

David White

Call: 1999
white@12kbw.co.uk



AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, Industrial Disease, Professional Negligence, International & Travel, Insurance, Product Liability, Costs, Fraud, Inquests, Public Authority Liability, Accidents at Sea/Maritime Claims, Military Claims

David's principal areas of practice are personal injury, clinical negligence, insurance/indemnity disputes and costs law. He has been listed as a leading junior in Personal Injury work in Chambers & Partners and the Legal 500 for many years. David acts for claimants and defendants and is regularly instructed to represent clients both at court and at Joint Settlement Meetings. David is known as a "robust but realistic" advocate and negotiator, with excellent client care skills.

In the Personal Injury field David is regularly instructed in RTA, EL, PL, product liability and holiday claims. David has particular expertise in serious injury cases including amputation, head injury, stress/CRPS and spinal injury. David also has a particular interest in all disease cases (asbestos, work related upper limb disorder/RSI, and HAVS) and cases with an international flavour that raise issues as to jurisdiction or applicable law.

In his clinical negligence practice, David acts principally for claimants. He regularly advises in cases involving complex medical issues, particularly concerning causation.

David also has an extensive costs practice, and regularly acts for paying and receiving parties in detailed assessments in the SCCO and the County Courts, often concerning substantial seven figure bills. He has been instructed in disputes concerning the enforceability of Conditional Fee Agreements and the recovery of uplifts and ATE insurance premiums.

David also advises insurers and policy-holders on policy disputes concerning policy wording and coverage and indemnity issues, and advises in solicitors negligence cases.

David has expertise in cross-border PI claims and is regularly instructed in cases that raise issues as to jurisdiction (Brussels Recast Regulation) and applicable law (Rome II).

David regularly lectures and presents seminars to solicitors and insurers. He has recently lectured on recent

developments in EL claims, loss of earnings claims for the self-employed, costs claims and Part 36 developments. David sits on the Editorial Board of Kemp & Kemp: Law Practice and Procedure, and he edits the chapters on Provisional Damages, Interim Payments and MIB Claims.

Fraud

David is instructed by Claimants and Defendants in cases where there are concerns regarding exaggeration or fraud and where careful and detailed cross-examination is required. David has recently been instructed in two cases concerning alleged “slam-on” road traffic accidents where the cases went to Trial.

David regularly advises claimants and defendants on the merits of allegations of fundamental dishonesty on the facts of the particular case

Qualifications & Awards

Bar Vocational Course, “Very Competent” (ICSL, 1999)

CPE Diploma on Law (City University; 1998)

M.Stud. History of Art (Lincoln College, Oxford; 1997)

MA, English (Jesus College, Cambridge; 1996)

Major Scholar, Lincolns Inn (1998)

Hardwicke Entrance Award, Lincolns Inn (1997)

Memberships

PIBA, PNBA, London Common Law and Commercial Bar Association, British Institute of International and Comparative Law

Directories

David is listed as a Leading Junior in the field of Personal Injury in the Legal 500

David is a superb advocate. He approaches every problem comprehensively and gives considered advice. – Legal 500, 2024

David White is highly organised, providing timescales that he will meet to complete work to a high standard, being aware of the commerciality of any situation and offering persuasive advocacy. – Chambers & Partners 2024

He is very user-friendly, highly experienced, pragmatic and proficient. – Chambers & Partners 2024

David is excellent with clients and approaches cases with surgical precision. He is terrific on his feet. – Chambers & Partners 2024

David is a calm and measured barrister with a supreme understanding and feel for the law. – Legal 500, 2023

An excellent barrister with a superb eye for detail. He is able to empathise with clients whilst anticipating the hurdles to be overcome. – Chambers & Partners, 2022

He is particularly hot on costs issues, and is fast building a reputation in this technical area. – Legal 500, 2022

He is fantastic and is able to provide sensible and pragmatic advice. He goes out of his way to assist his clients. – Chambers & Partners, 2021

He is always well prepared and has a great eye for detail, particularly when dealing with complicated liability and medical issues. – Chambers & Partners, 2021

He is thorough, calm and easy to talk to. – Chambers & Partners, 2021

Has an eye for details and a questioning, analytical mind. – Legal 500, 2021

He has an eye for detail providing clear but balanced advice supported by strong assessment of the evidence. – Legal 500, 2019

