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King's Bench Walk

Thomas Banks

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AREAS OF EXPERTISE

Personal Injury, Military Claims, Insurance, Fraud, Inquests, Clinical Negligence, International & Travel, Industrial Disease, Product Liability, Contract / Commercial, Credit Hire, Costs

Tom specialises in Personal Injury, Clinical Negligence, Insurance Law, Fraud and Inquests.

His personal injury specialist practice focuses on Motor Insurance and Indemnity Law, Public and Employers Liability, Fraud, Industrial Disease, International and Travel Law, and Costs.

As former Tank Commander and Intelligence Officer in the British Army, he also has a specialist practice in Armed Forces Claims.

Personal Injury

Tom's expertise includes the full range of Public Liability, Employers' Liability and Accidents at Work, Product Liability, claims against Highway Authorities, and Road Traffic Accidents.

He is experienced in claims under the Fatal Accidents Act, claims for psychiatric injury, brain injuries and pain syndromes. He has also been involved in several cases involving dangerous sports/pursuits and the use of firearms.

Examples of his recent case load include:

- A claim against a major insurer following the death of an Army Colonel in a white water canoeing accident on the River Tees. Led by Harry Steinberg QC, Tom was instructed by the estate. The claim settled for £1.95m at a JSM.
- A million pound Employers Liability injury claim where the Claimant was electrocuted and suffered catastrophic burns, neurological injury and loss of mobility whilst working on a building site. Tom was jointly instructed by both Defendants and settled the claim at a JSM for £480,000.
- A multi-party action in fatal accident claim where the wife was killed, and the husband suffered a traumatic brain injury, when both were hit by an unsecured load falling from an HGV. Led by Mike Rawlinson, QC Tom was instructed in behalf of the wife's estate and the husband in both claims.
- A £500,000 claim by a yoga instructor who developed chronic pain following a multi-vehicle accident. Tom was instructed by the Defendant Motor Insurer and settled the case following a JSM for £100,000.

- A claim under the Animals Act brought by an illustrator whose career was ended following a dog bite to her arm.
- A claim testing the applicability of the Work at Height Regulations 2005 to a family in a domestic situation, when a cleaner/babysitter suffered a head injury after falling from a ladder. Tom was instructed by the successful Defendant.

Tom will consider Claimant work on a CFA basis where appropriate.

Military Claims

Tom specialises in Armed Forces claims and is instructed in high value claims by both Claimants and Defendants. His 10 years in the Army and the Ministry of Defence have given him niche knowledge of the Armed Forces employment structure, and of tactics and quantum issues.

Recent cases include:

- A claim for serious neurological and psychological injury following a military parachuting accident. The wheelchair-bound Claimant is instructing Tom, who is led by Mike Rawlinson QC.
- A claim for a loss of career caused by a vascular Non-Freezing Cold Injury (NFCI) suffered by a Commonwealth Soldier following a winter training exercise. The Claimant has been medically discharged because of the injury. Tom is instructed by the Claimant.
- A claim against a major insurer for loss of a career after the Claimant broke his ankle falling on stairs at a railway station. Tom was instructed by the insurer and settled the claim for £125,000 (one quarter of its pleaded value)
- An accident on a training exercise in Canada in which the Claimant was impaled on a weapon not properly stowed due to failures to modify the stowage system in the Warrior Armoured Vehicle.

He also advises serving and former service personnel applying to the Armed Forces Compensation Authority for injury awards.

Fraud

Tom is regularly instructed by defendants in civil fraud claims, particularly those arising from fraudulent RTAs, workplace accidents, highways and public liability claims, and fraudulent holiday sickness claims.

He regularly drafts pleadings, provides advice, and represents defendants at trial in staged accidents, 'phantom passenger' claims, LVI claims, dishonest credit hire claims, and claims for exaggerated injuries.

He also advises and lectures on data and privacy issues arising from obtaining and using covert surveillance evidence.

