

# 12

King's Bench Walk

## Angela Frost

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### AREAS OF EXPERTISE

Personal Injury, Fraud, Clinical Negligence, Industrial Disease, Insurance, Costs, Health & Safety, Inquests

### JUDICIAL APPOINTMENTS

Recorder (2018) North Eastern Circuit (Civil/Crime)

Angela specialises in high value and complex personal injury claims.

She is instructed by Claimants and Defendants in cases involving serious and high value personal injury. She has a loyal following of both solicitors and insurers due to her practical and no nonsense approach to claims.

Angela has amassed a wealth of experience in cases involving chronic pain and subtle brain injury. She is regularly instructed in such cases where the value is in excess of £2million. She is sought after in such cases particularly where they have a potential fraud element.

Angela has extensive experience in claims involving fraud, whether exaggerated/feigned injury or staged accidents. Leading insurers turn to Angela at an early stage to advise in cases where fraud is suspected and can rely on her to deliver targeted and precise cross examination at trial.

Claimant solicitors appreciate Angela's ability to engage with their clients and the way in which she is able to deliver complex and difficult information and advice in a way that is appropriate and comprehensible to the individual in front of her.

Angela is instructed nationally by leading firms and insurers and is often able to turn around papers at short notice. She is happy to receive instructions electronically.

Angela sits on the Editorial Board of Kemp & Kemp: Law Practice and Procedure, and she edits the chapters on Service, Statements of Case, Admissions, Part 36, Trials, and Appeals.

### Personal Injury

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Angela is able to advise in cases involving all forms of catastrophic injury but her areas of expertise are principally:

- Chronic Pain – including issues of CRPS and fibromyalgia.
- Cases involving psychiatrically driven chronic pain conditions, including somatoform or conversion disorders
- Fraud – cases involving malingering/exaggeration as well as fraud rings, ghost passengers and low velocity

impacts

- Brain Injury including subtle brain injury
- Amputation
- Cases involving injury to teachers, carers, and nurses caused by pupils and patients
- Fatal Accidents

Angela is adept at identifying when issues of chronic pain might arise and is able to offer strategic advice, test medical evidence and utilise her forensic skills to ensure the best outcome for clients. Very often in these types of claim, causation is hotly disputed and issues of malingering, fraud and exaggeration arise. Angela has built up a deep understanding of these chronic pain cases working with medical experts in many different specialisms over the years. In particular, she has considerable experience of effectively adopting a multidisciplinary approach both to establishing and challenging chronic pain claims.

She is known for her ability to effectively marshal evidence in cases involving complex causation issues.

In brain injury cases Angela is often involved at an early stage in collaboration with the other side to provide rehabilitation and educational provision and ensure the right expert evidence is obtained.

Angela is alert to capacity issues and is able to advise appropriately at all stages.

She is able to advise on liability issues across the spectrum of road traffic, public liability and employers' liability claims and regularly deals with cases involving multiple defendants.

Angela has a wealth of experience in cases involving the MIB and in cases where insurance issues under the Road Traffic Act 1988 arise.

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#### *Examples of recent cases:*

Advising D in a high value claim involving a bus v pedestrian accident where a functional neurological disorder has been diagnosed.

Advised D in a claim valued at over £4million, involving a significant leg injury but issues of disproportionate ongoing pain impacting on ability to work. Settled at JSM for a ¼ of that sum.

Advising D in a claim arising out of a low speed RTA where pre-existing back problems but spinal surgery following the accident. Issues of potential dishonesty and/or chronic pain.

Drafted detailed part 18 requests and part 35 questions on behalf of D in a case involving an alleged chronic pain disorder arising from a minor accident at work. Multiple issues that potentially gave rise to the condition including consideration of fraud. Claim discontinued as a result.

Acting for a brain injured child over a number of years where a collaborative approach with the insurer has resulted in ongoing rehabilitation and education packages eventually resulting in a £multi-million settlement.

Advising D in a case involving amputation as a result of alleged negligence failure to diagnose.

Successful High Court claim involving injury to a nurse in a care home resulting from negligent systems of work.

