

# 12

King's Bench Walk

## Richard Viney

Call: 1994  
viney@12kbw.co.uk



### AREAS OF EXPERTISE

Personal Injury, Insurance, Industrial Disease, Professional Negligence, Inquests, Costs, Property, International & Travel, Arbitration

### JUDICIAL APPOINTMENTS

Deputy District Judge (West Midlands): 2010

Richard is an experienced litigator who is regularly instructed on behalf of both Claimants and Defendants in high value personal injury litigation including disease, motor and EL claims. His numeracy and interest in scientific matters mean that he is adept at handling complex loss assessments and cases where a good understanding of technical issues is vital.

Richard's practice extends to insurance issues and he is regularly instructed by most major insurance companies to deal with claims involving coverage and policy arguments.

Richard regularly acts in asbestos disease claims particularly those involving mesothelioma and lung cancer. He has been instructed in claims arising from exposure in the construction, manufacturing, shipbuilding, shipping, sugar production and telecom industries as well as claims arising from environmental exposure.

Richard also has a keen interest in procedural matters and is currently a barrister member of the CPRC. He is frequently instructed to act in relation to specific procedural and costs issues.

### Personal Injury

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Richard is regularly instructed in high value and catastrophic quantum claims as well as liability cases of all types.

Richard has recently been instructed in respect of liability issues in both the Taunton fireworks and Sheppey crossing road accidents, two of the largest road accidents in England and Wales, and can quickly get to grips with factual and expert issues in all types of case.

He is regularly instructed in £m+ claims where other parties have instructed silks.

### Insurance

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Richard has particular expertise dealing with insurance issues in personal injury claims.

He is regularly instructed by motor insurers in relation to policy coverage and avoidance matters and frequently acts in claims for declarations under section 152 of the RTA 1988.

Richard has advised on most aspects of the uninsured drivers agreement and untraced drivers agreement and is instructed by MIB in relation to such matters as well as other motor insurers.

Richard also advises on issues arising from EL insurance cover and has advised major companies and insurers in respect of issues that arise from TUPE, captive insurers, 'excess' provisions, project and general policies, and retrospective cover terms.

## **Industrial Disease**

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Richard regularly acts in asbestos cases, principally mesothelioma and lung cancer claims. He acts on behalf of Claimants and Defendants and has wide experience of exposure in different industries.

He frequently acts in cases where employment transfer issues arise and is familiar with insurance arguments that arise in asbestos claims.

Richard also deals with other industrial disease cases and has been instructed in NIHL, HAVS, dermatitis, silicosis and welder's lung cases.

## **Professional Negligence**

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Richard has significant experience in professional negligence claims (both solicitor and barrister) arising from underlying personal injury accidents. He has dealt with claims arising from limitation, striking out, and a failure to properly assess the Claimant's injuries.

## **Inquests**

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Richard has regularly been instructed to represent clients and insurers interests in inquests. He recently appeared on behalf of a security company and head door steward at an inquest following 2 deaths in a crushing incident at the Lava nightclub, Northampton.

## **Costs**

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As a Deputy District Judge and member of the CPRC Richard has extensive experience of dealing with costs issues and acts in respect of such matters in personal injury cases dealing with issues arising from part 36, fixed costs and assessments.

He has extensive experience of costs budgeting and can advise on approaches to costs budgeting to best serve the client's interests.

## **Property**

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Richard has dealt with property damage claims in various contexts including:

- Electrical damage due to generator supply issues at Barnstaple Civic Centre;
- Oil leak at a water treatment facility due to generator maintenance;
- Alleged damage to cables due to piling works;
- Insurance policy dispute in respect of various claims for damage at T5 Heathrow.

## **International & Travel**

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Richard is familiar with international issues arising in his principal areas of practice and has experience of acting in claims in the Admiralty division.

## Mediation

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Richard is willing to accept appointment as an arbitrator in personal injury related claims where the parties wish to pursue a more efficient alternative to the court system.

## Qualifications

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BSc Hons Mathematical Sciences

LLM Hons (Cantab) – Clare College

BA Hons (Cantab) (Law) – Clare College

## Appointments & Memberships

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Barrister member – Civil Procedure Rule Committee 2010 –

Deputy Head of Chambers – 2015 –

Personal Injury Bar Association

Professional Negligence Bar Association

## Cases

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*S v M (2016)* – acting for motor insurer intervening in declaration action brought by another insurer

*D v G (2016)* – acting for insurer in significant head injury claim valued by C at £3m

*S v K* – advising Defendant company in respect of insurance coverage for asbestos claim

*R (Roadpeace) v Secretary of State for Transport & MIB (2016)* – instructed by MIB, an interested party in a JR claim considering aspects of the MIB agreements

*S v B (2016)* – acted for Defendant at JSM in claim arising from traumatic amputation of hand

*S v H & X (2016)* – acted for insurer and company in respect of partly insured contribution claim arising from an underlying mesothelioma claim

*T v K (2016)* – acting for insurer in dispute between 3 insurers in respect of indemnity in relation to a catastrophic injury claim. Disputes as to notice in the main claim and separate declaration proceedings brought by 2 of the 3 insurers

*Re Nanfuka & Jackson (2015)* – instructed to act in inquest on behalf of security company following the unfortunate deaths of two young girls in a crush at a nightclub

*V v Carillion Support & Services Limited (2015)* – acted for mesothelioma victim in claim settled during his lifetime and shortly before trial

*S v Akzo Nobel UK Ltd (2015)* – acted for mesothelioma victim in claim settled during his lifetime

*A v Hodgson & Hodgson Ltd (2015)* – acted for claimant in respect of claim for further damages under a provisional damages award in asbestos case

*Hedderman v European Industrial Service Limited (2015)* – acted for Defendant in NIHL claim. Claimant discontinued on eve of trial

*Saund v Ageas Insurance (2015)* – represented successful insurer at trial in respect of motor policy coverage issues

*Marchmont v Frederick Wise Ltd (2015)* – successfully obtained relief from sanctions on behalf of claimant despite the trial being adjourned as a result

Instructed in various claims arising from the M5 'fireworks' accident. Several fatal and catastrophic injury claims arose from this multiple vehicle incident. Richard acted for one of the insurers involved (2014-15)

*W v F (2015)* – fatal accident claim arising from collision between motorcycle and car in approach to roadworks

*Marach-Coombs v Dewdney (2014)* – High Court RTA liability trial where Claimant collided with Defendant's car which had crashed shortly before the Claimant's approach partially obstructing the Claimant's path

*M v C (2014)* – fatal accident act claim where father had left high-paid work to look after children following the death of his wife/their mother

*D v J Sainsbury plc (2014)* – fatal mesothelioma claim successfully settled despite liability and quantum disputes in a case involving limited exposure to asbestos in lift operating room

*Meppen-Walter (2014)* – advised and acted for insurer in various aspects of claims and policy coverage issues arising from fatal car accident

*Maggs v Anstey* – Acting for Claimant who established liability in a fatal mesothelioma case arising from a one-off exposure to asbestos

*Workman v CJ King & Sons* – High Court trial in respect of 'symptomless' asbestos disease claims. Settled prior to conclusion of trial

*Re Barnstaple Civic Centre* – advising and conducting settlement negotiations in significant property damage and consequential loss claim arising from electrical fault

*Boyll v AXA Corporate Solutions (High Court)* – Acting for Defendant on appeal in respect of wasted costs order made against Claimant's former solicitors. Appeal successfully resisted and wasted costs order maintained