



Asbestos compensation

Everything you wanted to know.



"We would like to say thank you to Boyes Turner for the very professional, caring and understanding way in which they have dealt with us during this most difficult time."

Mr and Mrs Woodhouse, Berkshire

Not all law firms are the same

Maximum compensation in the minimum time for asbestos victims and their families

- One of the UK's leading full service law firms.
- One of the largest teams of specialist asbestos and mesothelioma lawyers in the UK.
- Over 20 years' experience of acting for victims of asbestos disease.
- No win no fee agreements and a guarantee that there is nothing to pay.



"Linda Fletcher is a class act, knowledgeable and enormously experienced and energetic for clients."

Andrew Ritchie QC

Finding out that you have mesothelioma or another asbestos related illness can be devastating. We understand the difficulties that such a diagnosis can create for you and your family.

Our aim is to get you the maximum compensation in the minimum time.

Asbestos compensation explains the process and provides much of the information needed to make a successful claim. We also have close links with specialist agencies, charities, local hospices and asbestos support groups which are able to provide help and advice. For details of upcoming fundraising events, please contact Laura Magson at lmagson@boyesturner.com or see our website www.industrialdiseaselawyers.co.uk.

We hope that you find this guide useful and would appreciate any comments or suggestions for improvement.

Many thanks



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Types of asbestos related diseases

Mesothelioma

This is a tumour which affects the mesothelium which plays an important role in maintaining the body's normal functions. Mesothelioma occurs most commonly in the lining of the lung but can also affect the lining of the abdominal cavity, heart and testes. In all cases, an initially small tumour grows over time to encase the organ. Mesothelioma does not usually spread to other parts of the body like other cancers.

Mesothelioma is almost always caused by exposure to asbestos and there is a direct correlation between the level of exposure to asbestos and the risk of developing mesothelioma. Tragically, even very low amounts of exposure to asbestos can cause mesothelioma.

Lung cancer

This is a tumour of the bronchi or of the lungs. Lung cancer is the most common asbestos related fatal disease and it is accepted that people who smoke and/or have been exposed to asbestos are at an increased risk of developing lung cancer. The fact that a patient may have smoked does not mean that a claim will not succeed.

There is no clinical means of distinguishing between lung cancer caused by asbestos and lung cancer caused by smoking. However, there is very clear evidence to the effect that if the client has a five percent risk of developing lung cancer as a result of asbestos exposure and a ten percent risk as a result of smoking, his or her combined risk is fifty percent. Historically, there has been a presumption that lung cancer could not be attributed to asbestos unless the sufferer also has asbestosis (a separate asbestos related condition). However, recent research suggests that asbestos related lung cancer can occur in people who have not developed asbestosis. As a general rule the higher the level of exposure the more likely it is that a link between lung cancer and asbestos exposure can be established.

Asbestosis

This is fibrosis of the lungs resulting from the inhalation of asbestos fibres. The term is regularly misused to describe any asbestos related condition. Whilst a benign condition, asbestosis can be disabling, sometimes requiring the sufferer to use daily amounts of oxygen.

It is usually individuals who have had significant exposure to asbestos fibres over several years who go on to develop asbestosis. The effects normally appear 20 or more years after exposure. Symptoms include basal crackles (gurgling or similar sounds from the bottom of the lung), finger clubbing and shortness of breath on exertion.

Pleural thickening

This is a non-cancerous thickening of the pleural membrane surrounding the lung or lungs. Although a benign condition, it can cause breathlessness as the lungs are prevented from functioning properly. In many cases the discomfort is only mild but often becomes more severe over time. Pleural thickening can sometimes be identified by simple x-ray or CT scan.

Pleural plaques

This is small isolated thickening on the inside of the ribcage commonly caused by a lower dose of asbestos exposure than is needed for asbestosis. It is often referred to as “scarring” of the lining of the lung and is a benign condition not normally causing any respiratory problems.

We are regularly approached by people concerned with the advice they have received from previous solicitors when claiming compensation for pleural plaques. Even if your case has been settled and you believe that you are unable to take any further action this is not necessarily the case. We would be happy to discuss this with you free of charge.

What should I expect?

