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Hospice Care Week

This is What it Takes

This year Hospice Care Week is set to take place from 5-11 October. This key week of fundraising is our chance to support local hospices dedicated to caring for those suffering from life limiting or terminal conditions and also to raise awareness about the work they do.

How we can help?

This year, the theme for Hospice Care Week is "This is what it takes" and the number of people that **Hospice UK** have provided support to this year demonstrates just how much work goes into running hospices and providing essential end of life care.

There are over 200 hospices in the UK, and many rely on significant charitable funds to operate. Whilst most hospices have a physical building, where patients are cared for and supported, nowadays **83% of care provided** by hospices is based within the community in peoples own homes.

When we consider the services that hospices provide on a national scale, the numbers are even more substantial. The incredible care that these hospices are able to offer is provided by 40,000 members of staff and a staggering 125,000 volunteers.

The total annual cost for running all of these hospices is currently £1.4 billion. Hospices have



continued to operate up and down the country during the coronavirus pandemic. To keep patients safe some have closed their inpatient units and deployed even more staff in to the community to support and care for people in need. The NHS has been hugely supported by hospices - who are after all specialists in providing end of life care.

In short, it takes a lot for hospices across the UK to be able to help patients to manage physical pain, whilst also supporting the emotional, spiritual and social needs of both the patients and their families and friends.

Going above and beyond

During the pandemic, hospices, like all care providers, have had to strike a balance between respecting a family's desire to see their loved ones, and putting the needs of their patients before anyone else. This has led to a great deal of patient / family contact taking place online, via mediums such as Zoom.

One example was Bluebell Wood Children's Hospice in Sheffield which realised not only the need to protect their patients, but that family and friends still needed support. As a result, they continued to run their wellbeing sessions, which are popular both with carers and parents, online via Zoom.

This ensured that parents and carers had a chance to take a break from the pressures of looking after a child with complex needs, whilst also allowing them all to learn new skills, such as yoga or chocolate making. This has ensured the community born out of being associated with the hospice continued to flourish, and that care remained personal for both the patient and their families.

How can you get involved?

Hospice UK suggests a number of ways that you can get involved in fundraising, in order to help support your local hospice.

Hospice UK encourages anyone who helps to raise funds to consider "Going Yellow". If you have returned to your place of work in 2020, then going yellow could include holding a sponsored day where everyone wears a piece of yellow clothing. The team here at RWK will be "going yellow" soon – photos to follow!

Alternatively Hospice UK encourages people take on their custard pie challenge. This challenge is taken on every year and sees friends and colleagues sponsor one another to take a pie to the face, in order to raise money for local hospices. Some have even organised custard pie



fight amongst friends and family. We have also had some brave volunteers for this challenge - watch this space.

Of course, Hospice UK also encourages fundraisers to take on more traditional fundraising options such as hosting a bake sale, quiz or even a cocktail evening.

In addition to fundraising hospices rely on the support of volunteers to keep going. Could you offer some time to support your local hospice? If so get in touch with them to find out if they have any volunteering opportunities. Even if you can only provide a few hours each week, this could help. Most hospices need volunteers in a variety of roles from retail, reception, administration, catering and gardening to name but a few.

However you choose to help, whether it be through volunteering or fundraising, just know that because of you, hospices around the country are able to continue to provide expert care for those who need it.

For more information on how to fundraise throughout the year, please visit the following link: <https://www.hospiceuk.org/support-us/events-and-fundraising>



Alex Kuklenko,
Trainee Solicitor

Changing perceptions: Hospices are for living, not just places to die

I'm not scared to admit that in the past, if you had mentioned the word hospice to me, the picture in my mind would have been of a place where terminally ill people go to be cared for during the final days of their lives. Whilst I had never set foot in a hospice, the vision in my mind was of clinical, sad and depressing places where people were seriously ill and approaching death.

However, my work specialising in acting for people with mesothelioma and lung cancer over the last decade has meant that I have been privileged to hear from people who have had first hand experience of hospice services about what their local hospice did for them and how hospice care supported them and their families during their journeys. Hearing these stories changed my perception and I started to think differently about hospices and what they do.

In July 2019 my local hospice, Prospect Hospice in Swindon, advertised for volunteers to join their Board of Trustees. I had been thinking for a while about volunteering but wasn't really sure what to do to best use my skills or how to make it fit with my busy professional life. I applied and was delighted to be appointed to the Board. My involvement with Prospect Hospice over the last year has given me an even greater insight into the work of hospices, and the hospice itself is a bright, vibrant and welcoming place. Totally different to the past image I had in my head.

My own thoughts have made me realise that if that was my perception, it must be how others imagine hospices to be too. We must strive to educate ourselves and our loved ones so that we aren't afraid. This starts with communities understanding what the hospice movement is about and encouraging conversations to

normalise the difficult subjects of dying, death and bereavement. It is something that we will all go through in our lives yet many of us, for understandable reasons, are reluctant to talk about it openly. We need to change perceptions about the role that hospices play as only then can hospices reach more people who will benefit from the services that they offer.



What is the hospice movement?

The modern hospice movement was founded by Cicely Saunders in the 1950s. Cicely was born in 1918 and at the age of 20 went to Oxford University to study politics, philosophy and economics. However, World War II broke out and she was deployed to be a student nurse at St Thomas's Hospital in London. Cicely sustained a back injury which meant she could no longer undertake this role and so she returned to Oxford and trained as a medical social worker. During that time, Cicely met a 40 year old Polish refugee called David Tasma who sadly had inoperable cancer. She became very close to David and he confided in her about his feelings that he was terminally ill and felt he had wasted his life. Cicely found a great sense of peace and satisfaction helping talk through

these issues with David and being able to support him in his final days.

This ignited a passion in Cicely to do more to help terminally ill patients. She returned to university and obtained a medical degree in 1957 with the aim of devoting her career to help dying patients. Cicely then began working at St George's Hospice in London and it was there she thought more about palliative care and having a universal system to help patients who were terminally ill, both in terms of managing their physical pain but also supporting their social, emotional and spiritual needs as well. She thought the focus needed to be on the whole person, which included involving the patients' family and friends to provide a person centred approach.

In 1967 Cicely founded St Christopher's Hospice which became the first hospice in the country to provide specialist end of life care and support to patients and their families through advanced palliative care. It was really then from then onwards that the modern hospice movement developed and we began to see more hospices open through the country.

The role of hospices today

Today there are 200 hospices throughout the UK who support more than 200,000 people a year. Hospice care aims to improve the quality of life and well being of people with life limiting and/or terminal illnesses and to support families and carers.

Hospices are specialists in end of life care and are committed to helping people at what must be, the most difficult times of their lives. All hospices have regard to a national framework called Ambitions of Palliative and End of Life Care. This framework sets out the following imperative considerations:

1. Each person is seen as an individual.
2. Each person receives fair access to care.
3. We maximise comfort and well being.
4. Care is co-ordinated.
5. All staff are prepared to care.
6. Each community is prepared to help.

