

Charley Turton

Call: 2017
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AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, Sport, International & Travel, Insurance, Abuse, Inquests, Costs, Product Liability, Aviation

Charley specialises in clinical negligence, abuse, and injury claims with an international element.

Her broader personal injury practice encompasses interests in sports law, motor insurance and military claims.

Charley has been led by William Audland KC, Harry Steinberg KC, Patrick Vincent KC and Andrew Roy KC of 12KBW and regularly does work for other members of chambers in high value cases.

In addition to frequent paperwork cases, Charley is regularly in court for trials, PTRs, CCMCs, interim applications and approval hearings.

As a member of Advocate (formerly the Bar Pro Bono Unit), Charley is willing to act in a pro bono capacity, where appropriate.

Prior to coming to the Bar, Charley studied English Literature at Merton College, Oxford, and was awarded a Blue for football.

When she is not in chambers Charley plays for Camden Town Football Club and is a loyal participant in the annual Blenheim Palace Triathlon.

Personal Injury

Charley's practice encompasses all aspects of personal injury, including employers' liability, public liability, road traffic accidents and psychiatric injury.

Charley has a general interest in claims involving post-traumatic stress disorder and specifically claims brought by military personnel. She recently acted as junior counsel for the dependants of the deceased in a Fatal Accidents Act claim arising from the suicide of a serving soldier, valued at over £3 million.

Charley is instructed by both claimants and defendants to attend trials, CCMCs and interims applications in fast track and multi-track matters.

Charley regularly delivers talks and training seminars (and is open to requests). Recent topics include:

- Functional neurological disorders
- Material contribution
- QOCS and fundamental dishonesty
- Psychiatric injury: Primary, secondary, no victim at all?
- Military PTSD
- Claims in the care sector
- Fatal Accidents Act claims

Clinical Negligence

Charley acts in a wide range of clinical negligence cases. She has particular expertise in claims arising from the fields of obstetrics and gynaecology, optometry and psychiatry.

A particular interest of Charley's is the developing law of material contribution and she spoke on this topic with Michael Rawlinson KC at 12KBW's annual conference in 2022 and with Henry Charles at the annual webinar day in 2021.

Charley is knowledgeable on issues of informed consent, having produced a research paper on this topic during her legal studies and currently acts for a defendant optometrist in a claim arising from an alleged failure to obtain informed consent to laser eye surgery.

Recent and ongoing instructions arise from:

- Negligent mismanagement of the third stage of labour, leading to uterine inversion, massive obstetric haemorrhage and permanent symptoms of urinary incontinence.
- Negligent aftercare following a laparoscopic pan-proctocolectomy, leading to the need for a permanent stoma.
- Failure to remove retained products of conception following a Caesarean section, leading to sepsis and severe fallopian tube pathology necessitating IVF treatment for future births.
- Failure to treat endometriosis whereby the claimant alleges, amongst other things, that she was negligently prescribed HRT in the absence of an accompanying GnRHa, that residual ovarian tissue had been left in situ during surgery and that she should have been referred to a specialist endometriosis centre sooner.
- Failure to identify and treat a macular hole.
- Serious dental negligence.
- Negligent care leading to development of pressure sores.
- Missed or incorrect diagnoses of orthopaedic injuries.

Charley sits on the 12KBW clinical negligence group committee and contributes to the 12KBW clinical negligence blog: <https://clinicalnegligence.blog>

She has also been published in the Personal Injury Law Journal (please see 'Publications' below).

Sports

Charley acts for claimants and defendants in cases involving or arising from sports injuries. She sits on the 12KBW sports law committee.

Led by William Audland KC, Charley is instructed by the Rugby Football League to defend a large group of claims by

former professional players alleging that they suffered neurological conditions as a result of repeated concussions and sub-concussion during the course of their careers.

Charley successfully defended a local leisure centre against a claim brought by an injured gymnast who alleged that her gymnastics instructor negligently assisted her in performing an aerial cartwheel, leading to serious knee injury. The trial judge was persuaded that the claimant's was "a classic accident" arising through no fault of the instructor.

Her expertise in international and travel law means that Charley is well placed to deal with claims arising from sports activities abroad.

Charley is herself a keen sportswoman. She plays football (11 and 5-a-side), competes in triathlons, practises yoga, and enjoys regular cycling and hiking. She can also ski, water ski and windsurf.

International & Travel

Charley accepts instructions arising from illness and injury abroad, including under the Package Travel Regulations, and acts both for and against the major tour operators. She has extensive experience dealing with flight delay and cancellation claims pursuant to Regulation (EC) No. 261/2004.

