

**From:** Ellson, Sarah [Code A]  
**Sent:** 21 January 2009 18:24  
**To:** [Code A]  
**Subject:** Re: Barton - 8 June to 21 August

I will check with Ian and get back to you - sorry

Sarah Ellson | Partner

for Field Fisher Waterhouse LLP

dd: [Code A] | m: [Code A]

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**Field Fisher Waterhouse LLP** 27th Floor City Tower Piccadilly Plaza Manchester M1 4BD

Tel+44 0161 200 1700 Fax+44 0161 200 1777

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We use the term partner to refer to a member of Field Fisher Waterhouse LLP, or an employee or consultant with equivalent standing and qualifications.

**From:** [Code A]  
**To:** Ellson, Sarah  
**Cc:** The Empanelment Team  
**Sent:** Wed Jan 21 16:55:21 2009  
**Subject:** FW: Barton - 8 June to 21 August

Dear Sarah,

Have you had an opportunity to consider the email below?

[Code A]

---

**From:** [Code A] **On Behalf Of** The Empanelment Team  
**Sent:** 21 Jan 2009 15:26  
**To:** [Code A]  
**Cc:** The Empanelment Team  
**Subject:** RE: Barton - 8 June to 21 August

Hi [Code A]

Just wondering whether you heard back from Sarah about this?

Thanks

[Code A]

---

**From:** [Code A]  
**Sent:** 17 December 2008 09:00  
**To:** Ellson, Sarah  
**Cc:** Watson, Adele; The Empanelment Team  
**Subject:** FW: Barton - 8 June to 21 August

Sarah,

I would be grateful if you could let me know whether you or the defence have any objections to the proposed non sitting days indicated below.

With thanks

[Code A]

---

**From:** [Code A] **On Behalf Of** The Empanelment Team  
**Sent:** 16 Dec 2008 17:14  
**To:** [Code A]  
**Cc:** The Empanelment Team  
**Subject:** Barton - 8 June to 21 August

Hi [Code A]

We'd been struggling to empanel a Chair on this case but we have now found someone. The difficulty is that he needs a couple of non-sitting days – 18 June and 23 July. I'd be grateful if you would check with both sides to see if this could be agreed. None of the other panellists require any time off, as far as we know.

Many thanks

**Code A**

**Empanelment Team**  
**Tel:** [Code A]

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Regus House, Falcon Drive, Cardiff Bay, CF10 4RU

20 Adelaide Street, Belfast, BT2 8GD

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**From:** Ellson, Sarah [Code A]  
**Sent:** 23 January 2009 11:55  
**To:** [Code A]  
**Cc:** Watson, Adele  
**Subject:** FW: Pre-inquest Hearing Report re Barton attached  
**Attachments:** 20090123101709289.pdf

Dear [Code A]

Here is a note of the Pre-Inquest meeting which we did not attend on Monday. I do not think we missed anything important - although it may be interesting to see how the issue about who is an "expert" evolves.

I will get Adele to follow up the only issue that really matters to us which is about transcripts, when she is back in February. We should discuss whether the GMC want anyone at the hearing on the first day - just to hear the opening - obviously this is also going to be a time of increased media attention so I presume your Press Team have been advised of the dates and have an agreed statement to release as I have no doubt there will be a question about what is the GMC doing about this - bear in mind the families have already told the media there is to be an FTTP hearing.

Thanks

Sarah Ellson | Partner

for Field Fisher Waterhouse LLP

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From: [Code A]  
Sent: Friday, January 23, 2009 10:19 AM  
To: Ellson, Sarah  
Subject: FW: Pre-inquest Hearing Report re Barton attached

[Code A] Secretary to Sarah Ellson, Rachel Cooper, Abigail  
Scholefield, Laura Kelly and Kelly McMahon for Field Fisher Waterhouse  
LLP  
dd: [Code A]

-----Original Message-----

From: [Code A]  
Sent: Friday, January 23, 2009 9:17 AM  
To: [Code A]  
Subject:

This E-mail was sent from "RNPE31115" (Aficio MP C4000).

