

Isaac Hogarth

Call: 2011
ihogarth@12kbw.co.uk



AREAS OF EXPERTISE

Clinical Negligence, Personal Injury, Insurance, Fraud, Inquests

Isaac has a specialist clinical negligence, personal injury and insurance practice. A large number of Isaac's instructions relate to cases involving life-changing spinal and brain injuries, chronic pain and fatalities. He is ranked as a leading junior in personal injury and clinical negligence in both the Legal 500 and Chambers and Partners 2024.

In addition to his injury practice, Isaac has a growing reputation as an insurance specialist and is often instructed to advise insurers and the MIB on technical coverage and indemnity issues.

Isaac is an experienced advocate with an excellent track record at trials, joint settlement meetings and mediations. He is often instructed as a junior in high value claims, but also has extensive experience as sole counsel.

In addition to his civil practice, Isaac is often instructed to provide representation at inquests, particularly those arising from deaths in hospitals and road traffic accidents.

Clinical Negligence

Isaac has a busy and varied clinical negligence practice, and has acted or advised in cases including:

- spinal cord injuries,
- sepsis,
- strokes,
- negligent surgeries,
- sub-arachnoid haemorrhage,
- delayed diagnoses (including cancer),
- lower limb injuries, including diabetic foot and critical limb ischaemia cases,
- failure to obtain informed consent,
- injury at birth,
- claims by secondary victims following negligent medical treatment

Isaac acts predominantly on behalf of claimants in his clinical negligence practice.

Whilst Isaac's clinical negligence experience is very broad, he is particularly interested in cases involving sepsis or spinal cord injury.

Isaac's clinical negligence work includes drafting pleadings, drafting agendas for expert meetings, advising on paper and in conference, and providing representation at JSMs, mediations and at court.

In addition to working on cases against hospitals and GPs, Isaac has been involved in cases involving claims against cosmetic practitioners and pharmacists.

Recent examples of Isaac's clinical negligence work are:

- *RLB v King* – acted for the widow, estate and dependents of a deceased who died due to delayed diagnosis of colorectal cancer. The deceased was in his 30s and left behind a wife and three young children. Settled for £1.75 million. Settlement approved by HHJ Dunne, sitting as a KBD judge. See link to case summary [here](#).
- *MAR (a protected party) v Dr I and Dr B* – acting for claimant who suffered a severe ischaemic stroke due to poorly managed hypertension and a failure by the D1 to administer aspirin when C presented in a walk-in centre having suffered a minor stroke two days earlier. Led by William Audland KC. Settled on the issue of liability following JSM, and settlement approved by Deputy High Court Judge Obi. The claim continues on the issue of quantum.
- *L v Leeds Teaching Hospitals* – acting for claimant who suffered incomplete paraplegia due to delay in treating spinal epidural abscess. Acted on liability, securing admission, and with William Audland KC on quantum. Settled for £3 million lump sum.
- *AB v Salisbury NHS FT* – acting for claimant who suffered catastrophic brain injury due to significant bleed during laparoscopic surgery. Including short life expectancy accommodation claim post *Swift*. Led by William Audland KC. Settled following JSM for £1.85 million and periodical payments of £319,500 pa. See link to case commentary [here](#).
- *RKT (a protected party) v Essex Partnership University NHS Foundation Trust* – acting for claimant who developed c.diff colitis with toxic megacolon following the negligent prescription of flucloxacillin, leading to colectomy. C had pre-existing schizophrenia, and complex questions arose in relation to funding of care and case management, due to s.117 MHA and CHC status. Settled at JSM for £600,000, and approved by Deputy High Court Judge Clare Padley. See link to case commentary [here](#).
- *J v An NHS Trust* – acting for estate of 47-year-old who died due to a delay in the diagnosis of rectal cancer. Included complex causation issues as the deceased suffered a stroke during treatment, which the Defendant claimed to be unrelated to negligence. Settled for £650,000.
- *L v An NHS Trust* – acting for a claimant rendered paraplegic (T8 Frankel B) due to a delay in imaging and then decompressing spinal epidural haematoma. Led by William Audland KC. Settled at a JSM several weeks prior to the start of the liability trial for £4.5 million.
- *X v An NHS Trust* – acting for a claimant rendered permanently blind due to a failure to treat raised intra-cranial pressure secondary to cerebral venous thrombosis, as junior to William Audland KC. Settled at mediation for sum in excess of £4m. See link to case summary [here](#).
- *The Estate of P v An NHS Trust* – the deceased suffered a delay in diagnosis of a pancreatic cyst with a high risk of malignancy. She then suffered an unrelated heart attack, after which she should have had the cyst excised, but did not. The cyst became malignant, and she died from cancer. Fully contested on liability and causation. Settled at a mediation.
- *The Estate of LH v An NHS Trust* – the deceased had been rendered tetraplegic due to a failure to immobilise his spine and perform a decompression following a fracture. He died 18 months later due to complications secondary to his injury. Causation was disputed. Settled at a mediation.
- *H v Prof M* – acted for the claimant who had undergone post-mastectomy breast reconstruction with implants. She had not been warned of the risks of capsular contracture following radiotherapy, which then occurred. Liability was disputed. Settled.
- *Z v An NHS Trust* – acted for a claimant who suffered CRPS following the negligent excision of a lipoma from her palm. Settled.

