



**Alexander  
Harris**  
solicitors

Handling with care

# the Reporter

Celebrating  
our 1st  
anniversary

Special Solihull Edition Summer 2003

## Onward and Upward

The specialist team in our Solihull office have vast experience in a variety of health related cases, including large group actions, medical and dental negligence, personal injury, mental health, education and public law. The diversity and level of expertise is nationally renowned. They have become increasingly busy since the opening of the office last year and here is a small taster of just some of the cases they are currently working on:

### • Workers exposed to toxic dust

A group of factory workers who were unknowingly exposed to potentially toxic dust with carcinogenic properties approached Alexander Harris. For years they handled and packaged the drug Imuran at a pharmaceutical plant. Despite suffering a number of similar illnesses including non-hodgkins lymphomas, breast cancers, skin cancers, miscarriages, birth defects and skin sensitisation they had no idea of the cause. This case is currently being investigated and became the recent focus of a Tonight With Trevor MacDonald Special.

### • Leicester Epilepsy Crisis

In July 2001, an investigation was launched into the activities of Dr Andrew Holton, Consultant Paediatrician at the Leicester Royal Infirmary NHS Trust. Dr Holton allegedly misdiagnosed and mistreated epilepsy in hundreds of children over a 10-year period.

Alexander Harris represents over 150 individual children as well as being the official legal advisors to the Leicester Epilepsy Carers and Parents Concern Group. At present individual cases are being brought before a panel with a view to seeing whether there can be a swift and effective settlement of their claims. This innovative and groundbreaking process highlights a collaboration between defence and claimant solicitors which is designed to pave the way for early settlement of claims in less adversarial atmosphere to the benefit of all parties.

### • Gosport War Memorial Hospital

Alexander Harris have been instructed by over 30 families to investigate the circumstances surrounding their relatives deaths who were patients at Gosport War Memorial Hospital between 1990 and 2000. The patients in question died unexpectedly whilst undergoing rehabilitation and/or treatment. There are serious questions to be answered surrounding the use of diamorphine and sedatives on patients at the hospital.

### • Failure to spot fetal distress

In 2000 Sandra was pregnant with her first child and was admitted to hospital for an induced labour. Over a period of time CTG traces were carried out to monitor the fetal heart rate. Sandra's doctor interpreted these traces incorrectly failing to spot signs of fetal distress, resulting in the sad death of her baby. Sandra had then to endure a distressing delivery and was later told by the consultant that had she had a caesarean section on the afternoon of her admission to hospital her daughter would have survived. Sandra instructed Alexander Harris to investigate the alleged negligence of the doctor at the hospital and the extent of any psychological injury resulting from the neglect.

### • Poor care

Derek was admitted to Hospital where he was diagnosed as having had a stroke. Derek's family became increasingly concerned as to the poor standard of care at the hospital. This included a shortage of doctors at the weekend, Derek's food being left out of reach, a lack of knowledge as to how to treat a stroke patient and the fact that Derek's complaints of abdominal pain were ignored. Despite being assured Derek would make a good recovery from his stroke, his health deteriorated and he was eventually diagnosed with peritonitis and kidney failure. Derek sadly died in hospital. His family have instructed Alexander Harris to investigate, as they believe that signs and symptoms of Derek's peritonitis were ignored and had he been treated sooner he would not have died.

### • Delayed GP referral

Andrew developed a pain in his knee, which on several occasions was dismissed by his GP. He then developed a limp and again his GP failed to refer him to hospital. Andrew was eventually diagnosed with slipped femoral epiphysis requiring surgery. He now has one leg shorter than the other, a slight limp and has consequently missed a lot of schooling which is believed to have affected his exam results. Andrew will also need a hip replacement when he reaches approximately 40 years of age. Alexander Harris are investigating the negligent delay on the part of the GP to refer Andrew to hospital believing that earlier diagnosis and surgery would have resulted in an improved prognosis.

### • Delay in diagnosis and treatment

For thirteen years, Hafiza had regularly visited her GP complaining of a lump in her neck. Thyroid function tests were performed, but Hafiza was not admitted to hospital until 1999 when she was diagnosed with thyroid cancer. Alexander Harris are investigating into a claim against Hafiza's GP for a delay in her referral and also against the hospital who took around a year from the time abnormal tests results were received to Hafiza being admitted to hospital for treatment.

