

Jane Tracy Forster

Call year: 1975

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Jane Tracy Forster specialises in professional negligence (particularly clinical negligence and claims against solicitors), employment / disciplinary and personal injury. She is regularly instructed on behalf of claimants and defendants in these areas of practice. Her employment practice has principally developed in recent years in relation to the education sector and she has represented many colleges and universities in tribunal, High Court and internal disciplinary proceedings. She is particularly interested in the interface between the areas of her practice in disciplinary processes relating to the regulation of the medical and allied professions. She is a trained and accredited mediator, and is experienced in the use of mediation in all her fields of interest. Recently, Jane has also been instructed in several inquests involving deaths in hospital.

Jane is ranked as a leading junior in the field of Clinical Negligence in both *The Legal 500* and *Chambers UK*.

Practice Profile

Professional Negligence

Jane has acted for both claimants and professional indemnity insurers in claims against solicitors relating to the alleged mishandling of claims for clinical negligence, personal injury and employment/discrimination.

Medical Law

Jane has a practice embracing all aspects of clinical negligence from anaesthesia to vascular surgery and she has substantial experience in birth asphyxia claims. Her initial experience in clinical negligence was in the series of claims involving patient awareness under general anaesthesia for caesarean section, which eventually led to the prosecution of one anaesthetist before the GMC, and to a radical change in the practice of obstetric anaesthesia. She has acted in many cases of late diagnosis of cancer, and of gynaecological injury in childbirth, where provisional damages are frequently an important feature of the case. Most recently, Jane has been involved in several inquests investigating hospital deaths.

Personal Injury

Jane has acted for claimants and insurers in many cases of significant injury and loss. She has particular experience of head injury and spinal injury claims.

Employment

Jane was for many years standing counsel to a supermarket group, prior to its takeover, and also acted for Tesco and Iceland Frozen Foods in a number of tribunal claims. She has extensive experience of tribunal cases, High Court actions and disciplinary proceedings including the GMC, and of appeals arising from all of these jurisdictions. She has also acted on behalf of employees in substantial claims. In recent years she has gained particular expertise in the medical and education sectors and has advised and represented many universities and colleges. She also has an interest in employment disputes arising within the City and financial services industry, and has advised and represented the Financial Services Authority.

Further Information

Year of call: July 1975, Inner Temple.

Specialist areas: professional negligence, medical law, personal injury and employment law

Education: Liverpool University, LL.B. (Hons)

ADR: qualified mediator

Professional organisations: PNBA; PIBA; ELBA; Associate Member of The Royal Society of Medicine; ADR Chambers; Midland Circuit.

Recent cases

DH NHS Foundation Trust v PS (by her litigation friend, The Official solicitor) [2010] EWCH 1217 (Fam)

Ryan St George v The Home Office (2007/CA 2008, RCJQB) - negligent failure of care leading to prisoner developing severe brain damage. The Court of Appeal has recently dismissed the Home Office's appeal and allowed the cross-appeal against the finding of 15% contributory negligence. The case on quantum is now in preparation on a 100% basis.

Garth v Grant and the MIB (2007; London QBD; HHJ Hickinbottom) - RTA case involving future loss of earnings based on the new Ogden tables (6th Edition).

Purver v Winchester and Eastleigh Healthcare NHS Trust (QBD; 2007) - trial of operative delivery.

Subramanian v GMC [2002] UKPC 64 (Privy Council) – procedure at GMC hearings, duty of disclosure, penalty.

Carmon v Page [2000] Clinical Risk v6 no.1 Jan 2000 – negligent failure to diagnose breast cancer; quantum.

Smith v Leicester HA [1998] Lloyd's Rep Med 77 – permission for case to proceed notwithstanding allegations of clinical negligence in late 1950s.

Thurman v Bath & Wiltshire HA [1997] 1 CL 734 – lifelong provisional damages award following cervical smear error, resulting in the development of cervical cancer.

Ackers v Wigan HA [1991] 2 Med LR 232 – first of a series of cases concerning inadequate anaesthesia in caesarean section delivery, which eventually brought about changes in practice in obstetric anaesthesia.

Harber v N.E.London Polytechnic [1990] IRLR 198 – definition of a week for calculating qualifying periods of employment.

Jones v Iceland Frozen Foods [1982] IRLR 439 – definitive case in unfair dismissal re: range of reasonable responses available to employer.

Publications and lectures

Jane has lectured to audiences as diverse as the RCOG, the Ministry of Defence, APIL and ALARM. In October 2008, she was the only non-clinical guest speaker at the two-day seminar run by the RCOG jointly with the BSUG (British Society of Uro-Gynaecology) on perineal trauma in childbirth. She has also chaired an AvMA conference on anaesthetic claims and has lectured at the Advanced Obstetrics C5 seminars. She regularly takes part in chambers' programme of seminars and talks for solicitor clients and special interest groups.

What others say

"Jane Tracy Forster has one of the most formidable reputations amongst her peers at the Bar. Also incredibly popular with instructing solicitors, 'she has a human touch and clients absolutely love her'." *Chambers UK 2010*

"The 'tough and extremely experienced' Jane Tracy Forster leads the way. She has acted for claimants in a range of high-value, complex cases and is a solicitors' favourite as she is 'meticulous and analytical, has incredible recall of details and gives sound, practical advice'." *Chambers UK 2009*

Jane has featured as a leading junior in clinical negligence in the major directories for several years.

She was nominated by *The Lawyer* as one of its "top five juniors in clinical negligence". She is also recognised by *Legal 500 2008* as one of the top five juniors in the country.

"Celebrated juniors include Jane Tracy Forster" *Legal 500 2008*

"Jane Tracy Forster 'is kind and gentle with clients but also has a streak of steel' according to observers. She is 'skilled at analysing cases and separating out the important facts'." *Chambers UK 2008*

"The 'tenacious' Jane Tracy Forster is 'a force to be reckoned with', say observers. She continues to develop her mediation practice and has, in the past year, brought her skills to bear in several cases." *Chambers UK 2007*

" 'Meticulous and incisive' Jane Tracy Forster is 'experienced and empathetic' in her handling of clients" *Chambers UK 2006*

"Juniors Jane Tracy Forster and Tejina Mangat continue to distinguish themselves." *The Legal 500 2007*

"The ever popular Jane Tracy Forster is 'incredibly thorough and a pleasure to work with'." *The Legal 500 2006*

Personal info

Jane is married with a teenage son and lives in London. Her interests outside her practice include reading, cooking, European cities, art and architecture and music.
