

Year of Call: 1993

Practice Areas: Personal Injury, , Industrial Disease, EU Law - Citizens' Rights and Human Rights

Email: clerks@cobden.co.uk



"Highly recommended for mesothelioma and asbestos cases."

Legal 500 (2019)

Profile

Abigail specialises in all aspects of personal injury litigation, industrial disease (mainly asbestos, lung disease and VWF/HAVS) and fatal accident/disease litigation.

All other areas of law with medical issues including clinical negligence. Abigail has experience of cases involving regulation of healthcare professionals. NMC, GMC, Care Standards Tribunal and HCPC.

Abigail's caseload has always centred on legally-complex cases typically with causation problems, including professional negligence arising out failed litigation and insurance disputes. Her deep knowledge of immigration, human rights, European law and cross-border issues has been enhanced by her work (Treasurer) of the European Circuit of the Bar.

She has acted as Court Examiner (with permission of the Court) and taken evidence on commission in a number of living mesothelioma and lung cancer cases. She has also acted as advocate for claimants when evidence on commission has been taken.

Abigail has a particular interest in Brexit. In March 2018 she undertook an extended visit to the European Court of Justice, where she worked in the Cabinet of Advocate-General Eleanor Sharpston. She worked on a number of issues including: employment rights and discrimination; trademarks; competition (satellite TV services) harmonisation of VAT and rules pertaining to "turnover" taxes.

Abigail has good spoken and written knowledge of Spanish and French (Nivel Avanzado / B2- Common European Framework of Reference for Languages).

Industrial Disease

Abigail's case load includes living and deceased mesothelioma cases; asbestosis and pleural thickening cases, including where there are issues of low exposure; and lung cancer cases. Abigail frequently deals successfully with "Show Cause" hearings before the High Court. She is experienced in advising in relation medical and engineering evidence supporting asbestos claims. Abigail has considerable experience in advising in several hundred British Coal Respiratory (Chronic Bronchitis, COPD and pneumoconiosis) cases. Abigail also has experience of asthma and allergy-related respiratory and skin cases and upper limb disorder cases arising out of overuse-type injuries.

Clinical Negligence & Medical Knowledge

Abigail has excellent medical knowledge, as acknowledged in the Legal 500, which forms the foundation of successful conduct of clinical negligence cases at all levels of seriousness and value, including fatalities. Cases have included: Herpes simplex encephalitis in a 9-month old baby; failure to diagnose breast cancer, ovarian cancer, DVT, Crohn's disease, perforated bowel, slipped femoral epiphysis, scaphoid fractures and macular degeneration. Abigail has a particular interest in orthopaedic cases, including hip replacement, neglect and clinical negligence in relation to elderly individuals in care homes suffering from dementia. In May 2017 Abigail lectured and assisted in a training day for around 60 palliative care health care professionals (including consultants, GPs and specialist registered nurses) on the legal implications for advance care planning and the Mental Capacity Act 2005

Inquests

Abigail has a good knowledge of Inquest law and has appeared in Inquests, mainly in relation to industrial disease deaths, workplace fatalities and deaths in hospital and health care settings.

Professional Discipline

Abigail undertakes professional regulatory work and has acted for healthcare professionals before their professional bodies, including the GMC, NMC, HCPC and local NHS Trusts on disciplinary matters.

CICA

The CICA cases Abigail has been involved in have included a number of sensitive cases for local authorities on behalf of children (now in care) who have been sexually abused, including where it has been inappropriate to call them as witnesses. Also police officers, a nurse subject to assault at work.

Other General Common Law

Abigail has an interest in insurance law, Abigail recently advised a defendant in relation to a case involving two fatalities arising from an explosion of firework materials where there was a dispute between the landowner and his insurer as to the nature and extent of the insurance as well as the relationship between the defendant and deceased.

Particularly interesting cases have included: challenging a government procurement policy; Assault by a serving police officer on their partner; malicious prosecution; and commercial lease.

Accredited Mediator and Mediation Advocacy

Abigail has been a fully trained mediator since 2011. Most recent mediation work has been in relation to a number of complex PI cases which were not amenable to settlement by joint settlement meeting. All such cases have 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)

Appointment

Abigail sits as a Part-time (fee paid) First Tier Tribunal Judge in the Immigration and Asylum Chamber.

Personal

Keeping fit (to counter the hours in front of the WP!) swimming, horse-riding, yoga, gym, hiking. Also food/cooking (have worked as chef in "Good Food Guide" restaurants in France and Manchester in the past), learning Spanish "arthouse" films and travel (e.g. South America, India & Malaysia). Renovating a Catalan farmhouse in Priorat. Failing to keep grip on family.

Testimonial Quotes

Legal 500 2019:

"Highly recommended for mesothelioma and asbestos cases."

Legal 500 2017:

"An expert in asbestos and mesothelioma cases"

Legal 500 2016:

(Abigail Holt) "She has an excellent manner with clients and is always thoroughly prepared"

Legal 500 2015:

"Abigail Holt is well known for her experience handling complex medical issues. Her judgement is sound, and she has a wealth of medical knowledge and an excellent manner with clients."

Membership

- APIL
- PIBA
- UK Association of Women Judges
- PEOPIL
- AvMA

- Abigail is the current Treasurer of the European Circuit of the Bar. In 2017/8 she presented twice on the topic of EU citizens rights post-Brexit and was instrumental in organising the July event at Manchester Business School and the Stockholm annual conference. She is currently involved with an event on Mediation in Belfast in March 2019, on the legal practicalities of Brexit at the Manchester Civil Justice Centre on 23 May 2019 and the annual conference in Rome on 12 & 13 September 2019.

Qualifications

Oxford University – MA Jurisprudence 1989-92

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

Inns of Court School of Law 1992/3

Bury Grammar School 1989-92

June 2017 – Kings College London, The Centre of European Law, Summer School in Advanced European Law

May 2017 – Academy of European Law (ERA) two-day Seminar for judges in Bucharest, *"Applying the Charter of Fundamental Rights of the European Union."*

July 2017 - Regents University London course in mediation skills to become an accredited mediator