Sally Hatfield KC



Called: 1988
Silk Date: 2013

0161 829 2100

Sally.Hatfield@byromstreet.com

Practice Overview

Clinical Negligence (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 first rate on complex, high-value clinical negligence cases. She is an engaging and precise advocate who is very attuned to the client's needs and she stands out for her knowledge and technical ability." [Chambers & Partners, 2027]

"Sally is a safe pair of hands. She is always quick to respond and she is willing to explore all avanues to pursue a case and is very compassionate." [Chambers & Partners, 2027]

"Her preparation and analysis of cases are excellent." [Chambers & Partners, 2027]

"She is quite outstanding. She has a lovely personality, is excellent with clients and is a wonderful communicator." [Chambers & Partners, 2027]

Personal Injury (Band 2)
Sally Hatfield KC is recognised for her expert handling of severe or fatal personal injury cases, often involving complex medical causation and disputed liability. She has handled complex accident cases and abuse claims.

"Sally is very compassionate with clients, being tactful and diplomatic in her handling of advices." [Chambers & Partners, 2027]

"Sally has a great eye for detail." [Chambers & Partners, 2027]

Strengths:
“Sally is very approachable and knowledgeable. She is fantastic with clients and addresses all of their concerns.”
“Sally is great with claimants.”
“She is sympathetic, but her level of knowledge and years of experience really set her apart from others.”
“Sally Hatfield is excellent with clients and is always thoroughly prepared.”
“Sally is an excellent lawyer and her client care skills are extremely good.”

Sally has a great intellect and a pragmatic approach. She always gets to the nub of the issue without wasting time.

Personal Injury (2)
She has masses of experience in leading in high value personal injury claims. She has a thorough approach to the evidence and a marvellously calming and emotionally intelligent way with clients.

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.

<u>Sample representative cases</u>

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

Chambers & Partners 2025 (Personal Injury) - Band 2
Sally Hatfield KC is recognised for her expert handling of severe or fatal personal injury cases, often involving complex medical causation and disputed liability. She has handled complex accident cases and abuse claims.

Chambers & Partners 2025 (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 at the top of her game. She is a leader in catastrophic injury: astute, master of her brief, practical and compassionate."

"Sally is tactically very good, very good with clients and an excellent advocate."

"Sally is exceptionally good with clients, hugely experienced and a wonderful communicator. Her service is unsurpassed, she's easy to work with and always wonderfully prepared."

"Sally is always thoroughly prepared, her client care is excellent and her analysis of cases is very thorough."

"Sally is an exceptional barrister. She has it all - empathy with clients and attention to detail. She is also an excellent advocate and easy to deal with, which makes the life of a solicitor easier."

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."

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 ofclients. 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?"

Lauren Sutherland KC (Scot)



Called: 1996
Silk Date: 2016 (Scot)

0161 829 2100

lauren.sutherland@byromstreet.com

Practice Overview

Chambers & Partners
Clinical Negligence (1)
"She is very impressive and gets to grips with complicated things quickly." [Chambers & Partners, 2027]
"She has a fantastic manner with clients and is extremely knowledgeable on the law." [Chambers & Partners, 2027]
"Her significant background knowledge of the law makes her an obvious choice for most cases." [Chambers & Partners, 2027]

"Lauren is exceptional with clients. She shows real empathy, understanding and time. She is a determined litigator and fights for justice."

Legal 500
Personal Injury & Medical Negligence (1)

"She is dynamic yet approachable. She is charismatic and charming, as well as exceptionally hardworking. She is dedicated to her clients and always goes the extra mile to get the best possible results." [Legal 500, 2027]

Lauren has advocacy experience gained over 30 years in both personal injury and clinical negligence work. She has considerable experience in catastrophic injury cases and has a particular interest and expertise in cerebral palsy, cancer and brain injury cases. She was instructed in the Scottish Product Liability cases relating to transvaginal mesh. She is instructed in personal injury Group Litigation in Scotland involving musculoskeletal injuries sustained by Kenyan tea-pickers. She has been involved in a number of neurosurgical cases relating to failures of the now disgraced neurosurgeon Professor El Jamel.

She appears regularly in court and has appeared in Scotland in the Sheriff Court, Outer House of the Court of Session, First and Extra Division of the Appeal Court and the Supreme Court. She has conducted many complex Fatal Accident Inquiries into hospital deaths. She has conducted one of the few clinical negligence jury trials that has taken place in Scotland.