The ambitions place high value on dignity, respect and a person centred approach to care. The services on offer from individual hospices vary from place to place but most hospices offer much more than physical care.

A common perception of a hospice is that care is provided in a specific building i.e. the hospice itself, in an inpatient unit where those who are very poorly go to spend the last few weeks or days of their lives. Whilst many hospices do have a physical building with an inpatient unit, most hospice care these days is actually provided in the community in people's own homes.

Are hospices part of the NHS?

Many have the misconception that hospices are part of the NHS. Whilst many do receive central funding this is variable and most hospices are charities which rely on fundraising and donations to exist and provide the services they do in the communities they serve. In addition to this, hospices rely heavily on the volunteers to help support their activities. Whilst the NHS does provide end of life care services, given stretched resources, the lack of hospital beds and factors such as the increasing age of our population and rise in people having co-morbidities and more complex care needs, I do wonder where we would be if hospices did not exist.

What services do hospices offer?

It is a crucial part of hospice care that patients can choose how they want to receive their care and where they want to die. They can choose whether they want to stay at home and be supported by hospice doctors and nurses who attend them at home, or whether they want to spend their last days and weeks in the hospice itself. Some hospices also have teams who work in hospitals to provide specialist end of life provision.

Whilst this is the main service the hospices provide there are also a number of ancillary services which are there to support patients live well for as long as they can. These include:

- Psychological and social support.
- Rehabilitation including physiotherapy and occupational therapy to help people remain independent for as long as possible and improve their quality of life.
- Complementary therapies such as massage and aromatherapy again to help live well with their illness.

- Spiritual and emotional support.
- Family support and helping carers so they can help the patient.
- Practical support with finances and benefits.
- Day services including sessions where people can learn new skills, undertake hobbies and crafts and at the same time meet others who are going through similar experiences who can provide psychological support.
- Bereavement and grief support following the death of a loved one.
- Promoting conversations around death and dying to normalise it.

What difference do hospices make?

Whilst naturally many associate the word hospice with death, hospices are there to help people live as fully and as well as they can until the end of their lives, however long or short that may be. I know from my own experience that people may become upset and scared if the word 'hospice' is mentioned to them as may think that means they only have a few weeks left to live. It is sad that the word has such negative connotations. Hospices want to be there, to help support and empower their patients to live well with their illness for as long as possible.

I recently acted for a lady who was only in her early 50's when she was diagnosed with mesothelioma. From the start of her illness she suffered pain and discomfort and that gradually progressed as her disease burden increased. In one meeting, she told me how she was terribly uncomfortable and her pain was not adequately controlled. I asked her whether her GP or consultant had told her about the local hospice and suggested a referral there so she could be

supported. The expression on her face changed and she said "I don't want to be at that stage yet". By this she meant she didn't want to be at the end of her life yet. I reassured her that was not what I was suggesting and explained to her about the support hospices can provide.

She subsequently spoke to her GP about this and was referred to her local hospice. They were able to provide aids and equipment in her home to assist her and support her with pain and symptom control. In addition to this, she started to attend day therapy where she was collected from home and taken to the hospice building where she was able to participate in well being sessions and undertake crafts. Importantly, this also brought her into contact with people her age that also had life limiting or terminal illnesses and was able to build relationships with those people and discuss her feelings.

When it was needed, the hospice provided respite care in their inpatient unit. She told me how the hospice was like a hotel. The care and attention she received was amazing and the rooms and grounds of the hospice were beautiful. She told me how the sun shone into her room, how there were deer and birds in the garden. Her husband was able to attend whenever he liked, they were not confined to visiting hours, and she felt completely relaxed when she was there. For her, the support the hospice provided was very much about helping her to live well and empower her to be in control of her condition rather than letting it rule her.

Terminal illness impacts more than the body, it impacts every aspect of a person's life and their psychological and emotional well being is greatly affected. Being able to meet people and talk through how she was feeling really helped this lady. Looking back, I am so pleased that I had the courage to suggest hospice care to her. It was awkward at the time. When I proposed it and I saw her face change, I was immediately worried that I had really upset her. However I suggested it because I believe in hospice care and I wanted to try to help her. I am confident that the care and support the hospice provided her with very much changed her life in a positive way.

I now know from my involvement as a trustee what tremendous efforts hospice staff go to for their patients. The dedication and commitment I see is truly unbelievable. Stories of the exceptional support and care offered by the staff and volunteers at Prospect Hospice have brought me to tears on more than one occasion. I have heard about hospice staff going out of their way to make things happen for their patients from weddings, to marking special birthdays and anniversaries, to ensuring patients have access to their animals that are also considered part of their family. I read one story about a patient who had wanted to take his children on a family holiday to Disneyland. His illness progressed and he sadly wasn't able to make that dream come true but hospice staff brought Disneyland to him by decorating his room and enabling treasured memories to be created for his family.

Prospect Hospice recently cared for a patient who was approaching the end of her life. She confided in her nurse that she wished she could make one last trip to the beach to draw her name in the sand but she was too poorly to do so. The nurse, whilst on holiday, carved the patient's name in the sand on the beach and decorated it with shells and seaweed. She took a photo and had it printed for her patient, who was overwhelmed by this small yet extraordinary kind gesture.



It is stories such as these that help us to appreciate and understand that hospices are so much more than buildings where people go to die. Hospices aim to treat everyone as individuals; to see patients as people, not illnesses or statistics. None of us know when we may need support from a hospice. None of us have a crystal ball and know what the future may hold but having been involved with my local hospice for only a year, I can see just how crucial they are and I would want to have this service available to me. Having had members of my family die that did not have this kind of care and support, it has made me think how much better their final months, weeks and days of life could have been if this kind of support had been available in the area(s) where they lived. We need equitable access to hospice care for all. This will need more Government funding. It can't continue to be a postcode lottery, funded significantly by local communities themselves doing cake sales, marathons and all kinds of other activities due to make up the shortfall.

Hospices are for living

My understanding of the word 'hospice' is completely different now to what it was years ago. Hospices can truly transform lives and make dying and death as good as it possibly can be. They are integral to society and are there to support people, through life, through death and through grief. The support hospices give cannot be underestimated. It is a service which none of us know we need until we need it and it is crucial that hospices survive.

So please, if you haven't been to or had involvement with your local hospice do get in touch. Find out what you can do to help and support them in supporting you and your community. Speak to family and friends about their work and play a part in changing the perception that many have.

I would like to finish with a quote from the founder of the modern hospice movement, Dame Cicely Saunders.

Dame Cicely Saunders



"you matter because you are you, and you matter to the end of your life. We will do all we can not only to help you die peacefully, but also to live until you die."



