



Lionel Stride

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Lionel Stride is recognised as a compelling advocate, with phenomenal attention to detail and an ability to cut through a case to its essential details.

The breadth of his practice means that he is often instructed on the most complex cases requiring expertise in multiple fields, and he is ranked as a Leading Junior in both Chambers and Partners (Band 3) and Legal 500 (Tiers 1-3 for Clinical Negligence, Personal Injury, Industrial Disease and Insurance Fraud).

He has a highly diverse High Court and multi-track practice focused predominantly on serious and catastrophic personal injury (arising out of accidents at home and abroad), clinical negligence and group litigation, with complementary expertise in aviation (covering Montreal Convention cases, airline disasters both abroad and in the UK, as well as helicopter and light aircraft accidents) and product liability (particularly in the context of prosthetic and medical/surgical equipment failures but extending to other complex matters such as kit-made aircraft). Lionel regularly deals with cases valued well into seven figures and has a balanced case load acting for both claimants and defendants.

Lionel's broader practice encompasses regular work in the related fields of health & safety, costs, professional liability, insurance and civil fraud, both in an advisory and adversarial capacity. He provides a considered 'team' approach to litigation, tactical insight for JSMs and mediations and skilled advocacy. He is robust where required but also has the soft skills needed to handle sensitive cases in which a more judicious approach is needed.

Expertise

Personal Injury

Lionel acts for claimants and defendants in all areas of personal injury. He is the current editor of the Accidents Abroad chapter in Bingham's Personal Injury and Motor Claims Cases and regularly instructed as sole counsel in seven figure fatal and catastrophic injury cases at home and abroad, the latter being associated with jurisdictional (application of the Brussels Regulations) and/or applicable law (Rome II) issues.

Lionel has particular experience in claims involving polytrauma, spinal cord and brain injuries and/or other significant disability. His case load encompasses injury arising out of defective products and he has developed a niche practice in aviation-related claims. These include cases arising out of serious bodily injury following domestic or international aviation accidents, as well as fatal and serious injury claims arising out of light aircraft accidents. Recent work has included representing families in claims arising out of the Shoreham Air Disaster (and advising on generic issues relating to potential group litigation); representing dependents of relatives killed in the Germanwings disaster, in respect of which there were significant disputes as to applicable law, jurisdiction and quantification; and the High Court case of Labbadia, which clarifies the scope of the Court of Appeal's decision in *Barclay v British Airways PLC* [2008] EWCA Civ 1419.

As part of his cross-over health and safety/injury practice, Lionel is currently advising and representing a cohort of families in group litigation arising out of the Grenfell Fire. He also acts on behalf of companies facing prosecution or civil claims due to alleged breaches of health & safety legislation on construction sites or in other work environments.

Lionel's regular practice extends to cases involving complex issues of causation arising from subtle brain injuries, the onset of rheumatological conditions and non-organic pain (including complex regional pain syndrome, FND, chronic pain, post-traumatic fibromyalgia and somataform/somatic symptom disorders).

Notable Personal Injury cases

A (a minor) v B & WMA

High Court spinal cord injury claim. Lionel (instructed by Joseph Dodman and Patrick Maguire at HCC) is representing a teenage boy who has suffered a C5 incomplete SCI in an accident at school following a playfight in circumstances where there was inadequate supervision of the students, compounded by delayed treatment. Liability and quantum remain in dispute.

B v T

High Court spinal cord injury claim. Lionel (instructed by Phillip Andrews at Scooters & Bikes Legal) is representing a young man who suffered a T3/T4 SCI in a motorcycling accident during a filtering manoeuvre. Liability and quantum remain in dispute but the parties are working together to put in place an appropriate rehabilitation package.

S v B & C

Lionel (instructed by Patrick Maguire and Amber Braybrooke of HCC Solicitors and led at the JSM by Simon Browne KC) represented a young claimant in a High Court spinal cord injury claim arising out of a high-speed collision in which his client had been rendered paraplegic.

The Claimant, who was 18 at the time of injury, was in a car being driven recklessly by an older friend, resulting in a crash in which the vehicle rolled multiple times. Primary liability was admitted but the insurers initially pursued contributory negligence arguments based on an alleged failure to wear a seatbelt (the Claimant having no recollection). This issue was conceded by the Defendants only once it became clear on the medical evidence that the violence and multi-directional forces involved would have made the injury _____

equally, if not more, severe even if a seatbelt had been worn.

