

# CLINICAL NEGLIGENCE CONFERENCE

## Delayed diagnosis of cancer

Thursday, 10th November @ 8.45am - 4.45pm

Bristol Marriott Royal Hotel, College Green

Cost: £80 + VAT

CPD: 6 hours (APIL accredited)

**This conference features talks from senior medical practitioners with a wealth of experience in the diagnosis and treatment of cancers, and insights from members of our clinical negligence team working in this field. The experts will address the particular challenges of Covid on the provision of care and the impact on litigation.**

Consultant oncologist Professor Pat Price's presentation will focus on the staging of cancers and their treatment, Stuart Winter, Consultant ENT surgeon will provide an overview of cancers of the head and neck and Dr Jeremy Platt will discuss the GP's responsibility in the early diagnosis of cancer.

The day will conclude with a panel discussion on the current challenges facing clinical negligence litigation in light of the proposed structure and funding reforms and the impact of Covid.

This one-day conference is designed for claimant and defendant clinical negligence lawyers of all seniority.

### Highlights

- A general overview of the GP's responsibility in the early diagnosis of cancer
- An overview of cancers of the head and neck addressing the easy and the hard aspects of care
- Staging of cancers and their treatment
- Our barristers exploring recent authorities and key themes in clinical negligence litigation

Organised by



**St John's**  
CHAMBERS

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visit: [www.stjohnschambers.co.uk](http://www.stjohnschambers.co.uk) to book your place!

# PROGRAMME

“The 'fantastic' St John's Chambers is 'a strong clinical negligence set', housing members with strength in handling a range of defendant and claimant work.”

LEGAL 500, 2022

|                 |   |
|-----------------|---|
| 8.45 – 9.15am   | <b>Registration and refreshments</b>  |
| 9.15 – 9.30am   | <b>Welcome and introduction from chair</b><br>Justin Valentine, Deputy Head of Clinical Negligence team   |
| 9.30 – 10.15am  | <b>Contributory negligence and failure to mitigate</b><br>Robert Mills, Deputy Head of Clinical Negligence team and Rachel Segal, Barrister, Clinical Negligence team<br><br>Robert addresses common themes in relation to allegations of contributory negligence, when and why they are made and when concessions should be made at ADR for such allegations. Rachel Segal will discuss the related theme of failure to mitigate, scanning relevant authorities and looking at the evidential challenges arising for the parties.  |
| 10.15 – 11.00am | <b>A general overview of the GP's responsibility in the early diagnosis of cancer</b><br>Dr Jeremy Platt MA (Oxon); MBChB; MRCP (UK)<br><br>Dr Platt will give a brief description of the way that the common cancers present in primary care, and will give examples of Breaches of Duty, and how some allegations did not progress because the claimants' arguments were flawed. He will give a description of the GP perspective of the Covid 19 pandemic, and in particular about the problems and the advantages of an increase in remote consultations, with reference to GPs' medicolegal vulnerability.   |
| 11.00 – 11.15am | <b>Refreshments</b>   |
| 11.15 – 12.00pm | <b>Life expectancy and claims for lost years</b><br>Rhodri Jones and Jimmy Barber, Barristers, Clinical Negligence team<br><br>The delayed diagnosis of cancer can foreshorten life expectancy and give rise to claims for 'lost years'. The first part of this talk will address issues around quantifying life expectancy. The second part will consider the principles and main methods of assessment of lost years claims along with a review of recent developments in the case law.   |
| 12.00 – 12.45pm | <b>An overview of cancers of the head and neck addressing the easy and the hard aspects of care</b><br>Stuart Winter, Consultant Ear Nose and Throat, Head and Neck Surgeon and Associate Professor, University of Oxford<br><br>Dr Winter has a specialist interest in tumours of the head and neck and is a recognised national expert in the treatment and management of tumours. His talk will provide an overview of cancers of the head and neck addressing the easy and the hard aspects of care. He will discuss the patient pathway from GP to diagnosis, pitfalls and potential delays and the role of the surgeon and surgical "hub" in the cancer pathway. The focus of his talk will be on head and neck cancer but he will comment on general aspects of care and the impact of Covid on patient presentations. |