Jennifer Seavor, Senior Associate

Recoverability of hospice costs in an asbestos claim

In some cases of asbestos disease, our clients will ultimately require full time care and symptom management. Often the patient is so unwell that they require constant care around the clock, which can only realistically be provided by a hospice, especially where the patient is receiving palliative or end-of-life care.

Hospice care is by enlarge funded by charitable donations coupled with funding from local health authorities. This means the patient does not have to pay for the care provided to them.

Historically, the costs incurred by hospices have not been recoverable in legal claims for this reason, but the landmark case of *Drake & Starkey v Foster Wheeler* saw a fundamental shift to judicial policy, meaning charitable hospice costs are now recoverable in asbestos disease cases on behalf of the hospice.

The case

The leading case of *Drake & Starkey v Foster Wheeler* was a landmark decision for Claimants, which saw hospice costs become a standard head of loss when hospice care is received.

The Claimant in this case, Mr Wilson, was diagnosed with mesothelioma and his health deteriorated to such an extent that he required 24 hour care from his two daughters. He eventually required palliative care in St Joseph's Hospice for 23 days in the run up to his death, the cost of which totalled about £10,000. This figure was based on the 62% of the hospice's running costs that were down to charitable donations.

The charity was run in such a way that there was no requirement for family to pay the hospice costs. The question in law that arose was should a Defendant be liable for damages otherwise arising from the third party charitable provision of services?

The Claimant's argument was that there was no difference between hospice costs and a claim for care by family members and should be recoverable and paid to the hospice. The Defendant contended that care was not provided or charged for under a contract, and as there was no legislative requirement to reimburse the hospice, there was no obligation for them to do so, nor was there precedent on the matter.

The Claimant succeeded in recovering the full amount for St. Joseph's Hospice, just over £10,000 - a sum that would make a significant contribution to the running costs of the hospice.

What is needed in order to prove a claim for hospice care?

The evidence presented in *Drake & Starkey* was quite significant and case-specific. In order to recover hospice costs, a Claimant will have to gather details of the costs incurred by the hospice, as well as information on where their funding comes from. This way, a detailed breakdown can be provided to the Court. It is important to note that only the charitable proportion of a hospice's funding can be recovered. It cannot include the NHS funding element.

The hospice must therefore provide a breakdown of how they are funded and in what proportions, in order to put this claim forward. In *Drake & Starkey* the hospice put forward a breakdown of how their costs were incurred and what sort of treatment was provided, so the more detailed the information, the more likely the Court will approve the claim for the hospice's costs.

Since this decision, specialist asbestos disease solicitors have been successfully recovering the charitable proportion of hospice costs within claims on a regular basis, allowing hospices to continue the fantastic and much needed services they provide.

A long time coming

The decision in *Drake & Starkey* was long overdue. Hospices are almost entirely reliant on charitable donations and struggle at the best of times to make ends meet. They provide an invaluable service to those in direst need. It is therefore only right that some of their costs are recovered in order for them to continue providing the very best service to patients.

Hospices, like many charitable organisations, have been severely impacted by COVID-19. Events and supporter activities have had to be cancelled all across the UK, as well as shops having to close. As a result, hospices are seeing an enormous shortfall in fundraising, which could see many hospice charities face unprecedented financial hardship, or even be forced to close their doors for good.

It is therefore imperative that hospices continue to receive financial support for their vital work, especially considering the further economic and emotional impact of COVID-19. Recovering their costs in a legal claim is important for them and we, as specialist asbestos disease lawyers, will do everything we can to support hospice charities in what will undoubtedly be a difficult future.



David Hughes,
Solicitor

Volunteering: A lifeline for Hospices

Volunteers are vital to hospices and they make a very valued contribution. Volunteers make a huge difference to patients, providing much needed support and friendship in their time of need, and provide services allowing hospices to continue to operate.

People who do volunteer know how beneficial volunteering can be. Often they want to be able to give back and help other families in the same way they have received support for their own. Volunteering provides a two way benefit, allowing volunteers to learn new skills, give their time to the community and gain a sense of self-fulfilment in doing so.

From fundraising to several hours sorting clothes in your local hospice charity shop, volunteering options are available for all. Just a few hours a week can make a huge difference in bringing in the revenue on which hospices rely, or providing support to patients and their families.

You can find out what roles are available at your local hospice by going onto their website or phoning them to enquire. Most hospices will have fundraising and volunteer co-ordinators, who can provide support and ideas on how to help. The roles available may differ from each hospice, depending on their need, but there will always be opportunities to help. Volunteer roles can include helping at fundraising events or offering specialist skills such as hairdressing. Maybe you have a passion for crafts and would like to be able to assist at a crafts table at a hospice. You may have



business skills and be interested in becoming a trustee.

In a recent article by Hospice UK that I read there were at least 125,000 volunteers supporting hospices throughout the UK. The value of the volunteers' contribution to the hospices estimated to be more than £200 million each year and contributes essential time, support and services that hospices rely on to keep running.

Fundraising is another way to help hospices by raising money for them. This could involve pushing your body to the absolutely extreme running a marathon, taking the plunge and jumping out of a plane or it could be something as simple as hosting a dog walk in your area. Hospices are reliant upon fundraising, as the majority of hospices are funded through a greater proportion of charitable funding than from their local authority. Hospices can be reliant upon charitable donations for as much as 80% of their funding, meaning every volunteer hour and donation counts to keep them running. Fundraising is a great way of raising money for hospices - you can make it a social event by getting your friends

and family involved and make some fantastic memories, all while knowing that what you are doing will make such a difference to people's lives. With the world becoming a very virtual place it has never been easier to raise money for hospices. You can share what you're doing on social media, ask for donations and even keep people updated with your progress of achieving your goal.

Sadly with the outbreak of Covid-19, many hospices have had to cancel their fundraising events and close their charity shops, leaving a significant shortfall in funding. Many of our vital network of local hospices are having to consider closure due to a shortfall in funding. This year, the asbestos team at Royds Withy King will be hosting a "Going Yellow" event to support and raise funds for Hospice Care Week and we invite you to join us!



Lauren Ruxton,
Paralegal

Recent settlements

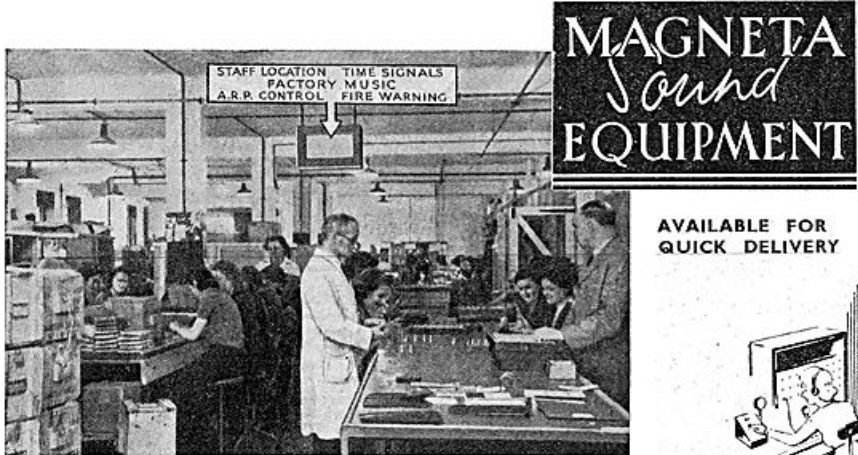
Claim settled for former Goblin (BVC) worker, who may also be able to bring a claim in the USA

Mr G was diagnosed with malignant mesothelioma at the age of 64. He was a very fit man, who worked full time in property maintenance.

