

# 12

King's Bench Walk

## Isaac Hogarth

Call: 2011

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### AREAS OF EXPERTISE

Clinical Negligence, Personal Injury, Insurance, Fraud, Inquests, Credit Hire, Product Liability, Professional Negligence, Costs

Isaac has a specialist clinical negligence and personal injury practice. A large number of Isaac's instructions relate to cases involving life-changing spinal and brain injuries, chronic pain and fatalities. Isaac is often instructed by defendants in cases involving allegations of fraud.

Isaac is an experienced advocate with an excellent track record at trials, joint settlement meetings and mediations.

He also provides written advice on liability, quantum, evidence and procedure, drafts statements of case and advises in conference.

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.

### Personal Injury

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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, cases under the Highways Act and cases under the Animals Act.

A significant portion 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:

- 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. Pledged 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 QC.
- *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 QC.
- *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 QC. Reported on Westlaw and Lawtel.

## Qualifications & Awards

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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

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Personal Injury Bar Association (PIBA)

Professional Negligence Bar Association (PNBA)

Action Against Medical Accidents (AvMA)

## Publications and Case Reports

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*A Practical Guide to Sepsis and Meningitis Claims*, November 2019, Law Brief Publishing Limited. Available at <http://www.lawbriefpublishing.com/product/sepsisandmeningitisclaims/>

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: *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

Ali v Carr – facial fillers claim in the High Court

Khalid v AXA Insurance UK Plc

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

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