



Andrew Davis KC



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“He is very tough and a good, forensic barrister.”; “His technical ability and attention to detail are very impressive and he is always on top of his game.”
(Chambers & Partners, 2021)



Andrew specialises in personal injury (particularly claims which are high value / complex), product liability, commercial and IT, insurance and property damage. His approach combines getting firmly to grips with the detail of each case whilst always keeping in sharp focus the tactical and financial advantages to be gained or sought. He acts for both Claimants and Defendants in the fields of insurance, property damage and personal injury and for both clients and IT specialists / contractors in the IT field.

He regularly assists in the preparation of and appears at mediations in each of his areas of practice.

Andrew has been recognised by the Legal 500 as the Personal Injury & Clinical Negligence Junior of the Year in the Legal 500 2019 Awards. He was also nominated for Personal Injury Junior of the Year in the Chambers & Partners 2019 Awards.

Personal Injury & Industrial Disease

Leading Junior in both Legal 500 and Chambers and Partners directories for many years

Legal 500 Personal Injury Junior of the Year 2019, nominated for the same award Chambers and Partners 2019

Set of the Year, Legal 500 Bar Awards

Catastrophic injury claims

Andrew is very experienced in both brain and spinal injury claims. He has appeared in high profile claims which have included such issues as life expectancy (and the appropriate method for calculating of life expectancy multipliers – in particular Burton v Kingsbury and Crofts v Murton), competing care regimes, interim payments (including Eeles Schedules / Counterschedules and evidence), Ogden adjustments, local authority care provision and reverse indemnities. He regularly advises on periodical payments, including issues such as indexation and amendments to the Model Order; he has also advised extensively on issues of ‘security’ for the purposes of the Damages Act, including with regard to foreign insurers.



He is well used to the conduct, preparation and settlement of claims both with and without a leader. He regularly appears in mediations and settlement conferences. Andrew has been actively involved over the last year in the settlement of several claims with gross values in excess of £1m (as sole counsel) and one in excess of £6m.

He lectures widely on catastrophic claims and the Ogden Tables and is particularly interested in the practicalities of the law and maths of how the Tables are best implemented to each client's advantage.

Chronic Pain and similar conditions

Andrew's practice increasingly involves cases of chronic pain syndrome, psychologically mediated chronic pain syndrome, fibromyalgia, CRPS, somatic disorders and other related conditions, to the extent that he now has particular experience in the area. He regularly advises on and has fought a number of such claims (for both sides). He has lectured on the relevant issues and has developed significant experience in dealing with the lay and expert issues which arise and, in particular, in advising as to appropriate tactics which can be adopted / deployed.

Fatal accidents and Inquests

Andrew has advised on, settled and fought a number of high value fatal accident cases, including several cases with multi-million pound dependency claims.

He regularly appears in Inquests in relation to deaths in this jurisdiction and abroad arising out of varying types accidents, including RTAs, accidents at work, accidents on holiday, tree-related deaths and accidents at sea.

Employers' liability and public liability claims

He undertakes the full range of claims including claims against local authorities and public services, occupiers' liability, manual handling, workplace accidents, workplace stress, workplace bullying, defective work equipment and highway tripping accidents. He also regularly advises on related insurance issues.

Jurisdiction and International Claims

Andrew has extensive experience in advising and advocacy in cases of accidents abroad and accidents in this jurisdiction involving foreign nationals. Such claims have covered a very wide spectrum of issues, including jurisdiction, applicable law, liability and quantum in claims of all values.

Road Traffic and Fraud

He has wide experience in cases of all values and complexities, including those involving expert reconstruction evidence. He has regularly advised in respect of the compulsory insurance scheme, the MIB (both uninsured and untraced drivers) and issues of liability, insurance and jurisdiction in international cases. He regularly advises in cases (RTA and other claims) suspected of involving fraud and lectures widely on surveillance and fraud issues.

Industrial Disease

Andrew is experienced in industrial disease claims, including Noise Induced Hearing Loss, mesothelioma, WRULD, VWF, HAVS, asthma, COSHH and dermatitis.



