

## Katherine Howells

CALL: 1994

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### Overview

Katherine Howells specialises in personal injury, clinical negligence, travel, aviation and associated commercial proceedings. She has extensive experience acting for both Claimants and Defendants.

Katherine's domestic practice has a focus on high-value fatal and traumatic injuries sustained in road traffic and workplace accidents, particularly brain injuries, together with cases involving occupiers' and public liability issues and hospital acquired injuries. She also has a significant travel practice with a particular specialist knowledge of and interest in aviation matters. Katherine deals frequently with claims involving accidents overseas or foreign nationals injured or killed in the UK, questions of jurisdiction and applicable law, the right to cross border recovery of benefits under EC Regulation 883, claims under the Package Travel Regulations and Athens Convention, Montreal Convention passenger injury, delay and lost or damaged baggage claims, delayed and denied boarding and downgrading claims under EC Regulation 261/2004 and accidents on board aircraft (including hot air balloons and microlights) or at airports or airfields. She is also experienced in dealing with contractual and other recovery proceedings made by tour operators against foreign suppliers, aviation maintenance disputes and claims concerning IATA Ground Handling Agreements. Katherine's recent reported cases include *Bianco v Bennett*, *Yapp v Foreign and Commonwealth Office* and *Donkers & BGV v Storm Aviation v Lufthansa*.

### Personal Injury

Katherine has been recognised for several years as a leading junior in personal injury law in the *The Legal 500* Directory and was recently described in *Chambers & Partners UK* as a rising name in the personal injury market.

Katherine has been undertaking personal injury cases for Claimants and Defendants for almost 20 years and has extensive experience of complex liability and quantum issues.

#### Employers Liability

- *Yapp v Foreign and Commonwealth Office* IRLR 616. Stress claim arising out of withdrawal from post of Britain's High Commissioner to Belize;
- Claim by a detainee custody officer bitten on the face by an HIV positive detainee in transit for deportation to her country of origin;
- Claim by a firefighter who sustained injuries when rescuing a driver trapped in her car following a collision;
- Claim on behalf of a police officer who injured her knee when her foot went into a gully missing a cover as she stepped out of a police van outside Bishopsgate Police Station;
- Claim on behalf of a mortgage advisor who fell down a flight of stairs in a branch of the bank where she was employed.

#### Road Traffic Accidents

- Claim by a driver in his employer's vehicle who sustained a severe traumatic brain injury following a collision on the motorway;
- Claim arising out of a serious road traffic collision said to have been caused by a driver suffering a heart attack at the wheel;
- Substantial fatal accident financial and services dependency claim arising out of the death of a young father with a 1-year-old dependant daughter;

### Expertise

- Clinical Negligence
- Commercial Law
- Personal Injury
- Travel

### Recommendations

"Katherine is an excellent advocate and has very good all-round client skills. She is determined in court, prepares well and is concise in her submissions and arguments. She is also responsive to queries and is generally available when we need her." *The Legal 500* 2024

"Katherine is highly experienced in the area and is an accomplished advocate. She is easy to deal with and very responsive." *Chambers & Partners* 2024

"Katherine is an absolutely amazing barrister." "She is good on technical points and is very meticulous with expert evidence." "Katherine presents fantastic arguments and written advocacy." *Chambers & Partners* 2023

"Katherine is courteous and pleasant with a first-rate legal mind." "Brilliant attention to detail and delivers a technically astute argument in court." *The Legal 500* 2023

### Key contacts

#### Olivia Moliterno

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#### Manisha Agheda

**Junior Team Leader Assistant**

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**Senior Clerk**

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- Claim by a fashion designer who sustained orthopaedic and psychiatric injuries when run over by a limousine which mounted the pavement he was walking along;
- Claim arising out of an airside collision at Liverpool Airport between a security vehicle and an electronic baggage truck.

## Travel/Aviation

- *Donkers & BGV v Storm Aviation v Lufthansa EWHC 241 (QB)*. Claim by double amputee German national aircraft engineer and a German Social Security Institute arising out of an accident at Manchester Airport and linked claim for an indemnity under an IATA standard form Ground Handling Agreement;
- *Molnar v Coral Cay Conservation Trust*. Claim arising out of the death of a teenage volunteer during a conservation expedition to Fiji;
- *Kett v Thomson Airways*. Claim against an airline arising out of a slip by a passenger on a pool of vomit after disembarkation at Majorca;
- Claim against an airline and an agency providing medical advice to cabin crew by telephone arising out of a heart attack suffered by a passenger during a long haul flight;
- Claim by a paraplegic passenger against a tour operator and an airline following diagnosis of infective colitis said to have been caused by food poisoning sustained as a result of consuming contaminated food during a flight.

