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James Yapp

Year of Call: 2014

Practice Areas

- Civil Fraud
- Costs
- Credit Hire
- Employment
- Health & Safety
- Inquests
- Inquiries
- Personal Injury
- Public Law

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Experience

James has a busy court and advisory practice across Chambers' core areas. He has appeared in the County Court and High Court on a range of matters. He is regularly instructed in Fast Track and Multi Track trials, applications and CCMCs.

Personal Injury

James has a busy personal injury practice and acts on behalf of claimants and defendants. He has a broad experience of personal injury litigation including employers' liability, occupiers' liability and Highways Act claims.

Many of his cases involve acting for insurers in suspected fraudulent or exaggerated claims. He is experienced in advising on such claims from an early stage through to trial.

Insurance

James has experience of dealing with coverage and indemnity disputes arising from various policies of insurance. He has particular expertise in the motor insurance field.

Recent cases have included disputes over the interpretation of exclusion clauses and subrogated recovery claims.

Costs

James has a growing costs practice. He is familiar with the various costs issues arising from his other areas of specialism.

He also has experience of solicitor/ client disputes.

Health and Safety

James has experience of a range of health and safety issues, including those arising in the context of construction accidents, workplace accidents and product liability.

Credit Hire

James has significant experience of acting for both claimants and defendants. He is familiar with the various issues which frequently arise.

Education

Jesus College, University of Oxford: BA Jurisprudence
City Law School: BPTC

Memberships

- Personal Injuries Bar Association
- Health and Safety Lawyers' Association

Publications

TGC FRAUD UPDATE - ISSUE XIII March 2022

18/03/2022

Authors: James Henry Tim Sharpe James Yapp Anthony Johnson Robert Riddell Anisa Kassamali Edward Hutchin David R. White
Please see link below to the latest TGC Fraud newsletter.

You can view the publication on our website <http://tgchambers.com>

TGC Clinical Negligence Newsletter - Second Issue

16/11/2021

Authors: Lionel Stride Marcus Grant Ellen Robertson James Arney QC James Laughland Robert Riddell Nicholas Dobbs Rochelle Powell Anthony Johnson James Yapp

Please see link below to the latest edition of the TGC Clinical Negligence Newsletter.

You can view the publication on our website <http://tgchambers.com>

TGC Clinical Negligence newsletter

22/03/2021

Authors: Simon Browne QC James Arney QC James Laughland Lionel Stride Anthony Johnson Helen Nugent Richard Boyle James Yapp Olivia Rosenstrom

Welcome to the inaugural edition of the TGC Clinical Negligence newsletter, a twice-yearly publication containing articles on recent key legal developments in this field, as well as a selection of recent noteworthy cases in which Members of Chambers have been involved.

You can view the publication at https://tgchambers.com/wp-content/uploads/2021/03/TGC067_Clin_Neg_Newsletter-Final.pdf

TGC Costs Update - Vol 7 December 2020

17/12/2020

Authors: Matthew Waszak Richard Boyle Simon Browne QC Richard Wilkinson James Laughland Sian Reeves Anthony Johnson Lionel Stride Robert Riddell Ellen Robertson James Yapp Paul Erdunast

Please see link below to the latest TGC Costs newsletter.

You can view the publication at https://tgchambers.com/wp-content/uploads/2020/12/TGC064_Costs_Newsletter_Vol_VII_v2.pdf

TGC Fraud Newsletter Issue XI

11/08/2020

Authors: James Henry Tim Sharpe Scarlett Milligan Anthony Johnson Harriet Wakeman Ellen Robertson Olivia Rosenstrom James Yapp

Please see link below to the latest TGC Fraud newsletter.

You can view the publication at https://tgchambers.com/wp-content/uploads/2020/08/TGC062_Newsletter_Fraud_issue_11_v2.pdf

TGC Costs Newsletter Vol VI

15/07/2020

Authors: Simon Browne QC James Laughland Mark James Richard Wilkinson Anthony Johnson Sian Reeves Richard Boyle Matthew Waszak Ellen Robertson James Yapp Robert Riddell Harriet Wakeman Olivia Rosenstrom

Please see link below to the latest update from the TGC Costs Team.

