

# 12

King's Bench Walk

## Thea Wilson

Call: 2008

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### AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, Costs, Inquests, Industrial Disease, Credit Hire, Fraud

Thea's Court practice encompasses a wide range of civil work. She has particular expertise in Personal Injury, Clinical Negligence and Costs work.

Thea acts for both claimants and defendants, at all levels in both fast and multi-track cases and is regularly instructed by local authorities, insurers, the NHS and the MIB.

With an eye for detail and a sympathetic manner, Thea advises on liability, quantum, evidence and procedural issues. Her expert knowledge of the CPR stands her in good stead in acting for and advising solicitors on procedural matters in relation to applications and appeals.

In addition to civil court work, Thea regularly acts for interested parties at inquests, in particular in claims involving clinical negligence. Thea is also experienced in advising on preparation for inquests and in attending pre-inquest reviews. She regularly acts for and advises appellants of Criminal Injuries Compensation Awards and has represented victims of domestic and sexual abuse in this context.

Thea accepts work on a CFA basis and is willing to consider pro bono work where appropriate.

### Personal Injury

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Thea specialises in all aspects of Personal Injury law including:

- Road traffic accidents
- Employer's liability
- Highways Act claims
- Occupier's liability
- Product liability
- Public liability

Thea's practice includes handling cases involving:

- Complex psychiatric and psychological injuries including cases of pre-existing vulnerability and Secondary Victim cases
- Complex Regional Pain Syndrome "CRPS"
- Serious and catastrophic spinal and limb injuries

- Serious Scarring
- Fatal accidents

Thea is experienced in handling claims involving sensitive issues and vulnerable applicants and has given lectures on vicarious liability in the context of claims of historical sexual abuse claims.

Before coming to the Bar, Thea worked spent two years in the litigation department of a regional law firm handling fast and multi-track cases on behalf of claimants.

## Clinical Negligence

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Thea has a well-established and growing practice in clinical negligence cases arising from a variety of procedures. She has been instructed by both the NHS and MDU, and regularly acts for both claimants and defendants in a number of areas including:

- Injuries to both mother and baby during labour and birth
- Plastic surgery claims
- Gastrointestinal illnesses and surgery
- Delayed or misdiagnosis claims
- Negligence involving joint replacement surgery and aftercare

As the daughter of a leading clinical negligence solicitor, Thea's passion for this area of law was sparked at a young age. At university, she specialised in medical law and medical ethics at both an undergraduate and a graduate level. Before coming to the Bar, Thea worked as a Paralegal, assisting Senior Solicitors in the conduct of Clinical Negligence cases on behalf of Claimants and volunteered on the Action Against Medical Accidents advice helpline for two years.

## Costs

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Thea regularly represents both Claimants and Defendants at Costs and Case Management Hearings before District Judges, Circuit Judges and High Court Masters. She is able to assist at early stages of formulating budgets, in collaboration with the Solicitor. Drawing on her previous experience as a Paralegal, handling both Personal Injury and Clinical Negligence cases, Thea has established a strong track record of achieving significant reductions in other party's budgets.

Thea is also experienced in handling costs disputes, regularly appearing for both parties at summary and detailed assessment and applications for wasted costs. Thea is happy to advise on prospects of success of costs arguments.

## Inquests

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A growing area of her practice, Thea works hard to guide her clients through the often distressing inquest process, ensuring that the hearing is as easy as possible for those she represents.

As part of her commitment to inquest work, Thea represents families through the Action Against Medical Accidents pro bono inquest service.

Thea's considerable experience in inquests includes particular expertise in representing care homes following the death of disabled and elderly patients, as well as inquests into deaths arising from:

- Alleged health and safety offences
- Clinical negligence
- Allegations of neglect
- Asbestos exposure
- Road traffic collisions
- Suspected suicide

In addition to representing interested parties at inquests, Thea regularly attends pre-inquest hearings and is happy to advise on preparation for inquests.

## Industrial Disease

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Thea's experience in industrial disease litigation particularly relates to Noise Induced Hearing Loss, where she represents both claimants and defendants.

Thea also has experience in:

- Asbestos litigation including claims arising from mesothelioma
- Repetitive strain injuries
- Vibration white finger
- Chemically-induced respiratory disease claims.

## Credit Hire

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Thea has extensive experience in handling credit hire cases on behalf of defendants, dealing with all issues arising from such claims including:

- Enforceability
- Impecuniosity
- Rate
- Need
- Period
- Added extras
- Credit repair claims
- Recovery and storage claims

Additionally, Thea regularly drafts pleadings and advises on cases involving credit hire, recovery & storage and credit repair.

## Fraud

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Thea regularly acts for claimants and defendants in suspected fraud claims, including 'low velocity impact' and 'induced/staged accidents'.

Thea is happy to review the party and evidence in conference, advise, plead and represent parties at Court.

## Cases

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*S v L Hospital* – Acting for a claimant in clinical negligence claim arising out of stillbirth.

*C v A Ltd* – Defending a claim for clinical negligence, breach of contract and defamation arising out of a medical report on a person seeking disability benefit.

*AG v MH Limited* – Drafting a counter schedule in a case pleaded at over £1.1 million. Case settled at JSM shortly afterwards for £300,000.

*V v S BC* – Representing a teacher injured in a tripping accident due to a defective staircase. Settlement secured.

*B v R* – Successfully defending an elderly woman against an allegation that falling down an escalator was negligent.

*Re: W* – Successfully appealing a finding by the CICA that a secondary victim was not present during the immediate aftermath of a serious domestic assault on a family member

*Re: Z & M* – Successfully appealing the denial of a CICA award arising out of domestic abuse and sexual abuse, demonstrating the appellants were victims of a crime of violence.

*Re: DT Deceased* – Representing a care in the community service facing allegations of neglect at an inquest following the death of a patient. Death found to be due to natural causes.

*Re: OJ Deceased* – Representing the family at an inquest involving the death of a baby during brain surgery.

*A v H* – Successfully defending and demonstrating fraud in an Low Velocity Impact claim arising out of a bus accident.

*H & Others v P & B Ltd* – Defending an insurance company in a fraud case involving three Claimants, successfully proving that the Defendant driver was out of the country at the time of the alleged accident.

*S v HTB* – Successfully defending a claim of Noise Induced Hearing Loss brought by a former employee following a single incident of noise from a machine's alarm.

## Qualifications & Awards

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MA (Hons) Law, Newnham College, Cambridge University (2:1)

LLM, Duke University (*cum laude*)

Bar Vocational Course, BPP Law School (Very Competent)

Winner of the Betty Wu Lee Prize Law Tripos, Newnham College, Cambridge (2003)

Exhibition, Inner Temple (2007)

## Memberships

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Personal Injuries Bar Association (Member of Executive Committee)

Elected Representative to the Inner Temple Bar Liaison Committee

Young Bar Committee

## Publications

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Contributor to the Personal Injury Law Journal; the Young Bar Magazine; and the Young Bar Hub and Toolkits.

Regular speaker at 12 King's Bench Walk seminars in Personal Injury and Clinical Negligence.

Additionally gives lectures direct to solicitors and insurers on a variety of topics.

Recent seminars include:

- "Vicarious Liability";
- "Disclosure: The Basics and Not-so-Basics";
- "Part 35 Tips and Tactics"
- "An Update on Clinical Negligence Litigation including a review of *Montgomery*".