

Isaac Hogarth

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AREAS OF EXPERTISE

Clinical Negligence, Personal Injury, Insurance, Fraud, Inquests

Isaac has a specialist clinical negligence, personal injury and insurance practice. A large number of Isaac's instructions relate to cases involving life-changing spinal and brain injuries, chronic pain and fatalities. He is ranked as a leading junior in personal injury and clinical negligence in both the Legal 500 and Chambers and Partners 2024.

In addition to his injury practice, Isaac has a growing reputation as an insurance specialist and is often instructed to advise insurers and the MIB on technical coverage and indemnity issues.

Isaac is an experienced advocate with an excellent track record at trials, joint settlement meetings and mediations. He is often instructed as a junior in high value claims, but also has extensive experience as sole counsel.

In addition to his civil practice, Isaac is often instructed to provide representation at inquests, particularly those arising from deaths in hospitals and road traffic accidents.

Clinical Negligence

Isaac has a busy and varied clinical negligence practice, and has acted or advised in cases including:

- spinal cord injuries,
- sepsis,
- strokes,
- negligent surgeries,
- sub-arachnoid haemorrhage,
- delayed diagnoses (including cancer),
- lower limb injuries, including diabetic foot and critical limb ischaemia cases,
- failure to obtain informed consent,
- injury at birth,
- claims by secondary victims following negligent medical treatment

Isaac acts predominantly on behalf of claimants in his clinical negligence practice.

Whilst Isaac's clinical negligence experience is very broad, he is particularly interested in cases involving sepsis or spinal cord injury.

Isaac's clinical negligence work includes drafting pleadings, drafting agendas for expert meetings, advising on paper and in conference, and providing representation at JSMs, mediations and at court.

In addition to working on cases against hospitals and GPs, Isaac has been involved in cases involving claims against cosmetic practitioners and pharmacists.

Recent examples of Isaac's clinical negligence work are:

- *RLB v King* – acted for the widow, estate and dependents of a deceased who died due to delayed diagnosis of colorectal cancer. The deceased was in his 30s and left behind a wife and three young children. Settled for £1.75 million. Settlement approved by HHJ Dunne, sitting as a KBD judge. See link to case summary [here](#).
- *MAR (a protected party) v Dr I and Dr B* – acting for claimant who suffered a severe ischaemic stroke due to poorly managed hypertension and a failure by the D1 to administer aspirin when C presented in a walk-in centre having suffered a minor stroke two days earlier. Led by William Audland KC. Settled on the issue of liability following JSM, and settlement approved by Deputy High Court Judge Obi. The claim continues on the issue of quantum.
- *L v Leeds Teaching Hospitals* – acting for claimant who suffered incomplete paraplegia due to delay in treating spinal epidural abscess. Acted on liability, securing admission, and with William Audland KC on quantum. Settled for £3 million lump sum.
- *AB v Salisbury NHS FT* – acting for claimant who suffered catastrophic brain injury due to significant bleed during laparoscopic surgery. Including short life expectancy accommodation claim post *Swift*. Led by William Audland KC. Settled following JSM for £1.85 million and periodical payments of £319,500 pa. See link to case commentary [here](#).
- *RKT (a protected party) v Essex Partnership University NHS Foundation Trust* – acting for claimant who developed c.diff colitis with toxic megacolon following the negligent prescription of flucloxacillin, leading to colectomy. C had pre-existing schizophrenia, and complex questions arose in relation to funding of care and case management, due to s.117 MHA and CHC status. Settled at JSM for £600,000, and approved by Deputy High Court Judge Clare Padley. See link to case commentary [here](#).
- *J v An NHS Trust* – acting for estate of 47-year-old who died due to a delay in the diagnosis of rectal cancer. Included complex causation issues as the deceased suffered a stroke during treatment, which the Defendant claimed to be unrelated to negligence. Settled for £650,000.
- *L v An NHS Trust* – acting for a claimant rendered paraplegic (T8 Frankel B) due to a delay in imaging and then decompressing spinal epidural haematoma. Led by William Audland KC. Settled at a JSM several weeks prior to the start of the liability trial for £4.5 million.
- *X v An NHS Trust* – acting for a claimant rendered permanently blind due to a failure to treat raised intra-cranial pressure secondary to cerebral venous thrombosis, as junior to William Audland KC. Settled at mediation for sum in excess of £4m. See link to case summary [here](#).
- *The Estate of P v An NHS Trust* – the deceased suffered a delay in diagnosis of a pancreatic cyst with a high risk of malignancy. She then suffered an unrelated heart attack, after which she should have had the cyst excised, but did not. The cyst became malignant, and she died from cancer. Fully contested on liability and causation. Settled at a mediation.
- *The Estate of LH v An NHS Trust* – the deceased had been rendered tetraplegic due to a failure to immobilise his spine and perform a decompression following a fracture. He died 18 months later due to complications secondary to his injury. Causation was disputed. Settled at a mediation.
- *H v Prof M* – acted for the claimant who had undergone post-mastectomy breast reconstruction with implants. She had not been warned of the risks of capsular contracture following radiotherapy, which then occurred. Liability was disputed. Settled.
- *Z v An NHS Trust* – acted for a claimant who suffered CRPS following the negligent excision of a lipoma from her palm. Settled.

