Dominique Smith

Call: 2016

E	clerks@dekachambers.com
T	+44(0)20 7832 0500

Dominique Smith is an experienced and outstanding advocate who is regularly instructed and led in complex and catastrophic injury claims for both claimants and defendants.

She is ranked in the Legal 500 and Chambers and Partners across four practice areas, namely: inquests and inquiries, travel law, personal injury, and clinical negligence. She has also been ranked in Who's Who Legal – UK Bar 2025 for aviation and travel. She is described as being "***excellent at what she does***" (Chambers and Partners 2025) and is noted for her "***ability to put the client at considerable ease***" (Legal 500 2025). She is often instructed in high profile cases and is currently the Team Leader of Junior Counsel to the Inquests into the Deaths of the Patients of Ian Paterson.

Dominique is a co-author of the leading textbook, ***Saggerson on Travel Law and Litigation*** (7th Edition), and has authored ***A Practical Guide to Cross-Border Clinical Negligence Claims***.

Dominique is also an elected member of the Inner Temple's Bar Liaison Committee (BLC) and a committee member of the Inns of Court Alliance for Women.

Areas of Expertise

Travel & Cross Border Claims

Dominique has been recognised in three directories in travel law. For years, the Legal 500 and Chambers and Partners have considered her to be a 'Rising Star' and 'Up and Coming' in this area. In Who's Who Legal – UK Bar 2024 she is ranked in travel and aviation. She acts for claimants and defendants in complex injury cases and has a particular expertise in cross-border clinical negligence claims, deaths abroad, jurisdictional issues, and the package travel regulations. She also frequently acts in cases involving the Montreal and Athens Conventions.

Dominique is instructed on appeals in cases in which she was not involved at first instance, such as Turpin v TUI. She is currently being led by John Ross KC in a multi-party noise-induced hearing loss claim.

She is a co-author of the leading textbook, Saggerson on Travel Law and Litigation (7th Edition). She has also recently authored A

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Practical Guide to Cross-Border Clinical Negligence Claims.

Notable Travel & Cross Border Claims cases

Ashamu v Get Slim in Turkey (1) and Dr Yaman (2)

Dominique is acting for the Estate of Ms Ashamu, who tragically died following bariatric surgery in Turkey. The matter was issued in the High Court and directions are awaited.

CH v Tour Operator

Dominique acted for the Claimant in this package travel claim. The Claimant claimed for damages for catastrophic, limb-threatening injuries that he sustained following a volleyball accident at a hotel. Despite all issues remaining in dispute, Dominique secured a six-figure settlement for the Claimant.

RW and SB v Tour Operator

Dominique is instructed in this high value claim to act for the tour operator, where the Claimants sustained complex injuries during an accident during their holiday on a yacht. A trial date is awaited.

NP v Ors (2022)

Dominique was instructed in this cross-border clinical negligence claim, which concerned negligent surgery performed in Belgium. Despite the claim involving complex issues regarding liability, causation, and quantum (which all remained in dispute), Dominique was able to secure the Claimant a six-figure settlement.

Turpin v TUI [2020] 8 WLUK 261

Dominique was instructed in this appeal, despite not being involved at first instance. The appeal concerned the dismissal of a claim against a tour operator, where the claimants contended that there was a failure to provide food of a satisfactory standard, such that they contracted food poisoning. Dominique was successful before HHJ Walden-Smith, who allowed the appeal and entered judgment against the tour operator.

Clinical Negligence & Healthcare

Dominique has a busy clinical negligence practice and regularly acts for both claimants and defendants in County Court and High Court claims. She is often instructed in cases involving failures to obtain informed consent, delays in treatment, and failures to diagnose, as well as those claims concerning the Fatal Accidents Act. Dominique is also instructed in cases where there are

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concerns of fundamental dishonesty, given her expertise in that area. She is ranked in the Legal 500 as a Tier 4 Leading Junior and is described as having "*an incredible grasp of the intricate details of a case and gets straight to the heart of the subject matter*" (Legal 500 2024).

Notable Clinical Negligence & Healthcare cases

S v NHS Trust (2024)

Dominique is acting for the Claimant in this high-value claim, whereby the Claimant sustained cognitive and physical injuries whilst in hospital, such that she now is a protected party. Liability has since been admitted.

F v NHS Trust (2022)

Dominique was led by Ed Bishop KC in this case where both acted for the Defendant trust. The claim was pleaded in excess of £30 million and concerned a hypoxic brain injury that occurred at birth.

A v NHS Trust (2021)

Dominique acted for the NHS in this claim, which arose out of allegedly negligent bariatric surgery. There were issues concerning consent processes, as well as complex issues regarding correct surgical techniques. Liability and causation were both denied, and concerns regarding fundamental dishonesty were raised. The matter settled at a mediation.

E v NHS Trust (2020)

This claim arose from allegedly negligent orthognathic surgery. There were issues concerning consent procedures and failure to remove metalwork. Dominique was instructed by the NHS to robustly defend the claim. The claimant later discontinued proceedings.

