

## Darren Lewis



YEAR OF CALL: 2004

INN: INNER TEMPLE

“ A great trial advocate.”

LEGAL 500, 2020  
PERSONAL INJURY

## Practice Overview

Darren specialises in personal injury and employment matters.

He has extensive experience in industrial disease litigation and employer's liability, with an emphasis on emerging fields such as non-freezing cold injury claims and MoD claims as well as NIHL, asbestosis and upper limb disorders. His clients range from heavy industries, for example Tata Steel, to public services. He undertakes appropriate claimant work on a CFA basis.

He works in all aspects of local authority liability ranging from highways, employer's and occupier's liability, to very sensitive claims arising from secure units, specialist schools and respite centres. He has a loyal following among local authorities ranging from Walsall MBC in the West Midlands to Cornwall County Council in the South West. He also represents owners of privatised housing estates, housing associations and arm's-length management organisations.

Darren has a significant specialism in costs and has dealt with some of the leading cases following the recent rule changes arising from Jackson, QOCS and Fixed Fees. His experiences ranges from *Casseldine v The Diocese of Llandaff Board for Social Responsibility* (a charity) before the Regional Costs Judge in Cardiff, to *Bruno Manuel Dos Santos Mendes v Hochtief Construction (UK) Limited* against Nicholas Bacon QC in the High Court, and *Wynne v Miller Foundations* on the recoverability of VAT on the obtaining of medical records under the present rules.

He has specialist knowledge and is frequently instructed concerning accidents abroad, Rome II, jurisdictional disputes and choice of law. In addition he represents both claimants and defendants in Athens and Montreal Convention cases, and in Admiralty and aviation personal injury matters.

Darren has an employment law practice that complements his industrial disease and employer's liability work. He specialises in the crossover between personal injury and employment law with an emphasis on stress at work and cases featuring whistleblowing, as well as regular unfair dismissal and discrimination matters.

## Areas of Expertise

### Employment

Darren acts in all areas of employment law for both claimants and respondents. His clients range from Coca Cola Enterprises to local authorities and small businesses as respondents, and he has received instruction via Unions as diverse as UCATT and GMB and also from non-unionised claimants.

His employment law practice complements his work in industrial disease and employer's liability. He specialises in the crossover between personal injury and employment law, with an emphasis on stress at work and cases featuring whistleblowing, as well as regular unfair dismissal and discrimination matters.

### Personal Injury

Darren has over 12 years' experience in personal injury law with extensive experience in industrial disease litigation and employer's liability, with an emphasis on emerging fields such as non-freezing cold injury claims and MoD Claims as well as NIHL, asbestosis and upper limb disorders. His clients range from heavy industries like Tata Steel to small businesses and public services.

He works in all aspects of local authority/government liability in personal injury and employment. He undertakes local authority work ranging from matters concerning highways and occupiers' liability to very sensitive employer's liability in cases where patients have assaulted staff in secure units, specialist schools and respite centres, and civil assault in prisons and young offenders' institutions. He has a loyal following among local authorities ranging from Walsall MBC in the West Midlands to Cornwall County Council in the South West. He also represents companies operating privatised housing estates and arm's-length management organisations.

### *Employer's Liability*

Darren practises in all areas of employers' liability for both claimants and defendants. He regularly advises and appears in legacy 'Six Pack' regulations cases that commenced before direct effect ceased.

He advises and appears in complex cases involving vicarious liability/civil assault and alleged failure of care plan /safe working procedure in places such as secure units, specialist schools, respite care centres as well as prisons and young offenders' institutions for local and central government.

In addition to traditional employer's liability cases, Darren has a specialist Admiralty practice concerning work accidents at sea, merchant navy accidents and dockside regulation.

### Recent work includes:

- ▶ **M v X & MOD** – an ongoing case concerning an RN officer injured after leaving her ship and suffering serious injury on the dockside. Complex issues relating to duties, ownership and maintenance between defendants.
- ▶ **Johnson v University of Bristol** – the claimant handyman was injured in the process of identifying and fixing a complained-of defect.
- ▶ **Passmore v Swansea City Council** – liability for a council employee standing on a traffic light inspection panel which collapsed. Liability attached as the inspection panel was work equipment for some council employees and so it was work equipment for this employee.

