



Sarah Fraser Butlin

Year of Call: 2005

Call Clerk on 020 7827 4000

PRACTICE AREAS

Clinical Negligence | Discrimination & Equality | Employment | Human Rights | Personal Injury | Professional Discipline

HIGHLIGHTS

"She is an effective advocate: she is clear, she is to the point and she knows what the court is looking for." "She has expertise in trade union recognition and, as an academic as well as a practising barrister, she has a broad view of the law. She is also very user-friendly and clients loved her." **Chambers & Partners 2022**

"She is a quietly fierce advocate who gets to the heart of the matter." **Legal 500 2022**

OVERVIEW

Sarah Fraser Butlin 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.

Employment and discrimination

Described as “highly skilled in trade union cases.. and questions of worker status”, Sarah has been instructed in numerous high profile worker status cases: junior counsel in the Court of Appeal in *Cordant* and *University of London v IWGB*, in *Dewhurst v CitySprint* and the ongoing litigation against CitySprint in *O'Eachtiarna v CitySprint*. She is also one of very few barristers who has particular expertise in trade union matters, regularly appearing before the Central Arbitration Committee and advising on recognition and information and consultation duties. She was instructed by Unite in the *Coxhill v Unite* EAT appeal dealing with unjustifiable discipline of a union member.

Sarah is in high demand for complex high profile discrimination cases and is currently instructed in *Percy v Christ Church Oxford*. Sarah regularly undertakes internal investigations into sensitive and knotty grievance and disciplinary matters including for top tier Universities and international organisations.

Sarah is Chair of the Industrial Law Society. She is a Fellow of Selwyn College, Cambridge and Affiliated Lecturer in Labour law at the University of Cambridge: <https://www.law.cam.ac.uk/people/academic/s-fraser-butlin/3646>

Clinical negligence

Sarah is currently instructed as Junior Counsel to the Infected Blood Inquiry, described as the worst treatment disaster in the history of the NHS.

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 considerable 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.

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

REFERENCES

Chambers & Partners 2022: "She is an effective advocate: she is clear, she is to the point and she knows what the court is looking for." "She has expertise in trade union recognition and, as an academic as well as a practising barrister, she has a broad view of the law. She is also very user-friendly and clients loved her."

Legal 500 2022: "She is a quietly fierce advocate who gets to the heart of the matter."

Chambers & Partners 2021: "She's phenomenally able." "She's a good advocate: persuasive, clear and cogent."

Legal 500 2021: "Very bright and technically able. Very strong on quantum and an excellent member of the team at conferences and roundtable settlement meetings. A breath of fresh air."

Legal 500 2020: "She is extremely detailed in her work, but able to provide clear advice in complex cases."

Legal 500 2018: "Excellent with clients and at getting to grips with complex issues."

Chambers & Partners 2018: "Widely recognised for her specialist expertise within the field of clinical negligence, representing claimants in all manner of cases. She has appeared in a number of birth injury claims." "Very thorough." "Incredibly bright but also really personable and a team player. She really knows her stuff."

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

Chambers & 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."

APPOINTMENTS AND MEMBERSHIPS

Sarah was appointed a Recorder in 2018 (Criminal and Civil).

Sarah is 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 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.

For a full publication list, see:

<https://www.law.cam.ac.uk/people/academic/s-fraser-butlin/3646>

QUALIFICATIONS

MA (Cantab)

HIGHLIGHT CASES

EMPLOYMENT AND DISCRIMINATION

- ***R (on the application of the IWGB) v Secretary of State for BEIS [2019] EWHC 728 (Admin); [2021] EWCA Civ 260***: Challenge to Schedule A1 recognition requirements and "joint employer" claim before the CAC.
- ***Coxhill v Unite the Union [2020] UKEAT0084/20/1706***: Trade union membership and unjustifiable discipline.
- ***O'Sullivan v DSM Demolition Ltd [2020] UKEAT0257/19/1505***: Continuity of employment.
- ***O'Eachtiarna v CitySprint***: high profile cycle courier worker status. On appeal to EAT.
- ***McTigue v University Hospital Bristol NHS Foundation Trust [2016] ICR 1155; [2016] IRLR 742***: Important appeal on 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.
- ***Ibarz v University of Sheffield UKEAT/0018/15***: 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 Sellafield [2015] IRLR 381* was wrongly decided and thus recovered fees paid by a union.

- ***GMB v Henderson* [2016] EWCA Civ 1049; [2015] IRLR 451**: Political belief and burden of proof.

CLINICAL NEGLIGENCE

- Infected Blood Inquiry. Junior Counsel to the Inquiry.
- ***Zeromska Smith v United Lincolnshire Hospitals NHS Trust* [2019] EWHC 552 and 980**: High value psychiatric claim following negligent still birth.
- ***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. Civil claim settled for £575,000.
- ***Various women v Frimley Health***: multiple high profile claims dealing with negligent treatment by Urogynaecologist.
- ***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.
- ***W***: successful settlement for 82 year old woman for failure to treat wet macular degeneration for £122,000.

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**: Appeal relating to constructive trusts and laches.