

# SOPHIE WALMSLEY

Call 2017

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Sophie is a barrister in the [Personal Injury](#), [Clinical Negligence](#), [Court of Protection](#) and [Costs](#) teams, having completed her pupillage at Guildhall Chambers in 2020.

She is a member of the Personal Injury Bar Association, is an appointed Attorney General's Junior Counsel and specialises in personal injury and clinical negligence related matters, representing claimants and defendants. Sophie has gained expertise during her early tenancy in claims involving fundamental dishonesty and is a strong advocate, with an eye for detail.

Developing from her work in personal injury and clinical negligence, Sophie has been instructed to undertake matters in the Court of Protection, coroners' court and in regulatory proceedings. She is also developing a busy costs practice.

## Expertise

### Personal Injury

Sophie has a broad personal injury practice and has particular experience in cases involving allegations of fundamental dishonesty, road traffic collisions (including those involving the MIB) and occupiers' liability claims. Sophie also frequently deals with claims involving the Highways Act 1980, employers' liability, Animals Act and product liability.

Sophie is regularly instructed on behalf of both Claimants and Defendants to advise on liability, quantum and draft pleadings. She frequently advises in conference and is experienced in dealing with experts in conference.

Sophie has a busy court practice and is often instructed to deal with interlocutory applications for strike out, relief from sanctions, pre-action disclosure and amendments to pleadings as well as CCMCs.

In addition, Sophie is regularly instructed in both fast track and multi-track matters including at trial. She has also been involved in advising on the prospects of an appeal and her experience includes drafting

grounds of appeal and skeleton arguments.

Sophie has a particular interest in claims involving allegations of fundamental dishonesty in the context of exaggerated injuries, exaggerated damages, inconsistent injury reporting and low velocity impacts. She is experienced in advising about the prospects of success of arguments involving dishonesty and the implications of a finding of fundamental dishonesty. Sophie has recently been involved in an appeal concerning whether a claim for credit hire would also stand to be dismissed due to a court finding that the claimant had been fundamentally dishonest.

Sophie also has experience in dealing with vulnerable witnesses and vulnerable parties and is proficient in advising on what measures should be implemented as well as advising on the potential impact of vulnerable parties in the proceedings.

## Clinical Negligence

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Prior to coming to the Bar, Sophie worked in well-recognised national solicitors' firm and was seconded to an NHS Trusts' inhouse legal department. During this time, Sophie gained insight and understanding into NHS processes and procedures and assisted on a variety of clinical negligence claims ranging in complexity and value. Sophie also undertook her LLM in Healthcare Law and Ethics in which she was awarded a Distinction.

Sophie continues to develop her practice in this area and is regularly instructed to advise on evidence, breach of duty and causation. She frequently liaises with experts in conference and is regularly instructed to draft pleadings.

Sophie has dealt with a variety of clinical negligence claims which have included:

- Development of pressure damage
- Inadequate nursing care
- Delayed diagnosis including delayed cancer diagnosis
- Inadequate consent
- Negligent surgery
- Delayed treatment and incorrect treatment
- Medication errors

Sophie is prepared to accept cases under a conditional fee agreement with a nil uplift in appropriate cases.

## Court of Protection

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Sophie developed an interest in mental health and mental capacity law when studying her postgraduate degree. Sophie continues to develop her Court of Protection practice and has been instructed in a variety of matters. Sophie is regularly instructed on behalf of the Official Solicitor, Health Boards and Local Authorities.

She is familiar with the provisions of the Mental Capacity Act 2005 and is regularly instructed to attend s.16, s.21A and final contested hearings.

Sophie has experience in advising on and dealing with cases involving deprivations of liberty, physical and chemical restraint, sedation, restricted contact and access. Sophie also has experience in dealing with those under 18 who are deprived of their liberty in the inherent jurisdiction.

Sophie has experience in dealing with cases involving complex capacity evidence including capacity to consent to sexual relationships, contact and fluctuating capacity. She has also represented parties in cases where there is an overlap between the Mental Capacity Act and the Mental Health Act.

## Costs & Litigation Funding

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Sophie continues to develop her costs practice; she is experienced in advising on costs including the applicability of the fixed costs regime and any exceptions to the same. She is experienced in dealing with CCMCs and raising arguments in respect of Wasted Costs applications, and cost consequences following judgment.

Sophie is also instructed to advise on the implications and consequences of offers to settle including Part 36 offers, the applicability of QOCS and the recoverability of costs.

Sophie has experience in dealing with both summary and detailed assessment of costs and welcomes instructions for the same. She also has experience in dealing with matters involving Conditional Fee Agreements both pre and post LASPO and Damages Based Agreements.

## Professional Discipline

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Sophie is often instructed to represent medical professionals at regulatory hearings. She is also experienced in advising on any charges made, impairments to fitness to practice and potential consequences.

Examples of Sophie's recent experience include:

- Allegations of dishonesty
- Failure to notify regulators of previous convictions
- Drug and alcohol misuse
- Lack of competence
- Failings in the provision of care

## Inquests

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Sophie has experience of attending inquests on behalf of bereaved families, Health Boards and on behalf of medical professionals. Sophie typically represents parties at inquests where the death arises from negligence of employers, road traffic accidents or negligent medical treatment.

Sophie has experience in advising over potential conclusions, Regulation 28 reports and evidence. Prior to pupillage, Sophie gained insight into the coronial process when working at an NHS Trust including evidence gathering and dealing with Prevention of Future Deaths.

Recent examples of Sophie's experience include:

- Instructed on behalf of a medical professional in a 3-day inquest where the death concerned a failure to adequately monitor the deceased;
- Instructed on behalf of a medical professional at a 1 day inquest involving questions over care provided in the days before the death; and
- Instructed on behalf of the family of the deceased concerning whether the care provided was sufficient.

Sophie is willing to act under a conditional fee agreement in appropriate cases.

## Appointments

- Government Legal Department Junior Junior Scheme

## Education

- Harmsworth Scholar, The Honourable Society of Middle Temple
- BPTC, BPP Manchester
- LLM Healthcare Law and Ethics, University of Manchester
- LLB (Hons) Law, University of Manchester

## Memberships

- Personal Injury Bar Association
- Western Circuit