

CATASTROPHIC AND SERIOUS INJURIES CONFERENCE



St John's
CHAMBERS

Life-ending and life-shortening accidents



Thursday, 10th October 2024



9.15am - 4.00pm

£130 + VAT



Bristol Beacon, Trenchard Street, Bristol, BS1 5AR

**CPD APIL
accredited:
4.5 hours**

Our annual **Personal Injury conference returns on 10th October 2024 at the iconic Bristol Beacon, kindly sponsored by Kain Knight.**



KAIN KNIGHT

LEADING COSTS LAWYERS

Our team of leading **barristers** and top **experts** in their field will be looking at issues arising in cases involving life-ending and life-shortening accidents. You will get the chance to hear from Ken Darzy, consultant in **general internal medicine, diabetes & endocrinology** on life expectancy estimation. You will also hear first-hand from leading experts Maggie Sargent (**care and case management**) and Susan Filson (**physiotherapy**), fresh from their key roles in last year's most important **brain injury case**, *C v Sheffield*. Assistant Coroner for South Wales, Mr David Regan, will provide us with insight into the **coronial process** by way of a Q&A hosted by our barristers. At the end of the day, delegates will take part in a **live legal debate** and witness a **mock interim payment application**.

This event is aimed primarily at experienced claimant and defendant fee-earners, but there will be something for everyone working in this challenging and ever-changing field.

Raffle proceeds go to



Drinks sponsored by



Programme

“ A market-leading set on the Western Circuit, St John’s Chambers is well regarded for its formidable personal injury offering.”
Chambers UK, 2024

9.15 – 9.40am	Registration and refreshments
9.40 – 9.50am	Introduction by Head of St John’s Chambers Personal Injury team Andrew McLaughin, Barrister
9.50 – 10.30am	Life expectancy estimation – methodology and pitfalls Ken Darzy MBChB, FRCP, MD Consultant in General Internal Medicine, Diabetes & Endocrinology
10.30 – 11.10am	Dealing with reduced life expectancy Matthew White (Head of Chambers) & Rachel Segal, Barristers Matthew and Rachel will look at handling claims with reduced life expectancy: what evidence is required, and dealing with multipliers in light of the evidence, including how to calculate multipliers in reduced life expectancy cases.
11.10 – 11.30am	Serious injury claims: Vulnerability and costs Nick McDonnell, Director and Costs Lawyer, Kain Knight Serious injury claimants are often vulnerable which in turn leads to an increase in legal costs. But are practitioners making the most of the now three-year-old provisions created by CPR.r.1 PD1A (Participation of Vulnerable Parties and Witnesses) so as to put a vulnerable party in the best position possible as to costs?
11.30 – 11.45am	Refreshments
11.45 – 12.25pm	The role of the care and case management expert 2024 Maggie Sargent, Maggie Sargent & Associates Maggie will advise on what should you expect from your expert and how to get the best from them.

Programme

"An impressive set with a number of high-quality barristers', praised by some as 'the strongest set in the South West for personal injury litigation'."

The Legal 500, 2024

12.25 - 1.00pm	<p>The importance of maintaining, enhancing and enriching the lives of those catastrophically injured through physical therapy Susan Filson, Physiotherapy Consultant, SJ Filson & Associates</p> <p>Susan will talk through the definition of physiotherapy, the aims (treatments, goals, means) of treatments, and the benefits of aquatic therapy and immersion in water enhancing lives. Susan will also take you through the CCC judgment.</p>
1.00 - 1.45pm	Lunch
1.45 - 2.25pm	<p>Coroner's question time Louise Asprey & Lauren Karmel, Barristers, David Regan, Coroner in South Wales</p> <p>Considering Article 2, neglect, disclosure and other issues, with an invaluable view from the Bench.</p>
2.25 - 3.05pm	<p>How to formulate schedules in wrongful death claims and how to defend them Justin Valentine (Head of Clinical Negligence), Beatrice Baskett, Julian Horne & Sophie Howard, Barristers</p> <p>The team will provide a mock schedule and counter schedule containing typical heads of loss (and a few rogue ones) for an estate claim and a dependency claim. Our barristers will advocate for and against the various heads of loss.</p>
3.05 - 3.20pm	Refreshments
3.20 - 4.05pm	<p>Mock interim payment application Andrew McLaughlin (Head of Personal Injury) and James Hughes will argue the case before Recorder Rachel Russell.</p> <p>Mock interim payment application on behalf of a life-shortened claimant in need of funds without compromising his dependants' FAA claims.</p>
4.05pm	<p>Closing remarks followed by a drinks' reception (kindly sponsored by Headfirst and raffle Andrew McLaughlin (Head of Personal Injury), Ben Handy (Deputy Head of Personal Injury), James Marwick (Deputy Head of Personal Injury)</p>

