

12

King's Bench Walk

Thea Wilson

Call: 2008

wilson@12kbw.co.uk



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.

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.

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"