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King's Bench Walk

Andrew Ward

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AREAS OF EXPERTISE

Personal Injury, Inquests

Andrew is a true personal injury specialist. The Legal 500 (2016 Edition) says that he “has a great ability to deal with problems in a no-nonsense way”. The 2015 Edition says that he “focuses on high value multi-track litigation, including amputee claims, fatal accidents and brain injuries”. He is regularly instructed as sole counsel in claims with a value of between £100,000 and £2,000,000. He has a balanced practice, acting both for claimants and defendants. He does not accept instructions in fast track cases. He is a member of the Attorney General’s Regional Panel of Junior Counsel to the Crown.

Andrew is experienced:

- in acting as sole counsel handling multi-track claims involving serious orthopaedic, brachial plexus, chronic pain, psychiatric and brain injuries with a value of between £100,000 and £2,000,000;
- in acting as junior counsel in catastrophic injury and amputee claims with a value of up to £10,000,000;
- in acting in a range of multi-track employers’ liability, public liability and fatal accident claims;
- in advising government departments including the Ministry of Defence and Ministry of Justice in many high-value non-freezing cold injury (NFCI) claims and stress at work claims; and
- in representing interested persons at inquests. He has considerable experience of Article 2 jury inquests arising from deaths in custody or on military training exercises.

Andrew also advises upon insurance policy coverage in claims involving the MIB; Section 151 Road Traffic Act 1988 insurers; Article 75 of the MIB’s Articles of Association; the scope of various EL and PL policies; and actions involving the Third Parties (Rights Against Insurers) Acts 1930 and 2010.

Andrew is also a tenant at Exchange Chambers in Manchester.

Personal Injury

Andrew's recent cases include:

- *F –v- MOD*: In October 2016, Andrew represented the Ministry of Defence at a JSM in a claim arising from a military accident when the claimant fell from a helicopter landing platform and sustained an L1 vertebrae fracture. The claimant's Schedule of Loss exceeded £1.3m. The claim settled for £400,000.
- *ST –v- DS*: From August 2016 onwards, Andrew has been representing a claimant who suffered a serious brachial plexus injury in a motorcycling accident. The claim is worth in excess of £1m.
- *B –v- CPS*: In July 2016, Andrew successfully represented the Crown Prosecution Service in the Court of Appeal when the claimant's / appellant's oral application for permission to appeal was refused. Andrew also successfully represented the CPS at the civil jury trial in February 2015 involving allegations of malicious prosecution and misfeasance in public office. Andrew is one of the few civil barristers with real experience of civil jury trials.
- *Watson –v- MOD*: On 8th April 2016, Andrew acted alone against leading counsel in successfully representing the Ministry of Defence in its application before H.H.J. Yelton Q.C., sitting as a High Court Judge, to adduce covert surveillance evidence three weeks before the start of a clinical negligence claim pleaded in excess of £2,000,000. The decision has been reported on Lawtel.
- *B –v- S*: In January 2016, Andrew successfully represented Sainsbury's supermarket before Goss J. against an application to adduce late employment expert evidence in an employer's liability claim pleaded in excess of £1,000,000.
- *S –v- C and D*: In March 2016, Andrew represented a claimant whose leg was traumatically amputated in a road traffic accident at a Costs CMC. He has significant experience of costs management hearings.
- *W –v- PC*: In February 2016, Andrew acted alone against leading counsel on behalf of a firm of solicitors who faced a "show cause" wasted costs hearing in complicated litigation.
- *B –v- ONS*: In March 2016, Andrew successfully represented the defendant Office for National Statistics at an application involving CPR Part 36. The claimant, who advanced a claim for damages from an accident at work in excess of £1,300,000, accepted the defendant's Part 36 offer of £1,000 nine months out of time. Andrew persuaded the Court to order the claimant to pay all of the defendant's costs of the action on the basis that it would be "unjust" for the usual Part 36 consequences of late acceptance to follow.
- *L –v- H and M*: Andrew is currently (from March 2016 onwards) acting for the defendants in an intimated claim arising from a riding accident at a livery yard in which the claimant fell from a horse and was rendered paraplegic. The case raises issues liability and insurance policy coverage issues.
- *P –v- P*: In January 2016, Andrew obtained a settlement of £600,000 (gross of contributory negligence) at a joint settlement meeting on behalf of a motorcyclist who suffered a brachial plexus injury in a road traffic accident.
- *L –v- M*: In March 2016, Andrew obtained a settlement of £500,000 on behalf of a deceased motorcyclist's widow and dependants in a claim brought under the Fatal Accidents Act 1976 and Law Reform (Miscellaneous Provisions) Act 1934. The deceased had set up a company shortly before his accident such that complicated accountancy evidence and 'loss of a chance' issues arose.
- *B –v- S*: On 17th November 2014, Andrew represented the claimant at a High Court approval hearing following a settlement of a brain injury case in the sum of £1,550,000. Kenneth Parker J. approved the settlement on the basis of Andrew's Advice on Quantum. The settlement was obtained following a JSM at which Andrew was led by Bill Braithwaite QC. *The claimant was of doubtful capacity with conflicting expert medical evidence on the point. Parker J. approved the settlement so as to provide confirmation to the parties that a valid and binding compromise had been reached without the need for a protracted and costly trial of the issue of capacity.*
- *J –v- G*: During 2014, Andrew acted as junior counsel, led by Amanda Yip Q.C., for a husband and wife injured in a road traffic accident. Liability was admitted. The wife suffered a serious ankle fracture and, on the advice of her treating doctors, elected to undergo a below-knee amputation in April 2014. The husband suffered a moderate brain injury but responded well to rehabilitation and returned to work during the latter part of 2014. A settlement was obtained in November 2014 of £250,000 in respect of the husband's claim and £1,350,000 in respect of the wife's claim.
- *T –v- L and M*: Andrew acted as junior counsel, led by Amanda Yip Q.C., on behalf of an injured rescuer who ran across a motorway to attend to a crashed car whereupon he was struck by another car. The claimant suffered a