### *Industrial Disease*

Darren has extensive experience in industrial disease litigation, with an emphasis on emerging fields such as non-freezing cold injury claims and claims against the Ministry of Defence. He frequently advises and appears in Court in claims relating to NIHL, asbestosis, mesothelioma and HAVS and other upper limb disorders. His defendant clients range from traditional heavy industries, for example Tata Steel in South Wales, to public services.

Darren undertakes appropriate claimant work on a CFA basis as long as there is no conflict with existing clients.

Darren's substantial costs practice and lengthy experience with disease litigation lends itself to frequent instruction in CCMC and Interlocutory matters where a detailed knowledge of both areas is essential.

Recent work includes:

- ▶ **Sharples v Fairclough** – preliminary issue hearing for the Claimant. Later date of knowledge established despite multiple OH records indicating NIHL but the claimant established that he would have acted if he had been informed of the same. Recording GP referral.
- ▶ **Malpas v Hitachi** – de minimis case for the defendant, but also relevant on the date of knowledge as, under lengthy cross-examination, the claimant

**Personal Injury Costs**

Darren is one of the leading personal injury costs barristers, having appeared in high-profile cases setting out the limits of the new costs rules, for example *Casseldine v The Diocese of Llandaff Board for Social Responsibility* (a charity) before the Regional Costs Judge in Cardiff on the transitional provisions in QOCS cases and *Bruno Manuel Dos Santos Mendes v Hochtief Construction (UK) Limited* against Nicholas Bacon QC in the High Court on the recoverability of advocates' fees where the case settles on the day of the trial but before it commences; and *Wynne v Miller Foundations* on the recoverability of VAT on the obtaining of medical records under the present rules (a case, along with a tranche of others, likely to be appealed and run as test cases, with far-reaching costs savings).

In addition to complex cases setting out the extent of the new costs rules, he undertakes regular detailed assessment work and costs budgeting.

**Public Liability**

Darren works in all aspects of public liability. In highways cases he has a loyal following among local authorities ranging from Walsall MBC in the West Midlands to Cornwall County Council in the South West. In occupier's liability he represents privatised estate owners, charities, housing associations and arm's-length management organisations.

He has particular experience in cases involving injuries due to snow and ice, as well as claims arising from agricultural/rural settings.

Given his regular instruction on behalf of privatised housing estate operators he frequently deals with arguments concerning the interpretation of complex transfers of land and assets, public rights of way, and liability arising out of an alleged failure to maintain.

Recent work includes:

- ▶ **Yew v Gloucestershire County Council LTL 16/7/2014 A S41A** – snow and ice case where the Court held that it was reasonable to have a policy of not gritting pavements in a small town when road traffic routes across a vast rural county were by necessity prioritised.
- ▶ **Eustace v Worcestershire** – there was no liability for repairing a defective highway and not installing drainage channels where rainwater had previously carved out drainage streams.

**Travel Abroad**

He has specialist knowledge and is frequently instructed concerning accidents abroad, Rome II, jurisdictional disputes and choice of law. In addition he represents both claimants and defendants in Athens and Montreal Convention cases, and in Admiralty and aviation personal injury matters.

He has represented clients as diverse as First Choice Tours, Thomson Holidays and Stena Line. He is willing to take appropriate cases on a CFA basis.

## Recommendations

"Experienced in a wide range of costs matters."

LEGAL 500, 2020  
COSTS

## Recent Articles:

- ▶ Catalano v Espley-Tyas Development Group Ltd [2017] EWCA Civ 1132
- ▶ Evidential issues in alpine sports injury claims

## Professional Memberships:

- ▶ Personal Injury Bar Association
- ▶ Employment Law Bar Association
- ▶ Free Representation Unit

## Qualifications & awards:

- ▶ LLB (Hons) Warwick

## Contact Darren:

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