

Henry King

Call: 2018
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AREAS OF EXPERTISE

Costs, Personal Injury, Clinical Negligence, Fraud, International & Travel, Employment & Discrimination, Insurance, Professional Negligence, Credit Hire, Property, Property Damage

Henry specialises predominantly in costs litigation arising from all manner of actions.

He also maintains a substantial practice in personal injury, property damage, professional indemnity and cases involving suspicions of fraud.

Henry's practice is managed by:

- Lily Baker – Practice Manager (baker@12kbw.co.uk); and
- George Gosling – Assistant Practice Manager (gosling@12kbw.co.uk)

Costs

Henry is a costs specialist. He has been instructed in a wide variety of costs related disputes in

the context of personal injury claims as well as those outside the personal injury regimes, including detailed assessments relating to judicial reviews, property damage and solicitor client costs.

Clients have praised his good-humoured approach to bad tempered litigation. He has been instructed in costs assessments worth in excess of seven figures.

Costs Assessment: Henry is familiar with the various provisions of the CPR relating to costs assessment and has appeared in the SCCO on both procedural matters and detailed assessments. He has been instructed to draft Points of Dispute and has a good track record on assessment.

Costs Budgeting: Henry is familiar with all matters relating to costs budgeting. He regularly appears in CCMCs and has conducted them in the High Court.

Fixed Costs: He is very familiar with the fixed costs regime, and advises on the tactics surrounding the same, particularly in respect of Part 36 offers. He has been successful in securing parties their costs in exceptional circumstances.

QOCS: Henry regularly appears and advises on applications to set aside QOCS and the application of QOCS to "mixed claims" involving personal injury. He has also appeared in a number of matters where a party is seeking to set aside the protection of QOCS on the basis of fundamental dishonesty.

Wasted Costs: Henry has advised on, and appeared in, a number of successful wasted costs applications following strike out or discontinuance of claims particularly in relation to fast track personal injury litigation.

Non-Party Costs Orders: Henry has litigated a wide variety of non-party costs orders and was instructed in a high court appeal in respect of a non-party costs order made against a credit hire company, the outcome of which is awaited.

Personal Injury & Clinical Negligence

Henry acts for Claimants and Defendants both on paper and in Court in all manner of personal injury actions. He is confident in handling high value claims and has been instructed in a number of claims worth in excess of £100,000.

Employer's Liability: He has a busy practice in cases where personal injury overlaps into the workplace and has secured good results on a number of matters involving multiple Defendants. His extensive employment experience assists in advising his clients of the best possible strategy, and he particularly enjoys Personal Injury cases which have a crossover into

Employment Law. This has included high value hearing loss claims.

Occupier's / Public Liability: Henry is very familiar with the provisions of the Highways Act and the Occupiers' Liability Acts, having acted for both Claimants and Defendants in a variety of slipping and tripping cases. Henry has worked on a variety of cases where injury has occurred in a school context as well as a funfair context and is keen to continue expanding these areas.

Fatal Accidents & Inquests: Henry has pleaded schedules of dependency and is familiar with fatal accident claims. He has experience of inquests arising in both the personal injury and clinical negligence context, including conducting a multi-day jury inquest. He is keen to explore this area further.

Clinical Negligence: Henry acts for both Claimants and Defendants in Clinical Negligence litigation. He has a particular interest in complex causation cases. Prior to pupillage, Henry worked for a large panel firm gaining an insight into the nuances and complications arising out of both public and private healthcare litigation.

Insurance

Henry enjoys being instructed in insurance disputes and has a rapidly growing practice in this area.

Construction & Property Damage: Henry is familiar and has been instructed on a wide variety of litigation arising out of construction contracts and property damage, including having been instructed on cases in respect of defective works, provision of repairs, fire, and flood damage. This has included defending cavity wall insulation claims. He is comfortable in advising on the relationship between contractors and subcontractors in construction contracts, and the obligations arising both in terms of damage and personal injury. He has acted in cases involving the validity of exclusion clauses.

Indemnity: Henry has acted in actions in respect of whether indemnity is extended to an insured or potential Claimant in a variety of high value cases under **Third Parties (Rights Against Insurers) Act 2010** and the **Insurance Act 2015** including claims involving the duty of fair presentation. He has advised, drafted and appeared in summary judgment and strike out applications on policy wording. He acts for all sides in such claims.