She is a CEDR accredited mediator. She is clinical negligence lead for PEOPIL a not-for-profit organisation that seeks to promote judicial co-operation and mutual knowledge of legal and judicial systems in European jurisdictions. She was secretary to the Professional Negligence Bar Group. She is a member of the Comonwealth Lawyers Association.

She was part of the legal team for the claimant in the landmark case of *Montgomery v Lanarkshire Health Board* and presented the first argument for the claimant in the Appeal Court in Scotland.

In 2009 she was one of two Counsel appointed by the Scottish Government to lead the Vale of Leven Public Hospital Inquiry into the outbreak of *C difficile* at the hospital. This lasted 3 years and was an extensive inquiry into medical and nursing issues and infection control. She was also invited to participate in the review panel led by Professor Sheila McLean into the introduction of no-fault compensation in Scotland.

She has lectured extensively to lawyers and doctors on clinical negligence and personal injury and for many years she taught consent to undergraduate dental and medical students. She teaches doctors on court craft and writing reports in conjunction with Inspire Medilaw a provider of first class conferences for lawyers and doctors.

Since 1995 she has been the contributing editor on clinical negligence to the Reparation Bulletin in Scotland and she contributed the chapter on Medical Law and Human Rights to the main Scottish textbook on Human Rights.

She has written a book on the law on consent post *Montgomery* and this is published by Law Brief Publishing and is also available on amazon with authors proceeds going to children with special needs.

Lauren undertakes conferences and hearings in-person, remotely and a hybrid of remote/in-person working.

Lauren has a blog where she posts articles on issued of law and medicine. laurensutherlandqc-lawandethics.com

Education and Appointments

Head of Medical Negligence, PEOPIL (Pan European Organisation of Personal Injury Lawyers), February 2020.

2020 - CEDR accredited mediator

Contributing Editor to the Reparation Bulletin on Medical Negligence produced by W Green. Involves reporting and commenting on current medical negligence cases.

Commonwealth Lawyers Association - PEOPIL

Member of APIL

Member of American Association of Justice (AAJ)

Administrative

Petition of Laureen Joan Fargie [2008] CSOH 117
Petition for review of the eligibility criterion of the Skipton Fund which restricted payment to representatives of persons who died having been infected with Hepatitis C as a result of infected blood products or tissue from the NHS.

Petition for Judicial Review of Fairlie
Judicial Review in relation to the administration of the Skipton Fund in relation to compensation payments for Hepatitis C

Petition for Judicial Review of Hayleigh Reynolds
Judicial Review in relation failure to provide drug treatment to a young girl

Petition Cameron Fyfe v The Council of the Law Society and Others (Inner House) 2017 CSIH 6

Personal Injury

Widdowson v Liberty Insurance NHS Grampian NHS Highland [2021] CSOH 15
This was a fatal case and an action was brought against bot the insurers of a car involved in a road traffic accident which caused injury to Mr Widdowson and also two hospitals for failures in care after the accident. All have eventually admitted liability for the death. The case is important in considering issues of apportionment of responsibility amongst the defenders and the principles to be applied.

Hughes v Turning Point Scotland [2019] CSOH 42, 2019 S.L.T. 651
Claim for Damages in respect of a duty of care owned by a charity to a man who attended in withdrawal from alcohol. Issues of whether *Huntley v Hanley* test applied to the actions of the charity, whether they were rescuer in law, duty of care and contributory negligence.

Gloria Urquhart v Fife Primary Care NHS Trust
(Lord Brodie) Nursing personal injury case
Public inquiries & Fatal Accident Inquiries

Clinical Negligence

Almond-Roots v El Jamel and NHS Tayside CSOH 130 https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2021csoh130.pdf?sfvrsn=4c25c0a_1
This was a claim for cauda equina as a result of failures in diagnosis and surgery against a surgeon on a private basis and against the hospital where the pursuer was treated. Eventually liablity was admitted. Damages were eventually agreed but the case proceeded on apportionment of liability between the defenders. Damages were nearly 3 million pounds which was one of the highest settlements in a cauda equina case.

Jennifer McCulloch v Forth Valley Health Board [2021] CSIH 21
https://scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2021csih021.pdf?sfvrsn=0
This was the appeal heard by the Second Division of the Inner House in Scotland in the previous case related to misdiagnosis of a pericardial effusion and consent

Widdowson v Liberty Insurance NHS Grampian NHS Highland [2021] CSOH 15
https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2021csoh015.pdf?sfvrsn=0

This was a fatal case and an action was brought against both the insurers of a car involved in a road traffic accident which caused injury to Mr Widdowson and also two hospitals for failures in care after the accident. All have eventually admitted liability for the death. The case is important in considering issues of apportionment of responsibility amongst the defenders and the principles to be applied.

