

Justin Valentine

Deputy Head of Clinical Negligence team



YEAR OF CALL: 1999

INN: MIDDLE TEMPLE

“ Justin is very balanced, the clients love his no-nonsense approach to some incredibly complicated issues.”

LEGAL 500, 2022
CLINICAL NEGLIGENCE

Practice Overview

Justin specialises in clinical negligence and personal injury litigation acting almost exclusively for claimants. He undertakes all aspects of clinical negligence work with a particular focus on:

- ▶ Birth injury and neo-natal claims (hypoglycaemic and hypoxic injury)
- ▶ Cauda equina claims
- ▶ Vascular diabetes claims (typically resulting in loss of foot or leg)
- ▶ Delayed cancer diagnosis claims
- ▶ Surgical errors and mismanagement of infection

He has extensive experience in both JSMs and in mediation. He is instructed by many of the leading firms in clinical negligence.

In the personal injury context, he has a particular interest in multi-track workplace claims and claims involving vulnerable road users (pedestrians, cyclists, motorcyclists). He has successfully litigated complex cases involving the Animals Act.

He has a reputation for robust pleadings, skilled negotiation, persuasive advocacy and excellent client care.

He regularly drafts schedules and counter schedules of loss in complex high-value and catastrophic injury cases.

He has experience in representing interested parties at inquests in both clinical negligence and personal injury cases.

He also has extensive experience of costs' issues affecting multi-track work.

Justin practised in the North West for over 15 years. Upon relocating back to the South West he joined St John's Chambers in 2016. Prior to joining the Bar in 1999 he worked in two psychiatric hospitals, before undertaking a Masters in sociology and working as a research associate at the University of Kent at Canterbury in the centre for health services studies for three years.

He is a keen pianist and a fluent German speaker.

Areas of Expertise

Clinical Negligence

Justin's practice is increasingly orientated towards clinical negligence work acting mostly for claimants with experience of a wide variety of claims including:

- ▶ Birth injury claims
- ▶ Neo-natal injury claims
- ▶ Cauda equina claims
- ▶ Vascular diabetes claims
- ▶ Allegations of negligent nursing care
- ▶ Psychiatric treatment
- ▶ Cosmetic surgery errors
- ▶ Negligent dental treatment
- ▶ Surgical injuries

Recent notable cases include:

- ▶ L v Great Western Hospitals. L sought damages for mismanagement of a diabetic ulcer on his foot culminating in a below leg amputation. The case settled at a JSM for £450,000.
- ▶ O v Western Sussex Hospitals. O sought damages in relation to the negligent repair of a 3c tear. The case settled at a JSM for £535,000.
- ▶ C v County Durham & Darlington NHS Foundation Trust (misdiagnosis/failure to diagnose Crohn's disease).
- ▶ G v NHS Commissioning Trust (claimant suffered Erb's palsy at birth).
- ▶ W v Betsi Cadwaldr (failure appropriately to treat rejection episode following corneal transplant).
- ▶ S v University Hospital of Morecambe Bay (failure to diagnose and then treat infected abdominal aortic aneurysm which led to claimant's husband's death).
- ▶ A v Basildon and Thurrock University Hospitals NHS Foundation Trust (failure to diagnose pyoderma gangrenosum).

Justin delivered a seminar to NHS Wales, hosted by the Director of Legal & Risk Services on quantum in birth injury claims.

Personal Injury

Justin undertakes all aspects of personal injury work acting predominantly for claimants. He has a particular interest in workplace claims (especially where liability expert evidence is required) and claims involving vulnerable road users (children, pedestrians, cyclists, motorcyclists). His approach to personal injury actions is to

assist solicitors to take control of litigation via use of the available procedural tools (Part 18s, Replies) which assists in achieving swift outcomes.

Justin has experience in representing interested parties at inquests.

He has experience in drafting complex, high-value Schedules of Loss in catastrophic and fatal accident claims.

