

# 12

King's Bench Walk

## James Sullivan

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### AREAS OF EXPERTISE

Personal Injury, International & Travel, Clinical Negligence, Fraud, Sports, Health & Safety, Credit Hire, Insurance

James' practice is predominantly mid to high end Multi Track work. He regularly appears in court and has a strong paperwork practice. He accepts claims on a CFA basis and is willing to consider pro bono work where appropriate.

He has particular interest and 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).

James also has a strong clinical negligence practice.

James was ranked in the Personal Injury section of the 2015 Edition of Chambers and Partners as '*up and coming*'.

### International & Travel

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James has a particular interest and specialism in travel law and accidents abroad.

He has advised and appeared in cases concerning jurisdictional issues (principally regarding the Brussels Regulations), applicable law in the context of accidents abroad (Rome II), and the Package Travel, Package Holidays and Package Tours Regulations 1992.

James has also regularly advised regarding the instruction of foreign law experts in the context of accidents abroad (both in terms of the liability and the assessment of damages).

Recent examples of James' international and travel work include:

- A claim arising out of a road traffic accident that occurred in Italy. Italian law applied. The matter has involved: (1) the instruction of Italian law experts; (2) the consideration of Italian limitation law; and (3) the assessment of damages (and recoverable heads of loss) pursuant to Italian law (but with reference to English medico-legal evidence).
- A claim arising out of an accident that occurred in a hotel in Spain. The matter involved: (1) consideration as to whether the English Courts had jurisdiction, or whether the Spanish courts were already seized of the Claimant's claim (pursuant to Spanish law, read in the light of Brussels I Regulation (recast)); (2) whether Spanish law afforded the claimant with a direct right of action against the Defendant insurer; and (3) the

assessment of the Claimant's claim pursuant to Spanish law.

- A claim arising out of a package travel holiday in Egypt that had been organised by the Defendant. The Package Travel, package Holidays and Package Tours Regulations 1992 applied. The claims related to alleged food poisoning. Complex causation issues arose in respect of one of the Claimant's alleged post-infective gastroenteritis and IBS. There was disputed expert gastroenterology, and microbiology evidence.
- A claim arising out of an excursion undertaken by the Claimant whilst on a package holiday organised by the Defendant. The Claimant alleges the Package Travel, package Holidays and Package Tours Regulations 1992 apply. There are disputes as to whether: (1) the Defendant was an undisclosed agent for a third party excursion provider; and (2) breach of contract (where there will be a dispute as to local standards evidence).
- A claim relating to a road traffic accident in England but where the application of Article 4(2) of Rome II has resulted in the displacement of English law in favour of Italian law.
- A claim arising out of a road traffic accident in Austria. Austrian law applied. The matter has involved: (1) the instruction of Italian law experts; and (2) the assessment of damages (and recoverable heads of loss) pursuant to Austrian law.

## Qualifications & Awards

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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)

## Directories

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Ranked in Chambers and Partners, 2015 – Personal Injury (up and coming) and Legal 500, 2017 & 2018 – Travel Law (Leading Juniors).

## Memberships

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PIBA, LCLCBA, AvMA

## Cases

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*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.