



John Greenbourne



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John Greenbourne

Call 1978

"A master of detail and also very good on his feet."
(Legal 500 2016)



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John Greenbourne's main areas of practice are professional negligence (chiefly concerned with insurance services, legal advice, property valuation and construction, education and clinical treatment); insurance and commercial work; serious personal injuries.

Large cases have included: multi-million pound claims by lenders against valuers; a trial lasting several months relating to the contractual arrangements for tendering for designing and building machines to dig the Channel Tunnel; an arbitration between a local authority and contractors in relation to the construction of a waste disposal facility; insurance and related professional negligence claims for several million pounds (in one case potentially over £100 million); high value claims for personal injury, in one of which the client's claim was settled for a value exceeding £14 million before conversion of part into periodical payments.

John has great experience in a wide range of claims, including severe head and orthopaedic injuries and for defendants to claims for shipping related accidents. Known for his common sense approach and understanding of the overall picture in a case but also for his attention to detail. While always enthusiastic to fight cases if the other side will not settle on sensible terms, he has a keen appreciation of the personal and commercial considerations, which are important to parties.

Insurance & Reinsurance

Ranked as 'Leading Junior' in Legal 500 (since before 2009)

Extensive experience in cases involving policy disputes and non-disclosure in personal and commercial policies, particularly professional indemnity, motor, fire, holiday and personal accident policies and film finance insurance. Well equipped to deal with COVID-19 related issues given his general knowledge of insurance law and principles of policy interpretation and their application in cases (e.g. business interruption claim by a flooded hotel)".

Selected Cases

- HLB Kidsons v Lloyds Underwriters [2009] Lloyd's Rep IR 178, [2009] 1 Lloyd's Rep 8 (CA) – Concerning timing of notification of claims under accountants' professional indemnity policy and whether condition precedent.
- Bankers Insurance Co v South [2004] I Lloyd's Rep IR 1 – Concerning issues of whether holiday policy covered liability for jet ski accident, whether notification term a condition precedent, effect of Unfair Terms in Consumer Contracts Regulations 1994 – whether breach of condition precedent entitled insurers to avoid in absence of prejudice.
- Bankers Insurance Co Ltd v South and Gardner [2004] Lloyd's Rep IR 1 – Whether a jet ski fell within the definition of a waterborne craft and the consequences of failure to notify insurers of the incident.
- Kincardine Fisheries v Sunderland Marine Mutual Insurance (CA) The Times 12.2.97, [1998] CLY 3363 – Construction of fish farm insurance policy – claim against brokers and insurers.
- Theodore Goddard v Fletcher King [1997] 2 EGLR 131 – Liabilities of solicitor and surveyor for drafting of defective lease.

Personal Injury

Acts for Claimants and insurers – mainly cases of serious head, spinal and limb injuries and fatal accident claims.

He acted in 2007-2008 for a young man who suffered a severe brain injury following a road traffic accident.

The claimant developed intractable epilepsy and required 24 hour nursing care. This led to one of the largest personal injury settlements in UK legal history with a lump sum of £5.5 million and periodical payments for life of £350,000 per annum appropriately indexed. The capitalised value of the settlement was in excess of £14 million.

In 1998 acted for claimant who was awarded over £2 million at trial. In 2005 for claimant who was awarded £4.4 million before agreed 25% contributory negligence.

Represented successful claimant in 2001 case where motorcyclist who had been travelling at 80 mph on one wheel was seriously injured when dog from house at side of road ran across in front of him.

In 2003 acted for applicant awarded £1.33 million after hearing by CICA Appeal Panel.

In 2006-08 acted for claimant who was awarded over £4 million on a lump sum basis, converted into a lump sum and appropriately indexed periodical payments. Since then he has been in many cases in which over £1 million was recovered.

Claim for young man with head injury from road accident when aged 9, settled for over £1 million lump sum and over £21,000 p.a. ASHE linked periodical payments. Unusually complicated indexation arrangements because the parties agreed a lump sum in autumn 2007 but one of the two defendants raised an issue as to ability to make secure periodical payments because of a limited sum insured, which delayed approval until after a 2 day hearing in November 2008.