Scan Date: 23.01.2009 10:17:09 (+0100)  
Queries to: [ithelpdeskteam@ffw.com](mailto:ithelpdeskteam@ffw.com)

23 JAN 2009

**Gosport War Memorial Hospital**  
**Pre-Inquest Hearing Report**  
**19<sup>th</sup> January 2009 10am**  
**Portsmouth Guild Hall**

**Those Attending:**

Ms Hill of Blake Laphorn  
John White Blake Laphorn  
Alan Jenkins MDU for Dr Barton  
Stuart Knowles Mills & Reeve  
Ms Bhoghl The PCC  
Michael Tyrer for Charles Farthing  
Elaine Williams for Hampshire PCT  
Deborah Watts from Mills & Reeve

**Code A**

Pauline Gregory  
Ian Wilson  
Alan Lavender  
Betty Packman  
Vicky Packman  
Peter Mellor

**1. Properly Interested Persons**

Dr Barton  
The families of the deceased  
The Health Trust  
The PCT

**2. Witness Schedule:**

see attached.

**3. Document Bundle**

This will be prepared by the Coroners Office and circulated prior to the Inquest.

**4. Hospital Notes**

have now been annotated and copies were made available to the properly interested persons.

**5. The Drug Register**

will be annotated by Mills & Reeve and copies made available.

**6. Jury Proforma.**

This was prepared by The Coroner but will be expanded to include background information of each deceased giving an outline of dates, condition etc and that will be circulated as soon as it is prepared.

**7. A working bundle of documents in addition to the advanced disclosure will be prepared and an Index circulated.**

- a. The Wessex guidelines are to be sent to the Coroners Office from the PCT and copies of those are to go to the Experts.
- b. It was fully accepted that Professor Black is an appropriate expert but doubt was expressed about the suitability of Dr Wilcock. The Coroners Office will contact Dr Wilcock to express those concerns and will await his comments.
- c. The Ford & Munday Reports are to be disclosed by the police.
- d. This is not an Article 2 Inquest.
- e. Concern was expressed about any possible Rule 43 Reports. This is not a case where it would be appropriate on the basis of the previous care to request a report under Rule 43.

## Witness Schedule

March 18<sup>th</sup>

Opening Jury and Submissions

19. Lavender

20. Pittock

23. Service

24. Professor Black

25. Professor Black

26. Lake

27. Cunningham

30. Wilson

31. Wilson & Hamblin

April

1. Spurgeon

2. Packman

3. Devine

6. Dr Wilcock

7. Dr Wilcock

8. Devine

9. Gregory

14. Dr Barton

And onwards



**From:** Ellson, Sarah [Code A]  
**Sent:** 03 February 2009 14:37  
**To:** [Code A]  
**Cc:** The Empanelment Team  
**Subject:** RE: Barton - 8 June to 21 August

Neither I nor Ian Barker for the MDU can see any difficulty with having these two non-sitting days especially given the advance notice.

**Sarah Ellson | Partner**

for Field Fisher Waterhouse LLP

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**Sent:** Wednesday, January 21, 2009 4:55 PM  
**To:** Ellson, Sarah  
**Cc:** The Empanelment Team  
**Subject:** FW: Barton - 8 June to 21 August

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20 Adelaide Street, Belfast, BT2 8GD

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**From:** [Code A] on behalf of The Empanelment Team  
**Sent:** 04 February 2009 17:09  
**To:** 'Ellson, Sarah'; [Code A]  
**Cc:** The Empanelment Team; Adjudication Listings  
**Subject:** RE: Barton - 8 June to 21 August

Thanks, Sarah and [Code A]

Listings Team – please note that 18 June and 23 July will be non-sitting days in Dr Barton’s case.

Best wishes

[Code A]

---

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**Sent:** Wednesday, January 21, 2009 4:55 PM  
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**From:** [Code A]  
**Sent:** 09 February 2009 15:02  
**To:** GMC Pressoffice  
**Subject:** FW: Dr Jane Barton

**Importance:** High

Dear All,

Further to my email below, I am now providing an update on this matter.

The hearing which was scheduled for September 2008 was postponed to await the outcome of the Inquest.

The Inquest is due to take place on 9 March to 17 April 2009 and will look into the deaths of 11 patients at the Gosport War Memorial Hospital, nine of which will be considered by our Panel. The Inquest is likely to generate press interest and in particular what action we have taken in respect of this doctor.

The FTP hearing has been re-listed for consideration on 8 June to 21 August 2009.

