

together with Henry Witcomb). The litigation landscape for several reasons was by no means settled in a general sense leaving aside the particular challenges in any individual or group of individual cases. Hence, in the Forde Park Litigation, the Defendants attempted to strike out the proceedings entirely, and then tried to do so by seeking the trial of limitation as a preliminary issue.

4. It is also important to remember that there were very few comparable cases from which an assessment of the quantum of each claim could be made. The case of [Name Redacted] [Name Redacted] and others v Leicestershire County Council had been heard in 1996, but this was virtually the only comparable case in this field when we started the litigation. In that case awards had been made to victims of the abuse of Frank Beck. However it should be noted that Leicestershire CC had accepted liability and the facts were very unusual and extreme. Apart from the case of [Name Redacted] and others v Leicestershire County Council, there was the case of [Name Redacted] v Flintshire CC which was decided in July 2000 by Mr Justice Scott Baker but the appeal from that case was not decided until February 2001. Other cases involving child abuse in institutions, most notably the North Wales cases relating to *Bryn Alyn* were decided after the Forde Park Litigation was settled. For reasons of privilege and confidentiality I am unable to set out the settlement sums we achieved in 2001 in the Forde Park Litigation. However some of the core participants have disclosed the sums they received and for comparison to these sums I set out the sums achieved in the [Name Redacted] v Flintshire CC cases and subsequently in the *Bryn Alyn* cases in the Court of Appeal. I should add that the overall level of claims for general damages for pain, suffering and loss of amenity in all cases, not just those involving sexual and/or physical abuse, had been the subject of an appeal to the Court of Appeal in the *Heil v Rankin* group of cases [2001] Q.B. 272. Judgment was handed down on 23 March 2000 allowing the appeals in six of the seven cases and as a result increasing the level of general damages. I represented one of the appellants together with Henry Witcomb because we considered the level of general damages to represent insufficiently the pain and suffering of victims of personal injury. The appellant we represented was one of the six successful cases.
  
5. As touched on above the other point to be emphasised was that these cases related to events in the 1950s to the 1980s and were all brought outside the primary limitation period. At the time the limitation period for deliberate assaults was thought to be a non-extendable 6 year period in accordance with the decision of the House of Lords in