Andrew has also undertaken and still undertakes claims involving product liability, in particular claims arising out of product design, and claims under the Criminal Injuries Compensation schemes.

Product Liability

Andrew has acted alone and, when he was Junior, with a Leader in numerous products claims in both serious injury and property damage claims. He is particularly interested in claims with an engineering and scientific background, although has acted in a wide range of claims.

Claims he has dealt with have involved a very wide array of products from vehicles to leisure equipment to appliances to foodstuffs. His most recent claims include the alleged failure of a motorcycle braking system on a 'hybrid' custom motorcycle said to have resulted in catastrophic injuries for the rider; a claim in respect of the failure of a lorry tyre in France which gave rise to a dependency claim advanced in the region of 200m; a claim in respect of allegedly unsafe hang gliding equipment which was claimed to have failed mid-flight; a very substantial claim in respect of allegedly defective pumping equipment the failure of which resulted in serious flooding; and a claim for allegedly poisoned fish served in a restaurant, where the supplier for whom he acts sits in a long chain of supply. All gave rise to highly complex scientific and engineering issues. He typically acts for insurers / manufacturers but also acts for Claimants.

Andrew has also been involved in claims involving major public and private technical products and projects, including claims in respect of a defective underslung bridge gantry; and a complex warehouse materials distribution and picking system.

Andrew is well-used to, and particularly enjoys, dealing with the often complex mechanical, technical and/or epidemiological issues which arise and exploring and marshalling the lay and expert evidence required.

Commercial & IT

Andrew acts in both contentious and non-contentious matters. He has acted in a wide range of commercial and contractual disputes in the Court of Appeal, Commercial Court, Mercantile Court, Queen's Bench Division, Technology and Construction Court and County Courts.

More notable recent claims include those arising out of the sale and supply of goods and services, claims brought by and against estate agents and employment agencies and recovery claims. He acted for Foxtons in OFT v Foxtons (the Renewal Commission test case) prior to litigation, in the High Court and in the Court of Appeal. He has provided commercial advice to others in respect of the consumer protection legislation and the enforceability of terms. He has also recently acted in a multi-million pound international pharmaceutical product licensing dispute, which involved contentious issues (including jurisdiction) and non-contentious issues, including the drafting of replacement agreements and settlement agreements.

Non-contentious work includes drafting, advising on proposed contractual wordings and advising on appropriate steps to be taken in 'pre-emptive' commercial issues.

In relation to IT claims, he has experience in a wide variety of claims including cases involving consulting, hardware and software provisioning and integration (including complex systems). These have ranged from



small IT consultancy / provisioning contracts to multi-million pound IT integration contracts. Having a background in IT before the Bar, he has a particular interest in claims with an IT, scientific or technical nature.

Insurance & Reinsurance

He regularly deals with policy and coverage disputes of all types whether as freestanding claims (including declaratory relief) or forming part of commercial, construction or personal injury disputes.

Other than policy interpretation, issues have included non-disclosure, late (and non) notification, rights and duties of insurers in respect of (and against) their policyholders, fraud and brokers' duties. He acts for both insurers and policyholders in claims of all values, both alone and with a Leader. He has a particular specialisation in the insurance aspects of the compulsory motor insurance provisions both in the UK and the EU.

He has also advised in relation to claims before the Financial Ombudsman Service.

Property Damage

Andrew acts for both Claimants and Defendants in property damage cases. He has long experience of claims involving damage by fire / explosion, flood and contamination, including fraudulent claims.

He has also conducted a significant number of tree root-induced subsidence claims of all sizes, from minor losses to multi-million pound claims, together with consequential claims, including boundary disputes and tree ownership / maintenance responsibility. Claims have related to damage to single buildings up to an entire London terrace.

As a result of his experience in this area, he is well-accustomed to dealing with complex issues of causation, Party Wall issues and issues arising out of the suggested negligence of construction professionals advising both claimants and defendants in such cases.

