



## Judith Ayling KC

Year of call: 1998 | Silk: 2021

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*"A brilliant and tenacious barrister who always fights her corner, gives good advice and works collaboratively in a team."* Chambers and Partners 2020

Judith practices in clinical negligence, personal injury and costs and funding. She has been a member of chambers since starting pupillage in 1998. She took silk in 2021. Before coming to the Bar Judith spent several years working in academic publishing at Cambridge University Press as a commissioning editor in linguistics and philosophy.

She is very experienced in high-value clinical negligence and personal injury cases (predominantly spinal injury, brain injury and birth injury) and cases which are particularly sensitive or legally difficult. Many of these cases involve both common law and Human Rights Act (HRA) claims. She has particular expertise in complex duty of care cases. She is at ease with cases involving highly technical scientific and medical evidence, including those where many experts are involved. She is used to resolving claims by alternative dispute resolution (ADR), whether mediation or joint settlement meeting (JSM), and is known for her ability to combine sensitivity to the personal issues involved with legal rigour and mastery of complex facts.

Judith has a good deal of experience in group litigation, both with and without formal group litigation orders (GLOs). She is currently instructed with Neil Block QC in the vaginal mesh litigation.

Judith also has a considerable practice in costs and funding. She acts for receiving and paying parties, and solicitors and clients, with experience in all issues including complex retainer questions. Here too she has expertise in the particular issues which arise from group litigation. She is specialist funding counsel for UKTC in *UKTC v Fiat Chrysler*, in the Competition Appeal Tribunal (with an appeal to the Supreme Court pending).

## Areas of expertise

Clinical Negligence and Personal Injury

Costs and Litigation Funding

## Clinical Negligence and Personal Injury

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*"She is a force to be reckoned with."* The Legal 500 2021

*"Judith is a measured and impressive barrister who brings her great intellect and attention to detail to bear in high-value claims."* The Legal 500 2021

*"She knows her cases in superb detail and always has suggestions which you haven't thought of which will help the case. A really helpful and insightful advocate."* *"She is a pleasure to work with, cuts through the issues quickly and is very commercial and practical."* Chambers and Partners 2022

Judith is very experienced in high-value clinical negligence and personal injury cases (predominantly spinal injury, brain injury and birth injury) and cases which are particularly sensitive or legally difficult. Many of these cases involve both common law and HRA claims. She has particular expertise in complex duty of care cases. She is at ease with cases involving highly technical scientific and medical evidence, including those where many experts are involved. She is used to resolving claims by ADR. Most of her practice is for defendants but she has always also acted for claimants too.

Judith has great experience in group litigation, both with and without formal GLOs. She is currently instructed with Neil Block QC in the vaginal mesh litigation, and acted with him in the litigation relating to breast surgery by Ian Paterson.

Her work includes claims where fundamental dishonesty is suspected. She is used to advising on strategy, including the impact of fundamental dishonesty on costs, particularly under the qualified one-way cost shifting (QOCS) regime, and here her parallel practice in costs and funding is of enormous value to those instructing her.

#### Cases of note:

- ***Henderson v Dorset Healthcare University NHS Foundation Trust*** [2020] UKSC 43; [2021] AC - Judith was led by Angus Moon QC in all stages of this landmark case (High Court to Court of Appeal to Supreme Court) about the illegality defence where a psychiatric patient of the trust had killed her mother, was found guilty of manslaughter by reason of diminished responsibility and claimed damages. The claim was dismissed because the illegality defence applied. Judith is now instructed by NHS trusts in other illegality cases.  
Westlaw
- *H v (1) X NHS Foundation Trust (2) London Borough of X* (compromised in 2019) - Judith was instructed by the NHS Foundation Trust late in this very high-value spinal injury case, just before she took silk, and with QCs representing the claimant and the co-defendant. Complex questions about existence and scope of duty of care, contributory negligence and the illegality defence, as well as a quantum claim involving care and case management and accommodation. A rapid and sensible compromise was achieved at mediation shortly before trial.
- *T v Y University Hospital NHS Foundation Trust* (compromised 2022) - Judith was instructed by the defendant trust to act in this claim alleging that a stroke would have been avoided with prompt administration of aspirin. High-value, with a claim for substantial loss of earnings, care and adapted accommodation. Judith is instructed in several stroke claims (a number against the same firm and QC for the claimant), and brings to bear her detailed knowledge of the recent medical literature on stroke, which she combines with scrupulous attention to the detail of the medical attendances in the individual case. *T* was compromised at JSM.
- *Alexander Lewis-Ranwell v (1) G4S (2) Chief Constable of Devon & Cornwall Police (3) Devon Partnership NHS Trust (4) Devon County Council* (hearing February 2022, judgment awaited) - This case concerns the illegality defence where at the criminal trial the claimant was found not guilty of murder by reason of insanity. Complex questions of law, and the working out of the ramifications of *Henderson*.
- *Various Claimants v Ian Paterson, Spire Healthcare Ltd, Heart of England NHS Foundation Trust* (compromised October 2017) - High-profile litigation by hundreds of claimants in relation to breast cancer surgery by Ian Paterson. Led by Neil Block QC, Judith acted for Mr Paterson in the civil claims for surgery in the private sector. These claims involved exceptionally complex and novel questions

about the existence and scope of the duty of care, as well as the coordination of multiple claims and high-volume electronic disclosure, and careful case management because of the parallel criminal proceedings.

## Recommendations

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- *"She is a force to be reckoned with."*The Legal 500 2021
- *"Very comfortable and effective against leading silks in heavyweight cases."*The Legal 500 2021
- *"One of the best senior juniors around and destined to become silk. Technically excellent and very good on causation points."*The Legal 500 2021
- *"An outstanding junior for defendant clinical negligence work."*The Legal 500 2021
- *"A brilliant and tenacious barrister who always fights her corner, gives good advice and works collaboratively in a team. She's always willing to discuss and talk through strategies."*Chambers and Partners 2020
- *"She is an exceptional barrister, meticulous in her preparation and calm under fire."*The Legal 500 2020
- *"She has a wonderful manner which puts clients at ease and couples this with a very obvious and extensive knowledge of personal injury law and procedure."*Chambers and Partners 2020
- *"Extremely meticulous in her approach and with an encyclopaedic knowledge of costs."*The Legal 500 2020

## Memberships

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- Personal Injuries Bar Association (on the Executive Committee)
- Professional Negligence Bar Association

## Qualifications

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### Education

- 1983-1987 King's College, Cambridge: double first in French and German
- 1996-1997 City University: Common Professional Qualification with commendation
- 1997-1998: Inns of Court School of Law: graded Outstanding, Bar Council Certificate of Honour

### Scholarships and Prizes

- Entrance exhibition to King's College, Cambridge, and then senior scholarships
- Middle Temple Harmsworth Entrance Exhibition and the Queen Mother's Scholarship

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