

David Pittaway KC

Call: 1977 | Silk: 2000



Overview

David Pittaway KC is a former Head of Chambers and Treasurer of the Inner Temple in 2017. Throughout a distinguished career at the highest level, his principal practice areas have been medical law, public inquiries, regulatory and disciplinary law, product liability, professional negligence, personal injury, and insurance law.

His practice now focuses on resolving disputes without a trial, sitting as an arbitrator, mediator, or evaluator. He is a Fellow of the Chartered Institute of Arbitrators and an Accredited Mediator. He is also a Panel Member of Independent Evaluation, where he gives neutral evaluations in cases.

David brings to mediation and evaluation his extensive experience as a Deputy High Court Judge, over 14 years, in both the KBD and Administrative Court, and from his practice in complex clinical negligence cases, where he has been instructed by claimants, NHS bodies and medical defence societies. He has always had a particular interest in cases involving difficult issues of causation, where his skills in cross-examination of experts have often been praised in the main legal directories. Through his work in public inquiries, he developed a discrete area of practice defending high profile clients in both the healthcare and non-healthcare sectors against reputational damage.

In addition to his practice in Dispute Resolution, from the beginning of 2023, he will only accept new cases in advisory work and selected complex clinical negligence cases from established professional clients.

During the course of his career, David has had substantial experience of large-scale litigation, arising out of his involvement in The Cervical Screening Litigation, The Shipman Inquiry, The Kingsway Hospital, Derby Inquest, The Capper Pass Claims Review Scheme, The Northwick Park Clinical Trials Litigation, The Stepping Hill Hospital Deaths, Ian Patterson Group Litigation and The Hillsborough Inquests.

He is a chair of the Bishops' Disciplinary Tribunal and an alternate to the President of Tribunals of the Church of England. He has given high-profile advice to senior members of the Church of England on regulatory and disciplinary issues. He has advised medical and non-medical regulators on their procedures, as diverse as the Royal College of Veterinary Surgeons and the National Association of Funeral Directors. He has been instructed by the Solicitors Regulatory Authority in high profile cases before the Solicitors Disciplinary Tribunal.

Arbitration and mediation

David's practice now focuses on resolving disputes without a trial, sitting as an arbitrator, mediator, or evaluator. He is a Fellow of the Chartered Institute of Arbitrators and an Accredited Mediator. He is also a Panel Member of Independent Evaluation; where he gives neutral evaluations in cases.

Over the past 12 months, David has mediated or evaluated in a large number of cases ranging from solicitors' negligence, catastrophic injuries in clinical negligence, employer's liability, road traffic accidents, to breach of Articles 2, 6, 8 and 9 of the ECHR and misfeasance in public office. He has built up a substantial following from other sets of chambers and amongst both claimant and defendant insurers' solicitors.

David sees himself at the forefront of developing the use of evaluative mediation and neutral evaluation across a wide range of cases. As part of that process, in December 2022, David spoke at a conference on ADR at the University of Leicester Law Department, attended by the Master of the Rolls and other colleagues, on early neutral evaluation.

Medical law

David is regarded as an outstanding Tier 1 and 2 silk in medical law, public inquiries and inquests, and regulatory and disciplinary matters. He has frequently been instructed in high profile clinical negligence cases and advised NHS trusts and medical defence organisations on sensitive decision-making and reputational damage.

He has regularly given generic advice to defendants on issues that arise in clinical negligence claims. He has had substantial experience of large-scale litigation and has been instructed in clinical negligence actions, both for claimants and defendants, involving catastrophic injuries, particularly birth injury, GP paediatric cases and spinal injuries.

He has had considerable experience of being instructed in group actions, including actions involving issues of non-delegable duties of care and the vicarious liability of private healthcare providers. He has had a particular interest in cases involving difficult issues of legal and medical causation. He has been repeatedly instructed in large scale medical and personal injury litigation – *The Cervical Screening Litigation*, *The Shipman Inquiry*, *The Kingsway Hospital*, *Derby Inquests*, *The Capper Pass Claims Review Scheme*, *The Northwick Park Clinical Trials Litigation*, *Ian Patterson Group Litigation* and *The Stepping Hill Hospital Deaths*.

