



Sarah Fraser Butlin

Year of Call: 2005

Call Clerk on 020 7827 4000

PRACTICE AREAS

Clinical Negligence | Discrimination & Equality | Employment | Human Rights | Personal Injury | Regulatory

HIGHLIGHTS

Sarah is "incredibly bright but also really personable and a team player. She really knows her stuff." **Chambers and Partners 2018**. "Excellent with clients and at getting to grips with complex issues": **Legal 500 2018**.

OVERVIEW

Sarah has a wealth of experience as an employment and clinical negligence specialist. She brings a rare combination of an excellent client manner, strong

intellect and meticulous preparation to her cases.

In the employment field this year, Sarah has been instructed in numerous high profile worker status cases: Dewhurst v CitySprint; as sole counsel in the major whistleblower status appeal, McTigue v UHB; junior counsel in the group worker appeal Gunny v HCA and others; and junior counsel in the joint employer cases of Cordant and University of London v IWGB.

Sarah is in high demand particularly for complex multi-day discrimination cases. She is regularly instructed by Universities and numerous NHS Trusts in their high profile employment disputes, both in trial and as an internal investigator. Sarah is known for her strong cross examination and exceptional analytical abilities in her appellate work. Highlights this year include giving expert evidence to the Cross Party Working Group on Independent complaints discussing sexual harassment issues; acting as junior counsel for a large investment bank in a substantial pregnancy and maternity discrimination claim; and undertaking a lengthy grievance investigation for a top tier University.

Sarah has considerable experience in trade union work and appears in the CAC for both unions and employers. She regularly advises on recognition and collective bargaining issues.

Sarah was invited to speak on Radio 4's Unreliable Evidence in May 2015 discussing the Gender Pay Gap, with approximately 1.6million listeners. Sarah is on the ELA Briefing Editorial Board and is a Vice Chair of the Industrial Law Society. She reviews articles for the Industrial Law Journal and has published extensively. Sarah is also Fellow of Selwyn College Cambridge and Affiliated Lecturer at the University of Cambridge, on which see:
<https://www.law.cam.ac.uk/people/academic/s-fraser-butlin/3646>

In her clinical negligence practice, Sarah acts solely for claimants. She covers the full range of claims, as both sole counsel and junior counsel being led by a variety of silks in and out of chambers. Sarah's experience ranges from high-value cerebral palsy brain injury claims, spinal injury cases, to claims including: delayed diagnosis of cancer; negligent abdominal surgery; gynaecological injury; dental negligence; and ophthalmic injury claims.

Sarah also has experience of a full range of quantum issues. She is instructed

regularly by top firms and is known for her empathetic approach and strong grasp of the minutiae in a case.

Sarah has particular expertise in the application of human rights law to the medical field and has brought this to bear in several unlawful killing cases and withdrawal of treatment (see Clinical Risk May 2011 for one reported example).

She regularly undertakes inquest work and has had notable recent success in obtaining orders for reports to prevent future deaths.

REFERENCES

Legal 500 2018 "Excellent with clients and at getting to grips with complex issues" (Band 3, Clinical negligence)

Chambers and Partners 2018 "Very thorough." "Incredibly bright but also really personable and a team player. She really knows her stuff." (Clinical negligence, up and coming)

Legal 500 2014 "A very capable barrister, with a keen legal mind."

Chambers and Partners 2014 "..noted for her strength at appellate level, and is recognised for her strong grasp of the technical minutiae in a case. She is very bright, client-friendly and excellent at cross-examination."

"both an outstanding advocate and a barrister with immense client skills. Instantly likeable, Sarah is pragmatic and robust while having an excellent legal mind." Senior Associate, Pinsent Masons

APPOINTMENTS AND MEMBERSHIPS

Sarah was appointed a Recorder in 2018.

Sarah is Vice Chair of the Industrial Law Society.
She is also a member of the Editorial Board for the ELA Briefing and a member

of ELBA.

She also regularly undertakes work under the ELAAS scheme at the Employment Appeal Tribunal and through the Bar Pro Bono Unit.

PUBLICATIONS AND TRAINING

Sarah is a Fellow of Selwyn College, Cambridge and an Affiliated Lecturer in Labour law at the University of Cambridge. She writes extensively and recently gave expert evidence to the Cross Party Working Group on Independent Complaints, discussing sexual harassment and grievance processes. In 2015 she appeared on Radio 4's Unreliable Evidence discussing the Gender Pay Gap.

