



EPILEPSY AND THE LAW – A BRIEF OVERVIEW

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Personal Injury Claim

- **Steps**

- Limitation
- Liability
- Quantum

- **Main aim**

- Rehabilitation, Rehabilitation, Rehabilitation
 - Interim payments
 - MDT input

Personal Injury Claim (2)

Aim of Damages

“Where any injury is to be compensated by damages, in settling the sum of money to be given for reparation or damages you should, as nearly as possible, get that sum of money which will put the party who has been injured, or who has suffered, in the same position as he would have been if he had not sustained the wrong for which he is now getting his compensation or reparation.”

Lord Blackburn in *Livingstone v Rawyards Coal Company* (1880) 5 Appeal Cases 25

- Section 32A –Senior Court Act 1981
 - Chance
 - Some serious disease/serious deterioration
 - In physical or mental condition

What does chance mean?

- Over 51%?
- Over 10%?
- 1%

Legal consequences

- Claim for provisional damages
 - Re-opening of the case
 - Assessment of additional needs
 - Impact on life expectancy

Legal Issues

- Limits of the Anneger's Paper
 - Duration
 - Risk

Legal Issues (2)

- Refractory Epilepsy
 - Fluctuations over time
 - Lifelong management



THANK YOU

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