Mr G had been exposed to asbestos while working with his father for Goblin (BVC) Ltd, installing public address and alarm systems. He worked with his father from leaving school aged 15 at places such as Hinckley B Power Station, Port Talbot Steelworks and lots of army bases around the country, including American Air force bases in East Anglia.

The majority of this work was carried out alongside other tradesmen on new construction or refurbishment jobs. While Mr G and his father were working, there was lots of other work going on around them. They would have to go into the ceiling voids and on occasion have to chisel into lagged pipework in order to fit the public address systems.

Mr G's father was sadly diagnosed with mesothelioma in the mid-1980's, so Mr G had always worried that he might also develop mesothelioma as his father had. Nevertheless, it



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was a devastating shock to Mr G and his family when he was diagnosed.

Within just a few months of instruction, we issued proceedings and secured an interim payment for Mr G, who had not been able to work since his diagnosis.

Mr G was a single man who lived alone and provided lots of assistance to his family members. Unusually we recovered a services claim within Mr G's case, brought in his lifetime, for services he would have provided to his family had he not been unwell.

Other novel elements of the claim included the rental cost of suitable alternative ground floor accommodation (he lived

alone in a third floor flat with no lift access meaning that as his condition progressed he would have been unable to leave his flat). Mr G had accumulated lots of possessions in his flat and garage during his lifetime and as a consequence of his illness was too unwell to sort and move everything from his flat. The full commercial rent of an additional property was therefore claimed and recovered in full, so that Mr G did not have to concern himself with sorting and moving everything from his flat in his lifetime.

We also recovered the costs of a case manager to assist Mr G with recruiting and managing commercial carers when his illness progressed.

Loss of full time earnings to age 70 and part time earnings thereafter were also recovered.

The claim was settled upon the basis that the Defendants would pay all of Mr G's private future medical treatment costs, including immunotherapy and any new oncology treatments that may become available in the future.

As Mr G is likely to live the duration of his lifetime in lockdown or in restricted circumstances due to the Covid-19 epidemic, an enhanced settlement for his "loss of amenity" award was claimed and agreed by the Defendant.

Mr G's case settled for £390,000.

As Mr G was employed to work on American airbases, he potentially also has a claim in the USA and this is currently being investigated.

Rachel said, "It was a pleasure and an honour to act for Mr G, especially in the difficult circumstances of the Covid-19 pandemic. I am extremely pleased that a settlement could be agreed that not only provides for his unique care and accommodation needs, but also reflects the the services and assistance he would have provided to others. Covid-19 has had a devastating impact on the lives of many people, but it is most apparent for those with terminal conditions, who face living the last few months of their lives isolating in their homes, away from their loved ones. I am especially pleased that a settlement could be agreed in Mr G's case where this was reflected in his damages".



Rachel James, Senior Associate

Mesothelioma claim for former Bank of England clerk

Lizzie Petersen was employed by the Bank of England as a banking clerk at their premises on Castle Street, Liverpool between 1957 and 1964. She was only a young woman at the time. Sadly, decades later Lizzie became poorly and was given the tragic news that she had developed mesothelioma due to asbestos exposure.

Lizzie had never worked with asbestos in her life. She thought back to her time at the Bank of England when extensive building and renovation works were undertaken at the premises on Castle Street. The works were carried out by various firms and included work in the basement of the premises, where the bank's vaults were situated. The Bank asked banking clerks, including Lizzie, to sit in the basement to supervise whilst the workmen carried out renovation works for fear that they would steal gold bullion from the vaults!

Tradesmen knocked down walls, removed pipework and pulled down ceiling tiles then installed new. Lizzie recalled being covered from head to toe in dust whilst supervising the works. The clerks were even given 'dirty money' to pay for dry cleaning and laundering of their clothes due to the extent of the dust. Whilst the clerks were provided with masks to wear, these were lightweight and did not prevent the inhalation of dust.

Following her diagnosis, Lizzie approached our specialist asbestos diseases team and we visited Lizzie at her home and talked through her memories of her working life. Understandably, whilst Lizzie had a good recollection of her time at the Bank and how dusty it was, she did not know if asbestos materials had been disturbed thereby exposing her to the toxic dust.

Lizzie was able to provide some contact details for colleagues she had worked with, some of whom were able to provide witness statements



in support of Lizzie's claim but they too could not confirm the presence of asbestos.

A letter of claim was sent to the Bank of England but liability was denied and no disclosure was provided to show whether or not asbestos was removed at the time. Our team carried out extensive research and investigations into the works at the Bank of England's Castle Street premises. Witness appeals were launched in newspapers and significant online enquiries made.

Eventually folders of potentially relevant documents were located online and based at the Bank of England's archives in London. We made numerous visits to the archive and trawled through 1000s of pages of historic documents

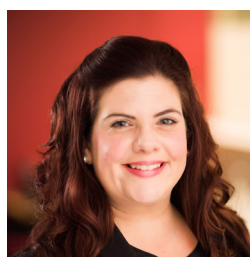
which led to the discovery of papers showing the extent of the works undertaken and which described the dirty and dusty conditions. These contemporaneous documents held clues which turned out to be crucial evidence, in particular references to names of men involved in the works and the companies that were contracted by the Bank to undertake the building and renovation.

Further searches were undertaken for witnesses and another witness appeal was done which led to a man coming forward who worked as an apprentice plumber and pipe fitter for a company called Young Austen Young at the time and who was involved on the job at the Liverpool branch. He confirmed that he was involved in removing pipework from the basement of the bank which was covered in asbestos lagging which disintegrated as the task was done, meaning all those in the vicinity were liable to be exposed to asbestos.

The evidence was collated and disclosed to the solicitors acting for the Bank of England but liability was still not admitted. Court proceedings had to be commenced and expert engineering evidence obtained. One of the arguments made by the Bank's expert - was that any exposure Lizzie may have had was so early, that it was before the Bank could have reasonably foreseen the danger. We contended that the Bank, as an emanation of the state (and Government) had the requisite knowledge. The Bank's insurers were subsequently prepared to negotiate settlement. The claim then concluded out of court for a substantial sum.

Sadly, Lizzie passed away before her claim could be concluded, but her husband continued the matter for her realising it was important to prove that this was where Lizzie was exposed to asbestos which tragically led to her premature death. He was not bothered about the money and indeed, decided not to claim certain things he was entitled to. He wanted to hold Lizzie's employers to account.