The case involved interesting issues of principle, including the extent to which the care regime should extend to offering greater independence, freedom of choice and autonomy – by enabling the Claimant to have an assistant on call 24 hours/day – rather than merely meeting his basic care needs (as the Defendants contended); and whether the past costs of a personal injury trust should be recoverable as a form of financial assistance in circumstances where, despite retaining capacity, the Claimant would have no feasible method of managing his unallocated interim payments without such assistance (the case of *Martin v Salford Royal NHS Foundation Trust* [2022] EWHC 532 (QB) having resolved the issue unfavourably to injured parties with capacity in respect of prospective trust costs only).

Settlement was achieved at a JSM against leading counsel on 29 November 2022 after exchange of evidence and fully pleaded schedules on a without prejudice basis. The settlement figure was commensurate with the Claimant's contentions about the cost and quality of his current care needs, with the Claimant accepting a larger lump sum to invest rather than a VPPO.

M v K & E

Lionel (instructed by Tony McLoughlin at Horwich Farrelly) represented the Defendant in a complex and challenging High Court case involving a motorcyclist who sustained multiple lower limb injuries putting him at risk of amputation. The case was pleaded at close to £3million on a provisional damages' basis. The parties adopted a constructive approach, balancing the disputes as to prognosis, amputation risk and quantification with recognition of the serious nature of the injuries and the benefit to both sides of early resolution. Consequently, the parties were able to reach agreement at a JSM for damages on a provisional basis at a little over £1million.

B v R

Lionel (instructed by Rebecca Smith at Stewarts and closely assisted by James Arney QC in preparation for the mediation) represented the passenger (a qualified pilot) in a High Court claim arising out of a light aircraft accident, allegedly caused by the negligence of the pilot in command. The pilot undertook an orbit rather than a go-around at too low an altitude and speed, causing the aircraft to stall and crash. The Claimant, a successful businessman, suffered a spinal cord injury and is now a paraplegic. His claim included lifelong care, accommodation, a range of mobility scooters and wheelchairs, together with walking aids, and a significant claim for loss of profit and the capital value of his business (which he had to sell at an undervalue as part of a management buyout due to the need to take early retirement). The Defendant's insurers denied liability, contending that the manoeuvre was not negligent and the pilot acted reasonably to avoid conflict with another aircraft; that the Claimant was equally culpable because he was effectively operating as a co-pilot or functioning member of the crew, assisting the pilot with any observations; and/or that he had consented to the risk of injury and/or the manoeuvre performed. Quantum was also fiercely disputed, despite the severity of the injury, with focused challenge to the claim for loss of profit and capital value. The claim settled at circa £4 million (i.e., at or close to the indemnity limit on the insurance policy), the Claimant electing not to pursue the pilot for any additional sum.

S v K



Lionel represented the Defendant (instructed by Simon Curtis at Horwich Farrelly) in a complex chronic pain case pleaded at over £750,000. The Claimant contended that she had developed a permanent Functional Neurological Disorder (FND) following a serious motorcycle accident in which she had suffered a comminuted leg fracture. She claimed that her injuries had led directly to premature retirement as a nurse and that she would continue to require extensive rehabilitation and professional assistance. In addition to questions of quantification, the critical issue was causation, the Claimant having presented with similar but more minor functional problems prior to her injury that did not affect her ability to work at that stage. After successfully resisting the Claimant's application for additional expert evidence, the matter settled at a JSM for an all-inclusive figure for costs and damages that reflected the strength of the Defendant's case on causation and the clear risk posed to the Claimant from an old Part 36 Offer.

M v P

Lionel represented the Defendant (instructed by Neil Southern and Katy Marsden at Clyde & Co) in a chronic pain case pleaded at £1.3 million. The Claimant contended that she had developed a permanent somatising chronic pain condition and delusional disorder that prevented her from working after a pedestrian accident. She lacked capacity due to the severity of her condition and a deputy had been appointed. However, she had a complex psychiatric history and the critical issue in the case was how, when and to what extent this would have manifested in future. The matter settled for a low six figure sum at around 10% of the pleaded value at a JSM.

B v H

Lionel represented the Defendant (instructed by John Lezmore and Carley Howett at DWF) in a fibromyalgia case pleaded at around £2.85 million. The Claimant contended that she had developed a permanent and significant aggravation of pre-existing fibromyalgia and a (new) SSD that had prevented her from returning to work as a teacher. The claim assumed that she would continue to require significant care and housing adaptations. In addition to questions of quantification, the critical issue was causation, including whether and if so when she would have become similarly disabled in future. The matter settled for a low six-figure sum at less than 10% of the pleaded value of the claim following an all-day JSM.