Jennifer McCulloch and others v Forth Valley Health Board [2020] CSOH 40
Proof over 8 days in which the pursuers claimed that there had been negligence in a cardiologist's care. There were difficult issues relating to diagnosis of a pericardial effusion and consent
https://www.bailii.org/scot/cases/ScotCS/2020/2020_CSOH_40.html

Vincent Friel v Dr Brown [2019] CSOH 30; [2020] CSIH 7
Procedure Roll Debate and Reclaiming Motion on the effect of S10 of the Law Reforms (Misc Prov) (Scotland) Act 1968 and what constitutes abuse of process in Scotland

Allan Johnston v NHS Grampian [2019] CSOH 90
Clinical Negligence case on consent

James Carr v R H Independent Health Care Limited [2018] CSOH 82
Procedure Roll Debate on the procedural issues of the effect of a decree of reduction

Montgomery v Lanarkshire Health Board [2015] UKSC11
Landmark case on consent to medical treatment in front of 7 judge bench at UKSC. Cerebral palsy case involving diabetic mother with large baby who was not advised of the risks of mechanical problems in labour or shoulder dystocia. Shoulder dystocia occurred during delivery and the child was born with cerebral palsy and a brachial plexus injury. Inner House decision [2013] CSIH 3; 2013 SC 245

Ryan Coyle v Lanarkshire Health Board [2014] CSIH 78
Appeal by the Health Board against the decision of Lord Tyre in the first instance. Appeal related to the question of whether he correctly interpreted the evidence in relation to the timing of delivery. The appeal was unsuccessful.

Ryan Coyle v Lanarkshire Health Board [2013] CSOH 167
Cerebral palsy case involving delay in delivery of child. The case involved allegations of obstetric and midwifery negligence. Was one of the few cerebral palsy cases that have proceeded successfully to proof.

Evelyn Telfer on behalf of Mirren Telfer v The Royal Infirmary of Edinburgh NHS Trust
Cerebral palsy case proceeded to proof on all issues but settled after a week of evidence following admission of fault.

Marika Komori v Tayside Health Board [2010] CSOH 30
Case involving an injury sustained following an arterial blood sample Sought recovery of all documentation held by the Health Board in relation to the complaint made by the claimant

Brenda Louise Rennie v Lothian Health Board [2010] CSOH 61
This was a cerebral palsy case which considered the issues of delay and mora in the context of litigation.

Greenhorn v South Glasgow University Hospitals NHS Trust [2008] CSOH 128
The claimant suffered nerve damage following a colposuspension procedure. Considered the issue of res ipsa in the context of clinical negligence

Hepburn v Royal Alexandra Hospital and Another [2008] CSOH 81
Argument in the Outer House relating to delay in progress of litigation in the context of a clinical negligence claim

J.S. v Lothian Health Board 2009 SLT 689
This case related to a failure in testing for cystic fibrosis. The case considered the important issue of the non delegable duties of Health Boards in terms of matters such as test results

Rosemary Lenton v Ayrshire and Arran Health Board
Involving a knee replacement surgery without prophylactic antibiotics which resulted in gross destruction of the knee with the result the claimant was wheelchair bound. Issues of orthopaedic negligence.

Learmont v Dr Vernon
Action against a GP following the death of a young woman with meningitis. Difficult issues related to causation and whether the death could have been avoided had she been referred to hospital at an earlier date

Zoe Campbell v Highland Health Board
Cerebral palsy case involving a breach delivery which proceeded to proof on all issues and then settled after evidence.

Eric Robertson v Forth Valley Health Board (Extra Division)
Full evidential appeal before the Extra Division which settled after a number of weeks of hearing

Eric Robertson v Forth Valley Health Board 13/4/2005
(Temporary Judge Coutts) Clinical negligence case related to the failure to diagnose an aneurysm resulting in the patient suffering a stroke when he underwent surgery

Christopher Muir and Others v Grampian Health Board Lord Abernethy CSOH 17/3/2000
Fatal case following the death of a woman as a result of a heart attack. Issues of whether she should have been recognised as at risk of cardiac problems and whether she should have been discharged from hospital. One of the first cases to raise the issue of whether pursuer's should lead in evidence the doctor's being blamed.

Maureen Trodden v Greater Glasgow Health Board
Case involving breast reduction surgery which left the pursuer with grossly reduced breasts. Issues of negligence in cosmentic surgery.

