

# 12

King's Bench Walk

## Vanessa Cashman

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### AREAS OF EXPERTISE

Clinical Negligence, Personal Injury, Inquests, Costs

Vanessa is a very experienced advocate whose main area of practice is clinical negligence. Her practice encompasses a range of medical specialities and value, including up to multi-million pound claims. She also has considerable experience in the fields of personal injury, inquests and costs.

Vanessa combines a friendly approachable manner with her warmth and sensitivity towards both vulnerable and demanding clients.

Acting on behalf of both claimants and defendants, Vanessa is often instructed to assist leading Counsel. She has a strong paperwork practice which includes pleadings, advices on liability, quantum, procedure and tactics and drafting schedules and counter schedules.

### Clinical Negligence

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Vanessa has an extensive clinical negligence practice. One of her particular specialisms is cosmetic surgery claims. Her cases have included all aspects of breast surgery (including augmentations, reductions, mastopexies, reconstructions), rhinoplasties and brachioplasties along with more minor cosmetic procedures, such as laser hair removal, permanent make up and fillers.

She is also rapidly gaining extensive experience in birth cases (including wrongful birth) and is instructed as a junior on a number of such cases which are coming up for trial. She recently appeared in the ground-breaking case of *RE (a minor) v Huddersfield and Calderdale NHS Foundation Trust* [2017] EWHC 824 (QB) as a junior to William Featherby QC. She has now been instructed on a number of cases involving secondary victim claims within the clinical negligence setting.

Some of her other cases have involved the following:

- Bilateral knee replacement surgery. The decision to carry out bilateral replacements was in itself negligent and the outcome was compounded by the negligent failure to provide appropriate aftercare;
- Extravasation injury sustained during abdominal surgery, requiring release of compartments and permanent functional impairment;
- Delay in diagnosis of kidney disease;
- Delay in diagnosis of bladder dysfunction leading to permanent ongoing disability;

- Negligent surgical technique following a sporting injury resulting in amputation;
- Failure to diagnose acute renal dysfunction at birth;
- Negligent mandibulectomy and reconstruction, resulting in permanent loss of function in the donor arm and mandible;
- Failure to diagnose a fractured shoulder;
- Unnecessary and unwarranted abdominal surgery;
- Dental negligence.

She acts predominantly for claimants but also accepts instructions on behalf of defendants.

## Personal Injury

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Vanessa's practice encompasses all areas of personal injury, including road traffic accidents, public liability and employers' liability.

She has developed an extensive practice in highways cases and is currently co-writing a practitioner text on all aspects of highways law and practice. In this field she acts predominantly for highway authorities but also accepts instructions from claimants.

She has also appeared in a huge variety of public liability cases, including claims arising out of an allegedly defective football pitch, inhalation of carbon monoxide from a defective boiler, burns arising from the use of public transport and claims under the Defective Premises Act 1972. She also appeared in numerous cases involving all manner of slips and trips. A recent case involved a football being kicked over a fence enclosing a five-a-side pitch and knocking an elderly lady over.

She has acted in a number of cases involving the liability of a school, including an injury caused to a child in PE by a teacher, an injury caused to a child by another child and an injury caused to a member of staff by a child.

Vanessa's practice also includes numerous aspects of employers' liability claims. She acted and continues to act as junior counsel to Andrew Roy in the recent stress at work case of *Marsh v Ministry of Justice* [2017] EWHC 1040 (QB) which involved a three-week trial before Thirwall LJ. She was also instructed as a second junior in the case of *Wembridge and Others v East Sussex Fire and Rescue Service* [2013] EWHC 2331 (QB) alongside Frank Burton QC and Andrew Roy, in which fire officers were suing the fire service in respect of injuries caused in an explosion of a fireworks factory. More recently she has acted for a care home in a case involving a service user with severe learning disabilities who injured a temporary worker.

She has given seminars on secondary victims and psychiatric injury, the Animals Act 1971 and hazardous activities.

## Inquests

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Vanessa has appeared at numerous inquests and pre-inquest reviews on behalf of families and other interested persons. She has acted in article 2 inquests and inquests with juries. The inquests have involved all types of case, including deaths arising out of clinical negligence, road traffic accidents, accidents at work and neglect. Her recent inquests included:

### Clinical negligence

- Single lung transplant, primary graft dysfunction leading to death
- A toddler with congenital cardiomyopathy with suspected mitochondrial disorder who suffered three cardiac arrests. He was treated for viral infection rather than myopathy. The third arrest was fatal.
- A 61- year old lady with a very complex medical history, admitted with a recurrent history of urinary tract infections. Underwent surgery (a colposuspension, a clam cystoplasty and reimplantation of the ureters) which eventually led to her becoming septic and developing necrotising fasciitis. She died of multi organ failure.
- Death of a three month old baby girl as a result of liver failure.

- A lesion on an adrenal gland was thought to be metastatic tumour from breast cancer. The operating surgeon misinterpreted the vessels and ligated a crucial artery supplying blood to all internal organs. The error was not picked up and the patient died as a result of ischaemia.
- Abdominal compartment syndrome developed following routine surgery leading to widespread ischaemia and death

## Road traffic accidents

- Ten- day inquest into the death of an undercover police officer who was pursuing a suspect when a car pulled into his path
- Seven- day inquest into the death of a mental-health patient who absconded from hospital
- The Bestival Bus Crash inquest into the death of two teenagers and the driver
- Inquest into the death of a mental-health patient who hijacked an ambulance during his transfer to a specialist hospital. Vanessa has been instructed to act in the civil claim arising out of this incident.
- Inquest into the death of a cyclist who hit a pothole and was then hit by a vehicle which was overtaking

Many of these inquests have generated instructions to act in the civil claim.

## **Costs**

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Vanessa is a member of Chambers' costs team and regularly appears in cost hearings. These include costs and case management conferences, costs applications, summary and detailed assessments. She is very familiar with the MOJ Protocols, QOCS and the attendant costs rules and is often instructed to deal with technical costs questions.

## **Qualifications & Awards**

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Bar Vocational Course (Very Competent), City University, London

Graduate Diploma in Law (Commendation), City University, London

B.A.(Hons) Music (First Class), St Hilda's College, Oxford

Lord Denning Scholarship, Lincoln's Inn

Music scholarship (St Hilda's College, Oxford)

## **Memberships**

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Personal Injuries Bar Association, Lincoln's Inn, South Eastern Circuit, Professional Negligence Bar Association