

News



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Beresfords defends its revenues from coal miner compensation cases

Beresfords, the law firm that earned £141 million from a government industrial disease compensation scheme, denied it had exploited sick miners and their families.

Legal counsel for Jim Beresford, 58, and Doug Smith, 51, the two former senior partners of Beresfords, who handled more than 90,000 damages claims by former miners and their estates, said there had been nothing wrong in the firm "earning substantial fees".

The two former senior partners face 11 allegations of serious professional misconduct at the Solicitors Disciplinary Tribunal. They are accused of conduct unbecoming a solicitor in failing to represent the best interests of their clients, misleading a government minister, breaching referral rules and entering into "sham arrangements".

For example, Jim Beresford's personal share of the firm's profits between 2004 and 2006 was £27.5 million. In addition to the fees it was paid by the Government, Beresfords also deducted, in some cases, a success fee of up to 25 percent of the damages awarded to its clients.

Alan Gourgey QC, counsel for Beresfords, told the tribunal yesterday that success fees were claimed in less than one percent of the coal-health cases handled by Beresfords and the practice was ended in 2002. The money deducted – £938,000 – was later refunded.

The tribunal has been told that the Government paid fixed legal fees to law firms for every successful claim and did not seek to recover its costs when a claim failed.

He explained that when the scheme began in 1999 there had been considerable uncertainty as to how many claims there would be and what proportion would result in an award of damages.

"As matters have turned out, it is undoubtedly the case that the level of claims and the success rates were far higher than expected," he said, suggesting that Beresfords was being judged "with the benefit of hindsight".

He said it was a misconception that it was easy for solicitors to take advantage of miners and their families because they were particularly vulnerable.

He added that the partners were accused of acting with dishonesty and "conscious impropriety" in their financial dealings with the Union

of Democratic Mineworkers and one of its employees but there was "no cogent evidence" to support the allegations, which were "a mixture of speculation or unsound inference". ●

Friends Reunited crash victim wins landmark case

A woman has won a landmark legal case by being awarded damages for injuries sustained in a car crash five years ago – two years after the standard three-year limitation period.

Leslie Davies, 36, met up with old schoolmate Sharon Sainty in 2002 – some 20 years after last seeing her – having tracked her down on reunion website Friends Reunited.

The pair were involved in a crash on the day of their reunion, which left Mrs Davies with neck, back and head injuries. The driver of the other car involved in the accident admitted full responsibility.



Lawyers failed to bring the claim within the standard three year limitation period before law firm **Ralli** picked up the case and secured the decision to award damages.

Maria Penny, a solicitor at Ralli, said: "This is great news for people who have suffered injuries over three years ago because it means there is still a chance they can claim significant compensation.

"It's an unusual way to start a school reunion but I understand they remain the best of friends despite the mishap," added Maria.

The level of damages has yet to be agreed. ●

