



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

Costs and Litigation Funding

'A talented new silk in the field of costs litigation.' Chambers and Partners 2022

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Given her prominent practice in personal injury and clinical negligence, Judith has particular expertise in costs issues as they arise in those areas, including costs budgeting, Part 36, costs orders at the end of litigation, detailed assessment and group litigation.

Cases of note:

- *Paccar Inc & others v Road Haulage Association Ltd and UKTC* [2021] EWCA Civ 299 - Judith is specialist funding counsel in this case where UKTC applies for a collective proceedings order. The specific costs issue before the CAT and then the Court of Appeal was whether a third-party funding agreement constituted a damages based agreement, and was therefore unlawful. The Supreme Court granted Paccar permission to appeal on 28 April 2022.
Westlaw
- *Blue Sphere Global v Her Majesty's Commissioners for Customs and Excise* [SCCO December 2011] - The first case to look at the calculation of success fee in a discounted no win no fee agreement. Judith acted for the paying party, and the methodology she proposed was adopted.
- *Myatt v National Coal Board (No 2)* [2007] 1 WLR 1559 (CA) - Judith, led by Jeremy Morgan QC, acted for the defendant in this case arising out of the conditional fee agreement (CFA) costs wars. It remains one of the few cases where a third-party costs order has been made against solicitors.
- *Lahey v Pirelli Tyres* [2007] EWCA Civ 91; [2007] 1 WLR 998 - Judith acted for the defendant in this landmark case where the Court of Appeal held that it is not open to the judge assessing a bill of costs to reduce that bill by an overall percentage, which is solely within the jurisdiction of the judge making the costs order.

Recommendations

- *"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

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

Qualifications

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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