

Sally Hatfield QC

Called: 1988

Silk Date: 2013



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Practice Overview

Chambers & Partners 2019 (Clin Neg)

Among the most popular silks for child brain injury and fatal cases that require sensitive handling of clients. "She has an excellent medical knowledge and forensic skill and deals well with experts in conference and is a strong negotiator and advocate"

PRACTICE AREAS

Clinical Negligence
Personal Injury
Inquests
Professional Discipline

APPOINTMENTS

Recorder 2004
Assistant Deputy Coroner (Manchester) 2008

ASSOCIATIONS

PNBA
AvMA
Inquest Lawyers' Group

PERSONAL INFORMATION

Born 1964.
Lincoln College, Oxford, BA (Jurisprudence) 1st Class 1986
Married with 3 children

Sally is also an Associate Tenant at Doughty Street Chambers, London WC1N

Clinical Negligence

Sally has specialised in clinical negligence cases for many years, acting predominantly for Claimants. She has experience of the full range of medical presentations, although since taking silk has concentrated on the most severe cases, particularly resulting from birth or paediatric injury, wrongful birth claims, neurological or orthopaedic injury (including cauda equina cases), cancer, stroke and cardiac cases. She is interested in the

psychiatric and psychological issues which frequently accompany serious injury and seeks to ensure that totality of the impact on the lay client is acknowledged, so far as the litigation process can do so.

She has lectured extensively on practical trial litigation, and pays particular attention in case preparation to evidence and its presentation. This is with a view both to success at trial, but possibly still more importantly, to the avoidance of trial by the creation of a powerful pre-trial case.

As an Assistant Coroner and editor of the BPILS chapter on fatal accidents, Sally is also experienced in cases involving a terminal or fatal outcome.

Sample representative cases

K v Western Cheshire PCT, Walton Centre NHS Trust: 2014, Recorder Gregory. Trial of action relating to delayed diagnosis of cauda equina syndrome and mismanaged spinal surgery. Fully contested trial on breach against hospital, and causation against both defendants. Liability established against both in full.

JD v Mather:

2011, McKay J: Claim involving allegation of delayed diagnosis of melanoma resulting from GP consultation. May 2011: preliminary issue trial as to details of the Claimant's consultation with the Defendant, following which breach of duty admitted

2013, Bean J: Causation trial; Judge found for Claimant's alternative case, namely that delay in diagnosis had reduced his life expectation by 3 years.

A v Leeds Teaching Hospitals NHS Trust: cerebral palsy claim, profound disability resulting from asphyxia in labour. Liability established, and quantum issues resolved in negotiation for lump sum of £2.33m and periodical payments of £118,912 to age 19 and £250,589 thereafter. Claimant born to teenage mother, in care herself. Quantum issues relating to foster care, local authority and maternal involvement

G v Kent & Medway NHS Social Care Partnership Trust: Fatal Accident, Human Rights Act and secondary victim claims arising from the homicide of children's mother, by their father, witnessed by the children. Father had been under the care of mental health services. Settled successfully at mediation

M v Pennine Acute NHS Trust: death of young woman who contracted swine 'flu in late stage of pregnancy. Complex allegations of breach, causation and quantum. Secondary victim claims also made on part of widower and deceased's parents. All claims settled successfully shortly before trial.

Z v Pennine Acute Hospitals NHS Trust: Claim resulting from negligent obstetric care which led to Claimant undergoing hysterectomy following birth of 1st child. Settlement of claim included full costs of surrogacy expenses for 2 further children.

M v NHS England and various other bodies: case involving blindness in young woman secondary to Neurofibromatosis type 1; claim against various Defendants dating back into her infancy.

S v Liverpool Women's Hospital NHS Trust: wrongful birth claim involving birth of child with sacral agenesis.

S v Sheffield Children's NHS Foundation Trust: mismanaged paediatric epilepsy surgery resulting in brain injury.

Personal Injury

Sally's Personal Injury practice focuses particularly on cases with difficulties in medical causation, those with complex physical or psychiatric sequelae, or with fatal outcome. She has experience in both accident work and in personal injury claims involving issues of vicarious, or institutional liability.

