

Michelle Marnham

Year of Call: 1994

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Clinical Negligence

Michelle's clinical negligence practice, perfectly complements her personal injury and professional negligence practice. Her reassuring, tactile and empathetic approach with clients in conference builds a strong rapport and confidence. Michelle is an excellent advocate and excels in litigation and mediation and is highly praised for her written work.

Clinical Negligence Areas of Expertise

- Dental Negligence
- Brain
- Neo-Natal and Birth Defect Claims
- Orthopaedic
- Product Liability
- Cosmetic Surgery

Cases of interest include:

- A claim arising out of the negligent treatment of a pathological fracture of T2 causing compression of the spinal cord with evidence of metastatic cancer and also a traumatic fracture across the T9/10 disc space. As a consequence, the Claimant suffered significant harm, including paralysis, mechanical unstable spine leading to persistent pain, cord compression and incontinence of both bladder and bowel incontinence.
- A claim concerning the failure to act upon the pathological diagnosis of gallbladder cancer following an laparoscopic cholecystectomy, with a resultant 8 month period delay in the management and treatment of the cancer, from which the Claimant subsequently died.
- A claim arising out of the delay by GP in referring Claimant to a gastroenterologist for an urgent OGD leading to a delay in diagnoses in respect of oesophageal cancer and the development of advanced esophageal cancer.
- A claim relating to the negligent treatment of left foot and leg pain with a non-healing foot ulcer, which led to the Claimant requiring a left above knee amputation.
- A claim arising out of the failure to recognise that the Claimant was suffering from infection following circumcision and bilateral vasectomy, leading to the Claimant developing Fournier's gangrene requiring repeated debridement and skin grafting. The claim was also advanced upon the basis of lack of informed consent.
- A claim arising out of the failure to obtain the Claimant's informed consent in respect of an open inguinal hernia repair. As a consequence, the Claimant developed ilioinguinal neuralgia, increased pain, discomfort and erectile dysfunction.
- A claim arising out of the delay in diagnosis of Claimant's aortic dissection. Breach of duty not in dispute, causation denied.

- A claim arising out of a failure to detect stones within the gallbladder and the common bile duct, causing the Claimant to suffer prolonged pain, vomiting and distress.
- A claim in the delay in diagnosis, management, and treatment of cervical cancer.
- A claim concerning whether the Claimant was properly consented in respect of splenectomy, in circumstances that the Claimant subsequently developed sepsis and an untimely death.
- A claim concerning failure to correctly diagnose the Claimant as suffering from Diffuse B-Cell Lymphoma leading to the development of advanced cancer.
- A claim concerning the failure to investigate and treat a lung lesion, resulting in a delay in diagnosis of the Claimant's lung cancer from which the Claimant subsequently died.
- A claim arising out of the failure to monitor the Claimant on admission in respect of hypoglycaemic episode leading to an overdose of insulin causing a further hypoglycaemic episode and seizure.
- A claim relating to the diagnosis and treatment of a sessile polyp following a sigmoidoscopy. As a result of the delay an abdominoperineal resection became necessary, and the Claimant lost a large part of his bowel.
- A claim in the delay in diagnosing and treating the Claimant's cauda equina syndrome.
- A claim arising out of the failure by an optometrist to investigate abnormality of vision following a sight test that would have revealed the presence of a partial detached retina. As a consequence, the Claimant subsequently suffered a detached retina.

Articles

Michelle Marnham, 3PB's Head of Personal Injury and Clinical Negligence, alongside future 3PB pupil Jeremy Warner have written on the Supreme Court Judgement in *Paul v Royal Wolverhampton NHS Trust*.

[View Article](#)

3PB's Head of Personal Injury and Clinical Negligence Michelle Marham, along with future 3PB pupil Jeremy Warner, has written about the recent case of *Bilal and Malik v St George's University Hospital NHS Trust*. Michelle and Jeremy explore the insight it provides into a post-*Montgomery* landscape and the clarification it offers on informed consent.

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Michelle Marnham analyses the case of *Jenkinson v Hertfordshire CC* [2023] EWHC 872 (KB), a case which presents us with an intriguing change in clinical negligence law, with Baker J challenging the long-standing notion of the 'specific rule' in medical negligence cases.

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Recommendations

'Michelle is pragmatic and provides sensible, realistic advice for clients.'

Legal 500 2024/Personal Injury, Industrial Disease and Insurance Fraud/ London Bar/ Leading Juniors

'a leader in her field'

'Michelle is knowledgeable both practically and technically, thorough, sympathetic and empathetic.'

Legal 500 2024/Personal Injury/Western Circuit/Leading Juniors

Practice head Michelle Marnham is 'very skilled at building a rapport with clients' and has particular expertise in fatal accident claims, catastrophic injury cases and issues surrounding liability.

'Michelle is a good communicator with clients and provides practical advice. She is knowledgeable, approachable and responsive.'

Legal 500 2023/Personal Injury/Western Circuit

'Michelle is always thorough and well-prepared.'

Legal 500 2023/Personal Injury/Leading Juniors/London Bar

'She is proactive, extremely personable and quickly gets to the nub of the issue. She delivers advice clearly and concisely, in a way that is very easily digested by the lay client.'

Legal 500 2022/Personal Injury/Western Circuit

'Michelle provides excellent advice and is alive to the strengths and weaknesses of a case.'

Legal 500 2022/Personal Injury/Leading Juniors/London Bar

'A persuasive and effective advocate who is particularly skilled in dealing with claims involving complex issues.'

Legal 500 2021/Personal injury/Leading juniors/London Bar

'Michelle is very good at identifying the key issues in personal injury claims and providing helpful and practical advice. She is a robust performer in court with a firm grasp of the key issues in a case and a realistic pragmatic approach to those issues.'

"Michelle Marnham is another key member of the team and has a particular interest in CRPS cases."

Legal 500 2021/ Personal injury/Leading juniors/Regional Bar/Western Circuit

'She is diligent, personable and very thorough.'

Legal 500 2020/Personal injury/Leading juniors/London Bar

'Performs excellently in court and in negotiations.'

Legal 500 2020/Personal injury/Leading juniors/Regional Bar/Western Circuit

'She is terrific with clients and has a clear forensic understanding of legal and medical issues.'

Legal 500 2018/19/Personal injury/Leading juniors/London Bar

'She is diligent and personable, with huge legal knowledge.'

Legal 500 2017/Personal injury/Leading juniors/London Bar

"Michelle is superb with clients and always quickly grasps the salient legal and procedural issues on any instruction. She is diligent and personable with huge legal knowledge and skill in applying the law. Her skeleton arguments are something to behold".

Jeremy Hugo (Instructing Solicitor)

Academic qualifications

LLB Hons (University of Essex)

Professional bodies

Personal Injury Bar Association (PIBA)