Lizzie's husband said: "My wife died because she, in her youth, was exposed to asbestos where she worked. Royds Withy King worked for over three years to produce evidence of her employer's responsibility. They succeeded in obtaining a substantial compensation. I am very impressed by the effort which was put into the necessary research."



Jennifer Seavor,
Senior Associate



Abbie Porter,
Paralegal

Claim for mesothelioma victim exposed to asbestos as a school cleaner/caretaker settled within 5 months of instruction

Margaret James was employed by Gwynedd County Council between 1976 and 1992 as a cleaner and caretaker at a junior school in Llandudno.

During the course of her employment Margaret was frequently exposed to asbestos when sweeping out the boiler room and dusting down pipework around the school which was lagged with asbestos.

When a second school was built on the site, Margaret was also responsible for cleaning up after tradesmen. The building had suspended ceilings which were constructed of asbestos ceiling tiles. Once the school was operational, tiles would sometimes fall down and it was Margaret's job to put them back up. The edges of the tiles were fibrous and dusty to touch when they were handled. In addition one of the routine tasks Margaret did was to sweep out the boiler room and in school holidays, dust down pipes throughout the school. These were lagged with asbestos and led to Margaret being exposed unknowingly to toxic dust.

Margaret sadly became ill with shortness of breath and a chesty cough in around September 2019 and subsequently developed pain in her chest. She attended her GP who referred her for a chest x-ray and CT scan. The scans showed a build-up of fluid on the lung, which was drained. She underwent a biopsy, which sadly confirmed



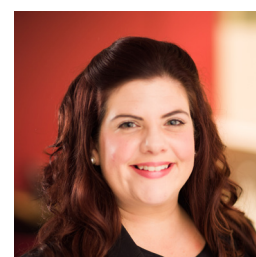
the diagnosis of mesothelioma. Prior to the onset of her symptoms and diagnosis, Margaret was very independent and had an active social life. She enjoyed day trips in the local area, gardening and spending time with her two sons and their families. She was understandably devastated by the diagnosis.

Margaret instructed Jennifer Seavor in our specialist team in January 2020. Jennifer visited Margaret at her home to take a detailed witness statement about her working history and exposure to asbestos. A letter of claim was sent to Mrs James' former employers and a medical report was obtained as a matter of urgency from a medical expert, who confirmed the diagnosis, linking it to Margaret's exposure at the school.

Pressure was applied to the Defendant's insurers and solicitors to admit liability and make an interim payment of compensation. As we were in the midst of the Covid-19 lockdown it was difficult. The insurers delayed in responding to emails and it was not possible to get thorough on the phone but Jennifer persisted. Sadly Margaret's health was worsening

and she was admitted to her local hospice. Due to the way the law works, it was important Margaret's case was concluded in her lifetime so she could recover her pension loss. Margaret was a widow and had no dependants so this element of the claim would have been unrecoverable if the claim was not concluded in Margaret's lifetime. Time was of the essence.

An offer to settle was made in April 2020 and the Council's insurers made a counter offer in early May 2020, which was accepted by Margaret. The claim settled within 5 months for in excess of £120,000 and damages were also recovered for the hospice. Sadly Margaret passed away only a few days later but she knew that the claim had settled and liability had been established against the Council for failing to protect her from exposure to asbestos.



Jennifer Seavor,
Senior Associate

Compensation recovered for family following mum's death from exposure to asbestos from her late husband's work clothes

Our specialist asbestos claims team was contacted by Mrs Brookes's family following her diagnosis of mesothelioma. Mrs Brookes had mild dementia and at the time of our visit, did not know of her diagnosis due to the upset it would have caused her. We attended Mrs Brookes at home to speak to her regarding her recollections of her husband's work and asbestos. Despite how unwell she was, Mrs Brookes was able to give us some information.

Mrs Brookes could not recall being exposed to asbestos throughout the course of her own employment, but her late husband had worked for a number of years at Harland & Wolff and Vosper Thornycroft as a clerk of works at Southampton Docks. Her husband spent a lot of time on ships that came into the docks, organising maintenance and repair work. Mrs Brookes could remember her husband complaining about the dusty environment at the docks. Throughout her husband's employment, Mrs Brookes washed his work clothes, initially by hand and later with a washing machine. Unknowingly, Mrs Brookes was exposed to the dust and fibres that transferred home on her husband's work clothes.

Mrs Brookes was retired and in good health until she collapsed in church. She was taken to

hospital where scans revealed a large tumour in her lung. Biopsies were taken and tests showed the tumour was a mesothelioma.

Following our visit we sent letters of claim to Harland & Wolff and Vosper Thornycroft. Our asbestos team had previously acted for clients in claims against these companies and as such were able to seek their permission to rely on their witness evidence in Mrs Brookes's claim.

We obtained Mrs Brookes's medical records and instructed an expert to prepare a medical report. The medical report confirmed Mrs Brookes's diagnosis and its likely cause. Sadly, Mrs Brookes' health deteriorated and she passed away.

Mrs Brookes's son decided to continue with the legal claim following his mother's death and obtained a Grant of Probate to act on behalf of his mother's Estate. Following Mrs Brookes' death, updated medical evidence was obtained and a schedule of loss was drafted to set out all of the items of compensation to be claimed. The parties entered into a period of negotiations and the claim settled for a sum in excess of £80,000.



Emily Barratt, Solicitor



At the conclusion of the claim, Mrs Brookes's son said "I recommend Royds Withy King without reservation or hesitation. My mother's claim concerned how she contracted mesothelioma (washing my father's work clothes). This historical case needed to be pursued in a determined and lengthy manner and the simple fact is, it would simply not have happened without the expertise and resources of RWK. Jennifer Seavor started the process and Emily Barratt brought it to a successful conclusion, everyone I dealt with at the company was polite, professional and helpful."

Other recent settlements

£175,000 damages for family of Brymbo Steelworks pitman diagnosed with asbestosis

Rachel James recently settled this claim for the widow of Mr J, including compensation for the loss of her husband's financial and practical assistance, including additional assistance for Mrs J for her arthritis and other medical problems.

She was dependent on him for help with dressing, housework and also relied upon the fruit and vegetables that Mr J produced in his allotment.

£100,000 for Chatham Dockyard boilermaker

Douglas began his apprenticeship as a boiler maker at Chatham Dockyard in 1955 at the age of 15. A vast amount of asbestos was used on ships, including asbestos heating insulation, asbestos rope and asbestos lagging. Lots of the older lagging was loose and in disrepair. Workers would often make footballs out of the loose asbestos which they would kick and throw around. His widow approached us after his death and the claim recently settled for £100,000 plus. Douglas's family commented that Royds Withy King always "responded very quickly if we had any questions and nothing was any trouble for them at all."



