



James Arney

Year of Call: 1992

Practice Areas

- Costs
- Personal Injury

Public Access

Undertakes Public Access work

Email:

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Awards



Experience

Cited since 2009 in the Legal 500, previously as a “Leader of the Bar” in costs work in Chambers UK, and recently awarded “Personal Injury Junior of The Year” in Chambers and Partners 2019, James is invariably instructed in high-value litigation. James currently has an exclusively Personal Injury practice, split evenly between Claimant and Defendant instructions. Claim values are generally 7-figures, often appearing against silks. Defendant clients include Admiral Insurance (with claim values of up to £15m) and John Lewis: Claimant clients include Leigh Day, Irwin Mitchell, Admiral Law and Slater & Gordon. Written work includes schedules, counter schedules and skeletons. In addition to regular interlocutory appearances, James has also successfully conducted 7 substantial liability and/or quantum trials in the last 18 months.

Quantum analysis lies at the heart of James’ work for either side, combining forensic analysis of the evidence with sound tactical judgment. Repeat instructions are attributed to the ability to relate to and manage lay clients from all walks of life, as well as a ‘team approach’ to litigation. James’ Defendant work benefits from his ability to package detailed advice in a format which insurers appreciate. Results in negotiations are a product of thorough preparation, sound judgment and second-guessing opponents.

James is currently involved in the accommodation claims test case appeal in *Swift v Carpenter*, having successfully



conducted the quantum trial at first instance in 2018 resulting in an award of ~£4.1m for the amputation injury.

In 2019 he was also successful:

- In *Mohmed v Barnes*: defending a claim against a driver who ran over the claimant to escape attack; and
- In *Gale v Esure*: establishing that a claimant had sustained a traumatic brain injury.

Directories

Dual expert in personal injury and costs litigation with a hefty caseload relating to serious injuries, fatal accidents, and amputation cases. He acts for both claimants and defendants and has notable experience in RTA cases. The pragmatic advice that he is able to provide in relation to quantum is much appreciated by sources.

Strengths:

Awarded 'Personal Injury Junior of The Year'
Chambers & Partners 2019

"Brilliant in joint settlement meetings and very strong tactically." "A delightful opponent who is very good on costs."
Chambers & Partners (personal injury) 2018

"A formidable advocate, who combines tenacity with charm."
Legal 500 (personal injury) 2017

"...He has very impressive tactical nous and ability."
Band 2 Legal 500 (personal injury) 2015

Cited as 'Leader at the Bar' in the field of costs
Chambers & Partners 2011 and 2012

'...careful and convincing advocate'
Chambers and Partners (costs) 2012

'...a classic pair of safe hands'
Legal 500 (personal injury) 2011

'...a very good up-and-coming barrister in this field'
Legal 500 (costs) 2011

'...praised for his sensible and tactical advice and confident advocacy'
Legal 500 (costs) 2009

'...good in this area, and on costs'
Legal 500 (personal injury) 2009

Education

LLB (2:1) Bristol University

Memberships

Personal Injury Bar Association

Bar Golfing Society

Cases

Hicks v Personal Representatives of Ionel Rostas (Deceased) & Motor Insurance Bureau (2017)

QBD (Judge Reddihough) 17/03/2017 Lawtel 21/3/17

17.03.2017

Barristers involved: James Arney

Acting on behalf of the Defendant insurers, James Arney successfully argued that notwithstanding delays in disclosing other surveillance footage until 2 months before a trial window, it was in the interest of justice to allow the Defendant to rely on footage disclosed 8 months previously, suggesting that the Claimant was significantly more capable than he had reported. The trial window, scheduled for just 5 weeks after the application was heard, was vacated in order to do justice in the case, and avoid potential overcompensation. The penalty for late disclosure was that only the claimant could rely on the later footage, as well as in costs.

Gilbert v Jagodic

07.03.2017

Barristers involved: James Arney

Instructed by Irwin Mitchell, James Arney secured a £650,000 settlement on behalf of a 55 year-old care worker who sustained severe leg and ankle injuries in an RTA. The claim was originally pleaded at about £737,000, but increased to just over £900,000 following the discount rate change to -0.75%. Settlement negotiations proceeded expressly on the basis that the new discount rate be used without adjustment.