You can view the publication at http://tgchambers.com/wp-content/uploads/2020/07/TGC061_Costs_Newsletter_Vol_VI_v3.pdf

TGC Podcast Covid - 19: RIDDOR Reporting and Causation in a Criminal and Civil Context

10/07/2020

Authors: Keith Morton QC Dominic Adamson QC Lionel Stride David R. White James Yapp

Members of the Health & Safety and PI teams at Temple Garden Chambers have recorded their second podcast in our Covid - 19 series. The podcast is essential listening on the implications for employers and employees in relation to the return to the workplace in the shadow of Covid 19. Please join ranked leaders in the field Keith Morton QC and Dominic Adamson QC along with Lionel Stride, David R White and James Yapp via the below link. The date of knowledge information as mentioned within the podcast can be obtained [here](#).

You can view the publication at <https://anchor.fm/tgc3>

TGC Podcast: Avoiding Criminal Enforcement Action & Civil Claims in the Shadow of Covid-19

26/05/2020

Authors: Keith Morton QC Dominic Adamson QC Lionel Stride David R. White James Yapp

Members of the Health & Safety team at Temple Garden Chambers intend to inform and assist in a topical podcast on the implications to employers on workers returning to the workplace in the shadow of Covid 19. Please join ranked leaders in the field Keith Morton QC, Dominic Adamson QC along with Lionel Stride, David White and James Yapp via the link below. More information on the speakers and the areas in which TGC can assist can be found at: www.tgchambers.com Or by contacting the clerks: 0207 583 1315 or clerks@tgchambers.com

You can view the publication at

<https://anchor.fm/tgc3/episodes/AVOIDING-CRIMINAL-ENFORCEMENT-ACTION--CIVIL-CLAIMS-IN-THE-SHADOW-OF-COVID-19-eeggih>

TGC Costs Newsletter Vol V

10/12/2019

Authors: Simon Browne QC James Laughland Lionel Stride Anthony Johnson Richard Boyle Matthew Waszak Ellen Robertson Elizabeth Gallagher James Yapp Harriet Wakeman

Please see link below to the latest update from the TGC Costs Team.

You can view the publication on our website <http://tgchambers.com>

TGC Costs Newsletter Vol IV

04/06/2019

Authors: Richard Wilkinson Lionel Stride Anthony Johnson Richard Boyle Matthew Waszak Ellen Robertson James Yapp Juliet Wells Harriet Wakeman Olivia Rosenstrom

Please see link below to the latest update from the TGC Costs Team.

You can view the publication on our website <http://tgchambers.com>

TGC Costs Newsletter Vol III

10/12/2018

Authors: Simon Browne QC Mark James Richard Wilkinson Paul McGrath Richard Boyle Lionel Stride Ellen Robertson James Yapp Robert Riddell Matthew Waszak

Please see link below to the latest update from the TGC Costs Team.

You can view the publication on our website <http://tgchambers.com>

TGC Fraud Newsletter Issue VIII - July 2018

02/07/2018

Authors: James Henry Ellen Robertson Paul McGrath James Yapp Matthew Waszak Elizabeth Gallagher Tim Sharpe Edward Hutchin William Irwin Helen Nugent

Please see link below for Issue VIII of TGC Fraud Update, a publication we have set up with the stated aim of facilitating the sharing of information about decided claims involving issues of road traffic fraud and related matters.

You can view the publication at http://tgchambers.com/wp-content/uploads/2018/06/TGC041_Newsletter_Fraud_issue8_v1.pdf

News

TGC Clinical Negligence Newsletter - Issue 3, May 2022.

