



Harry Lambert

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Harry Lambert

Call 2008

"Harry is attentive, detail-oriented, very bright and proactive in his approach. He is a fierce advocate who is able to think outside the box."
(Chambers and Partners, 2023)



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Harry Lambert practices in the areas of product liability, medical law, privacy, human rights and emerging tech. He also sits as a Coroner in Inner North London, covering Camden, Islington, Tower Hamlets and Hackney. As counsel he is recognised as a leading junior in the directories and in recent years has been involved in some of the most high profile and heavyweight litigation in the field.

Harry enjoys very high quality instructions including, in 2023, a claim involving a very prominent member of the Royal Family and acting as standing counsel to one of the world's largest oil companies on human rights issues in a particular region.

Over the years Harry's professional clients have included amongst others Linklaters, Clifford Chance and Simmons & Simmons, whilst recent lay clients come from those in the Oil, Gas, E-cigarette, Home Electronics, Healthcare Equipment, and White Goods sectors.

His aim, in short, is to combine excellence with approachability; intellectual rigour with a down-to-earth attitude and common sense.

He provides advice with meticulous detail ("a very detailed and focused counsel, who never misses a trick" – Legal 500) but if matters go to trial "Harry is a fierce advocate who is able to think outside the box" (Chambers & Partners 2023) and who "fights his corner hard" (Chambers & Partners 2021).

Product Liability

Harry is one of the leading Product Liability juniors at the Bar. He is ranked in Band 2 in Legal 500 where he is described as someone who *"knows the area [product liability] like the back of his hand"*.

A *"thorough, hardworking barrister"* with a *"superb intellect"*, he *"outshines his contemporaries."* and *"impresses with his intelligence, enthusiasm, diligence and manner"*.

In Chambers and Partners, he is said to *"fight his corner hard"* and that *"he is at his best when handling cases with complex and novel legal issues."*



Recent instructions include acting alone, without a leader, on a cross-jurisdictional pharmaceutical dispute pleaded at over £30M.

As a further recent example Harry acted for a gas network distributor, one of whose pipes had exploded, causing both significant personal injury and property damage. Harry's client was absolved of all blame and the claim dismissed, following a contested High Court trial. Harry acted alone against a leading silk (and deputy head of chambers) and was victorious on all live issues in dispute.

This can also involve cross over with the coronial jurisdiction (where Harry also sits as a Coroner). For example, Harry recently acted for a world leading electronics manufacturer, following a residential fire started in or around the printed circuit board of a television. Both the family of the deceased and the Fire Brigade had suggested that Harry's client had manufactured the television involved in the fire. Harry however successfully argued that the identity of the manufacturer and/or precise mechanism of failure were out of scope or alternatively insufficiently evidenced Harry's client was not mentioned in either the Inquest Conclusion or Inquisition.

Likewise he appeared at a 4 day inquest on behalf of a leading Healthcare Equipment company, instructed by Simmons & Simmons. Despite extensive criticisms by the CQC at the outset of the coronial proceedings, Harry's client was absolved of all and any blame.

Harry is also familiar with the Tobacco and related Products Regulations 2016 and recently advised on a Judicial Review arising out of alleged breach of the same.

Harry is the author of the chapter on product liability and multi-party actions in 18th edition of Bullen & Leake and was asked by the Bar Council to write its paper on Brexit and the Consumer Protection Act.

Medical Devices & Pharmaceuticals

Over the years Harry has acted in many cases involving drugs and medical devices. Examples of the former include a fascinating case concerning the Hepatitis B vaccine, olmesartan medoxomil and a vitamin supplement containing 568 times the safe level of Vitamin D. He also played a leading role in the Seroxat litigation (as to which see below). Examples of the latter include a claims concerning insulin pumps, an allegedly defective surgical cutting guides, and a bathroom hoist which broke [rendering a paraplegic user tetraplegic].