Richard Adamson v Lanarkshire Health Board
Medical Negligence jury trial. A young boy had a selling in his testicle and this was removed without testing on the assumption that the swelling was cancerous. Subsequently confirmed to be a blood clot. One of the few medical negligence cases that has proceeded to jury trial.

Desmond McCafferty v Greater Glasgow Health Board
Limitation argument in relation to raising of proceedings in a Clinical negligence case

Inquiries and Inquests (with a P.I. or medical content)

Vale of Leven Hospital Inquiry
This was set up by Scottish Government and Chaired by Lord McLean to investigate deaths at the Vale of Leven Hospital as a result of C difficile infection. She was appointed as the Junior Counsel to the Inquiry which lasted over 3 years and published in November 2014. The Inquiry had a wide ranging remit to review issues of nursing practice, medical practice, tissue viability, utrition in the elderly, infection control and clinical governance.

Inquiry related to the Glasgow Airport Rail link
Junior Counsel instructed in the planning Inquiry related to the Glasgow Airport Rail link. This was a proposed rail link between Glasgow Central Station and Glasgow Airport

Inquiry into the death of Debra Law
(represented the family) Related to the death of a young woman following the administration of an anaesthetic

by a junior doctor and required a detailed knowledge of anaesthetics and the technique for rapid sequence induction

Inquiry into the death of Linda Gibson
(represented the family) Related to the death of a young woman following coning of her brain. This was a lengthy Inquiry with complex medical evidence in relation to epilepsy, neurology, infection and the mechanism of brain swelling together with the interaction of drugs on this process

Inquiry into the death of Stephen Miller
(represented the family) Related to the death of a young boy following a massive pulmonary thromboembolism and involved complex issues in relation to haematology, the mechanism of clotting and the interaction of drugs on this process

Inquiry into the death of Simon Dolan
(represented the family. Related to the death of a child with Cornelia de Lang Syndrome where there was malplacement of a feeding tube. Paediatric issues and nursing negligence

Inquiry into the death of George Fairlie
(represented the family) Related to the death of an elderly man in a Care Home. This lasted nearly 9 weeks in Paisley Sheriff Court. The case had a number of complex medical issues relating to dementia, pressure damage, vascular issues and diabetes and medical care of the elderly. In addition issues in relation to Social Work Care and the workings of the Care Commission

Inquiry into the death of Lorraine McGalliard
(represented the family). Related to the death of a young girl following an undiagnosed torted ovarian cyst. Gynaecological and surgical negligence

Directory Comments

Chambers & Partners 2024 (Clin Neg) Band 1

"*Excellent on her feet and very well prepared*."

"*She is pragmatic, great at managing expectations and very practical*."

She is ranked in Chambers UK (Band 1) and The Legal 500 for Clinical Negligence .
Chambers UK have said:

"*She's got an encyclopedic knowledge and she handles complex cases with ease*." (Chambers 2022)

Strong silk who brings her skills to bear in the full array of clinical negligence and personal injury cases. She is adept at navigating complex causation and quantum issues and is especially knowledgeable about claims relating to cerebral palsy, brain injuries and fatal incidents. Instructing solicitors frequently praise her for her medical knowledge. (Chambers 2021)

"*Excellent on her feet and very well prepared*." (Chambers 2021)
"*She is pragmatic, great at managing expectations and very practical*." (Chambers 2021)

"*She has an apparently inexhaustible energy to prepare and argue some of the most ground-breaking cases", "A highly regarded and experienced advocate recognised for her personal injury and medical negligence experience*" (Chambers 2020)

"*She is absolutely superb, and she fights a client's corner pretty fiercely... hugely knowledgeable and really applies herself*".

In the 2016 edition she is described as "*Deeply knowledgeable in medical negligence matters. I don't think you could find a more committed advocate to medical negligence cases." "She's a real leader in this field; the most specialised claimant clinical negligence advocate in Scotland*".

In 2017 Chambers say of her "*Her knowledge of the legal and medical aspects of the cases she handles is phenomenal" "Absolutely superb at medical negligence cases. She goes the extra mile to understand the expert knowledge*."

Lectures, Seminars and Publications

Publications
Lauren has written extensively in the area of personal injury and medical negligence. She is the author of '*A Guide to Consent in Clinical Negligence Post-Montgomery*' published by Law Brief Publishing (2018), contributing editor of Green's Reparation Bulletin on Medical Law and wrote the chapter on Medical Law and Human Rights in Greens Human Rights Loosleaf.

Published Book
Sutherland QC: '*A Guide to Consent in Clinical Negligence Post-Montgomery*', Law Brief Publishing, 2018.