We will take the following steps to ensure you recover the maximum possible compensation:

1. Establishing who is responsible for your condition

We will:

- Visit you at home and take a detailed statement covering your working history and how and when you came into contact with asbestos.
- Obtain your hospital and GP notes, scans and x-rays.
- Trace and contact any witnesses if necessary. In some cases it will be helpful to speak to people who may be able to go into more detail about the circumstances in which you came into contact with asbestos.



If you were exposed to asbestos during the course of your employment, we will need to identify the relevant employers and/or their insurers. We will undertake detailed investigations to locate the relevant companies.

In many cases, we will be able to pursue a claim even where an employer and/or its insurers are no longer trading or in existence.

Understandably, people who were exposed to asbestos many years ago have difficulty in remembering the exact circumstances. This is not a problem as we know the right questions to jog your memory. We can also draw on our archive of witness statements from previous cases to help support your claim.

2. Evaluating the likelihood of success

Once the appropriate parties have been identified and the evidence of exposure reviewed, we will assess whether there is a reasonable prospect of proving that they were responsible for your condition. Where there is, we will obtain a medical report from a consultant who is an acknowledged expert in asbestos disease work.

3. Working out the value of your claim

We will obtain information and documents in support of your claim for financial loss including pension, loss of earnings and out of pocket expenses incurred both past and future and which are reasonably attributable to your condition. We will also value your pain and suffering as well as any care requirements and other financial consequences of your illness.

4. Out of court settlement

In straightforward cases we aim to issue proceedings as soon as possible. However, with your permission we will approach the other side with a view to negotiating a settlement before this takes place.

5. Commencing court action

Where we are unable to resolve your claim by negotiation, we will discuss registering your claim with the court (the issue of proceedings). This will only be recommended where we think that your claim has reasonable prospects of success.

Your claim must be issued at court within three years of your date of knowledge. In many cases, this is the date of diagnosis but may in some cases be later. In exceptional situations, the court may extend this time limit but any delay prejudices the prospect of success.

Once your claim is issued and the papers are served on the defendants they will then prepare and serve their defence. The court will then set a timetable with which both parties should comply. The vast majority of claims are resolved without the need for a trial.

Each step of the process will be fully explained to you beforehand and support provided throughout. You will be kept fully informed of developments as they occur and advised of your case plan.

Mesothelioma claims

If you or one of your family suffer from mesothelioma your case can be fast tracked.

As soon it is established that there is a reasonable prospect of success and viable defendants have been identified, a medical report will be obtained. We will then issue your case in the High Court where there is a specialist senior judge (known as a Master) who deals with mesothelioma cases as a matter of priority. Even though your case might be issued at court it is very unlikely that you will have to attend. A preliminary hearing will be arranged at which both we and the defendant's solicitors will attend. If the defendant is unable to dispute your asbestos exposure, the Master may enter "Judgment" and make an interim payment.

I did not work with asbestos myself, do I have a claim?

If you have mesothelioma you may still have a claim if you:

- washed a relative's overalls.
- lived close to an asbestos factory or company.
- were exposed to asbestos in any other way.

We are happy to discuss these in more detail. Please call us on freephone 0800 884 0718.

I was self employed for a while. Do I have a claim?

In many cases there are sufficient grounds for us to make a claim. Please contact us to discuss your specific circumstances.

Provisional or final damages

If you suffer from a benign asbestos related disease for example pleural thickening or asbestosis, then you may also be at risk of contracting more serious asbestos related diseases in the future. If necessary, we will ask the expert to comment upon your future risks in the medical report. You are entitled to claim damages both for the condition you currently suffer from and for the future risks of your condition worsening and the risks of you contracting another asbestos related condition. You have a choice of award.

Provisional award

If you decide to opt for a provisional award of damages, you will receive compensation for the asbestos related condition that you currently have. This may be seen as a type of insurance policy as you or your dependants will be entitled to claim further damages in the future if you are unfortunate enough to develop a more serious asbestos related disease.

Final award

If you choose to claim a full and final award, you will receive compensation for your current condition as well as the future risks of contracting a more serious asbestos related condition or your current condition worsening.

This means that if you do go on to develop a more serious condition you will not be able to claim any further damages and may ultimately be under-compensated in respect of the future risks of your condition worsening or you contracting a malignant condition.

Your decision

It is your choice as to the type of award you chose to apply for. The consequences of each will be explained and we will help you choose the one that best suits your personal circumstances.



