



She's an outstanding junior, excellent attention to detail and very client-friendly."

Chambers & Partners 2017

Emily Formby is well known for her extensive Personal Injury and Clinical Negligence practice. Within these specialisations, she has wide experience acting for both claimant and defendant in all types of claims, both public and private, and in related areas such as inquests, Court of Protection, cost disputes, insurance related issues, fatal accidents, fraud and product liability claims. Emily has been recommended as a leading junior in Personal Injury law and Clinical Negligence within the Legal 500, Chambers & Partners and Legal Experts directories for many years.

She is a CEDR qualified Mediator and a Recorder appointed to sit in the Crown Court.

PRACTICE AREAS

- Personal Injury
- Clinical Negligence
- Inquests
- Court of Protection
- Alternative Dispute Resolution

SECTORS

- Sport

PRACTICE AREAS

PERSONAL INJURY

"Brilliant strategist who is innovative when thinking of ways to solve problems." The Legal 500 (2019)

"Very thorough and focused on clients." Chambers & Partners (2018)

"Absolutely brilliant with clients and has a forensic mind. She always offers good, sound, practical advice."
Chambers and Partners (2018)

"A careful and thoughtful advocate." Legal 500 (2018)

"Her analysis of the issues is very good and she has a particularly strong understanding of medical evidence." Chambers & Partners (2017)

"She's an outstanding junior, excellent attention to detail and very client-friendly." Chambers & Partners (2017)

"She delves deep into the facts and picks up on all relevant issues" Legal 500 (2016)

Emily has been involved in a significant number of high value injury claims. Issues range from analysis of liability – particularly road traffic, employer's and public liability – to causation and quantum calculations. Claims overlap with product liability and the sporting sector, and include many fatal accidents and catastrophic injuries of the utmost severity. She has acted in stress, bullying, school and education, and disease claims.

Emily has a wide range of experience dealing with cases involving elements of abuse, for example: abuse in care homes; work with vulnerable people; abuse and issues with a local authority as to whether an autistic child / adult was properly evaluated and safeguarded when left with family or moved away; care of the elderly and whether or not needs are met or they are being abused.

Examples include:

- Multi-party fatal road traffic accident caused by water flooding on road following earlier works.
- Catastrophic injury following accident; significant and complex quantum assessing self-employed business structures.
- Injury allegedly caused by manual handling using work press.
- Injury caused by touching live electrical switch; claim evaluating past works and potential liabilities.
- Failure to provide work equipment leading to concrete burns.

FRAUD

Emily advocates a strong tactical approach to fraudulent claims, considering all aspects of the case and the implications that arise. Unafraid to grasp the nettle, issues regularly dealt with range from exaggeration to fabrication of accidents, staged accidents and phantom heads of loss. Cases include fabricated description of mechanism of accident within a factory; grossly exaggerated description of injuries with heightened functional

capacity captured on surveillance; exaggerated loss of earnings claim: full loss sought despite return to work.

CLINICAL NEGLIGENCE

"Excellent at strategy, identifying the key issues and robust in court." The Legal 500 (2019)

"She provides pragmatic and sensible advice. She is also very approachable and has got a very easy manner about her." Chambers & Partners (2018)

"User-friendly and excellent in terms of interacting with clients. Very committed and very on the ball." Chambers & Partners (2018)

"A careful and thoughtful advocate." Legal 500 (2018)

"She is excellent with clients and is obviously extremely bright and thorough" Chambers & Partners (2017)

"She is prepared to fight the fight rather than sit on the fence." Legal 500 (2016)

"She is sharp and very strong on the technical clinical details." Chambers & Partners (2016)

"Experienced in acting for claimants and defendants." Legal 500 (2015)

"She is very understanding and very friendly in her approach. Someone who gives very practical advice, she talks to clients very clearly and is able to express complicated legal and medical terminology in a simple way." Chambers & Partners (2015)

"I want a barrister to add value to a case and not just repeat what is known. She does this and is very good at dealing with complex issues...." Chambers & Partners (2014)

"Very strong on the technical details" Legal 500 (2014)

"A genius who is always great fun to work with" Chambers & Partners (2013)

Emily carries out a wide range of Clinical Negligence work, representing both claimants and defendants. Instructions include missed and failed diagnosis claims, birth trauma and catastrophic injury at birth, hospital acquired infections, wrong treatment, failed or missed procedures, and delayed response and ambulance claims.