Vincent v Walker [2021] EWHC 536 (QB)

High Court split liability (remote) trial involving a seriously injured claimant. The judgment clarifies the scope of a driver's duty of care (in terms of the speed, adjustments and observations required) when driving on a 50mph road and approaching a toucan crossing.

C v C

Lionel represented the Claimant (instructed by Steven Pollard and Martyn Steele at Your Lawyers) in a High Court case that settled on the doorstep of trial for circa £1.6 million on a full liability basis. The Claimant, who had pre-existing vulnerability, required multiple operations on her knees following an injury sustained

at the Defendant's premises. She had been left with intrusive disability and a need for further surgery, including a knee replacement with attendant risk of future amputation. The Defendant challenged causation and contended that the injury had not materially altered the course of her pre-existing knee condition. The settlement reflected the merits of the Claimant's case on this issue but with an agreed discount for contributory negligence and the risk that she would have in time developed a similar condition in any event.

K v M

Lionel represented the Claimant (instructed by Michael Hardacre at Slater & Gordon) in a High Court case that settled at a JSM for £1.6 million. The Claimant was involved in a high-speed collision that fatally injured his brother. He suffered multiple injuries, including compound splintered fracturing at the proximal end of the ulna bone (olecranon), with bone loss involving the articular surface of the ulna at the elbow; and displaced, comminuted fracturing at the shafts of the radius and ulna. The left elbow fracture had failed to unite, which meant that he would need complex surgery and, further in the future, an elbow replacement and revision procedures. It was eventually conceded that the Claimant could not return to his job as an air conditioning engineer but there remained significant dispute as to his pre- and post-injury earning capacity. The claim ultimately settled at a pre-trial JSM on 21 July 2020 on the basis that he would need life-long care and assistance; is now only likely to be capable of part-time minimum wage employment; and should be considered fully (i.e., at least 'averagely') disabled for the purpose of calculating his claim for loss of earning capacity using the disabled Reduction Factors in the Ogden 8 actuarial tables.

E v A (insurer) and S (gym, in administration)

Lionel represented the Claimant (instructed by Michael Hardacre at Slater & Gordon) in a High Court paraplegia case that settled at a JSM for £1.525 million. The Claimant was injured after stumbling and falling while using a squat rack in a 'Free Weights' gym, which resulted in a crush injury to his spine from the barbell that he had been lifting. There were no safety bars on the squat rack at the material time and it was the Claimant's case that he had not been told how or why to use them. It was therefore alleged that the gym had failed to warn him of the need to use the safety bars with an induction or warning signs and had failed to risk assess or provide health & safety training to its staff to enable an effective induction to take place. The Claimant relied in part on three Improvement Notices that had been issued to the gym after the accident for breaches of sections 2 and 3 of the HSWA 1974. Liability remained firmly in dispute: the Defendant contended that the Claimant was an experienced user of the gym and that it had discharged its duty by, among other things, providing safety bars and informing the Claimant that he should ask if unsure of how to use any lifting equipment. Further, although the full value of the claim was significantly higher (pleaded provisionally at £11.2 million), there was a 'costs and damages' indemnity limit on the public liability insurance policy of £2 million that would have served as a maximum cap on the amount of any judgment, although, if successful at trial, it was the Claimant's intention to seek a non-party costs order (or suitable equivalent) against the insurer for payment of costs in excess of the indemnity limit under CPR 46.2 and section 51 of the Senior Courts Act 1981 on the basis that they were, in reality, defending the claim in their own interests (in accordance with the principles in *T.G.A Chapman Ltd v Christopher* [1998] 1 WLR 12 (CA) and *Palmer v Palmer* [2008] EWCA Civ 46). The insurer was also being pursued directly for a declaration of liability under section 2 of the Third Parties (Rights against Insurers) Act 2010.

A v T & Aviva

Lionel represented the Defendant (instructed by Daniel Jordon at DWF) in a High Court chronic pain case originally pleaded at £2 million. The Claimant contended that she had developed a permanent somatising condition that prevented her from working after suffering a fractured ankle. There were serious credibility issues as a result of previous documented instances of dishonesty and the Defendant disputed the credibility of the Claimant's account, causation and the negative prognosis. The case also involved issues of how future earning capacity should be assessed where there is predisposition to similar disability. The matter settled for a confidential low six figure sum well below the pleaded value at a JSM.

