

12

King's Bench Walk

James Candlin

Call: 1991

candlin@12kbw.co.uk



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.

International & Travel

James was called to the Bar of Bermuda in 1994 to 1998 and intensively exposed to the Caribbean legal systems about which he continues to advise regularly in relation to travel and tour cases arising there as well as advising on local standards issues and a wide array of other death, serious injury and illness related torts or contract claims throughout the world.

He has significant experience in relation to questions of application of the Package Travel etc Regulations arising from agency and internet booking systems, 'dynamic package' arrangements as well as sequential transaction arrangements. James is very familiar with arguments concerning excursions and litigation concerning leisure activities undertaken abroad such as diving, climbing, skiing, quad biking, sailing, canoeing & ballooning and has conducted actions concerning local standards of instruction and safety especially concerning different forms of ski instruction.

James has also regularly advised on jurisdiction and liability in relation to a number of cases concerning attacks on employees seconded abroad. Also he has conducted arguments concerning the principles of vicarious liability concerning illness contracted abroad by employees, assaults on and sexual misconduct towards Gap year students,

employees abroad and holidaymakers.

James has experience of a significant number of group food poisoning actions arising in hotels and on cruise ships which have generated disputes as to causation such as causation of arthropathy and post infectious ulcerative colitis.

James scientific experience has informed a number of actions concerning unusual pathogens such as Cryptosporidium, Legionella, Ciguatoxin, Scombrototoxin and the causation of serious illnesses such as Haemolytic Uraemic Syndrome by E-Coli 157 necessitating kidney transplant. James acted for the Defendant in ***Antcliffe v Thomas Cook*** which clarified the law relating to strict liability of tour operators for pathogen exposure under sale of goods principles where food poisoning arises from food consumed in all-inclusive resort.

James ' practice includes matters arising from the 6th Motor Directive and the European Judgement Regulations and incidents of overseas RTA when brought against the MIB.

He is experienced in recovery proceedings under Civil Liability (Contribution) Act 1978 as well as construction of indemnity clauses. He has successfully argued for contribution from a European parent company in relation to its management connections with an Egyptian subsidiary applying the principles of *Chandler v Cape Plc* when seeking to recover damages paid out to food poisoning sufferers.

Examples of his recent work include:

- *Peach v BAA & Easyjet (2016)* Commercial solicitor and former dancer slipped on Jetway approach whilst boarding flight sustaining coccyx injury manifesting as chronic disabling pain. Claim in excess of £3m. Hotly contested expert evidence as to causation by accident or prior constitution. Judgment in favour of Defendant position.
- *Houghton v Thomas Cook Tour Operations (2016)* Claimant manager of a stately home garden suffered spinal fracture and related chronic pain condition c£1m claim. Liability compromised at 50%. Expert dispute as to existence of a pre-existing somatoform disorder. Action settled at JSM at substantial discount on value of claim reflecting risks on causation and appropriateness of care regime in event of a psychiatric disorder being the operative cause of ongoing pain.
- *Hussain v Esprit Holidays (2016)* ski chalet visitors chemically burned on lower half of body by inappropriate chemical concentration of Jacuzzi water. Claim to substantial damages for loss of a well remunerated career in a tax free jurisdiction. Substantial expert issues as to causation of psychological injury. Settled before trial.
- *Huckin & Genese v Flightline (2015)* Claimant's saw aftermath of fatal accident involving other guests in resort and claimed to be secondary victims of psychiatric shock. Court dismissed claims on grounds that the Defendant was a mere agent and not a tour operator.
- *Jones v Virgin Holiday cruises (2015)* Claimant holidaymaker fell over a stub wall forming part of staircase in a Jamaican Hotel sustaining knee/hip injury. Reliance on Jamaican Occupiers Liability Act 1958 [near mirror image of UK statute] held to be insufficient evidence of local standards and claim dismissed at end of Claimant evidence.
- *Robinson v Audley Travel (2014)* spinal injury suffered by Claimant who was passenger on zodiac being ferried to diving course when driven at high speed over large waves. Settled before trial.
- *Charlesworth Smith v Global Travel Group (2013)* Claimant sustained short-lived gastrointestinal infection on holiday in Dominican Republic. Disputed contention that subsequent ulcerative colitis, which was severe, disabling and permanent, was caused by material infection. Judgment at trial in favour of non-causation.
- *Newsome v Thomas Cook Tour Operations (2013)* Claimant suffered gastrointestinal infection on Cuban holiday and contended that Post Infective IBS was caused by it. Judgment that Claimant's account of a continuum of symptoms from holiday to later onset of IBS was self serving and false and limited damages to initial illness

Qualifications & Awards

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

Lincoln's Inn

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

Member AVMA

Directories

"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