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Judge's intervention raises hopes of haemophiliacs

THE SECRETARY-General of the Haemophiliacs Society has said he is now hopeful that a full settlement with the government will be reached, following the publication of an opinion by Mr Justice Ognall who recommended that the government settle the claims of the 1200 haemophiliacs infected with the HIV virus by contaminated blood products imported from the US.

Mr Justice Ognall, the High Court judge in charge of the case, has issued a statement to lawyers of both sides in which he makes it clear that the cases of the 1200 haemophiliacs are 'unique' and the government should proceed with a speedy settlement.

Mr Justice Ognall points out that 'a government who takes upon itself the role of public provider of medical advice and clinical services is in a very different position to any commercial organisation.' He continued: 'It is clearly arguable that its duty

to innocent citizens who suffer injury under the aegis of such treatment has a moral dimension to it which should distinguish its assessment of its position from the criteria to be adopted by other defendants of a corporate character.

Acknowledging that he may be considered to have raised considerations of a political character, the judge added: 'But I believe that the legal profession has a duty to do its best to see that the legal system does not become a scapegoat in the eyes of the public for what I fear may be perceived as the unjust and inhumane denial of any significant measure of compensation to the plaintiffs.'

It is now unclear whether Mr Justice Ognall, who has been overseeing the case to date, will continue to do so. A spokesman for the LCD declined to comment but said it was up to any judge to decide whether he considers there are circumstances or facts which would preclude him

from continuing with a case. Mr Justice Ognall has himself made it clear that he has no further comment to make on his statement.

However, there is no sign of a change of policy at the Department of Health. Mark Mildred, a partner at Pannone Napier and member of the steering group representing the 70 law firms involved, says that the solicitors involved must continue with the case as the action continues to take its course in the absence of any new impetus by the department.

The plaintiffs are reported to have put the arguments for settlement to the Secretary of State and, for some months, have been trying to reach an agreement with Mr Clarke. A spokesman for the Department of Health said that the government's position had not changed and it would continue with the action through the appropriate legal channels.

Marion McKeone