T v C & Ors

High Court claim in which Lionel (instructed by Rebecca Smith and Julie Straughan at Irwin Mitchell) acted on behalf of the dependants of a pilot and his wife, who tragically died in light aircraft crash in 2015. The primary claim (pleaded at over £4 million) was brought against the constructor, kit and engine providers and Light Aircraft Association in negligence and/or under the CPA. The secondary claim adopted the defences of the primary defendants and was brought in negligence on behalf of the dependants of the wife against the estate of the pilot. Breach of duty, causation and quantum all remained in dispute, complicated by expert aviation, engineering and metallurgical evidence from the Defendants challenging the conclusions of an AAIB investigation. Settlement was achieved after a 13-hour mediation. The contributing parties and amount of the settlement remain confidential.

S v Godwin

Lionel represented the Defendant (instructed by Christine Winter at DWF) in a High Court brain and eye injury case pleaded at over £4 million. The Claimant, at the time a minor, was blinded by an airgun that misfired. It was alleged that he lacked capacity due to a brain injury sustained in the accident and an application for the appointment of a deputy was made to the Court of Protection. The case was complicated by the Claimant's troubled history and behavioural issues related to family trauma: there was significant dispute as to the Claimant's likely trajectory absent his eye injury, as well as the extent to which his prospects had genuinely been limited by his condition. The Defendant also disputed his brain injury. The matter settled for a confidential six-figure sum well below the pleaded value at a JSM.

Labbadia v Alitalia [2019] EWHC 2103 (Admin)

Successfully represented the Claimant in a High Court claim arising out of his fall whilst descending disembarkation steps at Milan Airport. The case focused primarily on the judicial interpretation of 'accident' under the Montreal Convention 1999, namely whether there had been 'an unusual, unexpected or untoward event, external to the Claimant, causing death or injury, on board an aircraft or in the course of embarkation or disembarkation'. Margaret Obi, sitting as a Deputy High Court Judge, found that, against the standard practices at the airport, the stairs had not been cleared of snow by the time the first passenger disembarked the aircraft, causing compacted snow to form on which the Claimant would ultimately slip. Though there was nothing inherently unusual about the adverse weather conditions, she accepted that the

use of aircraft stairs without a canopy was 'a positive decision on the part of the airport personnel'; and that the decision 'involved a series of actions and omissions culminating in the aircraft stairs being aligned to the aircraft and the authority being given for the passengers to disembark'. This in combination constituted an 'event'. Accepting Lionel's argument, she also found that 'the event was unusual from the point of view of the Claimant ... he had no reason to expect that the stairs would be slippery due to compacted snow. Therefore, the event was unexpected and unforeseen from his perspective'. There is no other case precisely on all fours with this judgment, which helps to clarify the scope of the Court of Appeal's decision in *Barclay v British Airways PLC* [2008] EWCA Civ 1419.

P & Ors v Germanwings GmbH; and M & Ors v Germanwings GmbH

Confidential settlements achieved in two separate High Court claims brought on behalf of dependents of two different families arising out of the Germanwings disaster. There were significant disputes as to jurisdiction, applicable law and quantification, all of which had to be resolved during the settlement negotiations. The terms of the agreements included non-disclosure provisions preventing publication of the nature of the settlement achieved.

Clinical Negligence

Lionel is the editor of the TGC Clinical Negligence Newsletter and has a varied High Court medical negligence practice that covers the full range of work in this field. He regularly represents both individuals and the NHS/private practices at JSMs and mediations, strongly supporting early engagement in ADR where appropriate, whilst always working closely with his clients and legal team to make sure that the claim will be trial ready.