Recent cases include:

- H v P – Represented the Defendant employer in a case where the Claimant claimed £300,000 for chronic pain in his wrist and shoulder after a fall from scaffolding. He accepted a nuisance offer out of time after surveillance showed him playing a round of golf.
- B v EH – Represented the Defendant in case where C was found to have invented allegations of spillages/disrepair in a housing association property. QOCs was disappled.
- G v S – Represented the Defendant in a slam on accident. Finding of Fundamental Dishonesty with QOCs
- S v H – Represented the Defendant Insurance Company in a claim where the Defendant alleged a slam-on induced accident. Claimant discontinued at the door of the court
- B v I – Represented the Defendant in a low velocity RTA. The court made finding of fundamental dishonesty and dismissed the claim under s57 CJCA.
- R v E – Represented the Defendant in a claim by a family of 5 said to have been injured in a low velocity impact. Court found that none were injured and disappled QOCs.

Inquests

Tom has a specialist inquest practice and is regularly instructed to represent the families and interested parties in the Coroner's Court. He is experienced in Article 2 inquests and drafting written submissions for PIRs and final hearings. Tom will consider representing families and other interest parties on a *pro bono* basis, and can provide advice on and procedure.

His recent cases include:

- *Re Juno Godfrey (deceased)*: An Inquest into the death of a baby born with Hypoxic Ischaemic Encephalopathy and EColi Sepsis following delays in diagnosing fetal distress. Tom was instructed by the family. The Coroner ordered a Prevention of Future Deaths to address failings on the delivery suite.
- *Re Sandra Prout (Deceased)*: An inquest into the death in hospital of a woman who suffered a retroperitoneal haemorrhage after admission for surgery for cholangiocarcinoma. Tom was instructed by the family through AvMA.
- *Re Thomas Lanham (Deceased)*: An Inquest into the death of a young driver alleged to have been involved in a late night race along A-roads in Kent. Tom was instructed by an interested party that was struck by the two speeding vehicles, and subsequently sued. Following the inquest the claim against the interested party was discontinued.
- *Re Adrian Stroud (Deceased)*: An inquest into the death of a young man with Asperger's Syndrome who was struck by a lorry when he crossed the M1 in the early hours of the morning.
- *Re Alan Armstrong (Deceased)*: An inquest into the death of a resident in a dementia care home following a fall.

Clinical Negligence

Tom is instructed by both Claimants and Defendants in Clinical Negligence. His practice has included cases of:

- Obstetric negligence and the death of a newborn child.
- Negligent failure to identify internal bleeding.
- Negligent treatment by primary healthcare providers.
- Delayed diagnosis of PTSD.

International & Travel

Tom is a member of the Travel and International Law Group and acts for Claimant and Defendants in a range of work. His experience includes:

- Accidents abroad brought under the Package Travel Regulations and Montreal/Athens Conventions.
- Accidents abroad involving dangerous sports and pursuits
- Defending claims for food poisoning/gastric illness and consequential IBS.

He is also advises on questions of applicable law and jurisdiction, and has acted in cases involving the applicability of the EC (Rights Against Insurers) Regulations and ROME II.

Industrial Disease

Tom acts for Claimants and Defendants in industrial disease claims. He is experienced in NIHL, HAVS and has a growing practice in living mesothelioma claims.

Product Liability

Tom has acted for Claimants and Defendants in injury claims arising from a variety of defective products including exploding shotguns, defective bicycles, and defective food packaging.

Commercial & Insurance

Tom specialises in motor insurance and insurance indemnity work. He is regularly instructed by many of the major motor insurers, and by the MIB, on issues of indemnity and the liability to satisfy judgments in road traffic claims.

Tom's contractual practice includes claims arising out of sale of goods, the supply of goods and services, hire purchase and finance leasing agreements, and general contractual and commercial cases.

Property

Tom is experienced in a range of property damage claims including damage to buildings from a driver attempting suicide, road traffic, nuisance and flooding.

Credit Hire

Tom has extensive experience in credit hire litigation and is frequently instructed in high value credit hire claims and appeals. He has advised on, and acted in, a number of disingenuous and fraudulent claims with a large credit hire element. He also regularly advises and lectures to solicitors and insurers on recent developments in credit hire law.

Costs

Tom is frequently instructed in detailed assessments, CCMCs and to advise on technical costs issues. He appeared in the first appeal to consider setting aside a notice of discontinuance in order to disapply QOCS. He also lectures on developments in costs law.

Qualifications & Awards

BA (Hons) Keble College, Oxford University

GDL (Oxford Brookes University)

BVC (BPP Law School)

Lord Haldane Scholar (Lincoln's Inn)

Cassell Scholar (Lincoln's Inn)

Hardwicke Scholar (Lincoln's Inn)

Memberships

PIBA

TATLA