



Benjamin Casey

Year of Call: 2000

Practice Areas

- Clinical Negligence
- Costs
- Credit Hire
- Inquests
- Insurance
- Personal Injury
- Professional Liability

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Awards



Experience

Ben has a busy common law practice representing both claimants and defendants. He has particular expertise in the field of high value personal injury including fatal accident and catastrophic injury claims. Ben is regularly instructed in Coroner's Inquests and costs litigation and he has experience of CICA appeals. His practice also covers clinical and professional negligence and general insurance work.

Ben's personal injury work includes road traffic, employer's liability, public liability and industrial disease cases. He has considerable experience in claims involving difficult issues of chronic pain, non-organic pain and allegations of exaggeration.

In addition to general insurance work Ben is regularly instructed by major insurers to act in cases concerning suspected motor insurance fraud. Such claims often involve allegations of staged, contrived or slam on accidents, low velocity impacts and phantom passengers.

Ben has wide ranging experience in Coroner's Inquests. He has a particular expertise in inquests arising out of deaths in private prisons and detention centres. He regularly acts in inquests arising out of other circumstances including road traffic and workplace accidents.

Ben regularly appears in the SCCO and has considerable experience of a variety of costs related disputes including high

value detailed assessments.

His practice also includes clinical and professional negligence work.

Directories

Ben is recommended in the Legal 500 2016 as a leading Junior Personal Injury Barrister where he is described as being 'approachable and a good communicator'.

Previous editions described him as 'a rising star at the PI Bar with excellent judgement' and praised his 'great attention to detail.'

Education

University of York, BA Politics, Philosophy and Economics
City University, CPE
ICSL, BVC

Memberships

PIBA

Cases

M v V (2020)

20/05/2020

Barristers involved: Benjamin Casey

Acted for the claimant in a claim following an accident at work which led to a below knee amputation. Both liability and contributory negligence were in issue and there were significant disputes on future loss of earnings, prosthetics, care and on the cost of appropriate accommodation. The full liability value of the settlement was in the region of £1.6m.

A v A (2020)

20/05/2020

Barristers involved: Benjamin Casey

Instructed on behalf of young claimant who had sustained a severe leg injury following a motorcycle accident. The Claimant had limited educational achievements and a sporadic work pre-accident work history. A key issue involved how to approach his future loss of earnings against that background. Further issues between the parties concerned the appropriate type and amount of therapeutic and surgical interventions, aids and equipment and care and assistance in the future. The claim settled for just under £800,000 at a Joint Settlement Meeting against leading counsel.

B v E (2020)

29.01.2020

Barristers involved: Simon Browne QC Benjamin Casey

Led by Simon Browne QC on behalf of a Claimant who recovered a lump sum of £11m after being rendered tetraplegic in a road

traffic accident. Simon Browne QC and Ben Casey were instructed by Joseph Dodman of Slater and Gordon.

The Claimant requires lifelong round-the-clock care as a result of the injuries. The case involved complex issues on care, accommodation and life expectancy and required consideration of loss of earnings arising from the Claimant's business.

Re: G (2019)

20/05/2020

Barristers involved: Benjamin Casey

Instructed on behalf of the family of the driver of a Minibus which had slowed to an abrupt halt on the M4 and which was then struck from behind by an HGV resulting in the deaths of three persons and serious injuries to others. The Senior Coroner for Berkshire concluded that driver error was unlikely and made a report for the Prevention of Further Deaths to Highways England owing to the fact that access to the hard shoulder was prevented by the presence of a solid barrier.

P v C (2019)

20/05/2020

Barristers involved: Benjamin Casey

Instructed on behalf of the Claimant in a claim arising out of a road traffic accident when a drink driver lost control of her vehicle and struck the Claimant, crushing her against her front door. The Claimant sustained severe pelvic and spinal injuries in the accident. The claim settled for just over £1.28m.

B v A

20/11/2017

Barristers involved: Benjamin Casey

Acted for the Claimant in this below knee amputation case. The Claimant had suffered a serious injury to his ankle whilst riding his motorcycle and ultimately underwent a below knee amputation followed by revision surgery thereafter. The case involved significant disputes on the multiplier, life expectancy and the extent of prosthetics provision. It settled for £1.35m on a full liability basis at a JSM.

N v CICA (2017)

19 October 2017

Barristers involved: Benjamin Casey

Acted for the Appellant in this CICA appeal. The Appellant suffered severe lifelong lower limb injuries after her ex-husband attached an explosive device to the underside of her car. She appealed the CICA award of £127,000 and was awarded the Scheme maximum of £500,000.

