

Judith Rogerson

Call: 2003



Judith Rogerson has a civil practice with a particular focus on cases involving healthcare professionals. She is recognised as a leading junior in clinical negligence.

She has extensive experience of acting on behalf of patients, NHSR and individual medical practitioners in a wide range of cases arising out of allegations of clinical negligence.

She also has a good knowledge of professional disciplinary tribunals having been involved in cases in a number of healthcare tribunals including the MPTS, GDC, NMC and HCPC as well as internal PCT disciplinary proceedings and fitness to practise proceedings involving medical students.

She has represented NHS Trusts in judicial review proceedings, in claims seeking injunctive relief on behalf of hospital staff and in claims seeking declarations relating to the treatment of patients.

Judith frequently appears in the Coroner's Court where she represents families, clinicians and other interested parties

"She knows her stuff and is good at what she does." "Very sensible, pragmatic and calm."

Chambers & Partners 2019

"She is sensitive with clients but also sensible. She takes realistic views on cases."

Chambers & Partners 2018

'She is calm, sensible, pragmatic and practical.'

Legal 500 2018

Clinical Negligence

Judith has extensive experience of advisory and advocacy work as well as successfully resolving claims through ADR.

Her practice involves cases in a wide variety of disciplines including claims related to general practice, obstetrics and gynaecology, gastroenterology, orthopaedics, neurology and plastic surgery. Her experience also extends to allegations of dental and veterinary negligence in addition to other clinical fields.

She has acted as junior counsel in several high value catastrophic brain injury cases dealing with complicated issues of both liability and quantum. She was also instructed as junior counsel on behalf of a General Practitioner in a claim arising out of a delay in diagnosing meningitis and successfully defended at trial a Consultant Orthopaedic Surgeon in a claim concerning avascular necrosis of the hip.

Most recently Judith has successfully defended at trial claims alleging a failure by a nurse to properly manage glaucoma, a bowel perforation during a radical hysterectomy and negligence during surgery to correct spinal scoliosis resulting in paralysis.

In addition to substantive arguments relating to liability and quantum, Judith has wide experience of:

- Claims involving complicated issues relating to limitation
- Allegations of interference with the rights conferred by Articles 2, 3 and 8 of the ECHR in the context of healthcare claims.
- Claims involving periodical payments. She was extensively involved in the finalisation of the many claims which had been on hold pending the conclusion of the proceedings in *Thompstone v Tameside Hospital NHS Foundation Trust* concerning the indexation of periodical payments.
- Procedural and interlocutory matters that often arise in clinical negligence litigation.

Judith is recognised by the legal directories as a leading junior in clinical negligence.

'She is experienced in handling high-value claims.' (Legal 500 2017)

"She is sensitive with clients but also sensible. She takes realistic views on cases." (Chambers & Partners 2018)

"She's ambitious and realistic and makes sure she gets the best outcome for the client." (Chambers & Partners 2017)

"She displays excellent attention to detail and is very thorough." (Legal 500 2016)

"She is very well prepared, assured, calm, persuasive and perfectly at home in a trial. She is also excellent with clients." (Chambers & Partners 2016)

"A well-respected individual with significant experience of obstetrics, gynaecology, orthopaedics and plastic surgery claims. Also praised for her work as junior counsel on several high-value brain injury cases involving both liability and quantum...She thinks things through properly and invariably gets the right answer." (Chambers & Partners 2015)

"A fearless advocate who does an excellent job." (Legal 500 2015)

"Very good...a widely known junior who acts for claimants and defendants across many medical disciplines" whose "advice is very clear" (Chambers & Partners 2014)

"She is intuitive, and has an exceptional grasp of the medical issues involved in cases". Legal 500 2014

"Highly sought after" (Chambers & Partners 2013)

"She has a good technical knowledge and the ability to convey it" (Legal 500 2012)

Selected Cases

- **Easom v Staffordshire & Stoke on Trent NHS Foundation Trust [2016]:** (Alleged a failure by a nurse to refer a patient to an ophthalmologist that was said would have resulted in a diagnosis of acute angle closure glaucoma and the prevention of subsequent loss of vision.)
- **Devonport v Gateshead Health NHS Foundation Trust [2016] EWHC 1729 (QB):** (Alleged bowel perforation during the course of a radical hysterectomy resulting in a significant pelvic abscess and consequent renal damage.)
- **Hosseini v Central Manchester University Hospitals NHS Trust [2016] EWHC 974 (QB):** (Allegations relating to the performance of surgery to correct a significant spinal scoliosis resulting in below the waist paralysis.)
- **Coakley v Rosie [2014] EWHC 1790 (QB):** (Delay in diagnosis of meningitis resulting in significant damage to the Claimant's hearing and vision.)
- **Harrison v Isle of Wight PCT [2013] EWHC 442 (QB):** (Trial of the preliminary issue of limitation centred upon the Claimant's date of knowledge in a claim relating to surgery to her shoulder.)

