



“An outstanding barrister with a sharp legal mind.”

“... confident, tenacious, knowledgeable, and user-friendly”.

The Legal 500 2021

Emma is an experienced and confident advocate who appears regularly in Court as well as at JSMs and mediations.

Emma is a member of the Personal Injuries Bar Association Executive Committee, an Advocacy Trainer for Inner Temple, a co-author of a chapter on product liability in the medical context for Lewis and Buchan: Clinical Negligence and is a specialist contributor to the clinical negligence chapter of Bullen, Leake and Jacob's Precedents of Pleadings.

Emma's areas of practice include:

- Clinical negligence
- Personal injury with a specialist interest in historic sex abuse, fraud and fundamental dishonesty cases
- Product liability

Emma's preference is for electronic instructions and paperless working.

PRACTICE AREAS

- Clinical Negligence
- Personal Injury

- Fraud
 - Product Liability and Property Damage
 - Alternative Dispute Resolution
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PRACTICE AREAS

CLINICAL NEGLIGENCE

Emma acts for both Claimants and Defendants in clinical negligence cases and is regularly instructed by the NHSR, private insurance companies and medical defence organisations as well as by Claimants. Emma accepts instructions in all medical malpractice claims, and regularly deals with a wide range of cases including:

- Birth injury claims;
- Fatal accidents
- Claims against opticians/optometrists/ophthalmologists;
- Plastic surgery cases;
- Dental cases;
- *Montgomery* consent claims;
- Cases involving incorrect diagnosis and delay in diagnosis.

NOTABLE CASES

- Currently acting as junior counsel for a Claimant in a high value birth injury case.
- Acted for the Claimant as junior counsel to Susan Rodway QC in a birth injury claim. The case settled for a lump sum equivalent of around £13 million.
- Acted for the Defendant in a claim relating to a uterine rupture sustained in labour. The injury occurred at an unusual location and arguments based on scope of duty were raised.
- Succeeded at trial in defeating a claim against a cardiologist relating to whether or not a referral had been arranged over 20 years ago.
- Defended a case involving transmittance of a disease from a donor organ after a transplant operation;
- Acted in a case involving a laparoscopic assisted vaginal hysterectomy. The issues involved whether the Claimant had received sufficient information about the risks prior to the surgery and whether the resulting complications were due to negligence or were simply an ordinary risk of properly performed surgery.
- Defended a claim involving allegations of failing to provide sufficient information about the risks of plastic surgery and the need for further rectification surgery as well as allegations that the surgery itself had been performed negligently.

PERSONAL INJURY

Emma accepts instructions in all areas of personal injury work and acts for both Claimants and Defendants,

although she has a special interest in historic abuse, fraud and fundamental dishonesty cases. Emma regularly advises on complex future loss issues.

Emma's busy practice includes:

- Fatal accidents;
- Brain and head injury claims;
- Spinal injury claims;
- Amputation cases;
- Historic sex abuse claims;
- Claims involving Complex Regional Pain Syndrome, Chronic Pain, Fibromyalgia and Functional Neurological Disorder;
- Criminal Injuries Compensation Authority claims and appeals; and
- Inquests, including those involving care and nursing homes.
- Accidents in the workplace, including issues of contractual indemnity between contractors and sub-contractors;
- Occupiers' liability cases;
- Road traffic accidents;
- Highways cases.

NOTABLE CASES

- Being led by Susan Rodway QC acting for over 80 Claimants in relation to the Grenfell Tower fire
- Acted as junior for a client involved in the Independent Inquiry into Child Sex Abuse

FRAUD

Emma accepts instructions from Defendants in all areas of personal injury related fraud. Emma is frequently brought in to assess evidence and witnesses at an early stage and provide advice as to how to proceed. She has significant experience of QOCS removal, fundamental dishonesty and s.57 CJCA issues. Her experience includes claims involving:

- Exaggeration of injuries
- Phantom passengers
- Staged accidents
- Fabrication of accidents
- Low velocity impacts
- Surveillance

NOTABLE CASES

- Established a finding of fundamental dishonesty and dismissal of a claim under Section 57 of the CJCA 2015. The Claimant's failure to recall other accidents and injuries within the months surrounding the index accident was outside the realms of honest mistake. Several of the items of special damage claimed were also found to be dishonestly claimed.
- Argued successfully that a liability admitted claim should be dismissed under Section 57 of the CJCA 2015. Although some elements of the claim were established by the Claimant, the Judge found that there had been a significant exaggeration in respect of the extent of the injuries sustained. Emma successfully argued that the extent of the exaggeration was sufficient to be considered fundamentally dishonest and persuaded the Court to dismiss the entire claim under s.57.
- Successfully set aside a Claimant's notice of discontinuance and had the case struck out on the basis of the Claimant's conduct, thereby removing QOCS protection.
- Persuaded a Judge to strike a case out rather than make an Unless Order where there had been numerous and significant breaches of the directions order. The Defence had raised dishonesty in respect of failure to mention numerous previous accidents and injuries to the medical expert.

PRODUCT LIABILITY AND PROPERTY DAMAGE

Emma acts in cases involving product liability and property damage cases, advising on prospects of success and potential value of claims.

NOTABLE CASES

- A mains water leak caused property damage to a hotel. The claim involved issues of commercial loss of revenue as well as repair costs.
- Fire damage to a commercial property caused by a faulty tumble dryer. Claims were brought against the manufacturer of the product by the landlords and also the tenant, who ran a business from the premises. The damages claimed included building damage, contents and stock damage.

ALTERNATIVE DISPUTE RESOLUTION

At the start of her career, Emma appeared in countless small claim trials, MOJ Stage 3 hearings and fast track trials. She has significant experience of the fixed costs regimes, credit hire claims, and cases involving QOCS and fundamental dishonesty issues. In more recent years, Emma has developed a busy multi track County Court and High Court practice, involving a significant number of trials, JSMs and mediations. Emma received training from leading Arbitrators before joining the 39 Essex Chambers ADR panel. She is an Inner Temple advocacy trainer, a specialist contributor to the clinical negligence chapter of Bullen, Leake and Jacob's *Precedents of Pleadings*, a member of the Executive Committee of the Personal Injuries Bar Association, and co-author of a chapter on product liability in the medical context for Lewis and Buchan: *Clinical Negligence*.

QUALIFICATIONS

BVC (Outstanding), BPP Law School

GDL (Commendation), BPP Law School

MA Chinese Law, Politics and Mandarin (Distinction), SOAS
BA (Hons) Drama (2:1), Loughborough University

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