03/05/2022

Barristers involved: Lionel Stride Dominic Adamson QC James Arney QC James Laughland Marcus Grant Emma-Jane Hobbs Anthony Johnson Richard Boyle James Yapp Rochelle Powell

The last six months have seen a steady stream of important decisions with direct or indirect implications for medical negligence practitioners. There has been some disappointment at the initial outcome in the conjoined appeals in Paul & Ors (see below), where the Court of Appeal held that it was bound by earlier precedent in setting an arbitrary limit of 'proximity' in secondary victim claims; but the excitement of anticipation that the matter will now be reconsidered by the Supreme Court, who have effectively been invited (by the presiding judges) to re-clarify the law in this area. This is a long-awaited development that will have wide-ranging implications in clinical negligence cases, particularly where there has been negligent misdiagnosis, because there is inevitably significant delay between the act of negligence and any resulting traumatic event that might be witnessed by a close relative and trigger psychiatric injury.

More widely, practitioners will be aware of the Ockenden Report and the consultation on extending the Fixed Costs Regime to clinical negligence cases valued up to at least £25,000, as well as preliminary moves towards stricter enforcement of ADR. This edition therefore includes an opinion piece from Peter Freeman, an expert on Early Neutral Evaluation (ENE), who strongly advocates for this type of ADR but on a voluntary rather than compulsory basis. It is notable that ENE can now be ordered by the Court under CPR 3.1(2)(m) and it can be anticipated that, where parties refuse to engage in other forms of ADR, such an order will increasingly be sought. This is likely to result in more streamlined and effective justice than further extension of the fixed costs regime that would inevitably limit access to justice in complex but important cases of limited financial value; classic examples would be those involving the deaths of minors. ENE would also be a far better and fairer solution to reducing litigation costs than the new drive to introduce some form of 'no fault scheme' (as now advocated by the House of Commons' Health and Social Care Committee). There is no doubt that battles lie ahead on this issue.

These are just some of the matters that are considered in this edition. To help you navigate the contents with greater ease, here is a more detailed overview of what you can expect: -

Breach of Duty & Causation

- To kick us off, I will be discussing the Court of Appeal's determination of the combined appeals in Paul v The Royal Wolverhampton NHS Trust, Polmear v Royal Cornwall Hospital NHS Trust and Purchase v Ahmed [2022] EWCA Civ 12, which grapple with the thorny issue of secondary victim claims for psychiatric harm (specifically the requirement of 'proximity').

- Dominic Adamson Q.C. and Rochelle Powell dissect the tragic case of Traylor & Anor v Kent and Medway NHS Social Care Partnership Trust [2022] EWHC 260 (QB) which concerned the overlap of civil litigation and convention rights (as well as the defence of illegality).

- Emma-Jane Hobbs analyses Toombes v Mitchell [2021] EWHC 3234 (QB) which touches on the vexed principle of 'wrongful birth'

in the context of pre-conception advice.

• [James Arney Q.C.](#) analyses *Thorley v Sandwell & Est Birmingham NHS Trust* [2021] EWHC 2604 in which the High Court invited an “authoritative review” of the principles governing ‘material contribution’ as it relates to causation in clinical negligence cases.

Evidence

- [Anthony Johnson](#) breaks the duck of the Newsletter’s new section specifically on evidentiary issues with analysis of *Watson v Lancashire Teaching Hospitals NHS Foundation Trust* [2022] EWHC 148 (QB).
- [James Laughland](#) considers *Dalchow v St George’s University NHS Foundation Trust* [2022] EWHC 100 (QB), which underscores the importance of proving factual causation as an element of establishing liability in medical cases.
- [James Yapp](#), analyses *HTR v Nottingham University Hospitals NHS Trust* [2021] EWHC 3228 (QB) in which the trial judge had to assess the accuracy of a witness’ recollection and the utility of (neutral) entries in medical records.
- [Marcus Grant](#) considers *Radia v. Marks* [2022] EWHC 145 (QB), a professional liability case pertaining to the scope of liability for expert witnesses.

