



File Note

Client: Private

Matter: Gosport War Memorial -v- Gosport War Memorial Hospital

Matter No: 516130/000001/JCW/GOSPORT

Author: Gemma Bailey

Date: 16/04/2009

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Attendance on Client 1 Units (Gemma Bailey) - Unknown - Gosport War Memorial

GWMH day 19

Coroner – invite jury to retire to consider all 10 cases. Do all 10 together. If anything needed can get paperwork. Any questions to be done in open court.

(jury left)

Coroner – may be some time. Come back when ready.

Jury asked for Hallman, Hamblin, Turbitt, Shaw, Dudley all admitted under r.37. Also asked for Black and Wilcock reports but will have to rely on their notes

BB – statements?

AJ – didn't read all as far as Hallman concerned.

Coroner – didn't read common bits to them.

AJ – read first page, ¾ of second page and then stopped. Rest of that page not read not any of others until page 5.

Coroner – page 3 read?

AJ – don't think so. Pg 5 read 'I have been asked', then subsequent statement read. Para on 3rd page not read but summarised. Recall didn't read bottom paras of pg 2. Rest of statement read from pg 5 – end. No objection to jury getting in written form what has been read.

Coroner – on that basis happy for coroner to do edits? Have to say rely on notes for Black and Wilcock. If anything specific do it in open court.

AJ – say they can rely on any evidence.

TL – Dudley report.

Coroner – caveat of reservations family had.

TL – not here when read out. Requested amendments made.

Coroner – reservation put on resuscitation note.

BR – discontinuation about dialysis. Amendment re when blood tests available.

AJ – also reminder that Dudley saw JB's statement.

BB – 4 points drawn to attention – JB statement, documentation didn't include Wessex guidelines, pg 7 of report – lab results not available until 18th lunch time, and reference on pg 11. Just check written statements going to jury.

Coroner – for Hamblin quite a few.

BB – witnesses?

Coroner – Hallman, Hamblin, Turnbull, Tubritt, Shaw

BB – Tubritt and Turnbull both live witnesses.

Coroner – OK. Baker and Dudley from notes too.

BB – Bits of Baker report not read either. Pg 13, para 2. Pg 16, pg 17 para 3.

Coroner – statement of Dr Baker. Deleted those paras when read it. Put those into working order and tell them that is what will do.

(jury back)

Coroner – drug charts ok. Statements – difficulty in some were edited, will need to remove edits, can have them after that. Witnesses who were live have to rely on notes, and same for Wilcock and Black. Anything else?

Jury – no

Coroner – will do edits and let have statements and get drug charts. Approve edits before they go in?

AJ – couple of amendments to dates from Hamblin.

Coroner- OK

AJ – Baker report, couple of amendments. IW says pg 3 read.

Coroner – pg 3-8 removed.

IW – what is in page 3 is duplicated later on anyway.

Coroner – give them to jury then.

AJ – one or two marks on statements (coroners marks) jury be told that marks are coroners marks and should be ignored.

Coroner – OK. Wont come back until 2pm whatever happens.

Coroner – query about Elsie Lavender. Jury asked for notes of EL. Also asked for Astridge, Couchman and Peters statements. No editing, only change is change on dates in Peters statement

Coroner – question from jury. Do they all need to be in agreement with questions? If no can they fill in own sheets, can they take majority? In each case would hope for unanimous verdict. On cause of death put to jury more likely than not. Minded to say would accept majority as issues aren't same on substantive questions. For questions to verdict want unanimity. View on cause of death? May not be able to achieve unanimity. On evidence if honest opinion genuinely held then not sure.

AJ – majority view fine. If experts cant agree difficult to oblige the jury to do so. As far as questions concerned go for unanimous. Must complete one result on behalf of them all.

BB – majority on cause of death acceptable. Don't see why too much cause to treat two answers differently. Can accept majority verdict on both.

Coroner – question of majority – required to take majority of two.

TL – not sure good reason for distinguishing between two issues. Alert jury may accept majority decision in future but not yet.

Coroner – they put specifically cause of death. Minded to say whatever majority finding on cause of death was.

TL – encouraged to strive for unanimity at this stage, and if become unrealistic later on the give direction on majority verdict.

BB – if do unanimously agree to questions but only majority agree on cause of death, only those agreeing will sign inquisition. Have to modify the inquisition form?

Coroner – would be dissenting from part of inquisition. Not been in position before.

TL – taking responsibilities seriously. Latest questions re EL suggests on second death. Encouraged to reach unanimity in relation to all deaths in so far as possible.

Coroner – at end of day today if differences then will discuss tomorrow morning.

(jury in)

Coroner – 8 will complete an inquisition. Each have input but to one decision. At moment looking for unanimity in response to questions and cause of death. If comes point where cant agree and no prospect of agreeing then will give majority direction tomorrow. One inquisition for each deceased. If not agreed then will tell something different after 10am tomorrow. If only cause of death giving problems then will be easier to give majority direction.

Jury – expecting all 10 to be done today?

Coroner –np. No time constraints. If heading in same direction then can sort, otherwise may need direction from coroner.

Coroner – 10am tomorrow. Mustn't speak to anyone about this. Press interest today. Not helpful to watch that. Have in mind what discussed today.