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|----------------|--|
| 12.45 - 1.45pm | Lunch  |
| 1.45 - 2.15pm  | <p><b>Charging shortfall costs to clients</b><br/>Mike Renville, Renvilles Costs Lawyers &amp; Consultants</p> <p>Mike will discuss the scope for charging costs to a client to meet a shortfall in costs recovered from the paying party.</p>   |
| 2.15 - 3.00pm  | <p><b>Clinical negligence legal update</b><br/>James Marwick, Barrister, Clinical Negligence team</p> <p>James will review and summarise the main cases of 2022, with a focus on the assessment of expert evidence and key developments in the law.</p>  |
| 3.00 - 3.15pm  | Refreshments   |
| 3.15 - 4.00pm  | <p><b>Staging of cancers and their treatment including radiotherapy and chemotherapy</b><br/>Professor Pat Price MA MD FRCP FRCR, Consultant Oncologist</p> <p>Professor Price will discuss the natural history of tumours and the various methodologies used to provide opinion evidence on stage and treatment had delays in diagnosis not occurred. She will discuss her thoughts on the cause and magnitude of the cancer backlog due to Covid-19, the litigation arising, the challenges working as an expert witness post Covid, and possible solutions to dealing with the oncology cases which are likely to arise as a result of Covid over the next 5 years.</p> |
| 4.00 - 4.45pm  | <p><b>Current challenges in clinical negligence litigation</b><br/>Chaired by Justin Valentine</p> <p>Panel discussion on challenges facing clinical negligence practitioners and proposals for reforms including the impact of Covid, fixed costs proposals, the emphasis on ADR and the recommendations of the NHS Litigation Reform Committee.</p>  |

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# EXPERTS

“St John’s Chambers is well regarded in complex and high-value clinical negligence and inquest proceedings.”

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**Dr Jeremy Platt**

MA (Oxon); MBChB; MRCP (UK)

Jeremy Platt read Physiological Sciences at Magdalen College, Oxford, and qualified in medicine from the University of Edinburgh. He trained in hospital medicine and haematology in and around Edinburgh and Glasgow before training to be a General Practitioner in Glasgow. He has worked full time as a GP partner at Binfield Surgery, Bracknell, Berkshire for 23 years. Jeremy has been supplying evidence to claimant and defendant solicitors about allegations of General Practitioner Breach of Duty for 8 years and in that time has written around 300 reports. He has attended many conferences with lawyers and expert witness meetings. He has given advice to the General Medical Council to assist in their investigation of over 60 allegations of poor practice. Jeremy has had a special interest in prescribing, and he has sat on various committees charged with delivering policies for the local NHS bodies in this field for 18 years. He has advised and contributed to the development of policies in all clinical fields and has given advice and support to colleagues whose prescribing data suggested that this was necessary.



**Stuart Winter**

Consultant Ear Nose and Throat,  
Head and Neck Surgeon

Stuart Winter is a consultant Ear Nose and Throat, Head and Neck Surgeon and Associate Professor at the University of Oxford. He specialises in treating tumours and cancers of the head and neck. He has been involved in producing guidance for a number of national bodies including NICE, ENT UK, British Association of Head and Neck Oncologists and Health improvement Scotland. He has produced medical reports in a number of negligence cases.



**Professor Pat Price**

MA MD FRCP FRCR  
Consultant Oncologist

Pat Price trained in general medicine in Cambridge and in oncology at the Royal Marsden Hospital. She has been working as a clinical oncology consultant for 33 years. She undertook her research degree at the Institute of Cancer Research on tumour growth rates and was awarded the Cambridge University medal for best laboratory-based MD in 1991. She went on to be a clinical academic oncologist at Hammersmith Hospital with research programme grants from the UK Medical Research Council, Cancer Research UK and the US National Institute of Health. In 2000, she established the first Ralston Paterson Chair in Radiation Oncology at the Christie Hospital and set up the new Wolfson Molecular Imaging Centre at the University of Manchester. As an expert witness for both Claimants and Defendants Pat has completed over 3,000 medico-legal reports and has given evidence at 19 trials. In 2017, she was awarded Oncology Clinical Negligence Expert of the Year in Lawyer Monthly Magazine. Her specialisms include delays in diagnosis of cancer, tumour growth rates and radiotherapy/chemotherapy treatment. Pat has lectured on oncology medico-legal cases to solicitors, barristers, the AVMA and the MPS / MDU.



