

Rachel Young



Year called: 2006

Telephone: +44 (0) 115 947 2581

“Committed and invariably helpful – working with her is an absolute pleasure.”

Legal 500

Rachel was called to the Bar in 2006. As part of her degree, she completed a Diploma in French Law (Diplome d’Etudes Juridiques Francaises) at the Universite de Limoges, France.

Thereafter, she obtained a Very Competent on the Bar Vocational Course at Nottingham Law School. She successfully completed pupillage at Ropewalk Chambers and became a tenant in 2007.

Rachel has a general civil law practice with particular interests in clinical negligence and personal injury-related claims.

Interests away from the Bar include netball, athletics and swimming. Rachel also enjoys spending time with

family and friends.

Clinical Negligence

Rachel has represented many families where parents have been bereaved both at Inquests and in subsequent clinical negligence proceedings. She also has considerable experience of cases involving stillbirths and the specific common law to be applied to the recovery of damages in this context.

Rachel has considerable experience of drafting statements of case on behalf of both Claimants and Defendants, including complex and high value schedules and counter-schedules. These cases have been issued and defended in both the High Court and the County Court. Rachel generally represents all parties to the litigation in cases worth between £50,000 and £500,000.

She has considerable experience of advising both in conference and on paper where there are complicated issues of breach of duty and causation. She also has experience advising in respect of the recovery of certain damages and the relevance of claiming benefits both in general personal injury litigation and Fatal Accident Claims. Rachel frequently engages in conferences with experts for the purposes of establishing the merits of the claim or the strength of the defence to the claim. This routinely involves a full assessment of all of the evidence and, of course, the strength of the expert evidence at the early stages of the litigation.

She has, thereafter, successfully obtained appropriate directions and successfully upheld and challenged costs budgets on behalf of all parties to the litigation at CCMC's. Rachel has experience of representing Claimants and Defendants at Joint Settlement Meetings. Where such meetings have failed to result in settlement, she has taken a number of clinical negligence cases to trial.

Recent cases range from failure to diagnose breast cancer where there are invariably difficult issues of fact and law, to the failure to properly treat fractures to cases involving negligence resulting in stillbirths.

Personal Injury

Rachel enjoys representing both Claimants and Defendants in all aspects of personal injury litigation. She has a busy practice and provides quantum advices in a wide range of claims, from those of high value involving multiple and severe injuries to low value whiplash injury claims.

She advises both Claimants and Defendants in respect of all aspects of liability from road traffic accidents to employer's liability claims to claims brought against the local authority by reason of accidents which have occurred at school, on playing fields and on the highway.

She has a particular interest in accidents which have occurred abroad and at sea and can advise in respect of any additional complications that this brings to the litigation. Rachel also has considerable experience of dealing with cases involving issues of vicarious liability.

Rachel routinely litigates claims worth in excess of £250,000 and frequently pleads schedules in excess of £400,000. She has considerable experience of accidents resulting in fatalities. Recent cases include representing a Claimant in a road traffic accident resulting in the loss of a limb and representing a Defendant to an employers' liability claim where the Claimant suffered a moderate brain injury.

Rachel has considerable experience in drafting Particulars of Claim and Defences in all types of personal injury litigation. She frequently represents parties at CCMC's dealing with both directions and costs budgets. She has vast experience of representing all parties to the litigation at joint settlement meetings, mediations and at trial.

Rachel continues to undertake some Fast Track trial work, predominantly road traffic accidents on behalf of a Defendant to a claim where there is some element of fraud alleged, whether it is an allegation of exaggeration, staged accident, phantom passenger, low velocity impact or slam on.

Her multi track work tends to result in representing parties at joint settlement meetings. She has considerable experience in dealing with liability experts, both in conference and by way of cross examination, and dealing with medical experts both in conference and challenging experts by way of Part 35 questions.

Inquests

Rachel has considerable experience of representing both families and doctors, nurses, midwives and other healthcare professionals at Inquests, both where clinical negligence or personal injury proceedings are likely to

follow and where matters are unlikely to be taken any further. The Inquests are frequently dominated by complex questions of fact, and issues of neglect, inevitably incorporating allegations of breach of duty, and causation.

She regularly represents Local Authorities at Inquests where there are safeguarding issues and where the Court of Protection is involved. This frequently involves representing Social Workers at Court and understanding their role in the protection of the elderly and vulnerable in the community.

Rachel understands the balance that needs to be struck between appreciating the role of the Coroner whilst attempting to question witnesses with as much vigour as possible given the jurisdiction, with one eye on any clinical negligence proceedings which are likely to follow.

She appreciates the importance of Interested Parties being represented in this forum, and the relevance of the Coroner's findings in any subsequent proceedings. She understands that she is there to ensure that witnesses are as prepared as they can be, and are as comfortable as they can be giving evidence given the circumstances.

She is prepared to consider instructions and to act on the basis of a conditional fee agreement in this jurisdiction, having knowledge of the likely costs arguments to follow.

