



## Helen McAteer

Year of call: 2008

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## Practice Summary

Helen specialises in representing public bodies, both as an advocate and in an advisory capacity. She has significant experience in a range of civil and public law matters, including Coroner's inquests.

Helen is on the Attorney General's civil 'C' panel.

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### Public

Civil law claims against public bodies.

Coroner's inquests.

Court of Protection.

Human Rights Act claims.

Judicial review.

Mental Health.

Examples of her work include:

- Appearing in inquests and pre-inquest reviews arising from deaths at hospitals where complex medical issues arise;
- Appearing at Mental Health Tribunals in respect of challenges to detention and community treatment orders.

- Assisting with the defence of claims made against the MOD by service personnel involving complex issues of combat immunity and the scope of the duty of care for policy and equipment decisions as a specialist off-panel junior;
  - Advising an NHS Trust in relation to a High Court claim made by the estate of a deceased patient for alleged breaches of the right to life and the right to respect for private and family life;
  - Advising the MOJ on civil claims made by prisoners, including issues of personal injury and unlawful detention;
  - Advising on and drafting grounds of opposition to a judicial review of a child protection decision;
  - Volunteering for a summer at the Commonwealth Human Rights Initiative in Ghana.
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## **Commercial**

Contractual interpretation and performance.

Insurance, including issues of construction, coverage, and material non-disclosure.

Professional negligence.

Vicarious liability.

Examples of her work include:

- Appearing at trial for a hire company in an alleged case of misrepresentation;
  - Appearing at a trial relating to the breach of the implied term of reasonable skill and care in the performance of a construction contract;
  - Advising and appearing at a costs hearing involving complex issues arising from the involvement of multiple defendants, including issue-based costs assessment; Sanderson; and Bullock orders;
  - Advising on the construction of the terms of an offer in settlement negotiations which included a contingency, and whether the purported acceptance was valid;
  - Advising on the validity of a verbal contract with a company to share profits;
  - Advising on issues of legal capacity; abuse of process; and the validity of a cause of action in a contractual claim.
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## **Negligence and Personal Injury**

Clinical negligence.

Employer's liability.

Property damage.

Road traffic accidents.

Examples of her work include:

- Appearing regularly in trials and costs and case management conferences, addressing complex issues of expert evidence;
  - Advising on liability for alleged negligent nursing care in circumstances where staff had attempted to
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accommodate the wishes of the family of a terminally ill patient to be involved in providing care;

- Advising on liability in a claim for workplace stress and harassment where vicarious liability was alleged for the inappropriate behaviour of an employee and primary liability was alleged for the management of the internal grievance, including consideration of foreseeability of psychiatric harm;
  - Advising on liability for breach of the non-delegable duty of care where maintenance responsibilities were performed by a contractor and allegations of *res ipsa loquitur* were raised;
  - Advising on liability under the Employers' Liability (Defective Equipment) Act 1969 and common law negligence in relation to failures to provide suitable equipment over an extended duration of time in factually complex circumstances where the employee had serious and complicated pre-existing physical and psychological conditions and causation of the secondary psychological injuries was disputed on the basis that these did not arise from the breaches of the strict statutory duties.
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## **Education**

BA (Hons) in Jurisprudence, the University of Oxford

LLM in Public Law (Merit), UCL

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## **Awards**

Distinction in Moderations from the University of Oxford

Exhibitioner of Brasenose College

Wilfred Getz Scholarship from Gray's Inn

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