Harry's background in clinical negligence also gives him a real advantage here. For example, he acts for the NHS on matters relating to the nationwide commercial recall of intra-ocular lenses. His knowledge of commercial product liability law, medical law, as well as familiarity with the underlying pathology, have been of tangible benefit to the client in this complex multi-factorial case.

Non-Medical Cases: Fires, Floods and Explosions

Harry's property damage cases include those involving inter alia fires, floods and explosions. By way of example, Harry has a particular interest in cases concerning white goods and was involved in the



Shepherd's Bush Fire litigation as well as a high profile inquest against Whirlpool arising out of two deaths in 2014. Both these cases were cited in the Business, Energy and Industrial Strategy Committee report entitled *The Safety of Electrical Goods in the UK*.

With his background and reputation in product liability, Harry brings particular expertise in matters brought or defended under the Consumer Protection Act 1987. This also makes him particularly adept at dealing with complex causation cases such as those involving concurrent, competing or cumulative causes.

Group Actions

Harry has been instructed in most of the big product liability cases of recent years including: Metal on Metal Hips, Thalidomide and the Seroxat litigation in which Harry conducted a hearing against two KCs (Charles Gibson KC and Malcolm Sheehan KC). It was listed as one of the Lawyer Magazine "Top 20 cases of 2019". He is currently instructed in the Mobile Telephone Voicemail Interception Litigation, as part of a team of counsel at Matrix Chambers.

Jurisdiction (including Jersey Law)

Harry is familiar with the Brussels Recast regulations and has advised on issues of jurisdiction, choice of law or forum involving numerous European countries i.e. Spain, Holland and Germany. Many of his cases also involve foreign manufacturers, clients or other corporations such as those based in USA, China or Denmark.

He is a member of the Pan European Organisation of Personal Injury Lawyers (PEOPIL) and the British Institute of International Comparative Law (BIICL).

Harry acts in a number of cases instructed by Jersey-based solicitors, and has advised on matters of Jersey law. For example one of his current catastrophic injury cases is approaching trial and involves contested issues on the interplay between cost of living and general damages as well as the cost of investment advice in Jersey (instructed by Stewarts, led by David Platt KC).

Selected Cases

As well as those cases mentioned above Harry has acted in the following cases:

Harry acted for the UK's leading manufacturer of garage doors. The case was robustly defended and a strike out application on a complex point of law led to the claim being discontinued against Harry's client (but pursued against others).

Personal injury cases involving allegedly defective push-pedal or electric bicycles.

Harry acted for the world renowned manufacturer in a case involving allegations of a defectively produced takeaway coffee cup (for a major international brand) which led to burns and psychiatric injury.



A flood caused by a faulty pressure-reducing valve. This case involved complex questions of causation and issues under the Companies Act 2006.

A restaurant destroyed by in a fire caused by tortiously accumulated grease deposits. This case raised issues concerning the proper scope of the Berni's Inns principle.

A fire in a block of flats allegedly caused by a defective DVD player.

Property damage and consequential losses arising out of defective industrial scale paper.

A fascinating case in which Harry acts for a professional footballer whose dietary supplement was contaminated, leading him to be banned from professional football.

A subrogated claim on behalf of an insurer against Apple Incorporated, in relation to an i-pad allegedly causing a house fire.

Harry acted for one of the Defendants in this multi-party action for contractual damages/indemnity arising out of the inadvertent destruction of industrial moulds due to negligence somewhere along the contractual chain.

Subrogated claim for contractual indemnity after the re-sale of contaminated silage led to multiple cattle deaths upon third party farms.

Emerging Technology

Harry has a particular interest in and passion for the intersection of law and emerging technologies.

He has written extensively on the subject, including Neurotechnology and Automation/Driverless Vehicles. His article series on Emerging Tech is to be published in the New Law Journal in the Summer of 2024.

With a keen interest in the latest advancements in Emerging Tech, Harry brings a unique perspective to his legal practice. He is dedicated to staying at the forefront of technological developments to better serve his clients in cases involving data privacy, and tech-related legal issues. Harry's commitment to understanding and adapting to the ever-evolving tech landscape sets him apart as a forward-thinking legal professional.

