

# 12

King's Bench Walk

## Kate Boakes

Call: 2014

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### AREAS OF EXPERTISE

International & Travel, Industrial Disease, Personal Injury, Abuse, Product Liability, Aviation, Credit Hire

Kate acts for claimants and defendants in all of 12KBW's core areas. She specialises in international personal injury, industrial disease, and sexual abuse.

In addition to her paper-based practice, she regularly appears in trials, interim applications, case management hearings and appeals. She has particular experience of cross-border group actions and enjoys working on large-scale litigation as part of a team.

### International & Travel

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Kate has extensive experience of acting in international cases, including major group actions. She frequently advises in claims arising out of accidents abroad, including those brought under the Package Travel Regulations. She is knowledgeable about questions of applicable law and jurisdiction. Kate speaks fluent French.

Recent and ongoing cases include:

- Instructed as junior counsel (led by Phillippa Kaufmann QC and Harry Steinberg QC) for the claimants in *Vilca & Ors v Xstrata Plc & Xstrata Tintaya SA*, one of The Lawyer's Top 20 Cases of 2016, in which 22 Peruvian environmental protestors brought claims for serious injuries and mistreatment sustained during demonstrations at an Andean copper mine;
- Instructed as junior counsel (led by William Audland QC) for a claimant residing in Spain and employed by a Spanish company, who sustained serious spinal injuries in the course of work in England;
- Instructed as junior counsel (led by William Audland QC) for a Spanish claimant who was seriously injured in a road traffic accident which took place in the UK;
- Instructed by an English family who sustained injuries as primary and secondary victims due to an accident in France;
- Instructed by four dependent children in their claim arising out of a road traffic accident in Lithuania in which their mother was killed (pleaded at c.£500k)
- Instructed in relation to numerous road traffic accidents giving rise to issues under Rome II;
- Instructed by the Government Legal Department in the *Kenyan Emergency Group Litigation*, in which 40,000 claimants seek compensation for alleged abuses during the Mau Mau uprising in Kenya in the 1950s;
- As a pupil, assisted with the *Bomu-Bonny Oil Pipeline Litigation*, in which 15,600 claimants settled their claims against Shell for £55 million, following two oil spills in the Niger Delta.

Kate is on the committee of 12 International & Travel, and is a regular contributor to its blog.

## Industrial Disease

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Kate has considerable experience of advising in relation to both liability and quantum in industrial disease claims, with particular experience of acting in claims arising out of mesothelioma and other asbestos-related diseases.

In addition to asbestos claims, Kate accepts instructions across the full range of disease work, including noise induced hearing loss, hand-arm vibration syndrome, carpal tunnel syndrome, repetitive strain injury, and occupational asthma.

Recent and ongoing cases include:

- Instructed as junior counsel (led by Harry Steinberg QC) in a mesothelioma case on behalf of a widow whose husband was exposed to asbestos in the course of his work as a tiler (press coverage here: <https://www.thesun.co.uk/news/7286115/family-of-tiler-worker-who-died-wins-asbestos-settlement-from-firm/>);
- Instructed as junior counsel (led by Harry Steinberg QC) in a mesothelioma case giving rise to low-exposure issues post-*Bussey*;
- Acting as sole counsel for a claimant who developed mesothelioma as a result of asbestos exposure in the course of her work at M&S;
- Acting as sole counsel for a widow whose husband died of mesothelioma, and whose dependency claim gave rise to difficult causation issues;
- Acting as sole counsel in numerous claims arising out of asbestosis and diffuse pleural thickening.

Kate is on the committee of the industrial disease group in chambers and edits a blog with asbestos law updates: <https://asbestoslawblog.wordpress.com/>

## Personal Injury

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Kate acts in fast and multi-track cases in all areas of personal injury law, including employers' liability, public liability, occupiers' liability, road traffic, sexual abuse and other intentional torts. She is frequently instructed in relation to appeals against the Criminal Injuries Compensation Authority and specialises in cases with an international element.

Recent and ongoing cases include:

- Instructed as junior counsel (led by Philippa Kauffman QC and Harry Steinberg QC) for the claimants in *Vilca & Ors v Xstrata Plc & Xstrata Tintaya SA*, one of The Lawyer's Top 20 Cases of 2016, in which 22 Peruvian environmental protestors brought claims for serious injuries and mistreatment sustained during demonstrations at an Andean copper mine;
- Instructed as junior counsel (led by William Audland QC) for a claimant residing in Spain and employed by a Spanish company, who sustained serious spinal injuries in the course of work in England;
- Instructed by four dependent children in their claim arising out of a road traffic accident in Lithuania in which their mother was killed (pleaded at c.£500k);
- Instructed by a police officer in an ongoing civil claim arising out of repeated sexual assaults by her senior colleague;
- Instructed by the victim of a serious assault who sustained dental, head and facial injuries as well as serious psychiatric symptoms (pleaded at c.£300k);
- Instructed by an English claimant who sustained injuries in a road traffic accident in France (pleaded in excess of £100k);
- Instructed by a teacher at a special educational needs school, who sustained a head injury with psychiatric sequelae as a result of being assaulted by a student with autism and ADHD.

## Abuse

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Kate regularly acts in sexual abuse cases, in the context of both civil actions and claims under the Criminal Injuries Compensation Authority scheme.

She has been instructed in claims against institutions including schools, children's homes, local authorities, and youth organisations, as well as in claims against individual defendants.

Recent and ongoing cases include:

- historic sexual abuse claims brought by multiple claimants arising out of abuse by the same school teacher;
- historic sexual abuse claims against the Sea Cadets;
- appeal of the CICA's damages award of £9,500 in an historic abuse case, in which the applicant was eventually awarded over £100k;
- failure to remove cases post *CN v Poole*;
- claim brought by a police officer arising out of repeated sexual assault by a senior colleague;
- claim brought by a victim of a serious and prolonged campaign of voyeurism which led to epileptic and psychiatric symptoms;
- appeal of the CICA's rejection of a childhood sexual abuse victim's claim which was brought more than 20 years out of time;
- appeal of the CICA's rejection of a claim brought by a victim of marital rape.

## **Product liability**

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Kate accepts instructions in all areas of product liability litigation. She has a particular interest in cross border claims, and those involving injuries or disease.

## **Aviation**

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Kate regularly acts for passengers, airlines and tour operators in aviation-related disputes.

She has experience of claims brought under Rome I and Rome II Regulations, the Montreal Convention, and the Package Travel Regulations 1992. She is knowledgeable about questions of applicable law and jurisdiction.

## **Qualifications & Awards**

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2012-2014: GDL & BPTC, City University Law School

2006-2010: BA (Hons) Modern Languages, Oxford University

Hardwicke and Levitt Scholar of Lincoln's Inn

## **Appointments & Memberships**

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Attorney General's off-panel 'junior junior' scheme

Personal Injuries Bar Association

Travel and Tourism Lawyers Association

British Institute of International and Comparative Law

European Circuit of the Bar