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## Welcome



Welcome to a Special edition of The Reporter to celebrate the 1st Anniversary of our Solihull

office. Since opening this office in the West Midlands the team have become increasingly busy with individual cases and some large group actions to boot! What has been achieved in the past year has been tremendous and we have received great support from our referral sources and our clients throughout the Midlands area.

Opening an office in the West Midlands was a natural progression for Alexander Harris to enable us to provide a full nationwide service complementing our other offices in the North West and central London. Solihull was chosen because of its ease of access from the motorway and railway networks, as well as having disabled access for parking and meeting rooms. These issues are important to our clients, staff and visitors and we felt it was vital that we were able to reflect this when choosing our location.

In this special edition we have chosen a few examples of our current work to highlight the breadth and depth of the work that is being carried out by our team in Solihull. You will see that the team have carried forward the ethos of Alexander Harris, fighting fearlessly for their clients and representing them with vigour and commitment as well as competence.

I would like to take this opportunity on behalf of everyone in the Solihull office to thank you for your support and interest.

Ann Alexander  
Managing Partner

# PATIENTS OF DR GBINIGIE INSTRUCT ALEXANDER HARRIS

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## • Shaken baby

Donna was only a few weeks old when she was taken to hospital in severe distress. It transpired that her father had shaken her violently. As a result Donna is almost totally blind and has severe brain damage. Alexander Harris are pursuing a claim on Donna's behalf to the Criminal Injuries Compensation Authority following her father's conviction for Grievous Bodily Harm.

## • Injury during PE lesson

14-year-old Jason was instructed by his PE teacher during a lesson to jump across the sand in the long jump pit instead of into it. Jason did as he was told and his knees hit the concrete edge of the pit. Sustaining a deep laceration and underlying injury Jason has needed surgery, which may result in long-term damage to both knees. Alexander Harris are pursuing a claim for him against the school.

## • Trauma following fire from faulty appliance

The Jones family were at home asleep when a serious fire broke out in the kitchen. The fire resulted from a faulty repair to their fridge freezer, which was carried out only the previous day. Luckily the family of 5, including 2 disabled children, managed to escape without serious physical injury, but their house was destroyed and they had to live in temporary accommodation for 4 months. Alexander Harris are acting on the family's behalf in pursuing a claim against the repair man for psychiatric injuries and other losses, including a claim by their eldest daughter Samantha who was unable to take up her place at University because of the detrimental effect on her A level studies.

## • Injury on farm

Bernard was working on a cider apple farm when the 30-year-old tractor he was driving became jammed. When he got out to investigate, his leg became caught in the blades. Sadly Bernard suffered horrific injuries and a traumatic amputation, which the doctors claimed he was lucky to survive. Alexander Harris are pursuing a personal injury claim against his employers.

## • Injury whilst shopping

Keith and Barbara met on a hospital ward where they were both being treated for serious fractures to their legs. To their surprise they discovered that they had both fallen off the edge of an unmarked step in a display area at the same local furniture store. Keith and Barbara instructed Alexander Harris to pursue their personal injury claims against this well-known store.

## • Football supporter injured overseas

Whilst visiting Zurich prior to the England friendly match with Lichtenstein in March of this year, Will was stabbed in the back and shot at by whom he believes were Turkish locals. Will sustained a collapsed lung, damage to his liver and diaphragm, which developed complications. Alexander Harris are investigating the possibility of a Criminal Injuries Compensation Authority claim against the Swiss Authorities.

On the 20th of March 2003 the GMC found Dr Andrew Gbinigie guilty of serious professional misconduct.

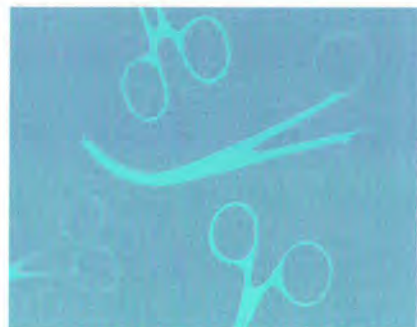
They heard how during an abortion Dr Gbinigie caused horrific internal injuries to his patient (Miss A) when she had the operation at a Private Clinic in Birmingham. She was rushed to hospital for specialist treatment where her life was saved, although one of her kidneys had to be removed.

The GMC ruled that the abortion Dr Gbinigie had performed was beyond his clinical competence and technical expertise. They however did not strike him off, as he had not repeatedly botched operations. Alexander Harris however were soon to hear different.

