

# Esther Pounder

Call: 2003



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Esther is an experienced personal injury and clinical negligence barrister.

She undertakes a wide range of multi-track personal injury matters including employers' liability, public liability, RTAs, Animals Act and fatal accident claims.

In her clinical negligence work she has experience across a variety of clinical disputes including misdiagnosis or delayed diagnosis, informed consent and unnecessary or negligently performed treatment.

Esther's experience extends to inquests, particularly those involving the deaths of those under the care of medical practitioners and deaths at work.

## Areas of Expertise

### Clinical Negligence

Esther has extensive experience across a wide range of clinical disputes including misdiagnosis or delayed diagnosis, informed consent and unnecessary or negligently performed treatment.

Recent clinical negligence cases have involved:

- Misdiagnosis and delay in cancer treatment;
- Failure to obtain proper consent for ERCP where the claimant went on to develop severe pancreatitis with lasting effects;
- Negligent bowel perforation during gallbladder surgery;
- Failure to diagnose and treat a patient with retained placental tissue after birth;
- Prescription of incorrect medication;
- Failing to diagnose tendon and nerve damage in an injured foot;
- Failure to diagnose Deep Vein Thrombosis (DVT) and pulmonary embolism;
- Negligent dental treatment;
- Negligent laser treatment resulting in burns to the claimant's face and abdomen;
- Negligent dry needling treatment causing a pneumothorax.

## Notable Clinical Negligence cases

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T v. C [2020]

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dvising the Claimant in his claim against the Defendant in relation to their failure to diagnose an avulsion of the adductor longus fibrocartilage. As a result the Claimant experienced a prolonged period of pain and instability, degenerative changes in the lateral and medial compartments of the knee and a significantly increased risk of osteoarthritis. Claim has settled.

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C v. I [2021]

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Instructed by a claimant who sustained a moderate to severe traumatic brain injury in a fall in hospital while unsupervised due to alleged failures by nursing staff. Ongoing.

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F v. B [2021]

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Claim brought by a claimant who suffered significant symptoms following the allegedly negligent repair of a third degree tear after childbirth. Ongoing.

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J v. B [2020]

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Representing a claimant who suffered physical and psychological symptoms as a result of a delay in diagnosing and treating her for retained placental tissue following childbirth. Ongoing.

## Personal Injury

Esther's practice covers all areas of Multi-Track personal injury work. Cases include employers' liability, road traffic accidents, fatal accidents, occupiers' liability, product liability and highway claims. She is also regularly instructed in claims brought under the Animals' Act.

She has a particular interest in, and experience of, cases involving serious and multiple orthopaedic injuries, fatal accidents and cases involving pain conditions.

Esther has experience of Criminal Injuries Compensation work. She has advised and represented appellants before the First Tier Tribunal in claims brought under the various Schemes in cases involving issues of both eligibility and quantum.

Recent cases include:

- P v. BP [2020] Representing the Claimant who sustained a severe penetrating injury to his eye in a work accident. He underwent three rounds of surgery but has been left with permanently impaired vision. He remains disadvantaged on the open labour market and future surgery is advised. Settled.
- S v. W [2020] The Claimant was knocked from his bicycle sustaining a mild traumatic brain injury and a fracture of his dominant hand. Ongoing neuropsychological injury affecting the Claimant's ability to work as well as his home

and sporting activities was alleged and further treatment was proposed. In total the parties instructed 5 experts between them including expert neurologists and neuropsychologists. Settled.

- W v. (1) J (2) AG [2020] Advising the Claimant who sustained very serious injuries to his pelvis and hip in an RTA. Settled.
- D v. G [2020] Esther represented the Claimant who fell from the Defendant's horse sustaining a serious injury to her ankle. Esther advised upon receipt of expert liability and quantum evidence and the case settled.
- H v. J [2020] Representing the estate and dependents of the deceased who was tragically killed in a road traffic accident when aged just 17.
- F v. SK. [2020] Representing the Claimant who sustained a crush injury to his foot when a piece of machinery fell on it while at work. The Claimant was left with permanent disability including an inability to stand for long periods and difficulty in negotiating stairs and ladders. Settled.
- M v. (1) IT Ttd (2) PA Ltd [2020] Representing the Claimant who sustained serious burns to his face and body as well as a psychological injury in an electrical explosion while working for the second Defendant at the first Defendant's premises. The case is ongoing.
- L v. CICA [2020] Advised as to the operation of the 2012 scheme in the case of an applicant who had been the victim of a serious assault at work for which his assailant was jailed for 12 years and which has left the applicant with significant ongoing symptoms.

## Inquests & Inquiries

Esther frequently represents families at inquests involving deaths at work, in hospital or following medical treatment.

Recent cases have included:

- Re: JC [2018] Representing the family of a woman who died of bronchopneumonia. The coroner acceded to Esther's submission that a narrative verdict was appropriate and went on to find that opiate medication not intended for the deceased was administered to the deceased in hospital and that this had contributed to her demise. Esther subsequently advised on the civil claim brought by the estate and dependants of the deceased.
- Re: GM [2018] Representing the family of a man who developed sepsis and died following haemorrhoid banding surgery.
- Re: CM [2018] representing the family of an 80 year old lady who died following surgery to treat a bowel obstruction.
- Re: MB [2018] Representing the family of an elderly lady with dementia who died following surgery to treat a hip fracture that had been undiagnosed by her treating doctors for several months.

## Education

- History BA Hons, King's College, London (2001)
- CPE, City University (2002)

## Memberships

- Personal Injury Bar Association