



NEWS RELEASE

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ASBESTOS VICTIMS' COMPENSATION PROVES VALUE OF NEW FAST TRACK COURT SYSTEM

Islington law firm Bolt Burdon Kemp has praised the new "fast track" procedures recently adopted by the High Court for asbestos-related diseases following the recent settlement of two cases.

Stuart Gillings, a partner at Bolt Burdon Kemp, has successfully pursued claims on behalf of two victims of mesothelioma as a result of exposure to asbestos at work.

"Mesothelioma is a terrible disease that can strike years after someone has been exposed to asbestos," he said. "The proceedings to get compensation have previously taken up to several years to get to settlement because frequently, the firms responsible have changed names or gone bust. That often means the person who was suffering has died in the meantime. This new fast track system

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means specialist firms like ours can help families to get financial peace of mind much earlier.”

John Higgs, a musician and founder member of the group, “Little Acre”, died in 2000 as a result of developing mesothelioma after working as a roofer’s mate in the 1970s with a Midlands construction firm.

He was pursuing his music career in Sardinia, where he and his friend John Evans became local celebrities, when he started to suffer lung problems at the age of 51. He died after returning to the UK for hospital treatment.

Despite the fact that the construction company had ceased trading, Bolt Burdon Kemp traced its former directors and located the company’s insurers. They denied liability on the basis that Mr Higgs had been self-employed and therefore employers’ liability did not apply.

Armed with witness statements from the former contracts manager and other former colleagues about working conditions, Bolt Burdon Kemp used the recently introduced High Court’s fast-track procedure for mesothelioma claims. They successfully proved liability and obtained an award of £90,000 on behalf of their client, Mr Higgs’s daughter Faith, within a year of issuing court proceedings.

In the other case, a retired plasterer also died of mesothelioma, at the age of 79. The disease developed as a result of working on a contract to remove asbestos lagging from the laundry at York Hall Baths in Bethnal Green.

Although he spent only a short period of time on the contract, 35 years later he began to show symptoms of an asbestos-caused lung disease, along with his brother-in-law, who had introduced him to work on the same job. The brother-in-law died last summer, but not before giving a detailed witness statement which was crucial in persuading the company's insurers to settle the claim.

Despite the original company ceasing trading, Bolt Burdon Kemp established the chain of legal liability to a successor company. The insurers for this company accepted liability and agreed to pay damages to the deceased's widow within a few months of legal proceedings being issued.

Stuart Gillings added: "The new system has taken away an agonising wait for families who are already suffering enough. The fast track procedure means the Court is able to drive these cases to a swift conclusion, by putting the onus on defendants at an early stage to show why they are resisting the claim, and setting an early date to assess compensation. Claimants and their families who have to cope with this devastating disease at least know that their financial concerns are taken care of."

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