Disease

Rachel has represented both parties in numerous occupational disease claims.

She is experienced in advising and drafting statements of case for both Claimants and Defendants, in cases of NIHL, HAVS, VWF and in cases involving the development of skin conditions such as dermatitis and occupational asthma. She has considerable experience of representing Claimants and Defendants at CCMC's, particularly, but certainly not exclusively, in deafness litigation. She has both successfully defended (on behalf of Claimants) and succeeded in making applications on behalf of Defendants for their own medical evidence on the basis of the audiograms obtained by the Claimant. Rachel has also frequently made and defended Applications where a trial of limitation as a preliminary issue has been sought. She has considerable knowledge of the way in which different parts of the country tend to deal with such issues at directions stage.

Rachel has represented both parties at trial in deafness claims where breach of duty, causation and limitation

remain in issue as well as dealing with limitation as a preliminary issue at trial.

Costs & Litigation Funding

Rachel has both successfully challenged and upheld assessments of costs made by District Judges on provisional assessment at oral hearings. She also has considerable experience of representing both the receiving and paying parties at detailed assessment hearings.

She has experience in arguing the appropriate level of success fee under Conditional Fee Agreements where the accident occurred before the commencement of the Fixed Recoverable Costs Regime and as to the recoverability of staged insurance premiums and insurance premiums generally.

Rachel has also been involved in cases where the Claimant has failed to provide information about funding arrangements and a relief from sanctions application has been made in order for the Claimant to be able to recover any additional liability.

Counter Fraud

Rachel is very experienced in defending fraudulent claims, including but not exclusively, where allegations of fraud are made in road traffic accidents. She has dealt with low velocity impact claims, exaggerated and fabricated claims, and those involving phantom passengers on behalf of Defendants.

Rachel also has considerable experience in representing Claimants in such cases. This invariably involves an early conference with the potential Claimants in order to establish the strength of their evidence and to test it as vigorously as possible, as if they were in the witness box. This is for the purposes of determining the merits of the Defendant's allegations and to avoid the serious consequences facing Claimants found to have brought a fraudulent claim, both in terms of costs and Contempt of Court Proceedings.

She has acted for all parties at trial and at interim applications; including CCMC's where the claim has been allocated to the Multi Track principally because of the allegations maintained on behalf of the Defendant. She has considerable experience of drafting Applications in fraudulent claims on behalf of both parties. Applications that she has drafted include seeking permission to rely upon engineering evidence on behalf of Defendants and disclosure of the Claimant's medical records. Rachel has also defended such Applications when they have been

brought against her client.

Credit Hire

Rachel has considerable experience of credit hire and regularly represents both Claimants and Defendants in this litigation. She has experience of both claiming and challenging credit hire claims of up to £100,000, either as a stand-alone head of loss or as part of a larger and more significant personal injury claim. Whether it is a stand-alone claim or credit hire is claimed as part of a larger personal injury claim will, of course, govern the costs regime applicable to it. This gives rise to interesting questions as to whether QOCS applies and whether the matter is governed by the Fixed Costs Regime.

Rachel has enjoyed success in defeating large credit hire claims and securing wasted costs orders against solicitors in cases where conduct has led to proceedings being struck out. Equally, she has also ensured the recovery of significant amounts of credit hire for many credit hire organisations.

She has considerable experience negotiating at Court to ensure that a favourable result is achieved for her client. She also has a wealth of experience both cross examining Claimants and defending Claimants in respect of all aspects of credit hire, including period, rate (including CDW), impecuniosity and enforceability to name but a few frequently encountered arguments.

Appointments

- Direct Access Qualified

Memberships

- Action Against Medical Accidents
- Personal Injuries Bar Association

Education

- LLB, University of Birmingham

Recommendations

"A measured and pragmatic approach with considerable attention to detail as well as demonstrating an empathy with the clients that garners their trust."

Legal 500 2022 - Clinical negligence and personal injury

"She is extremely thorough, very efficient, good with clients and always willing to assist." "A very astute lawyer who isn't afraid to fight for justice. She is an excellent advocate and creates a great rapport with clients."

Chambers & Partners 2021 - Clinical negligence

"A superb advocate who thinks on her feet and is reliable, thorough and organised."

Legal 500 2021 - Clinical negligence

"Rachel goes the extra mile for clients and she is an excellent advocate in the Coroner's Court." "A pleasure to work with: she is extremely thorough, very reliable and gets to know the case inside out, ensuring that nothing is left to chance."

Chambers & Partners 2020 - Clinical negligence

"She understands the medical issues very well and really goes the extra mile for her clients." "She is very impressive and makes her clients feel at ease."

Chambers & Partners 2019 - Personal injury

"Her practice includes employers' liability, brain injury and amputation claims"

Legal 500 2019 - Personal injury and clinical negligence

"Committed and invariably helpful - working with her is an absolute pleasure."

Legal 500 2017 - Personal injury and clinical negligence