



Elizabeth Boon



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"A wise and analytical advocate. She's tenacious, combative and very hard-working." "She has an excellent understanding of technical matters."
(Chambers & Partners 2020)



Recommendations

In the recent editions of Chambers and Partners and Legal 500 Elizabeth is recognised in her core areas of work, such as Property Damage and Professional Negligence. She is described in Chambers and Partners 2020 and Legal 500 2020 as:

"A wise and analytical advocate. She's tenacious, combative and very hard-working."

"She has an excellent understanding of technical matters."

"Tenacious and extremely hardworking."

Practice

Elizabeth specialises in property damage, professional negligence, product liability, insurance and reinsurance, and general commercial litigation. In addition to drafting and advisory work, she has considerable experience of appearing as an advocate in court. She has regularly appeared in the High Court (particularly the TCC) and in the Court of Appeal.

In particular, Elizabeth manages a fine property damage practice which incorporates her strong knowledge of both professional negligence and product liability. She also demonstrates key insurance expertise, which she brings to bear on fire, flood, and subsidence claims, among others. Elizabeth is skilled in disputes involving both residential and business properties, and often deals with issues arising out of associated business interruption claims.

Elizabeth is currently instructed in relation to a number of matters as to whether small and medium businesses have business interruption cover in light of the Covid-19 pandemic.

Property Damage

Chambers & Partners 2020 – *"A wise and analytical advocate. She's tenacious, combative and very hard-*



working." "She has an excellent understanding of technical matters."

Elizabeth's experience ranges from acting both as a junior to other members of Chambers to acting in her own right in relation to construction and property damage claims. She is frequently instructed as junior counsel in multi-million pound claims in the TCC, and in addition to such work, Elizabeth advises on and appears at trial in her own right in smaller disputes, especially those relating to domestic construction and maintenance works.

Elizabeth undertakes all areas of property damage work. She deals with coverage, recoveries and defences. She has extensive experience of very large fire claims and disaster litigation. She has been involved in the TCC and Commercial Court multi-million pound litigation arising from major fires. Elizabeth acts for Claimants and Defendants in cases involving damage to property and consequential losses both in relation to primary questions of liability and issues of insurance coverage. Cases involved fires, explosions, floods, landslips, and contamination by oil leakage.

Selected Cases

- Lloyd-Jones v Whirlpool – Elizabeth acted for the Claimant when a fire commenced in a residential flat. The cause of the fire was alleged to be a domestic drying machine. As well as the property damage, two men were killed in the fire. The case was relatively high profile as the coroner was highly critical of Whirlpool's attitude, and they were requested to attend a Parliamentary Committee hearing where this case was raised.
- Acting for a University in a claim against electrical contractors who were carrying out testing at the University, and failed to switch four freezers back on containing various scientific research including gene clones. The case involves a novel point of law as to how a court would quantify the loss of research material such as gene clones.
- Acting for a roofing contractor in relation to a fire claim at a school. Highly contentious issues as to the various responsibilities between the parties as well as complications due to the fact that the defendant's insurers had declined indemnity. Counsel managed to negotiate an extremely favourable settlement against a claim pleaded at £1.25m.
- Acting for a sewerage undertaker in relation to alleged subsidence at the Claimant's riverside premises in Southwark, allegedly caused by defects in the Defendant's sewer. Highly contentious issues as to whether and in what circumstances the Defendant as the statutory sewerage undertaker can owe the Claimant a duty of care (pursuant to the decision of *Marcic v Thames Water*).
- Acting for one of a number of Claimants pursuing a well-known car manufacturer for property damage and loss of their vehicles arising out of the well known Zafira fires. The case is relatively high profile, with the particular type of Zafira being subject to two product recalls, and has been the subject of the Parliamentary Transport Committee.
- Acting for global logistics provider in relation to multi-million pound claim in the TCC arising out of fire damage to a large warehouse due to a defective sprinkler system (with Andrew Rigney QC).
- The Hatfield Colliery landslide – Elizabeth acted for a sub-contractor (led by Alex Antelme QC) at the Hatfield Colliery when a significant landslide led to the disruption of the local rail network.
- The Buncefield Litigation – Elizabeth acted as part of the team for Total in defence of the Buncefield Litigation. In particular, *Keystone v Total UK Ltd* – Elizabeth acted for Total in relation to a claim in excess of £80,000,000 brought by Keystone, the distributor for McDonald's Restaurants in the UK.