Knauer v The Ministry of Justice

13.12.2016

Barristers involved: James Arney

A costs dispute arose following the conclusion of Knauer v The Ministry of Justice, the long-awaited case which provided the Supreme Court with an opportunity to correct Cookson v Knowles as to multipliers in fatal accident claims. Contested costs matters included the appellant's entitlement to recover success fees at 100% notwithstanding the agreement between the parties that no trial costs would be recoverable, as well as a number of line by line issues. Instructed by Charles Lucas & Marshall, James Arney negotiated a satisfactory settlement on behalf of the appellant, consistent with the 100% uplift being recovered.

Rutter v Nichols

May 2015

Barristers involved: James Arney

£800,000 settlement for a claimant who sustained multiple injuries when she, her friend and her sister were run down by a

motorist.

James v Ireland **[2015] EWHC 1259 (QB)**

06.05.2015

Barristers involved: James Arney

Successful costs appeal, establishing that a trial had not “commenced” for the purpose of triggering a 100% fixed uplift, despite the parties, their witnesses and advocates attending for 1.5 days on the date fixed for trial. Successive adjournment applications were found to have been merely procedural, and did not constitute a trial.

Garner v Lee

November 2014

Barristers involved: James Arney

Defending a brain injury case pleaded at over £3m – settlement at just over £1.1m. This case also involved a contested cost budgeting dispute as to whether provision for representation by a silk ought to be made within the budget.

Dr. Deer v Oxford Uni & Anr

October 2014

Barristers involved: James Arney

Contested costs proceedings concerning misconduct allegations

Elmy v N. E. Demolition

June 2014

Barristers involved: James Arney

Defending catastrophic claim – settlement in the region of £3m including PPO

Purton v Aviva & Anr

June 2014

Barristers involved: James Arney

£750,000 settlement secured shortly before trial for an ankle injury sustained by a high level chef. He had returned to work since the accident, including a role in which he was earning more than he had pre-accident. The award reflected his damaged career prospects, supported by expert employment evidence and in accordance with Ogden 7 principles.

Dau Chi Chong v Funafloat Ltd t/a College Cruisers, British Waterways Board

[2013] EWCA Civ 212, 2013 WL 128677

31/01/2013

Barristers involved: James Arney

After successfully defeating a £5m personal injury claim whilst acting alongside Andrew Prynne QC on behalf of the British Waterways Board, James Arney appeared in the Court of Appeal on related costs matters. Reversing the trial judge’s exercise of

discretion, the Court of Appeal reinforced the general rule that costs should follow the event. Accordingly as between the defendants the defendant/Part 20 claimant must pay only the costs in the Part 20 claim, leaving both defendants to look directly to the (partly impecunious) claimant to meet the costs of the main action.

Raggett v The Society of Jesus Trust 1929 for Roman Catholic Purposes

[2012] EWHC 3132 (QB)

09/11/2012

Barristers involved: James Arney

14-day High Court trial on behalf of a former partner of a city solicitors firm who was sexually abused as a child at school. James' role focussed on presenting the £4.5m quantum claim in the event that the claimant had been able to establish a causative link between the abuse and his subsequent professional failings as an adult. Ultimately that claim failed for reasons of medical causation, thereby restricting the value of the claim to more modest proportions commensurate with the injury suffered and treatment thereof. This claim is of significance in emphasising the difficulty in establishing a causative link between childhood abuse and subsequent personality traits.

Dau Chi Chong v Funafloat Ltd t/a College Cruisers, British Waterways Board

Lawtel 26/4/12

26/04/2012

Barristers involved: James Arney Andrew Prynne QC

James Arney appeared in the Queen's Bench Division District Registry, Coventry, led by Andrew Prynne QC and successfully defeated a claim pleaded at over £5m for brain injuries sustained while on a canal boat holiday.

Publications

TGC Costs Newsletter

17/05/2018

Authors: James Laughland James Arney Paul McGrath Shaman Kapoor Lionel Stride Sian Reeves Richard Boyle Matthew Waszak Ellen Robertson

Please see link below to the latest TGC Costs Newsletter.

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

When has a trial commenced pursuant to CPR 45?