Professional Discipline & Regulation

She has appeared before Interim Orders panels and at Fitness to Practise hearings in a number of healthcare tribunals including the Medical Practitioners Tribunal Service, the General Dental Council and the Health and Care Professions Council. She has also been involved in internal PCT disciplinary proceedings and fitness to practise proceedings concerning medical students.

She was instructed on behalf a doctor facing proceedings arising out of a clinical trial into the relationship between cardiac defects and migraine headaches. Judith appeared as junior counsel in the lengthy Fitness to Practise hearing at the MPTS and in the subsequent s.40 appeal before the High Court. Most recently she represented a dentist at Fitness to Practise proceedings before the GDC concerning multiple allegations of substandard care.

Her experience also includes acting as junior counsel in a long running hearing concerning allegations made against a GP who had previously been tried in the criminal courts for sexual assault.

In addition to appearing in professional disciplinary tribunals she has appeared in the Magistrates' and Crown Court on behalf of healthcare professionals facing criminal allegations arising out of their professional conduct.

During her second six months of pupillage Judith was appointed by the Council of the Inns of Court as a Clerk to

the Bar Standards Board disciplinary tribunal. She continued in this role for seven years and has subsequently been instructed as counsel for the BSB in proceedings before the Visitors to the Inns of Court. She therefore has extensive knowledge and experience of professional conduct and disciplinary proceedings at the Bar.

'Her cross-over practice includes medical discipline as well as clinical negligence cases.' (Legal 500)

"She's ambitious and realistic and makes sure she gets the best outcome for the client." (Chambers & Partners)

"She displays excellent attention to detail and is very thorough." (Legal 500)

"She is very well prepared, assured, calm, persuasive and perfectly at home in a trial. She is also excellent with clients." (Chambers & Partners)

Selected Cases

- **Dowson v General Medical Council [2015] EWHC 3379 (Admin):** (Appeal in the High Court of the conclusions of the MPTS panel following a lengthy hearing concerning allegations made against a GP involved in clinical research into the relationship between migraines and heart defects.)

Inquests

Judith frequently appears in the Coroner's Court where she has represented families, clinicians and other interested parties.

Her experience includes inquests following missed or late diagnoses, surgical complications and the sudden unexplained death of small children. She has also appeared at inquests arising out of the unexpected deaths of individuals under the care of local authorities or the NHS, whilst in custody or as a result of accidents at work.

She has particular experience of representing Ambulance Trusts at inquests arising from delays in responding to emergency calls and is familiar with the policy and resources issues which arise at such hearings.

Health Law

Judith has been instructed by Primary Care Trusts as junior counsel in judicial review proceedings relating to the closure of the maternity department of a hospital and as an interested party in proceedings seeking to challenge the Secretary of State for Health's approval of a major hospital rebuilding project in the North East of England.

She has represented NHS Trusts in judicial review proceedings, in claims seeking injunctive relief on behalf of hospital staff and in claims seeking declarations relating to the treatment of patients.

She has also been involved in proceedings brought by individual doctors seeking to challenge decisions made by

the GMC.

Judith has been instructed in claims seeking declarations from the Court in respect of the treatment of patients in 'best interests' cases and where the Court has had to consider Deprivation of Liberty safeguards. Her experience includes cases relating to the administration or discontinuation of treatment and the issue of whether patients should remain in hospital or be discharged into alternative care. In addition she has advised in respect of the protection of the assets of individuals who lack capacity to manage their own affairs. She has made applications on behalf of hospital staff for injunctive relief under the Protection from Harassment Act 1997, including a number of such applications involving mental health issues.

She has also acted in possession proceedings on behalf of Trusts seeking to remove patients who have refused to leave hospital after the conclusion of their treatment.

Personal Injury

Judith has significant experience of advising and representing both claimants and defendants.

In addition to civil proceedings, she has appeared before the Criminal Injuries Compensation Appeal Panel on behalf of appellants who have been injured as a result of criminal acts.

In the early years of her practice she assisted the Treasury Solicitor's private law team in a number of claims, including actions against the Prison Service, claims for stress at work and allegations of misfeasance in public office. She was also involved in claims against the Department for the Environment, Food and Rural Affairs and the Ministry of Defence.

Awards

- Walter Wigglesworth Scholarship, Lincoln's Inn (2003)
- Denning & Hardwicke Scholarships, Lincoln's Inn (2002)

Education

- BVC (Very Competent), Inns of Court School of Law (2003)
- BA Jurisprudence (1st Class), Brasenose College, Oxford (2001)
- Exhibitioner of Brasenose College, Oxford (2000)

Memberships

- PIBA
- PNBA
- South Eastern Circuit

Publications

Judith has given lectures and seminars on a range of subjects, most recently including the issue of apportionment and contribution proceedings in clinical negligence litigation, material contribution and the impact of the Supreme Court decision of *Knauer* in Fatal Accidents Act claims.

For several years she was responsible for compiling a quarterly newsletter produced for the NHSLA dealing with all relevant development in human rights law.