Insurance & Reinsurance

Elizabeth is frequently instructed by and on behalf of insurers in relation to policy coverage and indemnity issues, as well as in subrogated recovery actions arising out of fire, flood, tree root subsidence, other property damage and in the related fields of construction and product liability.

Elizabeth acts in relation to all types of policy dispute (non-marine), including disputes concerning policy construction, non-disclosure, late / non-notification, fraudulent claims, and brokers duties. Insurance issues frequently arise in all other areas of Elizabeth's practice, such as Professional Negligence and Property Damage.

Fire, Flood and other Disaster Claims

Elizabeth has extensive experience of very large fire claims and disaster litigation. She has been involved in TCC and Commercial Court multi-million pound litigation arising from major fires such as: *Primark v Magna*, and *Southwark v Greenacre*. She was part of the team of Counsel working on the Buncefield litigation for Total. All of which involved policy disputes.

Selected Cases

- Acting on behalf of an education trust in relation to whether it was entitled to recover extensive legal costs incurred in relation to its response to the Independent Inquiry into Child Sexual Abuse.
- Acting on behalf of an insurer disputing cover for a fire claim on the basis that it was caused by one of the tenants. Construction issues as to "malicious persons" and "arson".
- Acting for insurers seeking to resist 197 claims by solicitors arising out of conveyancing transactions where the firm had failed to comply with their reporting obligations to the lender clients when fraud was suspected.
- Acting for insurers in a claim brought against a number of insurers arising out of the provision of legal expenses insurance.
- Acting for insurers in relation to a licensed premises policy and in particular whether an alleged assault incident was covered under the terms of the policy.
- Acting for insurers in relation to an allegedly fraudulent insurance claim brought by a husband and wife for fire damage, involving complicated questions of law regarding joint and composite policies.

Product Liability

Elizabeth regularly works on technical cases involving defective products. Her main focus is on disputes where products have failed causing financial losses. Elizabeth's practice in product liability frequently overlaps with her practice in insurance, property damage, and professional negligence. Elizabeth has been instructed in a number of high value cases for high profile multinational companies including Siemens, Kubota and Indesit, often involving very complex forensic evidence and difficult questions of law.

Selected Cases

- Lloyd-Jones v Whirlpool – Elizabeth acted for the Claimant when a fire commenced in a residential flat. The cause of the fire was alleged to be a domestic drying machine. As well as the property damage, two men were killed in the fire. The case was relatively high profile as the coroner was highly critical of Whirlpool's attitude, and they were requested to attend a Parliamentary Committee hearing where this case was raised.
- Acting for one of a number of Claimants pursuing a well-known car manufacturer for property damage and loss of their vehicles arising out of the well known Zafira fires. The case is relatively high profile, with the particular type of Zafira being subject to two product recalls, and has been the subject of the Parliamentary Transport Committee.
- Acting for a multi-national company in £4m claim arising out of an allegedly defective boiler management unit, involving complex issues as to whether the product was defective at the time of delivery.
- Acting for a multi-national company in £6.5m claim arising out of defective automatic number plate recognition cameras, which were unable to recognise the third character on UK number plates.
- Acting for product importer in property damage claim arising out of a fire involving a ride-on lawn mower. As well as complex forensic evidence and arguments on causation, it involved issues regarding assignment.
- Acting for residential property owner in £1.1m property damage claim arising out of fire caused by an allegedly defective tumble dryer.

Professional Liability

Legal 500 2020 – 'Tenacious and extremely hardworking.'

