



Coroner
Room T20
The Guildhall
The Guildhall Square
Portsmouth
Hampshire
PO1 2AJ

New Kings Court, Tollgate, Chandler's Ford
Eastleigh, Hampshire SO53 3LG

DX: 155850 Eastleigh 7

DDI:
T:
F: **Code A**
E:
www.blaw.co.uk

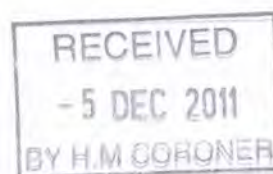
30 November 2011

Our Ref: 558203/000001/JCW/RICHARD/SM

Dear Sir

David

Your Ref:



**Mrs Gladys Mabel Richards (deceased) - Inquest
Expert evidence**

We write with regard to the forthcoming inquest hearing. We note that this will now be listed to take place next year.

Our reason for writing is that we have very recently been provided with following evidence, items one to four enclosed :-

1. Medical report prepared from Professor Ford, dated 12 December 2011;
2. Further report on Gladys Richards (deceased), from Professor Ford, dated 21 April 2009;
3. Supplementary report on Gladys Richards (deceased), from Professor Ford, dated 25 May 2009; and
4. Medical report on Gladys Richards (deceased), from Professor Livesley, dated 10 July 2001.

We refer you to the conclusions of Professor Ford at page 13 in his report, dated 12 December 2011, at page 6 of his supplementary report, dated 21 April 2009 and the conclusions of Professor Livesley at pages 17 to 18 of his report dated 10 July 2001.

You will be aware that Professor Ford gave evidence at the General Medical Council (GMC) hearing into Dr Barton's conduct. The result was that she was found guilty of serious professional misconduct. Professor Livesley provided evidence to the Crown Prosecution Service (CPS) which was considered as part of the major police investigation. We anticipate that the Coroner will want to avoid the inquest hearing being sidetracked into re-visiting lots of issues which have already been dealt with in the professional conduct proceedings and the criminal investigation. In that regard, we suggest our proposal below has merit. Both of these experts have been through the totality of those investigations and proceedings. Therefore they could bring the relevant conclusions from those matters for consideration at the inquest hearing rather than risking having to re-explore all the factual nexus which those respective authorities had to analyse.

We appreciate that the Coroner will have to consider the question, 'by what means the deceased came by her death'. Clearly there is a difference in opinion between Dr Black and the two experts, whose reports we have disclosed. We are aware, of course, that the Coroner's enquiry is a fact finding enquiry. However, in this case, ascertaining the cause of death is already acknowledged to require input from independent medical experts. Therefore, our request to include the above evidence is consistent with the approach already being taken.

Request

We would therefore like formally to request that the above evidence from Professor Ford and Professor

Livesley is included within the inquest documentation and further that Professor Ford and Professor Livesley give oral evidence. Such an approach in our view will in fact reduce the risk of repetition of previous enquiries and assist the Coroner to focus upon the factual circumstances and cause of death in the late Mrs Richards' case.

Our instructions from Mrs McKenzie are that the inclusion of this evidence in your enquiry is far more important to her than speed because of its importance. Therefore, Mrs McKenzie will accept that calling these two witnesses also to give oral evidence may possibly delay the date of the eventual hearing.

We would like to commend this proposal to the Coroner and believe it will assist him in attaining a clear and cost effective legal outcome for the Coronial proceedings. We hope that our request will be accepted. However, should the Coroner wish our Counsel to give submissions on this point, we will be happy to ask him to provide these.

Naturally, we would be happy to deal with any questions the Coroner may have concerning our request.

With kind regards.

Yours faithfully,

Code A

Blake L

Encs.