Selected Cases

Previous and current cases involving technology and emerging technologies include:

- Being asked to advice in a potential group action involving the recovery of over £100M of lost / frozen crypto currency.
- Advising on tortious liability arising from the design of a social media platform.
- Article 2 Clinical Negligence case arising out of the failure of ambulance IT systems resulting in available paramedics being marked as unavailable.
- A number of claims involving variously mobile telephones, IMSI catchers, bugging, tracking, surveillance and /or email hacking.
- Multi-million pound claim arising out of injury to a software developer, involving complex issues of

commercial quantification.

- Successfully defending a claim relating to a State of the Art custom knee prosthesis using advanced imaging and design
- Numerous product liability claims involving high-tech or technologically complex appliances devices or manufacturing processes including iPads and DVD players.
- Successful appeal to the High Court on issues relating to safety sensors on a rollercoaster.
- Inquest involving the loss of wifi connectivity resulting in significant delays from pathology to the 'shop floor'.
- Inquest where the key issue was whether the "human" or "automated" data should be preferred.
- Optical case involving automated eye testing.
- Product liability claim involving a new-generation Cochlear implant.

Privacy and Information Law

From 2012 to 2015 and 2022 to date Harry has been intimately involved in the Mobile Telephone Voicemail Interception ("phone hacking") Litigation. He acts for News Group Newspapers and is a member of the core trial team . Over the years Harry has advised in dozens and dozens of misuse of private information cases including those involving high profile individuals and A-list celebrities. Cases Harry has advised on include Hollywood movie stars, TV personalities, international footballers, football managers, politicians and pop stars.

Indeed, in mid 2023 Harry was part of the counsel team which successfully sought summary judgment against HRH Prince Harry and Hugh Grant, on limitation grounds.

Away from phone hacking, back in 2012, Harry ran one of the first ever group actions under the old Data Protection Act 1998, when he successfully brought claims arising out of the loss of back up data discs against a payday loans company. He also advised a cohort of claimants in the Morrisons Supermarket case, which went on to become one of the leading DPA authorities following the judgment of the Supreme Court in 2020.

More recently he advised a leading hotel chain on a highly sensitive claim relating to inadvertent disclosure of information which had catastrophic personal consequences.

Human Rights

Harry is a human rights specialist who has acted as standing counsel to one of the world's largest oil companies on human rights issues in a particular region.

His human rights practice has a particular focus on Articles 2, 8,9 and 10:

- Article 2: This typically arises in Harry's clinical negligence practice and Harry often sits as a Coroner in Article 2 inquests, including in the prison/mental health context.
 - Article 8: Harry has considerable experience of Article 8 and 10 and refers to his Privacy and Information law page, which can be accessed by clicking on the link on the left hand side of the page.
 - Harry has a particular interest in Article 9 and the freedom of thought/expression in the context of
-

emerging Neurotechnology. Again, see the Emerging Technology page of Harry's profile.

Harry is also one of the leading juniors at the Bar when it comes to the crossover between personal injury and human rights.

He has advised in very high profile cases including that of Jack Letts (dubbed "Jihadi Jack" in the media). Many such cases also have an international element, with which Harry is familiar.

Selected Cases

Example cases include:

- *Kamoka v Security Services* (see g. [2019] EWHC 290 (QB)). The case concerned Libyans seeking damages for their detention between pending deportation to Colonel Gaddafi's Libya under the deportation with assurances programme (DWA) and on the basis of documents showing the UK security services were at the time involved in unlawful rendition. Harry was the sole personal injury practitioner for the Claimants in circumstances where the other side had instructed a number of counsel including a KC.
- He carried out a similar role, being brought in as the personal injury expert in a human rights context, in the case of alleged rendition/torture case of *Ali v MOD & FCO* (see g. [2019] EWHC 3172 (QB)).
- *Mutua v FCO* (the "Mau Mau" litigation);
- *Guerrero v Montericco & Another* (the "Peruvian Miners" litigation) are two further cases in which he was

Harry has particular experience and expertise in issues relating to human trafficking. Arguably the two leading cases on trafficking, *Galdikas* [2016] EWHC 1376 (QB) and *Antuzis* [2019] EWHC 843 (QB), which paved the way for future claims, are both "his" cases.

