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Solicitors

ADMITTED TO THE BAR
OF GREAT BRITAIN
AND IRELAND
IN 1884
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CONFIDENTIAL
SUBJECT TO
PROTECTIVE ORDER

10th. September, 1964.

Dear Mr. Jones,

Newalls Insulation Co. Limited
Asbestosis Claims.

Following my discussion with you I now enclose four copies of a memorandum which I have endeavoured to keep as short as practical, but which I trust nevertheless adequately explains the general position in these cases.

Once this has been considered I shall be happy to amplify the note or attend upon you to further discuss the matter, and in any event we shall most certainly have to meet to discuss the future precautions which may have to be taken.

I have suggested that when we are attending the Courts in Belfast it will be helpful if Mr. Wilson attends with us, and that may well afford a useful opportunity for discussion of precautions to be taken, particularly as Mr. Hutton will also be available.

Yours sincerely,

John McKenna

A.D.N. Jones, Esq.,
Turner & Newall Limited,
Asbestos House,
Fountain Street,
MANCHESTER, 2.

law duty and cases considered by Senior and Junior Counsel, both in this country, in Scotland and in Ireland, have all resulted in their advisers being liable to the claims on the merits.

In recent years the number of claims has increased, primarily because of more expert and accurate medical diagnosis following upon much research into the subject of respiratory disabilities by the Occupational Health Departments attached to the larger Teaching Hospitals.

It is now clearly established that where asbestosis bodies present in the lungs have caused fibrotic changes lung cancer may well follow. Thus cases previously diagnosed as bronchitis or lung cancer are now more accurately diagnosed as asbestosis or lung cancer associated with or caused by asbestos.

We have over the years been able to talk our way out of claims or compromise for comparatively small amounts, but we have always recognised that at some stage Solicitors of experience assisted by a Legal Aid Certificate or financed by a Union would, with the advance in medical knowledge and the development of the law, and being prepared to undertake the work involved in a detailed investigation, recognise there is no real defence to these claims and take us to trial. The most important development in the law has been the amendment of the Limitation Acts, for previously a man's claim was barred under the statutes of limitation unless he brought his action at one time within six years and more recently within three years of contracting the disease, whether or not it had been diagnosed at that time. Thus a man may not know he was suffering from asbestosis which is of gradual onset until more than three years after it was first contracted, or may not have actually issued his Proceedings within three years. This has always proved one of our strongest negotiating weapons, but following very strong comments by the House of Lords on the obvious injustice which resulted the Limitation Acts have now been amended so that a man or his dependents in a fatal case can now bring their action, within broadly speaking, two years of the date when the man first had knowledge he was suffering from the disease.