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CHAMBERS

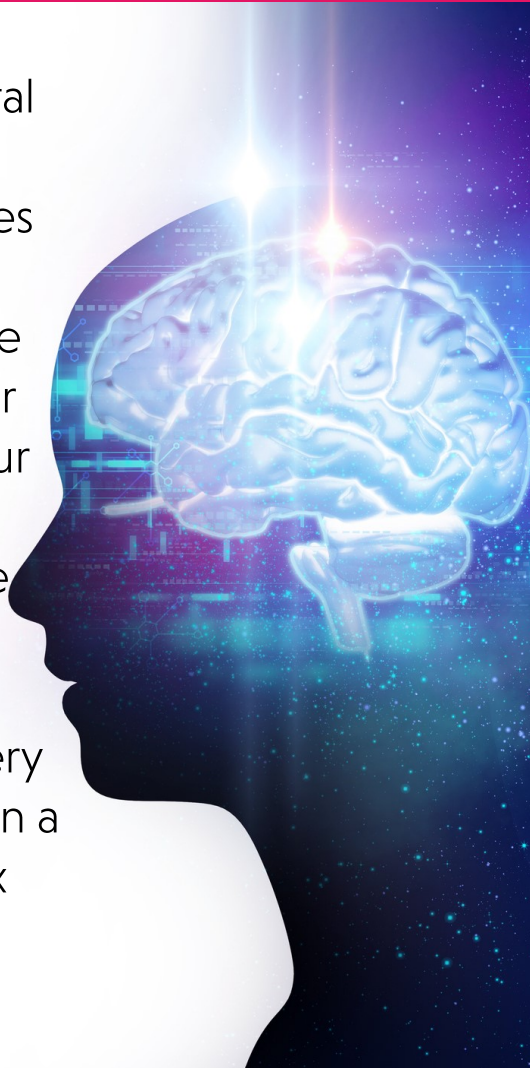
Brain Injury Conference

Raising funds for Headway UK

Thursday, 7th November 2019 | 9.25 am - 4.30 pm

Marriot Royal Hotel, College Green, Bristol

Discussing the frontal lobes of the brain, rehabilitation in cases of executive dysfunction, and the highly topical matter of discount rates, our panel of guest speakers will ensure that this seminar provides delegates with some of the very best expert views on a number of complex issues.



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Book your place by visiting:

www.stjohnschambers.co.uk/events-and-seminars

Cost

£100 + VAT £120)

CPD - 5 hours

APIL accredited

St John's Personal Injury team and sponsors Ince Metcalfe will be hosting a drinks reception @ The Mud Dock in Bristol the night before the conference (6th November), providing an opportunity to learn more about the charity and its achievements in supporting brain injury survivors, their families and carers. Fine wines and canapés will be served. A raffle will take place on the night to win some fantastic prizes. To book your place visit: www.stjohnschambers.co.uk/events-and-seminars