Damages for lung cancer for Barlows Welding and Boiler Services employee

Eric was diagnosed with lung cancer in October 2017. He had worked as a fabricator, plater and pipe fitter from the 1960s to the 1980s where he had come into contact with a large amount of asbestos. He was also a long term heavy smoker. We were able to make a claim on his behalf because the asbestos exposure had more than

doubled the risk of him developing lung cancer. Eric was 76 when he was diagnosed. Following surgery and radiotherapy treatment, the cancer was in remission, he was primary carer for his wife. A settlement was agreed to include significant care.

Mesothelioma compensation for Plessey Semiconductors electronics engineer

Jennifer Seavor and Abbie Porter recently settled a claim for mesothelioma arising out of exposure from removal of asbestos ceiling tiles in an office and maintenance work generally. Neil had never done any hands on work with asbestos himself and his illness had been caused by exposure to relatively low levels of asbestos dust. His life was cut short by many years.



On conclusion of the case Neil's widow said: "I would highly recommend Jennifer Seavor of RWK. My husband became ill with mesothelioma in 2018 and sadly died in 2019. Jennifer called to see us at our home to gather any information she could regarding our claim against my husband's ex employers. She was generous with her time and was always at the end of a phone. This case was a complicated one and Jennifer dealt with the various problems with speed and efficiency, explaining everything to me in great detail. I shall always remember her kindness and empathy after my husband had died and the way she guided me through that terrible time with such compassion resulting in a substantial settlement."

Compensation secured within 3 months for painter/decorator with mesothelima



Emily Barratt was instructed by a client from Swindon in March 2020 following his diagnosis of mesothelioma. Instructions were received from the client during the height of the COVID-19 pandemic lockdown from Mr H who had been exposed to asbestos whilst working for Pope Brothers in Swindon as a painter/decorator in the 1960s. Pope

Brothers were no longer trading and their insurers couldn't be found, but Emily assisted Mr H to submit an application to the government Diffuse Mesothelioma Payment Scheme (DMPS), which is in place to offer some compensation to those who are unable to make a legal claim for mesothelioma if the company responsible for their exposure is dissolved and the insurer cannot be traced. Despite the difficulties presented by the COVID-19 pandemic Emily was able to successfully secure compensation for Mr H within 3 months of his first instructions. Mr H's family said:



"From the time I rang to get advice on compensation to receiving the compensation, Emily from RWK has been extremely professional and compassionate. Thank you Emily for making this such a smooth & quick process for my family who were already having to come to terms with the horrific diagnosis of Mesothelioma. I highly recommend RWK!"

Successful claim for Rosyth dockyard painter and decorator



Our specialist asbestos claims team were instructed by James (Jim) Hamilton following his diagnosis of mesothelioma in 2019. He had worked at Rosyth dockyard as a painter and decorator in the '60s and '70s. We helped Jim to apply for benefits from the government and pursue a claim. The Defendants failed to engage so court proceedings were commenced and the Defendants then admitted liability and agreed

to judgment being entered meaning the claim had been successful. The value of the case was assessed and negotiations then took place and the claim concluded.

Jim's granddaughter said: "I would like to thank most sincerely Jennifer Seavor and the team at RWK for settling my Step Grandad's mesothelioma claim. It was a pleasure to have Jennifer act on behalf of myself and my family. She showed true dedication, genuinity, empathy and sincerity. Jennifer and the team worked above and beyond to successfully conclude our claim. I highly recommend Royds Withy King."

£100,000 compensation for former carpenter with mesothelima

Detective work paid off in a fatal claim involving a fatal claim for a carpenter who had worked for Holland, Hannen & Cubbitt's in the construction of the iconic British Telecom/Post Office building, Mondial House. There was no lifetime statement but extracts from Hansard – which records parliamentary debates - showed there were concerns at the time about the extensive use of asbestos in this building. Nicky Howe negotiated settlement of the claim for £100000, including an element of dependency for Mr D's son and daughter in law, with whom he lived.



Nicky Howe,
Chartered Legal
Executive

£140,000 MOD mesothelioma payment secured within 6 weeks.

Fred was a 93 year old widower who had worked for Morris/BL and then Unipart at Cowley for many years. Before then he had joined the Navy (underage!) He then worked as an apprentice painter and decorator for a small firm that has long since ceased trading, then for the Co-Op in the Oxford area, refurbishing their stores. He described possible exposure to asbestos with the Royal Navy and clear exposure as a painter and decorator and at Cowley for Morris/Unipart.

The family instructed Helen Childs in mid July and unfortunately Fred was bedbound when we visited on the 18th. His decline had been very rapid, he described how he had been well enough to maintain his garden, grow tomatoes and was until just a few weeks earlier even able to go up on the roof of his shed to re-felt it!

An application to the Government's fund of last resort was submitted in case insurers could not be traced for his previous employers, and letters of claim were sent to Morris/their successors, who we knew already were insured. We also made an application to the Veterans Agency under their scheme for ex services personnel which pays a lump sum of £140000 instead of a weekly pension where exposure to asbestos occurred and mesothelioma has been diagnosed. This application was expedited by the Veterans Agency and was confirmed within just 6 weeks of our first visit to Fred. Fred would not have received as much as £140,000 in a normal civil claim and submitting the Veterans Agency application was the best course of action for him. He and his daughters were delighted with the very swift outcome, particularly because he will get the peace of mind of knowing his claim has been successful, the opportunity to pay for additional care if he needs it, and the chance to indulge his daughters and grandchildren.



Helen Childs, Partner

World Lung Day – 25 September 2020

Did you know that 1.6 million people die from lung cancer every year, making it the most deadly cancer of them all? Whilst many deaths are related to smoking, some are also caused by environmental exposure and, of course, exposure to asbestos. However, some lung cancers develop for no known reason and the incidence of this is increasing. As well as lung cancer, there are various other forms of respiratory disease, including asthma, COPD and COVID-19.

With so many different types of respiratory diseases, it is important for those who suffer with them, understand how they can treat them and how to look after themselves generally. The Forum of International Respiratory Societies (FIRS) is a unifying voice that promotes better lung health throughout the world and comprises of the world's leading respiratory societies.

Whilst the FIRS work continues throughout the year, one of the most important dates in its calendar is World Lung Day. World Lung Day is an opportunity for us to embrace the work of the FIRS by uniting together to promote better lung health globally and to get involved in sharing awareness of lung conditions.

Each year World Lung Day is held on 25 September and each

year holds a different theme. 2019 promoted the need for patients to receive the treatment they need, even in financial hardship. This year's theme is respiratory infections.

Respiratory infections can affect the upper airways such as your nose and throat, but they can also affect the lower airways and lungs. Tuberculosis is one of the deadliest respiratory infections with 1.5 million dying from it each year. Covid-19 is also another respiratory disease, which has of course led to a pandemic. It is especially important to recognise and support the FIRS in its mission to raise awareness on World Lung Day, about the importance of staying safe and how to prevent the spread of such infections.

