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Our Ref: A.49/04/35/J

Your Ref: RGH/I/134/GB

June 2006

Dear Mr Daly,

Re: Claire Roberts (deceased)

Thank you for the copy of the letter from Mr Leckey dated 31 May 2006. The issue is that if the Verdict were allowed to stand and be disseminated as it is, it will encourage Mr O'Hara to include the case in his Public Inquiry, and probably encourage the Roberts family to embark on a clinical negligence claim. I believe we should do all we can to avoid these outcomes.

Evidence given at the Inquest was not critical of the fluid management. Dr Steen's Deposition states on Page 2 first paragraph " ..... She *(Dr Bartholome)* advised that N/5 saline be reduced to 2/3 of its present value i.e. 41 mls per hour ....." This was not contested. I am not of course in possession of Mr Leckey's long-hand note. Is it an addition to Dr Steen's Deposition that he wrote and she then signed? If so, she has signed an error?

In the Verdict Mr Leckey states he accepts the evidence of Dr Steen and seems to be quoting her when he writes " .... at the same time there should have been a reduction in fluids"

Both the above are incompatable. Either HMC accepts there was a planned reduction in fluids or as now appears in his Verdict that there was not. My suggestion of use of the word "greater" was not to suggest that Mr Leckey had used the word and then failed to record it, it was my suggestion to allow simple correction of the error.

Could I ask you to explain this to HMC please. Time is of the essence here before Mr Leckey sends his Verdict to Mr O'Hara.

Yours sincerely

A P Walby FRCS Ed
Associate Medical Director
Litigation Management Office