Programme

Brain Injury Conference @ The Marriott Royal Hotel, Bristol on 7th November 2019

9.00 - 9.25am	Registration and refreshments
9.25 - 9.30am	Welcome and introduction Emma Zeb, Head of Personal Injury team, St John's Chambers
9.30 - 10.00am	Headway Introduction Jack Rutter, Headway Ambassador and Former Team GB Paralympian
10.00 - 10.30am	Discount rates and disability-adjusted reduction factors Professor Victoria Wass, Labour Economist The discount rate and the reduction factor are key determinants of the lump sum where small adjustments have a large and disproportionate impact. Both are subject to ongoing change, the first through statutory provision and the second through judicial influence. My presentation will cover (i) the theoretical and empirical background to the government's intervention to facilitate a retreat from a risk-free discount rate and (ii) the difficulties encountered by the judiciary in defining disability in the context of the application of the disability-adjusted reduction factors.
10.30 - 11.00am	Quantum update Rachel Russell, Barrister, St John's Chambers
11.00 - 11.15am	Refreshments
11.15 - 11.35am	Discount rates and investment returns; the pressure on lump sums Jennifer Stone, Independent Financial Advisor, Nestor
11.35 - 12.20pm	The frontal lobes of the brain - important, complex and vulnerable Dr Richard Kerr BSc MB BS MS FRCS The frontal lobes of the brain comprise almost 1/3 of the cortical surface and are responsible for a wide variety of functions. Injury can result in both physical and psychological changes that can hugely impact the life of the injured person and their families. To understand the results of such injury requires knowledge of the anatomy and physiology of the cerebral tissues, and the direct and indirect effects of traumatic injury.
12.20 - 1.15pm	Lunch
1.15 - 1.45pm	Live legal debate on the schedule of loss and the counter schedule Christopher Sharp QC & Andrew McLaughlin, Barristers, St John's Chambers Andrew and Christopher will discuss the recoverability of various heads of claim - what might be claimed at the margins and what might be rejected.

Programme



Please choose which session below you would like to take part in by completing the online booking form, and stating which parallel session, A or B.

1.45 - 2.30pm Parallel session A **Budgeting and the recovery of costs in multi-track cases**

Justin Valentine, Barrister, St John's Chambers

Parallel session B **Fundamental dishonesty in brain injury cases**
James Marwick, Barrister, St John's Chambers

2.30 - 2.45pm Refreshments

2.45 - 3.15pm **Frontal Lobe Paradox – a clinician's casebook**

Dr Tracey Ryan-Morgan, Consultant Clinical Neuropsychologist & Clinical Director of Talis Consulting Limited

A case-based presentation illustrating how to assess frontal lobe dysfunction after brain injury and the difficulties inherent in that process. The talk will also demonstrate the paradoxical elements of clinical presentation in the context of frontal lobe injury and how to convince others of the risks that this poses to the patient.

3.15 - 4.00pm **Risk and reward in rehabilitation of executive dysfunction**

Professor Andrew Worthington, Director/Consultant in Neuropsychology and Rehabilitation

Executive functions are critical for everyday adaptive living and dysexecutive disorders are often the most debilitating aspects of brain trauma. New developments in understanding and treating such problems require a whole brain approach and a broader notion of executive functions. Two issues are emphasised: technological innovations and attitudes to autonomy and risk, which can help or hinder rehabilitation. These are discussed in terms of clinical, legal and practical implications for families and professionals.

4.00 - 4.30pm **Liability update**

Richard Stead, Barrister, St John's Chambers

4.30pm Close

Presenters



Emma Zeb
Call: 1998
St John's Chambers

"A tenacious barrister."
LEGAL 500, 2018
PERSONAL INJURY AND CLINICAL
NEGLIGENCE

Emma is Head of the Personal Injury team and sits as a Recorder. She is a highly experienced and well respected barrister who has successfully balanced a practice acting for both claimants and defendants in all types of personal injury and clinical negligence cases. Emma has always possessed a user friendly yet no-nonsense approach and is a fierce and fearless advocate who is always meticulously prepared.

Emma has experience and expertise in all types of personal injury work (including all procedural and costs matters/ CCMCs) but her seniority and ability particularly lends her to work at the complex and high value end of personal injury litigation including complex brain and spinal injury cases, damages for death and cases involving multiple internal injuries with permanent and life changing consequences. She is adept at handling claims involving multiple experts and difficult care needs.

Emma also specialises in complex inquests and public inquiries. She has a wealth of experience in all types of inquest from shorter yet difficult one day matters to multi PIP high profile 6 week Article 2 cases before a Jury.

Emma is a qualified mediator and her experience in this regard complements and enhances her approach to compromising cases through all forms of ADR as she recognises the importance of practical and commercial approaches to litigation.



Dr Victoria Wass
Labour Economist

Victoria has worked as an expert witness since 1994 in the preparation of reports on loss of future earnings and indexation of care costs.

