

12

King's Bench Walk

Thea Wilson

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AREAS OF EXPERTISE

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

Thea specialises in Clinical Negligence and in complex Personal Injury claims.

Thea has a wealth of experience in handling cases involving delayed diagnosis, birth and pregnancy-related injuries, spinal injuries, brain damage, psychiatric injury, chronic pain and fatal accidents.

Thea's 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, and in respect of costs. She is sought after in cases with a potential fraud element and has a wide range of experience dealing with insurance coverage issues.

Thea is regularly instructed by trade union organisations, local authorities, insurers, the NHS and the MIB. With an eye for detail and a sympathetic manner, Thea is experienced in dealing with vulnerable claimants. Thea is happy to accept cases on a CFA basis and is willing to consider Pro Bono instruction where appropriate.

In addition to civil court work, Thea regularly acts for interested parties at inquests, in particular in claims involving clinical negligence and deaths in custody. Thea also acts for victims of sexual and physical abuse before the Criminal Injuries Compensation Authority.

Clinical Negligence

Thea acts for claimants and defendants in clinical negligence cases arising from a variety of procedures or incidents, in particular:

- Injuries to both mother and baby during pregnancy, labour and birth
- Plastic surgery claims
- Eye injuries and diseases
- Delayed or misdiagnosis claims
- Gastrointestinal illnesses and surgery
- Negligence involving joint replacement surgery and aftercare
- Failure to obtain informed consent
- Dental negligence
- Sepsis

Thea splits her practice approximately 50/50 between claimant and defendant work, and has acted for the NHS, the MDU and the Association of Optometrists.

Thea has considerable experience in advising on liability, quantum and causation; drafting pleadings; drafting agendas for expert meetings; drafting Part 18 and Part 35 questions; holding conferences with experts; and representing clients at JSMs, mediations, and in Court.

Recent examples of Thea's cases include:

- T-G (Dec'd) v An NHS Trust – Advising and pleading particulars in a claim for delayed diagnosis of terminal breast cancer.
- S v Dr W & An NHS Trust – Advising in conference and on paper, and representing the defendant at CCMC in a claim involving delayed diagnosis of retinal detachment.
- M v An NHS Trust – Advising a claimant who suffered hypoxic brain injury following a premature birth outside hospital.
- K v TR Ltd & An NHS Trust – led by Harry Steinberg QC, representing the claimant in a claim for delayed diagnosis of a vascular injury following a tripping accident. Delayed diagnosis and failure to treat resulted in a serious knee injury becoming an above knee amputation. Settled at JSM in 2019 for a seven-figure sum.
- MP v An NHS Trust – led by William Audland QC, representing the defendant in a claim involving serious brain injury during the post-operative period with allegations of surgical negligence, mishandling ITU care and failures of nursing care. Liability and causation in dispute. Settled at JSM shortly before trial.

Personal Injury

Thea advises on all areas of serious personal injury from employers' liability to public liability to road traffic cases, and has extensive experience representing clients at trial, JSM and mediation.

Thea handles all levels of injury with particular expertise in:

- Serious and catastrophic spinal and limb injuries including amputation
- Complex psychiatric and psychological injuries including cases of pre-existing vulnerability and Secondary Victim cases
- Chronic pain including CRPS and fibromyalgia.
- Serious Scarring
- Brain injury (including subtle brain injury)
- Fatal accidents

Insurers seek out Thea's advice and representation in cases involving fraud, including cases of malingering/exaggeration, phantom passengers and low velocity impacts. Thea is also experienced in dealing with questions of complex policy and coverage issues: drafting applications, advising on issues, preparing applications under the uninsured and untraced drivers agreements, and representing clients on a variety of issues including insurer status and *Nemeti* applications.

Thea is experienced in handling claims involving sensitive issues and vulnerable applicants. She has successfully represented adults and children who have been victims of physical and sexual abuse.

Thea has recently expanded her practice and has dealt with a significant number of claims involving attacks on teachers and mental health nurses, both on behalf of the claimant and the defendant.

Examples of Thea's cases include:

- GH v An NHS Trust – instructed by the defendant in a stress at work claim involving complex issues of causation in relation to a brain injury.
- A v A Academy – representing a teacher who suffered psychical and psychiatric injuries following an assault by a pupil at a special needs school.
- G v Zurich Insurance & Allianz Insurance – successfully defended a *Nemeti* application to add the tortfeasor as a party outside of limitation.

