

## Sally Hatfield QC

Called: 1988

Silk Date: 2013



0161 829 2100



Sally.Hatfield@byromstreet.com



### Practice Overview

Chambers & Partners 2022 (Clin Neg)- Band 1

“Sally Hatfield QC is among the most popular silks for child brain injury and fatal cases that require sensitive handling of clients. She 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 those relating to 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.”

### PRACTICE AREAS

Clinical Negligence  
Personal Injury  
Inquests

### APPOINTMENTS

Recorder 2004  
Assistant Coroner (Manchester) 2008

### ASSOCIATIONS

PNBA  
AvMA  
PIBA  
Inquest Lawyers' Group

### Clinical Negligence

Sally has specialised in clinical negligence cases for many years, acting predominantly for Claimants. She now concentrates cases of very severe damage, 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.

The generally separate stages of liability and quantum of damages in a complex clinical negligence claim involve different approaches. The former requires a forensic and technical interrogation of the clinical records and witness evidence, experts' argument and analysis, but without loss of sight of the family tragedy at the heart of the case. Once liability is established, the focus can finally shift to the assessment of, and provision for the

needs of the client. This can be an overwhelming and intrusive period for the client and their family, with the involvement of multiple experts, and it requires careful handling. Sally works closely with her instructing solicitors in tackling both stages of the litigation to build up and test the evidence needed to support the Particulars of Claim and Schedule of loss, to maximise the prospects of success at trial, and, possibly more importantly for the client, to maximise the prospect of securing a good outcome in negotiation before trial.

Sally has lectured extensively on practical trial litigation, and draws upon that together with long experience of complex medical analysis to advance the optimum case for her clients, and advise them accurately about the prospects of their claims.

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

Claims causing cerebral palsy with profound injury arising from:

- Antenatal failures to heed a fall-off in fetal growth, to manage maternal illness or infection;
- Intrapartum failures of management of induction of labour, of monitoring of the fetal heartrate in labour, of the management of caesarean section;
- Post natal failures to heed signs of the development of malnutrition or jaundice.

Wrongful birth claims resulting from failures to detect profound fetal abnormality.

Claims involving paediatric injury from untreated meningitis, or from the performance of surgery.

Claims involving catastrophic injury resulting from cauda equina syndrome, from spinal or other surgery, or from a failure to heed and investigate metabolic disorders or signs suggestive of cancer.

Examples of particular cases of interest:

Cerebral palsy claim involving child born to teenage mother, in care herself. Issues at quantum stage relating to foster care, local authority and maternal involvement.

Hypoglycaemic brain injuries caused to children where mother sought to establish breast feeding but where a language barrier limited her communication with midwives, or where midwives failed to heed signs suggestive of ongoing difficulty in establishing a feeding pattern

Claim involving catastrophic bladder injury in surgery with profound ongoing sequelae, but complicated by unexplained cognitive impairment of the claimant

Claim arising from late manifestation of rare genetic disorder. Significant difficulty in establishing causation of a different outcome, necessitating discounted settlement and consideration of possible alternative Defendants in order to achieve full compensation.

Liability admitted cerebral palsy claim where care of the child divided equally between separated parents. Issues involving appropriate model of care within the families with their competing interests.

## **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

##### Accident cases:

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

Secondary victim claims by parents whose children died in school bus crash.

RTA claim causing paraplegia in young woman; complex issue of capacity.

Spinal cord injury following horse-riding accident; complex issues surrounding management of the riding lesson and of the handling of the Claimant following the fall.

Claim involving injury sustained in Karate exercise, and brought against karate club and referee.

##### Abuse cases:

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

Claim on behalf of approximately 20 women subjected to rape or sexual assault by consultant psychiatrist over many years.

Claim on behalf of 2 women subjected to rape or sexual assault by psychotherapist in private hospital.

Claim by inmate against Home Office in respect of rape by prison officer -settled favourably during the trial.

## **Inquests**

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

#### Sample representative cases

Suicide of patient under active psychiatric management

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

Deaths of mother and baby in childbirth

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

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

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**

Sally Hatfield QC is among the most popular silks for child brain injury and fatal cases that require sensitive

handling of clients. She 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 those relating to 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 has been appointed as an assistant coroner.

**Strengths:** "She is just delightful with clients and very down to earth - she puts them at ease and is very sharp technically." "She is phenomenally talented and has an incisive intellect balanced with a tactical pragmatism that ensures that cases are brilliantly prepared for trial, but likely to secure fantastic settlements for clients without going to trial. She is also highly compassionate and fair."

Chambers & Partners 2022 (Clin Neg) Band 1

Among the most popular silks for child brain injury and fatal cases that require sensitive handling of clients. She 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 those relating to 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 has been appointed as an assistant coroner.

**Strengths:** "She has a fierce intellect and very good client manner." "Her recall is excellent when dealing with multiple experts." "Her written documentations are excellent and she is fantastic on her feet."

Chambers & Partners 2020 (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. 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 (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 and claims arising from the delayed diagnosis of 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 (Clin Neg)

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:

*"Cauda equina syndrome: notes from a lawyer's practice"*

*"What happens at the trial? Lessons from recent clinical negligence reports"*

*APIL 2019 update: lessons from recent case law*

*"Inquests: how effective are they in healthcare deaths?"*