S -v- M (2017)

07/02/2017

Barristers involved: Benjamin Casey

Acted for a junior doctor in a claim arising out of a road traffic accident. The Claimant had suffered serious leg injuries and the claim concerned questions of prejudice to her career going forward. The claim settled for £585,000 at a JSM.

D -v- Gans & Co (2017)

07/02/2017

Barristers involved: Benjamin Casey
Currently being led by Jonathan Watt-Pringle QC in this claim against the Claimant's former solicitors for alleged under-settlement of the liability aspect of his former claim.

Erdogan -v- Sports Direct (2016)

07/02/2017

Barristers involved: Benjamin Casey
Acted for the Defendant in a chronic pain case where the Claimant alleged significant levels of disability since the accident. The Claimant accepted a 16 month old Part 36 offer following the service of surveillance evidence in late 2016.

G -v- Harmsworth Quays (2016)

07/02/2017

Barristers involved: Benjamin Casey
Instructed by the Defendant in a claim arising out of an accident in a printing press. The claim was pleaded at over £800,000 and involved issues of chronic pain and surveillance evidence. The claim eventually settled for less than a quarter of its pleaded value.

Re: Ying Tao (2016)

07/02/2017

Barristers involved: Benjamin Casey
Acted for the driver of an HGV in this high profile 3 day inquest arising from the tragic death of a cyclist at Bank Junction.

G -v- B (2015)

07/02/2017

Barristers involved: Benjamin Casey
Acted on behalf of rider of a motorcycle who suffered serious brachial plexus injuries following a collision with a car. Liability was denied and in the alternative there were allegations of significant contributory negligence on the basis of C's alleged speed. The claim settled for £400,000 net (£800,000 on a full liability basis) at a JSM against leading counsel.

T -v- Zurich (2015)

07/02/2017

Barristers involved: Benjamin Casey
Acted on behalf of the Claimant who suffered soft tissue injuries following a significant road traffic accident. Within a short period

of time thereafter she began developing widespread pains together with other symptoms that had a significant adverse affect on her life. She was subsequently diagnosed as suffering from fibromyalgia although that diagnosis remained in issue between the parties throughout the legal proceedings. The claim settled for £550,000 at a JSM.

Eurasian Natural Resources Corporation Plc v Dechert LP

[2014] EWHC 3389 (Ch.)

2015 Ongoing

Barristers involved: Simon Browne QC Benjamin Casey

Instructed by Dechert on a £15 million dispute and the determination of the appropriate forum for litigation in the High Court.

Re: T

April 2015

Barristers involved: Benjamin Casey

Instructed on behalf of the family of a cyclist who died in a collision with a car on London Bridge in 2014. Inquest considered available CCTV evidence and the visibility of speed limit signs throughout the City and on the approach to the accident scene.

XY v South Central Strategic Health Authority.

February 2015

Barristers involved: Benjamin Casey

Acted for receiving party in a 3 day detailed assessment arising out of a claim for cerebral palsy caused by a birth injury. Recovered a significantly enhanced hourly rate based on the complexity of the litigation. Costs assessed at around £500,000.

L -v- F

2014

Barristers involved: Simon Browne QC Benjamin Casey

Led by Simon Browne QC on behalf of a claimant who suffered serious leg injuries in a road traffic accident. The claimant was a diabetic and the injury led to a below knee amputation. The claim involved complex future loss claims and life expectancy issues. The claim settled at a JSM in 2013 for around £850,000 on a full liability basis.

D -v- S

2014

Barristers involved: Benjamin Casey

Led by Jonathan Watt-Pringle QC in a claim by a child who sustained life-threatening injuries having been struck and run over by a bus. Claim settled at a JSM in July 2014 for around £1.1m on a full liability basis.

Re: H

October 2013

Barristers involved: Benjamin Casey

Instructed on behalf of a company running a private prison in a 2 week jury inquest into a death in custody. The inquest concerned issues of internal secretion of drugs, smuggling of drugs into prison and prison prescribing protocols.

F -v- MIB

2012

Barristers involved: Benjamin Casey

Acted on behalf of the Claimant who had suffered complete blindness and extensive orthopaedic injuries in a claim being pursued under the Untraced Drivers Agreement. Claim settled for £1.2 million.

Re: Lewis

2009

Barristers involved: Benjamin Casey

Instructed on behalf of a teacher who had been assaulted by a pupil in a CICA appeal. Appellant was awarded £280,000.

Thames Trains v Railtrack (1) HSE (2)

2005

Barristers involved: Benjamin Casey David Barr QC

Instructed on behalf of the HSE in litigation arising out of the Ladbroke Grove train crash. The claim by Thames Trains for a contribution from the HSE was ultimately discontinued.

