

Asbestos Compensation Claims



Lyons Davidson

SOLICITORS

When can you claim compensation if you have been diagnosed with an asbestos-related disease?

If you have been diagnosed with **Mesothelioma, Lung Cancer, Asbestosis or Pleural Thickening** and have been exposed to asbestos in the past, then you may be entitled to compensation.

If you were exposed to asbestos at work then your employer owed you a duty to protect you from known dangers. Many people think that no-one knew that asbestos was

More people die every year from asbestos related diseases than die on the roads.

“ Virginia made a potentially stressful and emotional situation far more bearable. ”

dangerous until quite recently. That is not true. From 1965 onward, the law says that employers knew or ought to have known about the dangers of asbestos. Even before 1965 larger employers were aware of the risks and the courts will hold them responsible for negligent exposure.

Often, people are not sure how or where they were exposed to asbestos. If you have been diagnosed with an asbestos-related disease then a conversation with a specialist solicitor may help you to identify when and how you inhaled asbestos. We know about lots of products that contain asbestos – things you may not realise, like linoleum.

Asbestos is the biggest cause of work-related deaths.

Even if the place you worked, with or around asbestos, is long since closed, you could still make a successful claim.

Compensation can include future pension losses to help your spouse and family in the years ahead.

“ I shall always remember the kindness you have shown in dealing with this matter. ”



Illnesses Caused by Asbestos

Mesothelioma

- A malignant tumour usually found in the lining of the lung but sometimes found in the abdomen or around the heart.
- The only known cause of Mesothelioma is asbestos.
- It can take 15 – 60 years after you inhaled the asbestos for symptoms to arise.
- You can develop Mesothelioma after very small amounts of exposure to asbestos fibres. One exposure can be enough.
- Your employer owed you a duty to protect you from Mesothelioma.

Lung Cancer

- There are several different types of Lung Cancer and they can have different causes.
- People who have been quite heavily exposed to asbestos have a higher risk of developing Lung Cancer, especially if they have been smokers.
- If you have been diagnosed with Lung Cancer and have been exposed to asbestos in the past, you may be entitled to make a claim for compensation.

Asbestosis

- Asbestosis is the scarring of the lungs caused by inhaling large amounts of asbestos. It results in extreme breathlessness.
- Scarring of the lungs, or pulmonary fibrosis, can have several causes, asbestos is only one.
- It can be difficult to prove a connection between asbestos and pulmonary fibrosis.
- People who suffer from asbestosis have had heavy exposure to asbestos, usually over a relatively long period of time.

“Approachable and caring whilst keeping a clear focus on the issues we needed to address.”

Pleural Thickening

- Thickening of the membrane lining the lung.
- Can cause restricted breathing.
- Only attracts compensation if it is causing significant injury.

Did you know?

Hollywood legend Steve McQueen died of asbestos-related mesothelioma. Before his acting career took off, McQueen worked in the construction industry and was exposed to asbestos on job sites. He was also exposed when he served in the Marines and stripped asbestos off pipes on ships. As if that was not enough, he was an avid car racer and worked on brake linings made of asbestos. He died in November 1980, having been diagnosed the previous year.



Choosing the Right Solicitor

Asbestos compensation claims are different from claims arising from car accidents or slips and trips. It is essential that you choose a solicitor experienced in handling asbestos claims. Ideally, the solicitor will be someone who specialises in this type of claim.

Before you choose a solicitor, ask a few quick questions to make sure they are familiar with all of the issues and challenges which an asbestos claim can involve. Here are some suggestions:

- **Do you specialise in asbestos claims? How many have you successfully concluded in the last year?**

The answer should be at least 15 in the last three years for you to get the best advice.

- **Will you visit me at home?**

You will want to meet the solicitor handling the claim and may not be well enough to travel to his/her office.

- **Can you help me with benefits applications specific to someone with an asbestos related disease?**

A specialist solicitor will be familiar with all of the benefits outlined in this booklet for asbestos disease sufferers and will be able to help you with the application forms.

“ Extremely competent, careful and a specialist in this area of the law. ”

District Judge



What is Involved in Making a Compensation Claim?

We will:

Explain how costs will be dealt with. Most importantly, if your claim is successful, they are paid by the organisation responsible for your illness.

Listen to what you remember about your working life and any possible contact with asbestos.

Investigate the companies that exposed you to asbestos and their ability to pay any compensation themselves or through their insurance.

Explore whether the organisation that exposed you to asbestos broke the law (Asbestos Regulations) or failed to fulfil its duty to keep you safe at work.

