

Mamta Gupta

Clinical Negligence



Year of Call: 2004

Email Clerks: mt@no5.com

Mamta practices exclusively in the fields of clinical negligence and personal injury acting for both Claimants and Defendants. She is consistently recognised in the legal directories. The latest entry in Legal 500 2023 quotes, “Mamta is an excellent senior junior and one of the most thorough and reliable counsel. Her medical knowledge and attention to detail when questioning experts are impressive.” Chambers and Partners 2023 notes, “she is excellent with clients and hard-working. Mamta is very empathetic and understanding. She has a good eye for detail and really cares for what she does.”

Mamta is dedicated to working as part of the legal team alongside her instructing solicitors and delivering a first-class service whilst making a difference for her clients. Mamta is often instructed in the most delicate of cases given her sensitive and empathetic approach. Mamta regularly works on complex matters including those involving multiple Defendants and high value awards, both in her own right and when acting as junior with Leading Counsel.

In respect of her CN practice, Mamta has extensive experience in all areas of medical negligence. Her caseload includes brain injuries, obstetrics, leg amputations, sepsis, ophthalmology, anaesthesia, orthopaedic, cosmetic procedures, oncology, cardiology, pharmacology, care/nursing homes, diabetic and spinal injury cases.

Further details of Mamta’s CN experience can be found under her specialist profiles and a selection of her recent caseload is below.

Recommendations

“Mamta is very thorough and always makes herself available.” “She is very hard-working.”

Chambers UK 2024

“Mamta has great attention to detail. She is hugely reliable and a great advocate.” “Mamta’s great strengths are her attention to detail and drafting. She is extremely thorough in conference and is a pleasure to work with.”

Legal 500 2024

“She is excellent with clients and really hard-working.” “Mamta is very empathetic and understanding. She has a good eye for detail and really cares for what she does.”

Chambers UK 2023

“Mamta is an excellent senior junior and one of the most thorough and reliable counsel. Her medical knowledge and attention to detail when questioning experts are impressive.”

Legal 500 2023

“Excellent with clients and very involved and passionate about the cases she takes on.”

Legal 500 2023

“Extremely forensic - goes into every detail with a fine-tooth comb.” “Excellent with clients and experts - puts clients at ease and talks to them in a way they can understand the complex points of their claim.” “Mamta is tenacious and straight talking.” “She is an asset in challenging cases.”

Legal 500 2022

“She is a delight to work with and pays incredible attention to detail - she will not let any stone go unturned.” “She is very organised, thorough, and has an excellent manner with clients. She responds in a timely manner and keeps to the deadlines she sets.”

Chambers UK 2022

“She is very bright, responds in a timely manner and is very good with clients.” “An excellent and very conscientious junior.”

Chambers UK 2021

“A strong advocate who is very thorough and always goes the extra mile.”

Legal 500 2021

“She’s just remarkably thorough; she really does work exceptionally hard for clients and is helpful and responsive.”

Chambers UK 2020

“Hugely impressive in cross-examination of experts.”

Legal 500 2020

Notable Cases

Re: LK

2018 – ongoing. Anticipated value over GBP 5 million+ with Leading Counsel.

Representing mother in wrongful birth case where mother was not given the option of chromosomal screening and gave birth to her son with Downs Syndrome. Liability now admitted. Working on quantum for lifelong care and treatment costs of disabled child.

Re: ZK

2018 - ongoing - TBI claim - anticipated value GBP 2m+. With Leading Counsel.

Representing adult Claimant who suffered a subdural haematoma after fall in hospital and was not diagnosed nor treated until hours later. Liability admitted in Letter of Claim; the Claimant requires 24-hour care and treatment for the rest of life. Approaching RTM.

Re: MDN

2022 – ongoing – diabetic foot ulcer claim/amputation - anticipated value around GBP 1m

Representing diabetic man who has suffered permanent foot deformity, recurrent ulceration, amputation of two toes and likely forefoot amputation as a result of GP failing to refer. Proceedings served and awaiting defence. Liability, causation and quantum in issue.

Re: CW

2020 – ongoing – emergency services negligence at scene/hospital negligence; claimed at over £1m.

