

Sally Hatfield KC

Called: 1988

Silk Date: 2013



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Practice Overview

Chambers & Partners 2024 (Clin Neg)- Band 1

"Sally Hatfield KC 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."

"Sally is an all-round excellent advocate and she is always thoroughly prepared."

"She's astute and forward-thinking. She also has a calm and measured manner which is very reassuring to clients."

"Sally is excellent. Her client care is very good and she is always thoroughly prepared. Her analysis of cases is excellent."

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 on 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 KC 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.

"Sally is excellent with clients in particularly upsetting and distressing cases."

"She has a great depth of experience, which she can employ tactically to great effect."

"She is highly skilled at getting the best out of experts and defendants and is a pleasure to work with."

"Sally is extremely bright and capable, brilliant on paper and in person. She is a first-rate advocate and is always approachable and sincere in negotiations."

Chambers & Partners 2023 (Clin Neg) Band 1

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)

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?"

Simon Kilvington KC

Called: 1995

Silk Date: 2016



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Practice Overview

Chambers & Partners 2024 (PI)

Simon Kilvington KC continues to develop his outstanding practice handling industrial disease and serious injury claims. He is well known for his expertise in asbestos-related cases. He is regularly instructed in cases involving complex medical and accountancy evidence.

"Simon is my go-to barrister, he is excellent on those tricky cases and has such empathy with claimants he puts them at ease immediately. His advocacy skills are immense, and he has a fantastic sense of humour."

"Simon is a fantastic leading counsel. He is always well prepared and great with clients in difficult cases and personable."

"He is very considerate towards instructing solicitors and has a very grounded approach in his interactions with clients."

Chambers & Partners 2024 (Industrial Disease)

Simon Kilvington KC is an experienced practitioner of personal injury law who is admired for his knowledge of industrial disease litigation. He focuses on asbestos cases. He has experience appearing before the Supreme Court and Court of Appeal.

PRACTICE AREAS

Personal Injury

Industrial Disease

Professional Liability

ASSOCIATIONS

Personal Injury Bar Association

Personal Injury

Simon's caseload comprises complex and high value personal injury litigation including cases involving employers' liability, road traffic accidents, product liability and foreign accidents. Chambers & Partners 2012 says that he is "frequently found on high value spinal and brain injury cases..." In addition he regularly handles complicated Fatal Accident Act claims with multiple dependants and issues under sections 3 & 4 of the 1976 Act

and difficult psychiatric injury cases. He has extensive experience of handling high value quantum claims and has a particular facility with complex accountancy evidence.

Concluded cases

S v B - Instructed by Claimant with significant cognitive impairment (with David Allan QC); substantial dispute as to the cause of the ongoing problems and their reversibility; approximately £1 million recovered

L v T - Instructed by Claimant in complex fatal accident and associated nervous shock claims with road traffic act insurer indemnity issues; £150,000 recovered

W v L - Brain injury to man already lacking capacity; recovered substantial lump sum payment

P v V - Significant psychiatric injuries sustained by a Claimant witnessing the death of a work colleague; substantial dispute as to the extent of the right to recover for psychiatric injury

F v C - Instructed by Defendant in public liability claim for £6.5m claim brought by film director - complex accountancy evidence - settled at joint settlement meeting for £400,000

B v M - Instructed by Claimant with catastrophic facial injuries (with David Allan QC); £1.5 million recovered

W v. A - Instructed by Claimant in fatal accident claim involving significant liability dispute and complex quantum issues: settled at joint settlement meeting

B v W - Instructed by Claimant in claim arising out of tragic accident when Deceased run over by ex-partner: sensitive and involved issues between dependants; resolved at joint settlement meeting

Sample current cases

Instructed by self employed businessman with subtle brain injury having catastrophic effect on business - £multi-million claim with complex accountancy evidence

Instructed by spinally injured Claimant in public liability claim; elderly Claimant with substantial dispute as to accommodation and care needs and the need for periodical payments

Instructed by Claimant in high value fatal accident case with associated significant personal injury claim

Professional Liability

Simon advises in relation to the negligence of legal professionals in the conduct of personal injury and industrial disease claims. He has recently handled claims arising out of inadequate advice about provisional damages.

Industrial Disease

Simon has been in a number of leading asbestos cases in recent years including *Sabin v BRB (Residuary) Ltd* (with David Allan QC) examining the use of pathological evidence and *Willmore / Sienkiewicz* (with David Allan QC) on the extent of the Fairchild exception. In 2012, he handled what is thought to be the largest living mesothelioma claim recovering in excess of £3 million. He is regularly instructed in mesothelioma and lung cancer claims involving substantial expert evidence issues. He frequently represents Claimants on difficult show cause hearings in the RCJ and handles complex quantum disputes.