- K v An NHS Trust – acted for a claimant who suffered severe osteoarthritis in her foot following surgery to correct a hallux valgus deformity. There was a failure to obtain informed consent. Settled.
- C v An NHS Trust – acted for a claimant who suffered a permanent injury to his wrist following a delayed diagnosis of a scaphoid fracture. Settled at a mediation.
- B v An NHS Trust – acted for a claimant who suffered a ‘drop foot’ following failure to evacuate a post-operative haematoma. The case was advanced on the basis of consent arguments. Settled at a JSM. Read case report [here](#).
- Re Z (Deceased) – acted for the estate of a man who died due to mismanaged diabetes. Settled.
- Re HC (Deceased) – acted for the estate in a delayed diagnosis of lung cancer case. Settled.
- Ali v Carr (2017) – acted for the successful claimant in a cosmetic negligence case where damages were assessed in the High Court at £52,744.45, including PSLA of £18,000. Read case report [here](#).
- X v An NHS Trust – acted for the successful claimant in a fatal case involving failure to treat sepsis.
- Y v An NHS Trust – acted for the successful claimant in a case involving delayed diagnosis of lung cancer.

Isaac is also instructed in inquests where clinical negligence is suspected.

Before coming to the Bar, Isaac worked in the clinical negligence department at Stewarts Law LLP. He gained extensive experience working on injury at birth cases, spinal injury cases (including cauda equina), and fatality cases.

Isaac is the author of A Practical Guide to Sepsis and Meningitis Claims, available [here](#).

Personal Injury

Isaac acts for claimants and defendants in all aspects of personal injury including road traffic accidents, employer's liability, occupier's liability, product liability, public liability and public liability.

The majority of Isaac's personal injury instructions arise from road traffic accidents.

Isaac is generally instructed in serious and catastrophic injury cases, including cases involving chronic pain, brain injuries, spinal injuries and fatalities.

Many of Isaac's instructions for defendants involve allegations of fraud, or indemnity issues (see below).

Examples of Isaac's work include:

- (ongoing) Instructed for the defendant as junior to William Audland KC in the group action against Rugby Football League, in which over 80 claimants allege brain injuries due to concussion.
- P v E (2023) – instructed for defendant in a motorcycle vs car accident, where the claimant developed compartment syndrome. Pled at £1.5 million. Settled for about a third of that at a JSM.
- S v H (2023) – instructed for defendant in claim pleaded at £900k plus provisional damages where the claimant was a young man who had suffered very serious lower limb injuries as a child. He had a residual risk of amputation. Settled following a JSM on a full and final lump sum basis. Isaac acted unled against a KC.
- B v SR (2023) – instructed for defendant in claim pleaded at £1.1 million, arising from RTA in which C suffered multiple traumatic injuries. She claimed that given ongoing urinary incontinence and pelvic pain, she had had to abandon her career as a flight attendant. Ogden disability alleged. Settled at JSM for less than a third of pleaded value.
- D v MS (2023) – instructed for defendant in claim pleaded at over £1 million, where C was a serving police officer who had been seriously injured in an RTA in the line of duty. He alleged a significant risk of medical retirement, and Ogden disability. The claim successfully settled at JSM.
- S v (1) G (2) H (2022) – instructed for the defendant Article 75 insurer in a claim where C had suffered multiple traumatic injuries as a result of an RTA, and claimed to be unable to return to work. C claimed £400k. Settled for

a third of that.

