

# 12

King's Bench Walk

## Alex Carington

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### AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, Inquests, Fraud, International & Travel, Public Authority Liability, Credit Hire, Insurance, Product Liability, Criminal Injuries Compensation, Abuse, Common Law, Aviation, Sport

Alex joined 12 King's Bench Walk as a tenant in October 2009 having successfully completed pupillage at these Chambers.

Alex appears in court most days on behalf of claimants and defendants from interlocutory hearings to multi-day trials. He has a wealth of experience in procedural applications and regularly advises on liability, quantum and procedural matters, as well as drafting statements of case, Part 18 requests, Part 35 questions and applications.

Alex has good working knowledge of German.

In his spare time, Alex enjoys baking, skiing, running and triathlon. He is currently aiming to complete his first full distance Ironman in 2018.

### Personal Injury

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Alex is involved in all aspects of personal injury law, including employers' liability, public liability, slipping claims and road traffic accidents. Recent examples of his practice include:

- Acted in a claim by for injuries caused by a door handle in school. Successfully argued that PUWER applied and had been breached.
- Secured a settlement in a claim where the claimant had been fed dog food after making inappropriate remarks to a betting clerk.
- Drafted a defence in a claim against the police by an officer who allegedly sustained psychological symptoms after potentially acquiring HIV and hepatitis C during an arrest.
- Acted for a claimant with a complex chronic pain syndrome following an accident at work.
- Successfully defended a company against a claim by an employee who claimed to have fallen off the back of a lorry.
- Acted as a junior in a quantum claim in excess of £4 million concerning a brain injury and other physical injuries preventing the claimant working as a fund manager in the city.

### Clinical Negligence

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Alex has a strong interest in the wider aspects of medical law. Before coming to the Bar, he worked in the clinical

negligence department of a top-ranked law firm, where he gained experience in complex multi-million-pound spinal injury and catastrophic cases. Alex regularly advises claimants and on claims varying from hospital acquired infection claims to dental negligence. Recent experience includes:

- Advised a widow on the merits of a claim for failure to treat her husband's stroke promptly which result in his death.
- Secured judgment for a claimant with multiple sclerosis who fell after being left unattended to dress himself whilst in hospital.
- Advised a Claimant in relation to failed dental treatment which required significant and life-long remedial treatment.
- Acted for a claimant in relation to failed IVF/ICSI treatment. Settled the pleadings, advised on liability and quantum and appeared at trial.
- Acted in a claim arising out of the death of the claimant's wife after she contracted necrotising fasciitis following a reverse loop ileostomy procedure.
- Advised on a claim arising out of an unsuccessful hair transplant operation and drafted the defence.
- Advised a claimant on the merits of a claim concerning a Hospital Acquired Infection.

## Inquests

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Alex has an interest in inquests and usually attends where there is likely to be a civil claim in the future, for example a death in a hospital due to a systemic failure or a fatal accident at work. Recent experience includes:

- Attending the inquest of a teacher who died from mesothelioma.
- Representing a driver who had hit the deceased pedestrian crossing the road.
- Representing a landowner where the deceased subcontractor had been killed whilst carrying out building works on his property.

## Fraud

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Alex has considerable experience of defending fraudulent and exaggerated personal injury claims. Alex regularly advises and defends insurers in claims concerning staged, "LVI" RTAs and phantom passenger claims (often with significant credit hire claims) as well as accidents at work. Recent work includes:

- Appeared at trial in an employer's liability case where the Claimant alleged he had been hit in the back by a trolley pushed by a co-worker. There were no witnesses. The Claimant walked out of court during a forensic cross-examination of the inconsistencies in his evidence.
- Defended a Defective Premises Act claim where the Claimant alleged he fell through a bannister due to a defective railing. The Court did not accept the accident occurred as alleged.
- Successfully defended a road traffic accident personal injury claim on the basis of low velocity impact. There was no expert evidence but the Court accepted no injuries had been suffered.
- Appeared at trial for a cable company where the claimant alleged that she had tripped over a cable left by the company following cable television installation. The Court accepted that it was likely the cable in question had been left after an unsuccessful attempt to illegal splice cable television and the claim was dismissed.

