

Name: [REDACTED]

Membership no: [REDACTED]

1. Competency: 8

Learning Outcome: 8.2

Demonstrate ability to select and provide information to others as required by law.

2. Evidence provided:

Memo to fee earner outlining which documents were in our client's (the Defendant Trust) possession and which documents attract legal professional/litigation privilege (**pages 322 – 325**)

3. Outline how the evidence demonstrates you meet the outcome

Identify information that may be legally disclosed: I reviewed the large volume of documents provided to us by the Defendant Trust relating to liability. I outlined which documents attract legal/professional privilege and are therefore not disclosable, as well as the documents that are disclosable. As the witness statements formulated for the inquest had already been disclosed, it was therefore appropriate to list these in the disclosure list.

Apply the law: I applied the relevant rules in accordance with CPR 31.7 relating to duty of search as well as CPR 31.3(1)(b) and 31.3(2) relating to right of inspection of a disclosed document.

4. Reflection and evaluation (what you learnt from the activity you undertook to meet the outcome). Note: you may want to complete this section at a later date once you have had time to reflect on your practice and experience.

It is important to understand the duties of the parties to undertake a reasonable search for all documents, which have been or are in the parties' possessions. Understanding the importance of which documents attract legal professional/litigation privilege is essential. These documents are withheld from inspection and are therefore not disclosable.

5. Completion date:

18.08.15

6. Signed (applicant)

[REDACTED]

Date:

25.1.16

7. Signed (supervisor)

[REDACTED]

Date:

25.01.16



Memo

To S Copies to

From

Date 18 August 2015

Trust

Hi S

I recall this case from [REDACTED] and remember it being a very interesting but sad case. I have gone through all the folders (5 folders in total), CMS and case plan and prepared a draft list. The below documents I should be grateful if you would review and confirm whether they are to be disclosed. I anticipate the 3 x witness statements are to be disclosed as they will have been disclosed for the inquest, [REDACTED]. Therefore, the only document which I consider should not be disclosed is the Preliminary Trust Analysis as this attracts legal privilege. It was brought into existence following the contemplation of litigation. We are also in receipt of a folder containing supporting documentation for the Schedule of Loss received from the claimant's solicitors. Please confirm whether these should be listed in the defendant's disclosure list.

Privileged documents

- Preliminary Trust Analysis
- Witness statement of C
- Witness statement of C
- Witness statement of R

Not privileged

[REDACTED] report dated October 2011

- [REDACTED] report dated 15 March 2012
- [REDACTED] Standard Operating Procedure, Standards of Proficiency –Paramedics, reviewed August 2008

[REDACTED] Standard Operating Procedure, Consent to Treatment or Transport, reviewed February 2009

[REDACTED] Standard Operating Procedure, Clinical Advice Support, reviewed December 2008

[REDACTED] Standard Operating Procedure, Management of Acute Pain, reviewed November 2010

[REDACTED] Dispatch Report dated 21 August 2011 (timed 12.25am)

- [REDACTED] dated 21 August 2011
- [REDACTED] Care Record dated 21 August 2011

[REDACTED] Dispatch Report dated 21 August 2011 (timed 16.48)

[REDACTED] guidance

[REDACTED] Shift Log: [REDACTED] Services dated 20 August 2011