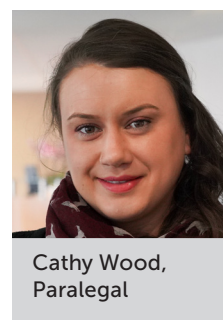
Anyone and everyone are invited to get involved with World Lung Day and there are lots of features, articles and posters on the FIRS' website that are free to access and use. For example, there is a World Lung Day Toolkit which contains various articles on respiratory conditions as well as downloadable pictures. There are also posters detailing respiratory information that we are encouraged to share amongst others on or around World Lung Day.

World Lung Day also encourages people to pledge something to do for themselves. For example, to walk more to make cleaner air or to stop smoking. The FIRS will even make your own pledge poster for you to use how you please, to support the good cause.



For anyone wishing to get involved in promoting world lung health, take a look at the FIRS website. It is a great opportunity to "do your bit" in raising awareness of such a great cause, which quite often is overlooked, in comparison to other health conditions.

For further details on World Lung Day, please visit: <https://www.firsnet.org/news-and-events/news-article/150-world-lung-day-25-september-2020>



Back to the Future with Erase Meso

On 30 July, charity Erase Meso along with Sunset Cinemas organised a brilliant drive-in cinema screening of *Back to the Future* - to help them with their work in raising awareness of the devastating effects of mesothelioma and to fundraise for research into a cure.

We were delighted to support Erase Meso by sponsoring the event and our very own Helen Childs also arranged a special guest to be in attendance – a genuine DeLorean!

We were blessed with lovely weather and it was wonderful to see our colleagues and many of our friends face-to-face after so many months in lockdown.

Massive thanks to Jill and Paul Cook for making such an effort and for allowing us the opportunity to be involved. It was a wonderful evening that was really enjoyed by all. A real treat after lockdown!



East Kent welcomes new mesothelioma nurse

Toni Fleming has recently been appointed as the UK's newest mesothelioma nurse. Toni's post - based on Canterbury - was funded by the brilliant Mavis Nye Foundation. It was one of Mavis' goals to fund a local specialist mesothelioma nurse, and it's a real testament to her dedication and tireless hard work that this aim has been achieved.



Soon after her post was confirmed Toni reached out to Mavis as she and the other cancer nurse specialists needed new chairs for their office, as the old ones had definitely seen better days (See photo!) and the wheels of NHS office chair replacement were moving exceedingly slowly.

Luckily we were able to help, as our office fit out company had 10 chairs to spare.

Using one of her volunteer for charity days Helen Childs delivered the chairs to Canterbury hospital where they were very gratefully received.

Just a little thank you to Toni and her colleagues for being so amazing!



Mavis Nye Foundation flies high in a Spitfire

Many of us will have seen the “Thank You NHS” Spitfire in the skies above hospitals over the summer. The sight and sound of this iconic aircraft was stunning and the message of thanks to the NHS and NHS heroes was heartfelt. When we realised that it was possible to sponsor a name on the aircraft it HAD to be Mavis Nye, iconic meso warrior and charity fundraiser – whose foundation had just reached its goal of funding a mesothelioma nurse in Kent. The inscription was for “Dr Mavis Nye a true NHS Hero”



Mavis was delighted, and blogged all about it:-

“Diary of a Meso Warrior - 1st August 2020 – Today a spitfire is flying over all the NHS hospitals and Royds Withy King have given me a surprise of donating and putting my name on the plane. That was a wonderful surprise but they are always doing things to make me smile. I have made many friends on my journey. RWK have supported me throughout. Making huge donations to the Mavis Nye foundation for which I can’t thank them enough but there is always a parcel on my doorstep be it flowers or wine etc to cheer me up on my bad days and they have really raised my spirits this time as my trial has been taken away from me and there is a gap before finding another one. I needed cheering bless Helen Childs and her team”

Recent articles

Emily Barratt: Bannister v Freemans Plc: What does it mean for mesothelioma claimants?

Emily has written an analysis of this recent court decision in which the claim for mesothelioma was unsuccessful, following his exposure to asbestos in the offices of Freeman's catalogues. Emily's article can be read here ...

<https://www.roydswithyking.com/bannister-v-freemans-plc-what-does-it-mean-for-mesothelioma-claimants/>



Rachel James: E-Cigarettes, Lung Cancer & Contributory Negligence: What's the deal?

Rachel's analysis of the relationship between asbestos and smoking in causing lung cancer, and the impact of e-cigarettes can be found here...

<https://www.roydswithyking.com/e-cigarettes-lung-cancer-contributory-negligence-whats-the-deal/>



Rachel James, Senior Associate

Abbie Porter: Why do asbestos solicitors appeal for witnesses on social media?

Read Abbie's fascinating article on the power of social media and how it can help us get the evidence we need here...

<https://www.roydswithyking.com/why-do-asbestos-solicitors-appeal-for-witnesses-on-social-media/>

Helen Childs: Covid-19, mesothelioma and you

Helen Childs wrote about "Mesothelioma in a time of COVID" for Mesothelioma Matters Magazine in May, the full article can be read here...

<https://www.roydswithyking.com/covid-19-mesothelioma-and-you/>

Helen Childs for Lexis Nexis: An Analysis of Rix v Paramount

In this recent case the court assessed the damages payable to the widow of Mr Rix, who was the moving force behind the family's kitchen/joinery and workshop company. It looked behind the arrangements the family had put in place to pay dividends and profits in a tax efficient way, and Mrs Rix received a dependency based on the profits of the whole company. The couple's two sons had taken over running the company after their father's death. Mrs Rix's award was not reduced by the fact the company had continued to prosper, or that she now held 80% of the shares. Helen has written an analysis of this very helpful case and it can be found here:-

<https://www.roydswithyking.com/what-you-need-to-know-about-rix-v-paramount-future-loss-personal-injury/>

VE Day celebrations – our team launch vintage poster competition

2020 saw the 75th anniversary of Victory in Europe Day, marking 75 years since the end of the Second World War.

During lockdown, members of our team participated in a "Work of Art" competition which involved recreating favourite pieces of art. Jen Seavor from our team had a go and decided to recreate the iconic "We Can Do It!" poster which was produced by J. Howard Miller in 1943 for Westinghouse Electric, as an inspirational image to boost female worker morale. Jen was delighted to have come second in the competition with her entry.

Inspired by this, our team decided to launch a competition to recreate vintage wartime posters to fundraise for Mesothelioma UK, HASAG, and The Mavis Nye Foundation; three amazing charities which do so very much to support those with mesothelioma and other asbestos-related diseases and their families.

The team launched the competition on Armed Forces Day in June and the closing date was VJ Day in August.

Again, our team have submitted some wonderful entries. We hope to have a guest judge view the gallery and pick a winner at a Zoom party in October. At



that stage we will gather any remaining sponsorship and make donations to the three charities.