In the latter Harry conducted the trial without a leader and secured 100% of the "as pleaded" figures for lost earnings for all eleven claimants.

Harry also acted in another high profile trafficking/forced labour matter (which cannot be named because an anonymity order is in place). Harry drafted all of the pleadings and then, before Mr Justice Jay, successfully obtained a freezing injunction leading to settlement. Harry is at home advising on corporate liability/supply chains.

Harry was also a part of a group of specialist trafficking lawyers which convened and provided written advice to the Lords on the introduction of the Modern Slavery Bill (now Modern Slavery Act 2015).

He is currently instructed in the civil claim arising out of Operation Fort, the largest ever anti-slavery prosecution.



Clinical Negligence

Harry acts for Claimants, the NHR and the medical defence organisations. He has a heavyweight clinical negligence practice encompassing claims in, inter alia, the fields of neurosurgery, paediatrics, obstetrics, orthopaedics and cardiology.

He has experience of complex areas of clinical negligence such as birth cases/Erb's Palsy, areas which require a considerable degree of sub-specialism.

Harry prides himself on a sophisticated understanding of paediatric issues and has done a number of such cases. For example, he was junior counsel in *Glassenbury v Short*, a highly complex case of perinatal hypoxia materially contributing to postnatal periventricular leucomalacia (led by Robin Oppenheim KC). Similarly K was a multi-million pound cerebral palsy claim involving complex issues over care/accommodation (led by Robin Oppenheim KC).

In 2022, Harry was asked by the Royal College of Emergency Medicine to provide inquest training to NHS doctors.

He is often instructed on his own against a silk and in high value or complex clinical negligence litigation such as those listed below.

Amputations and other Serious/Catastrophic PI

Harry has particular interest and expertise in amputation cases and is familiar with the highly specialised issues to which such claims give rise. This is a practical, fast-moving sub-speciality of PI area where having the right counsel can make all the difference. Harry combines knowledge of the latest prosthetics, with a "problem solving" attitude and a rigorous legal analysis.

By way of example, in the case of M Harry acted for the Claimant in a case involving 7 expert disciplines, which settled minutes before Harry's opening speech, when the Defendant accepted his old Part 36 offer. Harry had conduct throughout, had attended two RTMs, rejecting two high offers before the Defendant eventually "blinked first".

Harry has acted in upper limb and lower limb cases, acting for both claimants and defendants.

Harry also has considerable experience of serious/catastrophic PI. He prides himself on fusing attention to detail, which is often the key in such cases, with a user-friendly presentation. He takes pride in producing detailed, persuasive Schedules and Counter Schedules

One such case settled following novel arguments on the nature of general damages in Jersey and the cost of investment advice (instructed by Stewarts, led by David Platt KC).

Harry has conducted conferences with leading figures in the world of serious/catastrophic PI i.e. Chris Daykin and Victoria Wass.

Selected Cases

- F: Conducting a 4 day trial in an oncological case against a leading KC. The trial judge remarked that the parties were represented by “one silk, and one potential silk”.
- J: Harry acted as sole counsel against a KC in this case involving an alleged failure to diagnose a stroke, pleaded at c. £5M.
- W: Harry acts alone against a silk in this liability and quantum matter against a “band 1” silk and “star individual”
- R: Harry acts as sole counsel against a KC in this quantum-only matter pleaded at around £4M.
- L: This case concerns the failure of a state-of-the-art “custom” knee replacement. Harry acted for one of the foremost knee surgeons in custom knee implants in the country. It is a good example of the interaction between his product liability practice and clinical negligence practice. After drafting a robust and technical 35 page defence, all allegations relating to surgical technique were promptly withdrawn.
- R: Acting for the NHS without a leader, Harry settled this highly complex paediatric claim with a full pleaded value of circa £5M.
- A: Case discontinued “at the door of court” following a robust defence and probing RFI.

