

12

King's Bench Walk

Kate Boakes

Call: 2014

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AREAS OF EXPERTISE

International & Travel, Industrial Disease, Abuse, Aviation, Environment, Personal Injury, Inquests, Group Litigation

Kate acts in all of 12KBW's core areas, with an emphasis on cross-border group actions, industrial disease, and claims arising out of intentional physical or sexual abuse.

She has considerable advocacy experience, having acted as sole counsel at multi-day trials and appeared in front of a jury. She is equally comfortable working on large-scale litigation as part of a team, and is regularly brought into complex cases by the pre-eminent silks in her fields of work.

She is presently instructed in several private international law claims brought by groups of foreign nationals against multinational corporations, including cases which arise out of mass environmental damage, workplace sexual abuse, and mistreatment by private security forces.

She regularly acts in cases involving the application of foreign law under Rome I and Rome II, and issues of jurisdiction.

She has a particular specialism in claims arising out of asbestos exposure. She is junior counsel for the claimant in *Head v Culver Heating Co Limited* [2021] EWCA Civ 34 and for the claimants in *R (on the application of Aviva Insurance Ltd & Swiss Re Co Ltd) v SSWP* [2020] EWHC 3118 (Admin).

Reported cases

Kate appeared in the following reported cases.

Head v Culver Heating Co Limited [2021] EWCA Civ 34: led by Harry Steinberg QC. Acting for the Claimant at trial and on appeal. Mr Head was a very successful businessman who contracted mesothelioma. The Court of Appeal held that income which, but for his death, he would have taken in the form of dividends should be treated as if it were earnings rather than investment income and was therefore recoverable in the so-called 'lost years'.

R (on the application of Aviva Insurance Ltd & Swiss Re Co Ltd) v SSWP [2020] EWHC 3118 (Admin): led by Michael Kent QC. Instructed by the claimant insurers in judicial review proceedings by which they successfully argued that aspects of the scheme operated by the Compensation Recovery Unit pursuant to the Social Security (Recovery of Benefits) Act 1997 were incompatible with their rights under A1P1 to the ECHR insofar as they applied to asbestos-related diseases.

Lungowe v Vedanta Resources Plc [2020] EWHC 749 (TCC): led by Richard Hermer QC. Acting for more than 2,000 Claimants in group litigation arising out of pollution of waterways and land surrounding a copper mine in Zambia.

Suitability and scope of a GLO in circumstances where two claimant groups were represented by separate legal teams, brought proceedings at different stages of development, and which raised different factual issues.

Passey v Kevin Sears Carpentry Ltd [2018] 12 WLUK 656: Acting as sole counsel for the Defendant at trial. Successfully established that the Claimant had brought a fraudulent claim based on a fictitious accident because she was aggrieved at the manner in which building work had been carried out next to her property. Claimant found to be fundamentally dishonest.

Vilca v Xstrata Ltd [2018] EWHC 27 (QB): led by Phillippa Kaufmann QC. Acting for 22 Peruvian environmental protestors who brought claims for serious injuries and mistreatment sustained during demonstrations at an Andean copper mine. Preliminary trial in respect of Peruvian law issues and limitation.

Vilca v Xstrata Ltd [2017] EWHC 2096 (QB): led by Phillippa Kaufmann QC. Application to plead a limitation defence for the first time weeks before trial.

Vilca v Xstrata Ltd [2017] EWHC 1582 (QB): led by Phillippa Kaufmann QC. Application to instruct a different foreign law expert. Circumstances in which permission to change expert would be contingent on the disclosure of previous expert's report.

Vilca v Xstrata Ltd [2016] EWHC 2757 (QB): led by Harry Steinberg QC. Application to rely on an expert in the field of the Voluntary Principles on Security and Human Rights. Consideration of the principles to be applied when a party seeks to rely on an expert in a novel field of expertise.

Vilca v Xstrata Ltd [2016] EWHC 1824 (QB): led by Charles Béar QC. Application for a "re-review" of the Defendant's disclosure by an independent lawyer in circumstances where there were concerns about the integrity of the disclosure process.

Qualifications

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

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