Please let me know if you require any further information.

[Code A]

---

**From:** [Code A]  
**Sent:** 15 May 2008 09:46  
**To:** GMC Pressoffice  
**Subject:** Dr Jane Barton  
**Importance:** High

Hello,

Our Solicitor has informed me that this article has appeared in the Daily Mail;

'Dr Jane Barton, who was in charge of day-to-day treatment of some elderly at the 108-bed hospital until July 2002, was referred to the General Medical Council in September of the same year. The GMC confirmed there was never any action taken against Dr Barton and said she was still practising, but refused to say where. "

To clarify allegations concerning Dr Barton's care of patients at the Gosport War Memorial Hospital are currently due to be considered by a FTP on 8 September 2008 and the hearing is expected to last for 39 days.

The background to the case is that in August 2002 the PPC referred five cases concerning Dr Barton to the PCC for consideration. These cases were subsequently placed on hold due to a police investigation into Dr Barton. The Police investigation concluded in December 2006 as the CPS decided that there was insufficient evidence to prosecute.

Since the police investigation concluded we have reviewed their evidence and the cases referred to above and additional ones will be considered by the FTP in September.

Also we have been notified recently that there is to be an Inquest in the deaths of patients at the Hospital, although a date for this has not been fixed yet.

Let me know if you require any further information, although as you are no doubt aware most of this information is not for public consumption.

[Code A]



**From:** [Code A]  
**Sent:** 09 February 2009 15:07  
**To:** 'Ellson, Sarah'  
**Subject:** RE: Pre-inquest Hearing Report re Barton attached

Sarah,

Thank you for your email.

Peter has agreed that someone from FFW can attend the first day of the Inquest.

I have informed our press office of the dates of the Inquest.

[Code A]

-----Original Message-----

From: Ellson, Sarah [Code A]  
 Sent: 23 Jan 2009 11:55  
 To: [Code A]  
 Cc: Watson, Adele  
 Subject: FW: Pre-inquest Hearing Report re Barton attached

Dear [Code A]

Here is a note of the Pre-Inquest meeting which we did not attend on Monday. I do not think we missed anything important - although it may be interesting to see how the issue about who is an "expert" evolves.

I will get Adele to follow up the only issue that really matters to us which is about transcripts, when she is back in February. We should discuss whether the GMC want anyone at the hearing on the first day - just to hear the opening - obviously this is also going to be a time of increased media attention so I presume your Press Team have been advised of the dates and have an agreed statement to release as I have no doubt there will be a question about what is the GMC doing about this - bear in mind the families have already told the media there is to be an FTTP hearing.

Thanks

Sarah Ellson | Partner

for Field Fisher Waterhouse LLP

dd: [Code A] | m: [Code A]

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[Code A] Secretary to Sarah Ellson, Rachel Cooper, Abigail Scholefield, Laura Kelly and Kelly McMahon for Field Fisher Waterhouse LLP  
dd: [Code A]

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Sent: Friday, January 23, 2009 9:17 AM  
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Subject:

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Scan Date: 23.01.2009 10:17:09 (+0100)  
Queries to: [ithelpdeskteam@ffw.com](mailto:ithelpdeskteam@ffw.com)

**From:** Ellson, Sarah [Code A]  
**Sent:** 06 February 2009 16:10  
**To:** [Code A]  
**Subject:** RE: Dr Barton

Just tried again - no reply!

**Sarah Ellson | Partner**  
for Field Fisher Waterhouse LLP  
dd: [Code A] | m: [Code A]

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**From:** [Code A]  
**Sent:** Friday, February 06, 2009 2:56 PM  
**To:** Ellson, Sarah  
**Subject:** FW: Dr Barton

Sarah,

I've just spoken to Mrs Mackenzie and she would like you to telephone her, as apparently you were meant to phone her nearly four weeks ago.

[Code A]

---

**From:** [Code A]  
**Sent:** 06 Feb 2009 13:30  
**To:** 'Ellson, Sarah'  
**Subject:** Dr Barton

Sarah,

Please note below, has Ms Mackenzie spoken to you?