Expert Speakers



Maggie Sargent
Maggie Sargent &
Associates

In 2017 Maggie was recognised at the Legal Awards receiving both a Lifetime Achievement Award for her services to the legal profession and Medico Legal Provider of The Year. Maggie is a Co-Director of Community Case Management Services Ltd (CCMS), a specialist and leading provider of case management for rehabilitation of severely injured adults and children throughout the United Kingdom, Europe, and Worldwide. Maggie is also the Responsible Individual for Care Quality Commission (CQC) and Care Inspectorate Wales (CIW). Maggie was on the steering committee that established the British Association of Brain Injury Case Managers (BABICM). She is on the Council and is an advanced member of BABICM and she was a director on the board of CMS(UK) from 2002 to 2004. Maggie is a published author and in 2004 wrote a paper at The European Brain Injury Symposium at the Vatican on caring for clients in the community with PVS and has published other papers on costs of care in the community. She is the specialist contributor author on the chapter on Expert Care and Case Management in the APIL Guide to Catastrophic Injury Claims.



Susan Filson
Physiotherapy Consultant
SJ Filson & Associates

From Susan's early days at St Bartholomew's Hospital to her senior role at Manchester Royal Infirmary, Susan's career trajectory led her to become Director of Physiotherapy at the private Alexandra Hospital, Cheadle. Susan then set up her multifaceted physiotherapy clinics, treating and advising at her various clinics, a special needs school, a nursing home for the disabled, and a nursing home for catastrophic injuries, one of which has a hydrotherapy pool. She has recently started volunteering with disability charities. She is a past chairman of MLACP (Medicolegal Association of Chartered Physiotherapists) and was on the ATACP (Association of Aquatic Chartered Physiotherapists) committee. Susan is an Assessor for the Academy of Experts and Mentors Physiotherapists interested in expert witness work. She is particularly interested in aquatic therapy and water-based exercise for severe and traumatic injuries. Susan recently attended the internally prestigious ICEBAT conference (international conference on evidence-based aquatic therapy). Susan has been an expert witness for 35 years, given evidence in court, and contributed to securing home hydrotherapy pools in various cases, including *Adam Wakeling v Mc Donah*, *Katie Lewis v Shrewsbury Health Authority*, *AE v Morecambe Health Authority*, *Robshaw v United Lincolnshire Hospital* and recently *CCC v Sheffield Health Authority*.



Ken Darzy MBChB, FRCP, MD
Consultant in General
Internal Medicine, Diabetes
& Endocrinology

Dr Darzy is a consultant in General Internal Medicine, Diabetes and Endocrinology. He has been heavily involved in undertaking medico-legal work since 2010. His wide clinical and research experience and deep familiarity with the NHS provide him with a clear insight into medico-legal issues that can arise from failure of complex care pathways and/or failure of individual health care providers. A lot of Ken's medico-legal work relates to clinical negligence (around 75 reports per year). A lot of Ken's work is on personal injury resulting in endocrine disorders or complicating pre-existing diabetes or endocrine diseases (around 75 reports/year). He also produces expert reports for work tribunals and reports on life expectancy (around 100 reports per year). Per year, Ken produces more than 250 reports with a claimant/defendant/joint instructions ratio of 45/45/10.



