TRAINING CASES

Lukes v Kent & Medway NHS & Social Care Partnership Trust & Anor [2024] EWHC 753 (KB)

https://www.bailii.org/ew/cases/EWHC/KB/2024/753.html

Send the trainees, in advance of their seminar, the details of Lukes, i.e. the facts of the case up to the end of the time-line box. Ask them to draft an opinion setting out any breaches of duty and, if there are any, the consequences of those breaches. If you have a large enough group ask them not to confer with each other, divide them into two groups and preface the instructions either:

1. You are instructed by solicitors acting on behalf of Tyler Lukes, who are investigating a potential claim in negligence against the NHS trust, to ….; or
2. You are instructed by solicitors acting on behalf of the NHS trust, which is defending a claim in negligence brought on behalf of Tyler Lukes, to …..

There may or may not be differences according to whether the report was being prepared for the claimant's or the defendant's solicitors. Either way you will be able to conclude with a discussion about the important principle of providing the same report regardless of which the instructing party is.

Solicitors Regulation Authority Ltd v Khan & Ors **[2024] EWCA Civ 531**

https://www.bailii.org/ew/cases/EWCA/Civ/2024/531.html

Send trainees, in advance of the seminar, the details of Khan up to internal para. 107 in 'Gupta 2' and ask them to come to the seminar prepared to discuss what the judge should decide as to Ms Khan's capacity to defend proceedings for contempt of court.

Runciman v University Hospital Southampton NHS Trust **[2024] EWHC 1800 (KB)**

https://www.bailii.org/ew/cases/EWHC/KB/2024/1800.html

This lends itself to training neurologists in the preparation of expert reports. The history of the deceased's case from when she complained of being ill to when she died can be given to a group of higher trainees and one half asked to set out the bullet points of an opinion on clinical negligence for the claimant's solicitors and the other half asked to do the same for the defendant's solicitors.

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***Spellman v Portsmouth Hospitals University NHS Trust* [2024] EWHC 2011 (KB)**

https://www.bailii.org/ew/cases/EWHC/KB/2024/2011.html

This case may be suitable for discussion by higher trainees in orthopaedics and radiology although the absence of images may limit its use in radiology training.

References

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Y v NHS Grampian (Court of Session) **[2024] CSOH 72**

https://www.bailii.org/scot/cases/ScotCS/2024/2024csoh72.html

The judgment is a useful one for paediatric experts and other medical experts who provide evidence in paediatric cases where there is an issue of fabricated or induced illness. It is also a judgment that lends itself to use in paediatric training. A chronology can be created from paras. 32 – 51 and gradually revealed in order to discuss what the trainees would do at various stages and to discuss when, and for what reasons, they would invoke child protection procedures.

Deakin-Stephenson v Behar **[2024] EWHC 2338 (KB)**

https://www.bailii.org/ew/cases/EWHC/KB/2024/2338.html

I suggest that general surgical trainees are provided with the summary up to and including the four trial issues and then asked to set out what their opinions would be on those four issues.

Campbell v R **[2024] EWCA Crim 1036**

https://www.bailii.org/ew/cases/EWCA/Crim/2024/1036.html

This judgment about the reliability of confession evidence should be of interest to higher trainees in forensic psychiatry and clinical psychology doctoral students.

References

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PXE v University Hospitals Birmingham NHS Foundation Trust **[2024] EWHC 2023 (KB)**

https://www.bailii.org/ew/cases/EWHC/KB/2024/2023.html

This may be a useful case for discussion with higher trainees. For trainees contemplating expert witness practice, the introduction and chronology could be provided to trainees with instructions to give an opinion as to whether there was obstetric negligence.

References

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Re CC (Fact Finding: Head Injury) **[2024] EWFC 317 (B)**

https://www.bailii.org/ew/cases/EWFC/OJ/2024/317.html

This case illustrates, for specialists from the disciplines of neurosurgery, paediatrics and radiology, how expert assistance was required to establish the nature of a child's injuries, when they occurred and how they occurred. It is an ideal judgment for discussion with higher trainees in these specialties.

Reference

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Dobson v Chief Constable of Leicestershire Police **[2025] EWHC 272 (KB)**

https://www.bailii.org/ew/cases/EWHC/KB/2025/272.html

This is a case which can be used with psychiatrists, forensic clinicians (nurses and doctors), mental health nurses and liaison and diversion practitioners on their own or in any combination. Used as a case of alleged clinical negligence, a half can be asked to set out what their opinion would be for the claimant and the other half what their opinion would be for the

police and / or the mental health trust (on the basis that the mental health nurse is employed by the NHS trust and not the police).

