



Helen Pagett



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# Contents

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Personal Injury .....	1
Industrial Disease .....	2
Clinical Negligence .....	3
Inquests & Public Inquiries .....	4
Insurance & Reinsurance .....	5
Civil/Insurance Fraud .....	5
Qualifications .....	5
Memberships .....	6



Helen Pagett specialises in personal injury, industrial disease, clinical negligence and inquests. She regularly appears in the County Court and High Court in both fast-track and multi-track matters, and also the Coroners Court.

Before embarking in a career in law, Helen spent time in History of Medicine academia. Her particular interests were gender, race, informed consent and human experimentation. Helen has continued to develop these interests, particular consent, in her clinical negligence practice.

Helen advises and appears on behalf of both claimants and defendants and accepts instructions on a conditional fee basis.

## Personal Injury

Helen appears at trial and interlocutory matters in fast-track and multi-track cases for both claimants and defendants. Helen has extensive experience of all types of personal injury work.

### Road Traffic Accidents

Helen regularly advises, draft pleadings and attends court in road traffic accidents. Recent cases Helen has been instructed in include:

- Several cases involving drivers of scooters and motorcycles. Cases often involved serious head injuries and significant orthopaedic injuries. Helen recently negotiated a 6 figure settlement, pre-litigation, for a 50 year old man who sustained a head injury following a motorbike accident.
- B (Minor) v B (unreported) – settlement of £30,000 for a child injured in a road traffic accident with a facial scar, which included a claim for potential disadvantage on the labour market when an adult
- Fraudulent claims, including LVI and staged accidents.
- Norwich Pharmacal Orders to identify drivers.

### Public Liability



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Helen is regularly instructed by various local authorities in claims under the Highways Act 1980. She has also represented several large national companies for claims under the Occupiers Liability Act. Recent cases Helen has been involved in include:

- M v CC (unreported) – successfully arguing that the Claimant should bear the Defendant’s costs where pictures of a highway defect were not disclosed until the day before trial.
- PH v LP (unreported) – advising to proceed in an occupiers liability case involving a tripping incident in a Grade 2 listed building. The Claimant subsequently discontinued.

### Employer’s Liability

Helen represents both Claimants and Defendants in employer’s liability claims. Recent cases Helen has been involved in include:

- Various cases where employees have “tripped” over steps and floors
- Representing a Defendant at an RTM in a 6 figure claim where the Defendant suffered serious pelvis and urological injuries after a fall at work
- Representing the NHSR at RTMs and trials, including cases where injuries to staff have been caused by patients.
- Cases involving failure to provided PPE or appropriate work equipment

### Fatal Accident Claims

Helen is regularly instructed in claims under the Fatal Accidents Act for both Claimants and Defendants. She has successful obtained several large pre-litigation settlements for several bereaved families.

### Social Security Tribunal

Helen represents Defendants at the Social Security Tribunal to challenge CRU certificates.

## Industrial Disease

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Helen represents both Claimants and Defendants in NIHL claims, stress at work, HAVS, dermatitis and asbestos related injuries. She is instructed by insurers, the NHS and Care Home providers. She regularly appears in the County and High Court in interlocutory matters, CCMCs and final trial. She is regularly asked to advise on prospects of success and also quantum. She has successfully run limitation defences at trial and also allegations of fundamental dishonesty.

Examples of cases Helen has recently been involved in:

Stuart Bonshor v Walkers Tyres Services Ltd (Claim No: E32YJ875 – Nottingham CC, HHJ Hedley, 13 December 2019) – Successfully defend NIHL claims based on lack of medical causation. Issues included the amount of assistance a court requires in interpreting the Cole’s Guidelines from experts.

DT v A (2020) – Successfully obtained a settlement for the Claimant in a claim arising for stress at work and harassment and bullying



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## Clinical Negligence

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Helen has an extensive clinical negligence practice and represents both Claimants and Defendants (NHS and individuals in private practice). Helen is happy to accept cases on a CFA.

Recent cases Helen has been involved in include:

### Claimants

- NS (Minor) – advising and obtaining settlement for a family where a 5 year old boy was negligently discharged by a hospital when suffering a sickle cell crisis. The child sadly died 48 hours later.
- NB – advising and obtaining settlement in a case of missed Os Acromiale of the shoulder.
- JW – advising and obtaining settlement in a case where there was a delay in diagnosing the Deceased's lung cancer.

Helen has several ongoing case including:

- incorrectly performed gynaecological surgery;
- failure to obtain informed consent before procedures; and
- inadequate district nursing care for pressure sores.