20/05/2015

Authors: James Arney

James Arney discusses the High Court judgment in James v Ireland which considers when a trial has commenced, so as to trigger an automatic entitlement to a 100% success fee.

You can view the publication at <http://blogs.lexisnexis.co.uk/dr/when-has-a-trial-commenced-pursuant-to-cpr-45/>

News

Success for James Arney at the Chambers UK Bar Awards 2019

01/11/2019

Barristers involved: James Arney



High Court RTA claim dismissed following head-on collision involving fatality and serious injuries to others

01/11/2019

Barristers involved: James Arney

The claim arose out of a road traffic accident between the Claimant (Mr Scott), driving an Audi A6 and the 1st Defendant (Mr Reed), driving a BMW 118d. Mr Scott claimed the collision was caused by Mr Reed losing control of the BMW; he sued for negligence.

Conditions were poor at the time of the accident, with prolonged heavy rain leading to the road surface being wet (giving rise to the claim against the 2nd Defendant, Wiltshire Council, for inadequate drainage systems in breach of s.41 Highways Act 1980).

The collision between the Claimant and 1st Defendant occurred on a bend in the road. The Claimant's Audi continued along the road and collided with a second vehicle heading in an easterly direction: a Ford Transit van. The Transit van was the next vehicle behind the 1st Defendant, the BMW having overtaken the van at speed shortly before the accident occurred. Tragically, one of van's passengers was killed, others were injured. The Claimant was prosecuted for the offence of causing death by careless driving; but was acquitted at the criminal trial.

The key issue between the Claimant and the 1st Defendant was: which driver lost control of their vehicle? The parties agreed that if the collision took place on the Claimant's side of the road then the 1st Defendant must have lost control and would be liable. Conversely, if it took place on the Defendant's side of the road then the Claimant must have lost control and his claim would fail. No issue of contributory fault arose: the claim was all or nothing.

The Claimant by reason of the traumatic brain injury he sustained in the accident, had no recollection of the accident and the events leading up to it.

The Court heard from accident reconstruction experts, as well as drivers of all 3 vehicles involved. Reconstruction issues considered:

- The degree of rotation imparted to the BMW and the Audi from their offset frontal impact;
- The positioning and nature of the disturbances to each verge;
- Markings to the road surface; and
- Sight lines to the point of impact from the van driver witness.

Mansfield J. held on the balance of probabilities and on the evidence presented to the Court, the point of impact was on the 1st Defendant's side of the road. Whilst the 1st Defendant had overtaken the Transit van at speed on a bend, fishtailing in the wet conditions, he returned to his lane prior to the impact with the Claimant. Given that finding, the Claimant must have crossed at speed from his own carriageway into the path of the 1st Defendant's BMW.

Mr Scott's claim against Mr Reed failed and was dismissed, with judgment to the 1st Defendant on his counterclaim.

The Claimant's claim against the Council also failed.

Chambers Bar Awards 2019

05/09/2019

Barristers involved: James Arney Fiona Canby

TGC are delighted to announce that they have been shortlisted for the following categories at this year's forthcoming Chambers Bar Awards:

Personal Injury:

Set of the Year

Junior of the Year - [James Arney](#)

Health and Safety:

Junior of the Year - [Fiona Canby](#)

Many congratulations to James and Fiona for all their hard work, and well done to all in the PI team who have all contributed to this nomination.

The award ceremony will take place on 31 October 2019.

Mild Traumatic Brain Injury Established. Dr Holden Criticised

25/04/2019

Barristers involved: James Arney

The Claimant claimed a total award of £594,498. The Defendant contended that an award of £136,815 was appropriate in its counter-schedule, however a higher figure of £206,640 was conceded in final submissions. Substantial issues remained in dispute, particularly future care and assistance including lifelong equine care.

On 8 May 2014, the Claimant was driving towards Sleaford behind a lorry at 50mph. The Defendant's insured was driving in the opposite direction when his vehicle came onto the wrong side of the road and collided with the lorry. In the process, the front offside wheel of the Defendant's insured car was ripped off. The vehicle pivoted and turned sharply across the rear of the lorry and directly into the path of the Claimant's vehicle. The Defendant's insured died in the collision.

The principal areas of dispute between the parties included: general damages, the claim for future medication and treatment, and most significantly the claim for future equine and domestic assistance.