Represented claimant who suffered a serious head injury at a driving experience event at an airfield in the Midlands when a marquee attached to an articulated lorry trailer collapsed in allegedly tornado strength winds in mid summer. The defendant event organiser claimed unsuccessfully that such conditions were not reasonably foreseeable, alleged that the marquee was secured by bolts into the concrete hardstanding and that the marquee collapsed despite this. Judgment given at trial on liability for damages to be assessed.

In 2011 for the claimant settled a vigorously denied claim by an in-patient in a PFI hospital who suffered a spinal haemorrhage and consequent paraplegia after slipping or falling on an allegedly wet shower room/WC floor in the early hours of the morning. During proceedings there was a hearing on an application for disclosure of names and addresses of other patients who had had slipped and fallen on such floors which was unsuccessfully opposed by the hospital on grounds of their human rights and data protection.

Successfully represented lorry driver at trial against building site main contractor and groundworks subcontractor who disputed that his devastating ankle injury had been caused by slipping on mud which he said was on pavement after he had stepped down from his cab [2010] EWHC 1108 (QB).

In 2012 and 2013 notable cases concluded for claimants have included one for a person in early 20s whose claim was settled after deducting a third for contributory negligence for £1.1 million and £106,500 p.a. periodical payments; another for someone of similar age who recovered, after allowing for contributory negligence, provisional damages of £1.9 million and £35,000 p.a. to age 65 and over £90,400 thereafter. In 2013-14 represented Defendants in 3 cases of allegedly fraudulent or deliberately exaggerated claims – in one the claim for about £6 million was settled for its perceived true value of £600,000, in another the claimant claiming about £400,000 accepted £25,000 and in the false claim the claimant discontinued.

In 2016 settled with a modest allowance for liability risks claim for cyclist with severe injuries including loss of dominant arm when run down by a coach.

In 2017 concluded claim for claimant who suffered severe brain damage aged 9 in 2003. Liability settled on a two thirds recovery basis in 2010 but quantum could not be determined until the claimant's lifetime prognosis could be known. Settled in February 2017 on basis of new discount rate for £1,430,000 lump sum £75,000 p.a. periodical payments.

Selected Cases

- *Lindsay v Wood* [2006] EWHC 2895 (QB) [2006] M.H.L.R. 341 – Head injury claim. Issue as to whether Claimant had capacity to manage his financial affairs for purposes of Part VII of the Mental Health Act 1983 and CPR Part 21. Consideration and explanation of the principle in *Masterman-Lister v Brutton & Co.*
- *X v Bedfordshire County Council* [1995] 2 AC 633 – Duties of care owed by statutory authorities, social workers, educational psychologists and teachers.

Professional Liability

Ranked as 'Leading Junior' in Legal 500 (since before 2009)



For and against valuers / surveyors in claims by mortgage lenders and purchasers of property. Lenders' claims relating to most types of property (residential houses and flats ranging from under £100,000 to over £1 million, business premises and office blocks, hotels and pubs, leisure properties (e.g. golf course, artificial ski slopes), including loans to owners of portfolios of properties, loans on security of property comprising multiple units of accommodation, loans of over £25 million, claims alleging participation in fraud.

For claimants in claims for educational negligence at trial and on successful appeals to the Court of Appeal and House of Lords in the leading cases in this area.

For managing agents and estate agents in actions against property owners for alleged negligence in negotiations for purchase of very high value property and in commercial property management

For project monitors and consultants defending claims by property developers and their lenders in claims alleging negligent advice in relation to project feasibility, appointment of professionals, obtaining of planning permission, progress and cost of works

For loss adjusters sued by insurers for failing to scrutinise £1 million claim after property flooded.

Against insurance brokers and agents, including defending brokers against claims for failure to obtain adequate insurance or to advise clients as to extent of disclosure required or extent and terms of cover.

For and against barristers in claims by former clients, including claim that infant's claim settled (and approved by Court) at vastly inadequate figure.

Against solicitors, acting for: former clients; solicitors' insurers; surveyors in actions against them and solicitors in relation to property transactions.