Published Articles
Since coming to the Bar she has published a number of Articles in the area of Personal Injury and Medical Negligence. She is also a Contributing Editor to the Reparation Bulletin and produces regular reviews and comment on cases decided in the area of medical negligence.

- **Who carries responsibility -moral blameworthiness and causative potency Carolyn Almond-Roots v El Jamel and NHS Tayside**Reparation Bulleton 2022
- **Meadows v Khan The scope of duty in clinical negligence** Reparation Bulletin 2021
- **The right of patients to make autonomous choices: Montgomery v Lanarkshire Hearth Board: a landmark decision on information disclosure to patients in the UK.** Int Urogynecol J (2021)
- **Does the Bolam Test apply to disputes of fact between experts?** Reparation Bulletin February 2020, issue 152
- **The quality of evidence of normal practice in information disclosure cases post Montgomery**. Reparation Bulletin 2019, 150, 2-4 - Comments on the Supreme Court of Australian Capital territory decision in *Kempster v Healthscope Operations Pty Ltd* on whether a nurse who claimed to have used standard or invariable practice had failed to adopt the standard of care to be expected of a nurse in that position and the evidential weight to be attached to such assertions.
- **Is coincidental causation sufficient to found liability?** Reparation Bulletin 2019, 147, 4-6 - Comments on the case of *Khan v MNX* (CA) on whether a general practitioner who failed to establish that a patient was a carrier of the haemophilia gene was liable in law for the child's autism as well as haemophilia where the mother would not have become pregnant if she knew she was a carrier. Discussed the 'scope of liability' test and its application in the UK.

- **Montgomery: Myths, Misconceptions and Misunderstandings** Journal of Personal Injury Law Issue 3 2019 - Comments on the arguments made in *Montgomery v Lanarkshire Health Board* in the Supreme Court and the implications of the decision with an analysis of some of the decisions since the case was decided.
- **The Bolam and Hunter v Hanley tests following Montgomery** Reparation Bulletin 2018, 144, 5-8 - Comments on *AH v Greater Glasgow Health Board* on whether doctors failed in their duty of care by failing to advise on the risks inherent in the use of vaginal mesh products. Considers the impact of *Bolam v Friern Hospital Management Committee* and *Hunter v Hanley*and whether the cases still apply to consent cases.
- **LT v Lothian NHS Health Board** Reparation Bulletin 2018, 143 5-8 - Brain damage during birth case where the allegation was the Registrar negligently misinterpreted the CTG trace and failed to expedite the birth. Considers the issue of conflicting expert evidence, impartiality, disclosure and consent.
- **Causation in wrongful birth cases** Reparation Bulletin 2018, 140, 6-8 - Considers the case of *Meadows v Khan* (QBD) on whether there was liability for losses sustained by a woman who had a child with both autism and haemophilia when the woman had only sought to avoid having a child with haemophilia.
- **AW as legal representative of LW v Greater Glasgow Health Board. Reparation Bulletin** 2017, 138, 6-8 - Comments on AW v Greater Glasgow Health Board in which a reclaiming motion was refused in relation to the dismissal of an action against 2 midwives in relation to damage suffered by a child pre -delivery.
- **Malone v Greater Glasgow and Clyde Health Board** Reparation Bulletin 2017, 135, 5-7 - Comment on the Outer House decision in Malone which was an action for damages against a Health Board in respect of the clinical negligence on the part of a Haematologist which resulted on the claimant suffering a stroke.
- **The introduction of consent cases to existing cases following Montgomery** Reparation Bulletin 2016, 133, 3-6 - Considers with reference to the case law the position on introducing a consent case late in a medical negligence proceedings in the aftermath of *Montgomery v Lanarkshire Health Board*
- **KR v Lanarkshire Health Board** Reparation Bulletin 2016, 132, 6-8 - Examines the Outer House ruling in *KR v Lanarkshire Health Board* where the issue was whether the Registrar managing the labour was under a duty to make the patient aware of the material risks involved in her labour in accordance with the principles found in *Montgomery v Lanarkshire Health Board* and offer a caesarean section or assisted delivery.
- **Medical Negligence Update** Reparation Bulletin 2016, 131, 6-8 - Comments on the Privy Council ruling in *Williams v Bermuda Hospitals Board* the Queen's bench ruling in *Tasmin v Barts Health NHS Trust* and the QBD ruling in *SXX v Liverpool Women's NHS Foundation Trust*
- **Consent to medical treatment and provision of inaccurate information in risks Reparation Bulletin** 2015, 127,5-7 - Examines the Queen's Bench Division ruling in *Connolly v Croydon Health Services NHS Trust* on whether a hospital failed to obtain informed consent to a procedure and whether its continuing treatment of the patient after she had withdrawn her consent invalidated the lawfulness of treatment. Considers whether the right to withdraw consent can be overruled in life threatening situations.
- **Consent post Montgomery Reparation Bulletin** 2015, 126, 6-8 - Comments on the Queen's Bench Division ruling in *FM v Ipswich Hospital NHS Trust* on whether to award damages for clinical negligence which resulted in brachial plexus injury during childbirth on the ground that the hospital failed to discuss the risks of possible shoulder dystocia with the mother prior to labour.
- **Causation issues midwifery negligence Reparation Bulletin** 2015, 125, 6-8 - Assesses the Outer House ruling in *W v Greater Glasgow Health Board* on whether the failure by midwives to refer to hospital a woman who was 20 weeks' pregnant and displaying symptoms of pre-eclampsia had: (1) caused a delay in the birth of her son; and (2) if so, that delay had caused her son to develop a brain injury.
- **Causation issues in consent cases: where are we now following the decision of the Supreme Court in Montgomery**? Reparation Bulletin 2015, 124, 3-6 - Comments on the Supreme Court judgment in *Montgomery v Lanarkshire Health Board* on consent and causation in a clinical negligence claim, if a baby suffered shoulder dystocia during birth and the mother asserted that she would have asked for a caesarean section if she had been advised about the risk. Considers whether the test of causation should be subjective, or objective based on what a reasonable patient would have done.
- **The law finally reflects good professional practice**. Reparation Bulletin 2015, 123, 4-8 - Reports on the landmark Supreme Court judgment in *Montgomery v Lanarkshire Health Board* on whether an obstetrician should have informed a pregnant woman of the risk of shoulder dystocia occurring in a vaginal delivery in her case and the further risk of the baby being born with brain damage. Highlights the significance of the case in developing the law on consent to medical treatment, with particular reference to the legal status of General