His recent case load has incorporated:

- Complex claims arising out of obstetric and gynaecological injuries, including birth injuries (such as cerebral palsy) and other cases resulting in maximum disability to the child, as well as tears and other obstetric injuries to the mother that have caused permanent damage due to mistreatment
- Diagnostic failures such as compartment syndrome and false aneurysms resulting in amputation, as well as the delayed or wrongful investigation or diagnosis of cancer
- Negligent treatment of post-surgical infections leading to kidney failure
- Negligent eye and laser surgery, as well as the failure to diagnose retinal detachment
- Failure to convey to hospital, as well as diagnostic and treatment failures following urgent admissions to hospital
- Surgical negligence (with particular expertise in cases in which there has been permanent colorectal injury)
- General practitioner negligence in failing to refer or diagnose conditions such as meningitis, sepsis, encephalitis and suspected pulmonary embolism (resulting in death)
- Negligent nursing care of vulnerable patients in hospital leading to severe self-harm, as well as negligent supervision of psychiatric inpatients resulting in suicide
- Failure correctly to advise of the risks of recommended surgery, or suitable alternative treatment (applying the Supreme Court's decision in *Montgomery v Lanarkshire Health Board* [2015] UKSC 11)
- Mismanagement of bandaging resulting in equinus injury



- Secondary victim claims arising out of witnessing the traumatic consequences of negligent treatment or misdiagnosis

Notable Clinical Negligence cases

L v WHH, HC & PS

Lionel Stride (instructed by Louise Robson at City Lawyers) is representing the Claimant in a complex High Court clinical negligence claim arising out of the failure adequately to bandage ulcerated legs, leading to delayed recovery, prolonged immobility, foot drop and profound ongoing disability. The claim is pursued against three defendants, with a pleaded value in excess of £5 million due to the Claimant's complex care needs. Breach of duty, causation and quantum remain in dispute, with eight experts on each side.

W v I & C

Lionel Stride (instructed by Helen Osborne at Slater & Gordon) is representing the Claimant in a tragic High Court clinical negligence claim arising out of the failure to diagnose a pulmonary embolism in her partner, leading to his tragic death. Breach of duty, causation and quantum remain in dispute. There is an associated secondary victim claim that will be stayed pending the outcome of the joined appeals in the Supreme Court of Paul & Ors v The Royal Wolverhampton NHS Trust & Ors [2022] EWCA Civ 12.

JT v ENH

Lionel Stride (instructed by Ben Gent at Slater & Gordon) is representing the Claimant in a seven figure High Court clinical negligence claim arising out of negligent nursing care following an episode of encephalitis that resulted in a fall from a second-floor window. The Claimant suffered multiple injuries and has been unable to resume a highly lucrative career in the City. Breach of Duty having now been conceded, the main issues relate to quantification of her loss of earning capacity and care needs.

ST v ENH

Lionel Stride (instructed by Louise Robson at City Lawyers) is representing the Claimant in a seven figure High Court clinical negligence claim arising out of the failure to identify and treat a third/fourth degree tear following an episiotomy, leading to infection, development of a fistula, damage to her sphincter and delayed repair. She has been left with ongoing bowel symptoms, including urgency, soiling, flatus incontinence and some impaired rectal evacuation. The Claimant is now restricted to working from home, significantly reducing her earning capacity. Breach of duty has been conceded in the Defence but causation and quantum remain in dispute.

T v GST FT

Lionel Stride (instructed by Emma Doughty at Slater & Gordon) represented the Claimant in a High Court Montgomery consent case arising out of the alleged failure to offer reasonable alternative treatment in the

form of carotid stenting rather than a carotid endarterectomy (“CE”) in circumstances where he had already suffered a partial hypoglossal injury from an earlier procedure. Consequently, during the second CE operation, the Claimant suffered a bilateral hypoglossal injury that caused complete tongue paralysis, loss of speech and inability to swallow, immediate cardiac arrest (caused by his paralysed tongue blocking his airways and leading to hypoxia), the need for a tracheostomy, laryngoscopy and the insertion of a PEG feeding tube. The injury left him unable to communicate verbally, permanently fatigued and with associated respiratory issues. He had retired prematurely and was living a far more isolated life due to his difficulty communicating.

The Defendant denied liability, contending that CS was not a reasonable alternative treatment because it carried a much higher stroke risk; was not offered by or available to practitioners at the treating hospital; and transferring the Claimant to another hospital would have caused life-threatening delay. Causation and quantum also remained heavily in dispute.

The claim ultimately settled at a JSM for £800,000 a month before trial. Although no formal concessions were made, the settlement sum reflected the Claimant’s evidence that he should have been treated as a non-standard case given his original hypoglossal injury; that he would have chosen CS if offered, thereby avoiding any risk of a second hypoglossal injury; and that his consequential injuries had caused permanent disability that would have resulted in him being awarded a high proportion of his pleaded case at trial.

