



Edward Broome



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Edward Broome has a thriving practice encompassing the fields of multi-track personal injury litigation, occupational/industrial disease and sports law.

His personal injury practice encompasses all aspects of this area of litigation, including sports injury cases. He represents both Claimant and Defendant in employers' liability and public liability claims against local authorities, NHS Trusts, sports clubs (both professional and amateur), statutory undertakers and others including all forms of workplace claims as well as road traffic accident, highway, housing disrepair and occupiers' liability claims.

His occupational disease practice involves all aspects of asbestos litigation, NIHL claims, upper limb disorder litigation, HAVS, stress at work, asthma, dermatitis and other claims under COSHH.

Edward's sports law practice, as well as encompassing personal injury litigation, involves all aspects of regulatory work and advising governing bodies on a variety of matters including such matters as doping and concussion.

He has been involved in group industrial disease litigation in the mining industry.

He is acknowledged by his instructing solicitors as well as their insurer clients for his attention to detail in preparing a case, as well as a straightforward and persuasive manner in Court.

Edward has a national practice and regularly travels to meet clients in conference, attend client's offices to undertake drafting and advisory work and is happy to advise informally by telephone or email. In addition, Edward regularly provides seminars and lectures to solicitors, insurers and their clients in all his specialist areas of work.

Personal Injury

Edward's practice encompasses all aspect of this area of litigation and he is regularly instructed in catastrophic injury claims. His work for both Claimants and Defendants has covered a broad spectrum of head injury and spinal injury claims including claims with associated psychological harm, chronic pain and



all forms of somatic disorder. In addition, such work has regularly involved addressing related matters such as where fraud, malingering and/or fundamental dishonesty have been raised. He is familiar with the nuances and difficulties associated with addressing these issues from the inception of a claim, right through to trial and the tactics required to deliver the best outcome for the client.

He regularly represents both Claimant and Defendant in all aspects of employers' liability and public liability claims against local authorities, NHS Trusts, sports clubs (both professional and amateur), statutory undertakers and others including all forms of workplace claims as well as road traffic accident, highway, housing disrepair and occupiers' liability claims.

He is acknowledged by his instructing solicitors as well as their insurer clients for his attention to detail in preparing a case, as well as a straightforward and persuasive manner in Court.

Selected Cases

Recently concluded/ongoing cases and instructions include: instructed in work at height claim on behalf of Defendant where accident circumstances indicate FD issues. Instructed by Claimant in fatal RTA with unusual factual matrix and where a criminal prosecution resulted in a not guilty verdict.

Prowse -v- We Buy Any Car Ltd 2020 (settlement confidential).

Acted for Defendant in unusual PI claim arising out of an assault at work by an unknown assailant. Main issue in the claim was Claimant's ongoing symptoms – both physical and psychiatric – and future work capabilities. Issues for consideration were potential breaks in the chain of causation and malingering/FD arguments. After detailed review of records and additional requests for disclosure of related documents, as well as detailed Part 18 and Part 35 questions, claim settled for minimal damages.

Ogilvie -v- South West Water (D1) and Glanville Cleansing Ltd (D2) 2020 (settlement confidential).

Acted for Defendant in unusual styrene poisoning claim following repairs to drains outside Claimants' residential property. The Claimants alleged significant and prolonged exposure to styrene fumes following sub-contractors works, forming part of large scale renewal of and repair to drains in local area. Case involved detailed engineering evidence to address likelihood of exposure to styrene levels sufficient to cause symptoms as well consideration of medical causation and opportunity for symptoms to persist. Claim settled in lead up to trial.

Akindayini -v- Main Projects (Essex and Suffolk Water) (D1) and London Borough of Havering (D2) 08/07/20 Judge Welch.

Unusual tripping case where Claimant was litigant in person. Acted for Defendant statutory undertaker, whose sub-contractor had performed drain and sewer renewals. Upon conclusion of Claimant's evidence at trial successfully argued for Judge to use CPR3.1 case management powers to dismiss the claim for a failure to establish an actionable defect at the locus of the accident

Glasper -v- NWL (2015-2018, struck out)

Acted for Defendant, statutory undertaker in long running dispute for damages arising out of burst water main causing property damage and subsequent fatal injury claim. Claim was for substantial damages. Instructed to strike out claim for material and ongoing procedural failures. After approximately 3 years of



ongoing dispute and numerous hearings, successful in having claim struck out and in preventing applications for relief from sanctions in late 2018.

Griffiths -v- Asda Stores (claim struck out 2017).

Acted for Defendant in EL claim where employee alleged exposure to aspergillus spores caused Allergic Bronchial Pulmonary Aspergillosis ('ABPA') in circumstances where the spores were naturally prevalent in the atmosphere/environment in any event. Acted on behalf of Defendant throughout and after detailed disclosure exercise and review of medical records, as well instruction of medical and occupational hygienist evidence, obtained strike out of Claimant's claim without trial.

Coates v Elton and Peverell (settlement confidential 2017).

