

# 12

King's Bench Walk

## Hugh Hamill

Call: 1988

hamill@12kbw.co.uk



### AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, Industrial Disease, Professional Negligence, Insurance, Product Liability, Costs, Health & Safety, Fraud, Credit Hire, Inquests, Public Authority Liability, Construction, Aviation

Hugh specialises in high value complex personal injury, professional negligence, clinical negligence and industrial disease and general insurance work.

Last year was another excellent year for Hugh and has seen him continuing to represent major insurers; public authorities; large corporations and seriously injured claimants in high-value claims, particularly those involving chronic pain / fibromyalgia / chronic fatigue. Very often in these types of claim, causation is hotly disputed and issues of malingering, fraud and exaggeration arise.

He is known as an extremely tough negotiator both in JSM's and in mediations and regularly delivers sensible outcomes for all parties, avoiding the costs and risks of a contested trial.

Listed as a Leading Junior in Personal Injury, In Chambers and Partners 2016, Hugh is noted for his work in cases involving fibromyalgia and brain and spinal injuries. He is particularly noted for his ability to handle high-value and contentious claims.

Previous editions referred to him as "bright, bold and ethical." He is praised for being a "slick and tenacious court performer" who "rolls up his sleeves and gets his hands dirty," and as a "razor sharp" advocate."

The Legal 500 recommends Hugh where there is malingering or fraud. He is 'an excellent advocate with a no-nonsense approach to cases'.

Hugh is also responsible for the development and the supervision of Chambers I.T. network and the continued expansion of the I. T. infrastructure.

He has a very strong grasp of technical; engineering issues and a fine eye for detail.

He lives in Oxfordshire and can accept instructions at short notice either by DX or email. He is married with 2 children.

### Personal Injury

---

He has an extensive P.I. practice acting predominantly for defendants but also for claimants in catastrophic injury claims. He has a particular interest in claims involving chronic pain, fibromyalgia and chronic fatigue particularly where issues of malingering, exaggeration and fraud arise.

Hugh is regularly instructed in claims involving :

Public / Employers Liability claims – including Highways Act, Stress at work, Mesothelioma, Asbestos and other chemical exposures and in psychiatric injury claims”;

Catastrophic Injury Claims – such as serious brain & spinal injuries, amputation or gross disfigurement;

Road Traffic – Fatal Accident and Serious injury claims including claims involving the Motor Insurers Bureau;

Aviation Claims – Fatal Accident and personal injury claims arising out of aviation disasters;

Mental Capacity – Litigation Capacity – Hugh successfully represented the Defendants in Masterman- Lister the leading case in this area and has been instructed in several major cases arising out of this decision.

## **Clinical Negligence**

---

Hugh continues to act for Defendants in claims arising out of accidents which have been exacerbated by negligent treatment and where a contribution is sought from the NHSLA. In addition he has acted both for Claimants and Defendants in claims arising out of negligent dental treatment and failed cosmetic surgery.

## **Industrial Disease**

---

Hugh accepts instructions in all forms of industrial disease work, predominantly arising out of exposure to asbestos.

He recently represented the Defendants in the High Court in [Dadd v AEI; MOD ; NEL & Fastran Heating HQ14A05465](#) in which the Claimant age 66 was seeking Blamire damages having recently been awarded a PhD.

## **Professional Negligence**

---

Hugh has undertaken a wide variety of professional negligence claims for both Claimant's and Defendants. On instructions from Bar Mutual he recently reached a successful conclusion to a claim brought against a Silk arising out of a clinical negligence action.

## **Insurance**

---

Hugh advises on a wide variety of insurance and indemnity issues relating to EL and PL policies; RTA declarations and matters relating to the MIB.

## **Product Liability**

---

Hugh acts for Defendants in claims arising out of defective products which result in injury or loss and damage to property in particular fire and flood claims.

He recently successfully acted for a Local Authority in a claim arising out of a defective Electronic Monitoring Alarm system installed at a secure children's home which resulted in the injury of an employee not being detected.

## **Costs**

---

Hugh is often instructed to advise on issues arising out of costs disputes and regularly participates in CCMC's.

## **Health & Safety**

---

Hugh also accepts instructions for companies, partnerships and individuals who are prosecuted following injuries at work or on their premises.

## Fraud

---

Hugh is regularly instructed to advise in cases where fraud or malingering is suspected both by an individual Claimant or where 'Fraud Rings' are identified.

He successfully acted for the Defendant in Ramaraj v Ahmed LTL 7/6/2012 where the Claimant was found to be in Contempt and her case struck out.

## Credit Hire

---

Hugh has been retained to provide tactical advice to major insurers on how to respond to Credit Hire Claims and the issues they give rise to.

## Inquests

---

Hugh acts for local authorities, police forces and individuals at inquests where they may have involvement in the death under inquiry.

## Public Authority Liability

---

Hugh is instructed in a wide range of Public Liability claims – including Highways Act, Police, Fire and Ambulance, Schools, Stress at work, Mesothelioma, Asbestos and other chemical exposures and in psychiatric injury claims”.

## Construction

---

He is also sought after in engineering and construction disputes where his clients note that he has an excellent eye for detail, alongside good technical insight, which is invaluable when analyzing large volumes of information.

## Aviation

---

Hugh has been instructed in several claims arising out of air accidents involving both fixed wing aircraft and helicopters.

## Qualifications & Awards

---

University College, Dublin (BA (Hons) Philosophy & Economics)  
City University (DipLaw);

Inner Temple Scholar -1988.

## Memberships

---

PIBA , LCLBA.

## Cases

---

*Dadd v AEI; MOD ; NEL & Fastran Heating – HH Judge Cotter HQ14A05465* in which the Claimant age 66 was seeking Blamire damages having recently been awarded a PhD following a diagnosis of mesothelioma.

*Daniel McCracken v (1) Damian Smith, (2) The Motor Insurers' Bureau, (3) Darren Michael Bell [2013] EWHC 3620 (QB)*. Successful defence of an action against the MIB by uninsured passenger on a stolen un-roadworthy off-road trials bike.

*Ramaraj v Ahmed LTL HH Judge Maloney Q.C. 7/6/2012* where the Claimant was found to be in Contempt in the face of the Court and her case struck out.

*Higgs v Pickles [2011] PIQR P15* – Applied the Ogden 6 tables without any adjustments

*Connor v Bradman [2007] EWHC 2789* – Hugh acted for the Claimant in the leading case on the application of the Ogden Tables to assessing loss of earnings

*Budden v Police Aviation Services Limited Q.B.D 2004* – Liability attached to the employer of a pilot who was killed when his air ambulance crashed after striking pylons close to Rochester Airport. Although the Judge could not identify the precise mechanical defect which had caused the crash he was satisfied that it had been caused by a mechanical defect

*Cranfield v Bridgegrove Ltd C.A. [2003] 1 W.L.R. 2441* – Joined Cases: *Claussen v Yeates*. Successfully acted for the Yeates in a multi-party appeal dealing with service issues arising out of CPR Part 6

*Masterman-Lister v Jewell C.A. [2003] 1 W.L.R. 1511* – Successfully acted for the Defendant in this leading case on Mental Capacity. The Claimant sought in 2000 to re-open litigation concluded in 1987 on the grounds that he lacked capacity to settle his action