Look out for some of our creations on Twitter later this month and in the next edition of Airborne!

The 2.6 Challenge:

Our team get involved to help UK charities

The Covid-19 pandemic had a catastrophic effect on fundraising events which were planned up and down the country for hundreds of charities. This included the cancellation of The Virgin Money London Marathon which is the world's biggest one day fundraising event. It was due to take place on Sunday 26 April 2020 and in 2019 more than £66 million was raised by people participating in the marathon.

Whilst the marathon itself had to be cancelled, a campaign was started to try to encourage people to think outside of the box and do an activity which involved 26 or 2.6 of a certain thing to mimic the marathon which is 26 miles long. It was hoped that by not specifying what activity to do, it would make the campaign a very inclusive and something everyone could get involved with, no matter what their ability or the time they had.

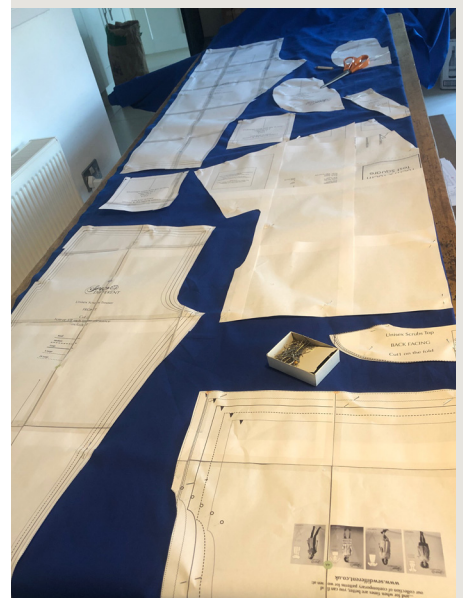
Members of our team got involved in the challenge and donated to Mesothelioma UK, HASAG (Hampshire Asbestos Support and Awareness Group) and local hospices.

Helen Childs went to an amazing effort and sourced 26 metres of material to sew scrubs for local hospitals, given the need due to



the pandemic. Jennifer Seavor decided to go for something a bit easier and taught her westie, Florence some tricks. Jen produced a video showing Florence doing 26 tricks for 26 treats to the soundtrack "Ain't She Sweet!" Whereas Rachel James decided to turn her hand to hairdressing! She managed to cut her sons Daniel and Edward's hair but only managed half (or .6) of her husband Chris's hair! (Accidentally on purpose we believe!).

The main thing was that the team got involved, donated money to charity to give something back during the pandemic.



Cakes and Cocktails for Mesothelioma UK

In May each year, national charity Mesothelioma UK, who we are delighted to support, undertake a campaign called "Muffins for Mesothelioma" which encourages supporters to bake muffins and sell them to fundraise.

Given the pandemic this year, unfortunately it was not as easy for Mesothelioma UK to raise funds in this way. People were working at home and social distancing measures meant that it wasn't possible to bake and share muffins with friends and family. However, that wasn't going to stop our team!

Instead, we decided to put a new spin on it and have a Zoom party where those who attended had to make both a cake and a cocktail. The lovely Jill Lemon from Mesothelioma UK joined us to judge our efforts and barristers Aliyah Akram, Patrick Kerr, Rachit Buch and John-Paul Swoboda from 12 King's Bench Walk Chambers also joined in.

We had some great entries which made the standard very high. From Aliyah Akram's perfectly baked sourdough to John-Paul Swoboda's whisky sour. Jen Seavor's quartet of quarantinis to Emily Barrett's beautifully baked brownies. Jill really had her work cut out to decide on a winner for each category.

After much deliberation, David Hughes was triumphant in the cocktail category with his Velvet Lachance a very attractive blackberry flavoured cocktail. Much to her surprise, Jen Seavor won the cake category with her 'Madelines for Meso' - although thinks her explanation that they were elegant, classy and altogether lemony - just like Jill may have swayed our lovely judge!

Lots of fun was had and we managed to raise some money for Mesothelioma UK in the process.



ACTION MESOTHELIOMA DAY

Action Mesothelioma Day is an annual event dating back to 2006 that takes place on the first Friday in July of every year.

Mesothelioma is an incurable cancer caused by exposure to asbestos and the aim of Action Mesothelioma day is to raise awareness, support those people who are battling this incurable disease and remember those who have lost their lives to it.

Due to COVID-19 restrictions the events and ceremonies were virtual this year. A national day of events was planned by the UK Mesothelioma Alliance. Whilst it was very sad that people could not join the ceremonies in person there were high levels of participation.

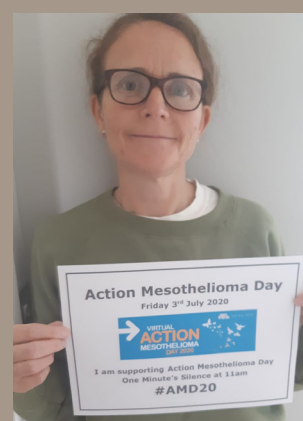
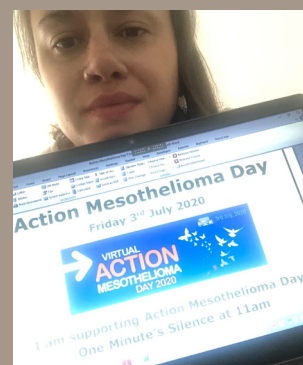
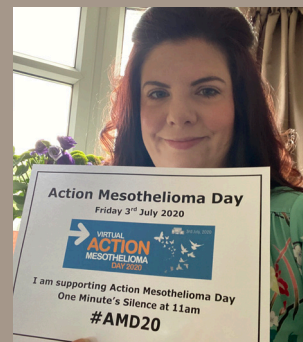
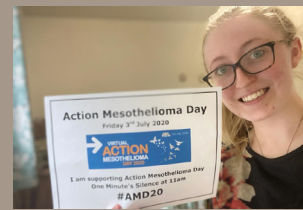
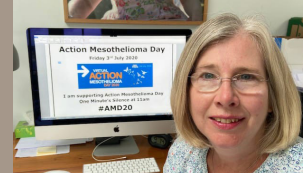
There was a 1 minute silence at 11am to remember those lives lost followed by talks from Dean Fennel, Paul Cook – Erase Meso founder, Mavis Nye and Rachel Thomas.

At Royds Withy King, our team attended a variety of events on the day and also produced a short video with memories of past ceremonies hosted in Swindon which was aired by live premiere on YouTube. <https://youtu.be/TcHAJpNwoM>

With the Covid-19 pandemic preventing large gatherings and public events with the closure of many venues, the virtual 2020 events were hugely successful. The UK Mesothelioma Alliance brought together a virtual voice to raise awareness of mesothelioma to promote Action Mesothelioma Day 2020 which was testament to the passion and versatility of the asbestos community.



Nicky Howe,
Chartered Legal
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■ Your key mesothelioma and asbestos disease claims contacts



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