Examples include:

- Acting for the Claimant where failure to bring mother to early assisted delivery led to significant injuries for mother and baby.
- Representing the Claimant where a Doctor had been struck off for inappropriate surgery.
- Acting for Ministry of Defence in a number of cases, assessing standards of healthcare for service personnel and their families posted abroad.
- Acting for the Claimant in a complex claim. Delayed diagnosis of cerebral bleed leading to significant but subtle permanent symptoms. Complex causation issues.
- Acting for Ministry of Defence in a claim where alleged failure of primary care is claimed to have led to undiagnosed hypertension and increased risk of stroke.
- Acting for Claimant where failure to administer and monitor anti-coagulation treatment led to undiagnosed clotting and death.

INQUESTS

Emily has extensive experience in the Coroner's Court. Unusually, she has considerable experience in inquests involving juries since many of her cases have been death in custody inquests or involved death in the workplace and the involvement of the HSE. She has been instructed on a number of Human Rights and *Middleton* inquests, and is experienced in addressing the Court on the wide range of available verdicts.

Emily's inquiry work includes representing the Chief Pharmacist at the Shipman Inquiry (3rd stage).

Inquests include:

- Vauxhall Helicopter Crash.
- Death arising from failure to give anti-coagulation treatment after lower limb day surgery.
- Inquest arising from failure to order a CT scan or routine referral within hospital.
- Jury inquest into deaths at a number of prisons and YOIs.
- Death of cyclists on London roads.
- Jury inquest into death following an accident in a supermarket.

COURT OF PROTECTION

Emily's involvement in the Court of Protection is a common overlap with her injury work. Instructed to protect or consider claimant's damages at an early stage, she is also instructed in property and Mental Health Act cases.

Cases include:

- Management of money for a Claimant who lacked capacity and sought to bring a clinical negligence claim.
- Managing the property and affairs of a Protected Party whose Will no longer had the effect intended to protect her son.
- Advising on stage to appoint a Deputy and manage ongoing liability and quantum claims.

ALTERNATIVE DISPUTE RESOLUTION

A CEDR qualified Mediator, Emily is able to bring significant "coal face" experience as an Injury Litigator to her alternative dispute resolution work. Her mediation training also assists her in all forms of dispute resolution when she is representing one of the parties.

Her role sitting as a Crown Court Judge means she is able to balance needs, take an objective overview and manage matters with calm authority, thereby assisting the parties to reach a conclusion that is satisfactory to all concerned.

SECTORS

SPORT

"She does a lot of cycling-related work and has extensive knowledge of liability issues." Chambers & Partners (2015)

Emily is instructed in a wide range of sporting claims, particularly cycling claims, having litigated a significant number of claims on behalf of British Cycling, CLT and the British Triathlon Association.

RECOMMENDATIONS

Personal Injury

"Brilliant strategist who is innovative when thinking of ways to solve problems." The Legal 500 (2019)

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"A careful and thoughtful advocate." Legal 500 (2018)

"Her analysis of the issues is very good and she has a particularly strong understanding of medical evidence." Chambers & Partners (2017)

"She's an outstanding junior, excellent attention to detail and very client-friendly." Chambers & Partners (2017)

"She delves deep into the facts and picks up on all relevant issues" Legal 500 (2016)

"Good at giving clear practical advice, she is absolutely brilliant with clients and has a forensic mind." Chambers & Partners

"Recommended for providing a great service." Legal 500 (2015)

"She's an excellent junior counsel, very thorough." Chambers & Partners (2015)

"She's tough and sensible." Chambers & Partners (2014)

"Empathetic, understanding and sensitive to client's feelings" Legal 500 (2014)

Clinical Negligence

"Excellent at strategy, identifying the key issues and robust in court." The Legal 500 2019

"She provides pragmatic and sensible advice. She is also very approachable and has got a very easy manner about her." Chambers & Partners (2018)

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APPOINTMENTS

Recorder of the Crown Court – 2009

MEMBERSHIPS

- Personal Injury Bar Association: Emily is the Assistant Secretary and sits on the Executive Committee. She runs the continuing education programme for London.
- Member of Bar Pro Bono Unit
- London Common Law & Commercial Bar Association
- Member of Middle Temple
- Member of South East Circuit

QUALIFICATIONS

BA (Oxon) Modern History

Diploma in Law

Queen Mother Scholarship 1991 and 1992

ADDITIONAL INFORMATION

PUBLICATIONS

Contributing Editor: *Kemp and Kemp: Quantum of Damages* – Sweet & Maxwell

Contributor: *Kemp & Kemp: Personal Injury Law, Practice & Procedure*

Section Editor: *Butterworths Personal Injury Litigation Service*

Contributor: *PIBA Personal Injury Handbook (3rd edn)* published 2007

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