

# 12

King's Bench Walk

## James Candlin

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### AREAS OF EXPERTISE

Personal Injury, Industrial Disease, International & Travel, Clinical Negligence, Product Liability, Health & Safety, Inquests, Fraud, Public Authority Liability, Property, Mediation, Aviation

Specialist personal injury practitioner. Recognised as a leading junior in Chambers & Partners notably for travel related work. However, his experience is broad including product liability, occupational disease, fatal and catastrophic head and bodily injury often in consequence of cycling, motorcycling and motor racing accidents.

He has a science degree and is known for cases which have technical features, product liability, food poisoning, unusual pathogens, and scientific causation arguments as well as clinical negligence claims.

James specialises in health & safety, and is regularly instructed to act in relation to prosecution arising from serious accidents and near misses in industry, freight transport, medical and care institutions. On several occasions James has conducted inquest, criminal and civil proceedings in the same matter.

Away from work James attention is directed at his 4 children, watching and playing sport, keeping bees, making and mending furniture.

### Aviation

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Examples of Aviation Related work:

(2003) *Byrne v Really Great Holiday Company plc* (Travel City Direct) and American Trans Air

Advising a Claimant on the merits of an action, quantum and prospects upon joining under the Group Litigation Order in relation to the question of whether 'bodily injury' had occurred in relation to the consequences of a DVT suffered by a long haul economy class package tour passenger. Action under Warsaw convention discontinued against airline and settled before issue of proceedings as against package holiday tour operator in relation to a contractual claim.

(2006) *Allessia Spallone v Robert Page High Court Action*

Acting on behalf of Claimant initially alone and after issue of proceedings led by Frank Burton QC. Acting for a high net worth Italian LSE undergraduate who was expected to commence working for a family medical business upon graduation. Air crash in 2002 whilst passenger in Cessna C310 involving landing at excess speed and with improper

flap orientation for a tailwind at La Mole airport near St Tropez and overrunning end of runway into dry river bed. 3 passengers of whom Claimant was one suffered spinal injuries. Claimant rendered paraplegic. Very substantial disability, affecting a person who spent time in London, Italy and Cuba rendering quantification complex. Very high value claim. Conviction before law courts of Draguignan France for various negligence offences shortly before issue of claim was subject to appeal. Complexities arising from the Ortac insurance policy concerned, the fact that airport did not have its own air traffic control, and the fact that Defendant a trust fund manager had divested himself of his American citizenship, insured the plane in France, licensed it in England, and owned it by means of a Caribbean purpose trust. Claim settled before trial.

## 2013 Wong v British Airways

Acting for Defendant. Claimant a Chinese stewardess employed by the Defendant who slipped on a piece of detritus on stairs as she descended from crew bunk area. Claimant suffered chronic lower back injury and brought claim under non-fault Hong Kong Employees' Compensation scheme for injury at work arising from long-term incapacity including a board assessment of disability, medical expenses and appropriate reimbursement heads. She then launched a claim in the UK County Court for shortfall between her actual loss and her compensation award. Applicable law issues arose under Rome II in light of the fact that the precise time of accident was uncertain such that the whereabouts of the plane jurisdictionally were therefore also uncertain. Action settled before preliminary issue as to applicable law was heard.

## 2014 Lesley Fleet –v- Thomas Cook Tour Operations Ltd

Acting for Defendant. Claimant had restricted mobility but booked a package tour holiday at a time when she did not require a wheelchair but then experienced deterioration such that she did need one. She had not disclosed her limitations or changed condition until arrival at the departure airport but arrangements were made to assist her onto her flight. Upon arrival in Lanzarote the Defendant did not have a local mobility office and was reliant upon the ground handling arrangements there once she was no longer airside. The local disability assistance operative whilst wheeling the Claimant let go of her wheelchair to use a telephone and it rolled away down a ramp uncontrolled such that she was tipped out and suffered a head injury. Action brought under Equality Act 2010, EU Regulation 1107/2006 and on grounds of vicarious liability. Application for summary judgment was dismissed by reference to the existence and need for a preliminary issue hearing as to the interpretation of a generously worded standard contractual term in relation to assistance to holidaymakers but the action was discontinued in the aftermath of the summary judgment application.

## 2015 Peach v Easy Jet & BAA

Acting for Defendants. Accident involving slip by a commercial specialist solicitor making her way over the air bridge to her flight at Edinburgh Airport. Condensation had rendered the surface slippery and was a known concern arising from indoor and exterior temperature disparity. Action against Easy Jet dismissed after summary judgment application. Primary liability against Airport Authority conceded in light of witness difficulties subject to contributory negligence allegations. Claim on the basis of a chronic pain syndrome arising from coccygeal injury preventing work as a solicitor and necessitating an array of treatments, loss of earnings, disability aids/appliances and domestic modifications. Judgement for Claimant after 5 day trial below initial pre-action part 36 offer. Permission to Appeal to Court of Appeal resisted.

During the last 10 years James has periodically advised both Claimants and Tour operators in relation to merits and quantum of various Denial of Boarding claims in the prelude to the clarification of technical fault issues after Wallentin Herman v Alitalia & Jet2.com Ltd v Huzar and in light of uncertainties as to the correct definition of delay equating to cancellation prior to Sturgeon v Condor.

## **Qualifications & Awards**

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University of Aberdeen BSc(Hons) Pharmacology

Polytechnic of Central London [now University of Westminster] Diploma in law

London School of Mediation accredited mediator

## Appointments & Memberships

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Lincoln's Inn

Member Personal Injuries Bar Association [Executive Committee member 2000 to 2016]

Member AVMA

## Directories

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*"In court he is extremely polite and is excellent in cross-examinations. He's very good with clients."* Chambers and Partners, 2021

*"He is a careful and meticulous cross-examiner. Very helpful. Client friendly."* Legal 500, 2021

*"His attention to detail is great and he's a tough negotiator. He is very experienced and provides thorough and comprehensive advice."* Chambers and Partners, 2020

*"He is a careful and meticulous cross-examiner"* Legal 500, 2019

*"He is excellent in cases concerning forensic evidence; he understands all the terms and is an extremely effective cross-examiner."* Chambers & Partners, 2019

*"He has excellent knowledge of sickness claims in particular, and is down-to-earth and very helpful. He's very thorough, digs down into the details and is a fantastic advocate."* – Chambers & Partners, 2019

*"He is praised for his attention to detail."* – Legal 500, 2018

*"Very forensic, yet approachable and affable."* Legal 500, 2017

*"He has excellent technical knowledge and is balanced and practical in his approach."* Legal 500, 2017

*"Because of his in-depth knowledge of medical issues, he's a safe person to turn to for issues of causation, such as illness outbreaks in foreign hotels."* Chambers & Partners, 2017

*"He has very good attention to detail and can absorb significant facts from large volumes of papers."* Chambers & Partners, 2017

*"James is very protective of his client whilst simultaneously remaining realistic."* Chambers & Partners, 2017

*"He has huge in-depth medical knowledge as well as legal knowledge. His knowledge of chemistry and illness allow him to take a very strong view of claims abroad."* – Chambers & Partners, 2016