Acted for Claimant in long running fatal RTA involving cyclist. Case involved significant accident reconstruction evidence because the deceased was struck on two separate occasions with two different Defendants. Further complications arose with respect to the standard of care and legal and medical causation. After 3 years of dispute, settled claim with both Defendants for substantial damages for the family of the deceased.

Industrial Disease

Edward is recognised for his work in the field of industrial and occupational disease litigation. His work involves all aspects of asbestos litigation, NIHL claims, upper limb disorder litigation, HAVS, stress at work, asthma, dermatitis and other claims under COSHH.

By way of example, his work has regularly required detailed consideration of the medico-legal nuances in such matters as *de minimis* arguments and the diagnosis of noise induced hearing loss (adopting CLB/LCB Guidance), causation and doubling the risks arguments in HAVS and CTS claims, differentiating between constitutional and work induced diseases and exposure to airborne particulates sufficient to cause occupationally induced disease such as asbestos-based injury and asthma.

He has been involved in group industrial disease litigation in the mining industry.

He is acknowledged by his instructing solicitors as well as their insurer clients for his attention to detail in preparing a case, as well as a straightforward and persuasive manner in Court.

Selected Cases

Recently concluded/ongoing cases and instructions include: instructed in recovery proceedings following settlement of fatal meso claim viz a viz whether co-insurer of insolvent co-defendant are liable to pay a substantial contribution to damages and costs. Isocyanate exposure claim where paint sprayer alleged exposure above relevant exposure levels but possibly without temporal association.

Richards -v- Tysons (Contractors) Ltd HHJ Berkley. Judgment handed down on 11/09/2020. Acted for Defendant in claim for occupationally induced COPD arising out of alleged exposure to variety of forms of dust relating to construction work from 1960s and 1970s. At trial, medical causation remained in issue and successfully defended case on basis that the Claimant was suffering from COPD, not asthma and that his



COPD was not occupationally induced and was, more likely a factor of a number of unrelated co-morbidities.

Fotherby -v- Quibell & Sons Ltd (D1), Strata Construction (D2) and Togel Contractors Ltd (D3) Judge Jostling 17-18/09/2018

Acted on behalf of Defendant in NIHL claim. Claim centred on whether any such hearing loss was *de minimis*, in particular, whether NIHL as measured over 1, 2 and 3 kHz had any noticeable impact on the Claimant's everyday hearing ability and separately did any additional NIHL identified at 4kHz have any noticeable impact on the Claimant's everyday hearing ability. The case involved consideration of medical/scientific literature on the point and the Defendants instructed Professor Mark Lutman who gave evidence at Court. Successfully defeated the claim on all aspects.

Jackson -v- British Dredging Ltd (D1) and Industrial Energy Services Ltd (D2). HHJ Wood QC Sitting as DHCJ 23/04/2018

Acted on behalf of Defendant in Assessment of Damages hearing – fatal meso claim. Case settled at Court. Novel case in which Defendant had taken issue with various heads of loss including additional costs associated with funeral – considering the first instance reasoning in *Knauer* as well as the correct methodology when calculating the future dependency claim.

Ratcliffe -v- Nationwide Crash Repair Centres Limited HHJ Hammerton. Trial 03-04/04/2014.

Acted on behalf of Defendant in claim for occupationally induced CTS arising out of alleged exposure to vibration. Claimant attempted to argue that CTS could be caused by vibration, relying in part on IIAC and expert medical evidence. Further argument raised was that 'association' of risk was sufficient in the event that there was a doubling of the risk. Successfully defeated claim on all aspects.

Sports Law

Edward's sports law practice, as well as encompassing personal injury litigation, involves all aspects of regulatory work and advising governing bodies on a variety of matters including such matters as doping and concussion.

He has represented and advised both individual sportsmen and women as well as governing/regulatory bodies. In doing so Edward has:

- Advised on the duty and standard of care in light of emerging medical knowledge, in particular with regard to concussion;
- Appeared before various sporting governing bodies, including the British Boxing Board of Control, RFL, UKA and the British Weight Lifting Association;
- Chaired Doping Disciplinary Tribunals, sitting in judgment on individual cases of contested positive doping offences;
- Undertaken disciplinary investigations on behalf of sporting governing bodies, including England Athletics;
- Advised on issues of eligibility criteria for athletes;
- Acted more generally in a number of personal injury claims for footballers and rugby players following negligent tackles on the field of play.



Furthermore, with his extensive work in the field of occupational and industrial disease litigation, he is well placed to address emerging issues in sports injury where they may touch on repetitive impacts/strains/concussions whether from a neurological, epidemiological or orthopaedic perspective.

In one High Court action, Edward acted for a Rugby League Club in a claim brought by a high profile player where he claimed between £1 million and £2million. The player claimed to have sustained a series of increasingly severe back injuries, brought about by continuing to play rugby. In what was a particularly difficult case with complex issues of medical causation and exaggeration/chronic pain, Edward, in conjunction with his instructing solicitor and through extensive disclosure applications and repeated reviews of the evidence managed to secure a discontinuance of the sportsman's claim.

