with you

Caring for our clients

Our clients come first and we will do everything in our power to make the claims process as easy as possible. We will discuss your case and take your statement by telephone or videolink, or where necessary in person whilst ensuring full COVID-19 safeguards.

Compensation

Our long standing reputation and expertise means that we can get the best compensation possible for our clients.

Speedy settlements

We are accutely aware that our clients need their claims completed quickly and effectively. We helped set up the 'fast-track' mesothelioma claims process at the High Court over ten years ago.

In the UK and abroad

We act for victims living anywhere in the UK and abroad. We act for clients from Cornwall to Scotland, from the USA to New Zealand.

Innovative claims

We were the first firm to recover compensation for hospices that provide charitable care to mesothelioma victims.

We have recovered over \pounds 250,000 for hospices to date.

We were one of the first firms to recover payment for innovative immunotherapy treatment.

Leading the way

We have been involved in many of the leading asbestos cases in the appeal courts over the last 30 years.

We recovered the first award of annual payments for the widow of a mesothelioma victim, known as "periodical payments". Our client was blind and her husband was her primary carer.

We continue to fight cases and push the boundaries. Many of our trial successes can be found on our website and in our regular *Asbestos News*.



Commentators regard Fieldfisher as a "market leader in industrial disease litigation." One client characterises Fieldfisher as "an amazing firm," adding: "They went above and beyond for me and were really sensitive to my plight."

Claim against your employer

We acted for Graham Mason who was diagnosed with mesothelioma at Southend Hospital.

Graham worked as a fitters mate for J.W. Coward & Co of Chelmsford in the 1960s. He worked alongside laggers in schools and hospitals where he was required to mix and strip asbestos from pipes and boiler work with his bare hands in tight confined spaces. His employer provided no protective equipment.

Graham began to notice intense chest pains and shortness of breath and was admitted to hospital. He was diagnosed with mesothelioma and was no longer able to undertake normal activities such as cooking, cleaning and gardening.

The company Graham worked for was long dissolved and had no assets. Insurers could not be traced by the Association of British Insurers. Fieldfisher searched their databases and was able to find two cases in which we had been able to pursue the company in the 1990s and had recovered compensation. AXA were identified as the responsible insurers for the company in those cases. AXA had no documentary or witness record of insuring the company but we were able to refer them to evidence from a director of the company taken in the 1990s to confirm that they were responsible for the insurance.

Despite initially defending the claim AXA finally agreed that they were responsible. We successfully negotiated a global settlement of \pounds 210,000, allowing Graham to obtain the compensation he deserves.





Settlement for widow in 'out of time' claim

We recovered damages for Jean Ambrose following the death of her husband from mesothelioma.

We pursued a mesothelioma claim against Exxon Mobil (formerly Mobil Oil) who had exposed Mr Ambrose to asbestos while he was working there as a maintenance engineer from 1958 to 1984.

Mr Ambrose was diagnosed with mesothelioma when he was 76.

Mrs Ambrose cared for him during his illness until he passed away.

The case was out of time under court rules because Mr Ambrose had not issued a claim against Mobil within three years of his diagnosis. Mrs Ambrose was unaware of this. Following the inquest the Coroner advised Mrs Ambrose to instruct a solicitor. She contacted two firms of solicitors who did not pursue her claim.

She eventually contacted Fieldfisher who decided to pursue her claim, even though the deadline for pursuing a mesothelioma compensation claim had passed.

We negotiated a settlement for Mrs Ambrose, arguing that Mobil were not disadvantaged by the delay as they had settled many asbestos claims in the past arising from the same circumstances, many of them conducted by Fieldfisher.

Recovering costs for immunotherapy treatment

Pamela Stubberfield was exposed to asbestos for about 6 months aged 18 when she worked for British Oxygen Company in Morden, South London, around 1962. Her job was to mix asbestos wool with water and cement to form components of acetylene welding tanks. The mixing machine she used generated asbestos dust.

Pamela only worked for BOC for a short time. She then went on to get a degree and to pursue a career as a physicist, eventually working at the Atomic Energy Authority in Culham, near Oxford.

Pamela developed sarcomatoid mesothelioma, the most aggressive form, in 2016 when she was 83. She approached HASAG for advice and then instructed Andrew Morgan, Partner in Fieldfisher's Mesothelioma Team, to make a claim.

BOC still exists and is insured. Andrew wrote to them to make a claim but they did not engage in negotiations so Andrew issued Court proceedings in the Mesothelioma Fast Track at the Royal Courts of Justice in London.