Medical Council guidance.
- **Causation in Consent Cases - Where are we now?** B. 2015, 124, 3-6
- **C (By his Father and Litigation Friend 'F') v North Cumbrian University Hospitals NHS Trust** B 2014, 121(Dec), 6-8 - An analysis of the application of the Bolitho principles to expert evidence (November 2014)
- **M. as legal representative of RM v Highland Health Board Rep.** B, 2014, 117 (Apr) 7-8 - Bolitho in the CP case
- **Alexander Glancy v The Southern General Hospital NHS Trust - Consent and emergency surgery** B. 2013, 113 (Aug), 24
- **Robin Donald and Others v Ayrshire & Arran Health Board and Others** B 2013, 112 (Jun) 7-8 - GP negligence and failure to diagnose DVT (May 2013)
- **Helen McGlone v Greater Glasgow Health Board**(January 2013) - B. 2017, 135, 5-7 - Failure to diagnose cancer and causation issues
- **Hannigan v Lanarkshire Acute Hospitals NHS Trust** B 2012, 109 (Dec) 6-7 - Analysis of competing expert evidence and the application of Bolitho in a total hysterectomy
- **Marjory Campbell v Borders Health Board** B 2011, 100 (Jun), 7-8 - analysis of the concept of direct responsibility of health boards
- **Nicolas Taaffe v East of England Ambulance Service NHS Trust** (May 2012) Medical Negligence B. 2012, 106(May), 7-8
- **Recovery of Damages for a 'seriously handicapped' child - The Case of Rand**
- **The blessing of the unplanned pregnancy - MacFarlane in the House of Lords** (2000) B. 2000, 33(May), 5-7
- **Multipliers Multiplied - Wells and McNulty** B. 1999, 25(Jan), 4-7
- **Failed Sterilisation** (1995) B. 1995, 3(May), 4-7
- **The Brain Damaged Baby** B. 1995, 2(Mar), 3-6
- **"No Fishing" Recovery of Medical Records pre litigation"** B. 1995, 1(Feb), 3-5
- **A Single Standard of Care** B. 1995, 6(Nov), 11-12

- **A relationship of Mutual Trust Is Pregnancy a Personal Injury?** B. 1995, 5(Sep), 4-6

Presented Lectures
Lauren has been asked to lecture on a number of different topics in the field of personal injury and medical negligence since going to the Bar. She has given lectures for a number of different organisations including the Scottish Young Lawyers, The Legal Services Agency, The Law Society and Glasgow Graduate School.
Lectures Presented

- Chair at The Anatomy of a Cerebral Palsy Conference, Inspire MediLaw (Edinburgh) 18th September 2023

- Presentation for McCollum Consultants - The dos and don'ts of expert witness work. 13th September 2023
Chair at the Inspire MediLaw Annual Medico-legal Conference (Scotland) 14th September 2023

Chairing the PEOPIL Birth Injury and Medical Negligence Seminar in Florence, September 2023. https://www.peopil.com/conferences/aaj-birth-injury-and-medical-negligence-seminar-2023/

- Presentation for MASIC Foundation *Montgomery*- where are we now? 21 April 2022
- Presentation on '*Patient consent and the Montgomery decision*', Faculty of Dental Surgery, Kings College, London, 17 March 2022.