Extracts from our casebook

Widow of British Telecom electrician receives £250,000

Mrs P contacted us after her husband died of mesothelioma. Before his symptoms started to show, Mr P was very active, regularly doing DIY, decorating, plastering, electrical work, plumbing and car maintenance. He was a keen gardener.

After leaving school Mr P worked as an electrician for BT where he was promoted to clerk of works. We traced a former colleague of Mr P who was able to explain how Mr P came into contact with asbestos. He was required to work on cable racks which were insulated with bags of asbestos whilst maintaining plant and ventilation facilities. He also cleaned out and maintained boilers and pipes which were lagged with asbestos.

We settled Mrs P's case within seven months of her contacting us in the sum of £250,000.

ICI employee settles compensation claim in four months

We acted for Mr P who was employed at ICI's Winnington Works in Northwich. As part of his job he was initially asked to clean up asbestos chippings from pipes. In his statement he describes "clumps of asbestos on the floors and we had to clean it up... I recall some of us using the asbestos chippings like a football."

During his apprenticeship as an electrician Mr P worked in close proximity to other employees who were lagging pipes with asbestos. He remembered that the ladders' waste and old asbestos debris was sometimes left lying around. He also worked in the plant passageways where he crawled under the building, after working in amongst the pipes and chipping off asbestos.

Having relocated to Spain Mr P was diagnosed with mesothelioma in June 2008. Due to the severity of his illness, he was unable to have radiotherapy and chemotherapy. Shortly after diagnosis he contacted us and within six weeks we persuaded the other side to make an early interim payment of £47,000 and the case was fully settled by October 2008.

Wife contracted mesothelioma through washing husband's asbestos soiled clothes

In April 2008 we were instructed by Mrs S soon after she was diagnosed with mesothelioma. She had been exposed to asbestos as a result of laundering and washing her husband's clothes. Mr S had worked in the dockyards for many years as a marine fitter. Mrs S washed her husband's asbestos soiled clothes by hand. She recalled how her husband brought his dirty overalls home covered in a white-grey dust. She shook out the overalls in the garden before she washed them by hand.

Mrs S was diagnosed with mesothelioma in February 2008 and we visited her at home to take a statement about her exposure to asbestos. Shortly after receiving her instruction she died. The claim was successfully concluded and Mrs S's daughter received £65,000 on behalf of the estate.

£155,000 for Jersey joiner

We were instructed by Mr T in April 2008 shortly after he had been diagnosed with mesothelioma aged 58. He had recently moved to Jersey but spent most of his working life as a joiner in Liverpool starting when he was just 15 years old. In the 60s and 70s he regularly cut up asbestos sheeting and used it to fireproof and insulate buildings. At no time during his employment was he provided with any protective equipment. There were also no extraction facilities or warnings about asbestos.

MOD pay damages for death of Donnington fire mesothelioma victim

Mrs P died in 2008 at the age of 31 from the asbestos related cancer mesothelioma. She was seven years old when she played in the ashes that she thought were 'snowflakes raining down from the sky'.

After a great deal of effort we obtained evidence which established that the 1983 Donnington fire which rained asbestos ash over the area should have been prevented. The Ministry of Defence (MOD) eventually admitted liability for the fire which caused the young mother to develop mesothelioma. The MOD had been explicitly warned in 1977 by the Army Fire Service that its army depot building at Donnington was not fire-safe. The MOD admitted liability and the case has now settled.



Frequently asked questions

Why should I choose Boyes Turner?

We are one of the UK's most successful law firms. Our specialist teams continue to achieve the highest ratings possible from the legal directories – Chambers Guide to the Legal Profession and The Legal 500.

A key reason for this is the access to specialist services and advice we provide. Our dedicated Asbestos team is the largest and one of the most experienced in the country.

I am having a really tough time. Sometimes it all feels too much and I don't feel strong enough to go to court. Do I have to?

It is extremely unlikely that you will need to attend court – most cases settle before this is required. Above all, we are aware of the physical, emotional and financial distress which can be caused by the diagnosis of an asbestos related disease. We provide the very best support and guidance at this difficult time.

Should I use my local solicitor?

It is up to you. However, we have a team of dedicated expert asbestos disease lawyers with many years of experience. Asbestos litigation requires specialist input as there are many potential pitfalls for the inexperienced which will inevitably cause delay or lead to your case being unsuccessful.

