



**31 October 2011**

## **SOMERSET MAN BACKS CAMPAIGN GROUP IN OPPOSITION OF JUSTICE REFORMS**

A Somerset man, whose legs were amputated after a hospital failed to carry out the necessary tests on his admission, has backed a not-for-profit campaign group in its opposition of proposals to cut legal aid and restrict 'no-win, no-fee'.

Colin Gumbleton, 60, is supporting the Association of Personal Injury Lawyers (APIL) in its fight against the proposals in the Legal Aid, Sentencing and Punishment of Offenders Bill, which is being debated in the House of Commons this week (31 October to 2 November).

Colin, a grandfather-of-six from Paulton, said: "I think it's wrong. Without legal aid, I could not have brought my case. I would have been denied the chance to get the compensation I needed to recover some of my independence."

While also proposing to cut legal aid for clinical negligence cases, the Government is proposing to change the 'no-win, no-fee' system to make injured claimants pay some of their legal costs out of their damages.

Colin's legs were amputated after the Royal United Hospital (RUH) in Bath failed to carry out the necessary vascular assessments when he was first admitted. He successfully brought a claim for clinical negligence after qualifying for legal aid. But his solicitor says that because of the complexities of his case, he would not have been able to offer Colin a 'no-win, no-fee' agreement in the absence of legal aid.

Colin, who used his compensation to buy an improved specification wheelchair and a specially adapted car with a lift and hoist, says he is concerned for future victims of medical blunders who may be unable to find a lawyer that can take on their case.



APIL president David Bott said: “Cutting legal aid for medical injuries at the same time as restricting ‘no-win, no-fee’ is a savage blow for patients like Colin, whose lives may have been shattered by their injuries.

“It goes against the most fundamental principles of justice to force injured people to pay some legal costs out of their compensation.

“I have real concern that these reforms, if implemented, will deny access to justice for some victims whose cases are complicated. How can that ever be considered fair by a just and moral society?”

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Notes to editors:

- APIL (Association of Personal Injury Lawyers) is a not-for-profit organisation, whose members are dedicated to campaigning for improvements in the law to help people who are injured or become ill through no fault of their own
- To interview Colin Gumbleton and David Bott please contact Chris Birkle, press and communications officer, t: 0115 943 5409, e: [chris.birkle@apil.org.uk](mailto:chris.birkle@apil.org.uk), or Jane Hartwell, press and communications officer, t: 0115 943 5416, e: [jane.hartwell@apil.org.uk](mailto:jane.hartwell@apil.org.uk).
- Visit the association’s website at [www.apil.org.uk](http://www.apil.org.uk)

### **Colin’s story**

In June 2001, grandfather-of-six Colin Gumbleton contracted Legionnaire’s Disease while on holiday in Spain. He fell into a coma in a Spanish hospital which lasted for 51 days, during which he developed pressure sores on his thighs, calves, feet, torso and buttocks.

In September that year he was transferred to England and admitted to the Royal United **Hospital** (RUH) in Bath suffering from peripheral arterial disease, a chronic condition which affects



circulation of blood.

The RUH failed to carry out the necessary vascular assessments when Colin was first admitted, and during his three month stay there, which would have led to the appropriate treatment being administered. Only when Colin was readmitted to the RUH in April 2003 because the sores in his lower limbs had not healed did the RUH carry out a duplex ultrasound scan for the first time. But by that stage it was too late to reverse the damage and in July 2003, Colin's right leg was amputated. In July 2004, his left leg was also amputated.

Colin brought a personal injury claim against the RUH which was settled out of court in May 2010. It was established that, when he was first admitted, the RUH negligently failed to carry out a baseline vascular assessment and failed to recognise he had peripheral arterial obstructive disease, which led to his double leg amputation.

Colin's solicitor, Gerry Ferguson of Withy King solicitors, an accredited senior litigator with the Association of Personal Injury Lawyers (APIL) said he would not have been able to take on Colin's case under a 'no-win, no-fee' agreement because, although meritorious, it was highly complicated and carried a greater than normal risk of being lost.

Mr Ferguson said: "Colin's case shows everything that is wrong with the Government's proposals. His case involved extremely complex medical evidence and hard fought causation arguments. The risks of losing altogether were so great we would not have had sufficient confidence in winning the case to offer a conditional fee agreement even under the present rules, let alone with a capped success fee under the Jackson proposals.

"Although we are specialists, we are not a big enough firm to be able to afford to pay out disbursements of hundreds of thousands of pounds (medical and care experts' fees, obtaining records and court fees) in the very many deserving but difficult cases like Colin's we handle with absolutely no guarantee we will ever get our money back."