Personal Injury

Harry is recognised in the directories as a leading practitioner, with the Legal 500 describing him in the following terms:

‘His depth of PI knowledge is exceptional and he is especially helpful on quantum.’

He is on the Consulting Editorial Board and “Meet the Experts” panel on LexisNexis for Personal Injury and a chapter contributor to *APIL’s personal injury law, practice and precedents*.

Amputations and other Serious/Catastrophic PI

Harry has particular interest and expertise in amputation cases and is familiar with the highly specialised issues to which such claims give rise. This is a practical, fast-moving sub-speciality of PI area where having the right counsel can make all the difference. Harry combines knowledge of the latest prosthetics, with a “problem solving” attitude and a rigorous legal analysis.

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“General” PI

Harry acts for both Claimants and Defendants across in cases of the utmost value and across all areas of personal injury including workplace accidents, public liability and RTAs.

Harry robustly defends cases both on paper and in court. Recent examples include a case discontinuing after Harry's strike out application on Duty of Care; winning an Employer's Liability trial notwithstanding the admitted absence of a risk assessment; and succeeding on both limitation and breach following a 2 day NIHL trial. In a recent multi-track HAVS trial, Harry's client retained no documents but he nevertheless successfully defended the claim on the issue of medical diagnosis (CTS vs. HAVS) after rigorous cross examination of the Claimant's expert. Harry recently acted in a highly confidential multi-million pound claim involving the death of a high profile individual.

Jurisdiction, Travel and International Law (including Jersey)

Harry is familiar with the Brussels Recast regulations and has advised on issues of jurisdiction, choice of law or forum involving numerous European countries i.e. Spain, Holland and Germany. Many of his cases also involve foreign manufacturers, clients or other corporations such as those based in USA, China or Denmark. On more than one occasion, Harry has acted in cases abroad.

Harry acts in a number of personal injury cases instructed by Jersey-based solicitors, and has advised on matters of Jersey law. For example one of his current catastrophic injury cases is approaching trial and involves contested issues on the interplay between cost of living and general damages as well as the cost of investment advice in Jersey (instructed by Stewarts, led by David Platt KC).

He has also been involved in numerous Human Rights cases with an international element, some of which involved the application of foreign law. In 2011 Harry successfully took a case on the interplay between personal injury and state immunity to the Employment Appeal Tribunal (*Nigeria v Ogbonna* [2012] 1 W.L.R. 139).

Harry also has experience of acting in domestic 'travel/holiday' cases, where he brings to bear his expertise in personal injury.

He is a member of the Pan European Organisation of Personal Injury Lawyers (PEOPIL) and the British Institute of International Comparative Law (BIICL).

Inquests & Public Inquiries

Harry sits as an Assistant Coroner in Inner London North covering Camden, Islington, Tower Hamlets and Hackney.



As counsel he has considerable experience of the coronial jurisdiction and attends inquests nationwide.

For example, Harry recently acted for a world leading electronics manufacturer, following a residential fire started in or around the printed circuit board of a television. Both the family of the deceased and the Fire Brigade had suggested that Harry's client had manufactured the television involved in the fire. Harry however successfully argued that the identity of the manufacturer and/or precise mechanism of failure were out of scope or alternatively insufficiently evidenced Harry's client was not mentioned in either the Inquest Conclusion or Inquisition.

Another recent example includes attending a 4 day inquest on behalf of a leading Healthcare Equipment company, instructed by Simmons & Simmons. Despite extensive criticisms by the CQC at the outset of the coronial proceedings, Harry's client was absolved of all and any blame.

Other examples of his inquest work include:

- A high profile inquest, which has attracted national media attention, in which a residential flat was destroyed in a fire allegedly started by a faulty electronic device.
- Appearing on behalf of two intensive care nurses whose care had been called into question.
- Road Traffic Collision Inquest involving a bus at a known accident 'hotspot'.
- Inquests in the setting of nursing/care homes.
- Representing a major broadcasting corporation in the face of allegations of workplace bullying.
- Representing the family, in the case of Ayannuga, a CPA case on causation involving death and catastrophic injury [2022] EWHC 590 QB.

