

## U.K. Begins Inquest on Bank Worker's London Tower Death

By Andrea Gerlin - May 19, 2014

A detective, a pathologist and a family doctor filed into a courtroom in Oxford, [England](#), for the inquest into Andrew Kirkman's death. Kirkman's parents, Wendy and Michael, put a framed photo of him on a table and sat down.

Coroner Darren Salter described the discovery of the 20-year-old Oxford University physics and philosophy student in a tent in a park on Dec. 8. Salter said he'd examine the cause of death, but not blame anyone.

The May 1 proceeding was like those for thousands of other sudden or unnatural deaths that are held in England and Wales every year. The inquests, which began in 1194 and also exist in some former British colonies, allow a public hearing into deaths of the famous -- such as [Princess Diana](#) and Russian businessman [Boris Berezovsky](#) -- and ordinary citizens alike.

"England uniquely holds an inquest, in public, into every unnatural death," said Paul Knapman, coroner for Westminster in London for 31 years until he retired in 2011. "The advantage is a death cannot be 'hushed up,' the disadvantage is unwelcome publicity for the family and the risk that 'dirty linen may be aired in public.'"

Coroner Mary Hassell will conduct an inquest today into the death of Gabriel Magee, a 39-year-old [JPMorgan Chase & Co. \(JPM\)](#) information technology vice president, who died after falling from the lender's London headquarters in January, the third hearing into a bank worker's death in the British capital in six months.

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The cause of Magee's death hasn't been established. [London](#)'s Metropolitan Police said on Jan. 28 that the American fell from the 33-story skyscraper where he worked in the Canary Wharf financial district onto a ninth-floor roof.

Magee's mother, Nell, who lives in [New Mexico](#), declined to comment. One or two bank employees will be available to give evidence, said Patrick Burton, a spokesman for JPMorgan.

Deaths like Magee's, where there may not have been eyewitnesses, can present challenges, said [Dominic Fairclough](#), a clinical negligence and personal injury lawyer at London-based law firm Russell-Cooke LLP.

"Sometimes people have written notes and communicated vast amounts," he said. "There are others where no one really understands" what happened.

Coroners consider evidence from police, autopsies, toxicology tests and doctors. They may read aloud e-mails, question those who last saw or worked with the person and ask psychiatrists to explore their state of mind.

In the U.S., the role of coroners has evolved since America declared independence. In most states, medical examiners, who are pathologists, perform autopsies and can refer cases to prosecutors without a public hearing, Knapman said.

## **Autopsy Findings**

At the inquest into Kirkman's death, Salter cited autopsy findings showing his lungs and brain were consistent with hydrogen sulfide poisoning. Salter also reviewed the fact that he was treated by a doctor for depression and Internet orders for the chemicals mixed to make the lethal gas.

Kirkman left a note on the tent warning, "This is a suicide attempt."

Family members can question witnesses at inquests. Kirkman's mother asked pathologist Ian Roberts if he'd died quickly. Almost instantaneously, Roberts said.

While families may bring a lawyer, Knapman said it is costly and happened at about 10 percent of his inquests. It may signal relatives' worry that a suicide verdict may nullify [life insurance](#) or that they plan a lawsuit, Fairclough said.

## **Intern Inquest**

Hassell, senior coroner for inner-north London since last year, presided over an inquest in November into the death of 21-year-old Bank of America Corp. intern Moritz Erhardt from an epileptic seizure last year and explored whether long working hours played a role.

"It may be that Moritz had been working so hard that his fatigue was a trigger for the seizure that killed him," Hassell said at the inquest. "But that is only a possibility."

Families seek information at inquests to support liability claims, said [Terrence Donovan](#), head of clinical negligence and personal injury at London-based law firm Kingsley Napley LLP. Donovan has represented survivors of employees of banks who have killed themselves, at inquests and in claims citing work-related stress, he said.

## Stress Factor

“If the coroner is on your side, they would say this unfortunate young man was a high flier, he worked really hard,” Donovan said. The coroner “will conclude ‘he worked long hours, I have observed stress was a factor, I am satisfied this was a suicide.’”

To reach a finding of suicide, the coroner -- or a jury in some cases -- must be convinced the evidence is “beyond reasonable doubt,” the same standard required in a criminal murder conviction, said [Roy N. Palmer](#), a lawyer and doctor who retired in March after 13 years as senior coroner for south London.

At the inquest of Berezovsky in March, Coroner Peter Bedford said the testimony of a pathologist and family friend suggesting that Berezovsky may have been strangled by another person, rather than at his own hands, prevented him from issuing a suicide verdict. Berezovsky had been found with a noose around his neck.

In Oxford earlier this month, Salter ruled Andrew Kirkman’s death a suicide and said he was satisfied by the evidence. Kirkman’s mother said talking to people who knew her son had been more helpful to her than the inquest.

“The doctor and the university have given me access to everything,” she said.

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