Concluded Cases

Sabin v BRB (Residuary) Ltd (2010) EWHC 267 - Comprehensive judgment addressing the use of pathological evidence in asbestosis claims

Knowsley MBC v Willmore (with Sienkiewicz) (2011) UKSC 10 - leading case on the extent of the Fairchild exception with significant obiter on the causation of lung cancer and the use of epidemiological evidence

J v R - high value living mesothelioma claim for self employed businessman - settled for £750,000 2 days before trial

P v M - mesothelioma suffered by successful entrepreneur; complex accountancy evidence and eventual settlement in excess of £3 million

W v N - fatal lung cancer claim with issues of causation and epidemiological evidence; involved consideration of Australian jurisprudence; settled day before start of 10 day trial

S v M - fatal mesothelioma claim on behalf of Maltese citizen (with David Allan QC); significant jurisdiction and choice of law issues; recovered substantial damages

B v M - bladder cancer claim with significant dispute about the consequences of the disease; settled after a joint settlement meeting

Sample current cases

Cases concerning the ability of a Claimant to pursue a claim for mesothelioma having settled a previous claim against other tortfeasors for pleural plaques on a full and final basis

Nasal cancer claim with complicated epidemiological evidence

Complex liability issues arising out of the decision of the Court of Appeal in Williams

Wood dust and asbestos related fibrosis case with epidemiological evidence

Multiple mesothelioma claims, both living and fatal

Directory Comments

Simon Kilvington QC continues to develop his outstanding practice handling industrial disease and serious injury claims. He is well known for his expertise in asbestos-related cases. He is regularly instructed in cases involving complex medical and accountancy evidence.

"Simon Kilvington KC is an excellent advocate."

"He is tenacious and able to deal with problems in a case with ease."

"He is an excellent negotiator."

"Simon is incredibly astute and perceptive."

Chambers & Partners 2023 (PI) - Band 2

Strengths: "He is commercial and looks at the whole picture." "He is calm and collected with clients, putting them at ease immediately. He is detailed and analytical, ensuring that the best possible case is produced."

"Simon has sound judgement which can cut through the most complicated of cases with ease."

Chambers & Partners 2022 (PI) - Band 2

Simon Kilvington QC is an experienced practitioner of personal injury law who is admired for his knowledge of industrial disease litigation. He focuses on asbestos cases. He has experience appearing before the Supreme Court and Court of Appeal.

Strengths: "He is incredibly thorough and very forensic when looking at evidence. He can explain complex legal points in a digestible way."

Chambers & Partners 2022 (Industrial Disease) - Band 1

Continues to develop his outstanding practice handling industrial disease and serious injury claims. He is well known for his expertise in asbestos-related cases. He is regularly instructed in cases involving complex medical and accountancy evidence.

Strengths: "He's tactically excellent and is very good with clients. He can cut through the issues quickly and succinctly, and provides very clear and concise advice to his clients." "He's clear, analytical and very good on his feet."

Chambers & Partners 2020 (PI)

An experienced practitioner of personal injury law who is admired for his knowledge of industrial disease litigation. He focuses on asbestos cases. He has experience appearing before the Supreme Court and Court of Appeal.

Strengths: "A true asbestos specialist who is at the top of his game. He has an excellent bedside manner and an ability to summarise highly complex legal arguments without ever making them dull or overly complicated." "He is spellbinding in court and puts vulnerable clients at ease with his down-to-earth, calming manner. He's a real team player with an encyclopaedic knowledge of asbestos disease litigation."

Chambers & Partners 2020 (Industrial Disease)

An experienced practitioner of personal injury law who is admired for his knowledge of industrial disease litigation. He focuses on asbestos cases. He has experience appearing before the Supreme Court and Court of Appeal. "He's intellectually secure and absolutely up to date on the law." "He's very impressive, methodical and calm under pressure."

Chambers & Partners 2019 (Industrial Disease)

Continues to develop his outstanding practice handling industrial disease and serious injury claims. He is well known for his expertise in asbestos-related cases. "He is an extremely persuasive advocate, as well as being great with clients." "He is one of the standout barristers in the UK for asbestos litigation. He is a formidable advocate, has an unflappable and forensic manner, and is always meticulously prepared. He has the ability to explain complex legal issues to clients in a down-to-earth and succinct manner."

Chambers & Partners 2019 (PI)