Charley is able to advise on jurisdiction and applicable law and is experienced in handling **Rome I**, **Rome II** and the **Brussels Regulations**. Her special interests lie in claims involving the EU Motor Insurance Directives, and issues surrounding pleading and proving foreign law post-*Brownlie*.

Charley co-edited the Accidents Abroad chapter of the **Butterworths Personal Injury Litigation Service**, along with fellow members of the 12KBW International and Travel team.

When only two years' call, Charley joined a team of counsel instructed to plead one of the highest value mass tort cases being litigated in Europe.

Recent experience includes successfully defending at trial a claim under the Montreal Convention brought by a passenger alleging that a hot drink was spilt on him by airplane staff.

Motor Insurance

Charley has a particular interest in motor insurance and has 'junior'ed for Patrick Vincent KC. She advises both claimants and insurers on policy and coverage disputes. She regularly acts for the MIB, including at trial.

Charley is the author of the **LexisPSL** '*Road Traffic Act 1988 and Motor Insurance Agreements Practice Note*'.

Charley has been instructed to advise on issues including:

- Whether various types of vehicle use fall within the terms of a policy and/or the Road Traffic Act, including the act of a passenger opening a car door into an oncoming cyclist.
- Whether an insured's failure to disclose a part-time occupation can be considered a qualifying misrepresentation under the **Consumer Insurance (Disclosure and Representations) Act 2012** and, if so, its effect on the policy of insurance.

Abuse

Charley represents individuals bringing civil claims arising from intentional abuse, including sexual abuse.

Charley also has experience of claims brought under the **Human Rights Act 1998** based on delay in issuing care proceedings and failure to remove post **CN v Poole**.

Her recent and ongoing instructions include claims against local authorities and institutions, including Premier League football clubs.

Charley has acted in Criminal Injuries Compensation Authority proceedings involving sexual abuse, including rape.

Inquests & Inquiries

Charley accepts instructions to represent parties at inquests, including on a pro bono basis and is keen to develop her practice in this area.

She previously acted pro bono to represent the family of a young man who took his own life following treatment of severe body dysmorphic disorder and depression.

Charley enjoys working as part of a team and is keen to be involved in large-scale inquiries, where the opportunity arises.

Costs

Charley has a particular interest in costs litigation, having been supervised during her pupillage by Andrew Roy (head of the 12KBW Costs Team and Deputy Costs Judge of the Senior Courts).

Charley accepts instructions in costs related disputes in the context of personal injury, including:

- **Costs Assessment:** Charley accepts instructions to attend detailed assessments, or draft points of dispute.
- **Costs Budgeting:** Charley regularly appears in CCMCs.
- **Fixed Costs:** Charley has experience dealing with the various fixed costs provisions, including where they intersect with Part 36.
- **QOCS:** Charley appears in and advises on applications to set aside QOCS, including on the basis of fundamental dishonesty.
- **Wasted Costs:** Charley can advise on, and appear in, wasted costs applications, for example following strike out or discontinuance of claims.

Product Liability

Charley accepts instructions in product liability cases where personal injury has been sustained due to a defective product.

Qualifications & Awards

Bar Professional Training Course (Outstanding), BPP University

Graduate Diploma in Law (Distinction), BPP University

BA, English Language and Literature, University of Oxford

Lord Justice Holker Award, Gray's Inn

GDL Scholarship, Gray's Inn

Baroness Cohen Scholarship, BPP University

Memberships

Personal Injury Bar Association

Gray's Inn

Publications

Charley co-edited:

- *Transfer of Undertakings and Related Issues* in **Occupational Illness Litigation**, published by Sweet & Maxwell, along with Carolyn D'Souza of 12KBW.
- *'Accidents Abroad'* in **Butterworths Personal Injury Litigation Service**, along with fellow members of the 12KBW International and Travel team.

Charley is the author/co-author of:

- *'The two cultures: how disease and clinical negligence practitioners approach the application of material contribution to causation in law'*, Michael Rawlinson KC and Charley Turton, **Journal of Personal Injury Law** 2022, 4, 193-216
- LexisPSL Road Traffic Act 1988 and Motor Insurance Agreements Practice Note.
- *'The difficulty in establishing negligence when an unrecognised complication arises: Collyer v Mid Essex Hospitals NHS Trust [2019] EWHC 3577 (QB)'*, **12KBW Clinical Negligence Law**, January 2020
- [https://www.12kbw.com/insights/clinical-negligence-law-journal-2022-4-193-216](#)
- [https://www.12kbw.com/insights/clinical-negligence-law-journal-2020-1-193-216](#)
- [https://www.12kbw.com/insights/clinical-negligence-law-journal-2020-1-193-216](#)