[Code A]

---

**From:** [Code A]  
**Sent:** 06 Feb 2009 12:21  
**To:** [Code A]  
**Subject:** Call

A Ms Gillian Mckenzie called for you. She advised she is involved with a doctor Jane Barton: Her telephone number is: [Code A]

She advised that:

The Ministry of Justice have granted an inquest in her case in addition to another 10. Still haven't heard form Sarah Elson of Keith Fisher Waterhouse.

Thank you

[Code A]  
Contact Centre Advisor  
General Medical Council  
Telephone: [Code A]  
[Code A]

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**From:** [Code A]  
**Sent:** 11 February 2009 15:24  
**To:** 'Ellson, Sarah'  
**Subject:** RE: Pre-inquest Hearing Report re Barton attached

Noted.

-----Original Message-----

From: Ellson, Sarah [Code A]  
 Sent: 11 Feb 2009 11:47  
 To: [Code A]  
 Cc: Watson, Adele  
 Subject: RE: Pre-inquest Hearing Report re Barton attached

Thanks [Code A]

I suggest that Adele goes down as she is fully up to speed with the case.

Sarah Ellson | Partner

for Field Fisher Waterhouse LLP

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Dear [Code A]

Here is a note of the Pre-Inquest meeting which we did not attend on Monday. I do not think we missed anything important - although it may be interesting to see how the issue about who is an "expert" evolves.

I will get Adele to follow up the only issue that really matters to us which is about transcripts, when she is back in February. We should discuss whether the GMC want anyone at the hearing on the first day - just to hear the opening - obviously this is also going to be a time of increased media attention so I presume your Press Team have been advised of the dates and have an agreed statement to release as I have no doubt there will be a question about what is the GMC doing about this - bear in mind the families have already told the media there is to be an FTTP hearing.

Thanks

Sarah Ellson | Partner

for Field Fisher Waterhouse LLP

dd: [Code A] | m: [Code A]

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Manchester M1 4BD  
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From: [Code A]

Sent: Friday, January 23, 2009 10:19 AM

To: Ellson, Sarah

Subject: FW: Pre-inquest Hearing Report re Barton attached

[Code A] Secretary to Sarah Ellson, Rachel Cooper, Abigail Scholefield, Laura Kelly and Kelly McMahon for Field Fisher Waterhouse LLP

dd: [Code A]

-----Original Message-----

From: [Code A]

Sent: Friday, January 23, 2009 9:17 AM

To: [Code A]

Subject:

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Scan Date: 23.01.2009 10:17:09 (+0100)

Queries to: ithelpdeskteam@ffw.com

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20 Adelaide Street, Belfast, BT2 8GD

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**From:** Watson, Adele [Code A]  
**Sent:** 27 February 2009 11:34  
**To:** [Code A]  
**Subject:** Transcribing of Inquest  
**Attachments:** 20090227113012206.pdf

Hi [Code A]

Please find attached a letter from the Coroner regarding the transcribing of the Inquest. I would suggest sharing the cost of a transcriber between those listed in the letter would be the best solution. What are your thoughts?

I will find out from Mr Bradley if there is a recommended transcriber/transcription team that the inquests would usually use, but in the meantime would you be able to find out how much the GMC transcribers daily rate would be.

Many thanks

**Adele Watson | Paralegal**  
for Field Fisher Waterhouse LLP

dd: [Code A] mob: [Code A]

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**A.M. BRADLEY**

H.M. CORONER

NORTH EAST HANTS DIVISION

GOLDINGS  
LONDON ROAD  
BASINGSTOKE  
HAMPSHIRE RG21 4AN  
TELEPHONE: **Code A**  
FACSIMILE: **Code A**

email: 

Field Fisher Waterhouse LLP  
Portland Tower  
Portland Street  
Manchester  
M1 3LF

**27 FEB 2009**26<sup>th</sup> February 2009

Dear Miss Watson

Re: General Medical Council Dr Barton

At the first Inquest Hearing I indicated that copy recordings would be available on a daily basis but I was not anticipating transcripts.

Those can be organised but the cost is exorbitant and without some agreement as to funding I would not be prepared to undertake that.

It may be that the cost could be shared bearing in mind that you are acting for the GMC, Mills and Reeve are acting for The Health Authority, The Nursing and Midwifery Council are representing the Nurses and Blake Laphorn now have four families on their books.

Is this helpful?