Civil/Insurance Fraud

Andrew has long experience of dealing with claims which include or potentially include issues of veracity, exaggeration and fraud. His whole approach to claims in which he is instructed includes providing tactical advice as to existing and future evidence and other steps open to his instructing party, including the most appropriate time to take such steps and when to disclose any resulting evidence.

He always considers such issues as a matter of course in each claim he deals with and regularly advises on particular approaches to evidence so as to mask the investigations whilst protecting insurers' position, protecting the position in respect of any evidence which may be produced, as well as protecting the position of his instructing party's expert witnesses.

He is used to advising as to the need for covert techniques when required and is sensitive to insurers' needs in that regard. He is used to dealing with and advising on legal, evidential and tactical issues of



veracity, exaggeration and fraud and appropriate counter-measures. It assists that he is well-versed in IT matters.

He lectures regularly on the law, practice and appropriate tactics in relation to fraud, surveillance and related issues. His experience extends to such issues in claims of varying values, both before and at trial. He also regularly advises on and deals with the costs issues arising from fraud cases, including Part 36 protection, QOCS and Wasted Costs applications.

Reported Cases

Notable Personal Injury Cases:

Andrew has been involved in the preparation, trial / settlement of many high and medium value claims. This list is intended as a selection of some of the more interesting recent claims not including recent settlements.

Mitrasinovic v Stroud [2020] EWHC 914 (QB) Acting on behalf of the Defendant, successful in having the claim dismissed after a three day contested trial arising out of a head-on road traffic collision in which the Claimant sustained multiple fractures and a spinal cord injury. The trial involved complex evidence of accident reconstruction and also the reliability and tolerances of black box data.

Harris v Bartrums Haulage and Storage Ltd & Anor [2020] EWHC 900 Acting on behalf of the Second Defendant, successful in having the claim dismissed after a five day contested liability trial, the Claimant having sustained serious injuries when run over by an HGV tractor-trailer combination at work. The claim involved detailed analysis of the parking brake systems on both the tractor and trailer units.

DDM v Al Zahra Hospital & Others [2019] EWCA Civ 110

Counsel for 6 of 8 Defendants in a claim arising from allegedly negligent antenatal treatment in the UAE. The claim was brought in England and raised numerous issues of choice of law and jurisdiction. The first issue taken by the 6 Defendants was in respect of extensions of time for service of the claim form. Service was eventually set aside by the Court of Appeal, bringing the claim to an end.

KX v Wrighton [2017]

Junior counsel for the Claimant in respect of a catastrophic brain injury claim. The claim settled shortly prior to trial. Andrew appeared alone.

ABC v Hillingdon Hospital NHS Trust [2015]

Junior counsel for the Claimant (led by Christopher Purchas QC) in respect of a complex brain injury claim in which the Claimant had sustained 2 very serious brain injuries but only the second of which gave rise to a claim for damages. The claim settled shortly prior to trial. The claim also involved numerous issues regarding the PPO Model Order. Andrew appeared alone on the Approval.

Smith v Bailey [2014] EWHC 2569 (QB)



Appellant's counsel in a claim in which insurers were seeking on an appeal in respect of a significant interim payment before the majority of the expert evidence had been obtained to protect the Trial Judge's discretion to consider all possible appropriate methods of funding future accommodation.

Re a head injury at work abroad

Counsel for the Claimant in an ongoing catastrophic head injury claim with wide-ranging jurisdictional issues and implications, being injuries from an accident abroad sustained by a foreign national employed by an English company.

Walton v Axa Belgium

Counsel for the Defendant (led by Richard Lynagh QC who was brought in for trial) in a claim by a Claimant rendered tetraplegic in a road accident in the EU who brought his claim in Britain. The case raised the difficult issue of whether an EU insurer can fact be sufficiently 'secure' for the purposes of the Damages Act as amended and what scheme would need to be in place to ensure such 'security'.

