

Pritesh Rathod

Call: 2006



Pritesh Rathod is a sought after barrister who specializes in the fields of clinical negligence and personal injury. He regularly appears in the High Court and County Courts in a wide range of hearings, with a particular strength in trials and appeals. He represents both claimants and defendants.

Inquests also feature heavily in his practice, where he acts for families, NHS Trusts and individual doctors.

Pritesh has experience in professional discipline cases and is keen to maintain a broad practice, he accepts instructions across a wide spectrum of common law areas.

"Very bright and easy to work with." "Reliable, thorough and good on his feet."

(Chambers & Partners 2018)

"His advocacy is something that is strongly in his favour."

(Chambers & Partners 2017)

Clinical Negligence

Pritesh's main area of practice is clinical negligence. He represents both claimants and defendants. His experience ranges from low value claims to multi-million pound claims and across the full range of medical specialisms. He has a significant amount of courtroom experience, appearing in applications, trials and appeals. He has successfully appeared in the Court of Appeal, having obtained a strike out in a case where it was alleged that the Claimant had received full compensation for her claim in previous proceedings. He also successfully appeared in an appeal relating to the use of employment experts in a brain injury claim. Pritesh has a special interest in

quantum issues and is particularly proficient at drafting schedules and counter-schedules. He also has an interest in fatal accident claims.

Pritesh is regularly asked to deliver lectures and seminars on topical issues within the field of clinical negligence.

Listen to Pritesh discuss Clinical Guidelines in Clinical Negligence Cases on episode 48 of our podcast Law Pod UK [here](#).

Selected Cases

- **Scaddon v Morgan (HC 16 Jun 2017):** Successfully represented the Claimant at Trial in relation to the negligent failure by a private Consultant Gynaecologist to spot a prolapsed uterine fibroid, which was removed seven months later.
- **Quintana v Surrey & Sussex Healthcare NHS Trust (HC 28 Mar 2017):** Successfully represented the Defendant in striking out the claimant's claim under the Law Reform (Miscellaneous Provisions) Act 1934 where the Claim Form had been issued prior to Letters of Administration having been received. The case involved detailed consideration of the case law on this issue, together with the proper construction of section 35 of the Limitation Act 1980 and CPR 17.4.
- **Seear v St George's Healthcare NHS Trust [2013] EWCA Civ 491:** Successfully represented the respondent (defendant) resisting an application for permission to bring a second appeal in a clinical negligence claim, having previously obtained a strike out at first instance and resisted a first appeal. The clinical negligence claim was struck out because the claimant had been compensated for her injuries in a previous road traffic accident claim. The applicability of *Jameson v Central Electricity Generating Board* [2000] 1 AC 455 and *Heaton v AXA Equity and Law Life Assurance Society* [2002] 2 AC 329 was in issue.
- **Turner v Walsall Hospital NHS Trust [2013] Med LR 379, [2013] EWHC 1221 (QB):** Successfully represented the respondent (defendant) in an appeal against the decision of a Queen's Bench Master, dismissing an application for permission to rely on an employment expert in a high value clinical negligence case. The case involved a brain injured child who resided in Jersey. It was argued on behalf of the appellant that English employment statistics were not applicable and so an expert was required.

Inquests

Pritesh has a significant practice in inquest work. Pritesh regularly appears in the Coroner's Court in both Middleton and Jameson inquests, representing bereaved families, NHS Trusts and medical practitioners. His cases tend to relate to medical care and often feature in the local or national media. In 2016, Pritesh represented the family of Fallan Kurek in a widely publicised inquest, who died following a DVT after taking the contraceptive pill, where the Coroner found that further assessment of the risk of DVT did not take place when she presented to a minor injuries unit complaining of chest pains and shortness of breath.

Pritesh is also a contributing author to *The Inquest Book: The Law of Coroners and Inquests* (2016, Hart Publishing), in which he wrote the chapter on funding.

