

The Problem

Even if you specialise in personal injury claims, cases for asbestos disease sufferers can be a very complex and difficult area of the law, with many potential traps for the unwary. For example-

- Many employers are defunct and unless you can trace the previous employer liability insurers, your client may not be able to recover compensation.
- The cases may require evidence from several experts and disbursements can be substantial.
- There are many potential experts that you can instruct. The wrong choice of expert could have adverse consequences for the case, but how do you know who to instruct?
- The rights of asbestos sufferers are constantly under attack from insurers and defendants, especially as a result of technical challenges. The recent pleural plaques judgment illustrates this well. An entire class of claim may suddenly become uncompensatable as a result of an adverse decision in a test case. Undoubtedly, many future challenges lie ahead from insurers.
- This is a fast changing area of law and it may be difficult to keep up to speed with the most recent precedents and developments if you are not a specialist in asbestos litigation.
- Many of the cases are very urgent. The life expectancy of mesothelioma sufferers may be as little as 6-12 months from diagnosis. Will it be possible for you to conclude a claim in such a short time scale?
- If you are not a specialist in this area then will you be acting in the client's best interests if you do not refer the case on?

The Solution

John Pickering and Partners LLP is a specialist law firm whose niche is dealing with claims for asbestos sufferers. We are well placed to overcome many of the potential difficulties outlined above.

- We maintain an archive of past cases, with details of insurers and we are able to pursue cases as a result of this information. As a firm of specialist solicitors who frequently carry out investigations to trace insurers, we know what methods to use to ensure the best prospects of success.
- Because we have dealt with these cases for many years, we know the best experts in their respective fields. We do not ask clients to pay for expensive disbursements or take out disbursement funding loans. Most of our cases are done via a conditional fee agreement with ATE insurance cover.
- Because we are specialists, we are best placed to try to deal with technical challenges by insurers and defendants. We routinely face these arguments from insurers and have dealt with many test cases on behalf of asbestos sufferers. We successfully defended the rights of mesothelioma victims in the Fairchild test cases (acting for two of the three claimants), the so-called "single fibre" cases where the insurance industry tried to deprive mesothelioma victims of any entitlement to compensation.
- We have a proven track record of litigating claims quickly on behalf of mesothelioma sufferers and have concluded many cases in less than 6 months as a result of our expertise and use of specialist court systems and procedures.

Our Pedigree

We have represented claimants in many of the leading test cases in this area. Our cases include:-

- Margereson v J W Roberts Limited, (1996) PIQR 358 (CA)
- Quinn v Ministry of Defence, (1997) EWCA Civ 2865
- Lubbe and others v Cape Plc, (2000) UKHL 41, (2000) 4 All ER 268 (HL)
- Ballantine v Newalls Insulation Company Limited, (2000) PIQR Q327 (CA)
- Fairchild v Glenhaven Funeral Services Limited, (2002) UKHL 22
- Maguire v Harland and Wolff, [2005] EWCA Civ 1
- Rothwell v Chemical Insulating Company Limited, (2006) EWCA Civ 27
- Rice and Thompson v Secretary of State for Trade and Industry, (2006) EWHC 1257 (QB)
- Sylvia Barker v Corus UK Plc, (2006) UKHL 20, (2006) 3 All ER 785 (HL)

John Pickering and Partners LLP represents only claimants in asbestos related disease claims, we do not act for insurers or those responsible for causing the injuries.

Many asbestos support groups from around the country recommend us.

We act for clients from all over this country and for many overseas clients.

All 3 offices have been accredited as specialist personal injury practices, having reached the standards required of the Association of Personal Injury Lawyers (APIL). Several of our solicitors have attained the senior rank of Fellow within the APIL organisation and are members of the Law Society Personal Injury Panel. This accreditation confirms that we have been able to demonstrate standards of excellence within our practice areas.

In the Chambers & Partners 2008 Guide we were ranked as "One of the Best" in the UK in the new category of industrial disease claims. The guide states:-

"The Firm: This firm secures a place in Chambers' tables thanks largely to its involvement in some landmark personal injury cases. For example, the team was actively employed

in the pleural plaques test litigation. The firm specialises in industrial disease cases and with three offices in the North West it has the region covered for this area of work. It acts across the UK and is developing an international practice, helping clients as far away as Malta and New Zealand. Commentators say: "Their expertise and understanding of the law sets them apart."

Earlier editions of Chambers have said:-
"*...The leading firm for asbestos in the North" and,*
"*...Researchers were left in no doubt as to the pre-eminence of this firm in the field of Industrial Disease."*

The current edition of The Legal 500 rates us highly in the category of personal injury claims and says:-
"*...has a formidable track record in industrial disease claims, particularly claims relating to asbestos and occupational asthma."*

We also received an award from Liverpool Law Society in 2007 of Specialist law Firm of the Year. The nomination stated:

"John Pickering and Partners is a niche personal injury practice specialising in asbestos related disease claims, acting only for claimants. They have been involved in numerous high profile cases and the successful lobbying, together with others, of the Government to include an amendment to the Compensation Act 2006. This legislative change reversed the effect of a decision of the House of Lords in the case of Sylvia Barker v Corus UK Plc."

What's in it for you?

- The knowledge that your client has been referred to a specialist law firm.
- We are a niche practice who specialise industrial disease and in particular, asbestos disease claims. Therefore, there is no prospect of us receiving instructions from your clients in relation to other areas of law. Can the same be said of all firms who are involved in doing asbestos disease claims and seeking to attract solicitor referrals?
- Peace of mind in knowing that your client's claim will be dealt with by a specialist and award winning law firm.
- Finally, competitive referral fees.



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Referral Fees For Asbestos Disease Claims

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