Personal Injury

Dominique has a broad personal injury practice and regularly acts in multi-injury claims. She is ranked as a Tier 5 Leading Junior in the Legal 500 and is described as being "*a joy to work with, and is able to explain complex legal issues to clients in an empathetic and considered way. She can very quickly understand the main issues and advise accordingly*".

She acts for both claimants and defendants in a wide variety of claims, including those concerning the Highways Act 1980, employers' liability, and occupiers' liability. Dominique has notable expertise in fundamental dishonesty, having secured findings at trial, post-discontinuance, and on appeal. During pupillage, Dominique assisted Lord Edward Faulks KC and Andrew Spencer in*Spearman v Royal United Bath Hospitals NHS Foundation Trust*[2017] EWHC 3851 (QB). She is go-to junior and is currently being led by Laura Johnson KC in an employers' liability claim, as well as by Jeremy Ford in a multi-party maritime accident claim.

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Notable Personal Injury cases

Various Claimants v H (1), L (2) and S (3)

Dominique is being led by Jeremy Ford in this multi-party, complex maritime accident claims, where 11 claimants were injured (one being fatally injured) when a RIB they were passengers on collided with a buoy. Dominique and Jeremy act for the Claimants. Trials are anticipated to take place in the High Court in 2025.

C v E

Dominique is being led by Laura Johnson KC in this employers' liability claim, whereby the Claimant seeks damages of over £1 million for injuries sustained whilst working at a school. Dominique and Laura act for the Defendant.

R v M (2024)

Dominique acted for the Claimant in this claim, for which he claimed damages following a road traffic accident where he sustained a traumatic brain injury when he was hit by the Defendant driver. The matter was settled out of court for a six-figure settlement.

Inquests & Inquiries

Dominique is ranked as 'Up and Coming' in inquests and inquiries in Chambers and Partners. She is described as "***an excellent advocate***" and as "***compassionate and thoughtful"***. She is often instructed to act for families, public authorities, clinicians, and NHS trusts. She has appeared in inquests concerning Article 2 ECHR issues, deaths in custody, suicides, and those that involve a jury. Dominique has experience of securing neglect riders.

Dominique is currently instructed as Counsel to the Inquests into the Deaths of the Patients of Ian Paterson (view legal team).

Prior to coming to the Bar, Dominique previously worked as an usher at HM Coroner's Court Surrey. She recently completed the 'Deaths and Investigation: Coroners & Inquests' course at Kings College London, run by the former Chief Coroner of England and Wales, HH Sir Peter Thornton KC.

Notable Inquests & Inquiries cases

Inquest touching the death of Ashley Bullard

Dominique represented the family of Ashley Bullard in this jury inquest. Ashley was killed at his place of work when he was trapped beneath a falling vehicle. The jury recorded a narrative conclusion. The Assistant Coroner raised concerns in respect of the prevention of future deaths, which were addressed to eight organisations.

Inquest touching the death of Hayley Smith

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Dominique represented an NHS Trust at the jury inquest of Hayley Smith, who had suffered from anorexia resulting in repeated hospital admissions, prior to her death. At this inquest, Article 2 ECHR was engaged. The jury recorded a narrative conclusion

Inquest touching the death of Nigel Handscomb

Dominique acted for the family of the Deceased at this two day inquest at Southwark Coroner's Court. Mr Handscomb had died at University Hospital Lewisham, following his admission to hospital with pneumonia. During the inquest, it transpired that Mr Handscomb's oral medication was stopped and was not replaced with intravenous medication. Further, no referral was made to a clinician to notify them that Mr Handscomb's medication had been stopped. As such, his pneumonia was not properly treated and he died several days later. The Coroner concluded that neglect contributed to Mr Handscomb's death.

Civil Fraud

Dominique is an experienced advocate in civil fraud. She has secured numerous fundamental dishonesty findings, including post-discontinuance and on appeal.

She is regularly instructed by insurers in road traffic claims concerning staged accidents and phantom passengers.

Notable Civil Fraud cases

Zaib v Cole (2020)

Dominique acted for the Respondent in this appeal, where the Respondent was cross-appealing for a finding of fundamental dishonesty. At trial, the trial judge found the claimant's evidence was "perforated with inconsistency" and that the claimant had exaggerated his claim, yet did not find him fundamentally dishonest. On appeal, HHJ Simpkiss held that a claimant who put forward such an inconsistent account, who could not explain aspects of his evidence and presented a different account of his injuries to the court, had to be found fundamentally dishonest. He therefore dismissed the claimant's claim under s57 of the Criminal Justice and Courts Act 2015.

Appointments

- Inner Temple Bar Liaison Committee
- Inns of Court Alliance for Women
- Inner Temple Equality, Diversity and Inclusion Sub-Committee
- Deputy District Judge, South Eastern Circuit

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Education

- University of Law (London Bloomsbury), Bar Professional Training Course (***Very Competent***)
- University of Surrey, Law LLB (***First Class Honours***)

Notable Cases

Turpin v TUI [2020] 8 WLUK 261

Zaib v Cole (2020)

Awards

- Exhibition Award, Inner Temple (2015)
- Duke of Edinburgh Entrance Award (2015)
- STARS Scheme Recipient (University of Surrey Top Achievers Recognised and Supported)

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