Motor Insurance: He has acted in a variety of claims where issues as to whether an insurer has status as a **Road Traffic Act 1988** or **Article 75** insurer and is adept at spotting such issues early in order to protect a party's position. He has experience of claims under both the Untraced Drivers Agreement and the Uninsured Drivers Agreement.

Professional Negligence: Henry has acted for Claimants and professionals and in cases involving allegations of professional negligence, including a case where it was alleged that an expert witness had been professionally negligent. He is keen to expand this area of work.

Fraud

Henry regularly advises, pleads and appears in trials involving allegations fundamental dishonesty, particularly in respect of low velocity impacts and staged accidents. He is confident in advising and advocating in respect of the disapplication of the QOCS provisions. He has been commended by his clients for his attention to detail and robust trial advocacy in such cases.

During his pupillage, he was involved in a number of cases involving motor fraud rings suspected to be linked to serious organised crime. This involved induced and staged accidents, at all stages of claim. Henry is very keen to undertake further work for Defendant firms in this area.

International & Travel

Henry has experience working on cases involving **Rome II** as well as the **Package Travel Regulations 2018**, having settled Particulars of Claim, Defences and Part 35 questions.

Henry has advised on the impact of COVID-19 and the application of the **PTR 2018** in respect of residential school trips. He is keen to work on this area further.

Henry did a joint honours degree, including French Law. During his year abroad, he worked for a legal charity, translating and writing submissions to the European Court of Human Rights on Private International Law, working on (amongst others) **Parillo v Italy**.

Employment & Discrimination

Henry acts for both Claimants and Respondents in Employment Tribunals. He has a wide variety of experience in both ET and the EAT having appeared in both preliminary hearings and hearings of the merits. He appeared for the successful Appellant in the case of **Cox v Adecco and ors [2021] UKEAT/0339/19/AT**.

Unfair Dismissal: He has appeared on a wide variety of multi-day unfair dismissal claims, including constructive dismissal. Henry has been praised by his clients for securing excellent outcomes both at trial and outside of the Tribunal.

Redundancy: Henry has recently been involved in advising on a number of collective and

individual redundancy cases. He has delivered a webinar and co-authored an article in the Employment Lawyers Association Briefing on Collective Redundancy which are available through this website.

Discrimination: A large degree of Henry's employment practice involves discrimination claims. Recent examples include:

- Instructed as a junior in a claim worth in excess of £100,000 for failures to make reasonable adjustments and disability, sex and race discrimination
- He was instructed in a seven day discrimination claim where he secured a very favourable outcome for his client.

Whistleblowing: Henry has particular experience in respect of agency worker claims and the expanded definition under **s.43K ERA 1996**. He has acted in the EAT in this regard and welcomes further instructions in this area.

Commercial: He has a working knowledge of financial services litigation and has been instructed on a number of employment matters in a commercial context, particularly in relation to discrimination and whistleblowing.

GDPR: Henry has a full working knowledge of the **General Data Protection Regulation 2018**, and has advised on access to information obligations thereunder.

Court of Protection

Henry welcomes instructions across the full range of Court of Protection matters for all sides. Henry is thorough and client focused. He prides himself on taking a sensitive approach to such matters.

Health & Welfare: He has been instructed in cases in which both mental capacity and best interests are in dispute, as well as hearings involving issues of residency care and contact. Henry's cases often involve deprivation of liberty.

Property & Affairs: Henry has been instructed in cases which involved contested hearings of the validity of Lasting Powers of Attorney. He is familiar with deputyship matters in property and affairs cases.

Serious Medical Treatment: Henry has undertaken cases which have involved the meaning of serious for the purposes of medical treatment and best interests applications on behalf of NHS Trusts seeking the treatment be given.

He has written on the impact of the MCA 2005 in Clinical Negligence claims for the Expert

Witness Journal. His experience with clinical negligence and wider personal injury matters gives him an acute understanding of treatments and patients. This has proven to be invaluable when dealing with medical treatment cases.

Credit Hire

Henry has extensive experience in credit hire litigation and acts for both Claimants and Defendants in this area and he is very familiar with the usual issues of impecuniosity, rate, period, need and enforceability.

He has advised and acted in claims worth in excess of £100,000 and has been instructed on a number of matters in relation to fraudulent or exaggerated hire or storage claims. His costs practice means that he is also familiar and comfortable in advising and obtaining third party costs orders, wasted costs orders or setting aside QOCS where appropriate.

Qualifications & Awards

University of Leicester, LLB Law with French Law and Language – First Class Honours

City Law School, BPTC – Very Competent