



Jack Murphy has a broad practice encompassing personal injury and clinical negligence, construction, general commercial litigation, professional negligence and criminal regulatory work. He is regularly instructed to provide advice, pleadings, and representation in these areas.

He has extensive court experience. As part of his civil practice, he regularly appears in the County Court for trials and interlocutory hearings; in front of Queen's Bench Masters for case management hearings; and he has been lead in the Upper Tribunal and Court of Appeal. As part of his criminal regulatory practice, he has provided representation in both the Magistrates' and Crown Courts. He is developing a particular expertise in inquest work, and has acted as sole counsel in several complex, multi-day inquests.

Before coming to the Bar, Jack read History at Christ Church, Oxford. In the year before pupillage, he was employed in the legal department of an international oil and gas company, working directly with its Counsel for the EMEA region. His role encompassed procurement, IP, corporate restructuring, and contract review work. It provided valuable commercial experience, and a familiarity with large construction and energy sector contracts.

Aside from the law, he is a keen sailor, windsurfer and skier.

## Professional Liability

Jack is developing a professional negligence practice, and accepts instructions in relation to a range of professions, including designers, construction professionals, engineers, and solicitors.

## Selected Cases

Recently Jack has:

- Drafted a strike out application on behalf of the defendant in a several hundred thousand pound solicitors' negligence claim. The application was subsequently successful.
- Advised and drafted pleadings in a case concerning the alleged negligence of a product designer.
- Drafted a defence in relation to an alleged negligent gas installation by an engineer.
- Drafted defences in solicitors' negligence matters concerning advice given in divorce proceedings, and the allegedly negligent undervaluing of a personal injury claim.
- Advised an engineering firm in relation to the alleged negligent commissioning of an air-conditioning system in a London office building.
- During pupillage, assisted on a high value insurance brokers' negligence case in the Commercial Court – *Involnert Management Inc v Aprilgrange Ltd* [2015] EWHC 2225 (Comm);

## Insurance & Reinsurance

During pupillage, Jack gained considerable experience of insurance litigation, particularly in relation to coverage disputes. He accepts instructions on coverage and policy interpretation matters advising an insurer and drafting pleadings for a coverage dispute concerning a jewellery clause in a high value claim.

## Commercial

Jack undertakes commercial work across Chambers' areas of expertise. He has provided advice and drafted pleadings in relation to cases involving general contractual disputes, non-payment of commercial debts, and the enforceability of ADR clauses.

Jack has extensive experience of credit hire disputes (acting exclusively for defendants), including high value claims of up to £40,000. He has been successful in defeating claims on the basis of enforceability and need. He also has significant experience of claims focused on the link between period of hire and impecuniosity, and has successfully reduced claims advancing arguments following the cases of *Opoku v Tintas* and *Zurich v Umerji*.

## Selected Cases

Recent work has included:

- Advising a large car dealership on the validity of property damage indemnity clauses in a contract with a sub-contractor.
- Advising a nationwide estate agents firm on the applicability of punitive damages for failure to protect deposits.
- Recovering unpaid commission on behalf of a large London firm of estate agents.
- Advising solicitors on the recoverability costs incurred in obtaining a charge pursuant to s.73 of the Solicitors Act 1974 over a property as part of that charge.



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## Construction & Engineering

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Jack is developing a construction practice in line with Chambers' expertise. He has provided advice and drafted pleadings in relation to several disputes involving alleged non-performance of contractual obligations and defective workmanship during the construction phase of projects. He is a member of the Society of Construction Lawyers.

A significant portion of Jack's professional negligence practice involves construction professionals, with recent work including: Advised and drafted pleadings in a case concerning the alleged negligence of a product designer, who was contracted to provide prototype-stage CAD data; acting for an engineer in a case concerning alleged negligent gas installation; and advising an engineering firm in relation to the alleged negligent commissioning of an air-conditioning system in a large London office building, in proceedings involving claims for contractual delay damages and loss of earnings.

### Selected Cases

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Recent work has included:

- Assisting on an international arbitration concerning delay to a major East African infrastructure project.
- Advising on the applicability of NEC3 indemnity clauses in a multi-party dispute between parties in a chain of construction contracts, and drafting contribution notices.
- Advising an engineering firm on the enforceability of an adjudication clause and the prospects of successfully restoring a discontinued claim on the basis of being misled by another party.
- Drafting pleadings on behalf of the homeowner and client in a claim for unpaid fees in connection with a £400,000+ residential renovation project, and advising on the applicability of FMB payment clauses.
- Advising a local authority's planning department on the prospects of a limitation defence in a latent defect claim.