Edward has competed across a number of sports, in particular athletics where he ran to a high standard attaining quadruple blue status whilst at Oxford. He remains active in the administration of amateur athletics in the UK, being the Legal Officer to the National Athletics League.

Selected Cases

Recently concluded/ongoing cases and instructions include: conducting disciplinary review for England Athletics into actions of a Regional Council and its members, advising a national governing body on head injury/concussion, acting for the Defendant in a negligent football tackle claim in an EL setting, advising a Claimant in negligent rugby tackle claim arising out of a club game requiring additional consideration of challenge to RFU disciplinary hearing findings and appeal and acting for a Claimant in a negligence claim arising out of Ju Jitsu training accident.

Chaney -v- Thomas Ayling School (settlement confidential).

Acting for Claimant, youth player injured in football tackle. Duty of care – the Defendant did not require players to wear shin pads in matches or training, when played on artificial pitch. Claimant successfully argued that the shin pads were a requirement and the Defendant breached its duty of care to the Claimant. Reliance was placed on the rules of game – both at national (FA) and international (FIFA) level – as well as expert evidence addressing appropriate risk assessments. Favourable settlement reached in 2015.

Knott -v- Sporting Club Leigh t/a Leigh Centurions Rugby League Club (High Court, discontinued)

Acting for rugby league club in high profile player's claim for damages – claimed at between £1 million and £2 million – arising out alleged serious back injury brought about by continuing to play rugby after initial injury sustained. Very complex and novel sports injury claim. Claimant as a player was an employee of the club and sought to apply the Manual Handling Operations Regulations 1992 to playing rugby. A series of back problems resulted in multiple operations and treatment. Difficult and complicated disclosure exercise together with complex issues of medical causation and exaggeration/chronic pain. Led by Michael Spencer QC. Matters concluded successfully for the Defendant with discontinuance of claim.

Smith -v- East Riding FA (settlement confidential).

Acting for Claimant in local area football league match under the umbrella of FA. Introduced to the action to advise on correct Defendant(s) to pursue in light of the status of the Defendant player's club and the legal position of the local FA when matches were played under their amateur league structure. Successfully amended claim and thereafter pursued to successful and favourable settlement in 2012.



British Weightlifting Association v Burrowes, Cooper, Grant and Travis 9/10 August 2007, reported

Sat as Chairman on BWLA Doping Disciplinary Tribunal on 4 doping cases where individual athletes had tested positive – 3 for testosterone and 1 for human chorionic gonadotrophin (HCG). The main issue for consideration was whether there was evidence of microbial deterioration and consideration of the appropriate way in which to evaluate the test results. All 4 athletes were found guilty and banned for 2 years under the WADA Code and BWLA rules. Judgments in testosterone and HCG cases available on UK Sport website.

Lomax v Wright (2007/2008 settlement confidential)

High value personal injury claim by professional golfer following road traffic accident. The Claimant was young professional golfer progressing through the various UK and minor European Tours with a view to gaining his full European Tour Card in the future. As a result of a road traffic accident, the Claimant was unable to play competitively and train for approximately 2 years. Complex issues as to the appropriate approach to valuing the Claimant's loss of earnings (past and future) arose. Favourable settlement reached in early 2008.

British Weight Lifting Association -v- Kheela (2003) Reported.

Successfully prosecuted weightlifter, on behalf of BWLA at internal disciplinary tribunal. The lifter contested a positive doping offence for the anabolic steroid, stanozolol, following the British Weightlifting Championships 2002. Case involved expert evidence from Professor Cowan, Director of the Drugs Control Centre, Kings College, London. 2 year ban imposed.

British Weight Lifting Association -v- Hamill (2003) Reported.

Advised BWLA in relation to the prosecution of a coach under the BWLA Disciplinary Code on a charge of bringing the sport into disrepute: knowingly allowing an athlete, serving a two year ban for a doping offence, to compete in weightlifting competitions, run under the auspices of BWLA. Banned from holding office for two years.

Civil/Insurance Fraud

Edward has represented Defendants across a broad spectrum of personal injury claims where fraud, malingering and / or fundamental dishonesty have been raised. He is familiar with the nuances and difficulties associated with addressing these issues from the inception of a claim, right through to trial and the tactics required to deliver the best outcome for the client.

At Court he has obtained findings of fraud and fundamental dishonesty. In dealing with such claims, Edward is well versed in the costs issues that may arise such as matters of QOCs and Wasted Costs applications.

He has delivered lectures on the practicalities of seeking a finding of fraud in the context of chronic pain cases and in one case, in conjunction with his instructing solicitor and through extensive disclosure applications and repeated reviews of the evidence managed to secure a discontinuance of a sportsman's claim for damages in excess of £2 million.



Edward is currently involved in a number of multi-track claims, in which fundamental dishonesty, is an active feature and which are at various points in the litigation process.

Qualifications

- BA Jurisprudence (Oxon)
- PGD in Sport & Law

Articles

Personal injury cases—attempting to outflank a limitation defence by discounting periods of time in which a defendant company was in liquidation (*Holmes v S & B Concrete*). See [here](#).