- i. Ogden reduction factors – interpretation and adjustment
- ii. indexation of salary-based costs where compensation is paid in the form of periodical payments, including foreign currency indexation
- iii. discount rate: concept of risk, adjustment for earnings inflation, international inflation differentials and foreign currency movements

As an academic with a research focus on disability disadvantage in the labour market, she has published in this area in economics, sociology and management journals. With colleagues from City University, Victoria is responsible for the disability-adjusted Reduction Factors in the Sixth and Seventh Editions of the Ogden Tables. She has been a member of the Ogden Working Party since May 2009. She has been a contributor to the earnings sections of Facts & Figures since 2008. She has made substantive contributions to parliamentary consultations and inquiries on the personal injury discount rate since 2013 and narrowing disability employment disadvantage since 2016 (see below).

Victoria have given evidence at trial in the following cases:

- Mr Weerasinghe v Basildon & Thurrock NHS Foundation Trust, October 2016, unreported East London Employment Tribunals.
- Dawn Bailey v Lockhead Martin UK Ltd February 2013 unreported, Central London Employment Tribunals
- RH v United Bristol Healthcare NHS Trust [2007] EWHC 1441
- Sarwar v Ali and MIB [2007] EWHC 1255
- Corbett v South Yorkshire SHA 28th March 2007
- Thompstone v Tameside & Glossop Acute Health Services Trust [2006] EWHC 2904



Rachel Russell
Call: 2001
St John's Chambers

"Clients appreciate her calm but highly effective approach to cross-examination."

LEGAL 500, 2018
PERSONAL INJURY AND CLINICAL
NEGLIGENCE

Rachel is an experienced personal injury barrister who acts for both claimants and defendants with extensive experience in claims concerning fatal accidents and injuries of the utmost severity. She has particular expertise in Highways Act 1980 matters, acting regularly for several local authorities throughout England and Wales.

She has a developing practice in the field of aviation accidents and personal injury claims arising from such accidents. She recently represented the family of the deceased pilot at the Inquest into a helicopter crash in Norfolk which concerned the death of all four occupants, including the Conservative peer Lord Ballyedmond.

Rachel is familiar with the CICA regime and is able to advise and represent clients pursuing such a claim. Rachel has experience of CICA claims of the highest value having represented claimants who were brain injured as children and received multi-million pound awards.

Presenters



Dr Richard Kerr
BSc MB BS MS FRCS

Mr Richard Kerr qualified from The London Hospital, and trained in surgery and neurosurgery in London, Oxford and Melbourne.

Based at the John Radcliffe Hospital in Oxford, he has been a consultant for 30 years. With a wide cranial and spinal practice, he has subspecialty interests in skull base tumours, spine, oncology, and vascular disease. He devised and runs the Oxford Skull Base Practice and is a member of the NFII clinic, a nationally co-ordinated regional service. Research has led to publication of over 60 peer-reviewed articles and 15 book chapters. He was Co-Principal Investigator in the MRC-funded International Subarachnoid Aneurysm Trial (ISAT). The publication of this trial has led to a global change in the management of aneurysmal subarachnoid haemorrhage, with invitations to speak to learned societies from all over the world.

Active in management, and a recently trained civil and commercial mediator, he has been Lead Clinician of the Neurosurgical Department, Clinical Centre Chairman of the Radcliffe Infirmary, and Chairman of the Relocation Steering Committee of Services to the John Radcliffe Hospital.

He was elected to the Council of the Society of British Neurological Surgeons (SBNS) in 2003, appointed Treasurer of the SBNS in 2010, and Member of the Neurosurgical SAC in 2011. He was elected President of the SBNS from September 2014 – 2016.

With interests in co-operation between the specialist surgical associations, audit and surgical outcome data, he was elected to the council of The Royal College of Surgeons of England in 2013, became a Trustee of the RCS in 2014, and has recently chaired the RCS-sponsored independent commission on the Future of Surgery. This was published in Dec 2018.