A separate aspect of this case was reported at [2011] PIQR P12 Hickinbottom J: an interim payment application exploring the extent of the 'unlevel playing field' restriction.

Goad v Butcher [2011] EWCA Civ 158, Mummery, Moore-Bick and Jackson LJ

Counsel for the Claimant in a claim which re-considered the standard to be applied when a driver caused an accident whilst in breach of the Highway Code.

Brown v Paterson [2010] EWCA Civ 184, Mummery, Richards and Rimer LJ

Counsel for the Defendant in a case in which the Claimant sought to reopen the issue of the status of breaches of the Highway Code in civil claims and sought, in particular, to maintain that a technical breach of the Highway Code was sufficient to give rise to liability. The case also looked at the formalities of Part 36 and has been cited in recent Court of Appeal judgments as to the application of Part 36.

Onay v Brown [2009] EWCA Civ 775, Carnwath, Toulson and Goldring LJ

An appeal in respect of the costs of the trial of an issue of contributory negligence in a claim regarding a road traffic accident where primary liability was admitted at an early stage and the main issue on contributory negligence was the Claimant's speed.

Crofts v Murton [2008] EWHC 3538 (QB), Andrew Collender QC

Junior to Michael Kent QC in the assessment of damages (and previously the liability trial) in respect of serious brain injuries sustained in a road accident. Amongst other things, the case involved a further review of the correct approach to the determination of the life multiplier in cases involving reduced life expectancy and the deductibility of injury pensions.

Burton v Kingsbury [2007] EWHC 2091 (QB), Flaux J

Junior to William Stevenson QC in the assessment of damages for a (C4 complete) tetraplegic Claimant. Unusually for a case of this type almost every point was in issue, including how the Court should approach the issue of local authority funding following the Court of Appeal's judgment in Crofton v NHSLA. The



judgment sum was in excess of £6.3m, albeit that it included an order for periodical payments in respect of the Claimant's care and case management needs.

Other Notable / Reported Cases:

Foxtons v O'Reardon [2011] EWHC 2946 (QB)

Acted for the estate agent in a high value claim for estate agent's sales commission where a consumer sought to avoid payment of the commission in circumstances where the sale introduced by the agent had not completed.

Macsavors Plant Hire Ltd v Brush Transformers Ltd [2009] EWCA Civ 1329, Ward, Smith and Rimer LJ

Counsel for a plant owner in a claim against a hirer testing the meaning and extent of Clauses 8 and 13 of the CPA conditions in relation to injuries to the plant driver caused by the driver's and the owner's breach of duty.

Office of Fair Trading v Foxtons Ltd [2009] EWHC 1681 (Ch), Mann J

Junior to Michael Kent QC representing Foxtons in a test case brought by the OFT in which the OFT sought injunctions and declarations pursuant to the Unfair Contract Terms Directive and the 1999 Unfair Terms in Consumer Contracts Regulations. This case provides some of the only recent guidance as to fairness of contractual terms in a practical setting.

Office of Fair Trading v Foxtons Ltd [2009] EWCA Civ 288, Waller, Arden and Moore-Bick LJ; [2008] EWHC 1662 (Ch), Morgan J

Junior to Michael Kent QC representing Foxtons in a test case brought by the OFT in which the OFT is seeking injunctions and declarations pursuant to the Unfair Contract Terms Directive and the 1999 Unfair Terms in Consumer Contracts Regulations. This part of the claim sought to test the scope of the remedies available under the Directive and Regulations.

Re: The Design and Supply of a Turbine / Generator System

Counsel in a claim regarding the design of a steam powered generator system.

Re: The Design and Supply of an Entry System for a major Sports Ground

Counsel advising an IT company in respect of the provision of IT consultancy and hard/software integration of critical systems.

Foxtons v Thesleff & Thesleff [2005] EWCA Civ 514, May, Rix & Jacob LJ, Times LR 17 May 2005

Acted for Foxtons in a claim for commission due on a sale in which contracts had been exchanged but where the transaction was not completed. Held that the recorder had misdirected himself in finding at first instance that The Estate Agents (Provision of Information) Regulations 1991 required a "purchaser" to be a person who completes a transaction. Notwithstanding the position at common law, estate agents are free to agree that their fees will be payable on an event other than completion.