Recent highlight publications (Employment and discrimination):

- Worker status and vicarious liability, Cambridge University Law Faculty working paper, 21/2018.
- The CJEU confused over religion, [2017] CLJ 246.
- "Are Litigation and Collective Bargaining Complements or Substitutes for Achieving Gender Equality? A Study of the British Equal Pay Act" co-author, (2015) 39 (2) Cambridge Journal of Economics 381-403, highlighted by The Independent on 21 April 2015.
- The missed opportunity of *Preston v Methodist Conference*, (2014) ILJ 485.
- The UN Convention on the Rights of Persons with Disabilities: Does the Equality Act 2010 Measure Up to UK International Commitments? [2011] ILJ 428, 40th Anniversary Edition on Equality.

Recent highlight publications (Clinical negligence):

- "Failed Sterilisation and Similar Mishaps" and "Congenital Disabilities" chapters, *Lewis on Clinical Negligence*, 7th edn.
- Clinical Negligence and Article 8 - pushing the boundaries? *Clinical Risk*, May 2011.
- Reverse Indemnities: Friend or Foe? *Clinical Risk*, January 2008
- The Personal Injury section of *Bullen and Leake*

For a full publication list, see:

QUALIFICATIONS

MA (Cantab) (1* in Labour Law)

HIGHLIGHT CASES

EMPLOYMENT AND DISCRIMINATION

- *Gunny v HCA*: junior counsel in complex group contract worker status appeal.
- *IWGB v Cordant and University of London*: junior counsel in "joint employer" claim before the CAC, discussed in the Guardian.
- *Dewhurst v CitySprint*: junior counsel in high profile cycle courier worker status claim, discussed in the Guardian.
- *McTigue v University Hospital Bristol NHS Foundation Trust* [2016] ICR 1155; [2016] IRLR 742. Important appeal before Simler P dealing with the extended definition of worker in whistleblowing claims.
- *Morrissey v University of London* [2016] ICR 893; [2016] IRLR 487. Meaning of to "elect or appoint" negotiating representatives in Regulation 14 ICE Regs. Junior to Jason Galbraith Marten QC.
- *Ibarz v University of Sheffield* UKEAT/0018/15. Successful appeal dealing with the meaning of series of similar acts under the Fixed Term Employees Regulations and Part Time Workers Regulations. In addition, successfully persuading the EAT that *Goldwater v Sellafeld* [2015] IRLR 381 was wrongly decided and thus recovered fees paid by a union.
- *GMB v Henderson* [2016] EWCA Civ 1049 and [2015] IRLR 451. Successfully responding to appeal in the EAT and CA concerning political belief and burden of proof. Very high profile matter involving Prime Minister's Question Time. Junior to Ed Williams.

CLINICAL NEGLIGENCE :

- *K*: Inquest dealing with the failure to recognise occlusion of a prosthetic mitral valve arising out of the deceased's pregnancy and under anti-coagulation.

Following submissions, a Report to Prevent Future Deaths was made.

- Various women v Frimley Health: a number of high profile claims dealing with negligent treatment by Urogynaecologist.
- Ketley v Hull and East Yorks NHS Trust - unlawful killing claim following extubation involving Articles 2 and 8, successful settlement.
- ENE - successful settlement of hypoxic brain injury claim for £8million; junior to Patricia Hitchcock QC.
- ETS - successful settlement of cerebral palsy claim for £8.1million; junior to Simon Taylor QC.
- Z - successful settlement of cerebral palsy claim for over £9 million; junior to Simeon Maskrey QC.
- Claim for failure to treat wet macular degeneration - successful settlement for 82 year old woman for £122,000.
- Cerebral palsy claim arguing for the extension of the duty of care to provide an effective remedy for an Article 8 breach.

OTHER CIVIL LITIGATION:

- Bains v. Moore & K2 (2017) High Court action, alleged breach of privacy and confidence by an 'industrial spy'.
- Cedric Slack & Partners Ltd (in liquidation) v Slack [2010] EWCA Civ 204 - responding to appeal regarding constructive trusts and laches.