Recent notable cases include:

- ▶ **Wienczek v Cope.** The claimant was seriously injured whilst helping catch an escaped horse "Rebel". Liability was disputed primarily on the basis that the claimant was a knowing volunteer. The case illustrates the complexity of claims involving animals but confirms that where a claimant is acting out of a sense of moral or civic duty, then liability can be established.
- ▶ **S v Brenntag & Suttons Transport Group.** The claimant was a tanker driver employed by the second defendants delivering concentrated bleach for the first defendants. Whilst discharging he was sprayed with the product from a fault in the line sustaining chemical burns and PTSD. Despite multiple breaches of the COSHH the defendants denied liability seeking to blame each other. The claim settled shortly before trial.
- ▶ **A (A Protected Party) v CIC Limited and Central Liverpool PCT.** This case concerned a young man with brain injury acquired as a child. He was inappropriately placed in a care home with residents significantly more disabled than him one of whom would regularly assault him. He would often run away from the home and his advocate had both tried to transfer him from the home and had warned that if he ran away he would be at significant risk due to poor road sense. The claimant did run away and was struck by a car on a motorway. The claimant suffered a serious spinal injury and lost his right arm. Liability was disputed and expert evidence had to be commissioned. A compromise was reached in excess of £3 million on the basis of a 92.5/7.5 split in liability.
- ▶ **A v MOD.** The claimant was assaulted by fellow privates whilst posted in Cyprus. The claim was advanced on the basis of failure to act to prevent previous incidents of bullying. Compromise was reached at a joint settlement meeting for a six figure sum.
- ▶ **D v Football Club.** The claimant injured his shoulder whilst undertaking exercises as a trainee at a rugby football club ending any hopes the claimant had for a professional career. The claim hinged on evidence from expert physiotherapists and settled for a significant sum prior to trial.
- ▶ **B v Ministry of Justice.** The claimant was employed as an instructor at a prison when he was stabbed in the neck with a screwdriver by a prisoner. The claim was advanced on the basis that the prisoner's history indicated that he should not have been allowed to work with tools and after an initial denial of liability settled.

Professional Negligence

Justin conducts cases for both claimant and defendant in relation to allegations of professional negligence against solicitors arising out of the conduct of previous personal injury and clinical negligence work.

Related Cases:

- ▶ G v NHS Commissioning Board
- ▶ C v County Durham & Darlington NHS Foundation Trust
- ▶ W v Betsi Cadwaldr
- ▶ A v Basildon and Thurrock University Hospitals NHS Foundation Trust
- ▶ A v MOD
- ▶ D v Football Club
- ▶ B v Ministry of Justice

- ▶ W v Cavern City
- ▶ D v B
- ▶ V v W & G
- ▶ R (A Protected Party) v South West London & St George's Mental Health NHS Trust
- ▶ S v Brenntag & Suttons Transport Group
- ▶ D v B, D and V
- ▶ T v University Hospital of Morecambe Bay
- ▶ S v University Hospital of Morecambe Bay

Related Articles:

- ▶ Case note: Opposing the instruction of defendant's proposed expert at CCMC
- ▶ Tomlin Orders: When and how should they be used in personal injury and clinical negligence litigation
- ▶ Helping catch an escaped horse: moral duty or voluntary assumption of risk?
- ▶ Amendments to costs budgeting rules
- ▶ A Review and Commentary on the Report of the Gosport Independent Panel
- ▶ Consent in clinical negligence cases: Montgomery, causation and institutional failures
- ▶ Failure to inform patient of diagnosis: C v County Durham & Darlington NHS Foundation Trust [2018]
- ▶ Practical case note about shoulder dystocia in the case of G v NHS Commissioning Board
- ▶ How to get the best from your medical expert in clinical negligence cases

Professional memberships:

- ▶ Personal Injury Bar Association

Qualifications & awards:

- ▶ Bar Vocational Course, University of the West of England
- ▶ PG Dip Law, University of the West of England
- ▶ BSc Econ (Hons), University College of Swansea
- ▶ MSc, Bristol University
- ▶ Diplock Scholar
- ▶ Recipient of Campbell Foster Prize (awarded to the Middle Templar to come first on the BVC at the University of the West of England)
- ▶ Goethe Certificate B2 – German
- ▶ Associate of the Royal Schools of Music (Piano Performance Diploma)

Recommendations

"Justin is very balanced, the clients love his no-nonsense approach to some incredibly complicated issues."

LEGAL 500, 2022
CLINICAL NEGLIGENCE

"Justin is without doubt one of the most skilful impressive barristers I have worked with."

LEGAL 500 (CLIENT FEEDBACK), 2021
FRANCES LETCHFORD, MANAGING ASSOCIATE, ENABLE LAW



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