



# Down in the mouth



Chris Dean explains how victims of poor dentistry can take on the profession with the help of a powerful ally

For many years the Cinderella of the clinical negligence world, dental claims are notorious for their relatively low value and high technical complexity. Exacerbated by the impenetrability of dental records, the use of arcane jargon and abbreviation, and the difficulty of locating experts, neither personal injury nor clinical negligence specialist litigators have been able to run many such cases profitably.

Not only can dental claims be intrinsically difficult to assess and prosecute, but the problems are compounded by the wealth of expertise at the disposal of the defendant dentist. Dentists in the UK, like their medical counterparts outside the employment of the National Health Service, commonly do not buy professional indemnity insurance but rather have membership of one of the mutual societies offering professional indemnity services.

The main players in the dental field are the dental divisions of the Medical Defence Union and the Medical Protection Society; the Dental Defence Union and Dental Protection Limited and also the Medical and Dental Defence Union of Scotland.

Make no bones about it; despite the apparently archaic formal structure, these dental defendant organizations are anything but old fashioned in the way they protect their members – quite the reverse is true. Without exception all the mutual societies are highly organised and very efficient defence organisations.

Each has a vast database and experience of dental litigation, and access to the best legal and dental expertise in the field. The

dental defence organizations are highly effective in their role of defending their members' financial position, and ensuring that their members' reputations are protected.

Sadly as a consequence of the intrinsic difficulty of dental claims and the strong opposition afforded by powerful interests acting on the side of the dental professional, many people who suffered avoidable harm through the negligent actions of trusted dental professionals have not had access to justice.

This lacuna was identified by a handful of doubly-qualified solicitors and dentists in the late 1990s. In 2000, the first steps towards redressing the balance were taken when the Dental Law Partnership Solicitor's firm was founded by Greg Waldron and David Corless-Smith, later joined by Chris Dean in 2004.

All three partners are qualified dentists as well as solicitors. Greg had previous extensive experience acting for both dentists and patients in dental negligence cases, while both David and Chris were barristers before qualifying as solicitors.

The primary focus of the firm has always been to provide the same high level of dental and legal expertise to the damaged dental patient as has always been available to the dental professional. Growth at the Dental Law Partnership has been rapid over the period. It now has unrivalled expertise in assisting clients in claimant dental negligence and acts for clients in the majority of dental negligence cases in England and Wales. Total

damages awarded to clients of the Partnership have risen steeply over the five years, with over £2m being awarded to partnership clients in 2004. Most of the firm's clients are assisted on a conditional fee basis, although all funding options are available.

Each client has their case regularly monitored by a partner throughout the claim. Right at the outset, the prospective client's claims will be assessed by one of the dentally-qualified partners, and this involvement is a feature throughout. Each client is appointed their own member of the legal staff who is their point of contact at the firm for the lifetime of the claim.

Once the relevant dental records are available, a detailed written report is produced for the client – again the work of one of the partners. This explores all aspects of the claim; the special expertise of the partners allows them to analyse both the dental and legal aspects in one sweep. The client is reassured that the firm has a full understanding of the claim, without the gaps in understanding that can occur between separate experts and lawyers.

Settlement is commonly achieved without the need to issue proceedings and without the need for instruction of experts, keeping costs and delay to a minimum. However, when proceedings are issued, the Dental Law Partnership offers ATE legal expenses insurance at no cost to the client as part of the service.

Finally whether a claim is successful pre- or post-issue, the Partnership's in-house cost department is an essential part of the service, ensuring effective and efficient cost recovery.

If your client could benefit from the specialist service that the Partnership has to offer, we would be happy to assist, with full case updates for you and referral fees paid. Above all, the Dental Law Partnership offers the best possible service to the client.

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