David Regan
Coroner

David Regan sits as a Coroner in South Wales.

Barristers



Andrew McLaughlin
Head of Personal Injury
Year of call: 1993

“The quality of his work is second to none. He always gets the right result on any case in which he is instructed. He has a really pleasant and calm demeanour that puts clients at ease.” Chambers UK, 2024

Andrew is a leading barrister with a national practice in the fields of personal injury, industrial disease and clinical negligence. Andrew is ranked as a Tier 1 barrister in The Legal 500 for personal injury and Band 1 in Chambers UK for personal injury and industrial disease for which he is ranked as a national expert in the Spotlight Table. With a high value multi-track practice, Andrew’s cases are usually in the High Court and Court of Appeal. He is regularly instructed as a leading junior on cases where silks have been instructed on the other side. Notably, in 2021 he comprehensively defeated a well-known KC in the case of Walkden v Drayton Manor Park, securing a finding of fundamental dishonesty. The claim was originally pleaded at £1.6m.



Matthew White
Year of call: 1997

“Matthew has an incredible attention to detail. He is meticulous in his planning and written work and his persuasively balanced but no-nonsense approach makes him an exceptional advocate.” The Legal 500, 2024

Head of Chambers, Matthew White specialises in all aspects of personal injury litigation for both claimants and defendants. He is ranked in Band 1 in Chambers UK and Tier 1 in The Legal 500 guide. He is described by clients as the “master of fine detail” and “forensically thorough”. With over 25 years’ experience, he has considerable expertise in serious injury claims, particularly brain and spinal injuries, highway law, industrial diseases (particularly asbestos), pain litigation and inquests, as well as the more routine employers’ liability, public liability and road traffic claims.



Julian Horne
Year of call: 1998

“Julian is technically very able with plenty of commercial awareness and a practical approach to address difficult issues. ‘He is an extremely competent barrister who delivers a superb service tailored to the client’s needs.’ Julian is tactically very strong and can frequently determine the best route forward even in the thorniest of cases. Julian is incredibly responsive and goes above and beyond to assist.” Chambers UK, 2024

Julian works in all aspects of personal injury law including employers’ and public liability, industrial disease, road traffic accidents (including fraud work), product liability, fatal accidents including inquests, and costs. He is more commonly instructed by defendants and their insurers, and his practice extends to cover insurance and indemnity issues. He has particular experience of personal injury claims arising in the construction sphere and is frequently involved in complex quantum disputes, often in the context of catastrophic injuries. He understands the need for clear and practical advice.

Barristers



Justin Valentine
Year of call: 1999

“Justin is forensic in his approach, and has an eye for detail. He is also tactically very strong, and maintains one eye on the big picture. Overall, Justin is very easy to work with as he aims to get the best outcome through working as a team.” The Legal 500, 2024

Justin is Head of the Clinical Negligence team and ranked as a leading barrister in The Legal 500. He specialises in clinical negligence and personal injury litigation acting almost exclusively for claimants. He is well regarded for his meticulous attention to detail, robust pleadings, skilled negotiation, persuasive advocacy and excellent client care. In the personal injury context, Justin has experience in complex high-value catastrophic injury cases. He has particular interest in multi-track workplace claims and claims involving vulnerable road users (pedestrians, cyclists, motorcyclists). He also has extensive experience of costs’ issues affecting multi-track work. He has experience in representing interested parties at inquests in both clinical negligence and personal injury cases.



Rachel Russell
Year of call: 2001

“Rachel is all over the cases. She is very thorough, good with the judge and persuasive. ‘She is personable, unflappable and has a good bedside manner. She is well-liked by solicitors and takes a pragmatic approach.’” Chambers UK, 2024

Rachel has over 20 years’ experience in dealing with personal injury cases, acting for both claimants and defendants. She has gained a reputation for her robust advocacy, well-reasoned but no nonsense approach to complicated issues, and her friendly manner with clients. She is highly respected both in chambers and on circuit. Whilst the focus of her practice is on cases of higher value, she will accept instructions on lower value matters where there are novel or complex issues to consider. Rachel’s regular clients include national insurers and top-tier claimant firms, as well as numerous local authorities throughout England and Wales and the NHS.