## Property Damage

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A considerable proportion of Jack's work involves property damage claims, and he regularly appears in the county courts on such matters.

Jack has considerable experience of tree root cases, having acted for both claimants and defendants. He has recently advised a city council in respect of expert arboricultural and engineering evidence; and successfully represented a claimant at trial, despite a lack of expert engineering evidence.

### Selected Cases

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Recent work has included:

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- Advising on the use and validity of a deed of assignment between a client and the main contractor in a multi-party property damage dispute, with a view to bringing a claim in contract against a subcontractor.
- Advising the defendant heating engineer in a high value claim for property damage as a result of flooding, caused by the failure of a solenoid valve.
- Acting on behalf of a firm of architectural restorers against a PLC construction firm in a multi-party construction dispute concerning allegedly defective roofing.
- Advising a commercial tenant on strategy and prospects of recovery in a property damage and defective workmanship case in which no written contract existed between the tenant and the landlord, both contractors denied liability, and one contractor had no discernible assets.
- Drafting pleadings on behalf of a county council in a multi-party case involving damage to civil sewerage systems as a result of construction works.
- Advising a claimant in respect of fire damage to a family home caused by the spontaneous combustion of a prestige car.

## Criminal Regulatory & Environmental

Jack welcomes criminal regulatory instructions on behalf of defendants and potential defendant in relation to Health & Safety and Environmental prosecutions. He regularly appears in both the Magistrates and Crown Courts in interlocutory and sentencing hearings. His extensive inquest experience compliments this area of his practice, and he has worked on cases both before and after the decision to prosecute has been made. For details of Jack's inquest work, please see the Inquest section of his profile.

### Selected Cases

Recent work has included:

- Being led by Mark Balysz on behalf of the defendant in a multi-handed prosecution involving a death on a construction site in connection with temporary works.
- Advising on the current state of the law in respect of suicide, assisted suicide, and mental capacity, in relation to the prosecution of a care provider.
- Obtaining a period to pay of 3 years at a sentencing hearing where the fine imposed was in excess of £300,000, and where a requirement to pay within a year would have had devastating effect upon the defendant company.
- Appearing in the Crown Court for a PTPH in a care home death prosecution, and advancing legal arguments on the degree to which the defendant should bear a reverse burden of proof.
- Obtaining an adjournment in the Magistrates Court in a complex case involving a break out of cryptosporidium.
- During pupillage, assisting James Maxwell-Scott QC in the Court of Appeal in the case of *Rotary Yorkshire Ltd v Hague* [2015] EWCA Civ 696, which concerned the nature of appeals against Prohibition Notices.



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## Inquests & Public Inquiries

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Jack has extensive inquest experience, having undertaken a 3 month full time secondment to Capsticks Solicitors LLP, where he conducted and appeared at inquests on behalf of NHS Trusts. He regularly appears at both Pre-inquest Review and Inquest hearings, both with and without juries. He has been instructed by a range of national and international healthcare providers, as well as by families of the deceased and non-professional interested persons. He has particular expertise in respect of deaths in the health and social care sphere. Much of his work has involved public bodies, and he is used to dealing with cases involving organisations such as police forces, prisons and NHS trusts, the engagement of Article 2 ECtHR, and the need for a jury.

### Selected Cases

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Recent work has included:

- Drafting written submissions in a case involving a suspicious death on the issue of scope and the bar against the inclusion within the ambit of the inquiry of matters which are no more than speculative in light of *R (Speck) V HM Coroner for the District of York* [2016] EWHC 6 (Admin).
- Appearing as sole counsel in 3 day jury inquest on behalf of an international care provider.
- Appearing as sole counsel for the London Ambulance Service in a 4 week jury inquest involving the death in custody of a foreign national facing extradition.
- Appearing as sole counsel for the London Ambulance Service in a 2 day inquest concerning, inter alia, the policy on referrals to hospital from domestic care.
- Successfully appearing on behalf of the family in an inquest concerning the death of a woman in a fire caused by the spontaneous combustion of her BEKO tumble dryer. This case attracted significant media coverage – <http://www.bbc.co.uk/news/uk-england-37013779>.
- Appearing as sole counsel on behalf of a national care home provider in a multi-party inquest involving an unexplained orthopaedic injury.
- Appearing as sole counsel on behalf of BUPA in a 2 day inquest.
- Drafting legal submissions and appearing before the Chief Coroner for Birmingham and Solihull in an application concerning the applicability of Article 2 and the need for a jury in cases where a Deprivation of Liberty Safeguarding Order has been applied for but not granted prior to death.
- Drafting legal submissions in support of an anonymity application on behalf of an interested person, where that person was deemed to lack capacity and was implicated in the death of two individuals.
- Appearing as sole counsel on behalf of both an NHS hospital Trust and an ambulance service in a complex two day inquest involving concerns over proper drug administration and emergency call handling.
- Acting as a McKenzie Friend on behalf of an interested person in the Tunisia Inquests.



