

DEBRIEF: A Kings Chambers Podcast Factsheet

EPISODE 10 – Montgomery v Lanarkshire Health Board (Parts I & II)

Episode 10 of the Debrief podcast series sees Nigel Poole QC in conversation with Nadine Montgomery.

Montgomery v Lanarkshire Health Board is one of the most important clinical negligence judgments of the past 50 years. It confirmed that patient autonomy is sovereign over medical paternalism when it comes to consent to treatment. The Bolam test no longer governs what warnings and advice doctors should give their patients.

Nadine Montgomery brought the case on behalf of her son, Sam, who suffered cerebral palsy and a brachial plexus injury after his shoulder became stuck preventing his delivery for some 12 minutes after his head was delivered (shoulder dystocia). Nadine had not been warned about the risk of shoulder dystocia or complications for it even though she was a Type 1 diabetic, small of stature, and it was known that her baby was large.

In Part I of the podcast Nadine talks to Nigel about her experience of making a complaint, starting legal proceedings and her fight all the way to the Supreme Court. In Part II they discuss the ramifications of this landmark judgment.

Cases referenced in the Podcast

- [Montgomery v Lanarkshire Health Board \[2015\] UKSC 11, \[2015\] 1 AC 1430](#)
- [Montgomery v Lanarkshire Health Board \[2010\] ScotCS CSOH 104](#)
- [Montgomery v Lanarkshire Health Board \[2007\] ScotSC CSOH 172](#)

Kings Chambers

T: 0345 034 3444
E: clerks@kingschambers.com

Manchester

36 Young Street,
Manchester, M3 3FT
DX: 718188 MCH 3

Leeds

5 Park Square,
Leeds, LS1 2NE
DX: 713113 LEEDS PARK SQ

Birmingham

Embassy House, 60 Church Street,
Birmingham, B3 2DJ
DX: 13023 BIRMINGHAM

Speaker Profiles



Nigel Poole QC

Nigel is ranked as a leading QC by Chambers UK and the Legal 500. He is Head of Kings Chambers and sits as a Deputy High Court Judge and a chair of the Bar Tribunal and Adjudication Service. He has appeared in the Supreme Court and Court of Appeal. He is the author of 'Clinical Negligence Made Clear' and writes a blog, Learned Friend, which receives over 150,000 visits a month.



Nadine Montgomery

In 2015 Nadine won damages in a landmark case which started in the Scottish Courts before completing its journey to the Supreme Court in London. The case was hailed as the 'most significant medical negligence judgment in 30 years.' In 2019 Nadine was announced as the first ever Patron of Birthrights, the UK's only charity dedicated to improving women's experience of pregnancy and childbirth by promoting respect for human rights.

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