

## HELEN MULHOLLAND

Year of call: 1999

Clerked by: Stephen Loxton Paul Clarke

AREAS OF EXPERTISE:

Clinical Negligence Court of Protection (Health & Welfare)  
Inquests Serious Injury



## Court of Protection (Health & Welfare)

Helen accepts instructions in health and welfare cases in the Court of Protection, with a particular interest in medical treatment cases. She is skilled at dealing with clinicians and administrative staff and sensitive to the issues which face patients.

Given her extensive experience of complex medical cases, she is well placed to understand the practical and legal implications of issues which require determination in the Court of Protection, particularly capacity issues (including fluctuating capacity) health and welfare matters, serious medical treatment decisions and capacity to consent to sexual relations and contraception.

### Profile

Helen is an accomplished and highly regarded practitioner, who undertakes complex and high value work. She is frequently against silks.

Helen practises in healthcare law and covers a wide range of medical negligence cases, with particular expertise in cases of neurological and neurosurgical injury; she is regularly instructed on birth damage cases. Recognised for her exceptional trial advocacy, she has extensive experience of cross examining medical experts. In addition to her trial acumen, Helen is an effective negotiator and undertakes countless mediations and JSMs.

Helen has considerable experience of cases involving protected parties and serious treatment decisions. Helen accepts instructions on a 24 hour basis to address urgent treatment decisions.

Helen accepts instructions in health and welfare cases in the Court of Protection, with a particular interest in medical treatment cases and appears in the Family Division in cases concerning serious medical treatment decisions in children. She is skilled at dealing with clinicians and administrative staff and sensitive to the issues which face patients.

Given her extensive experience of complex medical cases, she is well placed to understand the practical and legal implications of issues which require determination in the Court of Protection, particularly capacity issues (including fluctuating capacity) health and welfare matters, serious medical treatment decisions and capacity to consent to sexual relations and contraception.

Helen represents interested persons in the Coroner's Court and has been involved in several inquests involving deaths in a healthcare setting. Helen is familiar with the coronial process and has acted for doctors, hospitals and patients' families at the coroner's court.

In her personal injury practice, Helen has extensive experience in all aspects of catastrophic injury cases arising from road traffic accidents and has particular experience in amputation claims.

Helen sits on the Committees of the Professional Negligence Bar Association, Personal Injury Bar Association and Middle Temple Northern Circuit Society. She is passionate about advocacy and training and has taught advocacy nationally and internationally.

**Year of Call:** 1999

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### Recent Cases of Significance

- **XX v A Hospital Trust** (ongoing)

Clinical negligence claim involving serious treatment decision on behalf of a protected party. Claimant rendered tetraplegic as a result of delay.

- **XY v A Hospital Trust** (ongoing)

Clinical negligence claim concerning patient detained under MHA who absconded and sustained life-changing injury as a result of an act of self-harm. Achieved admission of liability for Claimant. Quantum ongoing.

- **XX v A Hospital Trust (2020)**

Settlement of £2.6m achieved for Claimant (following 2 days of mediation) who suffered life-changing injury when injured during a routine gynaecological procedure.

- **Bell v Nottingham University Hospitals NHS Trust (2020)**

Case of undiagnosed and untreated endometriosis. Acted for Claimant who achieved a settlement of £500,000.

<https://www.bbc.co.uk/news/uk-england-nottinghamshire-53822993>

- **Dowson v Lane [2020] EWHC 642 (QB)**

Alleged failure to refer for suspected Charcot foot. Helen successfully defended the GP Defendant at a liability trial in the High Court. Case had estimated value of £1.5m.

[https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/QB/2020/642.html&query=\(dowson\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/QB/2020/642.html&query=(dowson))

- **AB (A Protected Party) v EF (2019)**

Wrongful birth claim concerning a protected party and whether C had capacity to consent to sex and (separately) to contraception. Settlement of £1.65m approved in the High Court.

- **Armstrong v East Lancashire Hospitals NHS Trust (1) Lancashire Teaching Hospitals NHS Foundation Trust (2) (2018)**

High Court trial. Cauda equina case. Helen successfully defended the Hospital Trust at a liability trial.

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## Areas of Expertise

Clinical Negligence

Court of Protection (Health & Welfare)

Inquests

Serious Injury

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## Memberships

Professional Negligence Bar Association

Personal Injury Bar Association

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## Qualifications

BA (Hons) Italian & French 1997

Common Professional Examination (Chester) 1998

Bar Vocational Course (Inns of Court School of Law) 1999

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## Recommendations

### Chambers UK 2021

"She is thorough, intelligent, personable and a tenacious advocate." "She's very pragmatic and an effective communicator."

"She is a tough and very effective negotiator, but is also very engaging with clients." "Very responsive, client-friendly and accommodating - she will

always make time to come back to you and is a pleasure to work. She is a very robust and effective advocate." "Very tactical, experienced and good with clients."

#### **Legal 500 2021**

"Very good with clients, very sensible approach and has a good understanding of the complexities of brain injury cases, comes up with sensible and pragmatic solutions."

"Excellent advocate, who reads the judge well. Determined but patient, able to get the best out of medical experts and always ready to challenge where appropriate."

"Excellent advocate, who reads the judge well. Very thorough and detailed approach to complex cases. Excellent with clients. "

#### **Legal 500 2020**

"A very insightful and competent advocate."

"A firm but pleasant negotiator."

#### **Chambers UK 2020**

"She has thorough negotiation skills and is very impressive in JSMs." "She has a very good client manner and is very well prepared and very robust on her feet." "I have no hesitation in instructing her as sole counsel in my more complex cases."

#### **Chambers UK 2019**

"Very measured and focused approach with experts in conference to forensically identify the issues in the case. Brilliant advocate on her feet. Meticulous with her drafting, very thorough in analysis of papers." "Helen Mulholland is very good indeed: she is thoughtful and determined and gets to the bottom of things." "Very capable - a strong advocate who is well liked by clients."

#### **Legal 500 2019**

"Pertinacious in court."

#### **Chambers UK 2018**

"Makes sure all the client's needs and views are addressed, and she is prepared to do the extra work to ensure that the client concerns are dealt with." "She is very personable and establishes a good rapport with clients, but at the time same commands and leads a conference effectively. She is very polished." "Combines a strong approach to legal and medical issues with an empathic manner."

#### **Legal 500 2018**

'She is knowledgeable, authoritative and shows empathy with clients.'

#### **Chambers UK 2017**

"She is always happy to pick up the phone and discuss things." "She is good with experts in terms of getting the information out of them, and is good with clients in terms of making sure they understand what is going on with their case."

#### **Legal 500 2017**

"She goes the extra mile and stands out as an excellent practitioner."

#### **Chambers UK 2016**

"She has a very thorough and clear-headed approach to litigation."

"Well-equipped to handle experts in conference and manage client expectations."

