



Emily Formby KC

Year of call: 1993 | Silk: 2021

Email: emily.formby@39essex.com

Phone: +44 (0)20 7832 1111

"She is very good, very intellectual and has a very warm and engaging character. She is extraordinarily good with experts."

Chambers and Partners 2024

"Emily is always measured and has an exceptionally thorough approach. Where Emily is involved, a client's case is stronger for it."

Legal 500, 2023

Emily, ranked for over 20 years in the Directories and nominated for Legal 500 Clinical Negligence Silk of the Year in 2023, is renowned for her extensive personal injury and clinical negligence practice and is involved with the most complex cases of the highest value. She has wide experience acting for both claimant and defendant in all types of claims, both public and private, with clients appreciating her ability to think cases through in the round.

She is adept at absorbing and understanding complicated clinical and factual issues which she subjects to an incisive forensic legal analysis. Praised for her keen intellect and ability to work with experts, she is also well known for her warm manner and ability to involve and engage her clients in the litigation process.

Her work often overlaps disciplines – thus she can be instructed in an Inquest at an early stage and then advise and lead on any subsequent claim. She has extensive Inquest experience including Jury and Article 2 Inquests. She also works in related areas such as Court of Protection and has particular expertise in Fatal Accident Act claims, multiple causation claims and has long been instructed in numerous bicycle accidents. She co-hosts Wheel Life – a podcast looking at legal issues affecting vulnerable road users.

She is a CEDR qualified mediator and a Recorder sitting in the Crown and County Court for more than 10 years. She is Vice Chair of the Personal Injuries Bar Association (PIBA) and has sat on the Bar Council as PIBA representative.

Areas of expertise

Personal Injury

Employers Liability

Inquests

Animal Claims
Road Traffic
Public Liability
Product Liability
Sport
Alternative Dispute Resolution

Inquests

Often highly complicated and contested cases where emotions run high, Emily has a wide ranging and broad inquest practice including many years of experience with jury inquests. She has represented government departments, particularly the prison service and many parties in a large number of suicide cases. She works with clients who have fatal accidents and represents them at the inquest before moving into the damages claim, being particularly experienced in accidents involving cyclists. In the clinical negligence sphere, she represents doctors and patients when there is an investigation into how death arose and is fully conversant with article 2 of the Human Rights Act and human rights arguments and the interplay of European and domestic law. She represents those in care homes, particularly vulnerable adults, and has also been involved in a number of health and safety inquests. An adjunct to her inquest work is the number of fatal accident claims that follow.

Cases of note

- Acting for family where failure to admit or react to deceased's condition led to completed suicide.
- Acting for mother where failure to monitor baby at, during and after birth led to avoidable death.
- Acting for hospital where alleged failure to monitor and admit patient led to death.
- Acting for family raising concerns over lack of access to primary care leading to developing avoidable conditions in vulnerable adult living in residential care leading to avoidable death.

Recommendations

Personal Injury

- *"Emily is thoughtful and thorough in her approach to cases, she is able to cut through complex facts to identify key legal arguments."* Legal 500 2024
- *"She is very good, very intellectual and has a very warm and engaging character. She is extraordinarily good with experts."* Chambers and Partners 2024
- *"An excellent practitioner with strong client care skills and an eye for the detail."* Chambers and Partners 2024
- *"She is exceptionally good at what she does and has a very detailed and brilliant advocacy style. She is friendly, pleasant and very effective."* Chambers and Partners 2022
- *"She is very determined, committed, robust and empathetic."* Chambers and Partners 2022
- *"An impressive junior. Very personable and thorough, as well as being a good strategist."* The Legal 500 2021
- *"She is brilliant with clients, and has a forensic mind and excellent attention to detail." "Very pragmatic and sensible." "Very thorough, clever and a good tactician."* Chambers and Partners 2021

Emily Formby KC brings a comprehensive understanding of technical legal and medical issues to her personal injury cases. She is well versed in catastrophic and fatal injury claims and demonstrates particular strength in cases concerning human rights law. She has developed an excellent reputation for her handling of road accident and occupational stress claims. (Chambers and Partners 2024)

Clinical Negligence

- *"Emily is an intellectual heavyweight. She is calm, inspires confidence, and is always extremely well prepared."* Legal 500 2024
- *"Her experience in the field is quite clear. She can navigate clients through very difficult circumstances."* Chambers and Partners 2024
- *"She is able to manage expectations very well and is creative in terms of resolving issues."* Chambers and Partners 2024
- *"She's exceptional in terms of forensic ability in complex cases while having great interpersonal skills."* Chambers and Partners 2024
- *"Shows an ability to digest very complex medical concepts and problems which is second to none."* The Legal 500 2021
- *"Has excellent attention to detail and can quickly pick apart a case to get to the key issues."*
- *"She is very experienced in this field and well respected. Her manner with often vulnerable and traumatised clients is excellent – she is thorough but comforting."*
- *"A powerful advocate."* Chambers and Partners 2021

Emily Formby KC is an acclaimed barrister with extensive experience of clinical negligence litigation. She handles a diverse caseload on behalf of both claimants and defendants, including matters relating to birth trauma injuries, failed diagnoses and wrongful treatment. She is a qualified mediator as well as a litigator. (Chambers and Partners 2024)

Memberships

- Personal Injuries Bar Association (PIBA) – Vice Chair
- Professional Negligence Bar Association (PNBA)
- Public Law Bar Association
- Member of Bar Pro Bono Unit
- London Common Law & Commercial Bar Association
- South Eastern Circuit
- The Honourable Society of Middle Temple

Qualifications

Education

- 1986 – 1989, Oxford University, BA (Oxon) Modern History
- 1991 – 1992 City University, Diploma in Law
- 1992 – 1993 Inns of Court School of Law, Baxxr School

Scholarships and Prizes

- Queen Mother's Scholarship (Middle Temple) 1991 and 1992

Additional Information

Appointments

- Recorder of the Crown Court 2009
- Recorder of the Civil Court 2019

Publications

- Contributing Editor: *Kemp and Kemp: Quantum of Damages*
- Contributor: *Kemp & Kemp: Personal Injury Law, Practice & Procedure*

London

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

BARRISTERS • ARBITRATORS • MEDIATORS

clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com