



James Arney KC

Call 1992 | Silk 2021

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Described as an excellent advocate who always provides tactically brilliant and detailed advice, James Arney KC is invariably instructed in high-value litigation with claim values of up to £15 million.

He has a particular focus on quantum disputes relating to amputations, brain injuries, spinal injuries and fatal accidents; as well as RTA liability issues.

James' personal injury practice is split evenly between Claimant and Defendant instructions. Detailed liability and quantum analysis lies at the heart of James' work for either side, combining forensic analysis of the evidence with sound tactical judgment.

James is particularly sought after for his expertise in accommodation and amputation claims, being successful in the Court of Appeal in *Swift v Carpenter* alongside Derek Sweeting KC. This landmark decision represents a fundamental change in the way that accommodation claims are quantified. The first instance quantum judgment in *Swift* is one of the few reported amputation judgments in the last ten years, where the ultimate £4.9 million award has helped to recalibrate the value of amputation claims.

Shortly before being appointed a silk in 2021, James was awarded "Personal Injury Junior of The Year" by Chambers & Partners 2019.

Expertise

Personal Injury

James is a leading practitioner in the field of personal injury and was awarded "Personal Injury Junior of The Year" by Chambers & Partners 2019 after a decade of being listed in legal directories.

Described as being user friendly and achieving fantastic results for clients, 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. Claimant clients include Leigh Day, Irwin Mitchell, Admiral Law and Slater & Gordon.



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 the ability to second-guess opponents. Clients include Admiral Insurance (with claim values of up to £15 million), DAC Beachcroft and Horwich Farrelly.

James has successfully conducted 10 substantial liability and/or quantum trials in the last 4 year.

James is regularly instructed in interlocutory hearings for both sides regarding high value interim payments, Independent Living Trials, case management issues and cost budgeting.

Notable Personal Injury cases

Swift v Carpenter [2018] EWHC 1744 (QB)

Representing an amputee Claimant and establishing a range of prosthetic and treatment options, before being successful in the Court of Appeal [2020] EWCA Civ 1295 on the quantification of accommodation awards.

£4.15m settlement for man blinded at work

James Arney KC was instructed by Niamh O'Brady from OH Parsons Solicitors, working alongside junior counsel Sinclair Cramsie, representing a man rendered profoundly blind in a work accident at the age of 46. This case settled at JSM for £4.15m, net of any deduction for alleged contributory negligence. Whilst not formally sub-divided, the award is broadly commensurate with care and assistance of over £2m, general damages of ~£335k, loss of earnings of ~£450k, accommodation of ~£350k, travel/transport expenses of over £200k, case management of ~£350k and equipment of ~£200k, plus lesser heads of loss.

In the absence of clear authority after a contested trial where blindness is the principal injury, this case engaged interesting issues of general principle as to the legitimate objective of compensation in the case of such an injury. Ought the claimant to be put merely in the position of the "average blind person" who admirably manage life through the use of guide dogs, white canes and other devices to help them "get by" often by themselves, or should they have the benefit of a live-in carer/companion to guide them to a quality of life closer to that which they would have enjoyed as a sighted person?

The arguments presented on the Claimant's behalf were that the care regime should offer "independence, freedom of choice, autonomy and mobility". The Defendant's obligation was "...to provide not simply what is necessary for the Claimant to survive, but what he reasonably requires". A reasonable care package does not have to be the cheapest, especially where it confers significant advantages over the cheaper alternative. Reasonableness should be judged by the lifestyle that the Claimant would have had uninjured.

"Independence" ought not to be confused with doing things by himself – rather the presence of carers would give him the autonomy to attempt tasks by himself, but without the disadvantages that his blindness would otherwise dictate. A night-time carer would give him the security, safety and reassurance, both in dealing with any emergency that might arise, but also for general reassurance. Daytime carers offered access to the community, whether walking or being driven, restoring the spontaneity, confidence and convenience that he had previously enjoyed.

Whilst no formal concessions were made, the settlement figure was commensurate with the Claimant's contentions. A reported judgment must therefore await another claim.



Mohmed v Barnes [2019] EWHC 87 (QB)

Successfully defending a claim against a driver who ran over the claimant to escape attack.

Gale v Esure

Establishing that a Claimant had sustained a traumatic brain injury.

Scott v Reed & Wiltshire Council [2019] EWHC 2853 (QB)

Successfully defending a claim in a head-on liability trial in which the Claimant's claim was dismissed.

Luxton v Raja [2019] EWHC 644 (QB)

Defending a claim in which the Defendant recovered the cost of the liability trial, having previously made an effective Part 36 offer at the 50/50 liability split awarded.

Shakespeare v Martin [2018] EWHC 2114 (QB)

Successfully resisting any liability for a car driver turning right into a major road who struck a filtering motorcyclist who was travelling at just 15mph.

Costs & Litigation Funding

James retains considerable costs' experience gained from regular appearances on detailed assessments to argue points of principle and line-by-line detailed assessments during contentious CFA-related disputes. Appearances included both first instance and appeal hearings. He continues to deal with all issues arising from budgeting 6 and 7 figure claims and associated budgets. James experience in personal injury claims, as well as previously in matrimonial disputes, equips him well to deal with costs issues rising from such claims.

Having recently taken silk, James remains eager to develop his costs practice further, both in terms of appeals from first instance costs decisions and detailed assessment proceedings more generally.

Clinical Negligence



Awards

- “Personal Injury Junior of The Year” Chambers & Partners 2019

Education

- LLB, Bristol University

Memberships

- Bar Golfing Society
- Personal Injury Bar Association

Recommendations

- “A very good trial advocate.” **Chambers & Partners 2021**
- “A delightful opponent who is very good on costs.” **Chambers & Partners 2018, Personal Injury**
- “A formidable advocate, who combines tenacity with charm.” **Legal 500 2017, Personal Injury**
- “He has very impressive tactical nous and ability.” **Legal 500 2015, Personal Injury**
- Cited as “Leader at the Bar.” **Chambers & Partners 2011 / 2012, Costs**
- “Careful and convincing advocate.” **Chambers & Partners 2012, Costs**
- “A classic pair of safe hands.” **Legal 500 2011, Personal Injury**
- “A very good up-and-coming barrister in this field.” **Legal 500 2011, Costs**
- “Praised for his sensible and tactical advice and confident advocacy.” **Legal 500 2009, Costs**
- “Good in this area, and on costs.” **Legal 500 2009, Personal Injury**