He has been, and continues to be, instructed in a large number of Joint Settlement Meetings, resulting in the successful compromise of high value clinical negligence claims.

He has been instructed in high profile clinical negligence actions in Northern Ireland and has appeared in similar claims in Jersey and Gibraltar.

"David is extremely experienced in this field, providing considered and detailed advice in the most challenging procedural high-value cases." ***Legal 500, 2024***

"David is an excellent strategic tactician. He is always calm and collected. He prepares for all cases in detail, never leaving a stone unturned." ***Legal 500, 2023***

"David has a huge amount of gravitas." ***Chambers UK, 2023***

"He brings with him a wealth of experience; he is so experienced that you feel in safe hands all the time." ***Chambers UK, 2022***

"Brilliant when it comes to strategy and tactics." ***Chambers UK, 2022***

"David is a thorough and dedicated barrister who provides an excellent service and helpful insights into likely trial outcomes which are informed by his own judicial experience." ***Legal 500, 2022***

Regulatory and disciplinary

David developed an outstanding practice for healthcare and other regulators on the regulatory and disciplinary process. He has advised regulators on changes to their disciplinary procedures and on their implementation. He has advised the Royal College of Veterinary Surgeons on its disciplinary procedures, including the implementation of a Legislative Reform Order, and the National Association of Funeral Directors on changes to its procedures. He was a leading member of the COIC Review of the Bar's Disciplinary Tribunals and Implementation Group.

He is a Chair of the Bishop's Disciplinary Tribunal, and alternate to the President of Tribunals of the Church of England. He has previously prosecuted on behalf of the Solicitors Regulation Authority in high profile cases before the Solicitors Disciplinary Tribunal. He formerly prosecuted on behalf of the Bar Council's Professional Conduct Committee.

He has advised on a wide range of administrative law issues affecting the provision of healthcare in the

UK and the role of the Court of Protection, particularly with regard to issues surrounding consent to treatment.

"He is an excellent barrister." **Chambers UK, 2023**

"He is extremely approachable, immediately gets to the root of the issue in a case and understands the medicine extremely well." **Chambers UK, 2022**

"Very good with and supportive of the client, and a superb strategist for the case. Excellent and very useful ability to work with the opponent and co-respondent counsel to good effect for the progress and outcome of the case, and very clear and structured in his advice." **Legal 500, 2022**

Personal injury

Following his appointment by Sir Philip Otton, Chairman of the *Capper Pass Claims Review Scheme* as the Assessor to the Scheme, he assessed the damages in over 40 fatal accident cases of lung cancer and COPD arising out of Rio Tinto's operation of a smelting-plant on Humberside.

He regularly sits in the KBD trying a range of cases, including clinical negligence, employers' liability and road traffic accident cases involving catastrophic injuries.

Professional liability

He has had a particular interest in solicitors' negligence arising out of the conduct of clinical negligence or personal injury litigation.

Public inquiries and inquests

David has had substantial experience of large-scale inquiries through his involvement in *The Cervical Screening Litigation*, *The Shipman Inquiry*, *The Kingsway Hospital, Derby Inquest*, *The Capper Pass Claims Review Scheme* and *The Hillsborough Inquests*.

Between 2002 and 2005, he was instructed in *The Shipman Inquiry* on behalf of members of the medical profession. He represented GPs, previously in partnership with Dr Shipman, who had signed Form C cremation certificates for him, and hospital consultants, who had treated one of Dr Shipman's patients, who had been admitted to hospital in a coma. He represented all the members of the MDU who appeared at the Inquiry. He subsequently went on to represent those clients who were criticized in Dame Janet Smith's Report successfully before the GMC.

In 2005 he was instructed on behalf of the mental health trust in *The Kingsway Hospital, Derby Inquest* before Sir Richard Rougier. He represented the trust in circumstances where 3 nurses had been

arrested on suspicion of murder, but were not subsequently charged, following the deaths of 26 patients with Alzheimer's Disease in a psychiatric hospital following the withdrawal of food and fluids shortly before their deaths.

In 2011, he appeared at an inquest in Leicester on behalf of the hospital into the death of a patient who had undergone a new method of aortic valve replacement, which led to an application for judicial review in the Divisional Court and a subsequent appeal to the Court of Appeal.