A v UHDB NHS Foundation Trust

High Court clinical negligence case. Lionel (instructed by Mathew Smith of Linder Myers) represented a man who had suffered an amputation of his right leg resulting from an alleged failure to diagnose vascular issues (aorta-iliac arterial disease) between 2010 and 2016. This ultimately led to an above-knee amputation as opposed to the angioplasty that would have saved his leg. Breach of duty, causation and quantum (including life expectancy) remained in dispute. Claims for future loss included accommodation (Swift calculation), professional care, prosthetics and home adaptations. The claim settled at close to £1 million, which took into account reduced life expectancy from pre-morbid conditions but with no material discount for litigation risk on the issues of breach of duty or causation.

S (on behalf of her estate and dependants) v RFL NHS Trust

High Court clinical negligence case. Lionel (instructed by Laura Cleavelly at Slater & Gordon) represented the family of a patient who died following a negligent failure to diagnose a facial lesion as Squamous Cell Carcinoma despite vulnerability from pre-existing lupus. This led to a 12-month delay in diagnosis that proved fatal. Breach of duty, causation and quantum (including life expectancy) remained in dispute. The claim settled for a high six-figure sum at an all-day mediation that assumed a favourable result for the Claimant at trial on all issues in dispute.

H v L NHS Foundation Trust

High Court clinical negligence case. Lionel (instructed by Mathew Smith of Slater & Gordon) represented a man who had been misdiagnosed with metastatic cancer rather than transient inflammatory disease, leading to intensive pharmacological treatment that caused permanent physical harm and psychological

damage. Breach of duty, causation and quantum (including life expectancy for an unrelated condition) remained in dispute. The claim settled for a high six-figure sum at an all-day mediation that assumed a favourable result for the Claimant on all issues.

W v ESH NHS Trust

High Court clinical negligence case. Lionel (instructed by Iona Smith and James Roberts at Gaby Hardwicke) represented an elderly lady who lost a leg as a result of an alleged failure to diagnose a pseudoaneurysm following re-hospitalisation after an angiogram, leading to severe infection and ultimately amputation. Breach of duty, causation and quantum remained in dispute. The Defendant contended that the pseudoaneurysm had developed rapidly and/or been identified at the earliest reasonable opportunity. The parties could not reach agreement at a full-day mediation but the claim settled shortly thereafter for a confidential six-figure sum when the Defendant significantly increased its previous offer. The settlement reflected the Claimant's age and an appropriate discount for litigation risk to both sides.

L v BH NHS Trust

High Court claim in which Lionel (instructed by Joanne Warren at Slater & Gordon) acted on behalf of an elderly claimant who lost a limb as a result of negligent treatment following cardiac arrest. Breach of duty and causation were admitted but there remained significant dispute as to life expectancy, care and equipment needs and use of prosthetics. A high six-figure settlement was achieved at a remote mediation during the Lockdown. The contributing parties and amount of the settlement remain confidential.

B v NW Anglia NHS Foundation Trust

Representing the dependents of a deceased patient in a High Court claim arising out of an 18-20 month negligent delay in diagnosing cancer, which resulted in the patient's premature death. The claim, which included significant claims for past and future loss of financial dependency, as well as grandparental childcare services, settled for £860,000 at a JSM.

D v NHS CB & R

Successfully defended a claim brought against an ophthalmologist who was alleged to have failed to identify a posterior retinal detachment at two separate examinations, leading to sudden deterioration in vision, emergency surgery and permanent visual defects. Breach of duty, causation and quantum remained in dispute. Evidence was heard from five different experts at trial. HHJ Walden-Smith, sitting as a High Court Judge, found that the Second Defendant had not acted in breach of duty in respect of the first examination (there having already been a limited admission of breach of duty by the First Defendant in respect of the second examination) and that, in any event, the retinal detachment had occurred rapidly after both examinations.

Product Liability

Lionel has extensive experience bringing and defending claims for injury arising out of defective products. This includes a seven-figure claim against multiple defendants arising out of a defective light aircraft (built privately using a kit and parts supplied by different companies) and cases involving the failure of prosthetics, as well as medical/surgical equipment, which have led to serious injury.

These cases frequently involve cross-over expertise (i.e., product liability, personal injury and/or clinical negligence) because there is the potential for multiple causes of action and defendants. This in turn has led to associated work arising out of negligent installation of fire doors, insulation and cladding on large blocks of flats (subsequent to the Grenfell Fire) as well as property damage arising out of faulty equipment.

