



Samantha Openshaw

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Year of Call: 2005

Prior to being called to the Bar, Samantha read Law at Leicester University, before completing the BVC at Manchester Metropolitan University, where she graduated top of the year. She was called to the Bar by Lincoln's Inn in 2005. Samantha joined Chambers in 2015 having practised at Cobden House Chambers for 10 years.

Samantha is a specialist civil barrister providing advice and advocacy to both claimants and defendants.

Her practice encompasses all aspects of personal injury work including road traffic litigation and credit hire, employers' liability, public liability and industrial disease. Samantha frequently appears in cases involving allegations of fundamental dishonesty and section 57 of the Criminal Justice and Courts Act 2015.

Samantha has considerable experience in all areas of civil litigation, civil procedure and costs. She has particular expertise in Fixed Recoverable Costs Cases and regularly appears in CCMCs, costs assessment hearings and interim applications. Her detailed knowledge of the CPR and costs law is particularly relevant to costs management and budgeting and achieving successful conclusions to cases.

Samantha is also a qualified mediator.

She is known for her friendly and down to earth manner. She provides clear, robust advice and is sensitive to the concerns and needs of her clients.

Appointments

- Deputy District Judge – Northern Circuit

Memberships

- Northern Circuit
- Personal Injuries Bar Association

EXPERTISE

Personal Injury

Samantha's personal injury practice spans all areas of personal injury claims including employer's liability, disease work, public liability and road traffic related matters. She regularly appears in the fast and multi-track and has conducted hearings before the CICA. She conducts all types of hearings from pre-action applications through to trial and costs hearings.

Samantha is noted for her quick turnaround on paperwork. She is happy to provide both pleadings and written advice on all aspects of personal injury litigation.

Recent cases include:

- Advising the Claimant following a tripping accident in a claim that ultimately settled for over £70,000.
- Succeeded in an occupiers' liability claim where it was alleged that the Defendant had created the danger in question by failing to adequately remove leaf cuttings from a pathway.
- Successfully defended a road traffic claim on the basis that there was no negligence on the part of the Defendant. It was demonstrated that the Defendant had suffered a tyre blowout immediately prior to the collision occurred.

Disease

Samantha regularly advises and appears in industrial disease cases, including claims for noise induced hearing loss, repetitive back injuries, asthma and dermatitis cases. She acts on behalf of both Claimants and Defendants. Samantha is involved at all stages of such claims and is regularly called upon to advise in conference, draft Particulars of Claims, Defences and Replies before going on to attend CMCs, application hearings and trials.

Recent cases include:

- Advising in relation to a multi track carpal tunnel syndrome case, which settled for over £10,000 following a conference with medical and ergonomic experts.
- Successfully representing a Defendant at a limitation trial where low fence arguments were advanced.
- Successfully represented a Claimant in a claim for a cumulative back injury arising out of work for an airline.

Fraud - Civil

Samantha has significant experience of fraud allegations in civil cases and cases involving the application of section 57 of the Criminal Justice and Courts Act 2015. Samantha acts for both Claimants and Defendants in such matters and regularly conducts both conferences and trials where such issues are raised.

Recent cases include:

- Successfully representing a Defendant at trial where it was established that the Claimant was not in the vehicle at the time of the collision and that even if he had been, the collision had occurred at such low speed that the Claimant could not have been injured.
- Appearing at trial in a claim where it was confirmed that a collision had occurred and that the Claimants were injured as a result of the collision but had exaggerated the extent of their injury. The claims for personal injury were struck out with findings of fundamental dishonesty and section 57 was applied to strike out the remaining claims for vehicle damage.
- Successfully acting for the Claimant in a road traffic accident claim where it was alleged by the Defendant that no collision had occurred.

ADR and Mediation

Samantha qualified as a mediator in 2014 and underwent further training in 2017 with the UCLAN. She is able to undertake mediation in all types of civil, costs and employment proceedings. Her work as a Barrister and as a Deputy District Judge complement her practice as a mediator and provide valuable insight into the alternative litigation process, which is often more costly and lengthier than any mediated outcome.

She also regularly acts as a representative in mediations and settlement discussions, including judicial mediations. Samantha recently represented a party in relation to a shareholder dispute, which settled for over £200,000 at mediation.

Given the increasing importance of mediation and her work as a Deputy District Judge, Samantha understands the benefits of such a process in assisting parties to resolve disputes without recourse to litigation.