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## Personal Injury

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Jack has a busy personal injury practice. His practice encompasses industrial disease litigation, employers' and public liability claims, fatal accident claims, and Highways Act cases. He is regularly instructed to appear in the County Court for interlocutory hearings and trials, to draft pleadings, and to provide advice on both liability and quantum.

Jack's personal injury practice has a growing emphasis on defendant industrial disease work, and he has significant experience of all aspects of noise-induced hearing loss cases.

Jack has considerable experience of civil fraud matters with a personal injury element, and is regularly instructed both to advise in conference on potentially fraudulent cases – including induced accident, low velocity impact and phantom occupancy case – and to act on behalf of defendant insurers in trials where fraud is alleged.

He has significant experience of QUOCS cases, the enforceability of defendants' costs, and fundamental dishonesty.

## Selected Cases

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Recent work has included:

- Successfully defending a Noise Induced Hearing Loss claim on limitation grounds, despite the defendant not having advanced any positive evidence of forensic prejudice. HHJ Vosper QC found that information elicited from the claimant in cross examination was sufficient evidence of the prejudice faced by the Defendant, and that *Burgin v Sheffield CC* [2005] EWCA Civ 482 did not apply.
- Appearing on behalf of the Defendant at a contentious CCMC in a very high value tetraplegic injury case, at which the Claimant sought to remove the requirement for costs budgeting on the basis that the new -0.75% discount rate increased the value of the claim to in excess of £10 million.
- Establishing that RTA protocol fixed costs should apply to a Part 7 claim, where the circumstances of injury involved a pedestrian and an unmanned, improperly parked HGV on private premises. The judge's ruling was that the phrase "arising out of or in connection with the use of a vehicle" had to be interpreted broadly, and that accidents on private premises should not be excluded from the ambit of the portal.
- Being led by Michael Kent QC in the Upper Tribunal (Administrative Appeals Chamber) in a test case concerning the validity of payments made under the Pneumoconiosis etc. Workers Compensation Act 1979.
- Advising on and drafting fraud defences in linked claims for personal injury and credit hire believed to involve organised crime.
- Successfully obtaining findings of fundamental dishonesty in two claims following discontinuance by the Claimant: the first on the basis of medical and engineering evidence, the second on the basis of surveillance and previous claims history.



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- Advising a nationwide charity on the suitability of its risk assessments and training in a claim for damages under the Manual Handling Operations Regulations.
  - Advising on complex infant approval cases, including one involving head injuries and potential long term behavioural problems, and another involving Court of Protection proceedings.

## Clinical Negligence

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Jack accepts instructions from defendant NHS Trust, private healthcare providers, and professional bodies, as well as claimants in clinical negligence matters. He is regularly instructed to draft pleadings in clinical negligence cases, and to appear at interlocutory hearings.

Much of his clinical negligence work involves complex medical conditions, with recent cases involving: complex regional pain and psychological injury following the alleged-negligent insertion of an intrathecal opiate delivery device; sudden heart failure as a result of previously-controlled hypokalaemia; the development of complex incisional hernias by a bariatric patient following routine surgery; and a significant case of body dysmorphic disorder with uncertain causes.

Jack also has extensive inquest experience, particularly in relation to deaths in health and social care settings, and has been instructed by both public institutions and private providers. For more information on this aspect of Jack's practice, please see the Inquests section of his profile.

## Qualifications

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- Lincoln's Inn Denning, Bowen & Hardwicke Scholarships
- BPTC, City Law School
- GDL, City University
- BA Hons (Oxon)