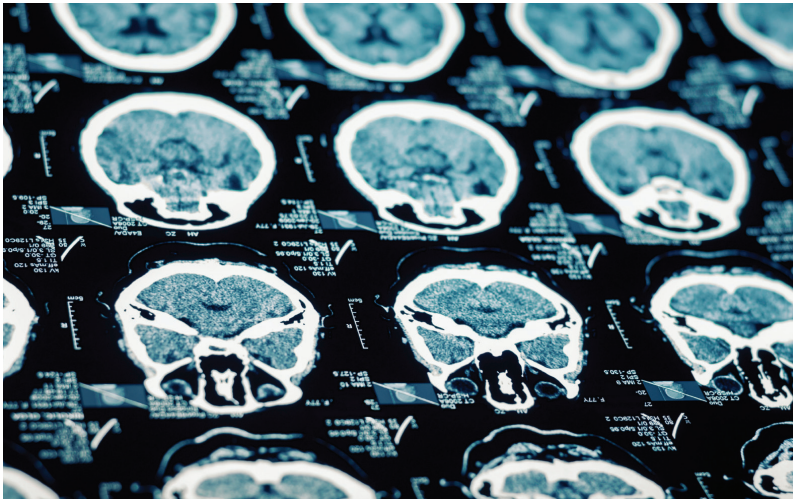


# Update

Your quarterly bulletin  
on legal news and views  
from Lanyon Bowdler

## Brain injury and life expectancy

CONT.  
P3



**Michael Schumacher's accident and a recent Coronation Street storyline have brought brain injury into the spotlight recently. Statistics show that more than 900,000 people living in the UK have similar injuries from falls, accidents or assaults. A traumatic brain injury (TBI) is defined as a blow to the head leading to skull fracture, more than an hour's loss of consciousness, internal bleeding or a combination of these.**

A combined study between Oxford University and the Karolinska Institute in Stockholm found that TBI survivors were three times more likely to die prematurely, in other words before the age of 56, than those without such an injury. That figure is significantly higher with pre or post accident substance abuse or psychiatric disorder.

This is believed to be the largest study of its kind, with the Swedish team looking at 41 years worth of medical records, using unaffected siblings of the victims of TBI as a control group. The results were startling, in that TBI survivors were twice as likely to commit suicide.

The exact reason for the overall finding that TBI survivors are three times more likely to die prematurely is unknown. One theory is that the injury may affect the area of the brain responsible for judgement, risk taking and decision making. TBI survivors are three times more likely to die from fatal injuries from accidents than those unaffected. Even for less serious brain injuries (for example concussion on the rugby pitch), patients are twice as likely to die as the general population.

The result of this research means that recommendations are being made for TBI survivors to be treated as if they have a chronic illness, rather than focusing on short term survival which is currently the only goal. There is no guidance on long term management. Because depression, substance abuse and psychiatric problems are all treatable, this approach would seem sensible. However, current guidelines mean that there is no automatic assessment of mental health or suicide risk in TBI survivors.



## DIY divorce - can you really do it all yourself?

**Partner and Head of Family Colin Spanner explains why some things really are best left to the legal experts.**

We had a new washing machine delivered at home last week. The deliverer was not prepared to attach the hose to the machine so it was either a case of paying for a plumber to come and do it or attaching the hose myself. I have no plumbing qualifications but I attached the hose and am pleased to report that, several days and several washes later, our utility room did not flood!

I am no DIY expert but I can do certain tasks and then call in the experts when I think it is necessary. I mention this because The Daily Telegraph published an article on 27 February headed "Prenups spark Do-It-Yourself divorce 'revolution'". The Government's legal reviewer is putting forward proposals which would enable married couples to draft their own DIY divorce settlements using an officially-approved financial formula. In the same way I can save money by doing some DIY myself, we lawyers have to accept that clients will want to save legal costs by doing some of the legal work themselves. However certain legal work really ought to be left to the lawyers who have undergone the appropriate training and many years of practice. Hopefully readers of this newsletter will take note, and consult us before taking any legal steps, or if and when those steps which have been taken get rather complicated.