Expert evidence was heard from each of the three separate disciplines as to whether the Claimant has suffered a traumatic brain injury:

Consultant neurologists (Dr Allder for the Claimant, Professor Wills for the Defendant);

Neuropsychologists (Dr Griffiths for the Claimant, Dr Vessey for the Defendant); and

Consultant psychiatrists (Dr Latif for the Claimant, Dr Holden for the Defendant).

HHJ Hedley held that whilst each of the other 5 experts who gave oral evidence were impressive and quick to acknowledge alternative points of view and make appropriate concessions to them, Dr Holden was at times particularly defensive. In his judgement, Dr Holden did not approach this case with an open mind. On the contrary he was quite prepared to make unconsidered assertions if they would support his view. HHJ Hedley preferred the Claimant's evidence of Dr Latif. Although the end of the litigation would undoubtedly be a relief to the Claimant, Dr Holden's assertion that it would have a significant impact on her symptomology was not accepted.

HHJ Hedley held that the Claimant did indeed suffer a mild traumatic brain injury (despite no recorded lowered GCS reading and no evidence of brain injury on imaging) on the basis that: the collision impact was at speed and was heavy; the Claimant does not have clear recollection of events and there was no recorded GCS score taken in the immediate aftermath of the accident. If, as Dr Holden suggested, the Claimant has substantially recovered from PTSD and her adjustment disorder, it would leave the continuing

cognitive symptoms largely unexplained. It was clear that despite a substantial treatment regime, which had produced psychological improvement, the Claimant's cognitive symptoms are largely continuing; pointing towards a brain injury. PSLA was awarded at £70,000, taking into account the Claimant's severe ankle injury and the mild traumatic brain injury. The figure included a modest amount to reflect the Claimant's continuing risk of epilepsy over the month following trial.

The judge held that the accident was the reason for the Claimant's redundancy.

Following the accident, the Claimant struggled with the daily care of her horses, as well as heavier domestic tasks. The Claimant required assistance that her adult children were no longer able to provide, and so her former husband moved back into the property to support her. In assessing damages for future care and assistance, HHJ Hedley considered that the Claimant has always had a passion for horses and stated in evidence that she could not manage without horses in her life. The reason why her former husband moved back in was to provide help and he would not have done so if the Claimant did not need help. Although, as the Defendant contended, the Claimant's involvement with horses is a lifestyle choice, it is a choice which she made before the accident when she was able to pursue it. But for the accident, she would not have needed family assistance. Hedley J. held that given that the object of compensatory damage is to put the Claimant into a position she would have been in but for the accident, she should be enabled to continue to pursue her major life hobby and interest. It would be unreasonable to expect the Claimant to give up her horses.

Judgement was awarded for the Claimant in the sum of £480,731.72, beating the Claimant's own Part 36 offer. The Defendant incurred Part 36 penalties in respect of damages, interest and costs.

The final amount awarded was £536,628.10.

£1.4M Independent Evaluation Settlement for Moderate-Severe Traumatic Brain Injury

15/04/2019

Barristers involved: James Arney

The Claimant suffered a traumatic brain injury in a road traffic accident at the age of 19. Liability had been apportioned 90/10 in the Claimant's favour.

The Claimant had a complex pre-accident history, most notably by reference to her autism, but also as to low mood, self-harming, dyslexia, social communication disorder, disorganisation, impulsiveness, obsessiveness and hallucinations. The combined effect of these issues was sufficient to impact on the Claimant's pre-accident development, most notably in respect of her education, but also in terms of early employment. The Claimant's school records revealed consistently poor organisation, lack of commitment, failure to meet deadlines and/or complete assignments and non-attendance.

Parties were at a disagreement on the ongoing need for support worker and case management input, and the extent to which the Claimant would have required these in any event. Similarly, the Claimant's long-term loss of earnings were disputed on the basis of her pre-accident difficulties.

After a failed JSM, with the parties' pleaded cases being over £5M apart, both sides agreed to engage in an Independent Evaluation undertaken by Andrew Lewis QC. After evaluation, parties reached settlement at £1,411,000 plus provisional damages on the risk of uncontrolled epilepsy.