Louise Asprey
Year of call: 2007

Louise has many years of experience representing both claimants and defendants in personal injury and clinical negligence matters. She regularly deals with claims arising out of road traffic accidents and is experienced in dealing with claims brought under the Highways Act 1980, the Occupiers’ Liability Act 1957 and the Defective Premises Act 1972. Louise regularly advises on these matters and is skilled at assisting with the best tactics required to achieve an early conclusion of proceedings. Louise has particular experience in dealing with issues in respect of fundamental dishonesty. As well as representing parties at fast-track and multi-track trials, Louise also has gained extensive experience of acting and advising on high-value claims with complex loss of earnings and pension calculation issues. As a member of the Attorney General’s Regional Panel B, Louise is instructed on behalf of the MOD and the MOJ in respect of various personal injury and clinical negligence matters. Louise is regularly instructed on behalf of the MOJ to represent their interests in inquest proceedings surrounding deaths in custody. She also has experience of representing interested persons at inquests arising in the context of clinical negligence.

Barristers



James Marwick
Year of call: 2008

“James has a strong personal injury practice, with experience handling cases in the High Court and Court of Appeal. ‘He’s technically excellent and a gifted advocate.’ James handles the client really well and is reassuring and pragmatic.’ He is forensically detailed in his approach.”

Chambers UK, 2024

James is Deputy Head of Chambers’ Personal Injury team and has been recognised as a leading junior in personal injury work for a number of years. He specialises in high-value claims and undertakes work for claimants and defendants involving serious injury. He is Deputy Head of the Personal Injury Team at St John’s Chambers. James accepts instructions in all areas of personal injury work but with particular specialisms including local authority liability, construction work, military and workplace injury & disease, and cases involving allegations of dishonesty and fraud, where James is recognised as a specialist in the field. His work encompasses the full range of injuries but with a particular focus on cases involving spinal injury, pain disorders and traumatic brain injury.



Ben Handy
Year of call: 2008

“Ben has notable experience handling cases concerning psychological injury and catastrophic spinal injury, and RTAs. He is excellent with clients and extremely knowledgeable. ‘Ben is excellent at getting to the important issues and finding a way through the minefield of liability issues.’”

Chambers UK, 2024

Ben is Deputy Head of Chambers’ Personal Injury team, a mediator and part-time Crown Court judge. He is widely recognised for his “resourceful and highly adaptable” trial advocacy and “excellent advice on strategy” in relation to catastrophic injury claims. He is ranked as a leading junior in the major legal directories on the strength of his clients’ endorsements. They say that Ben is “user friendly and approachable”, “provides a high standard of technical advice” and “combines great client care skills with tactical nous”. Chambers Guide to the Bar praises his “knowledge” and skill in “finding a way through the minefield of liability issues”. The Legal 500 praises his reliability and “reassuring presence”, explaining complex legal issues to clients in a sensitive, down to earth and respectful way. Ben likes to work very closely with his instructing solicitors, managing cases together as a team and working collaboratively with opposing parties as far as possible.



James Hughes
Year of call: 2011

“James is extremely personable and communicates well with those instructing and clients alike. He has good technical knowledge and his advocacy and courtroom presence are impressive.” The Legal 500, 2024

James is a specialist personal injury and clinical negligence practitioner. He has extensive experience across the full spectrum of such work, including public and employer’s liability, road traffic accidents, industrial disease and travel claims. He is a highly experienced interim hearing and trial advocate. He acts for claimants and defendants in roughly equal measure. He is regularly instructed on behalf of defendants or their insurers where allegations of dishonesty or the disapplication of QOCS are argued. In addition to his core personal injury and clinical negligence caseload, James is also a specialist in data protection, privacy and confidentiality work, whether arising out of the GDPR/data protection legislation, or at common law.