# BARRISTERS

Ranked in Tier 1 for Clinical Negligence in The Legal 500



Justin Valentine, Deputy Head

Year of call: 1999

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

LEGAL 500, 2022

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, cauda equina, delayed diagnosis of cancer and diabetic claims. He has substantial experience in both JSMs and in mediation. He is instructed by many of the leading firms in clinical negligence.



James Marwick

Year of call: 2008

**"James is incredibly clear and quietly fierce."** LEGAL 500, 2022

James acts for both claimants and defendants in the full range of clinical negligence matters. He specialises in surgical negligence as well as cases arising out of negligent obstetric & gynaecological care. He has a breadth of trial experience in clinical negligence work which gives him an added insight into the management of cases for both claimants and defendants. Recent trial work includes the successful defence at trial of claims for the alleged delay in the diagnosis of an ectopic pregnancy and the alleged failure to address an intra-laparoscopic bleed as well as the recent High Court case of *Richins v Birmingham Women's Children's NHS Foundation Trust* [2022] EWHC 847 (QB).



Jimmy Barber

Year of call: 2008

Jimmy is a specialist practitioner in the fields of clinical negligence, personal injury and industrial disease. He joined St John's Chambers in September 2015 having previously practised in London. In clinical negligence, Jimmy has experience of cases involving a wide array of areas of medicine and dentistry and acts for healthcare providers, clinicians and claimants. He regularly advises on and settles pleadings in cases involving delays in diagnosis, injuries caused by or in the course of surgery and failure to obtain proper consent.

# BARRISTERS

“St John’s Chambers is well regarded in complex and high-value clinical negligence and inquest proceedings.”

CHAMBERS UK 2022



**Robert Mills, Deputy Head**

Year of call: 2014

**“Robert is wise beyond his years, and his attention to detail is admirable. He is incredibly responsive, commercial and pragmatic.”**  
CHAMBERS UK 2022

Clinical negligence is the focus of Robert’s practice and he is ranked as a leading junior in Chambers UK and The Legal 500. He undertakes a wide range of clinical negligence work, with regular instructions across all areas of medicine, including obstetrics, brain injuries, oncology, orthopaedics and cardiology. He is experienced in handling high value clinical negligence litigation involving life-changing injuries. Robert has a particular interest in the law surrounding fatal accident claims, which represent a core component of his practice and on which he regularly provides training. He provides specialist advice on high value claims for care, loss of earnings and pension loss.



**Rachel Segal**

Year of call: 2013

**“A strong, organised and approachable barrister, who goes above and beyond to be available to deal with urgent matters. She is patient and understanding with clients, and is excellent at explaining complex matters in layman’s terms.”** LEGAL 500 , 2022

Rachel is a specialist personal injury and clinical negligence barrister. Her recent clinical negligence work has ranged across ophthalmology (cases involving keratoconus and Fuchs Endothelial Dystrophy), obstetrics and gynaecology, oncology (particularly delayed diagnosis of breast and cervical cancer) and dentistry. Rachel also continues to be in particular demand for her specialism in relief from sanctions applications following her published work in this area.



**Rhodri Jones**

Year of call: 2017

Rhodri’s practice focusses on clinical negligence, inquests, and personal injury. Before retraining as a barrister Rhodri practiced as a medical doctor for 18 years, principally in A&E and general practice. His wealth of knowledge and experience enables him to quickly grasp the relevant issues in all aspects of medical law. His recent experience includes advising and drafting statements of case in relation to claims in general practice, anaesthetics, cardiology, orthopaedics, ophthalmology, general surgery, and dentistry. Rhodri assisted in the appeal case of *David Price v Cwm Taf University Health Board* [2019] EWHC 938 (QB). He has a particular interest in claims with complex issues of causation.

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Mike Renville

Renvilles Costs Lawyers & Consultants

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Mike is a Costs Lawyer with more than 25 years' experience of advising clients in civil and Solicitor/client disputes. He is regularly instructed by leading clinical negligence firms and is a highly regarded costs advocate, often appearing before the Courts at detailed assessment hearings and costs management conferences. He is accredited by the Costs Lawyer Standards Board as a Costs Training Provider.