In 2012, he advised a local authority on a complaint to the Office of Judicial Complaints regarding the removal of a Coroner.

In 2013, he appeared at an inquest in Derby on behalf of a mental health trust where a patient had killed his former partner, their two-year-old child and then himself.

In 2015, he advised the Stepping Hill Hospital, Stockport on its response following the conviction of a nurse for the murder/attempted murder of patients with insulin.

In 2016, he appeared at an inquest in Derby on behalf of a mental health trust where a patient had committed suicide following his discharge from hospital.

Between 2013 and 2016, he was instructed in *The Hillsborough Inquests* acting for a senior partner of a large firm of national solicitors, who advised on the content of the South Yorkshire police officers witness statements, who was exonerated of any misconduct.

Product liability

He was instructed on behalf of one of the insurers in the *Northwick Park Hospital Clinical Trials Litigation* to advise on coverage issues.

Notable hearings

In addition to a large number of instructions in complex and high value clinical negligence cases, which David has steered, and continues to steer, through to successful settlements at Joint Settlement Meetings:

David appeared in two clinical negligence trials in [2019], *AO v Salisbury NHS Foundation Trust*, where he successfully defended a case, where breach of duty was admitted, solely on causation, brought on behalf of a child who had suffered catastrophic injuries following a tenfold overdose of a muscle relaxant, and *PPX v Aulakh*, where he also successfully defended a GP, on breach of duty and causation, brought on behalf of a severely brain-damaged adult who had attempted to hang himself, against his GP for failing to make a psychiatric referral.

He appeared in *SRA v Gregory Shields and others* [2017] – improper use of client account monies to

fund business expansion.

Khidir v Gateshead Health NHS FT and Dr Wise [2017] – alleged misdiagnosis of cauda equine syndrome.

Hannah Cole v Dr Freed [2016] – trial on liability of issues relating to the diagnosis and treatment of Developmental Dysplasia of the Hip.

Inquest into the death of *Andrew Small* [2016] – three-week inquest into death of patient who had been discharged from mental health unit and committed suicide.

The Hillsborough Inquests [2013/6] – inquiry into the deaths of 96 football fans at the Hillsborough Stadium, Sheffield on 15th April 1989.

Gabrielle Shaw v HM Coroner for Leicester [2014] [CA] – an appeal against the Divisional Court's refusal to quash the verdict of jury arising out of death of patient who had undergone a new method of aortic valve replacement.

SRA v Barso [2013] [SDT] – the prosecution of a solicitor who had taken £2.3m in secret commission on ATE policies over an 18-month period.

What others say

"No matter how complex or detailed the issues you can trust he'll get straight to the heart of it and cut through to the core of the issue." *Chambers UK, 2024*

"He is an excellent advocate: he is incredibly knowledgeable and has strategic acumen." *Chambers UK, 2024*

"David has a huge amount of gravitas." *Chambers UK, 2023*

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"Very good with and supportive of the client, and a superb strategist for the case. Excellent and very useful ability to work with the opponent and co-respondent counsel to good effect for the progress and outcome of the case, and very clear and structured in his advice." *Legal 500, 2022*

"David is a thorough and dedicated barrister who provides an excellent service and helpful insights into likely trial outcomes which are informed by his own judicial experience." *Legal 500, 2022*

"He cuts straight to the central issues in a case, no matter how complex. He is delightful to work with and he works collaboratively as part of a team." *Chambers UK, 2021*

"David is tactically and technically brilliant, and he's very well respected in this area." *Chambers UK, 2021*

"His calm, intelligent and thorough approach was exactly right, as was his calm and considerate approach with the client. He carries natural authority and inspires confidence, which is bolstered by his excellent attention to detail and anticipation of the challenges of the case. His construction of the roadmap for the case was superb." *Legal 500, 2021*

"Engenders respect in witnesses and experts alike and has a wealth of experience." *Legal 500, 2021*

"An extremely experienced barrister with impressive knowledge of the law." *Chambers UK, 2020*

"He is very charming, good with judges and a smooth performer." *Chambers UK, 2020*

"Brings the gravitas and aptitude to a case that one would expect of someone of his call and standing. He is a great advocate and very persuasive on his feet. His skill in making clear submissions during complex matters is a real strength." *Chambers UK, 2020*