- *W v P* (2022) – instructed for the claimant in a fatal road traffic accident, where the deceased was driving above the speed limit on a major road, when the defendant emerged into his path. Issues were contributory negligence and quantum. Settled for a six figure sum.
- *P v K* (2021) – instructed for the defendant in a serious injury claim in which a young professional riding pillion on a motorcycle was negligently knocked down and suffered a severe knee injury. Settled at a JSM (unled) against a QC for less than half the claim's pleaded value.
- *M v L* (2020) – instructed for the defendant in chronic pain claim. There was a dispute as to whether the condition was organic or functional. Pled to £1.5m. Settled shortly after JSM for less than 30% of its pleaded value.
- *C v Y* (2020) – instructed for defendant in a severe traumatic brain injury claim. Claim arose from quad biking on a dual carriageway. Liability and quantum were disputed. The claim was settled by a Calderbank offer on terms favourable to the defendant.
- *Re GA* (2020) – instructed for claimant in a motorcycle accident claim causing significant orthopaedic and psychological injuries in which quantum was complex due to the claimant only having recently embarked on a career which he would now have to abandon, and due to pre-existing medical issues. The claim settled pre-issue for a substantial sum.
- *Newell v Lily Communications* – finding of fundamental dishonesty in an EL liability trial against a telephone salesman who claimed to have suffered a significant injury to his back at work. Before HHJ George.
- *Nicholson v Thomas* – finding of fundamental dishonesty against a former prison guard who exaggerated his injuries following a serious road traffic collision. Decision of HHJ Owen KC.
- *M v X Local Borough Council and Other* – represented a third party in a serious injury claim arising from a slipping accident at a party. Settled at a JSM, at which Isaac appeared unled against a KC.
- *A v C* – acted for the Claimant in a case brought under the Animals Act after she was injured by a neighbour's dog. Settled following a settlement meeting for £50,000.
- *Khalid v AXA* – successfully had claim struck out for fraud upon conclusion of the Claimant's evidence in a liability disputed road traffic accident. QOCS disapplied and costs ordered.
- *English v Burnt Mill Academy Trust* – instructed for Defendant where the Claimant was a schoolboy who fell over a bollard which served no purpose and was removed after the accident. Claim dismissed. Decision of HHJ Moloney KC. Reported on Westlaw and Lawtel.

Insurance

Indemnity and coverage disputes form a core part of Isaac's practice. He frequently advises insurers and/or the MIB on policy and coverage disputes, particularly in the context of road traffic accidents. He is often instructed to draft defences or to advise in cases where indemnity disputes arise between insurers and their policyholders. He is also frequently instructed to advise insurers on their status as against other insurers.

He has recently advised in cases involving the following issues:

- All aspects of the Uninsured Drivers' Agreement 2015, including failures by claimants to pursue other sources of recovery, and clause 8 defences;
- Cases where proceedings have not been properly served on a tortfeasor and where the insurer or MIB has only a contingent liability under section 151, Article 75, or the UDA;
- Whether various types of use fell within the terms of a policy, including:
 - use of a vehicle as a weapon;
 - racing;
 - fast food delivery;
 - deliberate acts;
 - Whether the correct insurer to conduct a defence was an EL or motor insurer, and how to resolve the issues between those insurers;
 - Whether an uninsured defendant who conducted her own defence and satisfied her own judgment could be liable to the MIB in costs.

He frequently delivers training on insurance indemnity and cases involving the Motor Insurers' Bureau ('the MIB').

He also acts for claimants in cases against the MIB.

Fraud

A significant proportion of Isaac's personal injury practice involves cases containing allegations of fraud including fraudulent exaggeration, LVI, and induced accidents.

Isaac is regularly instructed to advise in writing and in conference on behalf of defendants in cases where fraud is suspected.

He is familiar with the application of section 57 of the CJCA 2015, and has frequently had QOCS disapplied on the basis of findings of fundamental dishonesty.

Isaac is frequently instructed in chronic pain and mild traumatic brain injury cases where exaggeration is an issue.

Isaac has a reputation for clear and robust pleading.

A large number of claims Isaac has been involved with in this area have been discontinued or settled for very low sums early in the litigation.

In *Pajapati v Smith* (2020), the claimant brought a claim for personal injuries and credit hire. Isaac represented the defendant at trial. The Deputy District Judge made a finding of fundamental dishonesty, but also took the unusual step of striking out the entire claim on the basis of a falsely verified statement of truth.

In *Nicholson v Thomas* (2018), Isaac was instructed for the Defendant in a claim arising from a serious road traffic accident, in which the Claimant was knocked off his motorbike, and suffered spinal fractures. The Defendant's investigations included obtaining surveillance evidence which suggested exaggeration. Isaac successfully obtained a finding of fundamental dishonesty before HHJ Owen QC.

In the case of *Khalid v AXA* (2017), Isaac successfully applied to strike out the claim upon the conclusion of the Claimant's evidence. QOCS were disapplied. A report on the case can be found [here](#).

In another case, (1) *Howell* (2) *Walker v Brindley Asphalt Ltd* (2017), Isaac represented the Defendant; following a two-day trial, C1's claim was dismissed upon an application under section 57 CJCA 2015 for a finding of fundamental dishonesty, with an order for indemnity costs – a case summary can be found [here](#).

Inquests

Isaac has experience of acting in inquests, especially those involving hospitals.

Isaac has been instructed both by families, and by other interested persons, including retirement homes. He has also been instructed by the insurers in cases with a personal injury background, particularly in deaths arising from road traffic accidents.

