

## Ben Handy



YEAR OF CALL: 2008

INN: LINCOLN'S INN

“ Excellent with clients and extremely personable.”

LEGAL 500, 2020  
PERSONAL INJURY

### Practice Overview

Called to the Bar in 2008, Ben is a personal injury and clinical negligence specialist. He represents claimants and defendants in a wide-range of work, with an increasing focus on cases of high value or complexity. He has represented clients at all levels up to and including the Court of Appeal, and has a particular interest in claims involving allegations of fundamental dishonesty and fraud. Ben's reputation as a strong negotiator is complemented by his work as a mediator, through which he assists parties to settle disputes without the cost and uncertainty of litigation.

### Areas of Expertise

#### Clinical Negligence

Ben has wide-ranging clinical negligence experience, including inquests and trials, as well as extensive experience of costs budgeting and Joint Settlement Meetings. Some examples of recent or ongoing cases involve claims following unintended injury to the bile duct during surgery, birth-related injuries following a failure to proceed with caesarean section as planned, suicide following unsupervised release from a secure mental health unit, and death by pulmonary embolism following failure to continue prophylaxis on transfer between hospitals.

Ben has also represented interested parties, including families, insurers, health authorities and prison authorities, throughout the inquest process. Recent instructions have included inquests into drug-related deaths in prison, suicide during unsupervised leave from a mental health unit, and death in a motorway collision involving vehicles stranded on the hard shoulder.

He has extensive experience of costs budgeting hearings, and is happy to assist clients with both prior preparation and subsequent amendment of budgets, as well as tactics for getting the best from the budgeting process.

As a qualified mediator, Ben helps parties resolve disputes without the need for costly and uncertain litigation. His varied court practice means that he is keenly aware of the legal and practical realities that parties face, can quickly pick up the relevant detail from the papers, and can reality test a case from all sides where necessary.

### Court of Protection

As part of his core practice in personal injury and clinical negligence, Ben is able to assist in cases in which the Court of Protection is, or may become, involved in the management of large financial settlements for those claimants who are unable to deal with such matters themselves.

### Inquests & Public Inquiries

Ben has represented interested parties, including families, insurers, health authorities and prison authorities, throughout the inquest process. Recent instructions have included inquests into drug-related deaths in prison, suicide during unsupervised leave from a mental health unit, and death in a motorway collision involving vehicles stranded on the hard shoulder.

### Mediation

As a qualified mediator, Ben can help parties resolve disputes without the need for costly and uncertain litigation. His varied personal injury and clinical negligence practice means that he is keenly aware of the legal and practical realities the parties face, quickly picks up the detail from the papers and allows him to check a case from both sides.

### Personal Injury

Personal injury work makes up the core of Ben's practice and he represents claimants and defendants across the whole spectrum of personal injury litigation, with an increasing focus on cases of high value or complexity. He has written and lectured on the Defective Premises Act and the Highways Act, and is often asked to provide in-house training on those and related issues. He is developing a particular specialism in cases involving suspected fraud or fundamental dishonesty, an area in which he has had a number of notable successes.

### *Catastrophic Injury*

He represents claimants and defendants in a wide-range of work, with an increasing focus on cases of high value or complexity. He has represented clients at all levels up to and including the Court of Appeal, and has a particular interest in claims involving allegations of fundamental dishonesty and fraud. Ben's reputation as a strong negotiator is complemented by his work as a mediator, through which he assists parties to settle disputes without

the cost and uncertainty of litigation.

### *Employer's Liability*

Ben has extensive experience of claims involving accidents at work, regularly advising injured employees and defendant employers from an early stage right through to trial. He has lectured on the courts' approach to the 'Six-Pack' Regulations pre- and post-Enterprise Act, and is happy to provide in-house training tailored to the needs of insurer clients on request.

### *Personal Injury Costs*

Ben has extensive experience of costs budgeting hearings, and is happy to assist clients with both prior preparation and subsequent amendment of budgets, as well as tactics for getting the best from the budgeting process.

### *Personal Injury Fraud*

Ben is commonly instructed in cases of suspected fraud and fundamental dishonesty, with a number of notable successes both at trial and in applications to remove a claimant's costs protection after they have discontinued. He is regularly instructed to advise, draft pleadings, and write detailed written questions to put to experts and claimants before trial. He has extensive experience of cases involving issues of occupancy, 'phantom passenger', 'slam-on' or induced collisions, low velocity impacts, late reporting, social media activity and surveillance evidence, and has written and lectured on the rules and developing case law relating to 'QOWCS', fundamental dishonesty and Section 57.

### *Personal Liability*

Public liability work makes up a large proportion of Ben's practice, and he has written and lectured on the Highways Act, Defective Premises Act, Occupiers' Liability Acts and related areas. He has previously been asked to advise county councils on best practice in highways maintenance, inspection, investigation and record keeping, in order to reduce the likelihood of future accidents and consequent claims.

## Recommendations

"Ben combines great client-care skills with tactical nous."

LEGAL 500, 2017  
PERSONAL INJURY AND CLINICAL NEGLIGENCE

"Very practical and can see the bigger picture in cases."

LEGAL 500, 2019  
PERSONAL INJURY

## Professional memberships:

- ▶ Personal Injury Bar Association (PIBA)
- ▶ Action Against Medical Accidents (AvMA)
- ▶ Association of Personal Injury Lawyers (APIL)

## Qualifications & awards

- ▶ LLB Law (First Class Hons), University of Manchester (2007), Bar Vocational Course MMU (2008)
- ▶ University of Manchester R.G. Lawson prizes in Law, Medicine & Ethics; Constitutional Reform and Mental Health Law (2007)

## Additional Information:

In his free time Ben loves anything sport related; he has run marathons in Liverpool, Paris (twice), and London, and as part of Chambers' team he completed Oxfam's Trailwalker in 2016. Most summers you will find him in the queue at Wimbledon, or getting frustrated with the England football team.

## Contact Ben:

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