

ANDREA BARNES **Barrister, Mediator**

Specialist Areas

Personal injury, clinical negligence, and costs disputes

Qualifications

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

Testimonials

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

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 which only resulted 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

We're here to help

0151 363 3972 help@mediatelegal.co.uk www.mediatelegal.co.uk

Mediatelegal Suite 3.4c Exchange Court 1 Dale Street Liverpool, L2 2PP

mediatelegal

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, resulted in settlement.

- 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. Resulted in settlement.

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. Resulted in settlement.
- Animal 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. Resulted in settlement.

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 stage premiums, hourly rates and success fees pre-Jackson.

Other

- Breach of contract dispute involving training of polo ponies to competition level.
- Professional negligence dispute where the origin of a painting was subsequently questioned by the seller after sale. An antiques house had sold a painting 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.
- 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.
- Pile driving/foundation dispute involving alleged incorrect plans or incorrect drilling.
- Transfer of undertaking and partnership dispute involving terms of contract and alleged breach in respect of liabilities and assets

We're here to help

0151 363 3972 help@mediatelegal.co.uk www.mediatelegal.co.uk

Mediatelegal Suite 3.4c Exchange Court 1 Dale Street Liverpool, L2 2PP

Relevant Legal Experience

Andrea is a public access accredited Barrister (called 1999) with more 20 years' experience in civil, commercial and costs litigation. She is an accredited mediator and has provided training internationally in conflict management and mediation to such organisations as the United Nations and UPeace.

Andrea initially gained experience in fatal and catastrophic injuries whilst working at renowned Defendant insurer solicitors Davies Arnold Cooper solicitors (now part of DAC Beachcrofts) for 4 years. 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 Costs at Clerksroom specializing in complex costs issues. Andrea practices as a Barrister from 218 Strand Chambers, London.

Andrea has mediated over 50 disputes with over 90% settling on the day or within 3 days of mediation. As a Barrister Andrea has an approximate 60:40 split of Claimant:Defendant work.

With respect clinical negligence disputes 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

With respect costs disputes 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

With respect personal injury disputes Andrea has particular expertise in:-

- Industrial/occupation disease
- Road Traffic Collisions in particular motorcycle and cycle collisions
- occupiers' liability
- Employer's liability

We're here to help

0151 363 3972 help@mediatelegal.co.uk www.mediatelegal.co.uk

Mediatelegal Suite 3.4c Exchange Court 1 Dale Street Liverpool, L2 2PP

mediatelegal

- Public liability
- Product liability
- Highways

With respect civil and commercial disputes Andrea has particular expertise in:-

- Contracts
- Construction
- Paintings
- Fine Arts
- Equestrian
- Sport

We're here to help

0151 363 3972 help@mediatelegal.co.uk [www. mediatelegal.co.uk](http://www.mediatelegal.co.uk)

Mediatelegal Suite 3.4c Exchange Court 1 Dale Street Liverpool, L2 2PP