Selected Cases

- **Inquest Touching Upon the Death of Fallan Kurek (2016, Cannock Coroner's Court):** Represented the family of the deceased in a widely publicised inquest relating a 21 year old woman who died from a DVT as a result of taking the contraceptive pill. The Coroner held that further assessment of the risk of DVT did not take place when she presented to a minor injuries unit complaining of chest pains and shortness of breath.
- **Inquest Touching Upon the Death of Robert Goddard (2014, Lincoln Coroners' Court):** Represented the family of Robert Goddard who died shortly after his birth. Robert's mother's gestational diabetes had not been diagnosed antenatally, meaning that she did not receive Consultant-led care. Furthermore, her CTG trace was abnormal for three hours before the decision was made to deliver Robert by Caesarean section. Robert was born in a very poor condition as a result of hypoxia, and died two days later. The Coroner found that failings in midwifery and obstetric care contributed to Robert's death. The inquest attracted press attention.
- **Inquest Touching Upon the Death of William Avery-Wright (2013, West Sussex Coroner's Court):** Represented the family of William Avery-Wright, a 13 year old pupil at Worth School, who was killed after a collision with a motor vehicle when crossing a 60mph road between two school sites. The Coroner concluded that the school's rule that pupils in the boy's year group should not cross the road without adult supervision "was not enforced or adhered to".

Personal Injury

Pritesh is very experienced in personal injury work, which still forms a significant part of his practice. He represents both claimants and defendants in a variety of personal injury claims, including road traffic accidents, employers' liability and public liability claims. He is willing to consider instructions on a CFA basis.

Pritesh also represents claimants before the First-Tier Tribunal in relation to appeals against CICA awards, particularly in cases where claimants have suffered head injuries.

Selected Cases

- **JM v CICA (2017):** Assisted in the preparation of the appeal of a man who suffered a severe brain injury following what was thought to be an assault to which there were no witnesses. The CICA argued that the claimant had not proved that he was the victim of an assault. The Tribunal found that the claimant was eligible for an award.
- **GM v CICA (2016):** Represented a man seriously who suffered a severe brain injury following an assault, leaving him with serious neuropsychological issues for which he required care and assistance. Recovered maximum award under the Scheme.
- **Inquest Touching Upon the Death of William Avery-Wright (2013, West Sussex Coroner's Court):** Represented the family of William Avery-Wright, a 13 year old pupil at Worth School, who was killed after a collision with a motor vehicle when crossing a 60mph road between two school sites. The

Coroner concluded that the school's rule that pupils in the boy's year group should not cross the road without adult supervision "was not enforced or adhered to".

Professional Discipline & Regulation

Pritesh has a significant amount of experience in the field of professional discipline before a number of tribunals, including the Medical Practitioners' Tribunal, the General Dental Council, the General Social Care Council, the Visitors to the Inns of Court and the Inns' Conduct Committee. Pritesh has experience of conducting fitness to practise hearings, interim orders hearings and appeals.

From 2009 to 2012, Pritesh was a Clerk to the Bar Disciplinary Tribunals.

Sports Law

Pritesh's practice includes sports law. His experience includes advising on disputes between athletes and their governing bodies and personal injury and/or clinical negligence cases arising out of sporting injuries. He is a member of Sports Resolution's pro bono panel of lawyers.

Pritesh was formerly a Lawn Tennis Association qualified Tennis Chair and Line Umpire (Grade U3/L4)

Selected Cases

- **Advising a Wheelchair Basketball player following her exclusion from the GB team for the Rio 2014 Paralympics.** Following Pritesh's involvement, the selection exercise was declared void and a further selection exercise was held, where Pritesh's client advanced to the next round of selection.
- **Advising a Paralympic archer in relation to the removal of his funding.**

Appointments

- Deputy District Judge (South Eastern Circuit)
- Registered Pupil Supervisor (2014 – present)
- Sport Resolutions pro bono panel
- Bar Council Social Mobility Committee Member (2012-2015)
- Secretary to South Eastern Circuit Minorities Committee (2009-2013)
- South Eastern Circuit Committee Member (2009-2013)
- Bar Council Training for the Bar Committee Member (2011-2012)
- Clerk to the Bar Disciplinary Tribunals (2009-2012)
- South Eastern Circuit Law School Liaison Officer (2009-2012)

Awards

- Benefactors Scholarship (2005)
- Blackstone Entrance Exhibition (2005)
- Pump Court Tax Chambers Prize in Tax Law, King's College, London (2005)
- Graveson Prize in Conflict of Laws, King's College, London (2005)

Education

- BPP Law School, BVC (Very Competent), (2006)
- King's College London, LLB Hons (First Class), (2005)

Memberships

- PIBA
- PNBA

Publications

- Law Pod UK Ep. 48: 'Clinical Guidelines in Clinical Negligence Cases.'