



David Heaton QC



Contents

Clinical Negligence	1
Selected Cases	1
Personal Injury	2
Selected Cases	2
Memberships	3
Recommendations	3

"He's hugely knowledgeable and very easy to work with."
"He combines a delightfully disarming charm with
absolute confidence and knowledge."
(Chambers & Partners 2020)



David Heaton has been consistently recognised as a leading practitioner over many years.

Clinical Negligence

David has extensive experience of all types of clinical negligence litigation both for claimants and defendants including:

- Midwifery / obstetric mismanagement involving IUGR, inadequate CTG monitoring, excessive use of syntocinon, twin deliveries and mismanagement during labour of cord prolapse, maternal pre-eclampsia, previous Caesarean section and shoulder dystocia
- Neonatal mismanagement involving an erroneous injection of potassium sulphate, hypoglycaemia, persistent pulmonary hypertension, GBS infection and retinopathy of prematurity
- Failures to diagnose and treat meningitis, sub-arachnoid haemorrhage, a brain tumour, other cancers, pyloric stenosis, ectopic pregnancy, acute pancreatitis, cauda equina syndrome, cardiac disease and stroke

Selected Cases

- AB v Central Manchester University Hospitals NHS Foundation Trust – Instructed by the claimant in a claim for damages for cerebral palsy where the approved settlement comprised a contingency sum and substantial ASHE-Linked periodical payments for future care and case management which, on a conventional basis, was valued at over £4.8 million.
- Tameside & Glossop Acute Services NHS Trust v Thompstone – The Court of Appeal upheld the decisions of judges in three cases at first instance that periodical payments for future care and case management should be indexed to ASHE 6115 at the relevant percentile rather than to the RPI.
- Smart v East Cheshire NHS Trust – Gage J. gave guidance on the proper approach to a cost capping application made by a defendant in a single claimant clinical negligence action.
- D v S & B NHS Trusts – Instructed by the claimant in a Fatal Accident Act claim arising out of negligent failure to diagnose and treat a sub-arachnoid haemorrhage.

- F v EL Health Authority – Instructed by the claimant in a claim where a substantial settlement was approved including full ASHE-indexed periodical payments for future care and case management with passive reverse indemnity where claimant had been receiving PCT nursing care and local authority direct payments.
- D v C&MSHA – Substantial settlement approved in brain injury claim where liability disputed in claim arising out of alleged failure adequately to re-hydrate infant prior to surgery for pyloric stenosis in early 1960s.

Personal Injury

David has practised in personal injury litigation throughout his career. He advises and appears on behalf of both claimants and defendants. He was involved in the Ativan group action in the 1990s. He now specialises predominantly in high value and complex claims usually involving brain damage resulting in motor, cognitive, personality and behavioural changes and spinal injury resulting in tetraplegia and paraplegia. He has wide experience of the investigation and presentation of issues arising from local authority accommodation and care.

Selected Cases

- ES v CICA – Instructed by applicant in a criminal injuries compensation claim where the then infant applicant had sustained a severe brain injury at the hands of his father resulting in asymmetric cerebral palsy manifesting itself in severe mobility, intellectual impairment, significant communication problems and visual difficulties. The applicant had epilepsy and behavioural problems. He lacked capacity to manage financial matters of any sort. He required 24 hour care and special schooling. The CIC panel made an award of £5.7million on a 100% basis but reduced this by the uprated value of an approved clinical negligence settlement on a partial recovery basis arising from the same facts where the hospital had failed to recognise that the applicant had suffered some non accidental injuries and discharged him home to the care of his father who then caused the brain injury. The net value of the award was £2.7million.
- B v S – Instructed by defendant in a claim by a female claimant with long life expectancy claimed substantial periodical payments of damages for future care and case management where on a conventional basis claim valued at in excess of £7.5m.
- B v F & MIB – Instructed on behalf of Polish claimant suffering orthopaedic, neurological and urological and colo-rectal injuries in accident at work in England and who had returned to live in Poland recovered substantial damages for future loss of earnings and future care.
- K & K C – Instructed by defendant in Fatal Accident Act claim where the claim for dependency was founded on the premise that it was contended that the deceased graduate would have opened a successful private school in Pakistan.
- Wright v Sullivan – Instructed by the claimant in an appeal in which the Court of Appeal held that a case manager appointed by a severely injured person to assist her owed duties to the patient alone and had to make decisions in the best interest of the patient. Her role would be that of a witness of fact and not an expert and she should not be appointed by the parties jointly.
- McLaughlin v F & B Limited – Instructed by the defendant in a claim by a tunnel miner where it was held that he have only worked to age 55 years [and not to age 60 or 65 as he contended] because of supervening lupus.
- White v Fell – Instructed by the defendant in the first case in which the test for mental capacity was



expounded by Boreham J. which decision which was later followed in *Masterman Lister v Jewell & Home Counties Dairy*.

Memberships

- PIBA
- PNBA

Recommendations

"Applauded for his 'thorough preparation and outstanding ability' when handling birth injury and other maximum severity claims."

Chambers & Partners 2012

"Straight to the point in his advice."

Chambers & Partners 2012

Never haughty, despite his seniority, he "has a keen forensic mind and is a pragmatic negotiator."

Chambers & Partners 2012

"David Heaton QC focuses his attention on claims involving injuries of the greatest severity, and is described as 'highly analytical with excellent client care skills'."

Chambers & Partners 2011

"A lawyer with a 'fantastic client manner'."

Chambers & Partners 2011

"Very solid all-rounder."

Legal 500 2011

"David Heaton QC is highly popular among the region's solicitors as he combines a highly analytical mind with a down-to-earth approach. He garners many a brief."

Chambers & Partners 2010

"David Heaton QC is 'particularly skilled at managing the expectations of his clients in a kind and sympathetic manner'."

Chambers & Partners 2010