- British Association of Brain Injury & Complex Case Management '*Accommodation: so much more than a roof over your hea*d' - Chair and Speaker, Birmingham, 16 March 2022
- Royal Faculty of Procurators in Glasgow: Medical Negligence Half Day Conference 2021 - Chair and Speaker, 29 October 2021
- Chair of conference on Medico Legal issues in Cardiology and Respiratory Medicine, Inspire Medilaw, Edinburgh, October 2021.
- Presentation on '*Anaesthetic Consen*t', Oxford Anaesthetic Conference, 28 September 2021
- Invited lecture for National Education Scotland on patient consent and information disclosure to patients, 27 May 2021 (virtual conference)
- Invited presentation at IGB Congress, Holland (online) on the ethical principles that underline patient consent and the development of the law in the UK: '*Montgomery; from Hippocrates to paternalism to patience choice*', 30 March 2021
- Rationing Healthcare in a Global Pandemic - a presentation on the legal position in Scotland. Commonwealth Lawyers Association, 16th March 2021.
- Teaching on expert witness course with Inspire Medilaw, 14 and 15 December 2020 and 7-8 June 2021
- Invited lecture at Royal Faculty of Procurators, Glasgow on "What you want from expert witnesses", 8 December 2020
- PEOPIL's Webinar 'Plastic Surgery Tourism' (Chair), September 2020
- Inspire MediLaw Annual Expert Witness Conference (Chair), September 2020
- Inspire MediLaw Webinar 'Consent post-Montgomery in brain injury claims', September 2020
- Inspire MediLaw Webinar "Conversations on Consent", June 2020.
- PEOPIL's 5th Webinar on Zoom discussing issue of Nursing Homes Claims, June 2020.
- Training Day: Appearing in court, Jacqueline Webb OT's, Oxford, January 2020.
- Presentations at Medical Expert Witness Training for Medical Professionals on: 1. Consent; 2. Courts, Cross and Examination in Chief, Inspire Medilaw, Glasgow, December 2019,
- Presentation on Consent: The journey from Hippocrates to paternalism to patient choice, Scottish Spine Surgeons, November 2019 Royal College of Surgeons, Edinburgh
- Chair of conference on Medico Legal issues in Emergency Medicine, Inspire Medilaw, Edinburgh October 2019
- Presentation: Medical Negligence Update 2019, Royal Faculty of Procurators Annual Conference October 2019
- Inspire MediLaw (Medico-Legal issues in General Surgery) - London (11th September 2019) - (https://www.inspiremedilaw.co.uk/event/clinical-negligence-conference-september-2019/)Presenting on consent and causation issues in consent cases.
- Presentation: The Legal Duty of Candour in the UK and whether this is consistent with the approach of the UK Supreme Court in *Montgomery*on the individual patient's right to information disclosure, at the XXXVIth International Congress on Law and Mental Health Conference, Rome (July 2019)
- Inspire MediLaw Expert Witness Training for Medical Professionals (June 2019) Teaching on the law, what is an expert witness and appearing in court.
- Chair and speaker (on consent) at Inspire MediLaw Annual Expert Witness Conference (May 2019) Royal College of Physicians in Edinburgh
- Presentation: National Conference for the Association of Breast Surgeons in Glasgow (May 2019)
- Chair at Inspire MediLaw Clinical Negligence Conference (April 2019)
- Part of a panel on consent at the Winter Scientific Meeting for the Royal College of Anaesthetists in London (January 2019
- Teaching Medical expert witnesses with Inspire Medilaw, Royal College of Physicians and Surgeons Glasgow (December 2018)
- Presentation: Difficult issues in Personal Injury Litigation. The Royal Faculty of Procurators in Glasgow Personal Injury Conference (October 2018)
- Chairing medico-legal conference for Inspire Medilaw (October 2018)
- Invited speaker British Society of Paediatric Dentistry Caird Hall, Dundee on consent (September 2018)
- Invited speaker in Barcelona at the Pan-European Organisation of Personal Injury Lawyers at an international session on consent (June 2018)
- Presenting on Consent and Risk at Manchester International Living Donor Meeting, Innovations and