Pamela's condition deteriorated rapidly. The sheath-like tumour had invaded her spinal column which caused her neurological problems. Her legs were also affected, impairing her mobility. Her life expectancy was severely compromised.

Pamela was identified through the NHS as being a possible candidate for immunotherapy using "Keytruda". This was a new treatment, not available on the NHS. From her own resources Pamela paid for the first two rounds of treatment in the hope it would arrest or reverse her symptoms. Her condition improved dramatically and it's fair to say that the treatment was lifesaving.



Andrew went to Court and got judgment early for Pamela. He claimed for the future cost of Keytruda treatment, estimated at £250,000, as well as for the medical expenses that she had already funded. He obtained an interim payment of £50,000 for Pamela's injury itself plus a further payment of £14,000 for the cost of the initial treatment.

About two weeks before trial, the claim was settled on the basis that the employer pays Pamela a lump sum of £310,000 and then continues to pay directly for her treatment, for as long as it is needed. The total value of the claim is estimated to be about £550,000.

This was the first known settlement involving a claim for the cost of future immunotherapy with Keytruda where the insurer pays for all future treatment. This case set a precedent and provides a template for future settlements for mesothelioma patients who might benefit from immunotherapy. Sadly, Pamela lost her battle with this terrible illness and died in September 2018.



Exposure from washing overalls

We acted on behalf of the son of Mrs Scorer (as executor to her estate), who died of mesothelioma after washing her husband's dusty asbestos-covered overalls.

The company that operated the Cape Asbestos factory where Mrs Scorer's husband worked no longer existed so the claim was bought against his father's employer Avery Dennison and also against the parent company (which had overall control over the factory), Cape Intermediate Holdings plc.

Cape relied on a large amount of disclosed material which purported to paint a picture of a very clean working environment. They suggested that any exposure to Mr Scorer was well within the HSE control limits set at the time. Witness statements obtained on the family's behalf described particularly dusty working conditions. Mrs Scorer's son obtained a substantial settlement from both Defendants a week before the case had been listed for a three day trial in the High Court in London.

This was a test case as the employer's duty extended to advise/warn its employees (of the dangers of taking asbestos home) even when the employee was working at another's premises. In addition, owners/occupiers of premises (or their parent company in this case) have a duty to advise/warn visitors and contractors working at their site.

Lung cancer claims

We recovered compensation for our client who developed lung cancer from exposure to asbestos.

Mr Arthurs was exposed to asbestos as a young man between 1952 and 1954. He was employed as a pipefitter by C A Parsons on the construction of power stations at East Yelland in Devon and at Shoreham, in Sussex.

C A Parsons installed high pressure steam pipes in the upper parts and roof sections of power stations. Mr Arthurs' job involved working at heights to secure block and tackle for hoisting high pressure steam pipes into position.

Alongside him laggers worked to insulate ductings and pipes. Their work generated asbestos dust which contaminated Mr Arthurs' working environment.

He also assisted the grade A welders in the precision welding of high pressure steam pipes. His job was to "cut back" excess lagging on the pipework to allow the welder to get access to the pipework underneath.

Mr Arthurs also applied and removed the copper heating coils. These were insulated with asbestos weave that was in a poor state so that it crumbled as he handled it and gave off dust which he inhaled.

Many years later, as a result of this exposure, Mr Arthurs developed lung cancer which was diagnosed in the course of other medical treatment. He underwent a lobectomy and follow up surgery which kept him away from work for a few weeks on each occasion.



Mr Arthurs was left with a feeling of breathlessness on exertion but some years have passed since the surgery, so the prospects look good.

Mr Arthurs instructed Fieldfisher who took a full statement and was able to trace the insurers to make a claim.

Although it was intense, Mr Arthurs' exposure occurred over a relatively short period of only three years. In addition the exposure occurred in the early 1950s, before the link between asbestos exposure and lung cancer had been firmly established.

Mr Arthurs also benefited from his early surgery which had effectively removed the risk of lung cancer.

And rew issued proceedings for Mr Arthurs and obtained an offer of \pounds 60,000, which Mr Arthurs was delighted to accept.



Self-employed claims

We recovered damages for our client, Mr Gent, who was suffering from mesothelioma.

Mr Gent worked as an electrical contractor at the University of Surrey in the 1970s.

Together with two other electrical contractors, he formed a partnership. They tendered for work at the university. One project that the partnership secured involved working in the library.

Seventy-two year old Mr Gent was not provided with any protective clothing during this project. He remembers being covered in asbestos dust as he worked. He also moved asbestos ceiling tiles. They often broke, releasing dust.

