

## FIONA ASHWORTH

Year of call: 1988

Clerked by: Stephen Loxton

AREAS OF EXPERTISE:

Pain Syndromes Personal Injury Clinical Negligence  
Professional Negligence



## Clinical Negligence

### Profile

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Over the last 17 years, Fiona has developed the specialism of acting in cases involving Chronic Pain Syndromes, Complex Regional Pain Syndromes, Chronic Fatigue Syndromes, Somatoform Pain Disorders, Somatic Symptom Disorders, Conversion Disorders and Fibromyalgia. She is considered to be a leading expert on chronic pain.

These conditions are often little understood and extremely challenging. Fiona has built up a deep knowledge and understanding of these chronic pain cases working with medical experts of all different specialisms over the years. She has been involved in hundreds of such cases, both at first instance and on appeal, acting for both Claimant and Defendant.

Fiona has lectured extensively over the country, has organised numerous Pain Seminars and has contributed published articles on the topic. She was a delegate at the Pain Summit at Westminster. She was a speaker at the medico legal forum at Peterhouse College Cambridge 2015.

She also has wide experience in personal injury related professional negligence cases.

Fiona is the patron of Burning Nights CRPS charity and works alongside the founder Victoria Abbot Fleming in raising awareness of CRPS.

Fiona has sat as a Recorder in crime since 2009. She has had a civil ticket since 2014 and appeals and serious sex offences tickets since 2015.

Fiona was guest speaker at the British Pain Society's 50th Annual Conference in 2017.

**Year of Call:** 1988

### Areas of Expertise

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Clinical Negligence

Pain Syndromes

Personal Injury

Professional Negligence

### Memberships

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Member of the Personal Injury Bar Association

Member of the Northern and North Eastern Circuits

### Appointments

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Fiona was appointed as Recorder on the Northern Circuit in November 2008 sitting in crime and in 2014 sitting in civil work.

Fiona also sat on the Legal Services Commission Appeal tribunal for 15 years and was an external examiner for 3 years for the City Law School BVC course and was an external examiner for MMU for 3 years.

## Publications

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"Soft Tissue Injuries and Their Consequences" -PI Brief Update Law Journal

"Pedestrians Beware"- PI Brief Update Law Journal

"Recognising chronic pain" - Solicitors Journal

"Loss of earnings in fibromyalgia claims" - Fibromyalgia Magazine

"Fibromyalgia and the Legal System" - Fibromyalgia Magazine

### Significant Reported Cases

MacDonald v Surya Hotels (£4 million settlement for sufferer of CRPS which developed after a sprained ankle)

T.J. Williams v Town and City Pub Group Limited Lawtel 2015 (£430,328 neuropathic pain)

Large v Norfolk CC Lawtel 2012 (£2.3m Fibromyalgia)

Edwards v Salford Primary Healthcare Trust Lawtel 2012 (CRPS £1,000,000),

Beard v Skanska Lawtel 2012 (CPS £345,000)

Casey v Ali [2012] EWCA Civ 1502 (RTA Court of Appeal)

Ellen Baker V Caroline Sumner (2010) Lawtel (Fibromyalgia, Total Damages £120,247)

Rahima Siddique V Bvba Rimotrans (2010) Lawtel (Fibromyalgia, Total Damages £350,000)

Chapman v Moulton [2011] Lawtel, (Fibromyalgia, Total Damages £595,000)

Jennifer Kolodziejczak V (1) Escolme (2) The Livesy Group [2007] Lawtel, (Fibromyalgia, Total Damages £137,500)

Bennett v Smith (2003) LTL 11/3/2003 (At first instance and on appeal before Smith J Andrew) (Fibromyalgia and chronic pain syndromes)

Jennings v Forestry Commission [2008] EWCA Civ 581 (Accidents; assumption of responsibility; Contract of employment/for services; work equipment Court of Appeal)

Thorpe v Weightman [2000] CLY 416 (QBD) (local authority liability; road traffic obstructions)

White v Eon (Court of Appeal) November 2008 (Limitation)

## Recommendations

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### Chambers UK 2019

"Her knowledge and understanding of chronic pain issues is unequalled and this, coupled with her technical skills, gives her clients the upper hand in a difficult area of personal injury." "I cannot praise her preparation enough; it is meticulous."

### Legal 500 2019

"A fighter in court."

### Chambers UK 2018

"A national leader for cases concerning fibromyalgia and other chronic pain conditions, in which she principally represents claimants. She also represents defendant clients in RTA claims."

### Legal 500, 2018

"Very knowledgeable on cases involving chronic pain."

### Chambers UK 2017

"The doyenne of chronic pain cases, she knows that subject inside-out." "She's very authoritative; she has a detailed grasp of the issues and articulates them well." "She is thorough, analytical and generally very good."

### The Legal 500, 2017

"She is robust yet fair and quickly gets to the heart of the issue."

### Chambers UK 2016

"She has an extremely thorough and authoritative approach, whilst retaining a compassionate rapport with clients."

"She is very strong technically, good on her feet in front of a judge and very good with clients. She has the right degree of gravitas and familiarity."

