



Patrick Blakesley KC



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"He is calm, thoughtful and has a good manner with clients and judges."  
(Legal 500 2016)



Patrick Blakesley QC specialises in catastrophic personal injury and fatal accident claims; and related actions: insurance coverage and indemnity issues; other contractual issues; conflicts of laws; clinical negligence and product liability. As part of his fatal accident claim practice, Patrick is frequently instructed in the early stages of an action, representing clients at inquests in preparation for the resultant civil action.

He has a reputation for formidable advocacy and first-rate cross-examination, combined with an approachable manner and excellent negotiating skills. He has been consistently ranked in the top tiers of Chambers & Partners and the Legal 500 for personal injury work

He regularly gives lectures and seminars to solicitors and insurers.

He is a PIcArbs arbitrator, and sits on the Bar Standards Board's Professional Conduct Committee.

## Personal Injury

Patrick has a wealth of experience in all areas of personal injury including the following:-

- Catastrophic injuries – brain and spinal injury, amputation, chronic pain, psychiatric injuries.
- Brain and other developmental injuries to children.
- He is particularly experienced in dealing with claims for subtle brain injury, diffuse axonal injury, and investigation of alternative psychiatric, neurological or fraudulent explanations
- Claims with a foreign element, jurisdiction and applicable law. Accidents to foreign nationals in England and Wales, and to domestic claimants abroad. Claims experience includes Europe, Africa, the Middle East and the USA.
- Transport, aviation and marine accidents. Rail accidents to passengers and trackside workers, accidents aboard vessels, helicopter accidents. Athens and Montreal Conventions.
- Battlefield and military training incidents. He has fought a number of trials involving injuries to military-trained security escorts protecting military personnel and civilian contractors in Iraq and Afghanistan.
- RTAs and highways claims. Patrick acts in cases involving highways authorities, and ss.41 and 58; including contributions of road surfacing, trees and vegetation, snow and ice.

- MIB, RTA insurer, Article 75 issues
- Workplace accidents and employer's liability, particularly accidents on construction sites and in factories. Manual handling, defective work equipment, work at height, cranes and other lifting equipment, construction regulations.
- Public and occupiers' liability.
- Sports injuries – schools, amateur and professional clubs. Allegations of inadequate refereeing and supervision, facilities, equipment; repetitive head injury assault, "hazing" incidents.
- Fatalities and injuries caused by falling trees.
- Sub aqua diving accidents
- Animals Act claims
- Automatism.
- All quantum issues including incidence of statutory funding and benefits, both in the UK and in foreign jurisdictions; PPOs and provisional damages;
- Capacity and Court of Protection issues.
- Fraudulent claims and cases of fundamental dishonesty.
- Sexual abuse in schools and other institutions.
- Workplace stress, bullying and harassment claims

## International Injury & Travel Law

Patrick frequently handles claims with a significant foreign element. He is experienced in dealing with issues of jurisdiction, applicable law, and the managing of experts in foreign law and financial arrangements including the incidence of foreign statutory funding and benefits. He deals with accidents to foreign nationals in England and Wales, and to domestic claimants particularly in Europe, Africa, the Middle East and the USA.

## Selected Cases

Examples of Patrick's recent and ongoing cases include the following:-

B v N: (2019) – Successful defence at trial of a highway authority blamed for motorcycle accident rendering claimant an incomplete tetraplegic.

L v S: (2019) – Acting for tree surgeon in tetraplegia claim brought by motorist injured by a tree falling from private land.

B and W v M (2019) – Acting for the defendants in the lead claims arising from the Alton Towers rollercoaster accident.

H v S (2019) – Acting for train operator in amputation claim brought by a passenger whose rucksack was caught by closing doors.

T v CC & ors (2019) – Acting for highway contractor in multi-defendant double fatality RTA claim in which the issues are drainage and ice clearance.



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P v P (2019) – Acting for defendant in an £8m claim for subtle brain injury.

M & ors v J (2019) – Acting for motor insurers in claim arising from multiple fatality RTA in a Birmingham underpass.

W v J (2019) – Acting for insurers in multiple fatality and serious injury pedestrians v car RTA.

L v B; KC v L (2018, 2019) – Two unconnected fatal leisure diving cases involving allegations of inadequate training and supervision; failures by buddy divers; defective equipment and on one case with contested medical causation.

B v K and S (2019) – Acted in a fatal cycling accident claim in the dispute between the co-defendant highways authority and repair contractor, which turned on the compliance with and construction of the voluminous highway repair contract.

J v W (2018) – Acting in paraplegia claim arising from RTA allegedly caused by failure of suspension arm, in turn allegedly caused by pothole in the road.

M v B (2018) – The claimant, a solicitor in a magic circle firm, contended that a RTA had triggered postural orthostatic tachycardia syndrome (POTS). The case settled for a small fraction of its claimed value after challenges to the claimant's credibility and case on causation.

