

Mesothelioma Case Concluded in 2 Months

We were contacted by the family of Harold in June 2017. Harold had recently been diagnosed with mesothelioma and needed to know whether he was able to bring a claim for damages against his former employer.

He had worked as a plumber for a firm RB Stead & Son in Heckmondwike West Yorkshire for most of his working life. He was regularly exposed to deadly asbestos fibres when installing sectional boilers at a number of churches in the Wakefield area.

The firm had long gone out of business but we managed to trace the executors of the partners in the firm and find out that the firm had insurance with Eagle Star at the time Harold was working there.

At the time he was diagnosed with mesothelioma, Harold despite being aged 87 lived alone and was very active. He was fiercely independent and was insistent that even with the diagnosis of mesothelioma he wanted to continue living in his own home.

Our priority was to conclude the case as speedily as possible to ensure that the necessary support, equipment and adaptations could be made to enable Harold to continue living in his home for as long as possible.

The case was successfully concluded at the beginning of August with Harold receiving £135,000 in compensation.

Harold's son Allan commented: "We would really like to thank you for your thorough work which has brought the case to a speedy and

successful conclusion. It is comforting to know that whatever my father needs in the latter stages of his life can now be catered for."

Commenting on the case Paul Glanville Harold's solicitor said: "I'm relieved that we were able to bring this case to a successful conclusion so speedily. Hopefully by securing the compensation quickly Harold and his family will have the opportunity to make the changes at home that will allow him to be as comfortable as possible and remain in his home for as long as possible"



About Us.....

- * We have built our firm on the ethos that we will act ethically, fairly and in a socially responsible way. As part of this commitment, we donate 10% of our net annual profits to good causes including the John Pickering and Partners Charitable Trust.
- * We are prepared to take the financial risk of pursuing difficult cases that help to preserve and promote the rights of asbestos sufferers.
- * Unlike many other firms, we act exclusively for asbestos sufferers. We do not act for Defendants.
- * We have over 45 years experience and all our solicitors specialise in asbestos claims including mesothelioma and have specialist asbestos accreditation from APIL.



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ALP REVIEW

The Asbestos Law Partnership Newsletter

Autumn 2017

Likely Mesothelioma deaths underestimated by HSE. Interview with Robin Howie

1. The HSE statistics predict around 2500 deaths from mesothelioma in 2016 and for the number to then start reducing. What is your prediction for the number of mesothelioma deaths going forward?

thelioma deaths occur in people aged over 75 and according to ONS figures this part of the population is likely to rocket over the next 10 to 20 years.

The fact that people are living longer means that it is far more likely that people will develop mesothelioma over their lifetime. This is because there will be a longer period from exposure to asbestos dust for the mesothelioma to develop.

My view is that the current HSE statistics underestimate the number of mesothelioma deaths that are likely over the next 20 to 30 years very significantly.

The main reason for this is that the majority of meso-

This is particularly worrying when you consider the



number of young people who are exposed to asbestos dust both at school and in social housing.

I have carried out an analysis based on the ONS figures and my best estimate is that mesothelioma numbers are likely to peak at between 4000 and 5000 per annum rather than the 2500 predicted by the HSE.

I think that the peak is likely to occur in around 2040 and that following the peak there will be a very long, very flat plateau.

2. Do you think that there is a correlation between level of exposure to asbestos dust and length of latency periods in mesothelioma cases?

I think that low levels of exposure to asbestos dust are likely to be associated with longer latency periods. Therefore if someone is exposed to small amounts of asbestos dust at a young age mesothelioma has a long period over which it is able to develop.

This is why it is so worrying when there is low level exposure to asbestos dust at a young age in schools and in social housing combined with an increasing life expectancy. I do not think that these factors are properly reflected in the current HSE estimates.

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35 Years Since Alice

ment of asbestos and those who deal in it."

In 2010, Dr Geoffrey Tweedale wrote: "The documentary's impact was far reaching. As Wilf Penney, the asbestos industry's PR man, put it: 'Until the Alice film the various programmes on asbestos made since 1975 had little lasting impact on either the public or the industry... [but Alice] was a different kettle of fish. It was a highly personalised, very emotional, tragic record of one person's suffering. It was two years in the making and was, to put it mildly, a Blockbuster.' It hit Turner & Newall's share price and triggered public outrage around the country."

35 years ago, Alice Jefferson, (above) made a claim against Cape Asbestos. She was diagnosed with mesothelioma from working in their Acre Mill factory in **Hebden Bridge**. (below)

She only worked there for a few months when she was 17. Her story became the focus of the groundbreaking documentary, Alice – A fight for life which was shown on ITV at prime time on the **20th July 1982**.