- S v C – instructed by the claimant following an RTA which led to serious spinal injuries and significant scarring with an element of chronic pain. Settled in 2020 for a substantial sum.
- L v Zurich Insurance – successfully defended a road traffic accident claim involving low velocity impact and exaggerated injuries. C was found to have failed to prove any injury
- O v OP Ltd – successfully defended an employer's liability case where involving a back injury suffered by a delivery driver. Court accepted that neither factual nor medical causation had been established.
- K v TR Ltd & An NHS Trust – led by Harry Steinberg QC representing the claimant in a tripping claim which caused a severe knee injury and eventually resulted in above knee amputation. Complex issues of causation and arguments of a break in the chain of causation by the negligence of the NHS Trust dealing with the case. Settled at JSM in 2019 for a seven-figure sum.
- X v A Hotel – led by Steven Worthington QC, drafted counter-schedule in a liability-admitted case following a rape in the defendant's hotel. Case pleaded at over £1.1M, settled at JSM for approximately 30% of that figure.

Inquests

Thea has considerable experience in inquests and pre-inquest hearings, including Article 2 inquests, Jury inquests, and inquests involving allegations of neglect. Thea acts on behalf of the family and for other properly interested parties including the NHS, care homes and local authorities. Thea is happy to advise on issues of evidence and procedure and is experienced in drafting written submissions.

Thea is experienced in handling inquests of all types, with particular expertise in those involving clinical negligence; alleged health and safety offences; deaths in custody; and inquests following deaths in care homes.

In most of Thea's inquest cases she is instructed to then bring or defend a civil action.

Cases include:

- Representing a local authority following the murder of a teenager by another teenager in their care.
- Representing a security firm following a death in custody.
- Representing a passenger in a car accident where the driver suffered fatal injuries.
- Representing the family of a man who died in a care home after suffering a fall and delayed treatment of a broken hip.
- Representing a hospital following a maternal death from sepsis.

Representing the family of a baby who had died during brain surgery.

Fraud

Thea is sought out by insurers to represent them in cases of suspected fraud claims, including 'low velocity impact' and 'induced/staged accidents'. Thea is happy to review the party and evidence in conference, advise, plead allegations of fraud and fundamental dishonesty, and to represent parties at Court. She has extensive experience cross-examining claimants to draw out evidence of fundamental dishonesty.

Thea also acts for claimants and defendants in cases where malingering or exaggerated injuries are suspected and is happy to advise on paper or in conference where these issues have arisen.

Thea has appeared in many cases involving ancillary costs issues (including wasted costs orders against non-parties and arguments to disapply QOCS).

Costs

Thea regularly represents both Claimants and Defendants at CCMCs before District Judges, Circuit Judges and High Court Masters, achieving significant reductions in other party's budgets. Her two years of experience before being called to the Bar as a Personal Injury and Clinical Negligence Paralegal has been extremely helpful in this regard.

Thea is able to assist at early stages of formulating budgets, in collaboration with the Solicitor.

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.

Industrial Disease

Thea's experience in industrial disease litigation is in particular in relation to Noise Induced Hearing Loss, where she has represented both claimants and defendants. Thea is experienced in handling both traditional occupational hearing loss claims and in military noise induced hearing loss claims.

Thea also has experience in asbestos litigation, vibration white finger and chemically-induced respiratory disease claims.

Thea is adept at analysing evidence to identify strengths and weaknesses and in addressing limitation issues in respect of such claims.

Credit Hire

Thea has extensive experience in handling high value credit hire cases on behalf of defendants, dealing with all issues arising from such claims including: enforceability, impecuniosity, rate, need, period, intervention, and added extras.

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

Cases

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

- MA (Hons) Law, Newnham College, Cambridge University (2:1)
- LLM, Duke University (*cum laude*)
- Bar Vocational Course, BPP Law School (Very Competent)
- Governing Bencher of Inner Temple
- Winner of the Betty Wu Lee Prize Law Tripos, Newnham College, Cambridge (2003)
- Exhibition, Inner Temple (2007)

Appointments and Memberships

- Governing Bencher of Inner Temple
- Approved Advocacy Trainer for Inner Temple
- Member of Personal Injuries Bar Association; Action Against Medical Accidents; and the South Eastern Circuit

Publications and Lectures

Regular contributor to 12 King's Bench Walk's Clinical Negligence blog.

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

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

Recent seminars include:

- "Why are heart attacks in women underdiagnosed? A seminar to explore the medicine and the legal ramifications"
- "Part 35 Questions: Tips and Tactics"
- "2020 Liability update: PL; EL and RTA"
- "Disclosure: The Basics and Not-so-Basics"