Representing the family of the Deceased young man who bled to death after a road traffic accident. Claim against the paramedics who attended the scene whilst the Deceased was stuck in his car and the hospital team who managed the care in the final minutes. Liability, causation and quantum in dispute. Did not settle at recent RTM; approaching trial.

Re: AJ

2020 – 2022 – Cerebral Palsy case with Leading Counsel, settled after JSM for GBP1.58m lump sum on 50% basis, with PPO - £55K/pa.

Represented minor who suffered permanent CP at birth. Liability and causation admitted; Claimant suffered permanent hearing impairment and learning disability and required full package of care, treatment and accommodation for rest of life.

Re: JR

2019 – ongoing. Obstetric/nursing failures leading to death; anticipated value over GBP 1m.

Representing mother of a young lady [aged 27 yrs] who died during a medical termination of her pregnancy after feticide. The Deceased is survived by three young children. Acted for the family at the week-long inquest and drafted the Letter of Claim after conferences Letter of Response awaited. Complex matters of causation.

Re: LA

2018 – 2022 - Mental Health fatal CN case which settled for GBP 245K at RTM

Represented widow and two children of the Deceased who committed suicide after receiving substandard care by the mental health services. Liability, causation and quantum were in issue. Complexities in case on causation [whether suicide would have happened anyway] and loss of income dependency given relative prospective incomes of Claimant and Deceased. Settled.

Re: EM

2020 – ongoing. Anticipated value over GBP 1m.

Representing young child who suffered cerebral palsy as a result of alleged neonatal and obstetric negligence; expert evidence being collated and investigated before LoC can be drafted.

Re: FR

2020 – ongoing. Anticipated value over GBP 1m.

Representing child who suffered permanent brain injury after low bilirubin levels; collating expert evidence on liability and causation before LoC can be drafted.

Re: ZC

2016- 2020 - Fatal case with leading Counsel, settled at mediation with PPO, approximate value GBP 2-3 million

Represented 9 Claimants in fatal oncology case against NHS Trust for failing to identify DCIS/pre-invasive cancer on a mammogram/MRI resulting in death, the Deceased, a young mother and wife with one child having autism spectrum disorder and needing 24 hour for the rest of his life;

Re: IB

2018– 2020 - Adult brain injury case with leading Counsel, settled after mediation for GBP 2.6 million.

Represented Claimant who suffered permanent neurological injury [central pontine myelinolysis] after NHS Trust failure to act upon low sodium levels. Claimant required 24 hours lifelong care and new accommodation;

Re: FT

2018 – 2020 - Oncological fatal case, settled for GBP 87.5K at mediation

Representing Family of the Deceased who suffered delay in diagnosis of breast cancer causing cancer to develop to Stage IV and eventual death; complex issues around causation.

Re: MS

2018 – 2020 - Ophthalmology case – settled for GBP 200K

Represented Claimant against Trust for failing to identify pituitary tumour resulting in permanent impaired vision/diminished visual field. Settlement included a claim for a buddy given the Claimant's impaired vision;

Re: VW

2017 – 2020 - Obstetric case, settled for GBP 65K

The Claimants, parents of the Deceased baby claimed for obstetric failures during labour; Secondary victim claim successful for the father;

Re: B

2016 – 2020 - Mental health case, settled at mediation for GBP 85K

Represented the Family of the Deceased who committed suicide after receiving sub-standard care from the mental health services;

Re: KA

2018 – 2020 - Neonatal and successful secondary victim claim; settled at GBP 50K

Represented the parents of the Deceased baby as a result of failures in drug administration during neonatal care;

Re: D

2019– 2021; orthopaedic/foot drop case, settled at GBP 70K

Representing adult Claimant who suffered orthopaedic injuries/footdrop, Claimant had pre-existing conditions Sklair & Reaney principles applied.

Re: WY

2017 – 2020 – orthopaedic case settled for GBP 300K

Representing adult Claimant against NHS Trust for failing to carry out appropriate examination of the wrist and refer to a surgeon for primary repair. The Claimant suffered permanent damage to her dominant left hand resulting in near full loss of function. Difficult arguments on causation;

Re: WY

2017 – 2020 – orthopaedic case settled for GBP 300K

Representing adult Claimant against NHS Trust for failing to carry out appropriate examination of the wrist and refer to a surgeon for primary repair. The Claimant suffered permanent damage to her dominant left hand resulting in near full loss of function. Difficult arguments on causation;

Re: LP

2018

5-day trial representing Claimant alleging failure in carrying out instrumental delivery causing 4th degree perineal tear and permanent faecal incontinence and psychiatric issues, liability, causation and quantum in issue, value - GBP 200K.

