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03 May 2013

John O'Hara QC
The Inquiry into Hyponatraemia-related Deaths
Arthur House
41 Arthur Street
Belfast
BT1 4GB

Our Ref: DWJ/RCA/MEDI/4/167

Your Ref: AD-0563-13

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Dear Sir

Hyponatraemia Inquiry – re Professor Kirkham
Dr Taylor

We write on the topic of the evidence of the Inquiry's expert – Professor Kirkham.

We note that that Clinical evidence in the case of Raychel Ferguson has ostensibly concluded, albeit the Governance stage of the Hearings is approaching in the Summer.

We note to our surprise that the Inquiry has not as yet called Professor Kirkham to give oral evidence, in the Raychel Ferguson case. She offers in her Report (for example, at page 221-004-003) authoritative evidence. That evidence is potentially highly relevant to the Inquiry's terms of reference, casting significant doubt on whether hyponatraemia was causative of Raychel's death. Further, without wishing to rehearse the content of our supplementary submissions in the case of Adam Strain, Professor Kirkham is an eminent leader in her field. She has thus been well selected by the Inquiry, to offer her expert opinion. There are comments in her Report (for example, at 221-004-003 – "*I have seen cases of hyperammonaemia presenting in a very similar way*") which, in our submission, could plainly be of potential significance to the Inquiry if explored further.

Is it the intention of the Inquiry to call Professor Kirkham to give oral evidence when it resumes its work at the end of May? (or perhaps during the Raychel Ferguson Governance section of the Hearings?) In our submission, it is vital that she is called to give evidence.

Further, has Professor Kirkham been asked to review the other deaths which are the subject of the Inquiry? Again, if she has not, in our submission, as a matter of both logic and consistency, it is vital that she does so.

As Dr Taylor's representatives, our interest in the Raychel Ferguson case stems from any potential link to the death of Adam Strain, which might be argued for (and any potential criticism which might thus be made). If (as we perceive to be likely) the Inquiry is considering the question of whether a different response to the death of Adam Strain may have carried with it the potential to avert the death of Raychel Ferguson, then out of fairness to Dr Taylor, it is vital that all relevant evidence as to the potential cause of death is heard.

We have also received the peer review commentary in the case of Adam Strain, on the memo of Dr Marcovich, authored by Dr Desmond Bohn [306-121-001 -004]. The status of this document is unclear to us. Presumably it is not intended that this short written opinion be given the same weight as the extensive oral evidence of Professor Kirkham? Dr Bohn's views emanate from a different specialty. We further note that, while he purports

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to take issue with Professor Kirkham's views, it is apparent from the text of the Commentary that Dr Bohn has not reviewed Professor Kirkham's oral evidence (or that of Professor Rating).

In light of the above, it is our view that this short commentary has no bearing on the question of whether or not Professor Kirkham should be offered the opportunity to give oral evidence on the question of the cause of Raychel Ferguson's death. She is the Inquiry's own expert. Her views are relevant and credible. Her report goes to the heart of matters relevant to the Inquiry's work. To refuse her the opportunity to give oral evidence would leave that evidence unexplored, and create significant unfairness.

Yours faithfully,