What can I do if I am told I have an asbestos related disease?

Ask your GP or consultant exactly what the diagnosis is. Asbestos exposure can lead to various conditions – some more serious than others. Exposure does not give rise to a right to compensation. You have to show that you have contracted a disease.

When should I make the claim?

As soon as you are diagnosed. You normally have three years to prepare your case before issuing proceedings. The rules can be complex but in some circumstances we can convince the court to extend the time limit. However, delay does prejudice any claim so it is important to set the wheels in motion as quickly as possible.

What is my claim worth?

All claims are different. It is impossible to say how much you are likely to recover before all of the investigations have been completed. Claims can be valued at anything between £5,000 and many hundreds of thousands of pounds depending on the condition contracted and your personal and financial circumstances.

How much does it cost? What does “no win, no fee” mean?

We will firstly check to see whether you have legal expenses insurance in your household, car or credit insurance policies. If you do not have this, then we will act for you under a “No Win, No Fee, No Deductions” policy.

Many other law firms or claims companies deduct fees from your compensation or insist that you take out expensive insurance policies. We will not ask you to fund any insurance premiums. You will receive 100% of your compensation. We will, of course, explain the “No Win, No Fee” agreement to you in detail.

I no longer live in the UK – can I still claim?

If you were exposed to asbestos in the UK or if the employer for whom you worked is based here (or has a registered office in the UK) then yes, you can. We have successfully recovered compensation for many people who are resident abroad.

Is there any other financial help available?

Industrial Injuries Disablement Benefit

This benefit is awarded by The Department for Work & Pensions. If you have been exposed to asbestos during employment and you have an asbestos related disease, you may be entitled to this benefit. An award of Industrial Injuries Disablement Benefit will not affect your ability to claim compensation against your employer.

Pneumoconiosis etc. (Workers' Compensation) Scheme

If you are awarded Industrial Injuries Disablement Benefit, you can also apply for a lump sum from the government under the above scheme. It is designed to pay fixed amounts of compensation to a victim of asbestos disease where the employer is no longer in existence and no employers' liability insurers can be traced. The amounts are calculated by reference to your age and level of disability.

It is a prerequisite of an award under this scheme that you or a loved one was exposed to asbestos during employment. Widows and other dependants of people who have died of asbestos diseases can also claim.

Diffuse Mesothelioma Scheme

There is now a scheme to make payments to sufferers of mesothelioma where exposure to asbestos occurred other than in employment. For example, if you or a loved one has mesothelioma and were exposed through the washing of a relative's overalls, through self-employment or in some other environmental way, provided the diagnosis of mesothelioma is confirmed, a fixed amount of compensation will be paid.

We are happy to assist you in completing the application forms which can be obtained by telephoning 0800 279 2322.



Meet the team



Linda Fletcher
Partner



Helen Childs
Partner



Richard Wargent
Solicitor



Mark Montaldo
Solicitor



Laura Magson
Solicitor



Claire Harte
Solicitor



Melloney Toms
Solicitor



Dushal Mehta
Solicitor



Nicola May-Brown
Solicitor

What should I do now?

Email or phone us for an initial discussion or visit our website. One of our specialist solicitors will be available to take your call.

We are happy to arrange a free interview with one of our solicitors at a time to suit you.

Freephone: 0800 884 0718

Telephone: +44 (0)118 952 7119

Email: advice@industrialdiseaselawyers.com

Website: www.industrialdiseaselawyers.co.uk

We look forward to helping you.

Useful contacts

Berkshire Asbestos Support Group
www.berkshireasbestosupport.org
0800 884 0720

Department for Work & Pensions
www.dwp.gov.uk
0800 279 2322

Mesothelioma UK
www.mesothelioma.uk.com
0800 169 2409

British Lung Foundation
www.lunguk.org
08458 50 50 20

Macmillan Cancer Support
www.macmillan.org.uk
020 7840 7840

Cancer Research UK
www.cancerhelp.org.uk
0800 226 237

Marie Curie
www.mariecurie.org.uk
020 7599 7777



"I just wanted to write to let you know just how much I appreciate all the work you have put in to my case since you took over. I am now looking forward to being able to try and put this all behind me. I am more than happy at the way this has finished and I am glad that I came to your firm as if it was not for your help I would not have gained this result. You have changed my life for the better."

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