Mr Gent, who was married with grown up children, was diagnosed with mesothelioma. He instructed Fieldfisher to investigate a claim against the University of Surrey. The university denied liability and said that the library did not contain asbestos. They also said that they were not legally responsible for Mr Gent as he was not their employee.

We obtained records from the university.

They showed that the library building contained asbestos.

The university supervised Mr Gent's work. We argued that this equated to an employeremployee relationship.

Two days before trial, the university made a settlement offer that Mr Gent was happy to accept.

Our reputation

Our team has again achieved top tier rankings in both Chambers and Partners and the Legal 500 legal directories, highlighting the exceptional quality of our work.

Alongside our team rankings, Peter Williams, Andrew Morgan and Dushal Mehta are ranked in Chambers. In Legal 500 Peter was also ranked as a *Leading Individual* and Dushal Mehta is ranked as a *Next Generation Partner*.

Both Chambers and Legal 500 research the top industrial disease teams in the UK, and we are proud to be recognised as leaders in this field, with Chambers stating we are a *"Market-leading industrial disease practice"*.

Regarding our team, sources reported that they are "standout individuals who are at the top of their game", "an amazing firm" and that they "went above and beyond for me and were really sensitive to my plight."

"Market-leading industrial disease practice with an outstanding reputation for undertaking mesothelioma and asbestos disease litigation. Deftly handles a range of complex and often high-value claims, and offers a strong track record in recovering hospice fees for clients." "The firm fields asbestos and mesothelioma experts who are 'at the top of their game'" and is "extremely strong across the board"

Legal 500 2021





What you can claim for

In a successful asbestos disease claim you can claim damages for the losses that you or a loved one have suffered. The amount of compensation that you could claim will depend on your personal circumstances but you will be able to claim:

General damages

General damages are awarded for the asbestos condition that you have been diagnosed with and the pain, suffering and loss of amenity that it causes to you (or a loved one). The Judicial College Guidelines provide a range for the assessment of general damages and for asbestos disease cases. The ranges of general damages are as follows:

- Mesothelioma £59,730 £107,410
- Lung Cancer £59,730 £83,050
- Asbestosis and pleural thickening £12,860 £90,300 (depending on level of disability)

Special damages

You will also be able to claim for financial losses that you or a family member have incurred as a result of your asbestos-related condition. The types of financial loss that you can claim vary but some examples include:

- Care and Assistance
- Lost Services
- Out of Pocket expenses such as travel and medical expenses
- Loss of Income
- Medical Treatment (see below)

We will discuss with you and your family the losses that have been incurred in your case and what we can claim for on your behalf.

Private medical treatment

As part of your claim, it may be appropriate to include the cost of private medical treatment (such as immunotherapy) from the responsible party. Some medical treatment for mesothelioma is not available on the NHS. We will advise you on this at the outset of the claim and as your claim progresses.

If private treatment is recommended then we will seek to recover the full cost of this treatment from the paying party.

Future loss

We may be able to bring a claim for the losses that your or a loved one are likely to face in the future for loss of income, services, care and support as a result of the asbestos-related condition that you are suffering with.

Loss of a dependent

If you have lost a loved one to mesothelioma or another asbestos-related disease, we will look to make a claim on your behalf for the lost services, lost income and care provided. In addition, there may be a claim for statutory bereavement damages.

Diffuse Mesothelioma Payment Scheme

The diffuse mesothelioma payment scheme (DMPS) has been making substantial payments to some mesothelioma sufferers since July 2014. Most people suffering from mesothelioma were exposed to asbestos at work and have been able to pursue claims against employers, though not always successfully.

In many cases, these employers have ceased trading by the time the mesothelioma appears, so that the sufferer has no employer to sue. In some cases employers liability insurance details cannot be located as insurance records are patchy and incomplete and in some cases insurance was simply not taken out.

55

56

£215,903

£212,221

72

73

Alongside the Government "no fault" arrangements and payments, in some circumstances, people with mesothelioma can apply for a payment from the DMPS. The Scheme is set up to make a payment where the Applicant can prove that he or she was exposed to asbestos in employment as a result of his or her employer's negligence, and demonstrates that he or she has taken steps to find his or her employer's insurer but without success.

Please contact one of our solicitors for further details regarding the payments made and the criteria or, alternatively, please request a copy of our DMPS Guide for Clients.

