

Laura Giachardi

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Laura is a busy and sought after practitioner. She practices predominantly in medical law and personal injury, including claims for psychiatric injury caused by work related stress.

Her medical law practice encompasses both clinical negligence and court of protection matters involving mental capacity issues. Laura convenes and lectures on the Masters course for Medical Negligence and Misadventure at King's College London.

She has a particular expertise in the Illegality Defence, and worked on the Illegality Project at the Law Commission. She appeared in the Supreme Court case of *Stoffel v Grondona* [2020] UKSC 42.

Laura has also worked on various contract, property, trusts and probate matters as well as cases of professional negligence. She appeared in the Supreme Court case of *Devani v Wells* [2019] UKSC 4, concerning contractual terms and estate agent commissions.

Personal injury

Laura has a varied personal injury practice and is regularly instructed on complex personal injury cases, including claims against the police and local authorities. She represents both Claimants and Defendants, advising, drafting, negotiating as well as representing the client in court at every stage of proceedings, in joint settlement meetings and in mediations.

Laura's personal injury practice covers a wide range of claims, including employer's liability, occupier's liability, serious road traffic accidents and travel accidents. Laura has a particular specialism in stress at work claims.

Many personal injury clients are vulnerable, whether as a result of brain injury or as a result of other trauma or mental health issues. Laura provides a reassuring presence and takes time to ensure that advice is clear.

Fundamental dishonesty is a regular issue in personal injury cases and Laura represents both Claimants and Defendants in cases involving allegations of fraud.

Recent cases:

A v B

Judgment of over £500,000 was entered against the Defendant, who at the time was unrepresented, following a High Court trial of an Occupiers' Liability claim that took place in his absence. Laura advised the Defendant following trial, and drafted grounds of appeal on the basis that the judge did not properly scrutinise the claim both as to the legal basis of the claim and as to quantum. The Court of Appeal granted permission to appeal on all grounds.

C v D

Instructed by the Claimant in a high-risk claim for psychiatric injury brought against her employer. All issues were firmly in dispute. Of particular concern, the Defendant's expert psychiatrist made a diagnosis that would have been problematic for the client professionally had the judge accepted this evidence. The case settled for £200,000.

E v F

Representing the Claimant in a claim by a passenger against defendant driver for serious injuries sustained in a road traffic accident. The claimant has been left permanently disabled. Complicating features included: possible alcohol and drug use causing the accident in which the Claimant was a potential participant, meaning that the Defendant had potential defences of Voluntary Assumption of the Risk and Illegality; the Claimant's past earnings were sporadic; causation of the claim for childcare was disputed due to her history; other unrelated medical issues. The claim settled for £125,000.

Clinical Negligence

Laura has a varied clinical negligence practice, including claims against GPs, NHS Trusts and dentists. Her cases have included failures to diagnose as well as adverse surgical outcomes, maternal birth injuries and poor nursing care.

Fundamental dishonesty is a regular issue in clinical negligence cases and Laura represents both Claimants and Defendants in cases involving allegations of fraud.

Laura convenes the masters course Medical Negligence and Misadventure at King's College London, and has delivered seminars teaching medical negligence law to paediatricians at Imperial College.

Recent cases:

D v an NHS Trust

Representing the Claimant in claim for clinical negligence following a negligently performed surgery that caused ongoing ankle issues. Breach of duty was in dispute, as was the extent of resultant injury. The Defendant obtained surveillance footage that placed the Claimant at a high risk of a finding of fundamental dishonesty. Laura represented the client at mediation, and the claim settled for six figures.

E v 2 dentists

Representing the Claimant in a dental negligence claim where breach of duty and causation was denied by two separate dentists. The Claimant was a young woman, and the allegation was that the negligence had caused her to lose teeth and require ongoing treatment for life. The three experts all took different views. The claim settled a week before trial.

F v an NHS trust

Representing the Claimant in a claim for clinical negligence in an optometry case where there was a failure to diagnosed glaucoma such that the Claimant, a young man, had been left with permanent loss of vision. The client needed clear advice as to prospects and quantum. The claim settled shortly before trial.

Inquests & Inquiries

Laura accepts instructions to represent parties in inquiries. The majority of her coronial work for bereaved families includes advising as to the potential for subsequent civil proceedings, or if the same are unlikely to succeed to achieving some sort of resolution for the family through obtaining answers to the questions they have.

Recent cases:

JN: an inquest into the death of a young man as a result of suicide, which is sadly one of the leading causes of death in young men. The coroner indicated that she would be contacting the police regarding future interactions with young people and mental health.

KD: an inquest into the death of a young mother as a result of anorexia. Issues concerned treatment of anorexia nervosa in the community, and sufficiency of specialist beds for patients with severe enduring eating disorders, as well as training of staff in Emergency Departments on specific capacity issues surrounding eating disorders.

NG: an ongoing inquest into the death of a man where the family have concerns about management of a longstanding health condition by his medical team as well as failures by occupational health

Commercial Law

Laura has experience working on cases including contractual disputes, contested wills and probate matters. She recently appeared as a junior in the Supreme Court case of *Wells v Devani* (judgment pending), a case concerning contractual interpretation and implication in the context of estate agents commission. She has also worked as a junior on a number of Financial Services Authority cases involving various schemes that were alleged to be collective investment schemes and thereby prohibited activities under the Financial Services & Markets Act 2000 and subordinate legislation.

Laura spent a year at the Law Commission working on both the Illegality in Trusts and Contract Law and Insurance Law Reform projects.

Property Law

Laura has experience as a junior working on cases including specialist chancery disputes involving trusts of property. Additionally, she has drafted skeleton arguments and schedules in relation to a hotly contested nuisance matter involving a multi-million pound property, resulting in a success for her client and also a substantial costs award in their favour. She has taught Property and Trusts law on the LLB course at LSE.

Court of Protection

Laura regularly appears in Court of Protection hearings. Her cases include capacity disputes, best interests disputes involving welfare decisions, deprivation of liberty applications, challenges to deprivation of liberty authorisations and advising as to LPA and deputyship issues.

Recent cases:

G: representing the local authority in a challenge brought by G's family to his placement in a care home

K: representing the local authority in a challenge brought by K's RPR to her placement in a care home where she was said to be unhappy

L: application for permission for LPAs to sell L's house in circumstances where the LPAs were co-owners of the house under a trust