Amongst the pricing options we give to clients is what we call the "Pay As You Go" option, where the client does some of the work themselves and only involves us when they consider it necessary. We therefore only charge for the work that the client does not think they are able to do themselves. This can very much keep the costs down. Our clients who have taken this option have reported that they are very pleased with the cost saving.

In the same way I bring in the experts to do plumbing, electrical work or whatever, when I think that the job is beyond my limited capabilities, I hope that you will consult Lanyon Bowdler's Family experts when you consider there is a need to do so.

“Professionalism, promptness, attention to detail and efficiency”

Mr & Mrs Thomas, Leominster

## Thinking of selling up and moving on?



Many people see the early months of a new year as an opportunity to make a fresh start. Selling up and moving on can often be at the top of people's list and this is particularly the case now that the property market is starting to pick up.

David Foden, partner and Head of Residential Property advises sellers to make sure their house is on the market at the correct price. He recommends “the best way to do this is to consult a number of estate agents for a valuation. It is a good idea to research the average house prices in your area, as well as looking at what price other properties are currently on the market for.”

It is important to make sure your house is suitably prepared for viewings. It should be clean and tidy, and you may need to do some basic maintenance such as touching up paintwork and gardening. It should feel like the buyers can move straight in and not have to do anything. It is useful if all planning permissions, building regulation consents and completion certificates are available too.

It is generally acknowledged that the moving process is an extremely stressful experience. Finding the right solicitor is important as there is a lot of work which needs to be done and it can be a lengthy process.

David concludes “We understand the moving process can be an extremely stressful experience. Our team of residential property lawyers are members of the Law Society's Conveyancing Quality Scheme and are able to provide expert support in guiding clients through the complexities of all property transactions.”

## Properties at risk from surface water flooding



In June 2009, the Environment Agency (EA) published its report ‘Flooding in England’ which estimated that 5.2 million (1-in-6) properties in England are at risk from flooding.

This was more than previous estimates, partly because the calculation took into consideration the impact of climate change, but also because it included, for the first time, properties at risk from surface water flooding.

Data provided by flood consultants makes it possible to assess the risk from surface water flooding. Insurers are now checking this data and are using it to reassess the cost of their flood risk insurance cover, which could affect mortgage eligibility and the value of some properties.

Landowners and prospective buyers/tenants may wish to obtain the same information, so they can plan accordingly. They can do so by ordering a flood search. This is relatively inexpensive and can assess the risk from all four main types of flooding (river, coastal, groundwater and surface water).

## “Down to earth approach, lots of information - excellent services”

Ms K Bailey, Telford



### Criminal lawyer protest

Adrian Roberts, Head of Crime

Recent news has highlighted the planned £220m cuts to legal aid. The Ministry of Justice has responded by stating that efficiencies are necessary to ensure legal aid remains “sustainable”.

The Criminal Bar Association has warned that if the pay dispute is not resolved, trials due to start after April could be jeopardised.

Criminal solicitors are often portrayed as ‘fat cat lawyers’ by the media. The reality is far from that.

Currently, anyone arrested for any crime is guaranteed free and independent access to a solicitor or representative, 24 hours a day, 365 days a year. In addition, expert advice and assistance is currently available at the Magistrates and Crown Courts should people ever find themselves charged with a criminal offence.

If the cuts are introduced, the landscape will change dramatically, and help may not be just a phone call away.



### Focus on the Shrewsbury Family Law Team

Peter Flint and Lisa Grimmert

**Peter Flint is Lanyon Bowdler’s senior partner who joined the then J C H Bowdler in 1968, he has specialised in family law since 1975. Lisa Grimmert joined the firm in 2001, she was delighted to recently relocate to the Shrewsbury office which is her home town, to work alongside Peter. Both Lisa and Peter are happy to offer an initial informal chat.**

Peter is a member of Resolution (formerly the Solicitors Family Law Association) and the Law Society Family Law Panel. He specialises in high value ancillary relief claims arising out of divorce proceedings and all aspects of private children’s law. Peter also specialises in the preparation of Pre-Nuptial, Cohabitation and Separation Agreements.

