

# 12

King's Bench Walk

## Thea Wilson

Call: 2008

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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

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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.

## 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)
- Governing Bencher of Inner Temple
- Winner of the Betty Wu Lee Prize Law Tripes, Newnham College, Cambridge (2003)
- Exhibition, Inner Temple (2007)

## Appointments and Memberships

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- 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

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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"