Barristers



Rachel Segal

Year of call: 2013

“Rachel has an unrivalled attention to detail, excellent response times, and is a thoughtful and concise advocate.” The Legal 500, 2024

Rachel is ranked as a leading junior in The Legal 500 for both personal injury and clinical negligence. Rachel advises and represents claimants and defendants in serious RTA, Highways Act, employers' liability and public liability matters. She advises on professional negligence matters in both clinical negligence and personal injury, and is currently working on cases of £multi-million value. Rachel advises and represents parties on both sides of relief from sanctions applications, publishes The Denton Resource annually and delivers training on the topic. Rachel enjoys working across the spectrum of clinical negligence and has a particular interest in cases involving delayed diagnosis of cancer (with significant experience in cancers of the breast, bone and prostate), alleged negligence in gastro-intestinal and colorectal surgery, cosmetic surgery and ophthalmology. She also represents interested persons in the coroner's court.



Sophie Howard

Year of call: 2016

Sophie specialises in clinical negligence, personal injury and inquests work. She acts for claimants and defendants in a variety of personal injury cases including RTA claims, employer's liability, occupier's liability, fraud and credit hire. Sophie is an experienced trial advocate and is regularly in court for all types of interim hearings and trials across all tracks. She also drafts pleadings and advises in writing for both defendants and claimants. Sophie is happy to consider instructions on a CFA.



Lauren Karmel

Year of call: 2017

“Lauren is always prepared to go the extra mile.” The Legal 500, 2024

Lauren is ranked as a leading junior (Tier 2) in The Legal 500 2024 guide. She accepts instructions in all areas of clinical negligence and inquest work, and is developing a strong paper-based practice in all areas of medicine, including dental, oncology, ophthalmology, orthopaedics, obstetrics and emergency medicine. Lauren is frequently instructed to draft pleadings in clinical negligence cases involving complex issues of causation, as well as written advices on procedural issues and quantum. She is happy to consider instructions on a CFA. Lauren has a particular interest in inquest work and is frequently instructed to represent families and other interested parties on a regular basis. Lauren provides regular training to firms of solicitors on the engagement of Article 2 in the context of healthcare inquests. Lauren has a sub-specialism in professional regulation, and is frequently instructed by the Nursing and Midwifery Council to deal with fitness to practise matters. Lauren is also a AvMA Helpline volunteer.

Barristers



Beatrice Baskett
Year of call: 2021

Beatrice joined our Personal Injury, Clinical Negligence and Inquests teams in October 2023 following the successful completion of her pupillage under the supervision of Ben Handy. Regarding her personal injury practice, she is instructed regularly in fast-track trials and interlocutory hearings in road traffic accidents, employers' and public liability claims and Highways Act cases. In clinical negligence Beatrice is instructed in a broad range of cases, including dental treatment, delayed diagnosis and fatal accident claims. Her clinical negligence practice is complemented by her expanding inquest practice, where she frequently provides representation in civil claims brought following the conclusion of the inquest. Prior to joining Chambers, Beatrice worked closely on the Citizens Advice Bureau's Mesothelioma Project, which provides support to individuals diagnosed with mesothelioma.

Sponsor



Nick McDonnell
Director and Costs
Lawyer at Kain
Knight



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Nick qualified as a Costs Lawyer in 2010 and has become a well-respected expert in his field conducting high value and complex costs matters, managing a costs business as well as delivering technical and practical training to firms of solicitors throughout England and Wales. He handles a complex caseload, with an emphasis on Civil and Catastrophic Injury litigation, including costs management & budgeting, detailed assessment proceedings, as well as conducting appeals up to the Court of Appeal and assessments pursuant to the Solicitors Act 1974.

EXHIBITORS



MAGGIE SARGENT
& ASSOCIATES



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