Settlement was influenced by the Defendant's experts' acceptance that: -

- a) The Claimant would have been independent but for the accident notwithstanding pre-existing issues; and
- b) The principle that post accident, the Claimant needed long-term commercial third-party input.

Speeding vs Unsafe Turning: Which Is More Negligent? 50-50 apportionment says the High Court

25/03/2019

Barristers involved: James Arney

The Claimant had pushed in a line of parked cars, near a junction, opposite the corner of the school playground. As the Defendant approached from the opposite direction, the Claimant began, from a stationary position, a manoeuvre which involved crossing the Defendant's path. As she pulled across his path, the Defendant's car struck the passenger side of the Claimant's car, shunting it into the corner of the primary school walls. The Claimant suffered allegedly serious injuries, including it is said life-changing brain damage.

The Defendant's speed was acknowledged by the Defendant to attract liability, but it was argued that the main cause of the accident was the Claimant's unpredictable manoeuvre across the path of the oncoming traffic. The Claimant denied all culpability. The Court held that although the Defendant was travelling at excessive speed, the Claimant, who had a long, clear line of sight, could not have safely completed the manoeuvre she had started. She had driven unsafely and was a cause of the collision.

Collins Rice J. was clear that there must be a measure of responsibility on both drivers for this accident. Adopting the approach approved by the Supreme Court in *Jackson v Murray* [2015] UKSC 5, 'causative potency' and 'blameworthiness' of each driver's conduct must be considered in the just and equitable apportionment of liability. The exercise is highly fact sensitive and evaluative, but guided by principles in authorities.

Notwithstanding the location of the school and the time of day, it was held not to be unreasonable to travel at the 30mph limit rather than at a lower speed. There is no obvious reason to think that a competent and alert driver would not have been safe driving close to or at the speed limit.

Whilst the Defendant's driving was excessive, the nature of and level of the speeding made it misjudged rather than reckless and flagrant. The Claimant instead of waiting, pulled out, across the Defendant's right of way, in circumstances where he could not avoid hitting her. Each created a considerable hazard for the other. The Claimant's decision to begin turning when the Defendant was already visibly going too fast to accommodate her manoeuvre may have been the more proximate cause. The Defendant's conduct in driving above the speed limit may have been the more blameworthy. But in the end, it was the combination of the Defendant's unsafe speed and the Claimant's unsafe timing which set in motion an accident neither of them could then avoid.

The court held that a just and equitable apportionment of liability, in circumstances where each party had created a considerable hazard for the other, was 50% in respect of each party. Judgement reflected the Defendant's successful Part 36 offer of 50-50 liability.

The case also resolved an issue of fact on seatbelt usage.

Please see below for link to Judgment.

You can view the publication at <https://www.bailii.org/ew/cases/EWHC/QB/2019/644.html>

When It Is Reasonable To Run Someone Over...

28/01/2019

Barristers involved: James Arney

The Defendant was one of a group of young people who travelled to McDonald's in two cars. The Defendant, driving a Volkswagen Polo, was carrying two female passengers, while the other, a Ford Fiesta, contained two males and one female passenger. An altercation ensued inside the McDonald's between the Defendant's group and a large group of young Asian males. The Defendant's group returned to their respective vehicles, followed outside by a number of Asian males.

The Claimant and his friend (two older Asian males) were parked in the bay next to the Fiesta. One of the passengers in the Fiesta made a loud racially provocative comment upon returning to their vehicle, causing some of the group of Asian males to run towards the parked vehicles. The Claimant's friend reacted to the abuse by getting out of his car and remonstrating with the driver of the Fiesta, shouting and swearing at the driver to get out of his vehicle. One of the group managed to pull open the front passenger door of the Fiesta, while others kicked and hit the vehicle as it was reversing out of the parking bay before driving forwards and away from the scene.

The Claimant's friend then turned his attention to the Polo to remonstrate with the Defendant, shouting and swearing at him to get out of his vehicle and fight. Despite the Defendant trying to reason with him, the Claimant's friend got as far as opening the driver's door and grabbing the Defendant's arm in order to drag him out, while the group of Asian males surrounded the vehicle. The

Claimant had exited his vehicle to calm down his friend, and was by now positioned in front of the Defendant's car. Fearing for his safety and that of his female passengers, hoping and expecting that the Claimant would move out the way, the Defendant floored his accelerator to escape the attacking group.