Since the GMC hearing, other patients of Dr Gbinigie have expressed concerns regarding their own treatment. A group of women formed a support group for patients of Dr Gbinigie. They invited Alexander Harris to address a meeting of more than 20 people many of whom were women who believed they had suffered injury as a result of his treatment.

Louise Forsyth, who is handling the cases said: "Following the meeting we are now satisfied that there are a number of women who have a range of serious issues which need to be raised with the GMC regarding Dr Gbinigie. On the basis of the issues which concerned Miss A, we are confident that these were not isolated and that it is our intention to place this information before the GMC for further investigation. In the mean time we are also investigating individual clinical negligence cases."

Gbinigie, from Birmingham, will now be allowed only to do abortions on women up to 12 weeks pregnant unsupervised. He will be allowed to operate beyond 12 weeks after being retrained. Any operations must be at hospitals with intensive care facilities and with other surgeons at hand.



# Laser eye surgery – negligence claims double

The clinical negligence team in the Solihull office of Alexander Harris have received a number of enquiries from patients who have suffered complications following laser eye surgery. This reflects a recent set of figures released by the Medical Defence Union (MDU), which report an increasing number of claims.

The MDU, which is the largest insurer for UK doctors, released figures to show that claims over laser eye surgery had increased by 166% in six years and now accounts for a third of all ophthalmology claims.

Those who have approached us have found that not only did the surgery not correct their vision but also that they have suffered devastating consequences as a result of the surgery going wrong. Frank can no longer drive at night due to a reduction in night vision. He finds it very difficult to see in dim light or dark conditions. Jim has been left with severe dry-eyes, which causes unbearable pain, making it difficult to work, drive and carry out normal daily tasks.

We have seen that it can be devastating for patients who have suffered complications after eye surgery. In our experience patients can sometimes have too little time with their surgeon to discuss possible complications. Patients who undergo such elective surgery should be given a full explanation of the potential risks by suitably qualified staff that have performed a full assessment of the patients condition.

## Safety Questions Raised Over Surgical Instruments

**In June 2001, Crawford a healthy toddler went into a private hospital in Cheshire for a tonsil and adenoids operation. Surgeons followed a directive issued by the Department of Health requiring them to use disposable instruments. This was set against a background of worries about vCJD being transmitted on traditional re-usable instruments.**

Crawford, aged 2, sadly died from inhalation of blood following a haemorrhage several days after the operation.

In November 2001 Elaine 33, went into hospital in Middlesborough for what her family thought would be a routine minor operation to remove her tonsils and adenoids. During the operation, surgeons using disposable instruments were unable to stop the bleeding and Elaine sadly died several days later. Elaine had overcome Downs Syndrome to become a competitive swimmer and had won a number of medals for her country.

Following reports of haemorrhaging in patients, the Department of Health issued a hazard notice giving new

advice to surgeons using these instruments. This was one week before Elaine's operation.

Surgeons continued to voice their concern over the instruments which some had labelled as 'clumsy.' A national newspaper reported that the increase in secondary haemorrhaging since the introduction of disposable instruments had increased from 3% to 20% in some hospitals. Subsequently the Department of Health withdrew the disposable instruments due to concerns being raised over patient safety and surgeons reverted to using the re-usable instruments.

The families of Elaine and Crawford want questions answered. They want a public inquiry to investigate the many political and medical questions raised and they want to understand how this situation was allowed to happen.

Clinical negligence Partner Richard Follis is investigating these cases and is representing Elaine's family at her inquest due later this year.

# Giving back to the **local** community...

Since opening the office on Station Road in Solihull, Alexander Harris have become involved in a number of community related initiatives.

## Pro bono

Our lawyers are currently working on a number of 'pro bono' initiatives where we offer our services for free. To embrace national pro-bono week, staff at our Solihull office agreed to work on Saturday the 14th of June offering free interviews of up to one hour for anyone who had suffered an accident or injury as a result of another's negligence.

Earlier this year we were recognised for our commitment to pro-bono work when we were short-listed in the Birmingham Law Society Awards. In particular our Solihull office was highlighted for the work that it is doing in advising a steering committee representing many hundreds of parents whose children have been misdiagnosed with epilepsy and subsequently mistreated over a period of years. The committee known as the Leicester Epilepsy Concern Parents and Carers Group (LEPCPG), was formed by the parents and carers of the affected children who were misdiagnosed with epilepsy and over treated with anti-epileptic medication by Leicester Royal Infirmary Paediatrician Dr Holton. The steering committee represents the interests of approximately 400 parents who subscribe to its database. Many are dissatisfied not only as to the treatment their children received under Dr Holton but also as to the speed and adequacy of the Trust's response to the situation.