Yours sincerely

**Code A**

AM Bradley  
HM Coroner

PY

**From:** [Code A]  
**Sent:** 04 March 2009 09:09  
**To:** 'Watson, Adele'  
**Cc:** 'Ellson, Sarah'  
**Subject:** RE: Transcribing of Inquest

Adele,

Thank you for your email which I have discussed with Peter.

Peter would like FFW's view as to what we are trying to get out of the Inquest and is the best way to achieve this by obtaining transcripts or sending a paralegal along for the duration of the Inquest?

As Peter is on leave next week and the Inquest is due to start , I would appreciate a response today or tomorrow.

With thanks

[Code A]

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**Adele Watson | Paralegal**  
for Field Fisher Waterhouse LLP

dd: [Code A] mob: [Code A]

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**From:** [Code A]  
**Sent:** 06 March 2009 15:18  
**To:** 'Watson, Adele'  
**Subject:** RE: Proposed Barton con

Adele,

I have checked with our Facillites Section and although it is possible to have video link to three locations they more often than not fail so they are best avoided.

As both our Counsels will need to speak to our expert before May as the hearing is in June I agree in principle to Ben's travel expenses but please let me know what they are.

I will attend the conference and will sort out my own travel arrangements. Please let me know when the date and time are confirmed so that I can book my ticket.

[Code A]

---

**From:** Watson, Adele [Code A]  
**Sent:** 06 Mar 2009 10:30  
**To:** [Code A]  
**Subject:** FW: Proposed Barton con

Hi [Code A]

Can you let me know about Ben's travel expenses and whether you would like to attend the conference today?

Many thanks

Adele

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**From:** Watson, Adele  
**Sent:** Wednesday, March 04, 2009 10:33 AM  
**To:** [Code A]  
**Subject:** Proposed Barton con

Hi [Code A]

I just wanted to update you on the current situation for the proposed conference with Counsel and Professor Ford. At the moment we have a provisional date of 8 April at 6pm for a video link between Manchester and Newcastle with Sarah/Tom/Ben in Manchester and Ford in Newcastle. I have been having extreme difficulties arranging something that can be done from London due to Ford's availability and the fact that Tom is in Manchester on a GMC case until May. I am unaware of a facility that would let us do more than 2 locations which we would be able to use but if you have any suggestions then please let me know.

As Ben would be in London he would be expected to travel up to Manchester for the con and has asked that we pay his travel expenses to do this, please let me know if this is something that you would be happy to do. Further, I appreciate that you may also want to attend the conference and the cost of your travel to Manchester will also need to be considered.

Many thanks

**Adele Watson | Paralegal**  
for Field Fisher Waterhouse LLP

dd: [Code A] mob: [Code A]

**From:** Watson, Adele [Code A]  
**Sent:** 05 March 2009 13:59  
**To:** [Code A]  
**Subject:** Inquest dates

[Code A]

To confirm, the first day of the inquest is 18 March 2009 and it is due to run for 2 months.

Thanks

**Adele Watson | Paralegal**  
for Field Fisher Waterhouse LLP

dd: [Code A] mob: [Code A]

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**To:** [Code A]  
**Subject:** RE: Transcribing of Inquest

[Code A]

I think we really want to know what witnesses, experts and Dr Barton are saying and believe a promptly prepared transcript will be the most efficient way of doing this in a form we can rely on.

Please let me know how you would like to proceed.

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**From:** Peter Swain [Code A]  
**Sent:** 04 March 2009 17:04  
**To:** [Code A]  
**Subject:** RE: Transcribing of Inquest

[Code A]

We need to know how much the likely cost is and whether it would be possible/cheaper to get it done by one of our transcribers, but in principle if FFW say they want it we should facilitate getting it.

Peter

---

**From:** [Code A]  
**Sent:** 04 March 2009 16:59  
**To:** Peter Swain [Code A]  
**Subject:** FW: Transcribing of Inquest

Peter,

Further to our discussion yesterday please note below.

If you agree that transcripts are required, should we share the costs (as yet unknown) with the Health Authority & the NMWC?

[Code A]

---

**From:** Watson, Adele [Code A]  
**Sent:** 04 Mar 2009 09:54  
**To:** [Code A]  
**Subject:** RE: Transcribing of Inquest

[Code A]

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