The case was defended by Cape who offered to settle without a trial for just £13,000, significantly less than the case was worth. Alice went to court and gave evidence. She was awarded **£36,000** a significant award at that time.

Alice who was 47 was a mother of 2 children aged 15 and 5. Alice died within weeks of filming ending.

The documentary had a significant effect on the asbestos industry.

The programme was one of the choice programmes of the day in **The Times Newspaper** with the comment that "Alice – A Fight For Life, portends to be a horrifying indict-

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The Trigger Litigation in 2012 was a case by insurers arguing that as a sufferer did not develop mesothelioma during the policy period (when they worked with asbestos) the wording of the policy meant they did not have to pay. The Supreme Court disagreed. The employers liability policy in force at the time a sufferer was exposed to asbestos is the policy which pays out when they develop mesothelioma years later.

There have been many other cases where insurers have fought asbestos sufferers right to compensation. In **Heneghan** insurers successfully argued lung cancer sufferers were only entitled to partial compensation where they are unable to pursue all of their employers who exposed them to asbestos.

Most cases don't make it to a final hearing as they settle beforehand but it doesn't make the victory any less important and means a sufferer or their family receives the compensation they are entitled to. In **2017 mesothelioma sufferers continue to fight** for compensation just as Alice Jefferson did in 1982.



Legal Round Up

The courts continue to grapple with so called 'low exposure cases'. These are typically mesothelioma cases where the exposure to asbestos dust is at a relatively low level and occurred before the early 1980's. Following the Court of Appeal decision in **Williams** over 5 years ago the Courts have been keen to make an artificial attempt at assessing the amount of exposure. If certain thresholds were not exceeded the claim would fail on the basis that there was no negligence. This flawed approach will be considered again shortly in the Court of Appeal in the case of **Bussey v Anglia Heating**, where it will be argued that if an employer fails to reduce his employees exposure to the greatest extent possible then the employer will be negligent. Hopefully common sense will prevail.

In lung cancer cases the Defendant's appeal in the case of **Blackmore v The Department for Communities and Local Government** was, not surprisingly, dismissed. The Government was attempting to argue that the damages for asbestos related lung cancer should be reduced by 85 to 90% because Mr. Blackmore had been a smoker. The Court of Appeal kept the deduction at 30% which still seems to be on the high side. It seems likely that the smoking deduction in lung cancer cases will remain at between 10 and 30%.

Finally good news that the court has agreed that **Cape** should not be allowed to destroy the documents that were used in a recent product liability case that a number of insurance companies brought against Cape as the manufacturer of asbestolux and marinite boards. There are likely to be many documents that will help Claimants win their cases. The court will decide what documents have to be disclosed in October.

The John Pickering and Partners Charity

continues its efforts to make donations to promote and protect the health of mesothelioma sufferers. Recent donations include: * £1,000 to **Overgate Hospice**, Elland. The hospice has cared for countless meso-

thelioma sufferers and provided much needed support to their family members. * £3,250 to **Woodlands Hospice**, Liverpool, for the purchase of a new adaptable bed * £751.50 to **Arrowe Park Hospital**, Wirral to purchase two wheelchairs and a sterile procedure trolley for



Continued from page 1.

3. What do the figures tell us about what needs to be done in respect of asbestos management over the next few years?

Putting it crudely there is nothing that can be done about asbestos fibres that are already in people's lungs.

Urgent action, however, is needed now if we are to prevent asbestos dust from being an indefinite problem.

Ideally you would have a program of removal of asbestos from all schools and social housing, these being the areas where younger people in particular are likely to be exposed to low levels of asbestos.

At the moment it is estimated that 75% of all schools contain asbestos.

My view is that there simply will not be the available budget to remove all asbestos from all schools and social housing. This being the case it is necessary to concentrate on the most dangerous areas and direct efforts in these areas.

We should first be looking at amosite and crocidolite. Amosite is at least 100 times more potent than chrysotile and crocidolite is at least 500 times more potent than chrysotile.

I am particularly concerned about the amount of asbestos insulation boards within schools and social housing. This contains amosite. It is estimated that 600,000 tonnes of amosite were imported into the UK and half of this was ultimately used for asbestos insulation boards. There were 140 million m² of asbestos insulation boards used in the UK. These boards are extremely dusty. Given that amosite is 100 times more potent than chrysotile together with the increased dustiness of this board, they represent a particular hazard.

I think the following urgent action needs to be taken:

- 1. Proper rigorous asbestos surveys need to be carried out in all schools to identify the presence of asbestos and in particular amosite and crocidolite.*
- 2. There needs to be air monitoring using high volume samples.*
- 3. A program to remove amosite and crocidolite needs to be commenced.*