Sample representative cases

A v N: Claim on behalf of child suffering burns to 40% of body area in rented accommodation from unguarded fire. Very severe physical and psychological injury.

N v S: Secondary victim claims by parents whose children died in school bus crash.

R v H: RTA claim causing paraplegia in young woman; complex issue of capacity.

T v T 2009: Road Traffic Accident in 1984 causing profound orthopaedic and neurological injury. Injuries not stabilised until C reached adulthood when it could finally be quantified and settled.

Zolla v Goad: HHJ Sullivan Winchester County Court: trial of claim against Defendant in person for historic sex abuse, liability established in full.

Various Claimants v North Yorkshire Health Authority - Claim on behalf of approximately 20 women subjected to rape or sexual assault by consultant psychiatrist over many years.

P & D v A Hospital - Claim on behalf of 2 women subjected to rape or sexual assault by psychotherapist in private hospital.

F v Bolton MBC 2010: claim on behalf of several siblings against Local Authority for failure to heed severe maternal neglect and abuse causing psychiatric injury.

R v Nottinghamshire CC - claim on behalf of family of child taken into care on basis of false allegation of abuse by other family members.

Various Claimants v The Home Office - group action resulting from allegations of brutality and assault in Young Offender Institution

F v The Home Office - claim by inmate against Home Office in respect of rape by prison officer -settled favourably during the trial.

B v Conwy & Denbighshire NHS Trust - claim against NHS Trust arising from rape of psychiatric patient by nurse

W v M: Claim involving injury sustained in Karate exercise, and brought against karate club and referee.

Inquests

Sally has extensive experience of representation at inquests involving complex healthcare issues in the community or in prison.

Sample representative cases

P: Suicide of patient under active psychiatric management

RW: neonatal death in midwifery led unit; evidence of systemic failings in the unit raising Article 2 issues.

H: Deaths of mother and baby in childbirth

S: Death of patient following cranial surgery; evidence of systemic failings in post operative care

K: - death involving community management of patient with diabetes and known history of difficulty maintaining health in the community

H: death of patient in hospital awaiting routine surgery for hernia; evidence of multiple failures to heed signs of developing bowel obstruction

B: - death originally described by hospital as stillbirth; evidence that child was born with a heartbeat. Representations to coroner resulted in decision to hold inquest 5 years after death

Directory Comments

Among the most popular silks for child brain injury and fatal cases that require sensitive handling of clients. Has a broad practice that includes highly complex secondary psychiatric harm cases, claims arising from the delayed diagnosis of spinal injuries or cancers, and birth injury cases, including cerebral palsy. She is also well equipped to take on cases where compensation is sought for injury or disease sustained by the mother in childbirth. "She is superb - really sharp and incredibly compassionate" "A highly intelligent and incisive leader. whose excellent legal skills combine admirably with a direct, pragmatic and empathic approach to clients needs" "She has excellent medical knowledge and forensic skill and deals well with experts in conference and is a strong negotiator and advocate".

Chambers & Partners 2019 (Clin Neg)

Among the most popular silks for child brain injury and fatal cases that require sensitive handling of clients. Has a broad practice that includes highly complex secondary psychiatric harm cases, claims arising from the delayed diagnosis of spinal injuries or cancers, and birth injury cases, including cerebral palsy.

Strengths: "Her mastery of the detail in trial was just something to behold." "She's sympathetic and understanding. She really does go the extra mile so that clients understand what we are trying to achieve."

Recent work: Represented the claimant in a cerebral palsy claim that was caused by asphyxia in labour. Chambers & Partners 2018, clinical negligence:

"Among the most popular silks for child brain injury and fatal cases that require sensitive handling of clients.. Has a broad practice that includes highly complex secondary psychiatric harm cases and claims arising from the delayed diagnosis o spinal injuries or cancers.