Procedure

- Turning to procedural issues, Philip Matthews highlights the updated clinical negligence standard directions. • Richard Boyle explores the interplay between capacity and limitation via the case of *Aderounmu v Colvin* [2021] EWHC 2293 (QB).
- As to costs issues specifically, [Anthony Johnson](#) analyses *Gibbs v King’s College NHS Foundation Trust* [2021] EWHC B24 (Costs), which related to remission of court fees and failure to mitigate.
- Philip Matthews summarises the Practice Note by the Senior Costs judge which sets out some helpful practical guidance on the approval of costs settlements, assessments under CPR 46.4(2) and deductions from damages, as it relates to children and protected parties.
- Finally in this section, I consider *Ho v Adekun* [2021] UKSC 43 in which the central question before the Supreme Court was: in claims to which Qualified One Way Cost Shifting (‘QOCS’) applies, is it permissible to order set-off of a defendant’s costs against a claimant’s? Alternative Dispute Resolution
- [Peter Freeman](#) makes a guest appearance to consider recent developments away from the Courtroom, which will affect the way claims are resolved in future. In particular, he considers the Ockenden Report and the Fixed Costs Regime for Clinical Negligence, as well as arguing for a greater emphasis on voluntary Early Neutral Evaluation.

Rehabilitation

- To conclude, Philip Matthews and I set out the new NICE guidelines on ‘Rehabilitation After Traumatic Injury’, which provide a set of useful recommendations for best practice.

We very much hope you enjoy this publication, and welcome any feedback.

[Lionel Stride](#)

Editor

You can view the publication on our website <http://tgchambers.com>

TGC FRAUD UPDATE - ISSUE XIII March 2022

18/03/2022

Barristers involved: James Henry Tim Sharpe James Yapp Robert Riddell Anisa Kassamali Anthony Johnson Edward Hutchin David R. White

In this issue:

- James Yapp looks at the Supreme Court decision in *Ho v Adekun* [2021] UKSC 43, with notes of caution in relation to offers of settlement and enforcement of costs in QOCS cases.
- Tim Sharpe analyses two recent High Court decisions on the application of s.57, and considers the tricky issue of claimants hiding behind mistakes or decisions of their representatives.
- Robert Riddell considers the decision of the Court of Appeal in *Griffiths v TUI* [201] EWCA Civ 1442 concerning the judicial evaluation of ‘uncontroverted’ expert evidence.
- Anisa Kassamali examines the distinction between dishonest exaggeration and fundamental dishonesty in the context of *Elgamal v Westminster City Council* [2021] EWHC 5210 (QB).
- I take a look at the principles guiding the amendment of pleadings to advance a positive case of dishonesty, and whether there is a need to do so in light of *Howlett* and the recent decisions in *Covey v Harris* [2021] EWHC 2211 (QB), *Mustard v Flower* [2021] EWHC 846 (QB) and *Cojanu v Essex Partnership University NHS Trust* [2022] EWHC 197 (QB).

As always, these articles are accompanied by summaries and interesting practice points taken from a host of recent decisions in

the types of cases that we all deal with on a daily basis.

Please do contact a member of the TGC fraud team if you have any queries about any of the items dealt with in this issue, or indeed about any other issues relating to insurance fraud and related matters.

I hope that the contents of this newsletter are both interesting and useful; as ever I would welcome any feedback from our readers.

You can view the publication on our website <http://tgchambers.com>

TGC Clinical Negligence Newsletter – Second Issue, November 2021

16/11/2021

Barristers involved: Lionel Stride Marcus Grant Ellen Robertson James Arney QC James Laughland Robert Riddell Nicholas Dobbs Rochelle Powell Anthony Johnson James Yapp

To help you navigate this edition, here is an overview of what you can expect: –

Procedure, Limitation & Expert Evidence

- To kick us off on recent procedural developments, Marcus Grant considers *Calderdale & Huddersfield NHS Foundation Trust v Metcalf* [2021] EWHC 611 QB in which the Court handed down a six-month prison sentence against a claimant as punishment for contempt of court for signing statements of truth on court documents containing facts that she knew to be untrue.
- Ellen Robertson looks at *Wilkins v University Hospital North Midlands NHS Trust* [2021] EWHC 2164 (QB), which considers the old chestnuts of ‘date of knowledge’ for the purposes of limitation and the ‘balancing exercise’ undertaken by the Court when considering whether to utilise its discretion under section 33 of the Limitation Act 1980
- James Arney Q.C. considers *PAL v Davidson* [2021] EWHC 1108 (QB), an application by a 13-year-old claimant who had suffered catastrophic injuries for an interim payment of £2 million to enable a suitable property to be purchased for her long-term accommodation needs.

