

CAROLINE HARRISON QC

Call 1986

Silk 2013

Get in touch

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+44 (0)20 7822 1200



"She is incredibly sharp and decisive with unparalleled delicacy"
(Legal 500)

Practice Overview

Caroline specialises in clinical negligence and medical law (especially concerning research & genetics; and including data protection and issues regarding medical records); complex personal injury litigation; related professional indemnity insurance; and health and safety claims.

Her principal work involves neo-natal and adult brain damage; spinal injury; death; psychiatric injury; chronic pain and a broad range of diagnostic and treatment errors in primary and tertiary care. Her professional indemnity work usually relates to under-settlement or mismanagement of medical claims. The majority of Caroline's work involves very complex medical or legal issues.

Caroline is adept at getting the best out of clients and experts in conference, and is known for her empathetic approach and commitment to her clients. She is an experienced and talented advocate and negotiator, who is equally at home whether leading from the front, or performing her role in a team. Caroline acts for both claimants and defendants in all areas of her work.

Clinical Negligence

In addition to her brain damage, stroke and spinal injury work, Caroline's recent cases have included the following medical issues: microbiological causation in septic arthritis; Wegener's Granulomatosis (a rare auto-immune disease with rarer cardiac involvement resulting in premature death); autoimmune disease causing vascular insufficiency and amputation; acute liver failure leading to transplant; allergic drug reactions; drug-management of in chronic renal failure; short-term action of heparin in context of symptomatic pulmonary embolus; near-fatal bacterial lung infection; psychiatrically mediated blindness; psychiatric causation in borderline personality disorder; delayed diagnosis of various cancer types.

Practice areas

Clinical Negligence
Inquests
Life & Health Insurance
Personal Injury
Product Liability
Professional Negligence

Memberships

Chairman, PNBA

Qualifications

Postgraduate Diploma in Law
Bar Finals
MA (Lond) Medical Law & Ethics
MA (Oxon) Philosophy & Theology

Education

Regent's Park College, Oxford
University
City University, London
Council of Legal Education,
London
Kings College, London



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Inquests

Caroline has extensive experience of medical and other inquests, including with juries.

Significant cases

Re Flanagan [12-days, Worcester CC, Feb 2011] - fatal impact with tramcar, issues included possible homicide, possible suicide, accident, exact timing & causation of injuries, braking capacity of tramcar

Re Pearce [3-days, Nov 2011, Essex CC] - allergic reaction to penicillin; system neglect in A&E triage & allergy warning

Re Peacock [July 2011, Hatfield CC] - pulmonary embolus secondary to leg fracture – failure to apply standard protocol for anticoagulant management

Re El-Shaboury [June 2011, West London CC] - drug regime in chronic renal failure

Re Douglas [10-days, Mar 2008, Plymouth CC] - death of naval officer from diabetic acidosis several days after consulting MO.

Life & Health Insurance

Caroline's areas of special interest are complex medical issues and medical research, especially involving genetics and mental health; and difficult legal problems such as causation. Caroline was a member (and later co-chair) of the Gene Therapy Advisory Committee for ten years, and a Human Genetics Commissioner for eight years until the Commission was wound up. She was involved in the regulation of general medical research at both local and national level for many years. As an HGC Commissioner, she chaired the working group on genetic discrimination and was heavily involved in the Commission's work on insurance-related issues. She was personally invited to give expert evidence on these matters to the House of Lords Science & Technology Committee. Her evidence was specifically referred to in the Committee's final report. Caroline's interest in the frontiers of medical knowledge and research are of particular value in life and health policy claims.

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Caroline has very extensive advocacy experience in Inquests, trials and appeals (see selected cases below). She is a Grade A advocacy trainer for Lincoln's Inn, and is regularly invited to teach at the South Eastern Circuit Advanced Advocacy course at Keble College, Oxford. She is a Bencher at Lincoln's Inn, and elected vice-chair of the PNBA executive committee.

Caroline has recently led the defence teams in two permanent health claims with a combined value around £4m. At the trial of the first matter, the claimant discontinued immediately after being cross-examined for two days. The case raised issues of deliberate exaggeration and the reliability of psychiatric evidence supporting the claim. The second case is continuing, and the defence is that the claim is fraudulent. Other issues include construction of a group PHI policy, and the regulation of exclusion clauses.

Current and Recent Cases

Selected inquests:

Re Flanagan [12-days, Worcester CC, Feb 2011] - fatal impact with tramcar, issues included possible homicide by a serving police officer, possible suicide, accident, exact timing & causation of injuries

Re Pearce [3-days, Nov 2011, Essex CC] - allergic reaction to penicillin; system neglect in A&E triage & allergy warning

Re Douglas [10-days, Mar 2008, Plymouth CC] - death of naval officer from diabetic acidosis

Selected other cases:

Miley v Aviva (ongoing. QBD London, April 2017) - £2.5m PHI claim

Wilsher v Friends Life (unreported. QBD London, November 2013) - £1.75m PHI claim. Discontinued at trial after 2 days of evidence

Williams v Bermuda Hospital Board [2016] UKPC - Material contribution causation in medical claims

EG & JG v Somerset CMHT [2016] EWHC ... (QBD Bristol, Jan 2016) - adolescent suicide in the context of eating disorder. Issues of causation

