



Abigail Holt

YEAR OF CALL: 1993



Abigail specialises in medical/tort/negligence cases, with a particular emphasis on: industrial accidents and pulmonary disease, especially asbestos litigation; complex medical cases; challenging causation issues; clinical negligence; complex personal injury, including head injuries; regulation of healthcare professionals (especially GMC & NMC); Inquests arising from industrial disease, workplace accidents or from medical settings; Criminal Injuries Compensation Authority award appeals; and Court of protection.

Abigail is the Treasurer of the European Circuit of the Bar and has an interest in European law having spent time working with the team of référendaires in the Cabinet of UK Advocate General, Eleanor Sharpston at the Court of Justice of the European Union in Luxembourg. She also has experience of litigation arising from accidents suffered abroad. Abigail is also knowledgeable in relation to Human Rights law and International Treaties and conventions, especially insofar as they impact on immigration and asylum law.

Abigail has a special interest in Brexit-related changes and retained EU-law.

Abigail is trained and registered with the Bar Council to act on a Public Access basis

"Abigail has great empathy with clients, is technically brilliant and

innovative, and is excellent at cross-examination."

LEGAL 500, 2021 (PERSONAL INJURY)

"Recommended for industrial disease work."

LEGAL 500 2020

"Highly recommended for mesothelioma and asbestos cases."

LEGAL 500 2019

"An expert in asbestos and mesothelioma cases"

LEGAL 500 2017

"She has an excellent manner with clients and is always thoroughly prepared"

LEGAL 500 2016

If you would like to get in touch with Abigail please contact the clerking team:

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You can also contact Abigail directly:

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INDUSTRIAL DISEASE, ASBESTOS LITIGATION AND PULMONARY DISEASE

Abigail has extensive experience and expertise particularly in relation to lung disease arising out of historic asbestos exposure. Typical clients suffer from mesothelioma, lung cancer or asbestosis, as a result of historic occupational exposure in heavy industrial settings, such as ship yards and manufacturing industries as long ago as the 1950's, through to the 1980's. Abigail also has a great deal of expertise in successfully bringing claims for low exposure to asbestos, typically tradesmen such as plumbers and electricians. Many of Abigail's instructions arise out of deaths due to lung disease and usually against a background of complex

comorbidities.

Abigail successfully represented the Estate of Oldman (LTL 14/8/2017) (persuading the Court to apply the jurisprudence of Jeromson, in a decision which pre-dated the very similar arguments put forward in the case of Bussey).

Abigail has experience in relation to other types of lung disease, and, for example was involved in the British Coal litigation (Griffiths & others), where ex coal-miners achieved compensation for Chronic Bronchitis and COPD. She also has an interest in asthma, air pollution (<https://eubarrister.co.uk/air-pollution/>) and the physiological effects of vaping (<https://eubarrister.co.uk/vape-debate-unknown-risks-unborn-children-teenagers/>).

Abigail notes that many issues in asbestos disease litigation are strikingly similar to issues raised by the response to the COVID pandemic (<https://eubarrister.co.uk/invisible-killers-a-lesson-from-the-slow-burn-asbestos-scandal/>).

CLINICAL NEGLIGENCE AND COMPLEX PERSONAL INJURY LITIGATION

Abigail spent 2 years as a medical student (before studying law at Oxford University) and so has a background in general and medical science. This informs all aspects of her practice involving medical and engineering issues, and particularly cases with complex causation and diagnosis problems.

Example clinical negligence instructions include: failure to diagnose Herpes Simplex Encephalitis in a 9-month-old baby resulting in severe learning difficulties; failure to diagnose breast cancer, ovarian cancer and oesophageal cancer, all with fatal consequences; failure to diagnose DVT and pulmonary embolism with fatal consequences; irreversible damage to vascular system resulting in amputation of the claimant's leg; undiagnosed Chron's disease; surgically perforated bowel; slipped femoral epiphysis in a child resulting in permanent hip joint injury; undiagnosed scaphoid fractures and macular degeneration. Many of Abigail's cases have involved allegations of negligence in the failure to provide adequate care for care-home residents suffering from dementia and complex co-morbid conditions.

Recent instructions in personal injury cases have included fatalities arising out of a massive fireworks explosion with expert pyrotechnical evidence; burning injuries in foundries; serious degloving injuries; bilateral amputations arising out of a collision on a railway; many cases involving complex pain and profound

emotional reactions to accidents resulting on severe psychiatric injury.

INQUESTS

Throughout her career, Abigail has been instructed in Inquests, usually with complex medical issues or connected to asbestos disease or industrial accidents. Industrial disease verdicts have been particularly important in low exposure asbestos cases or cases of lung cancer, particularly where other causes (eg smoking) were implicated.

Other Inquests have included a case of purpural fever, meningitis undiagnosed in A&E and deaths arising out of neglect of elderly individuals in healthcare settings.

NOTABLE CASES

Abigail Holt's medical background and experience was invaluable in representing the family in the case of Owens (deceased) at Blackpool Coroner's Court.

Aged 58, Mr Owens had gone as an NHS patient to the local private hospital for a day case cataract procedure. On the evening, he developed pain and complications and went to Blackpool Victoria Hospital where he died three days later having developed severe metabolic acidosis, suffered a heart attack and multi-organ failure.

