

James Sullivan

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AREAS OF EXPERTISE

Personal Injury, International & Travel, Clinical Negligence, Fraud, Sport, Health & Safety, Insurance

James has a High Court and multi-track practice specialising in all aspects of personal injury and clinical negligence. He has complementary expertise in respect of accidents abroad and insurance fraud. He is very regularly instructed as sole Counsel in cases valued well in excess of £1,000,000.

James' personal injury practice is focused on cases involving catastrophic and life changing injuries. He has particular expertise in respect of serious brain or head injuries cases (including subtle brain injuries), amputation cases (upper and lower limb), cases involving fusion or joint replacement surgery, and cases involving major psychiatric injuries.

James also has very considerable experience in respect of cases involving rheumatological conditions and non-organic pain cases. His recent and current case load includes cases concerning Complex Regional Pain Syndrome, Chronic Fatigue Syndrome, alleged post-traumatic fibromyalgia, Functional Neurological Disorders and Somatic Symptom Disorders. He is often instructed in cases where there are elements of fraud, malingering and exaggeration.

James international or cross-border work is focused on accidents abroad. He has extensive experience of Rome II and of handling cases involving the application of foreign law both in terms of liability and quantum. James also has experience of claims involving the application of the EU Motor Insurance Directive

In his clinical negligence practice, James acts principally for claimants. He regularly advises in cases involving complex medical issues, particularly concerning causation.

James is ranked as a Leading Junior in both Chambers and Partners (Band 3) and Legal 500 in respect of Personal Injury. He acted for the successful parties in the recently reported High Court cases of *Levitt v Euro Building and Maintenance Contractors Ltd* [2019] EWHC 2926 (QB) 11 Nov 2019 (vicarious liability for assault perpetrated by a sub-contractor, ex turpi causa); and *Robinson v Barker (1) Markerstudy (2)* [2020] EWHC 3097 (QB) (brain injury, liability only trial, accident reconstruction evidence).

Outside of Chambers, James is heavily involved with a charity which funds Research Fellowships at the Royal Marsden Hospital (lecare.org).

Personal Injury

James acts for both claimants and defendants in all aspects of personal injury law, including employers' liability, public liability, tripping and slipping claims and road traffic cases.

James also has particular experience in respect of travel law and accidents abroad, MIB and RTA 1988 related matters, head and brain injury cases, complex regional pain syndrome and fibromyalgia, and cycling and motorcycling accidents (and in particular questions of contributory negligence relating to the wearing / sue of cycle helmets).

Recent examples of James' cases include:

- A claim where the Claimant sustained catastrophic injuries resulting in tetraplegia. The case concerned issues relating the Claimant's life expectancy and the applicability of a periodical payment order in respect an elderly claimant with devastating injuries. There was also significant dispute as to the appropriate care regime. James was led by Stephen Worthington Q.C.
- A claim concerning the alleged development of Non-Epileptic Attack Disorder ('NEAD'). The causation of the condition was disputed (delayed presentation of symptoms and non-accident related psychological drivers). The case concerned complex neuropsychiatric evidence and neurological evidence and a dispute as to the Claimant's career path.
- A workplace accident resulting in a crushing injury to the Claimant's head. The Claimant sustained neurological, neuropsychological and ophthalmic problems. In addition, he was left with fascial scarring / deformity. Liability initially remained in issue but was compromised. The matter ultimately settled for a substantial sum at a JSM.
- A claim involving the development of complex regional pain syndrome following a road traffic accident. The claim involved issues regarding: (1) the causation of the Claimant's alleged condition; and (2) the Claimant's likely career path (the Claimant was a young professional). The claim settled for a very significant six figure sum. James was led by Paul Russell Q.C.
- A fibromyalgia claim where the Claimant had a very significant pre-accident medical history including psychiatric problems and a pre-existing autoimmune condition.
- A workplace accident resulting in an eye injury and a conversion disorder. Liability and contributory negligence remained in issue throughout the proceedings. The disputes in case related to: (1) training and supervision; and (2) the provision and suitability of personal protective equipment. The matter settled at a JSM for a substantial six figure sum.
- A claim involving a cyclist who allegedly suffered a head injury / moderate brain injuries. There was disputed neurological and neuropsychological evidence as to the extent of any brain injury and the impact on the Claimant's working capacity. The claim settled at a JSM for a substantial six figure sum.
- A workplace incident resulting in modest orthopaedic injuries but also a severe chronic pain disorder. The Claimant was unable to work as a result of her symptoms and had significant care requirements. The case involved disputed psychological evidence as regards the causation of the Claimant's chronic pain condition.
- A workplace accident involving serious orthopaedic injuries, and a deep vein thrombosis. The case involved a claim for provisional damages in respect of the future risk of a further deep vein thrombosis leading to a pulmonary embolism.
- A workplace accident where the Claimant developed Chronic Regional Pain Syndrome. The case involved substantial claims for loss of earnings, care and assistance, aids and equipment, and accommodation adaptations. The claim was compromised for a sum well in excess of £1,000,000. James acted for the Claimant in this case where he was led by Nicholas Heathcote Williams Q.C. (now HHJ Heathcote Williams Q.C.).

Qualifications & Awards

B.Sc. (First Class Honours) Government (London School of Economics)

M.Phil. (Distinction) International Relations (Magdalene College, Cambridge University)

Post Graduate Diploma in Law (Distinction) (College of Law)

Bar Vocational Course (Very Competent) (ICSL)

Howard Laski Scholarship (LSE 1999-2000)

Princes Royal Scholar (Inner Temple 2004-2005)

Memberships

PIBA, LCLCBA, AvMA

Cases

Copley v Lawn and Maden v Haller [2009] EWCA Civ 580. Appeared as Junior Counsel, led by Ronald Walker Q.C. for the Defendants in these credit hire cases concerning: (1) whether or not it is unreasonable for claimants, whose vehicles have been damaged in road traffic accidents, to reject offers of replacement vehicles from defendant insurers; and (2) the question, if it is unreasonable for claimants to reject such offers, of the correct measure of damages.