Fourthly – and this is itself a new development for the TGC Clinical Negligence Newsletter – we will take you through a quick-fire review of four key cases in the field.

Breach of Duty & Causation

- Turning to questions of liability, James Laughland first considers the Supreme Court’s much awaited judgment in *Khan v Meadows* [2021] UKSC 21, in which the centrality of the ‘scope of duty’ principle was affirmed as a determinative factor in medical advice cases.
- I (Lionel Stride) then examine the battery of post-Montgomery case law concerning patients’ informed consent to treatment.
- Following on from the above, Robert Riddell analyses *Negus (1) Bambridge (2) v Guy’s & St Thomas’ NHS Foundation Trust* [2021] EWHC 643 (QB), which concerns the extent to which a doctor is under a duty to warn a patient before surgery of the material risk which may arise from intra-operative technical decisions.
- Nicholas Dobbs examines *Sheard v Cao Tri Do* [2021] EWHC 2166 (QB), which provides an instructive example of the difficulties in clinical negligence claims when resolving conflicts between witness evidence and contemporaneous medical notes.
- James Laughland analyses *Davies v Frimley Health NHS Foundation Trust* [2021] EWHC 169 (QB) in which the Court considered whether the making of a material contribution to harm was sufficient to establish liability in a clinical negligence claim.
- Rochelle Powell considers *Jarman v Brighton and Sussex University Hospitals NHS Trust* [2021] EWHC 323(QB), which provides an interesting exposition of the Bolam test in the context of an alleged failure to refer the claimant for an emergency MRI.
- Anthony Johnson considers *Brint v. Barking, Havering and Redbridge University Hospitals NHS Trust* [2021] EWHC 290 in which the Judge’s consideration of the claimant’s lack of credibility as a witness did not equate to a finding of fundamental dishonesty for the purposes of CPR 44.16.
- James Arney Q.C. analyses *XM v Leicestershire Partnership NHS Trust* [2020] EWHC 3102 (QB) in which the Court considered the standard of care to be expected from ‘health visitors’; the judgment is a practical application of the principles established in *Wilsher and Darnley*.
- I (Lionel Stride) then set out a quick-fire summary of some of the other interesting recent clinical negligence cases that did not (quite) make the cut for articles.

Calculation of Damages

- Turning to questions of quantum, Anthon Johnson analyses *Reaney v. University Hospital of North Staffordshire NHS Trust* [2015] EWCA Civ 1119, which is significant for two reasons: (i) the Court provided guidance on the applicability of the test of causation in a case where a non-negligent injury had been exacerbated by the Defendant’s clinical negligence; and (ii) the Master of the Rolls commented obiter on the applicability of the ‘material contribution’ test in claims of that nature.
- Blowing the final whistle on this edition, James Yapp then considers *Owen v Swansea City AFC* [2021] EWHC 1539 (QB), in which the Court addressed the question of how to calculate the likely career earnings of a young professional footballer.

We very much hope you enjoy this publication, and welcome any feedback.

You can view the publication on our website <http://tgchambers.com>

TGC Clinical Negligence Newsletter

22/03/2021

Barristers involved: Simon Browne QC James Arney QC James Laughland Lionel Stride Anthony Johnson Helen Nugent Richard Boyle James Yapp Olivia Rosenstrom

This will be a twice-yearly publication containing articles on recent key legal developments in this field, as well as a selection of recent noteworthy cases in which Members of Chambers have been involved.

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TGC Costs Update - Vol 7 December 2020

15/12/2020

Barristers involved: Matthew Waszak Richard Boyle Simon Browne QC Richard Wilkinson James Laughland Sian Reeves Anthony Johnson Lionel Stride Robert Riddell Ellen Robertson Paul Erdunast James Yapp

We hope you find this an interesting and helpful read.

