



Harry Lambert



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"Respected junior who "knows the area inside-out" ...Extremely dedicated and hard-working. His astute intellect allows him to handle difficult cases and tricky legal issues with aplomb."
(Chambers and Partners, 2017)



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Harry Lambert practices in the areas of product liability, clinical negligence, personal injury and property damage. 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.

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 fights his corner hard" (Chambers & Partners).

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 "a thorough, hardworking barrister" with a "*superb intellect, [who] outshines his contemporaries.*" He "*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."

Harry acts for both Claimants and Defendants and his recent clients include blue chip organisations including those in the Gas, Healthcare Equipment, and White Goods sectors.

A recent example includes 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 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].

Non-Medical Cases: Fires, Floods and Explosions

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*.

Harry's property damage cases include those involving inter alia fires, floods and explosions. By way of example in one of Harry's current cases he acts for a gas distributor, as Sole Counsel against a QC, in a case involving the destruction of a residential property.

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 QCs (Charles Gibson QC and Malcolm Sheehan QC). It was listed as one of the Lawyer Magazine "Top 20 cases of 2019".

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 QC).



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.

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*.

"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.

Serious and Catastrophic PI

Harry 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.

For example one of his current catastrophic injury cases is approaching trial and involves contested issues on the nature of general damages and the cost of investment advice in Jersey (instructed by Stewarts, led by David Platt QC).

Harry has acted in several amputation cases and is familiar with the highly specialised issues to which such claims give rise. 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 conducted throughout, had attended two RTMs, rejecting two high offers before the Defendant eventually "blinked first".

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

Personal Injury & Human Rights

Harry is also one of the leading juniors at the Bar when it comes to the crossover between personal injury and human rights and human trafficking. Arguably the two leading cases on trafficking, *Galdikas* [2016] EWHC 1376 (QB) and *Antuzis* [2019] EWHC 843 (QB), are both "his" cases. 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).

In the field of human rights, Harry was instructed in the case of *Kamoka v Security Services* (see e.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 QC. 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 e.g. [2019] EWHC 3172 (QB)). He also appeared for the Defendant, News Group Newspapers, in a team of counsel in the matter of *Various Claimants v News Group Newspapers Ltd* EWHC 2692 (Ch) an authority in this context dealing with the interplay between admissions and disclosure, as well as aggravated damages. *Mutua v FCO* (the "Mau Mau" litigation") and *Guerrero v Montericco & Another* (the "Peruvian Miners" litigation) are two further cases in which he was instructed. Many of these cases also have an international element, with which Harry is familiar.



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 QC).

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).

Clinical Negligence

Harry acts for Claimants, the NHSR 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 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 QC). Similarly *K* was a multi-million pound cerebral palsy claim involving complex issues over care/accommodation (led by Robin Oppenheim QC).

He is often instructed in high value, complex or silk level clinical negligence litigation such as those listed below:

Selected Cases

- **F:** Conducting a 4 day trial in an oncological case against a leading QC. The trial judge remarked that the parties were represented by "one silk, and one potential silk".
 - **J:** Harry acts as sole counsel against a QC in this case involving an alleged failure to diagnose a stroke.
 - **R:** Harry acts as sole counsel against a QC 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
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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.

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*.

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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.



Inquests & Public Inquiries

Harry has considerable experience of the coronial jurisdiction and attends inquests nationwide.

A 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.

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

Qualifications

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

Memberships

- Pan European Organisation of Personal Injury Lawyers

Recommendations

"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

"He is an all-rounder, who is superb at whatever he turns his hand to."

Legal 500, 2017

"He has a razor-sharp intellect."

Legal 500, 2017

"A rising star of the product liability Bar who has already earned himself prominent admirers among his peers."

Chambers & Partners, 2016

"He's an extremely intelligent, hard-working and sensible barrister."

Chambers & Partners, 2016

"A very detailed and focused counsel, who never misses a trick."

Legal 500, 2015