- K v An NHS Trust – acted for a claimant who suffered severe osteoarthritis in her foot following surgery to correct a hallux valgus deformity. There was a failure to obtain informed consent. Settled.
- C v An NHS Trust – acted for a claimant who suffered a permanent injury to his wrist following a delayed diagnosis of a scaphoid fracture. Settled at a mediation.
- B v An NHS Trust – acted for a claimant who suffered a ‘drop foot’ following failure to evacuate a post-operative haematoma. The case was advanced on the basis of consent arguments. Settled at a JSM. Read case report [here](#).
- Re Z (Deceased) – acted for the estate of a man who died due to mismanaged diabetes. Settled.
- Re HC (Deceased) – acted for the estate in a delayed diagnosis of lung cancer case. Settled.
- Ali v Carr (2017) – acted for the successful claimant in a cosmetic negligence case where damages were assessed in the High Court at £52,744.45, including PSIA of £18,000. Read case report [here](#).
- X v An NHS Trust – acted for the successful claimant in a fatal case involving failure to treat sepsis.
- Y v An NHS Trust – acted for the successful claimant in a case involving delayed diagnosis of lung cancer.

Isaac is also instructed in inquests where clinical negligence is suspected.

Before coming to the Bar, Isaac worked in the clinical negligence department at Stewarts Law LLP. He gained extensive experience working on injury at birth cases, spinal injury cases (including cauda equina), and fatality cases.

Isaac is the author of A Practical Guide to Sepsis and Meningitis Claims, available [here](#).

Qualifications & Awards

LLM (Commendation), City University

BPTC (Very Competent), City University

GDL (Commendation), City University

MA (Oxon), English Language and Literature, Corpus Christi College, Oxford

GDL Scholarship, Gray's Inn

Bedingfield Scholarship, Gray's Inn

Arden Scholarship, Gray's Inn

Memberships

Personal Injury Bar Association (PIBA)

Professional Negligence Bar Association (PNBA)

Action Against Medical Accidents (AvMA)

Association of Personal Injury Lawyers (APIL)

Publications and Case Reports

A Practical Guide to Sepsis and Meningitis Claims, November 2019, Law Brief Publishing Limited. Available [here](#).

Article: 'Standard of care in a clinical setting during the Covid-19 crisis', which can be read [here](#)

Article: 'Clinical Approach: Isaac Hogarth reviews some key decisions on sepsis and meningococcal disease', PI Focus, March 2020

Article: 'Policy Issue', an article on Advantage v Stoodley, PI Focus, October 2018

Case note: *RLB v Dr K: fatal clinical negligence claim arising from delayed diagnosis of colorectal cancer*

Case note: *RKT v Essex Partnership University NHS Trust: total colectomy and exacerbation of schizophrenia*

Case note: *AB v Salisbury NHS Foundation Trust: short life expectancy brain injury claim*

Case note: *C v University College London Hospitals NHS Trust: Settlement of spinal epidural haematoma claim weeks before trial*

Case note: *C v Imperial College Healthcare NHS Trust: settlement of catastrophic blindness claim*

Case note: *Advantage Insurance v (1) Stoodley (2) Trinity Lane Insurance* [2018] EWHC 2135 (QB)

Case note: finding of neglect following prescription error

Case note: Hotpoint dishwasher inquest

Case note: *Ali v Carr* – facial fillers claim in the High Court

Case note: *Khalid v AXA Insurance UK Plc*

Case note: Isaac Hogarth helps secure rider of neglect for bereaved family in paediatric sepsis hospital inquest

Article: A New Approach to Basic Hire Rates: *Karl Stevens v Equity Syndicate Management Ltd* [2015] EWCA Civ 93