Jennifer Stone
Independent Financial
Advisor, Nestor

Jennifer is an experienced independent financial adviser who has spent over half her career advising both claimants and defendants on personal injury investment planning issues. Her areas of expertise include expert witness periodical payment reports, court of protection cases, high court settlements and personal injury trusts. She often provides talks and seminars for the legal profession.

“St John's Chambers maintains an excellent reputation at the Personal Injury Bar, being home to a number of the foremost barristers in the space. Sources comment that the set's barristers 'are of a very high calibre' and 'capable of turning around high-quality work in a narrow timeframe, if required.' ”

Chambers UK 2018
Personal Injury



Christopher Sharp QC
Call: 1975 QC: 1999
St John's Chambers

“Highly esteemed silk acting in high-value personal injury cases, many of which involve complex medical evidence. ‘He is supremely intelligent, but he also realises when others don't understand something and is able to simplify his advice.’ ‘He is an excellent advocate and provides detailed and practical written advice.’ ”
CHAMBERS UK, 2019
PERSONAL INJURY

Christopher is one of the leading personal injury and clinical negligence silks. He acts for both claimants and defendants, and the majority of his work involves multi-million-pound catastrophic brain and spinal injuries cases that very often contain complex medical causation and long-term care plan issues.

He is very experienced in negotiating solutions to funding problems involving indemnities or other facilitative outcomes.

He is known to be terrifically hard-working and has a reputation for being able to provide swift responses to requests for advice and guidance where the papers are voluminous and the timescales are short. He is regularly brought in at short notice to advise in consultation and to take part in round-table discussions at critical junctures in large cases. He is also well known for being an astute tactician and a highly skilled cross-examiner in court.

Although a senior Silk, Christopher is very much a team player who finds that a collaborative approach to running a case achieves a lot more for the client in terms of outcomes.

Presenters



Andrew McLaughlin
Call: 1993
St John's Chambers

"Formidable on his feet; he takes no prisoners."

LEGAL 500, 2018
PERSONAL INJURY AND CLINICAL
NEGLIGENCE

Andrew is a leading junior in the fields of personal injury and industrial disease, consistently recommended in Chambers UK and Legal 500 for the past 15 years, whose practice takes him to all parts of the country but particularly the South West and South Wales. He is ranked as a band one practitioner in personal injury and is one of only twenty-eight barristers nationwide to be listed as an industrial disease expert in the Chambers UK Spotlight table. He is also recommended in the Legal 500 for Health and Safety regulatory work. He has been a member of the TSOL panel since 2012.

Andrew is instructed by nearly all major insurance companies as well as private individuals and companies. He is instructed by the Government Legal Service on behalf of various departments of state. He also undertakes work on behalf of NHS Trusts and Local Authorities.

Andrew has extensive experience of dealing with multi-track claims at all levels, including at the top end catastrophic accidents such as the explosion at the Port Talbot Steelworks and group litigation in relation to industrial disease. He opened the appeals in *Denton v TH White* on behalf of the successful lead defendants.

He is on the Attorney General's List of Panel Counsel 2012 – 2023.



Justin Valentine
Call: 1999
St John's Chambers

"A tenacious and capable barrister."

LEGAL 500, 2020
CLINICAL NEGLIGENCE

Justin specialises in personal injury, clinical negligence and costs litigation.

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. He provides a full range of advice and litigation services for both claimants and defendants. He has a reputation for robust pleadings, skilled negotiation, persuasive advocacy and excellent client care.

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 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.

Before 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.



James Marwick
Call: 2008
St John's Chambers

"James has a fantastic manner with clients."

LEGAL 500, 2018
PERSONAL INJURY AND CLINICAL
NEGLIGENCE

James accepts instructions in all areas of personal injury work acting for both claimants and defendants. He has been sole counsel in a number of cases worth up to £1 million and in others where there are complex liability and quantum issues.

