



Susan Rodway KC

Year of call: 1981 | Silk: 2002

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"She wholeheartedly embraces her clients' cases and then fights them every inch of the way." "She is a very experienced, well-known and respected silk." "A formidable opponent." Chambers and Partner, Clinical Negligence, 2022

Susan has a wealth of experience across a wide spectrum of civil and commercial litigation, domestic and international arbitration, in particular sports arbitration, and mediation. She is renowned for her advocacy skills, particularly in cross examining experts in specialist scientific, medical and sports arenas. She has been instructed in numerous leading cases arising out of clinical negligence, catastrophic injuries, group litigation, professional negligence including accountants and solicitors, sports law and domestic and international sports arbitration, in particular arising out of motorsports, cycling or equine competition including anti-doping issues. Susan is currently the sole Leading Counsel acting for all Claimants in the concussion litigation arising out of the contact sports of rugby union, rugby league and football. In addition Susan has significant experience in issues of safeguarding in sport and in particular allegations of historic sexual abuse. She has acted in complex claims of historic sexual abuse related to schools and other institutions as well as in the sporting arena.

Areas of expertise

Alternative Dispute Resolution

Clinical Negligence

Personal Injury (including Abuse)

Sports Law

Personal Injury (including Abuse)

Susan is an experienced and established personal injury practitioner and is instructed by both claimants and defendants across the whole range of circumstances giving rise to liability from tort to breach of statutory duty to criminal prosecutions. She regularly acts in cases leading to catastrophic injuries such as acquired brain damage, spinal injury, multiple trauma and loss of limbs as well as claims for psychiatric injury, stress, bullying or harassment and fatal accidents. She is held in high regard as a fearless advocate for her clients and her willingness to pursue novel arguments which challenge and seek to extend the

boundaries of established decisions.

For example, she has appeared in most of the leading cases of actions under the Animals Act 1971 for injury or damage caused by horses. It is significant that a number of recent decisions have exonerated keepers of animals from liability by applying the statutory defence of "volenti" under section 5 of the Act. This is an argument which she has long promoted in the appellate tribunals.

Her case load often involves an international element, and she is comfortable with disputes as to the correct legal forum or those requiring the application of foreign law and practice.

Cases of note

- ***EXE v Governors of the Royal Naval School* [2020] EWHC 596 (GB)** - The defendants employed a 30-year-old man, "Hughes", as a kitchen porter from 15 October 1990 to 10 July 1991 at their school for girls. He was provided with accommodation on the school premises. The defendants were not aware that Hughes had a criminal record, including offences of indecent assault on a female and unlawful sexual intercourse with a girl under the age of 15. Had the defendants been aware of these convictions, Hughes would not have been offered employment.

This was a very thorough judgment by a careful judge. The core issue was limitation and at every turn the defendants were able to show that the lapse of time had adversely affected the evidence in respect of all issues. There was no need for the judge to go on to consider in detail issues 2,3 and 4 and make findings on them. The fact that he did so and supported his findings with clear and powerful reasoning makes this an extremely useful judgment to consider in the context of historic sexual abuse claims.

- ***Sid Ali Atmani et al v Royal Borough of Kensington & Chelsea et al* (AKA Grenfell Tower, Civil Litigation)** - Susan Rodway KC, Shaman Kapoor and Emma Corkill represent 87 claimants in their civil claims for injury and losses arising out of the tragic fire at Grenfell Tower, London which led to the death of 72 people. Instructed by Bishop Lloyd and Jackson Solicitors (BLJ), the claims have been issued against the Royal Borough of Kensington and Chelsea (RBKC) and the tenant management organisation (TMO) that between them owned and operated Grenfell Tower.
- ***Al-Najar v The Cumberland Hotel (London) Limited* [2019] EWHC 1593 (QB)** - Several guests staying at the Cumberland Hotel in Marble Arch were attacked by Philip Spence, who had entered their room to steal. The guests had over-ridden the door closing and locking mechanisms and left their bedroom door open whilst they slept. The case raised important issues about the liability of a hotel for the criminal acts of third parties.

The judge found that the hotel owed a duty of care to the claimants to take such care as was reasonable in all the circumstances to protect them from injury. He found that reasonable security was provided and that there had been no breach of duty and the claims were dismissed.

Recommendations

- *"A dynamic and fearsome advocate who is very bright. She is down to earth, approachable and works extremely hard." "She gets straight to the heart of a case and has a very caring approach. She is a really effective advocate."* Chambers and Partners, Personal Injury, 2022
- *"She wholeheartedly embraces her clients' cases and then fights them every inch of the way." "She is a very experienced, well-known and respected silk." "A formidable opponent."* Chambers and Partner, Clinical Negligence, 2022
- *"A great advocate – definitely someone you want on your side."* The Legal 500, Personal Injury, 2022

- *"Susan is fearless. She is a fantastic advocate and will go the extra mile."* The Legal 500, Clinical Negligence, 2022

Memberships

- Personal Injury Bar Association
- Professional Negligence Bar Association
- Court of Protection Bar Association
- Inter Pacific Bar Association

Qualifications

Education

- King's College, London
- City University

Additional information

Appointments

- Master of the Bench of Middle Temple (2009)
- Arbitrator appointed to Sports Resolution (2021)

Languages

- French (fluent)
- Italian (conversational)
- Spanish (conversational)
- German (conversational)

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