## International & Travel

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Alex has a developing practice in travel law. Recent experience includes:

- Advised a claimant with catastrophic injuries suffered in a Segway accident in Germany on jurisdiction and applicable law. Reviewed the German terms and condition in order to advise.
- Advised a claimant in a claim under the Montreal Convention when she fell to the ground during a wheelchair transfer whilst disembarking an airplane.
- Advised a claimant on jurisdiction and applicable law in relation to a speedboat accident in Egypt.
- Acted in a multi-track claim for two claimants injured in a bus accident whilst on holiday in Cuba. There were a

number of issues in relation to jurisdiction, applicable law and limitation.

## **Public Authority Liability**

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Alex often acts for public authorities in personal injury cases. Recent examples:

- Advised a council in a case where a subcontractor's negligent execution of works caused damage to the claimant's house and personal injury.
- Represented a Council in a s. 41 Highways Claim. Successfully argued the cause of the accident was the claimant's intoxication.
- Successfully defended a council in a misconceived claim concerning an accident on a public footpath.
- Acted for a council where a small child burned her feet on a metal playground apparatus that had been heated by the sun.
- Advised in a claim against a council for noise induced hearing loss caused by a noisy bus.
- Acted for a public sewerage company in a claim for negligence and nuisance arising out of damage caused by a drain cover lifting during extreme flooding.

## **Credit Hire**

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Alex acts in high value credit hire claims and regularly drafts pleadings and advices for credit hire claims, particularly those arising out of "LVI" and staged accidents. Recent experience includes:

- Acted for the Defendant insurer where the Claimant hired a scooter to replace one he was using for uninsured business use and to work illegally contrary to his student visa. Illegality was a central issue in the claim.
- Acted in a claim for hire charges in excess of £150k. The Claimant had hired a replacement Porsche but at the time of the trial on liability was in jail for drug dealing related offences.

## **Insurance**

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Alex advises in insurance matters chiefly concerning motor insurance policies and also acts for the MIB. Recent cases include:

- Successfully represented the MIB's decision not to allow a claim under Untraced Drivers Agreement at an arbitration hearing.
- Advised a claimant who was refused indemnity under his motor insurance policy after his car was stolen from a car park and it appeared it was left unlocked. Secured a settlement.
- Advised an insurer on the interpretation of conditions precedent within a motor insurance policy.

## **Product Liability**

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Alex has acted in product liability cases where personal injury has been sustained due to a defective product. He recently advised in a slipping case where it was argued the work shoes were defective.

## **Criminal Injuries Compensation**

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Alex also acts in CICA matters. He recently secured an award for an applicant left with a frontal lobe injury and capacity issues following an assault outside a pub. Eligibility and the quantum of his award were in dispute.

He is happy to consider acting pro bono, where appropriate.

## **Abuse**

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Alex has acted in Criminal Injuries Compensation Appeal Hearings involving sexual abuse, usually where the Authority has refused an award on the basis of the Applicant not making the CICA application promptly. Recently secured an award on appeal for an Applicant where the CICA did not accept her life-long loss of earnings claim was due to her

abuse.

## Common Law

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Alex's common law practice also includes general contractual and commercial disputes. Recent examples:

- Represented actors who had not been paid fees by their agency for appearing in a television show. The claim focused on the meaning of 'agency' within the meaning of the Conduct of Employment Agencies and Employment Businesses Regulations 2003.
- Acted for a defendant in an abuse of process appeal

## Aviation

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Alex specialises in personal Injury, particularly those with an international dimension.

He regularly advises on points of jurisdiction, applicable law and limitation.

Recent experience includes a claim under the Montreal Convention when a passenger fell to the ground during a wheelchair transfer whilst disembarking an airplane.

## Qualifications & Awards

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LLB (European), Exeter University (First Class Honours)

LLM (German law), Saarland University, Germany (highest classification and highest mark in the year)

BVC, BPP Law School London (Very Competent)

Sir Thomas More Bursary (Lincoln's Inn, 2005)

Markus Zalewski Prize for Best LLB European Student Performance in the Year Abroad (2005)

Honourable Mention under the Martin Domke Award for Best Oral Advocate in the General Rounds of the Annual Willem C. Vis International Commercial Arbitration Moot (2004/2005)

School of Law Commendation for an Outstanding Contribution to Exeter University (2004)

Prize for Best Undergraduate Mooter at Exeter University (2003)

Western Circuit Mooting Cup (2003)

## Memberships

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PIBA

Honorary member in good standing of the Tampa Bay American Inn of Court.