Enlist a specialist doctor to prove the connection between your illness and asbestos.

Calculate how much compensation you should recover. This could include:

- Future pension loss
- Costs of private nursing care
- Costs associated with your illness
- Compensation for the pain you are suffering
- Other losses specific to your circumstances

How Much Compensation?

The Judicial Studies Board advises judges that the appropriate level of compensation for asbestos-related diseases should be within the following guidelines:

Mesothelioma

£35,000 to £83,750

Asbestos-Related Lung Cancer

£51,500 to £66,000

Asbestosis

£31,500 to £69,500

Pleural Thickening

£25,250 to £51,500

2011

Compensation is payable for many other things and awards can often exceed £100,000. The amount of compensation varies in every case.

We aim to negotiate interim awards for you, which means that some of the compensation money is paid before the claim is finished. Interim awards can help you to pay to make things easier for yourself during your illness – like taking taxis or getting help in the house.

Will I Have to Pay?

An initial conversation with one of our solicitors will be free, so do not hesitate to pick up the telephone and ask any questions. We may be able to give you an early assessment of the prospects of success over the telephone.

Many people are understandably concerned about incurring significant legal costs when making a claim. We understand this and will talk to you about costs clearly from the outset. The good news is that, if your claim is



successful, your opponent will be responsible for paying your reasonable legal costs.

This firm has a national reputation for insurance litigation and is on the panel of many of the leading insurers. You may have the benefit of **Legal Expenses Insurance** to cover the legal costs of your claim. We will check your household insurance and any other policies to see if you have any suitable cover.

If you do not have insurance to cover the legal costs of the claim, a **“no win, no fee”** arrangement may be the best option for you. We conduct many personal injury cases on a **“no win, no fee”** basis and find this works well for clients. We will explain what is involved and will arrange an insurance policy for you to cover the other side's legal costs in case the claim is not successful.

“ Thank you for your excellent advice for claiming compensation for my husband's asbestosis. ”



“ Friendly and empathetic during an incredibly difficult time for myself and my family. ”

Any compensation will be yours to keep.
Legal fees will not be deducted.

State Benefits

- You or your dependants may be entitled to a **lump sum payment** from the government under the **Pneumoconiosis etc. (Workers' Compensation) Act 1979** or the **2008 Diffuse Mesothelioma Schemes**.
- If you develop Mesothelioma through coming into contact with asbestos as a result of paid employment, you may be entitled to **Industrial Injuries Disablement Benefit** (even if you are now retired).
- If you were exposed to asbestos while you were serving in the armed forces rather than in other employment, you can make a claim for a **War Disablement Pension** from the Veterans Agency.
- If you need help with personal care or have difficulty getting around because of your illness, you may be entitled to claim **Disability Living Allowance** if you are under the age of 65 when you claim.
- If you are over 65 and need help with personal care because of your illness, you can claim **Attendance Allowance**.
- If you are in receipt of Attendance Allowance or certain rates of Disability Living Allowance and have someone helping to look after you for 35 hours or more a week, then that person may be entitled to claim **Carer's Allowance**.

“It is important that you claim benefits as soon as possible after your diagnosis to make sure you do not miss out on your full entitlement.”



“ I could have not chosen a better solicitor. ”

“ A very professional, knowledgeable and trustworthy solicitor. ”

US Trusts

Several American trusts pay compensation on a “no fault” basis to UK claimants suffering from asbestos-related diseases.

Help Your Hospice

A recent change in the law means that you can help your local hospice by including a claim for the cost of any care provided by the hospice. This part of the compensation can then be paid direct to the hospice.

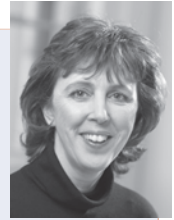
Useful Contacts

Macmillan Support Line
0808 808 00 00
www.macmillan.org.uk

Benefits Enquiry Line
0800 88 22 00
www.dwp.gov.uk

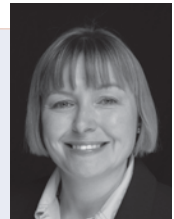
Virginia Chalmers is Head of the Industrial Disease Team and a Partner at Lyons Davidson. She has nearly 20 years experience of personal injury claims. Virginia only represents people suffering from asbestos-related conditions. Over the past several years she has recovered millions of pounds of compensation for asbestos claimants.

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Isabelle Selley is a specialist asbestos solicitor with many years experience. Her priority is to be proactive and reach a swift resolution for her clients whenever possible. Isabelle is working with other professionals to establish a regional support group for those with asbestos diseases and their families.

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