

Meeting 08.04.03 4.00pm Bar Library Belfast

Patrick Good, Donna Scott, Dr. Jim Kelly

Re: Lucy Crawford

Notes

- 1) Current status of litigation
 - o Case is family driven (not been driven by opposing counsel)
 - o Settlement will not be accepted without both apology and admission of liability. They will not accept any restrictions on above.
 - o Quantum is not an issue in this case
 - o Opposing counsel has gone quiet suggesting family are not pushing for / accepting settlement
 - o Case will be arriving soon at the listing schedules
 - o Trust vulnerability in defending case remains the weakness of Trust Staff witnesses with opposing views of precise fluid regime prescribed and the poor written record.
- 2) Informal approach by family
 - o Patrick Good and Donna Scott clearly state should not meet / engage family while litigation is ongoing!
 - o Mediation not a likely route to settlement
 - o Short review of issues raised by family - Patrick Good remarked how the litigation "Statement of Negligence" does not include the resuscitation.
- 3) New developments re: possible Coroner's Inquest
 - o John Leckey unlikely to be swayed by the Litigation issues (settlement or otherwise)
 - o Decision will be based purely on the report from Dr. Sumner
 - o Inquest is likely – surprise that one was not arranged before now!
 - o Staff witnesses at the Inquest - very hard to refuse to attend. Witnesses can be prepared and Trust could use Dr. John Jenkins as an expert external witness.
 - o Issues may pertain to Trust Omissions – Prescribing and recording of fluids.
 - o Main issue may be previous cases within NI and failure of RVH to share guidance

Discussions

- 1) Trust needs to decide if it is prepared to accept liability – this would normally be based on an acceptance of the Statement of Claim

Trust could allow the case to be listed and on the day in court decline to defend. Not a very satisfactory method of proceeding.

Trust could frame a form of words in the acceptance of the liability.

Action: Trust decision in next two weeks. Need to involve Dr. O' Donohue in decision. Patrick Good to check with opposing counsel the progress towards Coroner involvement

- 2) Trust must not meet family until litigation settled – Comments / Answers to family will be used against the Trust. Trust officers unlikely to completely satisfy family at any stage. There may be an opportunity to meet with family after closure of the litigation.

Action: Review additional points raised by family and share with Trust Staff.

- 3) Coroner's Inquest will be dependent of Dr. Sumner. We must await developments.

Dr. Kelly