### Defendants

Helen has an extensive Defendant practice. Recent cases she has been involved in include:

- SK (unreported) – Successfully striking out a case brought by a prisoner for alleged delay in diagnosing his COPD.
- SL – Claim arising out of a minor injury to the bile duct during a cholecystectomy. In this pre-QOCS matter, Helen represented the NHS Trust where the surgery was performed. Helen advised that this matter should be defended. Helen represented the Trust at various interlocutory matters. A week before trial the Claimant discontinued.
- Helen is currently instructed by the NHS in an obstetric case, where the costs of surrogacy are pursued by the Claimant.
- Helen is also currently instructed by the NHS in a multi-million pound cauda equina case.
- Drafting pleadings, attending interlocutory hearings, advising and attendance in conference in cases involving the following allegations:
  - Failure to diagnose/delay in diagnosing cancer: including cervical cancer, colon cancer, breast cancer and lung cancer
  - Mental health: failure to prevent suicide
  - Obstetric care: failing to induce/perform a c-section earlier, incorrectly performing a c-section, failing to manage an ectopic pregnancy correctly and failure to plan and manage placenta accreta
  - Nursing care: alleged failures in nursing care in respect of pressure sores
  - Orthopaedic cases: failing to manage nerve damage following hip surgery, failing to diagnose and/or treat fractures appropriately and incorrectly performed spinal surgery
  - Bariatric surgery: failing to consent a Claimant before a procedure and negligently performed surgery
  - Physiotherapy: failing to put in place appropriate care plans and carry out a sufficient risk

- assessment before commencing physiotherapy
- Vascular surgery: failing to obtain informed consent and failure to manage post-surgery complications, including DVTs.
  - General surgery: failing to diagnose and treat sepsis sooner, failure to diagnose and treat a perforated bowel sooner, failure to follow surgeons advice post-surgery and failure to remove all of the appendix during an appendectomy
  - Plastic surgery: including failure to obtain informed consent, failure to perform biopsies prior to surgery and negligently performed surgery
  - Abuse: including failure to treat a patient who had suffered Satanic Ritual Abuse appropriately

## Inquests & Public Inquiries

Helen has extensive experience of inquests across the country. Helen represents both families and interested parties. Helen has a busy inquest practice and represents clients at both Pre-Inquest Reviews and also Inquests. She is regularly instructed by clients prior to an inquest to advise on disclosure of evidence and other procedural matters.

Recent inquests Helen has been involved in:

### Road Traffic Accidents

- Helen has particular experience of cases involving road traffic accidents involving motorcyclists and has represented both families and insurers.
- Helen has also been involved in several cases involving lorry drivers and pedestrians, again for both families and insurers.

### Care Homes

Helen is regularly instructed by national care home providers, both nursing and residential, and has particular experience of cases where neglect is alleged. Recent issues that have arisen in inquests Helen has been involved include:

- Failure to perform CPR owing to an incorrect reading of the resident's file and an incorrect belief a DNR was in place.
- Several cases involving falls and falls management.
- Failure to prevent and treat pressure sores.
- Choking
- Failure of medical equipment
- Incorrect administration of medication

### Hospitals and Medical Care

Helen has extensive experience of inquests where failings in medical care and treatment are alleged. Recent issues that have arisen in inquests Helen has been involved include:

- Failure to treat wounds
- Failure to identify and treat sepsis
- Failure to diagnose fractures and discharging patients without treatment



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## Other Organisations

Helen is also instructed by other organisations, including charities providing educational and institutional care. Recent issues that have arisen in inquests Helen has been involved include:

- Choking
- Allegations of neglect and sexual abuse
- Failing to provide adequate nutrition
- Failing to administer medication correctly

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## Insurance & Reinsurance

Helen appears at inquests on behalf of insurer clients and organisations.

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## Civil/Insurance Fraud

Helen is regularly instructed by Defendants on claims where there are concerns of fraud and fundamental dishonesty. Her advice is often sort pre-action to consider if fraud and / or fundamental dishonesty should be alleged at an early stage and / or what steps can be taken to strength the client's case on these issues (including surveillance). Helen has in the past year, secured several discontinuations from Claimants after the service of defences in which she has pleaded fraud and / or fundamental dishonesty, and has also successfully obtained findings of fundamental dishonesty at trial and disapplication of costs.

Recent claims Helen has been involved:

- A claim involving an initial RTA, where liability was admitted, and then it morphed into a large multi-track claim with a claim for loss of earnings for life. Following service of the Claimant's witness evidence, and conference with the experts, concerns arose out of the veracity of the claim and the Claimant himself (including if he was a fantasist). Following Part 18s, drafted by Helen, the Claimant accepted a Part 36 offer 18 months of time, which was totally subsumed by the Defendant's costs;
- A multi-track claim arising out of a fall out of a wildlife park where there were concerns about the cause of the claim and exaggeration of symptoms. Following Part 35 questions to the expert, drafted by Helen, and also a successful application to rely on further evidence, the Claimant's solicitors came off the record;
- A multi-track claim arising out of an employer's liability incident at a warehouse. On the basis of the evidence, Helen advised to allege fundamental dishonesty in the defence (which she drafted). The Claimant discontinued his claim shortly after proceedings were served.

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## Qualifications

- BVC (Very Competent) Inner Temple Exhibition (2007-2008)
- GDL (Commendation) (2006-2007)
- Probationary Research Student (History of Medicine) University of Oxford Thomas Linacre Studentship (2005-2006)



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- MA Philosophy (HPSM) (Distinction) (Dunelm) MA Wellcome Trust Studentship (2004-2005)
  - BSc (Hons) Natural Sciences (1st Class) (Dunelm) (2001-2004)

## Memberships

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- PIBA