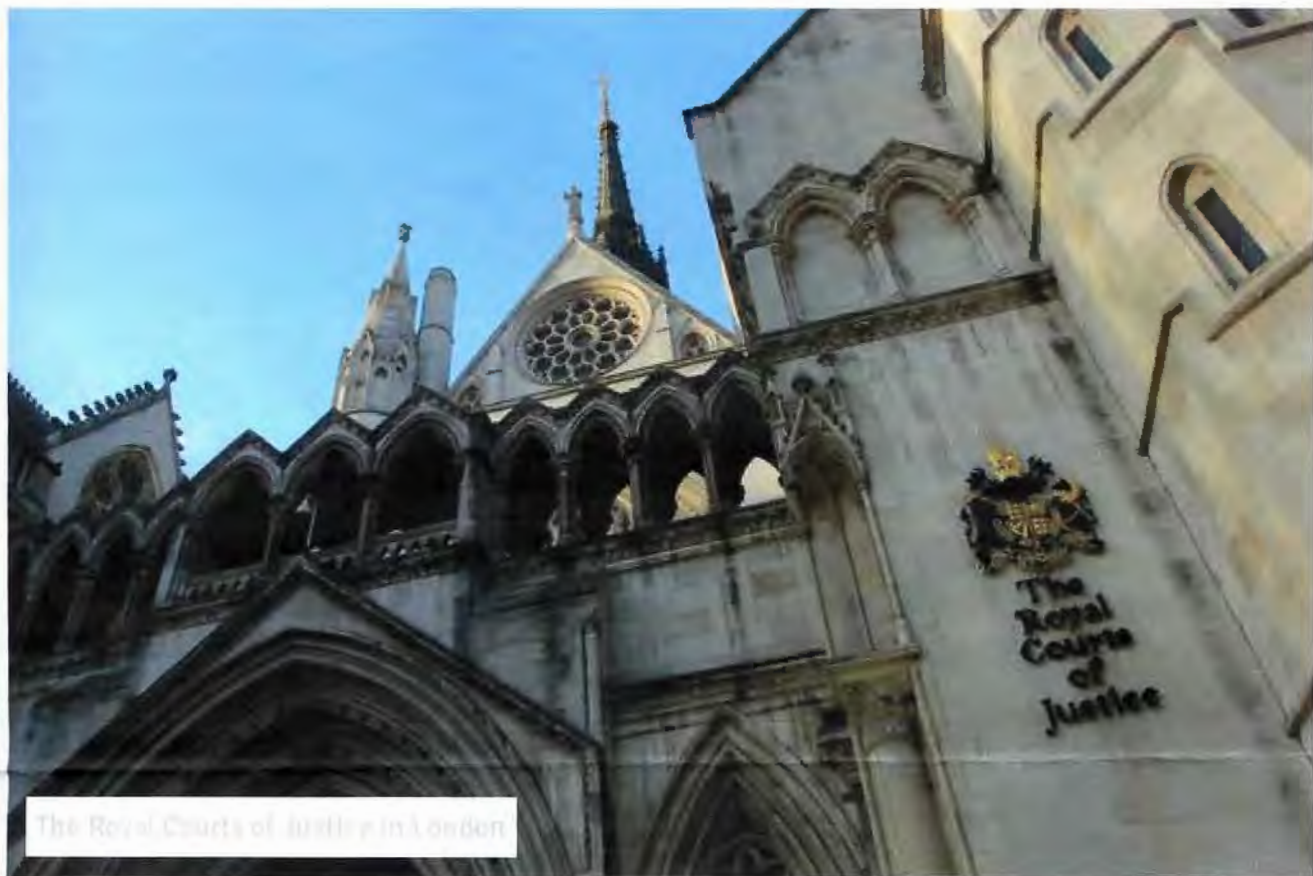


Liverpool widow takes right to life appeal to The Supreme Court

Fazakerley woman hopes to overturn a decision that allowed doctors to withhold treatment from her late husband



The widow of a man at the centre of a right to life battle hopes to overturn a decision that allowed doctors to withhold treatment from him.

May James, from Fazakerley, took her case to the highest court of appeal The Supreme Court of Appeal today, trying to get a previous decision over her late husband's care torn up.

In December, Fazakerley Hospital won a case against David James' family, giving them to right to withhold lifesaving treatments.

The dad-of-three, who was a well-known musician in Liverpool, died 10 days later of a massive heart attack.

But Mrs James has always been determined to get the decision quashed because it sets a precedent to other hospitals who can call on the decision when faced with similar disputes with families.

Speaking after day one of her two-day appeal hearing, Mrs James, 67, who had been married to her husband for more than 50 years, said: "At the moment if doctors feel that a treatment is 'futile' then they don't have to give it. Not just at this hospital but all hospitals.

"I feel if I get this overturned, it's a bit of justice for what Dave went through and what he

shouldn't have gone through.

"I know it isn't going to help Dave but it could help other families. This affects all of us."

Mr James' care ended up in court last year because doctors did not want to treat him should his condition deteriorate.

Hospital doctors did not want to resuscitate him if he suffered a cardiac arrest or give him "invasive" treatment, claiming to do so would be "overly burdensome" and "futile".

Despite Mrs James initially winning her case after telling Justice Peter Jackson he should be given every chance, the hospital was eventually given permission to withhold treatment at the Court of Appeal on December 21, 2012.

Although, desperately ill, suffering brain and kidney damage, Mrs James said her husband was well enough to enjoy his golden wedding anniversary celebrations, could still kiss her and smiled and laughed when sung to by a nurse.

But Lord Justice Ward later ruled that it was not the proper role of doctors to "delay death" if further invasive treatment could bring no improvement to Mr James' condition and could only serve to lengthen his suffering.

The hospital trust believes the Court of Appeal was right.

They say Mr James was "critically ill and steadily deteriorating".

They say he had been in an intensive care unit for seven months and had a range of problems, including multi-organ failure. Supreme Court judges are likely to announce their decision later in the year.