Acted for D in a case involving extensive burns to a resident in a care home for adults with learning disabilities. Value £1.4 million.

Acted for D in a case involving significant psychiatric symptoms to a carer arising from a minor assault by a resident. C experienced unusual and debilitating symptoms of psychosis. Settled at JSM.

Advised in and subsequently settled a claim where exaggeration was suspected. Successfully deployed surveillance

evidence and medical evidence to substantial reduce the claim – settled at ¼ of the pleaded value.

Advised in a case involving a defence of automatism in a road traffic accident.

## Fraud

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Angela has extensive experience of cases involving:

- Exaggeration/Malingering – in particular those cases involving alleged chronic pain syndromes and psychologically driven pain.
- Ghost passengers
- Fraud Rings
- Low velocity
- Staged accidents
- Findings of fundamental dishonesty

She is regularly instructed by leading insurers to draft Defences and advise in cases where fraud is suspected. Angela frequently confers with medical experts in fraud cases and is happy to advise at an early stage on evidence and tactics.

Angela has had considerable success in persuading Courts to make findings of fundamental dishonesty in QUOCS cases.

Angela is adept at scrutinising, assessing and deploying surveillance evidence, social media evidence and insurance database material.

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### *Examples of recent cases:*

Settled a claim pleaded at in excess of £1.2 million for a figure less than 20% of that sum as a result of detailed investigations into the Claimant's employment history and targeted questions to experts.

Successfully defended a claim where low velocity arguments were deployed and feigned injury was alleged. Angela utilised social media evidence in cross examination. Resulted in a finding of fundamental dishonesty.

## Clinical Negligence

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Angela has a range of experience across the breath of clinical negligence cases. She is particularly interested in cases with tricky causation issues such as those where there is interplay between personal injury claims and subsequent clinical negligence allegations.

Angela acts for both Claimants and Defendants.

Recent cases include:

- Failure to diagnoses ischemia resulting in amputation
- Negligent hip surgery arising out of an accident at work for which there was an ongoing personal injury claim for which liability was in dispute.
- Alleged negligently performed gynaecological surgery resulting in urinary incontinence and prolapse.
- Case involving the death of a patient arising from admitted negligence where the issue was the length and quality of life the deceased would have enjoyed had she lived for the purposes of a dependency claim.
- Case arising from a failure to diagnose diabetes with significant causation issues.
- Bowel injury arising out of alleged negligent insertion of a suprapubic catheter where significant changes to quality of life were alleged against a background of significant pre-morbid history.

## Industrial Disease

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Angela is regularly instructed in cases involving:

- Occupational asthma
- Dermatological conditions
- Vibration White Finger
- Industrial deafness
- NFCI

She is able to advise in complex and historical cases involving multiple defendants.

## **Insurance**

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With experience of policy issues in both road traffic and property insurance, Angela is able to advise on a wide range of issues including coverage, avoidance, indemnity and fraud.

## **Costs**

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Angela regularly represents Claimants and Defendants at CCMC and can advise on costs budgeting prior to the CCMC to help formulate the budget in conjunction with the Solicitor.

Angela is able to advise on issues arising out of Part 36 and the application of the fixed costs regime.

## **Health & Safety**

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Angela spent several years practising criminal law before joining 12KBW and therefore has extensive experience of the criminal courts and jury trials.

She receives instructions in health and safety prosecutions in both the Magistrates and Crown Courts and is experienced in drafting Friskies statements.

Angela is happy to attend site visits.

## **Inquests**

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Angela has received many instructions to attend inquests in a range of cases from unexplained deaths in hotel rooms, to road traffic collisions and cases linked to health and safety prosecutions.

Angela is known for her sensitive handling of witnesses and family members.

## **Qualifications**

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- Advocacy trainer – Inner Temple
- BA (Hons) Law with French – Sheffield (2:1)
- Diplôme de droit Français – Université Aix Marseille

## **Appointments & Memberships**

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- Recorder (2018) North Eastern Circuit (Civil/Crime)
- Personal Injuries Bar Association
- Advocacy Trainer Inner Temple

## **Publications**

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- Editor, Kemp & Kemp, Personal Injury Law, Practice and Procedure