Goodway & Carabos Limited v Zurich Insurance Co [2004] EWHC 137 (TCC), 96 Con LR 49



Represented Zurich Insurance in a claim by Mr Goodway and Carabos Limited in respect of allegations that an agreement settling a claim which had been embodied in a Tomlin Order had been procured by misrepresentation and other means such as duress and fraud. Mr Goodway and Carabos Limited sought to set aside the Tomlin Order, which they failed to do. The claim also included consideration of what works might be appropriate pursuant to the terms of the agreement underlying the Order.

Re: A Power Generation company

Junior counsel in a fire damage claim arising out of the design, commissioning and maintenance of power generation system.

Re: A Part of the Mexican Railway System

Junior to Michael Harvey QC in an international reinsurance dispute.

Kubix.com v Crown Business Communications

Junior to Antony Edwards-Stuart QC in a commercial dispute related to the design of an Internet-based video-streaming system intended for the estate agency market.

Re: A Mobile Phone Services Provider

Junior counsel advising a telecoms provider in relation to the severance of a core service contract.

Technicolor v Langenpac

Defence counsel in a technical claim arising out of the design and installation of mechanical handling equipment, with associated issues of foreign law.

Universal Music v EC Harris and Cleco and Others

Junior to Michael Harvey QC in defending a technical claim in relation to the design and installation of mechanical handling equipment and mainframe computing and the provision of logistics services.

Department of Transport v HPC Coatings, Laing and Others

Junior to Roger ter Haar QC and Michael Kent QC in pursuing a claim in respect of defective gantries installed on the Severn Bridge.

Qualifications

- (1990 – 1994) University of Birmingham, LLB Hons
- (1994 – 1995) University of Manchester, Part-time law tutor and research into the ethics and law of foetal research
- (1995 – 1996) Inns of Court School of Law



Memberships

- Personal Injury Bar Association (Executive Committee member and Membership Officer)
- Commercial Bar Association
- London Common Law and Commercial Bar Association

He is an accredited advocacy trainer, teaching advocacy at Gray's Inn.

Recommendations

"A very perceptive and intelligent barrister. He is incredibly helpful and approachable and has a sound and commercial mind. He also makes his clients feel reassured and in very safe hands in the cut and thrust of litigation."

Chambers & Partners, 2022

"Andrew is an extremely sophisticated and effective operator."

Legal 500, 2022

"Undoubtedly one of the standout senior juniors in personal injury."

Legal 500, 2021

"He is very tough and a good, forensic barrister."; "His technical ability and attention to detail are very impressive and he is always on top of his game."

Chambers & Partners, 2021

"He's incredible on his feet in court and is really good at producing strong summaries for clients." "Very good on detail, manages experts and evidence adroitly, drives decent outcomes and is a very good advocate."

Chambers & Partners, 2020

"His attention to detail on complex jurisdictional matters is second to none."

Legal 500, 2020

"He is always in control and never shies away from a challenge"

Legal 500, 2019

"He is extremely knowledgeable in this field and has a good, clear advocacy style...He takes an analytical approach to everything he does, marrying top-notch technical ability with a mastery of technology to ensure that clients have everything they could possibly require."

Chambers & Partners, 2019

"Andrew has a brain the size of Canada and excellent knowledge. He is always happy to assist and very good with clients. He has significant experience on issues of applicable law and is a joy to instruct. He has achieved exceptional results for us."

Chambers & Partners, 2018

"He's extremely bright, cuts through the issues quickly and is extremely good in court...He is disarmingly charming, bright, able and a wonderful negotiator."

Chambers & Partners, 2017



"He is very good on cases where machinery failure causes injury."
Chambers & Partners, 2016

"Quite simply the best communicator with his instructing solicitor."
Legal 500, 2016