Lyons v Chief Constable of Kent Police [2012] EWHC 364 QB - causation in supervening psychiatric disability

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Reid v Ministry of Defence & ors [settled Mar 2009] - novel issue of conflicting standards of care between UK-trained GPs and German hospital clinicians in near-fatal lung injury

Whitehead v S & Hibbert, Pownall & Newton [2008] All ER(D)80, EWCA Civ.285 - solicitor's negligence case arising from failed wrongful birth claim. Novel points included relevance of events after date of notional trial & duties owed to fathers

Williams v Williams & ors [unrep. 2006 & 2007 Turks & Caicos Islands Supreme Court & Caribbean Court of Appeal respectively] - RTA causing paraplegia. Construction of terms in motor insurance policy with pan-Caribbean ramifications

Berry v Calderdale HA [1998] Lloyds L.R. (Med) P179 CA - limitation & scope of lawyer's duties

Personal Injury

Caroline specialises in catastrophic injuries or cases raising particularly difficult causation or quantum issues. Her recent work has included supervening psychiatric disability; orthopaedic causation in successive traumas; severe multiple injury compensation; *Blamire* or multiplier-multiplicand approach to lost earnings; chronic headaches and chronic pain.

Product Liability

Caroline's work in this area principally relates to mis-managed or under-settled medical claims. Her recent cases have covered the following contexts: an employer's liability claim resulting in below-the-knee amputation; wrongful birth – multiple complex issues of scope of duty of care, effect of post-notional trial suicide of mother, whether hospital could owe duty to father; spinal injury and neuro-radiology; extreme case of chronic pain; brain damage claims for children.

Professional Negligence

Caroline's work in this area principally relates to mis-managed or under-settled medical claims. Her recent cases have covered the following contexts: an employer's liability claim resulting in below-the-knee

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amputation; wrongful birth – multiple complex issues of scope of duty of care, effect of post-notional trial suicide of mother, whether hospital could owe duty to father; spinal injury and neuro-radiology; extreme case of chronic pain; brain damage claims for children.

Significant Cases

Lyons v Chief Constable of Kent Police [2012] EWHC 364 QB (causation in supervening psychiatric disability, & successive orthopaedic injuries);

Hills v Ulliott [unrep. Brighton County Court, Jan 2012] (general damages for severe multiple injuries; multiplier-multiplicand cf Blamire approach to future loss & full Ogden 6 approach to residual earning capacity);

Jackson v Lancashire Teaching Hospitals [settled, Feb 2012] (breach and causation in context of delayed diagnosis and then sub-optimal management of Wegener's Granulomatosis causing death);

Faller v South London Healthcare [unrep., QBD Oct 2011] (approval of Fatal Accidents Act settlement where claim based on 3-hour window of opportunity for heparin to be effective in preventing fatal pulmonary embolus);

KRR v Dartford & Gravesham NHS Trust [QBD approval Sept 11] (cerebral palsy, c£12m);

Coupland v Dr Lal [settled, July 2011] (stroke rendering 56-y-o claimant wheelchair-dependent. Short life expectancy & lack of security for PPO gave rise to argument for full capital settlement of accommodation claim and novel arguments under Damages Act to de-apply 2.5% discount rate or for alternative securitisation);

Reid v Ministry of Defence & ors [settled Mar 2009] (novel issue of conflicting standards of care between UK-trained GPs and German hospital clinicians in near-fatal lung injury);

L v Lewisham Hospital NHS Trust [QBD approval 7/4/11; Lawtel LTLPI 11/4/12] (cerebral palsy, c£10m);

Whitehead v S & Hibbert, Pownall & Newton [2008] All ER(D)80, EWCA Civ.285 (solicitor's negligence case arising from failed wrongful birth claim. Novel points included relevance of events after date of notional trial & duties owed to fathers);

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Williams v Williams & ors. [unrep. 2006 & 2007 Turks & Caicos Islands Supreme Court & Caribbean Court of Appeal respectively] (RTA causing paraplegia, seatbelt causation, construction of terms in motor insurance policy);

Lynham v Morecombe Bay Hospitals NHS Trust [2002] EWHC 823 (QB) (directly employed care regime recovered notwithstanding increased costs over agency care);

Berry v Calderdale HA [1998] Lloyds L.R. (Med) P179 CA (limitation & lawyer's duties);

Magee v Taymech [1994] PIQR P299 CA (costs in multi-party actions);

Smith v Vauxhall Motors [1997] PIQR P19 CA (costs);

Thorn v Powergen [1997] PIQR Q71 CA (pleading damages in asbestosis claims).

Recommendations

"She is incredibly sharp and incisive with unparalleled delicacy."

Legal 500 2017

"She is excellent on her feet and not afraid to stand her ground and take a risk based on her impeccable judgement."; "She's extremely good at getting the best out of everybody, particularly in conference."

Chambers UK 2017

"She cuts to the heart of the matter without any difficulty."

Legal 500 2016

"intelligent and insightful"; "detailed knowledge of complex medical and legal issues" **Chambers UK 2013**

"a user-friendly junior who provides high quality advice"; "comprehensive and high quality advice" **Chambers UK 2012**

"a substantial track record"; "superb intellectual and personal qualities"; "meticulous paperwork" **Legal 500 2011**

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