Re: VW

2020

Failure to identify pathological CTG trace causing stillbirth and erroneously putting stillbirth baby's brain put in another baby's body following post-mortem; secondary victim claim made on behalf of father, liability admitted in Defence, quantum and secondary victim claim was in issue. Settled at GBP 65K.

Re: HS

2017 – 2019 - plastic surgery claim; settled at JSM for GBP 120K.

Represented Doctor for negligent private Brazilian Butt-lift treatment, the Doctor had been disciplined by the GMC previously for similar cases and the Claimant had body dysmorphic disorder.

Re: JG

2018, obstetric case with Leading Counsel; settled for GBP 575K at JSM;

Representing Claimant for claim against an NHS Trust for failing to manage her labour appropriately causing shoulder dystocia and permanent Erbs Palsy; The case was compounded by there being no medical records of the actual labour so difficult to ascertain/prove what happened;

Re: KD

2014 – 2016 - gynaecological case; settled at JSM for GBP 600K.

With Leading Counsel. Gynaecological case, failure to identify bladder perforation resulting in permanent gynaecological and pain conditions. Issue was that the Claimant's prognosis for recovery was disputed and could only be confirmed upon the Claimant undergoing a PMP. Matter settled at JSM before Claimant entered into PMP

<http://www.theguardian.com/society/2016/apr/28/concerns-teenager-killed-himself-after-leaving-hospital-john-partridge> - <http://www.thesun.co.uk/sol/homepage/news/7113503/Suicidal-teen-killed-himself-just-hours-after-inexperienced-junior-doctor-let-him-discharge-himself-from-hospital.html>

Failure of Mental Health Trust to provide adequate Care to man sectioned under s3 MHA leading to death by hanging.

<http://www.bbc.co.uk/news/uk-england-essex-31067350>

Failure of Mental Health Trust to treat depression resulting in suicide [hanging].

<http://www.bbc.co.uk/news/uk-england-birmingham-21517763>

Criticism of NHS out-of hours service following death of boy.

<http://www.bbc.co.uk/news/uk-england-hampshire-13133652>

Accident of supermarket vehicle inspector who died of catastrophic brain injuries.

<http://www.watfordobserver.co.uk/news/8961264>. I wish he could have known my son better
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Mechanic died of catastrophic head injuries at work.

<http://www.leicestermercury.co.uk/Inadequate-training-blamed-work-death/story-18543192-detail/story.html#axzz2SuYkZITm>

Awards

Lincolns Inn Lord Denning Scholar [Bar Vocational Course]

Lincolns Inn Lord Wolfson Scholar [Pupillage]

Inner Temple Pegasus Scholar [New Zealand]

Memberships

Personal Injury Bar Association

Professional Negligence Bar Association

APIL

Trustee, the 999 Club (Voluntary)

Qualifications

BSc (Hons) Pharmacology 2(i)

Dip Law (Commendation)

Dip International Relations [New York University]

Programme on Negotiation, [Harvard Law School]

Publications

Published Articles

Cardiotocography: An introduction

<https://www.no5.com/news-and-publications/publications/425-cardiotocography-an-introduction/>

Finding liability, P.I.L.J. 2018, 164(Apr), 5-7

<http://www.no5.com/news-and-publications/publications/408-finding-liability-mamta-gupta-reports-on-complications-caused-by-vaginal-mesh-treatment-and-highlights-two-litigation-pathways/>

Gupta, M. (2016) An ever-changing landscape. Personal Injury Law Journal P.I.L.J. (2016/17) No.151 (Dec/Jan), pp8-10

<https://www.no5.com/news-and-publications/publications/383-shoulder-dystocia-an-ever-changing-landscape/>

Languages

Proficient Hindi and French, [Diploma, Universite Stendhal, Grenoble and Diplomatic French Diploma, FCO]. Basic Japanese.