He is also a qualified and practising mediator, he is a member of the Family Mediators Association, the UK College of Family Mediators and a member of the Law Society Family Mediation Panel.

Peter is a Resolution trained Collaborative Lawyer and is a member of the Shropshire Collaborative Law Group.

Lisa specialises in all matters relating to divorces, separation, co-habitation and Private Law Children Proceedings. She has a sympathetic yet efficient approach, gaining satisfaction from guiding clients through the difficult times and legal procedures associated with relationship breakdown.

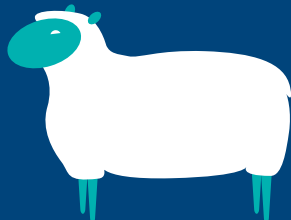
She is also a member of Resolution, whose members are committed to resolving disputes in a non-confrontational way. In December 2004 she was appointed as an Advanced Member of the Law Society’s Family Panel, specialising in financial claims following separation.

Lisa is also a Collaborative Lawyer. Under the Collaborative approach, clients commit to resolve matters through agreement rather than court proceedings. It gives the client much greater control of the process and outcome, achieving mutual aims through a constructive, non-confrontational approach.

● However, such patients can be difficult to reach, in denial or openly hostile, and even if assessed there is limited access in the UK to the type of specialist services needed.

For the TBI survivor making a legal claim, these statistics serve as further proof that access to experienced practitioners is essential. The brain injured client will need a thorough assessment of rehabilitation needs, including case management, therapies and equipment, as well as help and education for the client and family members. A specialist personal injury lawyer will be aware of this and have the necessary contacts to put the wheels in motion for a framework of support to be set up to address the client’s long-term rehabilitation goals.

# It's show time...



**We will be at the following agricultural shows with our marquee, providing hospitality. Come and visit us!**

24 May **Shropshire County Show**  
2 August **Oswestry Show**  
7 August **Burwarton Show**

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## The dangers of the cosmetic procedures business

Our Clinical Negligence department often blogs about the worrying lack of regulation in the cosmetic procedures business in this country, exposing patients to procedures carried out with unregulated products and by untrained or poorly trained practitioners. It was therefore with hope that we awaited new rules following the Department of Health review to apply to the cosmetic industry. However, the outcome has been disappointing.

The Government review of the regulations has been criticised by surgeons working within the plastic surgery discipline as "appalling" and paying "only lip service" to patient safety.

The main area of concern that lacks the necessary regulation is the £2.3 billion cosmetic procedures industry dominated by the nonsurgical end of the market such as fillers, laser hair removal and Botox. These account for 9 out of 10 cosmetic interventions and are worth 75% of the market. Dermal fillers, used to plump up lips and get rid of wrinkles are one major area of contention.

The Medical Director of the NHS in England, Sir Bruce Keogh in 2013 reviewed the industry and warned that these fillers could have lasting harm but were covered only by the same level of regulation as ballpoint pens and toothbrushes. He said that they were a crisis waiting to happen and should become prescription only. However, following this further review this would appear not to be the plan.

It is understood that Health Education England will review training for dermal fillers and Botox injections and legislation will be introduced to make it illegal to offer such proceedings without training. It seems amazing that these procedures can be carried out without rigorous training and is not something that the public are made aware of.

Anybody can offer fillers and there is no central registration of anyone who is qualified. The proposed plans do not call for this despite the concerns of plastic surgeons.

It is apparent from the concern expressed that further measures need to be introduced to improve the service offered to patients in the whole industry including a registry of breast implants to prevent a repeat of the PIP fiasco where a lack of records kept by surgeons meant that women did not even know whether they were affected. There needs to be a review into a system of redress should things go wrong with treatment and more rigorous consent processes to let patients have time to fully consider the decision to have surgery.

In a statement following the recent review Sir Bruce Keogh said "This is the beginning of a journey, not the end, but I am confident changes will create a much safer and skilled cosmetic industry which should reassure both consumers and practitioners." Let's hope so.

If you have concerns about a cosmetic procedure carried out please contact our Clinical Negligence team on 0800 954 9936.

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