Mr Justice Turner held the Claimant's friend to be an unreliable witness, who was argumentative under cross examination and prone to volatility when challenged.

The Claimant's Counsel attempted, after the conclusion of evidence, to render the evidence in the police records inadmissible, despite them forming part of the agreed Trial Bundle. The Claimant had overlooked *Charnock v Rowan* [2012] EWCA Civ 2 and PD 32, 27.2. The Court held that the evidence was admissible, their status as hearsay going to weight rather than admissibility.

Mr Justice Turner held that the Defendant was in genuine fear for his safety and that of his two female passengers. These were not circumstances in which the reasonable man could be expected to weight to a nicety the relative risks involved in choosing between the options open to him. The fact that he accelerated away at speed was reasonable and understandable in these particular circumstances. The Defendant acted in a way which did not fall below the standard of a reasonable driver placed in the threatening and rapidly developing situation in which he found himself.

Please click [here](#) to view Judgment.

£4.1 Million judgement for below-the-knee amputation Claimant

20/09/2018

Barristers involved: James Arney

Liability was admitted and the action for personal injury and consequential financial losses was a quantum issue only. William Audland QC, 12 King's Bench Walk, appeared on behalf of the Defendant.

The Claimant was awarded costs for 5 different prosthetics including: a primary microprocessor limb, an alternate everyday limb with cosmesis, a water activity limb, a running blade and ski limb.

The Claimant was also awarded sports massage therapy (claimed at £72,626) for life, in addition to physiotherapy and other treatments.

It was accepted that it was reasonable to award additional costs of flight upgrades for the Claimant and her family (based on one long haul and two short haul flights per year). The Claimant's submission was accepted that the Claimant would in her uninjured state have travelled with her husband and children and it is reasonable to permit her to do the same in her injured condition. Costs included the additional costs of the children's upgrade to their age of 18, including costs for a child not yet conceived (£243,877 awarded).

This case marked only the second reported occasion on which the Court has been asked to consider accommodation claims in the context of negative discount rates.

Both parties accepted that the Claimant would need to move home because of her injuries, but damages in respect of the additional capital cost of the purchase were disputed. Given the current negative discount rate to be applied for the purposes of calculating multipliers for future losses, the Claimant would, adopting the *Roberts v Johnstone* formulation, recover a nil award in respect of the £900,000 additional capital costs of special accommodation.

The Claimant presented several alternatives, included both lump sum and PPO-based options. Mrs Justice Lambert held that she was bound by *Roberts v Johnstone* and had no choice but to make a nil award.

Permission to appeal was granted on this specific issue (appeal papers have since been lodged).

You can view the publication at <http://www.bailii.org/ew/cases/EWHC/QB/2018/2060.html>

TGC Costs Newsletter

17/05/2018

Barristers involved: Shaman Kapoor Paul McGrath Richard Boyle James Arney James Laughland Sian Reeves Matthew Waszak Lionel Stride Ellen Robertson

Please see link below to the latest TGC Costs Newsletter.

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

Claimant admits fundamental dishonesty at the commencement of trial

07/02/2018

Barristers involved: James Arney

Miss Stephani had put forward a claim which was discovered to be dishonest in relation to causation, the extent of functional recovery and loss/expenses claimed. The claim was settled at trial by the Claimant making a £20,000 contribution to the Defendant's costs, and her accepting a finding of fundamental dishonesty for the purpose of rendering those costs enforceable pursuant to CPR 44.16(1).

James Arney, instructed by DWF, represented John Lewis Partnership PLC, against whom a claim for damages had been pursued by the Claimant, Miss Nicola Stephani.

Miss Stephani's claim was that she sustained an ankle injury due to a flooring defect in a John Lewis branch in May 2013, and had significant symptoms until at least April 2016, and on this basis she claimed significant damages.

The injury, she alleged, prevented her from pursuing a range of pre-accident activities such as running and exercise classes at the gym. She claimed she could run for no more than 30-60 seconds. Her ParkRun records, gym attendance records, and frequent and detailed commentary regarding her exercise endeavours on Facebook were found to be inconsistent with her claims. Miss Stephani was also dishonest in a number of less central aspects of her claim. Examples included producing a receipt for dog sitting expenses allegedly incurred on a date when surveillance footage showed her walking it.