## Public/Occupiers' Liability

- Claim against the owners of an industrial park and their managing agents by a pedestrian who fell into a drain when the manhole cover upon which he was standing moved;
- Claim against a highway authority by the owner of a high-value sports car damaged in a single vehicle road traffic accident caused by a depression in the carriageway situated immediately after a hump backed bridge;
- Claim against a local authority on behalf of a child who was injured when a metal gate in an outdoor play area swung into his face;
- Claim against a highway authority by a cyclist who was injured when his wheels entered a pot hole situated in the carriageway;
- Claim against a highway authority by a pedestrian who tripped on a sunken area of tarmac adjacent to the pavement alongside a metal access cover set into the carriageway.

## Medical Negligence

- Claim arising out of the death in hospital of a patient who had recently undergone a total knee replacement;
- Claim arising out of the death of a baby found to be in cardiac arrest approximately an hour after birth;
- Claim arising out of the failure to diagnose meningitis or consider the possibility of intercranial spread of infection in A&E leading to a delay in appropriate treatment and the subsequent development of epilepsy;
- Claim arising out of the sustaining of a 10cm transverse linear tear in a patient's bladder during the course of an elective caesarean section;
- Claim arising out of the failure to diagnose an ectopic pregnancy following the miscarriage of one foetus after the implanting of two embryos during fertility treatment.

Katherine is a member of PIBA and TATLA.

## Travel

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Katherine has a particular specialist knowledge of and interest in travel and aviation matters. She is regularly instructed in relation to claims involving:

- Accidents overseas
- Foreign nationals injured in the UK
- The Package Travel Regulations
- The Montreal Convention (including passenger injury and delay and lost or delayed baggage cases)
- Accidents on board aircraft
- Accidents at airports or airfields
- Delayed and denied boarding and downgrading claims under European Regulation No. 261/2004

## Notable Cases

- *Donkers & BGV v Storm Aviation v Lufthansa EWHC 241 (QB)*. Claim by double amputee German national aircraft engineer and a German Social Security Institute arising out of an accident at Manchester Airport and linked claim for an indemnity under an IATA standard form Ground Handling Agreement;

- *Wiseman v Virgin Atlantic* EWHC 1566. Claim arising out of the denied boarding of a passenger in Port Harcourt, Nigeria;
- *Molnar v Coral Cay Conservation Trust*. Claim arising out of the death of a teenage volunteer during a conservation expedition to Fiji;
- *Kett v Thomson Airways*. Claim against an airline arising out of a slip by a passenger on a pool of vomit after disembarkation at Majorca;
- Claim against an airline and an agency providing medical advice to cabin crew by telephone arising out of a heart attack suffered by a passenger during a long haul flight;
- Claim by multiple passengers seeking compensation for delay under the Montreal Convention having been denied boarding on a flight from Jeddah to Riyadh en route to London;
- Claim on behalf of a child struck in the eye by a dart during the course of an organised activity session at a hotel in Tunisia;
- Claim by a paraplegic passenger against a tour operator and an airline following diagnosis of infective colitis said to have been caused by food poisoning sustained as a result of consuming contaminated food during a flight;
- Claim arising out of the downgrading of a passenger from business to standard class on one flight forming part of the transatlantic leg of a round trip from London to South America;
- Claim against a Nigerian owner in relation to substantial unpaid fees for maintenance services provided for aircraft in the UK.

Katherine is a member of TATLA.

## Clinical Negligence

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Katherine regularly undertakes clinical negligence cases, predominantly in relation to care received in hospital.

### Notable Cases

- Claim arising out of the death in hospital of a patient who had recently undergone a total knee replacement;
- Claim arising out of the death of a baby found to be in cardiac arrest approximately an hour after birth;
- Claim arising out of the failure to diagnose meningitis or consider the possibility of intercranial spread of infection in A&E leading to a delay in appropriate treatment and the subsequent development of epilepsy;
- Claim arising out of the sustaining of a 10cm transverse linear tear in a patient's bladder during the course of an elective caesarean section;
- Claim arising out of the failure to diagnose an ectopic pregnancy following the miscarriage of one foetus after the implanting of two embryos during fertility treatment.