Publications

Prosecuting and Defending Health and Safety Cases

30/04/2007

Authors: Dominic Adamson QC Benjamin Casey Fiona Canby Tim Sharpe Tim Kevan

Co-author of book written with the intention of highlighting the various areas of law associated with prosecuting and defending health and safety cases

News

Ben Casey achieves net settlement in region of £1.1m on behalf of a claimant who had sustained an accident leading to a below knee amputation

20/05/2020

Barristers involved: Benjamin Casey

Both liability and contributory negligence were in issue and there were significant disputes on future loss of earnings, prosthetics, care and on the cost of appropriate accommodation. The full liability value of the settlement was in the region of £1.6m.

Claimant with severe leg injury obtains settlement of just under £800,000

11/02/2020

Barristers involved: Benjamin Casey

The Claimant had limited educational achievements and a sporadic work pre-accident work history. A key issue involved how to approach his future loss of earnings against that background. Further issues between the parties concerned the appropriate type and amount of therapeutic and surgical interventions, aids and equipment and care and assistance in the future. There was also a significant dispute over the most appropriate type of accommodation together with what that might cost.

The settlement of £750,000 was net of a £42,500 interim payment and a small CRU certificate. The case settled through negotiation at a Joint Settlement Meeting.

Simon Browne QC and Ben Casey secure £11m settlement for tetraplegic road traffic accident victim

31/01/2020

Barristers involved: Simon Browne QC Benjamin Casey

The Claimant requires lifelong round-the-clock care as a result of the injuries. The case involved complex issues on care, accommodation and life expectancy and required consideration of loss of earnings arising from the Claimant's business.

M4 fatal school bus crash

11/10/2019

Barristers involved: Benjamin Casey

The deaths arose out of an accident on the M4 involving a lorry and a school minibus.

The Senior Coroner for Berkshire, Ms Heidi Connor, found that it was unlikely that the minibus slowed to an abrupt halt on the motorway as a result of driver error on the part of Mrs Gardiner. Having heard all of the evidence she found that an unidentified fault in the minibus was the more likely explanation.

Ms Connor also expressed concern about the fact that a solid metal barrier prevented any vehicles utilising the hard shoulder at the accident location. She indicated her intention to make a report for the Prevention of Further Deaths to Highways England concerning the operation of temporary works orders and the length of time over which such works were permitted to last.

For further details see news link below.

You can view the publication at <https://www.bbc.co.uk/news/uk-england-berkshire-50004994>

Below Knee Amputation case settles for £1.35m on a full liability basis at JSM

20/11/2017

Barristers involved: Benjamin Casey

He had undergone many different surgical interventions in the years immediately after the accident. Unfortunately, all these surgeries were unsuccessful and he ultimately underwent a below knee amputation followed by revision surgery thereafter. The case involved significant disputes on the multiplier, life expectancy and the extent of prosthetics provision.

Ben Casey recovers scheme maximum in CICA Appeal

19/10/2017

Barristers involved: Benjamin Casey

The Appellant had suffered severe lifelong lower limb injuries after her ex-husband attached an explosive device to the underside of her car. She appealed the CICA award of £127,000 and was awarded the Scheme maximum of £500,000.

Fibromyalgia claim settles for £550,00 at Joint Settlement Meeting

04/12/2015

Barristers involved: Benjamin Casey

Ben Casey, instructed by Christine Tallon and Sarah Saldhana of Leigh Day, represented the Claimant who suffered soft tissue injuries following a significant road traffic accident. Within a short period of time thereafter she began developing widespread pains together with other symptoms that had a significantly adverse affect on her life. She was subsequently diagnosed as suffering from fibromyalgia although that diagnosis remained in issue between the parties throughout the legal proceedings. The Claimant's employment was terminated as a result of her symptoms. The principal areas of dispute centred on the correct diagnosis, the cause of the Claimant's symptoms, whether such symptoms would have arisen in any event and the Claimant's work capacity both in the absence of the accident and in the current circumstances.

Claim in respect of a serious brachial plexus injury settles for net sum of £400,000 at Joint Settlement Meeting

20/11/2015

Barristers involved: Benjamin Casey

Ben Casey, instructed by Joseph Dodman of Slater Gordon Solutions, represented the Claimant who suffered a serious brachial plexus injury in a road traffic accident leaving him with a flail arm. Liability remained in issue throughout and there were allegations of significant contributory negligence on the basis of the Claimant's alleged speed. The main issues between the parties were liability, levels of assistance required as a result of the injury and the Claimant's earnings capacity both in the absence of the accident and in his current condition. The claim settled at a Joint Settlement Meeting against leading counsel for a net sum of £400,000 (which represented a sum of £800,000 on a full liability basis).