Controversies (April 2018)
- Chairing Negligence in Gynaecology & Obstetrics Conference with Inspire MediLaw, Edinburgh (April 2018)
- Medical Negligence update at the annual Personal Injury Conference. Royal Faculty of Procurators in Glasgow (March 2018)
- Presentation: Consent and Montgomery 3 years on. Where are we now? Royal College of Physicians and Surgeons, Glasgow (March 2018)
- Teaching medical experts with Inspire Medilaw on preparing medical reports and giving evidence in court (January 2018)
- Lecture on Quantum issues in orthopaedic, spinal and amputation cases for Orthopaedic Conference with Inspire MediLaw (30 October 2017)
- Teaching medical experts on preparing medical reports and giving evidence in court, Inspire Medilaw Oxford (October 2017)
- Annual Personal Injury Conference Royal Faculty of Procurators - Presenting on Clinical Negligence and the new rules (October 2015)
- Presentation: Montgomery - A new Approach, Royal Faculty of Procurators (2015)
- Presentation: Understanding the decision of the Supreme Court in Montgomery - Presentation to DAC Beachcroft English offices (July 2015)
- Presentation: Causation in Consent Cases - Where are we now? Ampersand Clinical Negligence Conference (June 2015)
- Presentation: The law on Consent to Medical Treatment - University of Glasgow Medico-legal Society (2014)
- Presentation: Consent and *NM v Lanarkshire Health Board*- Medico Legal Management Clinical Negligence Conference (2014)
- Co-Chair and organiser of the Ampersand Clinical Negligence Conference (June 2014)
- Periodical Payment Orders and Medical Negligence Update - Central Law Training Personal Injury Conference 2014, Glasgow
- Presentation: Medical Negligence Update - Central Law Training Personal Injury Conference 2013, Edinburgh
- Patient Advisors Day - Talk on negligence to Patient Advisors (2012)
- Civil Procedure - Advocates' Clerks training talk
- Multipliers in Personal Injury Actions - (2000,1999,1998) - Legal Services Agency Day Conference on Update on Personal Injury Law
- Presentation: Psychological Injury and the Law (2007)
- Medico-legal report writing and Giving Evidence in Court Medical Education - for Doctors (2007)
- Presentation: Medical Negligence - Day Conference for Morton Fraser (2006)
- Presentation: Cerebral Palsy and Brain Injury Claims - Legal Services Agency (2005)
- Quantification of claims for Psychological Injury - Legal Services Agency (2004 and 2005)
- Presentation: Medical Negligence - Quantification of Claims and Update - The Law Society (2004)
- The Dentist and the Law - Royal Odonto - Chirurgical Society of Scotland (3 separate lectures in Glasgow, Edinburgh and Dundee)
- Cross examination of witnesses - with Charles Hennessy - Medical Negligence Scottish Young Lawyers
- Human Rights and Medical Law - Central Law Training (2002)
- Accidents to Children - Central Law Training and Glasgow Graduate School of Law (2002)
- Negotiation in Personal Injury Actions - Scottish Young Lawyers Conference (with Professor C Hennessy, Solicitor Advocate)
- Limitation in Personal Injury actions- Legal Services Agency (with Hugh Olson, Advocate) - October 2001
- Expert witnesses - SLYA October 2001 Day Conference
- Preparing a Medical Negligence Action for Court - Scottish Young Lawyers Conference
- Children in Reparation Actions - Central Law Training - Fifth Annual Reparation Conference - November 2001
- Conduct of a Civil Proof- Scottish Young Lawyers Annual Conference (with Professor C Hennessy, Solicitor Advocate) January 2000
- Medical Law and Human Rights - Scottish Young Lawyers Conference October 2000
- Preparation of a Reparation Action - Scottish Young Lawyers Annual Conference January 1999
- Issues of Evidence in Personal Injury Actions - Glasgow Bar Association January 1998
- Preparation of a Medical Negligence Action - Glasgow Bar Association
- Fatal Accident Inquiries - SSC February 1996

- Preparing and Conducting a Medical Negligence Action - Greens in conjunction with Strathclyde University October 1995
- Psychological Injury and Stress at Work Claims - Legal Services Agency Conference
- Preparing and Conducting a Medical Negligence Action - Greens in conjunction with Strathclyde University October 1995
- Psychological Injury and Stress at Work Claims - Legal Services Agency Conference

- Training Course for GP experts on giving evidence in court - with John Sturrock Q.C.