Particular specialisms include construction industry, road traffic accidents, fraud and public liability. James is regularly instructed to act where there are allegations of fraud or fundamental dishonesty and he is an experienced trial advocate particularly where there are causation concerns.

He is a specialist in all procedural matters and has recently acted in several cases concerning, inter alia, the deployment of surveillance evidence, stand-alone fundamental dishonesty hearings, and the disapplication of QOCS.

A significant proportion of personal injury work is where dishonesty or causation is in issue. James is principally instructed by insurers and local authorities and a typical month will involve a number of trials in such matters. He acts in all aspects of fraud-related personal injury work including LVI claims, exaggerated injury claims and staged fraud.

Presenters



Dr Tracey Ryan-Morgan
Consultant Clinical
Neuropsychologist & Clinical
Director of Talis Consulting
Limited

Tracey is a Consultant Clinical Neuropsychologist, presently Clinical Director of Talis Consulting Limited, an Associate Fellow of the British Psychological Society and a Chartered Scientist. Tracey is also Registrar and Chief Supervisor to the Clinical Neuropsychology Qualifications Board for the post-doctoral Qualification in Clinical Neuropsychology (Q.i.C.N.). She is a Regional Fellow of the Royal Society of Medicine.

Tracey is the author of the Mental Capacity Casebook, the first clinical casebook of real case assessments that have arisen in the context of the Mental Capacity Act (2005).

Tracey was the (part-time) Consultant and Clinical Lead for the Brain Injury Rehabilitation Trust 24-bed unit in Llanelli, Carmarthenshire from October 2013 to January 2017.

She was also a founder member of a national Cross-Committee Working Party of the Division of Neuropsychology which has produced a profile of competencies in Clinical Neuropsychology within the context of Statutory Regulation of the profession via the Health Care Professions Council with whom she is Registered.



Professor Andrew Worthington
Director/Consultant in
Neuropsychology and
Rehabilitation

Professor Andrew Worthington is Director of Clinical Services and owner of Headwise. He has extensive clinical experience in neuropsychological rehabilitation and psychological adjustment to disability.

Andrew is involved in a number of research projects and has published many academic journal articles and book chapters. He is also a well respected speaker at clinical conferences both nationally and internationally.

Andrew was the Programme Director for the MSc in Brain Injury Rehabilitation / Brain Injury Case Management at the University of Birmingham. Andrew is also an honorary professor jointly in the College of Medicine and College of Human and Health Sciences at Swansea University.

For the past 20 years he has acted as an independent expert witness on brain injury, rehabilitation and post-traumatic stress conditions in personal injury, clinical negligence and criminal cases, on a joint and single instruction basis.



Richard Stead
Call: 1979
St John's Chambers

"Highly experienced in a variety of issues, including Animals Act claims and construction site accidents. He focuses on matters involving brain and spinal injuries. 'He is very strong in negotiations.' 'He is excellent with clients and very easy to work with.' "
CHAMBERS UK, 2019
PERSONAL INJURY

Richard is one of the leading practitioners on the Western circuit handling claims of catastrophic injury. He is highly regarded for his expertise in a wide array of complex and specialist liability claims including agriculture, animals, trees and construction. He has considerable experience in employer's liability, sports injury and RTA claims, and regularly handles extremely high-value claims for claimant and defendant solicitors, particularly those involving brain injury.

Richard represented the claimant at first instance through to the House of Lords in the case of *Mirvahedy v Henley* [2003] UKHL 16 at which the claimant's argument prevailed. The claimant was severely injured when his car collided with a horse that had escaped from a field. The case has become the leading case in respect of s2(2)(b) of the Animals Act 1971.

Renowned for his skills as an excellent advocate, Richard always commands respect and attention in Court. His reputation means he is regularly called to represent clients at joint settlement meetings and mediations in negotiating resolutions in high-value cases.

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