Notable Product Liability cases

S v J & J

High Court claim in which Lionel (instructed by Ken Brough at HJA) represented the claimant in a case arising out of injury sustained following the misfiring of a medical stapler during surgery, causing serious injury. It was alleged that the stapler was defective, being part of group of similar products subject to a product recall that had significantly higher rates of misfire. The claim settled for a confidential sum following exchange of evidence.

T v C & Ors

High Court claim in which Lionel (instructed by Rebecca Smith and Julie Straughan at Irwin Mitchell) acted on behalf of the dependants of a pilot and his wife, who tragically died in light aircraft crash in 2015. The primary claim (pleaded at over £4 million) was brought against the constructor, kit and engine providers and Light Aircraft Association in negligence and/or under the CPA. The secondary claim adopted the defences of the primary defendants and was brought in negligence on behalf of the dependents of the wife against the estate of the pilot. Breach of duty, causation and quantum all remained in dispute, complicated by expert aviation, engineering and metallurgical evidence from the Defendants challenging the conclusions of an AAIB investigation. Settlement was achieved after a 13-hour mediation. The contributing parties and amount of the settlement remain confidential.

Motor Insurance Fraud

Acting predominantly for insurers, Lionel's practice in this area is now almost exclusively focused on personal injury and clinical negligence claims of significant pleaded value where there has been surveillance or other evidence supporting allegations of serious exaggeration and fundamental dishonesty. His approach recognises the gravity of such allegations and the need for forensic and objective analysis to ensure that they are not made lightly, or without a firm evidential basis.

Excluding ongoing cases of obvious sensitivity, examples of concluded cases involving findings of fraud or fundamental dishonesty (of claimants or solicitors) include:

Notable Motor Insurance Fraud cases

D v L

Dishonesty involving a firm of solicitors. During the course of litigation, the Defendant obtained evidence from a handwriting expert demonstrating that signatures on key documents that had required re-service with appropriate interpretation certificates had not been penned by the Claimant. At trial, the Judge found that the signatures were likely to have been forged by the Claimant's solicitors. The claim was struck out as an abuse of process; and the Judge made a show cause order against the Claimant's solicitors for payment of the Defendant's full costs; and ordered that a transcript of the judgment be sent to the Solicitors' Regulation Authority and the police.

G v BCC

An exaggerated personal injury claim pleaded at close to seven figures, including loss of earnings claimed at over £400,000. The claimant had advanced a claim for serious injury and disability arising from an alleged accident at work. He claimed to have been unable to return to any form of employment since 2011 as a result of his injuries but the defendant identified documentary evidence that he had in fact worked in his old capacity throughout this time. On application, the claim was struck out as an abuse of process prior to trial (applying *Summers v Fairclough Homes Ltd* [2012] UKSC 26). The Claimant was later convicted of fraud by false representation.

Insurance

In addition to his main practice areas, Lionel regularly advises on insurance-related issues in a wide range of contexts (contracts, coverage and indemnity, incorporating discrete issues such as material non-disclosure, fraudulent misrepresentation, wrongful repudiation, declarations, waivers and the meaning and effect of warranties and conditions). These issues frequently arise in his aviation practice but his expertise also extends to motor, life, personal and public liability insurance contracts.

Non-exhaustive examples of recent advisory work include:

- Advising on conditions precedent and exclusion clauses in aviation contracts where the insurers have reserved, withdrawn or threatened to withdraw indemnity
- Advising on insurance coverage in the context of passengers and crew members in aviation contracts
- Advising insurers on material non-disclosure in the context of motor insurance contracts
- Advising insurers on the right to repudiate personal and public liability contracts for material non-disclosure or by invoking the 'fraud' clause (such as in cases of suspected arson)
- Advising on the terms and conditions in life insurance policies where indemnity has been wrongfully repudiated

Professional Negligence

Lionel regularly accepts instructions in professional negligence claims against solicitors and barristers,

particularly those arising out of negligent advice and omissions that have led to significant under-settlement of claims (for example, failing to investigate or consider the effect of rheumatological or other chronic pain conditions such as fibromyalgia) and to negligent conduct that has resulted in abandonment or non-pursuit of claims. His professional liability expertise extends to claims arising out of construction and breach of contract disputes, particularly where there are associated health & safety issues (for example, advising councils on claims relating to the negligent installation, and maintenance, of cladding and fire doors).