Miss Stephani compounded her deceit when, on the same day as signing inaccurate Part 18 Replies, she attempted to cover up online records of her ParkRun activities.

Mr Arney produced an amended defence for John Lewis, pleading Fundamental Dishonesty and the disapplication of QOCS. Shortly after receipt of the amended defence, Miss Stephani's solicitors withdrew and she proceeded to represent herself.

Protracted negotiations followed as the trial date approached, culminating in a settlement which required Miss Stephani to pay a £20,000 contribution towards John Lewis' costs, and to accept her dishonesty so that these costs were enforceable for QOCS purposes.

Appearing before the trial judge, His Honour Judge Hughes QC, to ratify the agreement, the judge made clear that Miss Stephani was free to choose between the compromise offered, and proceeding with a contested trial.

He also made clear that from his consideration of the papers, John Lewis appeared to have shown that Miss Stephani had been thoroughly dishonest, and was at risk of the case papers being referred for potential committal proceedings in the event that specific findings were made.

In the context of whether the Claimant might be inclined to go to the press, HHJ Hughes QC stressed that the Court papers, including Mr Arney's skeleton were matters of public record.

Co-director of flooring company recovers in excess of £100k for silicone sleeves and business class flights following collision with uninsured driver

17/10/2017

Barristers involved: James Arney

The defendant was being chased by the police and collided with the claimant's motorcycle which caught fire. As a result the claimant sustained a severe degloving injury to his left calf and enduring knee symptoms, as well as wrist, thumb and psychiatric injuries. The claimant's case was that his disfiguring calf injuries, and the recommendation not to expose the scarring to sunlight,

warranted the provision of high definition silicone sleeves with gel inserts, to obscure and protect the scarring. Further, it was the claimant's habit to take two foreign holidays each year, but the pain and discomfort in his knee would render it necessary for him to have more leg room during air travel. He consequently claimed for the additional cost of business class flights.

By virtue of the Motor Insurers' Bureau (Compensation of Victims of Uninsured Drivers) Agreement 1999, the MIB acted in place of the defendant. The MIB contended that the silicone sleeves constituted a disproportionate expense in light of the anticipated extent of use. It was further asserted that additional space seating could be obtained in economy class, provided bookings were made sufficiently far in advance.

Negotiations reached settlement in excess of £50,000 in relation to each of these heads of loss.

Telematics resolves Liability Issue

15/08/2017

Barristers involved: James Arney

James acted on behalf of the first defendant who following a collision with the second defendant at a junction, lost control of her vehicle and collided with the claimant. The second defendant, though admitting to some negligence, claimed that they had been stationary prior to the collision with the first defendant. This issue was crucial to the first defendant's liability position.

Telematics evidence strongly indicated that the second defendant's vehicle had in fact been travelling forward pre-impact. Against this evidence, the second defendant conceded liability and James' client was absolved from allegations of negligence in the case.

Surveillance Evidence - delayed application did not constitute an ambush

17/03/2017

Barristers involved: James Arney

[Hicks v Rostas Lawtel](#)

Settlement based on New Discount Rate

07/03/2017

Barristers involved: James Arney

Instructed by Irwin Mitchell, James Arney secured a £650,000 settlement on behalf of a 55 year-old care worker who sustained severe leg and ankle injuries in an RTA. The claim was originally pleaded at about £737,000, but increased to just over £900,000 following the discount rate change to -0.75%. Settlement negotiations proceeded expressly on the basis that the new discount rate be used without adjustment.

Knauer v The Ministry of Justice - settlement of the costs dispute.

13/12/2016

Barristers involved: James Arney

A costs dispute arose following the conclusion of Knauer v The Ministry of Justice, the long-awaited case which provided the Supreme Court with an opportunity to correct Cookson v Knowles as to multipliers in fatal accident claims. Contested costs matters included the appellant's entitlement to recover success fees at 100% notwithstanding the agreement between the parties that no trial costs would be recoverable, as well as a number of line by line issues. Instructed by Charles Lucas & Marshall, James Arney negotiated a satisfactory settlement on behalf of the appellant, consistent with the 100% uplift being recovered.