serious leg fracture and moderate brain injury. Despite the denial of liability, on the basis that some evidence suggested that the claimant already knew that the driver of the crashed car had been rescued prior to his attendance at the scene and ran out only to collect a hoodie for the driver, a settlement of £500,000 was achieved at a JSM in December 2013.

- *B –v- B*: Andrew acted as junior counsel, led by Amanda Yip Q.C., on behalf of a claimant who elected to have a below knee amputation to address his symptoms of chronic regional pain syndrome that developed following a serious right leg fracture sustained in a road traffic accident. Andrew succeeded in striking out the Defendant's pleading that the claimant had failed to mitigate his loss by electing to undergo an amputation. A settlement of £1,250,000 was achieved in May 2013.

Inquests

Andrew is experienced in representing the deceased's family or other interested parties at inquests. In his inquest work, Andrew adopts a sensitive and empathetic approach to inquest work but is robust when necessary. He has significant experience in conducting *Jamieson* and *Middleton* type inquests. He has been appointed to the Attorney General's Regional Panel of Junior Counsel to the Crown.

Andrew's recent inquest work includes the following:-

- Andrew is currently instructed by the Ministry of Justice on behalf of the Prison Service in relation to a death in custody inquest arising from a death at H.M.P. Liverpool in February 2015. A ten-day jury inquest has been listed to be heard during January 2017.
- In October 2015, Andrew successfully represented the widow of a deceased motorcyclist at an inquest in Hereford.
- Andrew successfully represented a prison officer at a four-week jury inquest that took place in Liverpool during March 2015. The narrative conclusion made no criticism of Andrew's client.
- *In November 2014, Andrew represented the parents of a newly-born baby who died from ischaemic hypoxic encephalopathy shortly after being born. The inquest heard evidence concerning the mother's poorly controlled diabetic condition; the causal nexus between this and the death; and the procedures in place to monitor the mother's diabetic condition during pregnancy.*
- In September 2014, Andrew represented a prison governor at the inquest into the death of Raymond Morris in custody. Raymond Morris was convicted of the 1967 murder of schoolgirl Christine Darby and became known as the notorious Cannock Chase murderer;
- In August 2014, Andrew represented a prison governor at the inquest into the death of a prisoner due to his refusal to take medication. Given the evidence that the prisoner had received counselling and support from the prison's medical wing in respect of his decision, and had the capacity to make the decision, a conclusion of death by natural causes was reached; and
- In July 2014, Andrew represented the parents at the inquest into the death of their newly-born child from ischaemic hypoxic encephalopathy due to suffering bradycardia (fetal distress) shortly prior to being born. Issues arose as to the frequency of fetal heart-rate monitoring and the causal nexus between heart-rate monitoring and the development of bradycardia.

Qualifications & Awards

Winner of the Middle Temple Mooting Competition (2000)

Astbury Scholar of the Middle Temple (2000)

Sankey Scholar, Jesus College, Oxford University (1999)

British Academy Postgraduate Studentship (1998 – 1999)

Bar Vocational Course, Inns of Court School of Law (Very Competent, 2000)

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C.L. (Bachelor of Civil Law), Jesus College, Oxford University (1999)

A. Jurisprudence, Jesus College, Oxford University (1998)

Bede's College, Manchester (1988 – 1995) (Head Boy)