Age of the pers with diffuse mesothelioma	on Scheme Payment	Age of the personal with diffuse mesothelioma	Scheme	Age of the pers with diffuse mesothelioma	on Scheme Payment
40 and under	£271,120	57	£208,540	74	<i>£</i> 145,960
41	£267,439	58	£204,859	75	£142,279
42	£263,758	59	£201,179	76	£138,599
43	£260,078	60	£197,498	77	£134,918
44	£256,396	61	£193,816	78	£131,236
45	£252,715	62	£190,135	79	£127,555
46	£249,034	63	£186,454	80	£123,874
47	£245,353	64	£182,773	81	£120,193
48	£241,671	65	£179,091	82	£116,511
49	£237,990	66	£175,410	83	£112,830
50	£234,309	67	£171,729	84	£109,149
51	£230,628	68	£168,048	85	£105,468
52	£226,946	69	£164,366	86	£101,786
53	£223,265	70	£160,685	87	£98,105
54	£219,584	71	£157,004	88	£94,424

£153.323

£149,641

89

90 and over

£90,743

£87.061

How we work with victim support groups

Our purpose

We have a clear purpose to support patients with asbestos diseases and their families by negotiating the best compensation possible in each case. We use our immense experience and skill in litigation to achieve the very best results for our clients.

We demand lasting change by running test cases, campaigning, joining asbestos support charities in their initiatives and fundraising, and supporting Action Mesothelioma Day Events.

Our fundraising efforts

Our team is actively involved in fundraising for asbestos disease charities and support groups. Each year, we help raise awareness of the ongoing dangers of asbestos and we remember those who have been lost to asbestos disease. We share knowledge about developments in medical research and funding.

We do not see our role as being simply to provide expert legal advice to our clients. We also all share a responsibility to help raise money for the continuing efforts to raise awareness about the dangers of asbestos and to fund research into treatment for this devastating disease.

HASAG

We joined the HASAG panel in 2014 and support the charity with various fundraising initiatives which help them fund research into mesothelioma and pay for specialist mesothelioma nurses. We are proud to be on HASAG's panel and to provide their patients with expert legal advice on their claims for compensation.

We continue to support HASAG at

- Coffee mornings
- Annual HASAG Christmas lunch
- Action Mesothelioma Day Events
- Fundraising events throughout the year



Mesothelioma UK

We are proud to also join Mesothelioma UK's panel of solicitors and to support this wonderful charity.

We continue to support Mesothelioma UK at:

- Quiz events
- Fundraising challenges
- Conferences

We also support several other charities and support groups including:

- Greater Manchester Asbestos Victim Support Group
- Disability First
- Readley
- Cheshire Asbestos Victim Support Group



Meet the Team

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Peter has specialised in asbestos related disease claims for nearly 30 years. He is recommended as a leading practitioner in the field by both Chambers and the Legal 500. There he is described as "'a leading practitioner". Sources comment:

"Peter Williams is a ruthless analyst of the other side's weaknesses and has very high clientcare skills" and is seen by market sources as "a true expert" with "very detailed knowledge".



Bridget heads up our mesothelioma and asbestos claims practice in the North of England. Bridget has over 20 years' experience in conducting asbestos, industrial disease and employer liability claims. She sat on the Executive Committee of APIL and the Oversight Committee of the DMPS. Bridget is an APIL accredited specialist asbestos claims solicitor.

"We will not forget the first time we met you and the professionalism, compassion and kindness that you showed us through this difficult period." Client



Andrew has specialised in asbestos disease claims since 1993. He is a past coordinator of the Occupational Health Group of the Association of Personal Injury Lawyers (APIL) and is an APIL Fellow. Legal directories comment:

> "Andrew Morgan is celebrated for his expertise in handling industrial disease work, particularly mesothelioma cases" and sources describe him as "Very committed to his clients - brave and willing to take on difficult cases."

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Dushal is a Partner at **Fieldfisher and specialises** in acting for clients with mesothelioma and other asbestos related diseases. He is recognised in all the leading legal directories for his expertise.

> Dushal is described by sources as "extremely hard-working and willing to take on difficult cases"



Shaheen is a Senior Associate in our asbestos disease team. She has been representing victims of asbestos and in particular those diagnosed with mesothelioma for many years. She is an APIL accredited Senior Litigator and Specialist in Occupational and Asbestos Disease claims. She is known for going the extra mile to maximise the level of compensation she recovers for her clients.

"Shaheen makes you feel that not only is she a very competent solicitor but that she genuinely cares." Client



Charlotte joined Fieldfisher's asbestos disease team in 2021. Charlotte has experience acting for those exposed to asbestos, and specialises in mesothelioma and asbestos disease claims.

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