



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

Clinical Negligence

In clinical negligence, Susan has a formidable reputation. Many of her cases have resulted in landmark decisions or record awards of damages. She acts mainly for claimants in cases involving catastrophic birth injuries, acquired brain damage, failures in diagnosis and treatment and foetal abnormalities. She acts for international claimants to pursue claims against health professionals in foreign jurisdictions.

Cases of note:

- **Evie Toombes v Dr Philip Mitchell** [2020] EWHC 3506 QB And [2021] EWHC 3234 - Landmark case of pre-conception negligent advice leading to birth of claimant with spina bifida. Civil Liability (Congenital Disabilities) Act 1976. Action brought in claimant's own right against general practitioner. Claimant succeeded on liability and case proceeds to assessment of damages.
- **Thorley v West Birmingham Hospitals NHS Trust** [2021] EWHC 2604 (QB) - The claimant had atrial fibrillation for which he was prescribed warfarin. Following a coronary angiogram, the claimant had an ischaemic stroke. This left him physically and cognitively disabled. The claimant brought a negligence claim against the defendant trust. He alleged that the trust had caused or, in the alternative, materially contributed to his stroke for two reasons. Firstly, the trust advised him negligently to stop warfarin four days, as opposed to three days, prior to the angiogram. Secondly, the trust failed to restart warfarin on the evening of his procedure.

The trust denied breach of duty, but admitting that warfarin should have been restarted no later than one day following the angiogram. Causation was denied.

Mr Justice Soole made the following findings: there was no breach of duty beyond that which was admitted by the trust; the case failed on 'but for' causation; and material contribution would not apply where indivisible injuries are caused by a single tortfeasor.

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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