

IN THE BIRMINGHAM AND SOLIHULL CORONER'S COURT

HIS HONOUR RICHARD FOSTER

NOMINATED PURSUANT TO SCHEDULE 10 CJA 2009

**INQUESTS TOUCHING UPON THE DEATHS OF PATIENTS OF MR IAN PATERSON FOR
TREATMENT OF BREAST CANCER**

DIRECTIONS UPON FUTURE CONDUCT OF INQUESTS FOLLOWING RULING ON MDT BIAS

1. I am very grateful to counsel and solicitors for their helpful submissions this morning, and also to counsel and others who attended yesterday's meeting, which I know from my legal team, was very helpful and fruitful.
2. In the interests of case management, I will deliver an oral ruling now in connection with the way forward following my written ruling on the MDT bias and objectivity issues dated the 6th of February. I will ask my legal team to provide me with a Trint transcript, which I will correct and approve, so there will be a written record of this ruling.
3. As I said at the beginning of these inquests, the families of the deceased are at the heart of my investigations, and so it is inevitable that their submissions which I heard this morning from two counsel representing 19 families are at the forefront of my decisions.
4. I also accept the submissions made by Mr. Moss KC on behalf of UHB and some clinicians who he represents that delay should be kept to an absolute minimum. I have no doubt that a timetable which would see Inquests not resuming until September would be totally unacceptable.
5. I must also be realistic about setting any timetable in light of availability, as has been conveyed to me by the Solicitors to the Inquests. For example, I know that Mr. Linforth retires from the NHS next month and is out of the country for April. As I said this morning, I cannot please everyone, but I hope that I will keep any displeasure to the minimum.
6. I accept that no further Inquests should be resumed until the generic hearings have taken place. However, as regards those Inquests which have been resumed since October, I can see no reason why I should not hear any remaining non-expert evidence. This is what I shall be doing tomorrow and on Thursday of this week, and this can continue as necessary depending upon availability in the forthcoming weeks.
7. As I have said, the generic issues need to be resolved as quickly as possible. Although I broached the possibility of an experts' meeting in my ruling of the 6th of February, on reflection and having heard submissions, I am persuaded that the disadvantages of the delay from such a meeting outweigh the potential benefits. I would also be concerned on behalf of the families about important discussions taking place without their involvement. I have therefore decided that an experts' meeting should not take place.
8. The Solicitors to the Inquest have been in touch with the four core MDT members and I am told that they could produce their generic reports by the end of April. I therefore direct that they should do so.

9. I will, with the assistance of my legal team, draft instructions, adopting broadly the headings and format of the reports of the Spire instructed experts. I will not limit those instructions to just responding to those reports, although inevitably the MDT generic reports will include a commentary upon the Spire reports. A copy of those instructions once issued will of course be made available to all Interested Persons.
10. I am persuaded that the four core MDT members (Linthorpe and Bundred as surgeons, and Dodwell and Russell as oncologists) should each prepare their own report and not joint reports. Also, as indicated in my ruling of the 6th of February, those reports from the MDT should be seen by Professor Dixon to see if he has any different views. This will ensure that the Inquests are not deprived of any relevant evidence from Professor Dixon.
11. Generic hearings for all six experts to give evidence should take place as soon as possible after the end of April. I am informed by the Solicitors to the Inquests that this is possible for mid-May, or early June. It should therefore be possible that by the very latest the middle of June for the generic hearings to have taken place.
12. If not already done so I direct that all Interested Persons and their legal teams provide the Solicitors to the Inquests with availability from the end of May until March 2026 by the end of this week. Counsel's availability will be taken into account but will not be determinative of listing. There will then be fixed dates for all Inquests, both the expert evidence on the Inquests which have already resumed and all the evidence on the remaining Inquests.
13. I am satisfied that it is not necessary for Professor Kay to involve himself in the generic hearings. I will defer a decision about Mr. Chan until I have heard further from Mr. Klidjian's legal team.
14. I hope that this ruling provides the framework for the successful conclusion of all the Module one hearings.

HH RICHARD FOSTER
11th February 2025