



Trust Mediation

specialist personal injury and
medical negligence mediators

Andrea Barnes

Mediator since 2002

Barrister since 1999

Civil Mediation Council Registered Member



Specialist areas: personal injury, clinical and costs

- *"Our client was very pleased with Andrea, finding her to be very efficient. Our client appreciated the clear explanation of the process at the start of the day"*

Claimant solicitor – clinical negligence dispute 2020

- *"We were happy with Andrea who listened to both parties and was able to communicate sensitive issues on our behalf. Very professional, approachable and practical regarding the issues to resolve".*

Defendant solicitor - Clinical negligence dispute 2020

- *"Andrea was a calming presence in what started as an acrimonious mediation but ultimately resulted in an amicable resolution"*

Defendant solicitor – clinical negligence dispute 2016

Professional

Andrea is a public access accredited Barrister (called 1999) with more 20 years' experience in personal injury, clinical negligence and costs litigation. She is an internationally accredited mediator and also provides training internationally in conflict management and mediation.

Prior to practice at the Bar and as a Mediator, Andrea initially gained 4 years' experience in fatal and catastrophic injuries whilst working at renowned Defendant insurer solicitors Davies Arnold Cooper solicitors (now part of DAC Beachcrofts). Andrea has also acted as

consultant to a leading insurer on “*ways to minimize financial leakage in personal injury and clinical negligence claims*”. In 2015 Andrea carried out an extensive analysis of the costs market post-Jackson reforms for a leading private equity initiative. Andrea is currently Head of Normanton Chambers with Jonathan Dingle, practicing in Clinical Negligence, Personal Injury and Costs.

Andrea has mediated over 60 disputes with over 85% settling on the day or within 3 days of mediation. Andrea has an approximate 70:30 split of Claimant/Defendant personal injury and clinical negligence work and an approximate 40:60 split of Receiving Party/Paying Party legal costs work.

- **Clinical negligence.** Andrea has particular expertise in:-
 - Allegations of failure to investigate, diagnose or treat
 - Maternity, obstetrics and gynaecology with a particular specialism in neonate deaths
 - General practice and ambulance trust cases
 - Surgical issues
 - Infection cases in particular neonate and infant infection cases
 - Neurological issues such as sub-arachnoid haemorrhage and PCOS malformation
 - Cardiovascular and cardio thoracic cases
 - Dental issues

- **Personal injury.** Andrea has particular expertise in:-
 - Industrial/occupation disease
 - Road Traffic Collisions in particular motorcycle, cycle and multiple vehicle collisions
 - Occupiers’ liability
 - Employer’s liability
 - Public liability
 - Product liability
 - Highways

- **Costs.** Andrea has particular expertise in:-
 - High value costs disputes
 - Issue based costs arguments
 - Joint and several liability costs arguments
 - Cancellation of Contracts made in a Consumer’s Home or Place of Work etc. Regulations 2008
 - Repudiatory and repudiated contracts
 - Statutory interpretation
 - ATE issues pre and post-Jackson
 - Success fee issues pre-Jackson
 - Capacity issues relevant to retainers
 - Non-party costs orders

Mediation Experience:

- **Clinical Negligence**

- Dental negligence abscess causing life threatening sepsis, leading to hospital admission for surgical intervention and the loss of several teeth. Liability, causation and quantum in dispute. A challenging mediation resulting in settlement within the last few minutes of the mediation.
- Neonate death alleged negligence in initially proceeding with assisted vaginal delivery as opposed to caesarean and allegations of delay in performing emergency caesarean. Highly emotional and sensitive mediation particularly given the fact that the mother had conceived through IVF and asserted this was her one and only chance to have a family.
- Surgical negligence leading to permanent damage of perineal nerve. Causation and quantum in dispute and mediation held one week before trial. Last minute change of legal representation resulted in an extremely hostile mediation environment where a physical fight almost ensued in the opening session. The mediation continued in private sessions and, despite a reluctance for one party to put any offers in writing.
- Failure to diagnose sub-arachnoid haemorrhage and instead treated for migraine where no indications of migraine in 40+ years male. Liability admitted but causation and quantum disputed.
- Failure to diagnose and properly treat breast cancer. Multiple Defendants where only partial admissions on breach were made and causation continued to be disputed.
- Failure to obtain informed consent for urinary surgery. Liability and causation in dispute. A highly emotive and challenging mediation with a threatened walk out by one party. A combination of private sessions and followed by a final open session.

- **Personal Injury**

- Road traffic incident where claimant motorcyclist sustained catastrophic injuries. Liability and quantum in dispute. Lack of independent evidence and claimant unable to provide a statement. Issues as to speed, road layout and accuracy of forensic reconstruction evidence. Conflicting case law relied upon in relation to emerging from a minor road onto a major road.
- Animals Act/negligence claim where the claimant was kicked by another horse during a steeplechase. Most contentious element of the claim was claim for care and maintenance of claimant's horse whilst the claimant was recovering from a significant leg injury.
- Employers liability where claimant sustained psychiatric injury and deterioration of irritable bowel syndrome as a result of changes to the workplace structure and geographical location.

- **Costs**

- Costs accrued in a dental negligence claim where there were issues of inadequacy of insurance funding, post-Jackson clinical negligence ATE premiums, potential conflicts of interest between the claimant, claimant solicitor and ATE provider. Settlement achieved during facilitative mediation without the need to progress to evaluative mediation.
- Costs in a catastrophic employer's liability claim where claimant fell from an oil tanker. Issues included staged ATE premiums, hourly rates and success fees pre-Jackson.
- Costs in an asbestos claim with multiple defendants and a discontinuance against one defendant part way through the litigation. Various complex costs issues where the court had recommended mediation.

- **Other**

- Breach of contract dispute involving training of polo ponies to competition level.
- Professional negligence dispute where the origin of a painting was questioned by the seller after sale. An antiques house had sold a painting at a low value asserting it to be *"from the school of"* a prominent artist but it was subsequently alleged to be a painting *"by"* the artist when the painting was professionally cleaned.
- Employment agencies Act and breach of contract for services provided.
- Multi-party health and safety dispute involving a government body, a group action dispute and various interested parties, on breach of health and safety protocols and compliance.

"Andrea's expertise in neonate deaths clearly shines through with her meticulous and thorough preparation and advocacy"

"Her humanity, maturity and experience dealing with family bereavements has enabled her to work with empathy in the most difficult of circumstances whilst offering high quality advocacy and advice"

"Andrea's costs knowledge is second to none. She is a fearless and tenacious advocate" - Paying party costs draftsman

Qualifications

College of Law public access accreditation (2003) with accreditation update (2014)
ADR Group Accredited Mediator (2002)
Called to the Bar (1999)
Bar Vocational Course (Very Competent) 1999
LLB (Hons) Law (2:1) (1996)

Finally, Andrea Barnes comments:

"I am a passionate advocate for mediation and my particular interests lie in highly sensitive "fatal or catastrophic" cases where my empathetic and calm approach has been of particular benefit".

Contact:

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