Gallagher v Clement (National Personal Injury Court) **[2025] SCEDIN 035**

https://www.bailii.org/scot/cases/ScotSC/2025/2025scedin035.html

This is a case which can be used in the teaching of dental students about wisdom tooth extraction. They can be provided with the section 'Agreed and found facts' and asked to discuss the standard of care having regard to the risk of complaint or an allegation of negligence. Dental experts, and aspiring dental experts, can be provided with 'Case', 'Agreed and found facts' and 'Expert evidence' and asked to consider whether a case for negligence has been made out.

Parfitt v Jones **[2025] EWHC 1552 (Ch)**

https://www.bailii.org/ew/cases/EWHC/Ch/2025/1552.html

This case can be used to train experts in the assessment of testamentary capacity. First, they should be provided with all of the evidence in the case stopping short of the paragraph beginning: 'The judge did not think it worthwhile to continue the analysis of the records …' After they have discussed whether or not the testatrix had testamentary capacity, they should consider and examine critically the expert's evidence.

J & J Franks Ltd v Shotter **[2023] EWHC 1080 (KB)**

https://www.bailii.org/ew/cases/EWHC/KB/2023/1080.html

This is a case which can be used with both veterinary students and veterinary experts. The key section to provide for consideration is paras. 28 – 57. Veterinary students can be asked to discuss the care that was provided to the horse and to explain how they might have managed the case differently. Veterinary experts can be provided with the expert evidence and asked to address the issues of breach of duty and causation.

Hakmi v East & North Hertfordshire NHS Trust **[2025] EWHC 2597 (KB)**

https://www.bailii.org/ew/cases/EWHC/KB/2025/2597.html

This is a case that can be used in the training of emergency medicine doctors and physicians. They can be provided with the facts of the case and asked to consider whether or not thrombolysis should have been offered.

Conway v Yeovil District Hospitals NHS Foundation Trust **[2025] EWHC 2488 (KB)**

https://www.bailii.org/ew/cases/EWHC/KB/2025/2488.html

This is a case that can be used in the training of medical students and trainee paediatricians. Presented with the facts (excluding the fact of the pre-existing head trauma inflicted by the mother) up to the point of discharge on the Saturday, students/trainees should be asked how

they would investigate such a case and, if an USS of the head is suggested, they should be asked how soon it needs to be performed.

***LXLP v St George's University Hospitals NHS Foundation Trust* [2026] EWHC 560 (KB)**

https://www.bailii.org/ew/cases/EWHC/KB/2026/560.html

'Would antibiotics have prevented the chorioamnionitis that led to periventricular leukomalacia?'

Expand the 'Clinical history' slightly (age, parity, etc), remove reference to the outcome and provide to trainees. Ask them if they would have managed the case any differently and, if so, why. Inform them of the outcome and ask them if the prescription of erythromycin and / or penicillin would have made any difference to the outcome. Discussion can then be further informed by reference to the Cochrane review 'Antibiotics for preterm rupture of membranes' (https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD001058.pub3/full), the RCOG's 'Care of Women Presenting with Suspected Preterm Prelabour Rupture of Membranes from 24+0 Weeks of Gestation (Green-top Guideline No. 73)' (https://www.rcog.org.uk/guidance/browse-all-guidance/green-top-guidelines/care-of-women-presenting-with-suspected-preterm-prelabour-rupture-of-membranes-from-24plus0-weeks-of-gestation-green-top-guideline-no-73/) and NICE guideline 'Preterm labour and birth NG25 (https://www.nice.org.uk/guidance/ng25).

The case can also be used for a critical analysis of the research quoted in the judgment.

***Ridge v Dorset Healthcare University NHS Foundation Trust* [2026] EWHC 898 (KB)**

https://www.bailii.org/ew/cases/EWHC/KB/2026/898.html

'It was not negligent not to admit to psychiatric inpatient care'

Core trainees and specialty registrars can be given 'Claimant's evidence' without the information from the claimant's diary and witness statement and asked to discuss the care given without being informed of the outcome. The same edited evidence can be used with specialty registrars and experts in a medicolegal peer group, a half asked to give an opinion for the claimant's solicitors and a half asked to give an opinion for the defendant's solicitors.

***Blackpool Borough Council v RR* [2026] EWFC 69**

https://www.bailii.org/ew/cases/EWFC/HCJ/2026/69.html

This can be usefully read in its entirety by higher trainees in pathology and the summary used in generic expert witness training as the summary includes most if not all of the grounds for criticism of the experts.

***OAJ v Dorset County Hospitals NHS Foundation Trust* [2025] EWHC 3345 (KB)**

OAJ v Dorset County Hospitals NHS Foundation Trust [2025] EWHC 3345 (KB) (18 December 2025)

'Lessons for experts from a case of alleged obstetric negligence'.

This can be used with higher trainees by providing them with the chronology and asking them what they would have done at the various stages.

It can be used for expert witness training by providing all of the evidence short of the judge's analysis and asking about breach of duty and causation.