If you would like to be added to the mailing list please email events@tgchambers.com

You can view the publication on our website <http://tgchambers.com>

TGC Fraud Newsletter

11/08/2020

Barristers involved: James Henry Tim Sharpe Scarlett Milligan Anthony Johnson Harriet Wakeman Ellen Robertson Olivia Rosenstrom James Yapp

Please see link below to Issue XI of the TGC Fraud newsletter.

You can view the publication at https://tgchambers.com/wp-content/uploads/2020/08/TGC062_Newsletter_Fraud_issue_11_v2.pdf

TGC Costs Newsletter

15/07/2020

Barristers involved: Simon Browne QC James Laughland Mark James Richard Wilkinson Anthony Johnson Sian Reeves Richard Boyle Matthew Waszak Ellen Robertson James Yapp Robert Riddell Harriet Wakeman Olivia Rosenstrom

Please see link below to the 6th edition of the the TGC Costs Newsletter.

You can view the publication at http://tgchambers.com/wp-content/uploads/2020/07/TGC061_Costs_Newsletter_Vol_VI_v3.pdf

TGC Podcast Covid - 19: RIDDOR Reporting and Causation in a Criminal and Civil Context

10/07/2020

Barristers involved: Keith Morton QC Dominic Adamson QC Lionel Stride David R. White James Yapp

The podcast is essential listening on the implications for employers and employees in relation to the return to the workplace in the shadow of Covid 19.

Please join ranked leaders in the field Keith Morton QC and Dominic Adamson QC along with Lionel Stride, David R White and James Yapp via the below link.

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You can view the publication at <https://anchor.fm/tgc3>

TGC Podcast: Avoiding Criminal Enforcement Action & Civil Claims in the Shadow of Covid-19

26/05/2020

Barristers involved: Keith Morton QC Dominic Adamson QC Lionel Stride David R. White James Yapp

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More information on the speakers and the areas in which TGC can assist can be found at:

www.tgchambers.com

Or by contacting the clerks:

0207 583 1315 or clerks@tgchambers.com

You can view the publication at

<https://anchor.fm/tgc3/episodes/AVOIDING-CRIMINAL-ENFORCEMENT-ACTION--CIVIL-CLAIMS-IN-THE-SHADOW-OF-COVID-19-eeggih>

TGC Costs Newsletter

10/12/2019

Barristers involved: Simon Browne QC James Laughland Lionel Stride Anthony Johnson Richard Boyle Matthew Waszak Ellen Robertson Elizabeth Gallagher James Yapp Harriet Wakeman

Please see link below to the 5th edition of the the TGC Costs Newsletter.

You can view the publication on our website <http://tgchambers.com>

TGC Costs Newsletter

04/06/2019

Barristers involved: Richard Wilkinson Lionel Stride Anthony Johnson Matthew Waszak Ellen Robertson James Yapp Richard Boyle Juliet Wells Harriet Wakeman Olivia Rosenstrom

Please see link below for the 4th edition of the the TGC Costs Newsletter.

You can view the publication on our website <http://tgchambers.com>

TGC Costs Newsletter

10/12/2018

Barristers involved: Simon Browne QC Mark James Richard Wilkinson Paul McGrath Richard Boyle Lionel Stride Ellen Robertson James Yapp Robert Riddell Matthew Waszak

Please see link below to the latest update from the TGC Costs Team.

You can view the publication on our website <http://tgchambers.com>

TGC Fraud Update Issue VIII - July 2018

02/07/2018

Barristers involved: James Henry Ellen Robertson Paul McGrath James Yapp Matthew Waszak Elizabeth Gallagher Tim Sharpe Edward Hutchin Alex Glassbrook William Irwin Helen Nugent

Please see link below for Issue VIII of the TGC Fraud newsletter.

You can view the publication at http://tgchambers.com/wp-content/uploads/2018/06/TGC041_Newsletter_Fraud_issue8_v1.pdf

TGC welcomes new junior tenants

03/10/2016

Barristers involved: James Yapp Robert Riddell

Temple Garden Chambers are delighted to announce that James Yapp and Robert Riddell have accepted invitations to join chambers after successfully completing pupillage.
