

# 12

King's Bench Walk

## Henry F. Charles

Call: 1987

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### AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, Professional Negligence, Insurance, Costs, Health & Safety, Inquests

Henry is recognised as a leading personal injury and clinical negligence practitioner. He acts for Claimants and Defendants typically in complex and high value claims. He has negotiated settlements as high as nearly £7,000,000.

He was awarded Personal Injury and Clinical Negligence Junior Barrister of the Year award in 2014 by Chambers & Partners. He has appeared in their guide for many years, recommended in both personal injury and clinical negligence. Observers have said, for example, "I am impressed by his attention to detail and his commitment to ensure that no stone gets left unturned. He has a very agile and adaptable approach to things" and that he is "A tower of strength; he is calm in the midst of battle, knows how to read judges and is an excellent strategist" He has also been described as "unflappable and laser-like in terms of his focus.", an "extremely safe pair of hands," and as "delightful" with both "panache and a beautiful manner". "He knows when to fight," declare observers.

Henry encourages a team approach, he is happy to travel to see claimants and insurers alike.

### Personal Injury

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Typically higher value claims, with a particular interest in psychiatric injury, pain related, amputation and brain damage claims.

Henry lectures/delivers seminars widely

### Clinical Negligence

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Henry leads the 12KBW clinical negligence team.

Cases have included management of hypertension, psychiatric unit breach of duty, spinal surgery, failure to diagnose/refer cancers, obstetrics and failed dental treatment. He has successfully undertaken a number of claims whereby insurers have obtained very significant contribution on the basis of clinical negligence in treatment following accidents.

### Professional Negligence

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Henry acts in cases involving professional negligence of lawyers in respect of personal injury and clinical negligence claims. His cases have included B v P – see below

## Insurance

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Construction of policies, issues as to motor vehicle use.

## Costs

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Henry has lectured on costs and is noted as being an effective advocate in CCMCs.

## Health & Safety

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For a number of years Henry has defended HSE prosecutions.

## Inquests

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Related to his clinical negligence and personal injury work Henry acts for interested parties at Inquests.

## Qualifications & Awards

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Univesity College London LLB, LLM

Chambers & Partners Personal injury and Clinical Negligence Junior barrister of the Year 2014

## Directories

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Chambers & Partners

Legal 500

## Publications

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Published JPIL article

## Cases

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*Osborne v Loke:*

*Failure to diagnose acute severe colitis and admit the Claimant to hospital, leading to life threatening post operative deterioration including septicaemia. The Claimant was in intensive care 53 days, for much of this time she on a ventilator. Critical illness myopathy led to paralysis of the entire body and required protracted rehabilitation. There is a permanent ileostomy, severe scarring and disfigurement of the abdomen.*

*Cole Smith v East Kent Hospitals:*

Failure on part of hospital to appreciate the effects of repeated vomiting and thus loss of fluids on foetus, who has grown up with subtle, but debilitating neuro-developmental issues.

*Marie-Willows v (1) HCA (2) Strover:*

Nursing negligence of hospital, negligence of orthopaedic surgeon, resulting in amputation. Settled for overall sum of £2,000,000. Issues included liability of private hospital for independent consultant, contributory negligence

*Millward v Brighton & Sussex University Hospitals NHS Trust:*

Claimant suffered catastrophic brain injury from anoxia in course of operation leaving her in persistent vegetative state/minimally conscious. Liability initially disputed, settled on basis of lump sum plus periodical payments plus indemnities

*Kimmins v North Bristol:*

Failure to diagnose breast cancer leading to more advanced stage/grade

*Mansi v King's College University Trust:*

Failure to pick up brain tumour, the delay rendering successful treatment impossible, claimant having a stroke, losing his business. Settled for approximately £750,000.

*Holroyd v United Lincolnshire Hospitals NHS Trust:*

Failure to heed scans, leading to a significant period of non-treatment of liver cancer and the claimant's resulting death, issues of extent of causation

*Eslah v Dr Robb:*

Alleged (i) failure to provide adequate diagnostic input (ii) failure to heed declining condition, resulting in avoidable death. Led by Frank Burton QC

*Langley:*

RTA, severe brain injury – minimally conscious minus state. A particular issue of interest was the impact of a likely divorce given (a) contributory negligence (b) periodical payments being secured for future care without deduction for contributory negligence but capital payments being reduced accordingly. Settled for a capitalised value equivalent to £5,250,000. Led by Richard Methuen QC, input obtained (joint conference) as to family law from Michael Glaser (specialist family barrister)

*Robertson Inquest, Lattitude Global Volunteering*

Two young women were on a placement in South Africa with Lattitude. They went swimming, were caught in a rip tide with others and died. The inquest considered the nature and risk of rip tides, and also involved intricate regulation 28 issues.

*Stewart v Harding:*

RTA, multiple orthopaedic injuries, complex issues relating to long-term deterioration/job prospects

*Watkins v Howell:*

Road traffic accident, acting for Defendant, claimed at over £1,000,000

*Spraggs v Burrell:*

RTA, Severe upper and lower limb injuries. Elective above-knee amputation, issues included whether that was reasonable and the suitability/benefits of new high-end technology prosthetic equipment

*Laney v Frimley Park Hospital:*

Claimant injured by another patient who should have been restrained, set off complex sequence of orthopaedic and psychiatric injury

*Montrose-Brown v Wentworth Care Homes:*

Acting for defendant Wentworth Homes re fall of member of staff, claimant claimed primarily orthopaedic injuries, at trial the claimant discontinued after her evidence

*Carrington v South Essex Health Authority:*

Acting for Defendant. Claimant alleged work related upper limb disorder arising out of her work as a hairdresser. All elements of claim in dispute, claimant's claim dismissed following a trial.

*Johnson v SCB, Norfolk Arena:*

Acting for claimant motorcycle race competitor who alleged he suffered much more serious injuries than would have been the case if appropriate barriers had been in place. International motorsports experts. Settled

*B v P:*

B fell off ladders. He claimed against his employers, and was represented by a leading personal injury firm. His claim was settled for £15,000, a negative view being taken of liability, and a significant brain injury being missed notwithstanding medical evidence that should have triggered further investigation. P's solicitors never met B, they

liaised with his wife. B continued at work, but struggled and ultimately gave up work. At a hearing to repossess his home the District Judge realised that something was wrong with B. B, now a protected party, pursued P for undersettling his case. The professional negligence claim was concluded in his favour for a substantial sum.