Harry also has neighbouring experience in the regulatory context, having acted in numerous cases in the Health Professions and Nursing & Midwifery Councils.

Property Damage

Harry has a particular interest in cases concerning white goods and was involved in the Shepherd's Bush Fire litigation as well as a high profile inquest against Whirlpool arising out of two deaths in 2014. Both these cases were cited in the Business, Energy and Industrial Strategy Committee published report entitled *The Safety of Electrical Goods in the UK*.

Harry's property damage cases including those involving inter alia fires, floods and explosions. As a recent example Harry acted for a gas network distributor, one of whose pipes had exploded, causing both significant personal injury and property damage. Harry's client was absolved of all blame and the claim dismissed, following a contested High Court trial. Harry acted alone against a leading silk (and deputy head of chambers) and was victorious on all live issues in dispute.

With his background and reputation in product liability, Harry brings particular expertise in matters brought or defended under the Consumer Protection Act 1987. This also makes him particularly adept at dealing with complex causation cases such as those involving concurrent, competing or cumulative causes.

Selected Cases

As well as those cases mentioned above Harry has acted in the following cases:

- A flood caused by a faulty pressure-reducing valve. This case involved complex questions of causation and issues under the Companies Act 2006.
- A restaurant destroyed by a fire caused by tortiously accumulated grease deposits. This case raised issues concerning the proper scope of the Berni's Inns principle.
- A fire in a block of flats allegedly caused by a defective DVD player.
- Property damage and consequential losses arising out of defective industrial scale paper.
- A fascinating case in which Harry acts for a professional footballer whose dietary supplement was contaminated, leading him to be banned from professional football.
- A subrogated claim on behalf of an insurer against Apple Incorporated, in relation to an iPad allegedly causing a house fire.
- Harry acted for one of the Defendants in this multi-party action for contractual damages/indemnity arising out of the inadvertent destruction of industrial moulds due to negligence somewhere along the contractual chain.
- Subrogated claim for contractual indemnity after the re-sale of contaminated silage led to multiple cattle deaths upon third party farms.

Qualifications

- MA, Corpus Christi College, University of Cambridge
- LLB, College of Law, Bloomsbury

Memberships

- Pan European Organisation of Personal Injury Lawyers

Recommendations

"Harry is a first-rate and eloquent barrister with a fine mind."... "He thinks quickly on his feet and is able to understand and break down even the most complex of cases."

Chambers & Partners, 2024

"Harry is a very intelligent and engaging barrister, able to familiarise himself with complex issues of fact and law at speed and produce a very high standard of written advocacy and pleadings. Harry also has good client care skills."

Legal 500, 2024

"Good attention to detail and excellent advocacy - he is persuasive, tough, and gets his points across firmly."

Legal 500, 2024

"Harry provides timely and detailed advice that is always well thought-through."

Legal 500, 2024

"He is extremely sharp and tactical."

Chambers & Partners, 2022



"An excellent barrister. Harry is able to rapidly identify the key issues in complex cases. He is also a highly effective cross-examiner."

Legal 500, 2022

"Very bright and capable of presenting and dealing with the most complicated issues and cases."

Legal 500, 2021

"Very hard-working, reliable and efficient. He's passionate and completes work enthusiastically and to a very high standard."; "He's very diligent and a very good advocate."

Chambers & Partners, 2021

"Impresses with his intelligence, enthusiasm, diligence and manner."

Legal 500, 2021

"He has been excellent in a number of cases. His drive and general enthusiasm is infectious."

Chambers & Partners, 2020

"Harry fights his corner hard." "He is at his best when handling cases with complex and novel legal issues."

Chambers & Partners, 2018

"His depth of PI knowledge is exceptional and he is especially helpful on quantum A thorough, hard-working barrister"

Legal 500, 2018