



## Non-compensation Case Studies

**Patient A** sustained a severe brain injury following a stroke, which affected his speech and ability to communicate. The patient needed help with managing his financial affairs, however, there were concerns that he did not have mental capacity to enter into a power of attorney. In order to start the process, Stewarts obtained a mental capacity assessment from his treating consultant which confirmed that he had the requisite capacity.

Due to the issues with his speech, we enlisted the help of a speech and language therapist, had numerous meetings with the patient and used visual aids to assist with his communication to ensure that we completed the paperwork in line with his wishes. We subsequently helped the patient find specialist pro bono advice in relation to bankruptcy proceedings.

**Patient B** sustained a brain injury following a stroke. The patient lacked mental capacity and therefore we assisted her family with an application to the court of protection for a deputyship order for property and affairs.

As the property was owned jointly, we helped the patient's family with a second application to the court of protection to enable them to sell the patient's share of the property. The proceeds of sale were vital to fund her future care and treatment.

**Patient C** had a subarachnoid haemorrhage and hydrocephalus, which left her with both physical and cognitive impairments. Due to the severity of her injuries, the patient was unable to return to work and she found herself in financial difficulty. Stewarts liaised with creditors and successfully persuaded creditors to write off over £14,000 of debt. We helped the patient obtain a long term hold on the remaining accounts to ensure that she did not incur any further interest or charges. Stewarts are currently assisting the patient to obtain a grant under the British Gas Energy Trust which will assist her to contribute towards her outstanding gas and electricity debt and future costs.

**Patient D** sustained a spinal cord injury when he fell from a tree whilst at work. We initially advised the patient of his entitlement to various welfare benefits

and subsequently assisted him with an application for personal independence payment and industrial injuries disablement benefit. Both benefit applications were successful and the patient is receiving weekly payments to help him financially, now that he is unable to work.

**Patient E** sustained a severe hypoxic brain injury following a vicious assault which has left him almost entirely physically and mentally impaired. The patient lived in rented accommodation which, due to the severity of his injuries, was not suitable for him to return to. As the patient lacked capacity, he was unable to surrender his tenancy and when Stewarts first started assisting, the landlord had already commenced possession proceedings. Stewarts contacted the landlord who agreed to stop court

proceedings and accept surrender of the property from a family member of the patient.

**Patient F** sustained severe lower leg injuries following an incident with the propeller blades of a boat. As a result, her left leg was amputated. The patient had the benefit of a personal accident insurance policy and whilst the insurer initially agreed to pay various elements, including disability benefit for €50,000, they later rescinded this offer and so the patient asked for our assistance.

Stewarts wrote a letter of complaint to the insurance company and a subsequent complaint to the Maltese Ombudsman. Following much negotiation, we are currently in the final stages of settling the claim, which is currently valued at €52,266.84.



Kara Smith  
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Kara is responsible for the provision of a free, wide-ranging legal advice service for those affected by serious injury.

Kara's expertise lies in catastrophic personal injury claims, predominately brain and spinal injuries. After specialising in that area for four years, Kara now uses that knowledge and experience to advise patients on an array of legal issues that arise following a serious injury.

Kara joined Stewarts in 2005 as a paralegal and worked as a solicitor in the Personal Injury department following qualification. Kara became Head of the pro bono department in 2012.



Paul Paxton  
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Paul specialises in complex and catastrophic brain and spinal cord injury claims and has been involved in numerous high-profile cases including Alton Towers, Agnes Collier, Callum Cross and Isobel Sale. He is described in Chambers 2016 as "as a tough adversary who approaches things in a sensible way".

Paul's experience includes:

- A number of record court approved spinal injuries settlements (Callum Cross £8.1m, Agnes Collier £15m, Isobel Sale £12.5m)
- Acting on the Alton Towers amputee cases
- Acting in a record criminal injuries award in 2002 (Dadi £4.75m)
- Acting for victims of the murderer Beverley Allitt

Paul was named in The Lawyer Hot 100 2016.