

# Susanna Bennett

Call: 2017

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Susanna Bennett has a busy practice comprising (a) civil claims and inquests concerning alleged failures in medical treatment and (b) duty of care claims brought against employers, occupiers, surveyors, landlords, land-owners, conveyancers, solicitors, highway authorities, education authorities and more.

Susanna has been praised by Judges and clients for her “detailed and well-put” and “delightfully concise” submissions and her “excellent” cross-examination.

She has a comprehensive understanding of the up-to-date law, a spot-on intuition regarding the likely approach of a Judge (or Coroner), and excellent advocacy skills. She is assisted by sharp insight into the different perspectives clinicians and bereaved or injured claimants bring to proceedings and strong interpersonal skills.

She has a particular interest in the factual circumstances in which healthcare providers owe patients a non-delegable duty of care, being the intersection of the fields of medical negligence and duty of care claims. She gave significant assistance to the claimant in the case of *Hopkins v Akramy* [2020] EWHC 3445 (QB).

She offers clients strategic advice at all stages of litigation, borne out of her substantial trial experience and grounded in her understanding of her clients' priorities. She has previously advised regarding late disclosure of crucial evidence by the opposing side on the eve of a five-day trial.

Susanna is a strong courtroom advocate and has a track record of achieving excellent outcomes. She is focused and effective in cross-examination. Her well-rounded understanding of the law and inside-out knowledge of the CPR enable her to make compelling submissions and to think quickly on her feet.

She completes written work promptly and to a high standard. Her advice is comprehensive and well-judged. She is highly numerate, a skill which distinguishes her when dealing with quantum in high value claims. She drafts schedules and counter-schedules to tight deadlines in personal injury and fatal injury claims with ease. She is frequently instructed to draft grounds of appeal.

## Areas of Expertise

### Clinical Negligence & Healthcare

Susanna is a talented and versatile clinical negligence practitioner who is instructed for both claimants and defendants. Her practice is marked by its diversity: she acts in claims alleging negligent surgery, failure to diagnose (a heart attack, a stroke, gallstones, cancer of different stages, a leak following repair of an aneurysm, and more), failure to recognise rare side effects of medication, failure to obtain informed consent (for implantation/explantation of an ICD, hysterectomy, salpingo-oophorectomy, mastectomy, removal of a tooth following radiotherapy and more), failure to refer to a specialist, negligent treatment of diabetic patients, carrying out surgery despite excessively high blood pressure, failure to carry out necessary surgery in the elderly, substandard nursing care for the elderly, failure to communicate with other healthcare providers to ensure joined-up care, and delays in carrying out essential treatment. She frequently acts in Human Rights Act claims arising in the context of medical care, including failure to follow the DoLS procedure and mistake as to the identity of the patient. She has experience of negligence claims alleging that a therapist has entered an inappropriate romantic relationship with their client.

Susanna is described by her clients as “fantastic” in conference. She is thorough in her approach and closely scrutinises all the medical records, allowing her to spot points which the opposing side has missed. She is effective at engaging the expert and exploring his or her reasoning, making sure that conclusions are well-founded. She is adept at gaining the confidence of clinicians and claimants alike; she has experience in working with severely injured litigants. She works hard to ensure that all parties feel engaged in a case and are involved in the decision-making process.

She was instructed for the Defendant, led by Ed Bishop KC, in the case of *Traylor and Traylor v Kent and Medway NHS Social Care Partnership Trust* [2022] EWHC 260 (QB). The Judge rejected claims in negligence and under the Human Rights Act arising from a stabbing caused by a psychotic episode after the First Claimant was discharged from mental health services. The case is the first time the High Court has considered whether the ex turpi defence will apply when the claimant has been found to have been not guilty by reason of insanity.

Susanna acted for a Claimant, led by Laura Johnson KC, who had sustained life-changing injuries after a failure to diagnose her with a stroke and provide thrombolysis treatment. She focused on quantification of the claim, drafting a Schedule (seeking damages of over £5,000,000), advising on quantum evidence, speaking to the experts, and drafting agendas. The claim ultimately settled for a 7-figure sum.

She is currently instructed for a healthcare provider in a medical negligence claim seeking an 8-figure sum in damages in the High Court. She is instructed in numerous medical negligence claims proceeding in the High Court and County Court.

### Inquests & Inquiries

Susanna regularly represents interested persons in inquests (frequently Article 2 inquests, with a jury) in which there has been recent contact with healthcare services, with a particular focus on mental health. She acts for both healthcare providers and families.

