



## James Henry

Call 2010

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James Henry specialises in cases involving personal injury and insurance related work.

He is also well known for his expertise in insurance fraud litigation and has extensive advisory and trial experience in high temperature cases where allegations of dishonesty arise.

James also has considerable experience in the related fields of costs, credit hire and coronial law.

## Expertise

### Personal Injury

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James is an experienced advocate dealing with all aspects of Multi Track personal injury and fatal accident claims. He is instructed by both claimants and defendants and has particular interests in brain and spinal injuries, pain conditions and complex orthopaedic injuries.

Before coming to the Bar James worked for a major national insurance law firm of solicitors. His experience of the commercial realities of insurance-backed litigation is reflected in his advice and his approach to the analysis of risk in every case.

### Notable Personal Injury cases

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R v GSC

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Acted for the Defendant in a claim pleaded at £1.8M involving neurological, spinal and psychiatric injuries, including an instability in the structures of C1/2, trigeminal nerve pain and PTSD. C had been a nurse. Her pleaded case was that she would not be able to work again and would require care for life. The Defendant advocated for a multidisciplinary treatment programme that would allow C to return to sedentary work in some capacity and reduce or eliminate her care needs. The case was settled at a JSM between the parties' respective positions for £475,000.



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N v A (1) Insurer (2)

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Acted for the Claimant who suffered serious orthopaedic and urological injuries. The primary dispute was whether C was able to continue working as a production operative in a car factory (albeit with 'restricted worker' status), or whether she was entitled to claim compensation on the basis of her re-training to become a nail technician and work from home to manage her symptoms. There were also significant disputes over the modes of treatment and likelihood of future surgeries. The case was settled at a JSM between the parties' respective positions for £680,000.

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N v R (1) Insurer (2)

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Acted for the Claimant, a 21-year-old man who was injured in a motorbike accident, leaving him without fine motor skill in his non-dominant hand. C did not have formal qualifications, but had been working as part of an Ambulance crew and planned to do 'on the job' training with the aim of qualifying as a paramedic. He contended that he could not pursue his chosen career because of his injury. D's case was that C would never have qualified as a paramedic. The case was settled at a JSM between the parties' respective positions for £315,000.

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L v Insurer

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Acted for the Defendant in this traumatic brain injury claim involving contested evidence from neurologists, neuropsychologists and neuropsychiatrists. C's case was advanced at just under £1M, the bulk of which related to loss of earnings as the head of design at a fashion house. The case settled for £300,000.

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B v G (1) Insurer (2)

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Acted for the Claimant who injured his ankle in a motorbike accident aged 16. The only significant dispute between the parties was whether C would have had a successful career professional rugby league player. C advanced a loss of chance claim based on 5 likely career scenarios. D adduced expert evidence from a sports agent and asserted that C's prospects of a successful career were slim at best. The case was settled at a JSM between the parties' respective positions for £135,000.

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E v R & R

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Acted for the claimant, a 73-year-old man who suffered spinal injuries after a workplace fall from height. Contributory negligence and causation in were dispute. C made a remarkable recovery in the circumstances, but maintained that he would have continued to work as a dry liner until at least age 75. The claim was settled for £100,000.

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S v K

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Acted for the Claimant in a negotiated settlement of £175,000 involving a significant causation dispute arising from orthopaedic injuries sustained a bicycle accident. D relied upon the Claimant's pre-accident history of psychiatric issues to contend that C was unlikely to have achieved his desired role as a headteacher of a Special Educational Needs school. C maintained his claim for loss of earnings and the claim was compromised between the best-case figures.

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## Insurance

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James has extensive trial and advisory experience in cases where allegations of dishonesty arise. His current practice is predominantly in the field of motor insurance fraud, but he also acts for major insurers in cases of first party fraud and policy disputes involving coverage and indemnity, repudiation and avoidance, including business protection, motor trade, fleet policies, theft, flood, contents and property damage.

James regularly secures findings of fundamental dishonesty in staged and induced motor claims, causation disputes, and phantom passenger claims. He also has over 10 years experience of tort of deceit claims, proceedings for contempt of court and complex fraud rings.

### Notable Insurance cases

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Bottea v McCallum

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One of the first findings of fundamental dishonesty by remote video link following the Covid-19 lockdown.

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LV= v Hall (QBD)

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Dishonest litigant sentenced to 5 months' immediate custody for false personal injury claim. James acted at the sentencing stage.

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Solomon v AXA

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Dismissal of entire claim (including PI and special damages), despite admitted vehicle damage, following application of s.57 of the Criminal Justice and Courts Act 2015.

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Sobieraj & 3 Ors v Pilarski (1) Insurer (2)

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Findings of fundamental dishonesty against claimants who had staged a collision with the First Defendant. Inconsistent routes, mapping evidence and adverse inferences were all crucial to the success.

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Bernas & 6 Ors v Jennings

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Seven fraudulent 'slam-on' claims defeated following a 5-day trial involving telematics 'black-box' data.

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## Clinical Negligence

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## Awards

- Queen Mother Scholarship
- Blackstone Entrance Exhibition

## Education

- BVC, City University (2009)
- LLB (Hons) Law, Durham (2007)