Assistant Coroner Tim Holloway did not stop Abigail's lines of questioning, which focussed on very technical issues of physiology, including conflicting expert medical testimony. The Coroner produced an impressively thorough Determination and Conclusions (52 pages) which analyses the complexities of this tragic death. The Coroner agreed with Abigail's submissions that Mr Owens' death was more than minimally contributed to by neglect.

COURT OF PROTECTION AND DEPUTYSHIP ISSUES

Abigail is asked to advise in relation to issues connected to finances and damages awarded to vulnerable adults.

She has been instructed in CICA appeal hearings where there are complex situations arising out of mapping the CICA scheme rules against the obligations of Deputies, the Court of Protection requirements, as well as social security assessment rules.

Abigail's Tribunal work not infrequently engages issues of disability impacting upon consent to give instructions eg in relation to immigration matters, and even on the validity to consent to marry, as well as in relation to management of property and financial affairs. Such cases frequently engage issues under the Mental Capacity Act 2005. A recent case has involved advising on the extent of the inherent jurisdiction of the English High Court in relation to a UK citizen dementia patient lacking capacity and living abroad and also an adopted British citizen child living overseas.

REGULATION OF HEALTHCARE PROFESSIONS

Abigail has extensive experience of representing healthcare professions following complaints made to Regulators such as the GMC and NMC. She has also represented a social worker undergoing disciplinary proceedings, a medical student before their University Disciplinary Panel and an NHS Dental Surgeon before their Trust Disciplinary Panel running in parallel with a criminal investigation.

Recent example cases include: a hospital Registrar accused of a very serious sexual assault on a vulnerable patient where Abigail secured unrestricted practice for the doctor whilst the GMC and criminal investigation continued (before the proceedings were eventually dropped); and preserving the registration of a hospital doctor suffering from serious stress who succumbed to prescribing himself medication in the name of another patient and then being dishonest when the GMC initiated a investigations into his behaviour, at a time when the doctor was working with a famous professional sports team which is constantly in the national media.

GENERAL COMMON LAW AND INSURANCE DISPUTES

Abigail has experience of insurance-related issues, particularly connected to historic torts or where there is a dispute as to the existence of a relevant insurance policy. Abigail was able to settle a case for a client challenging the government's failure to follow a lawful procurement policy in a tendering process for bulk foodstuffs destined for a large government department. She has also successfully concluded litigation involving a commercial lease.

Abigail has advised on cases of professional negligence involving solicitors' firms.

EUROPEAN AND INTERNATIONAL

Abigail has experience of litigation arising out of accidents abroad. She also has considerable expertise in relation to free movement of European Citizens. She has knowledge of European law in other contexts and at the European Court of Justice in Luxembourg she worked on cases involving employment rights and discrimination; trademarks; competition (satellite TV services) harmonisation of VAT and rules pertaining to “turnover” taxes.

Her Tribunal work frequently exposes Abigail to issues arising out of the application of international Treaties.

MEDIATION SERVICES AND “SHOW CAUSE” HEARINGS

Abigail has been a fully trained mediator since 2011. Most recent mediation work has been in relation to complex PI cases which were not amenable to settlement by joint settlement meeting. All such mediations resulted in successful resolution of all issues, including linked Employment Tribunal cases and including costs.

July 2017 Abigail has successfully completed the world famous and prestigious intensive course "Alternative Dispute Resolution - A course in skills for successful mediation" at Regents University, London (School of Psychotherapy and Psychology) and has acted as mediator successfully resolving disputes which would otherwise have resulted in expensive civil litigation.

On numerous occasions, Abigail has performed the role of Court Examiner taking evidence on commission for the Court, in cases where Claimants have been too ill to attend for cross-examination at trial.

BACKGROUND

Abigail studied medicine for two years before swapping to study law. She relies heavily on her scientific and medical background in many of her cases.

She also has a long-standing personal interest in studying Spanish and French which she used whilst working at the European Court of Justice in Luxembourg.

She has sat part-time for 12 years in the First-Tier Tribunal IAC dealing, amongst other things, with European citizens' rights and human rights cases.

PUBLICATIONS

Abigail has her own website and blogs at <https://eubarrister.co.uk>.

TRAINING AND SEMINARS

Abigail has given presentations on EU Citizens Rights and International Law in Everyday Cases for the European Circuit of the Bar.

EDUCATION

Oxford University – MA Jurisprudence 1989-92

Manchester University – MA in Healthcare Ethics and Law (part-time) 2000-2

Kings College London, Centre of European Law, PG Diploma in EU Law - 2019

Academy of European Law (ERA) seminar for judges in Bucharest “Applying the Charter of Fundamental Rights of the European Union” (May 2017)

Regents University, (London) Diploma in Mediation (June 2017)

PROFESSIONAL MEMBERSHIP

- **European Circuit of the Bar (Treasurer)**
- **APIL**
- **PIBA**
- **UK Association of Women Judges (Abigail is on the International sub-committee)**
- **PEOPIL**
- **Northern Circuit**

LANGUAGES

Spanish and French (B2/undergraduate level)

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