Of note, she has recently been instructed by:

- an NHS trust at a 5-day jury inquest engaging Article 2 concerning the self-inflicted death of an inpatient;

- a family for a jury inquest engaging Article 2 concerning the absconson of a patient with multiple psychiatric diagnoses from detention under s.3 of the Mental Health Act;
- a 111 call handling service at multiple inquests concerning possible ambulance delays;
- a healthcare provider at an inquest in respect of a home nursing appointment following which the patient swiftly deteriorated;
- a family at an inquest in respect of failure by Accident & Emergency doctors to investigate their 1-year-old son's persistent high temperature;
- a family for an inquest concerning the self-inflicted death of a school student who was due to be discharged by the local NHS Trust's Home Treatment Team;
- a healthcare provider at an inquest regarding the failure of an out-of-hours clinic to diagnose appendicitis which had an unusual presentation;
- healthcare providers at inquests concerning the self-inflicted deaths of recently discharged patients.

Susanna has an excellent knowledge of up-to-date coronial law, which assists her in making incisive, effective submissions at inquests and pre-inquest review hearings regarding the inquest's scope, the conclusions available to a Coroner (or jury) on the evidence, and the need to make a reg. 28 prevention of future deaths report. She is skilled at questioning witnesses at inquest and eliciting all relevant evidence, enabling her to make submissions regarding the proper conclusion.

## Personal Injury

Susanna acts principally for defendants in personal injury claims, and for claimants in travel law claims. She is equally at home with difficult law and procedure and with complex evidential issues. Her practice is marked by its diversity: she is frequently instructed in claims for breach of the Highways Act 1980, the Occupiers' Liability Act 1957, the Defective Premises Act 1972, the employer's non-delegable duty of care, and the general common law duty of care. She also acts in cross-border personal injury claims and claims under the Athens and Montreal Conventions. She is well versed in the up-to-date case law regarding duty of care in all of the above areas and regarding jurisdiction and choice of law.

She has a particular specialism representing defendants in claims arising from assaults on healthcare providers by patients. She is assisted in this respect by her parallel clinical negligence practice, which gives her a wealth of knowledge to draw upon in the healthcare setting.

Susanna is known for being thorough in her approach and for taking a proactive role in supporting her clients to uncover all relevant evidence at the earliest possible stage. She has good insight into how a Judge will view the evidence, enabling her to give reliable advice on a case's merits. She is adept at gaining the confidence of lay and expert witnesses.

Of note, she has recently represented:

- an NHS trust at 2-day trial concerning an assault on a nurse by a patient following an epileptic seizure, resulting in long-lasting psychiatric injuries. Over £200,000 in damages was sought. The claim was dismissed;
- an NHS trust in respect of injuries sustained by a nurse seeking to prevent an aggressive patient on a paediatric ward falling off her bed. The claim was dismissed on the grounds of both breach of duty and remoteness;
- an education authority in a quantum-only claim involving a significant disagreement as to the extent of symptoms arising from an ankle injury. The claimant suffered a pulmonary embolism after ligament reconstruction surgery and was taking long-term anticoagulation as a result. The defendant averred that surgery would have been required in any event and that provisional damages were not appropriate. The claim settled in line with the defendant's assessment of the claim and without an award of provisional damages on the eve of trial;

- a local authority which provided the claimant with accommodation. The claimant's claim regarding defective concrete at the property was dismissed because of his significant inconsistencies during cross-examination.

## Commercial, Chancery & Property

Susanna acts for claimants and defendants in claims arising from infestations of Japanese knotweed, in particular claims against neighbouring land owners, surveyors and vendors. Many of her cases resolve by settlement, and she is frequently instructed to advise and to attend JSMs for this purpose.

She successfully represented the claimants in a recent 2-day trial in front of HHJ Glen arising from encroachment of Japanese knotweed from neighbouring land into the claimants' garden prior to their purchase of the property. The claimants beat their part 36 offer.

She has also been successful in front of Recorder Foster in securing damages and an injunction against a neighbour following years-long encroachment of Japanese knotweed.

## Court of Protection

Susanna accepts instructions in Court of Protection work, including in section 21A applications and directions hearings. She is a member of the Chambers' Court of Protection team. The area complements her expertise in handling mental capacity issues in civil litigation, and her experience of working with severely injured and vulnerable litigants.

## Education

- BPTC (City University)
- GDL (City University)
- BA (First Class Honours, Oxon)

## Accreditation Logos