Costs & Litigation Funding

Lionel undertakes costs work in all areas of commercial and common law litigation, with a particular focus on cases arising out of his main practice areas in the fields of personal injury, clinical negligence and group litigation. He has extensive expertise in costs management conferences, including applications to dispense with, or retain, costs budgeting in cases valued over £10 million or with considerable complexity, detailed assessments, costs appeals, enforceability challenges to CFAS (under the old rules), solicitor-own client assessments and drafting general points of dispute. He can also advise on costs budgeting, compliance and the application of, and exceptions to, QOCS (including cases where there are historical pre- and post- April 2013 funding arrangements in place). This extends to mixed cases where there are both injury and non-injury claims.

Health & Safety

Lionel has cross-over expertise in the field of health & safety, including representing families at inquests following hospital and workplace deaths and representing duty-holders in prosecutions under the HSWA 1974 following both fatal and non-fatal accidents in the workplace. Lionel advises on health and safety issues in related contexts (for example, advising councils on claims relating to the negligent installation, and maintenance, of cladding and fire doors). He also attends inquests on behalf of claimants and defendants who may bring or face civil claims arising out of health and safety failings (for example, on construction and building sites).

Collective Redress

Lionel accepts instructions in substantial group litigation across a wide variety of areas. Recent work has included involvement in group litigation arising out industrial deafness in a large factory (confidential settlements achieved); representing families in claims arising out of the Shoreham Air Disaster (and advising on generic issues relating to potential group litigation); and representing dependents of relatives killed in the Germanwings disaster, in respect of which there were significant disputes as to applicable law, jurisdiction and quantification. Lionel is currently advising and representing a cohort of families in group litigation arising out of the Grenfell Fire; and is closely involved in the quantification and assessment of multiple claims within that litigation for the purpose of apportionment between competing categories of claimants to ensure fair compensation for each selected cohort.

Awards

- Shelford Scholarship, (Lincoln's Inn, 2005)

- Runner-up, Taylor Prize, (Nottingham Law School, 2005)
- Tancred Studentship, (Lincoln's Inn, 2004)
- Hardwicke Entrance Award, (Lincoln's Inn, 2004)
- Professor Morris Prize, (Aston University, 2003)

Education

- BVC (Very Competent – 2nd in order of merit), Nottingham Law School
- GDL (Distinction), College of Law
- BSc (First Class Honours – 1st in order of merit), Aston University

Languages

- French (fluent)
- Spanish (reading)

Memberships

- PNBA
- PIBA
- HSLA
- APIL
- CORLA

Recommendations

- Ranked for Personal Injury. "He has phenomenal attention to detail and is masterful with clients." "He is very calm and measured, and not easily flustered." "He is a really effective courtroom advocate who is always very well prepared and legally very strong." **Chambers & Partners 2022**
- Ranked in Tiers 1-3 for Clinical Negligence, Personal Injury, Industrial Disease and Insurance Fraud. "Lionel is extremely thorough with a keen eye for detail. He is excellent in conference with both clients and experts, and is a skilled negotiator." "[He] is extremely knowledgeable, meticulous and a firm negotiator." **Legal 500 2022**
- Ranked for Personal Injury. "He is extremely thorough and takes a forensic approach to evidence." "He is really technical and very good at providing clear advice and courses of action." **Chambers & Partners 2021**
- Ranked for Clinical Negligence, Personal Injury, Industrial Disease and Insurance Fraud. "Very thorough and swiftly cuts through the case to identify the key issues. A practitioner whom clients instantly like and trust." "A formidable advocate who takes no prisoners and is detailed yet concise on paper." **Legal 500 2021**



- Ranked for Personal Injury. “He is a persuasive advocate who takes no prisoners in court or at JSMs.” “He has a keen eye for detail and finds solutions rather than problems.” **Chambers & Partners 2020**
- Ranked for Clinical Negligence, Personal Injury, Industrial Disease and Insurance Fraud. “A very persuasive advocate who has a forensic approach to the evidence.” “Very thorough in conferences with experts.” **Legal 500 2020**
- Ranked for Personal Injury and Insurance Fraud. “He is a modern lawyer in every respect and brings real value to every case.” “He is a passionate lawyer, who gets under the skin of a case.” **Legal 500 2019**
- Ranked for Personal Injury and Insurance Fraud. “A tenacious advocate, who is up to date with the latest developments in the area.” “Thorough with papers, pragmatic with his advice and a compelling advocate.” **Legal 500 2017**