"The go-to counsel for cases that require difficult strategic decision-making" *Legal 500, 2020*

"An excellent strategist who inspires confidence in clients" *Legal 500, 2020*

"A great communicator and strategist who is clear in the advice" *Legal 500, 2020*

"A very accomplished advocate. He is very good with clients and makes people feel at ease" *Chambers UK 2019*

"Tactically and technically brilliant" *Chambers UK 2019*

"His precise and effective questioning helps enormously in achieving the clients' objectives" *Legal 500 2019*

"He has a very authoritative, smooth manner with clients" *Legal 500 2019*

"A well-known, highly regarded character. He's been doing this for years and he's a very smooth, charming and persuasive advocate" *Chambers UK 2018*

“He is an excellent advocate who is very good at rising above the detail to see the wider picture” *Legal 500 2019*

“Very experienced and incredibly calm under pressure. Very personable and very organised” *Chambers UK 2018*

“Very experienced and an excellent tactician” “Masterful in his advocacy and especially devastating in cross-examination” “A skilled advocate and a constructive advisor” *Legal 500 2017*

“He’s got huge gravitas. A shrewd operator with a true mastery of tactics.” “David is forensic and comprehensive in his preparation and masterful in advocacy. He is especially devastating in cross-examination.” *Chambers UK 2017*

“He is forensic and comprehensive in his preparation, as well as masterful in his advocacy. He is especially devastating in cross examination.” *Chambers UK 2016*

“David is really good at getting to the nub of a case and finding something tucked away. He finds the key in the records that unlocks the case.” “David’s very analytical. He thinks deeply about the law and really descends into the detail.” *Chambers UK 2016*

“He gives very sensible, pragmatic advice.” *Legal 500, 2015*

“He has an amazing brain but is also able to relate well to clients.” *Legal 500, 2015*

“He is bright, warm and engaging, but underneath he is razor-sharp and masterful in negotiations.” *Legal 500, 2015*

“He is user-friendly and he’s very sensible.’ What we like about him is that he is pragmatic and doesn’t over-intellectualise cases.” *Chambers UK 2015*

“Persuasive and bold.” *Legal 500, 2014*

“Widely respected for his clinical negligence work as part of a broader practice that takes in public inquiries, regulatory and disciplinary matters.” *Chambers UK 2014*

“A leading figure in medical and veterinary professional discipline cases, providing advice to key regulators and representing professionals in high-profile matters.” *Chambers UK 2014*

Further information

Education

Sidney Sussex College, Cambridge (MA) (Exhibitioner), FCI Arb

Appointments

- Treasurer of the Inner Temple (2017) Trustee of the Inner Temple

- Deputy High Court Judge (QBD/Admin) Recorder (Midland Circuit)
- Chancellor of the Diocese of Peterborough
- Chair of the CofE Legal Advisory Commission to General Synod
- Chair of the Bishop's Disciplinary Tribunal
- Called to the Bar of the Inn of Court of Northern Ireland
- Fellow of Chartered Institute of Arbitrators/Accredited Mediator International Referee – Journal of the Malaysian Judiciary

Committees

- Trustee of the Lutyens Trust
- Past Member of Executive Committee of the British Malaysian Society Past Member of Council, Cheltenham Ladies College
- Past Chair of the Development Board, Compton Verney Art Gallery Past Trustee of the Council of the Inns of Court
- Past Member of the Bar Council's General Management Committee
- Past Chairman of the Bar Council's Training for the Bar Committee
- Past Chairman of the Neuberger Monitoring and Implementation Group
- Past Chairman of the Professional Negligence Bar Association

Publications & lectures

- He is a past co-contributor to Atkins Court Forms: Personal injury and Professional Negligence, National Health Service and Carriers
- He contributed to Law and Ethics in Intensive Care
- He was Co-General Editor of Pittaway and Hammerton "Professional Negligence Cases," Butterworths
- He was a leading contributor to the Inns of Court School of Law Advanced Civil Litigation – Professional Negligence in Practice published by Blackstone Press
- He has lectured widely in the UK, Singapore, Malaysia and Australia, most recently on the Anatomy of a Clinical Negligence Action, Non-Delegable Duties of Care, Secondary Victim Claims and Early Evaluation of Claims

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