In addition to representation at inquest hearings, Isaac advises interested persons in preparation for inquests, and is happy to attend pre-inquest reviews.

Isaac has recently acted in the following inquests of note:

- *Re B* – hospital inquest where the deceased, who was suffering from terminal cancer but was not on an end-of-life pathway, was administered a toxic dose of morphine and died due to overdose. The Coroner made critical

findings, recorded in a narrative conclusion.

- Re Whittow and Stokes – road traffic accident inquest, where Isaac acted for the insurer of an elderly driver with Alzheimer's Disease involved in a fatal road traffic accident. The inquest was reported in the national press, including the BBC and The Times.
- Re P – hospital inquest where the deceased had died from sepsis following a post-surgical infection. Isaac was instructed by the family.
- Re W – hospital inquest where the deceased had died following a failure to prescribe and administer anticoagulants. Isaac was instructed by the family. The Coroner made a finding of neglect.
- Re G – the deceased suffered smoke inhalation injuries after her Hotpoint dishwasher caught fire. Isaac was instructed by the family. Hotpoint instructed a silk.
- Re J – hospital inquest where a child had died from sepsis. The Coroner made a finding of neglect. A full case note is available on the 12KBW website. The case has also been reported in the The Sunday Times.

Qualifications & Awards

LLM (Commendation), City University

BPTC (Very Competent), City University

GDL (Commendation), City University

MA (Oxon), English Language and Literature, Corpus Christi College, Oxford

GDL Scholarship, Gray's Inn

Bedingfield Scholarship, Gray's Inn

Arden Scholarship, Gray's Inn

Memberships

Personal Injury Bar Association (PIBA)

Professional Negligence Bar Association (PNBA)

Action Against Medical Accidents (AvMA)

Association of Personal Injury Lawyers (APIL)

Directories

Chambers and Partners 2024:

"His attention to detail is excellent. He is a very capable and reassuring pair of hands."

"Isaac is technically impeccable and very thorough in his preparation."

"He is very detailed, very knowledgeable, and he makes complicated matters easy to understand."

"Isaac is excellent in all aspects of his work. He has an exceptional eye for detail, is affable with clients, tough with opponents and a skilled advocate."

"He is always in the detail without losing sight of the client. He leaves no stone unturned and does not shy away from

complex arguments.”

“He is a good communicator, is brilliant in conference with experts and builds a good rapport with clients.”

Legal 500 2024:

“Sharp minded and an unbeatable attention to detail. He never leaves a stone unturned. A very safe pair of hands.”

“Isaac’s attention to detail and quick understanding of the issues are outstanding.”

Chambers and Partners 2023:

“Isaac is highly skilled and possesses such attention to detail”,

“He does all that he can to get answers for clients.”

“Isaac is a robust advocate”.

Legal 500 2023:

“Isaac is super bright and applies an excellent level of detail in all cases. His drafting of complex documents is always a pleasure to read because it encompasses all of the issues and sets them out so clearly.”

“Isaac is a wonder”.

Legal 500 2022:

“Isaac is very thorough, considered and extremely intelligent”

Publications and Case Reports

A Practical Guide to Sepsis and Meningitis Claims, November 2019, Law Brief Publishing Limited. Available [here](#).

Article: ‘Standard of care in a clinical setting during the Covid-19 crisis’, which can be read [here](#)

Article: ‘Clinical Approach: Isaac Hogarth reviews some key decisions on sepsis and meningococcal disease’, PI Focus, March 2020

Article: ‘Policy Issue’, an article on *Advantage v Stoodley*, PI Focus, October 2018

Case note: *RLB v Dr K: fatal clinical negligence claim arising from delayed diagnosis of colorectal cancer*

Case note: *RKT v Essex Partnership University NHS Trust: total colectomy and exacerbation of schizophrenia*

Case note: *AB v Salisbury NHS Foundation Trust: short life expectancy brain injury claim*

Case note: *C v University College London Hospitals NHS Trust: Settlement of spinal epidural haematoma claim weeks before trial*

Case note: C v Imperial College Healthcare NHS Trust: settlement of catastrophic blindness claim

Case note: *Advantage Insurance v (1) Stoodley (2) Trinity Lane Insurance* [2018] EWHC 2135 (QB)

Case note: finding of neglect following prescription error

Case note: Hotpoint dishwasher inquest

Case note: Ali v Carr – facial fillers claim in the High Court

Case note: Khalid v AXA Insurance UK Plc

Case note: Isaac Hogarth helps secure rider of neglect for bereaved family in paediatric sepsis hospital inquest

Article: A New Approach to Basic Hire Rates: Karl Stevens v Equity Syndicate Management Ltd [2015] EWCA Civ 93