He is a no-nonsense, proactive barrister – efficient, conscientious and clear. – Legal 500, 2018

A standout barrister in the personal injury field. – Legal 500, 2017

Highly competent and reliable. – Legal 500, 2016

His extremely loyal solicitors trust him to prepare a case with utmost thoroughness. – Legal 500, 2015

Publications

Contributory Editor and member of the Editorial Board, *Kemp and Kemp Law Practice and Procedure*

Cases

Personal Injury

Conner v Bradman [2007] EWHC 2789 (QB)

The first reported case on the application of the Ogden tables for contingencies other than mortality to multipliers for future loss of earnings. The Court arrived at the compromise position of splitting the Table A and B adjustments on the particular facts of the case. David represented the Defendant in this leading case.

H v Q

A catastrophic injury case where the claimant suffered somatoform pain disorder or conversion disorder as a result of an accident on a building site. David advised throughout on the complexities arising from the multi-disciplinary medical evidence and assessment of quantum. David was unled until the final stages of the litigation, when he was led by Frank Burton QC. The final Schedule of Loss totalled £2.5m, and settled at a second Joint Settlement Meeting for a substantial seven figure sum, the discount reflecting uncertainty as to future prognosis.

O v G

David acted for a claimant in this below- knee amputation case. The quantum issues were complicated by the fact that the claimant was living and working in the UK illegally, which raised issues as to *ex turpi causa* and where her future would be spent.

B v L

David acted for a claimant in this catastrophic brain injury case. The claimant suffered a severe Traumatic Brain Injury as a result of a road accident and was left highly dependent on carers and requiring 24/7 care. The main issues were

the appropriate care regime (residential home versus supported independent living in his own home with adaptations), case management and the extent of therapies. David was led by Frank Burton QC and the case settled for £4.25 million.

Fatal Accidents

AB (PERSONAL REPRESENTATIVE OF THE LATE GH) v KL [2019] EWHC 611 (QB)

David acted throughout for the Defendant in this interesting fatal accident case that concluded at a Trial before David Edwards QC sitting as a High Court Judge. The case considered claims by the deceased's children for future financial contributions that it was said that the deceased would have made to the cost of their weddings and the cost of a first property in the future, and claims for the value of DIY services that would have been provided, even though the children did not own any property at the time of death.

Clinical Negligence

M v Wye Valley NHS Trust

David represented the claimant in this complex clinical negligence case. The claimant suffered a catastrophic stroke at Hospital, as a result of which he was rendered blind and suffered brain damage. Breach of duty was admitted but causation was very much in issue, the issue being whether early intervention by a neurologist would have prevented the stroke or reduced the effects of the same. There was also substantial disagreement relating to the future care and accommodation claims. The Defendant instructed a QC from the outset. David was unled until the very final stages of the litigation when he was led by Gerard Martin QC. The Schedule totalled £2.9 million. A substantial settlement was achieved at a JSM.

Travel/International

Halfpenny v Virgin Holidays

David recently successfully represented the tour operator at trial and defeated a claim for improper performance of the contract pursuant to the Package Travel Regs, the claim arising from a holidaymaker who fell down steps in what was alleged to be a poorly-lit area in a Caribbean resort.

Prow v ES Global

David acted for the family of the lighting technician who was killed as a result of the collapse of a concert stage at a Madonna concert in France. The case raised issues of jurisdiction and applicable law. The case settled by consent.

Accidents at Sea

Neville v NDS

David represented the Claimant in this case that arose from injury sustained whilst the Claimant was on a "Treasure Hunt by RIB" trip in the Solent, the trip having been organised by his employer as a reward to the staff. The Claimant suffered spinal injury in the course of the trip and the physical injury developed into a psychologically-driven chronic pain state. This being an accident at sea, liability of the RIB operator was governed by the Athens Convention, and the case was litigated in the Admiralty Division of the High Court. The case required expert liability evidence from experts on weather, sea state, tides and powerboating. The claim against the employer raised interesting issues as to the extent of

an employer's duty in respect of delegated activities. David secured a substantial settlement for his client at a 3-way JSM.