Strengths: "Her pleadings are fantastic; extremely clear, logical and concise." "She gets to the heart of the issues and can think outside the box"

Chambers & Partners 2017, clinical negligence:

Possesses specialist knowledge of medical law and is routinely instructed on behalf of claimants on complex cases. In particular she is noted for her work in claims involving clinical mismanagement, birth injury and secondary victim claims, especially regarding psychiatric ramifications of negligent care.

Strengths: "She's fast with picking up large amounts of information, deals with experts fantastically and is always extremely well prepared. She is incisive in her thinking and questioning." "She goes out of her way to accommodate clients."

Recent work: Instructed on behalf of the claimant in a quantum only cerebral palsy case in which liability issues had been compromised. The issues were complex in relation to future care and child care.

Chambers & Partners 2016 (Clin Neg)

'Her ability to explore legal issues in a straightforward manner denotes her underlying fierce intelligence.'

Legal 500 2016

She is very empathetic, knowledgeable and intelligent, and has very sound judgement."

Legal 500 United Kingdom 2015

"A specialist clinical negligence practitioner whose practice is largely focused on representing claimants. She is frequently instructed on cases concerning injuries of maximum severity, and is noted for her considerable expertise in the psychiatric ramifications of breach of duty by healthcare staff.

Expertise: "She has got a lot to offer as a barrister - she's intelligent and quick to get to the issues." "She has a phenomenal ability to devour documents and absorb the important points from them quickly."

Recent work: She advised on a complicated obstetric and psychiatric secondary victim case for an individual who lost his wife and baby in labour. It was argued that the death of the baby was avoidable."

Chambers and Partners 2015 - Clinical Negligence

"Very good technically and tactically."

Legal 500 2014

"Receives glowing praise for her client care. As an assistant deputy coroner, she is highly sought after to appear in fatal accident cases.

Expertise: "She is particularly skilled in dealing with complex causation issues." "Her drafting is excellent and she has great instincts."

Recent work: She was instructed for the claimant in a case arising from allegations of bariatric surgical negligence."

Chambers and Partners 2014 - Clinical Negligence

"Clinical negligence is the mainstay of her practice. She focuses principally on the representation of both patients and their families, and has considerable experience of cases involving injuries of the highest complexity and severity. She is "unfailingly completely prepared and fantastically articulate," say sources, who also go on to compliment her on the quality of her cross-examinations. Peers admire her ability to fight her clients' corners ferociously "while still remaining personable and human."

Chambers and Partners 2013

"Recommended within Personal Injury and Clinical Negligence "

Legal 500 2013

"picks up relevant detail in the cases fluently and quickly".

Legal 500 2012

"Also based at Byrom Street is Sally Hatfield, who is 'always thoroughly prepared' and 'excellent with clients - she is approachable and sympathetic, and really inspires confidence.' She comes particularly recommended for her expertise in inquests and is also highly regarded for her work in complex cerebral palsy and cauda equina claims."

Chambers and Partners 2012

"Sally Hatfield provides a 'high-quality, top-notch service for solicitors and clients', and has particular expertise in inquests."

Legal 500 2011

"... Sally Hatfield handles complex cerebral palsy and cauda equina claims, consistently displaying an understanding of the issues at play and grasping the details of the case. Clients describe her as a 'dynamic

senior junior with a breadth of experience and knowledge."
Chambers and Partners 2011

"Sally Hatfield is a "lawyer of enormously impressive intellect", commended for her client care skills and her "ability to offer sensitive explanations to clients who have either been bereaved or who have complex and difficult medical issues"
Chambers and Partners

"Sally Hatfield has "the quality and experience to be instructed in cases suitable for a QC alone"
Legal 500 2010

Lectures, Seminars and Publications

Editor Fatal Accidents Act chapter, Butterworths Personal Injury Litigation Service

Co Author, Butterworths New Law Guide to the Mental Capacity Act 2005 (2008)

Regularly lectures to lawyers and to healthcare professionals. Recent titles include:

"You wait for years and then ... A review of clinical negligence trials on liability issues"

"Supporting the child: quantum issues for children and young people"

"Inquests: Opportunity or Ordeal?"

"Delayed diagnosis of cancer & reduced life expectation: the way forward?"