

David Green

Call: 2015
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AREAS OF EXPERTISE

Personal Injury, Industrial Disease, International & Travel,
Employment & Discrimination, Military Claims, Aviation

David is a leading personal injury junior. *"The quality of David's advice is second to none"* (Legal 500 2022).

In personal injury he specialises in occupational and environmental disease claims, including all aspects of asbestos disease, and noise-induced hearing loss.

He maintains a particular interest and specialism in military cases, and is instructed in the ongoing military deafness litigation (led by Harry Steinberg KC).

David is also ranked as a rising star in employment law. *"David is an excellent advocate and is able to think very well on his feet. He has very good technical knowledge of both the law and procedure"* (Legal 500 2022).

Cases include:

Abbott v Ministry of Defence [2022] EWHC 1807 (QB): represented nearly 3,500 claimants for noise-induced hearing loss and/or tinnitus brought against the MOD (led by Harry Steinberg KC).

Wokingham Borough Council v Arshad [2022] EWHC 2419 (KB): successful appeal on behalf of a local authority against claim for psychiatric damage, brought by a taxi driver after a mistake in the taxi licensing process.

David also appeared for the successful Respondent in *Greene v Davies* [2022] EWCA Civ 414, an appeal concerning an important point of law on abuse of process in regulatory disciplinary proceedings.

Personal Injury

David is a leading personal injury junior. *"The quality of David's advice is second to none"* (Legal 500 2022).

David has a complex and high-value personal injury practice, almost exclusively on the multi-track and over £100,000 in value. A significant portion of his work is on claims worth over 7-figures.

David has a particular interest in claims with a complex quantum element. He is experienced at constructing career models for future losses, and is adept at cases with difficult mathematical, scientific or technical aspects. He is a Fellow of the Royal Statistical Society, and has published articles and given training about the statistical underpinnings of the Ogden Tables.

David's personal injury practice is diverse. He represents Claimants and Defendants, and his caseload includes:

- Workplaces
- Local authority liability
- Occupiers' liability and defective premises
- Road traffic accidents
- Product liability claims
- Occupational stress
- Abuse and harassment
- Psychiatric damage

David is confident in multiple-expert cases. He is assured at discussing the finer medical and causation points of a case with experts, and is a confident cross-examiner of experts. He is happy to provide recommendations for further expert evidence where necessary.

David is currently instructed in a number of complex amputation cases. He is happy to advise on all aspects of rehabilitation, including for prosthetics and orthotics.

Employment & Discrimination

David is also ranked as a rising star in employment law. *"David is an excellent advocate and is able to think very well on his feet. He has very good technical knowledge of both the law and procedure"* (Legal 500 2022).

David has broad employment law expertise and is an experienced advocate in the Employment and Employment Appeal Tribunals. He is an assured advocate who appears in high-value, multi-day disputes, with or without a leader, for both Claimants and Respondents.

David is a contributing editor to *Harvey on Industrial Relations and Employment Law* (the leading practitioner textbook for employment lawyers), and is a member of the executive committee of the Employment Law Bar Association.

He is a member of the Equality and Human Rights Commission's "C" Panel of Counsel.

David appears and advises in all areas of employment practice, including:

- Whistleblowing claims
- Direct and indirect discrimination across all protected characteristics
- Failure to make reasonable adjustments and discrimination arising from disability
- Business protection, restrictive covenants and confidential information (including injunctive relief)
- Interim relief
- Pregnancy and maternity claims
- Equal pay
- TUPE
- Wages and unlawful deductions
- Unfair dismissal
- Redundancy

David has broad expertise advising on substantive, procedural and jurisdictional issues. He appears in final hearings, preliminary hearings and mediations around the country.

Military Claims

David is a recognised expert in military claims. He has represented both former service personnel and the MOD, giving him a broad and balanced view of this unique area of practice.

David is currently instructing in the ongoing military deafness litigation, representing more than 3,500 current and former servicemen and -women in claims for NIHL and tinnitus suffered during service (led by Harry Steinberg KC). He was junior counsel in *Abbott v Ministry of Defence* [2022] EWHC 1807 (QB).

He accepts instructions in cases involving:

- Hearing loss and tinnitus
- Freezing and non-freezing cold injuries
- Accidents during training and on deployments
- Psychiatric injuries, harassment and bullying

David's expertise means that he is frequently called upon to represent military personnel in general personal injury claims. His broad knowledge means that he is able to produce claims for future earnings based on a the loss of reconstructed military career. He brings great contextual knowledge of the military's structures, procedures and equipment to these cases.

Industrial Disease

David has a particular interest in industrial disease claims, particularly asbestos disease.

Asbestos is the main part of David's industrial disease practice, where he is instructed both led and un-led. He acts in all areas of asbestos disease, including:

- Mesothelioma
- Lung cancer
- Diffuse pleural thickening
- Asbestosis

He is a frequent presenter of talks and training to solicitors on aspects of industrial disease litigation.

David is confident advising on complex areas of asbestos litigation, including the structuring of settlements for future immunotherapy treatment; all aspects of causation, including differential diagnoses; low dosage cases; and the apportionment of benign diseases.

David also has a huge knowledge of Noise-Induced Hearing Loss (NIHL) claims. He has a detailed understanding of the complex technical and medical aspects of this practice area. His particular specialism is in military cases (on which he has published), but he accepts instructions in all areas of noise litigation.

David has also represented claimants in HAVS/VWF and RSI cases, as well as in cases for respiratory disease not arising from asbestos. He has experience in non-asbestos dust and dermatitis claims.

International & Travel

David has broad experience advising and representing clients in international personal injury and employment cases. His practice includes cases involving:

- Jurisdictional issues, including under the Brussels Convention
- Choice of law, including the Rome II Convention

- The Package Travel Regulations
- Accidents at sea and the Athens Convention
- Accidents during air carriage and the Montreal Convention

David has previously contributed to the "Accidents Abroad" section of Butterworths Personal Injury Law Service (BPILS) and to the 12KBW International and Travel Law blog.

Aviation

David regularly acts in aviation cases, particularly claims arising under the Montreal Convention. He has acted for Claimants and Defendants in cases concerning passengers, aircrew, airlines and insurers.

Product Liability

David has experience advancing and defending claims concerning defective products involving the Consumer Protection Act 1987, and is happy to consider instructions from Claimants and Defendants in this area.

Qualifications & Awards

BPTC, City Law School: outstanding

GDL, City Law School: distinction

BA (Hons), MA, Philosophy, Politics and Economics, Lincoln College, Oxford University

Exhibition and Duke of Edinburgh Scholar, Inner Temple

Former teaching fellow in contract law at SOAS, University of London

Appointments & Memberships

David is a member of PIBA, ELA, ELBA and the Industrial Law Society.

He is a Fellow of the Royal Society of Arts (FRSA) and of the Royal Statistical Society.