Alexander Harris represents the LEPCPG on a pro-bono basis, providing expert advice on how best to approach the issues involved in order to obtain an outcome that ensures a) the children are given appropriate treatment b) the system, which allowed this appalling set of circumstances to occur is

thoroughly investigated and c) steps are taken to prevent this from ever happening again

The firm will continue to represent the LEPCPG on a pro-bono basis until both parties are satisfied that the concerns raised are resolved in an appropriate manner.

## Artwork

Recently Alexander Harris have displayed artwork from mature students pursuing their course at Solihull Art College. The work was certainly different ranging from plant life and industrial mechanisms through to a collection reflecting a wedding which took place in the 1970's. The displays certainly attracted a great deal of comment from staff, the local media and visitors alike.

## Community Support

As part of our on-going commitment to educating professionals regarding health related law, Alexander Harris recently ran a course for Community Health Councils and Citizens Advice Bureaus from around the West Midlands. The training day in early June which was held at our offices offered advice on clinical negligence issues. It also gave delegates the opportunity to have their questions answered on a range of clinical negligence, personal injury, mental health and education queries. The training included talks from head of our medico-legal team Julia Parry and clinical negligence solicitor Louise Forsyth who spoke about a range of issues from pursuing and investigating a claim through to the various complexities of funding options. In addition Alexander Harris have offered their freephone number for CHC and CAB professionals to seek advice when handling calls with regard to health related legal issues.

## Heart Monitor Purchased

Following fund raising which included a prize draw at the opening of the Solihull office, Alexander Harris raised enough money to enable the charity Baby Lifeline to purchase a piece of equipment for a local hospital.

Baby Lifeline has used the funds donated by Alexander Harris to purchase a heart monitor for unborn babies to be used at Warwick General Hospital. Clinical negligence specialist Louise Forsyth attended a presentation where the monitors were handed to the staff at the maternity unit.

## Hair Raising!

Partner and Head of the Solihull office, Richard Follis took it upon himself to raise over £300 for Comic Relief when much to the surprise of his colleagues he dyed his hair red and had it spiked in true punk rocker style! This provided much entertainment for all at Alexander Harris when the image of Richard was beamed into all our offices via video-link.

Apparently he caused quite a stir when heading into Solihull for lunch!



## Meet the Team

### Richard Follis

With over 20 years experience of successfully acting for victims of clinical negligence, Richard is nationally regarded as a leading clinical negligence expert. He has particular expertise in birth injury, orthopaedic cases and fatal accident cases. Richard is currently the Deputy Vice President of the Birmingham Law Society and is described by clients and peers as professional, thorough and 'super'. He is currently providing advice to families who believe their relatives may have died in suspicious circumstances at a local hospital, representing a number of factory workers who believe they have suffered injury as a result of being exposed to toxic dust and is leading the team co-ordinating the Leicester Epilepsy cases. In addition to his group health work Richard has a large number of individual cases involving laser eye surgery, birth injury, psychiatric negligence and surgical error. Richard does a lot of his own advocacy and represents clients throughout the UK at inquests.

### Louise Forsyth

Qualifying as a Solicitor in 1999, Louise specialises in all cases involving clinical negligence and has a particular interest in gynaecological and

cosmetic surgery cases. She is proactive in helping the community and is considered by clients and peers as an approachable and promising young solicitor. Louise is currently representing parents and carers throughout the Midlands whose children were misdiagnosed and mistreated for epilepsy by a Paediatric Consultant at Leicester Royal Infirmary. She is also part of the team who are investigating a number of suspicious hospital deaths and has a range of individual cases including birth injury, surgical error and cancer misdiagnosis.

### Jane Wilson

Before joining Alexander Harris in November 2002, Jane spent 12 years as a Partner in a law firm investigating personal injury and clinical negligence cases. Jane has 16 years experience as a solicitor specialising in a variety of personal injury claims. In particular, Jane has special expertise in claims for severe criminal injuries, psychiatric and post-traumatic stress injuries, fatal accidents and road traffic accidents. Her current cases include injuries suffered by a football fan whilst abroad watching an England match; injuries sustained at school - in one case resulting in surgery to correct a damaged knee and in a second a leg amputation after a horrific accident. Furthermore, Jane is also currently completing her training to be a Local Preacher in the Methodist Church and takes services around South Birmingham once a month.