Cases of alleged negligence by accountants, agricultural advisers, architects, contractors, engineers, estate agents, quantity surveyors, medical practitioners and other professionals.

Selected Cases

- *Perry v Raleys* [2017] EWCA Civ 314 – Claim against solicitors by client for negligent conduct of his claim against the DTI under a scheme for the compensating miners who had developed Hand Arm Vibration Syndrome as result of using vibratory tools.
- *Procter v Raleys* [2015] EWCA Civ 400 – Claim against solicitors by client for negligent conduct of his claim against the DTI under a scheme for the compensating miners who had developed Hand Arm Vibration Syndrome as result of using vibratory tools.
- *Skipper v Calderdale MBC* [2006] EWCA Civ 238; [2006] ELR 322 – Educational negligence – whether damages recoverable for humiliation, lost confidence and self-esteem caused by unremediated dyslexia.
- *Phelps v London Borough of Hillingdon* [2001] 2 AC 619 (HL) – Liability of Local Education Authority and educational psychologist to dyslexic pupil.
- *Ezekiel v McDade* [1995] 2 EGLR 107 (CA) – Measure of general damages against surveyors of residential property.
- *Suttle v Simmons* [1989] 2 Lloyd's Rep 227 (PC) extent of insurer's liability under compulsory motor insurance legislation.

Civil/Insurance Fraud

- Acted for defendant in multi-million pound claim by claimant who had suffered a serious ankle injury. Claimant alleged continuing symptoms resulted in such serious pain and disability that he required a wheelchair or at least two crutches on the rare occasions he was able to leave home and that he needed to have a below-knee amputation. Advised on tactics and extensive surveillance gathering and editing. Surveillance films showed claimant doing things which demonstrated that his claim was being grossly exaggerated (including walking normally and unaided at a motorway service station on the way back home from consultation with amputation specialist, where on arrival and departure he had made a show of dramatic grimacing and hobbling on his crutches to demonstrate his great pain and difficulty with mobility). Claimant asserted that the evidence did not show anything to his detriment but capitulated before the next interlocutory hearing.
- Acted for defendant in claim against amphibious vehicle tour operator by passenger falsely alleging injury when vehicle bumped into river embankment wall. Material on claimant's social media revealed activities which were incompatible with the alleged injuries. Advised as to how to proceed and drafted a Defence pleading fraud. Claimant promptly discontinued. Insurers were inclined to let the claimant go without paying their costs but accepted advice that this was not the normal rule and they should insist on their costs being paid, which they did.

Qualifications

- Holt Scholar, Gray's Inn
- MA (Cantab)

Memberships

- London Common Law & Commercial Bar Association
- Personal Injury Bar Association
- Professional Negligence Bar Association

Recommendations

"John has meticulous attention to detail, a sensible and pragmatic approach to cases and puts clients at ease with his approachable manner."

Personal Injury – (Legal 500, 2022)

"Very approachable, responsive and gives digestible advice. He is always willing to listen to views and takes time to discuss them."

Insurance and reinsurance – Leading juniors (Legal 500, 2021)

"Inspires total confidence with very thorough preparation and drafting skills."

Personal Injury – (Legal 500, 2021)



"He is easy to work with, responsive and gives digestible advice."

Professional Negligence – (Legal 500, 2021)

'Thorough, analytical and good on his feet.'

Insurance and reinsurance – Leading juniors (Legal 500 2017)

'He has an incredible attention to detail, leaving no stone unturned.'

Personal injury – Leading juniors (Legal 500 2017)

'Incredibly talented.'

Professional negligence – Leading juniors (Legal 500 2017)

'he provides thoroughness and a rigorous test of the evidence' and 'superb attention to detail and preparation' and 'a master of detail and also very good on his feet'

'Leading Junior' (Legal 500 2016)

'very experienced in policy disputes and issues regarding non-disclosure in policies' and 'he has an encyclopaedic knowledge of the law and is very approachable' and 'a thorough and enthusiastic barrister, who is a formidable drafter and good on his feet'

'Leading Junior' (Legal 500 2015)

'thorough analysis and fierce advocacy'

'Leading Junior' (Legal 500 2014)