Elizabeth's practice continues to thrive in professional negligence, particularly against a commercial and construction background. Elizabeth continues to be instructed in increasing value professional negligence claims and has recently advised on claims relating to alleged negligence by insurance brokers concerning material non-disclosure, solicitors in relation to conveyancing transactions, and chartered surveyors involving valuation practices, as well as various members of the construction industry. She has advised upon and dealt with a variety of professional negligence cases, including those involving accountants, tax consultants, lawyers, insurance professionals, construction professionals and emerging professions.

Selected Cases

- Shaw v Leigh Day – solicitors negligence claim arising out of the Defendant's handling of the Claimant's clinical negligence claim and inquest into her father's death. Successfully defended Leigh Day at trial acted as junior counsel being led by John Whitting QC. Most recent case to consider the award of general damages for distress and inconvenience in solicitors negligence cases: *Shaw v Leigh Day [2018] EWHC 2034 (QB)* *Shaw v Leigh Day [2017] EWHC 826 (QB)*
 - Acting in a £10million arbitration led by David Sears QC. Architects negligence claim arising out of the conversion and refurbishment works at two related properties in Holland Park. The case raises important questions as to the correct use of expert evidence in arbitrations and the ability of the arbitrator to strike out a claim / impose sanctions for a failure to serve expert evidence.
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- Acting for a health and safety consultant in relation to a contribution claim brought by an employer in relation to a very serious personal injury occurring at a wood-work factory.
- Acting for a University in a professional negligence claim against electrical contractors who were carrying out testing at the University, and failed to switch four freezers back on containing various scientific research including gene clones. The case involves a novel point of law as to how a court would quantify the loss of research material such as gene clones.
- Acting for solicitors in a professional negligence claim arising out of the Defendant's handling of the Claimant's potential claims in relation to her husband's death. The case is also brought against the barrister who advised the Claimant in conference. The case concerns very interesting points raised about the scope of a duty of care to a trespasser under the Occupiers Liability Act, and questions of control / joint venture / agency.
- Acting for architect involving allegations of a failure to supervise and inappropriate certification of works under the JCT contract.
- Numerous instructions from nationwide chartered surveying firms, ranging from representation at trial involving the usual issues of valuation and mortgage lending practises, to preliminary issues as to the validity of mortgage sale agreements.
- Acting for NHS in claim for against a dentist seeking to recover monies paid under a dental services contract in respect of inappropriately claimed units of dental activity.
- Acting for company director in claim against accountant in relation to negligently prepared yearly accounts and tax returns resulting in substantial interest and penalties being due to HMRC.
- Worked as the junior on a £7 million claim concerning alleged professional negligence by contractors that led to a large fire in a local authority timber-framed building.

Qualifications

- Major Scholarship, Inner Temple
- BA (Hons) (Oxon)

Memberships

- Adjudication Society
- Commercial Bar Association
- LCIA Young International Arbitration Group
- London Common Law & Commercial Bar Association
- Professional Negligence Bar Association
- Society of Construction Law (UK & Gulf)
- Technology & Construction Court Bar Association

Recommendations

"She is incredibly thorough and manages to find extra routes of recovery."
Chambers & Partners, 2022

"Elizabeth is an assured and agile advocate. Her approach is sensible and commercial."



Legal 500, 2022

"A very proactive barrister, she gets engaged with the work quickly; she's enthusiastic and very responsive."

Chambers & Partners, 2022

"She has a good client manner and provides honest, no-nonsense advice and a good turnaround time.";

"She is organised and structured in her analysis and extremely commercial in her approach."

Chambers & Partners, 2021

"Elizabeth is very user friendly, hardworking, and has a keen eye for a commercial solution to the client's problems. She rapidly gets to the heart of the issues and communicates the strengths and weaknesses of the case clearly."

Legal 500, 2021

"Tenacious and extremely hardworking."

Legal 500, 2020

A wise and analytical advocate. She's tenacious, combative and very hard-working." "She has an excellent understanding of technical matters."

Chambers & Partners, 2020