

James Hughes



YEAR OF CALL: 2011

INN: MIDDLE TEMPLE

Practice Overview

James specialises in the following areas of work:

- ▶ Personal injury
- ▶ Clinical negligence
- ▶ Data protection

James is a specialist personal injury and clinical negligence practitioner. He has extensive experience across the full spectrum of such work, including public and employer's liability, road traffic accidents, industrial disease and travel claims. He is a highly experienced interim hearing and trial advocate. He acts for claimants and defendants in roughly equal measure. He is regularly instructed on behalf of defendants or their insurers where allegations of dishonesty or the disapplication of QOCS are argued.

In addition to his core personal injury and clinical negligence caseload, James is also a specialist in data protection, privacy and confidentiality work, whether arising out of the GDPR/data protection legislation, or at common law.

Areas of Expertise

Clinical Negligence

James has experience acting for both claimants and defendant trusts or clinicians, in cases where there is more than one defendant, in clinical negligence claims.

Recent work includes:

- ▶ Injury to external iliac artery during laparoscopic sterilisation surgery
- ▶ Wrongful or late cancer diagnosis
- ▶ Negligent prescription of opioid analgesics

Data protection

In addition to his main personal and clinical negligence caseload, James specialises in work raising issues of data protection, privacy and confidentiality.

Recent work includes:

- ▶ Advising a local authority on: the effect of the GDPR on subject access requests; litigation privilege arising out of claims made against it as highway authority; and an information sharing agreement in place in respect of operational decisions relating to children in its care.
- ▶ Acting for an NHS Trust and consultant radiologist who were two of three defendants in a claim in which the claimant alleged various breaches of: privacy rights; the (1998) data protection legislation; misuse of private information; and the Human Rights Act 1998 after the claimant had received routine cancer screening and follow-up treatment.

Inquests & Public Inquiries

James has experience of acting for families of the deceased and interested parties prior to, and throughout, the inquest process, including Article 2 and/or inquests with a jury across multiple days. Examples of such work include:

- ▶ Acting for the family of an elderly care home patient who died after being impaled while using a bariatric commode chair. Multiple day jury inquest. Critical narrative conclusion and report to prevent future deaths issued by Coroner.
- ▶ Acting for a doctor who had provided care for the deceased who died as a result of a rare but recognised complication (fat embolism and aspiration pneumonia) from elective knee surgery.
- ▶ Appearing as part of a team of counsel for the family of an HGV driver who died in the collision on the M5, in Taunton, near Taunton Rugby Club.

Personal Injury

James is a specialist personal injury practitioner. The core of his practice covers: public and employer's liability; fraud; industrial disease; injuries suffered while abroad; and costs.

Employers liability

James has experience of acting for claimants and defendants in claims arising out of workplace accidents.

Recent work includes:

- ▶ Acting successfully at trial for one of a number of defendants in a claim brought by a plasterer who had fallen while standing on a rotten shuttering board used as a makeshift platform on a housing development site, and suffered a severe leg break.
- ▶ Successfully representing a claimant who suffered serious injury after the trench in which he was working collapsed around him.
- ▶ Acting for the defendant in a claim where the claimant alleged permanent post-traumatic neuropathic pain in his foot and psychiatric injuries after stepping into an uncovered drain. Complex issues of causation. Claim settled at JSM.

Industrial Disease

James is an experienced disease practitioner. He acts principally for defendants in cases of noise induced hearing loss, as well as for both claimants and defendants in other areas of disease work, including cases where dishonesty or exaggeration is alleged.

Recent work includes:

- ▶ Representing a number of defendants in historic noise induced hearing loss/tinnitus claims, whether on the issue of limitation, or generally

- ▶ Representing a claimant who worked in an abattoir stripping meat carcasses by hand, and whose case was that he had suffered permanent hand and wrist injury as a result. Claim settled shortly before multi-day trial.

Personal Injury Costs

James is frequently instructed on costs and case management conferences across the full spectrum of personal injury work. He has a good command of the court's approach to both costs budgeting and directions in multi-track personal injury claims.

Personal Injury Fraud

James regularly acts for claimants and defendants and their insurers when allegations of fundamental dishonesty or wider fraud are alleged. He has experience in RTA and EL/PL claims of: staged accidents; phantom passenger claims; LVI, and dishonest or exaggerated injury or loss claims after genuine accidents; and dishonest credit hire claims.

Recent work includes:

- ▶ Securing a finding of fundamental dishonesty for a defendant against all three claimants, who were the driver and passengers respectively, of a vehicle involved in very low speed collision with the defendant's vehicle. The DCJ for Bristol described all three claims as being tainted by 'root and branch' fundamental dishonesty.
- ▶ Acting for occupiers or employers in cases where the claimant is said to have deliberately staged or manufactured an accident at work or on the premises.
- ▶ Acting successfully for two claimants at trial where a phantom passenger defence was raised.

Public Liability

James has considerable experience across the full range of public liability work acting for claimants and defendants or their insurers.

Recent work includes:

- ▶ Advising the claimant, who had suffered serious and multiple fractures of his left heel and hind foot and lost some of his heel fat pad, after a steel load struck his foot in the course of a delivery. Claim in excess of £300k for future loss of earnings, scarring treatment and orthotics.
- ▶ Acting for a claimant who suffered multiple severe injuries after his motorcycle was struck by a car which had left the claimant with nowhere to go after emerging from its driveway. Claim in excess of £250k.
- ▶ Acting for a claimant whose case was that she had trapped her hand while using a mobility lift in her demised premises. Multi-day trial. Claim succeeded.

Travel Abroad

James has experience acting for both claimants and defendants in claims arising out of the Package Travel, Package Holiday and Package Tours Regulations 1992 in claims for gastric illness, including those of life-changing severity, as well as physical injuries sustained while on holiday. He has a working knowledge of French and Spanish. He is happy to assist lay and professional clients in the translation of, or communication in, those languages when advising on accident abroad claims.

Professional memberships:

- ▶ Personal Injury Bar Association
- ▶ Western Circuit

Qualifications & awards:

- ▶ LLB (Hons) (Nottingham University) – Law with European Law (2010)
- ▶ BPTC, College of Law (2011)
- ▶ LLM, Bristol University (2012)
- ▶ Erasmus Scholar
- ▶ Nottingham University Mooting Competition and Law Graduates' Association Moot Prize Winner
- ▶ Westlaw UK Mooting Competition Winner (judged by Jackson LJ)
- ▶ Lord Justice Jackson's Award for Best Submissions at Westlaw UK Moot Final
- ▶ National Mock Trial Competition Semi-Finalist
- ▶ Herbert Smith Mooting Competition Winner (Bristol University, judged by Lord Kerr, Supreme Court Justice)

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