## Recent and current work

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- *Yapp v Foreign and Commonwealth Office* IRLR 616. Stress claim arising out of withdrawal from post of Britain's High Commissioner to Belize;
- *Donkers & BGV v Storm Aviation v Lufthansa* EWHC 241 (QB). Claim by double amputee German national aircraft engineer and a German Social Security Institute arising out of an accident at Manchester Airport and linked claim for an indemnity under an IATA standard form Ground Handling Agreement;
- Claim against an airline and an agency providing medical advice to cabin crew by telephone arising out of a heart attack suffered by a passenger during a long haul flight;
- Claim by a detainee custody officer bitten on the face by an HIV positive detainee in transit for deportation to her country of origin;
- Claim arising out of the death of a teenage volunteer during a conservation expedition to Fiji;
- Claim arising out of a serious road traffic collision said to have been caused by a driver suffering a heart attack at the wheel;
- Claim by multiple passengers seeking compensation for delay under the Montreal Convention having been denied boarding on a flight from Jeddah to Riyadh en route to London;
- Claim by a fashion designer who sustained orthopaedic and psychiatric injuries when run over by a limousine which mounted the pavement he was walking along;
- Claim by a firefighter who sustained injuries when rescuing a driver trapped in her car following a collision;
- Claim arising out of the death in hospital of a patient who had recently undergone a total knee replacement.

### Professional Memberships

- Travel and Tourism Lawyers Association

- Personal Injury Bar Association
- South Eastern Circuit

## Professional Recommendations

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"Katherine is highly experienced in the area and is an accomplished advocate. She is easy to deal with and very responsive."

### Chambers & Partners 2024

"Katherine is thorough and can see problems and offers solutions."

### Chambers & Partners 2024

"Katherine is an excellent advocate and has very good all-round client skills. She is determined in court, prepares well and is concise in her submissions and arguments. She is also responsive to queries and is generally available when we need her."

### The Legal 500 2024

"Katherine is a brilliant barrister who fights for the clients she represents. She is very detailed in her approach and leaves no stone unturned."

### The Legal 500 2024

"She is good on technical points and is very meticulous with expert evidence."

### Chambers & Partners 2023

"Katherine is an absolutely amazing barrister."

### Chambers & Partners 2023

"Katherine presents fantastic arguments and written advocacy."

### Chambers & Partners 2023

"She is a pleasure to work with."

### Chambers & Partners 2023

"Katherine cuts through complex issues and brings clarity and focus to matters. She is readily available and happy to advise as and when needed."

### Chambers & Partners 2023

"Brilliant attention to detail and delivers a technically astute argument in court."

### The Legal 500 2023

"Katherine is courteous and pleasant with a first-rate legal mind."

### The Legal 500 2023

"Katherine is a leading aviation specialist with a burgeoning portfolio of grateful clients. A real passion for the subject-matter backed by research and academic rigour." "Not afraid to take on the really difficult cases, in fact she thrives on them. She has an excellent technical eye and is super organised." "Ferociously bright and hard working."

### The Legal 500 2022

"Very driven, detailed and diligent. She is experienced in chronic pain cases and gives clear advice." "Very dogged, determined and excellent at fighting her

client's corner." "She is superb in aviation matters."

#### **Chambers & Partners 2022**

"She is commercial, pragmatic and a pleasure to work with." "A dogged and determined advocate." "A formidable opponent." "She is very meticulous and has great attention to detail."

#### **Chambers & Partners 2021**

"Very good attention to detail and has the ability to digest technical detail. Strong knowledge and understanding of international personal injury claims issues." "Individual strengths: attention to detail, clarity of expression, pragmatism and efficiency. She is very thorough and very determined – never afraid to fight her client's corner in court." "Has a very sharp tactical mind and is able to anticipate where opponents may be looking to take their case."

#### **The Legal 500 2021**

"Very thorough and well prepared." "A very safe pair of hands." "She is dogged, thorough and really knows how to fight her client's corner."

#### **Chambers & Partners 2020**

"First-class preparation and leaves no stone unturned." "She is very diligent, persistent and does not give up." "She has a sound, practical and client-focused approach and an ability to make very complex ideas understandable."

#### **The Legal 500 2020**

"She does really thorough preparation before a hearing but is very concise and to the point with her advocacy."

#### **Chambers & Partners 2016**

"She is not afraid to fight her client's corner in court."

#### **The Legal 500 2015**

"Katherine Howells is 'an incredibly bright, tactically astute barrister' with particular expertise in aviation-linked injury."

#### **The Legal 500**

"She has a mastery of the financial detail combined with a steadfast resolve to achieve the best result."

#### **The Legal 500**

"She has a good eye for the points that really matter and a steely confidence in argument."

#### **The Legal 500**

"She is regarded as a leading junior in relation to passenger liability."

#### **The Legal 500**

Katherine Howells boasts a **"sharp intellect"** and **"always goes the extra mile to secure the best results for clients"**

#### **The Legal 500**

"She has the forensic focus to get straight to the issue in a case."

#### **The Legal 500**