Mehmetemin v Farrell [2017] EWHC 103 (QB) – Quantum issues in a £1.6m ankle injury claim.

Humphrey v Aegis Defence Services [2017] 1 W.L.R. 2937 (CA) – Claim arising from activities in Iraq and the application of a “desirable activity” defence under the Compensation Act 2006.

M v C (2017) – fatal accident involving tree falling onto car on the highway.

H v S (2017) – A cyclist vs cement lorry RTA. C suffered a catastrophic spinal fracture. Liability and quantum were in dispute. With a cooperative stance by both parties the claim was successfully concluded by settlement 10 months after the accident.

B v C (2017) – fatal accident involving tree falling onto pedestrian at a bus stop. Allegations of inadequate inspection regime and issues between the highway authority and the independent contractor responsible for the maintenance.

M v C: (2017) – A motorcycle vs lorry RTA. The claimant, a below-knee amputee, sought 13 different prostheses for various sporting and other activities.

Deighton v Collett [2016] EWHC 3842 – Abuse of process argument in multiple claims against same defendant arising from the same RTA.

RXS v Y J Lovell [2016] EWHC 1004 – Mesothelioma claim. Permission at time of settlement of main claim to bring Part 20 claim in the main action between co-defendants.

M v XFC (2016) – Acted against Premier League football club for claimant who sustained physical and psychiatric injuries in a “hazing” incident.

Davies v Partington [2015] EWHC 1761 – RTA 1988 s.151 and Art.75 issues between co-defendants, and resolution of costs between defendants.

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M v E (2015) – Acted as junior counsel to Winston Hunter QC in a £20m tetraplegia claim arising from an RTA.

Sayers v Chelwood [2013] 1 WLR 1695; [2012] EWCA Civ 1715 – (Limitation & NIHL) – Leading appellate authority on burden of proof in s.33 applications under Limitation Act 1980.

Selected cases (International Injury & Travel Law)

Examples of Patrick's recent and ongoing cases include the following:-

F v H (2019) – Acting for claimant who underwent elective below knee amputation two years after a work accident in Qatar.

Aegis cases (2013-2018) – A series of 7-figure claims brought against a private military company by security contractors injured in Iraq during the post-war reconstruction.

B v M: (2018) – Claim brought by members of US rock band, injured when their UK tour bus crashed. Complex accountancy issues over likely worldwide earnings.

O v Bahrain – Mesothelioma claim. 5 defendants sued by widow of British citizen, who died in the USA, after exposure to asbestos in a Bahraini oil refinery. Complex issues of jurisdiction and applicable law.

O v C (2014) – Accident aboard a merchant vessel at sea.

C v S (2014) – Amputation claim brought by a British citizen against Italian hotel. C injured by falling pane of plate glass. Issues of applicable law and limits of indemnity under foreign insurance policy.

S v S (2018) – US citizen rendered minimally conscious in UK RTA. Issues of incidence of US benefits, Medicaid/ Medicare, and identification of the appropriate discount rate and PPO indices, using 6 US-based financial experts.

E v R: (2015) – Libyan citizen catastrophically injured in an RTA in Wales. Issues of likely domicile and care regime following civil unrest in Libya, and indexation.

E v S: (2018) – High value travel claim brought by holidaymaker directly against Spanish insurer with indemnity issues similar to those in Williams v Mapfre (Westlaw, 2015 WL 1839026). Instructed by Latham & Watkins.

## Inquests & Public Inquiries

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Patrick is a seasoned inquest advocate. He has acted in coroner-alone, jury and Article 2 inquests from the start of his career. He is experienced in guiding witnesses and interested parties, corporate and individual, through the difficulties and uncertainties of the process. Recent experience includes tree fatalities, RTAs, drownings, construction and factory accidents.



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## Insurance & Reinsurance

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Patrick is experienced in policy and coverage disputes in a wide variety of accident, indemnity and liability policies.

- Usually coverage disputes connected with personal injury, including motor/EL/PL disputes, MIB and Article 75, Road Traffic Act 1988 issues.
- Claims for negative declaratory relief
- Coverage disputes in other tort cases, including property damage claims, covering fire, flood, tree root and business interruption claims, and the associated insurance issues; and he has advised on coverage issues arising out of the Covid-19 pandemic.

He has frequently given seminars and talks to solicitors and insurers on coverage issues.

### Selected Cases

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Patrick advises on coverage and indemnity issues generally connected with PI cases, and has acted in claims under PHI policies. He is experienced in issues of security of periodical payments particularly for foreign-domiciled and passported insurers. Recent examples include:-

K v M (2021) Stolen vehicle accident – motor traders policy – Article 75 – advising on the status of entry on the Motor Insurers' Database and presumption of coverage for the purposes of Article 75(2)(d) and the likely approach of the Technical Committee.

S v I (2021) Pedestrian fall into highway works. Liability and coverage issues between main contractor, subsidiary and subcontractor.

P v D (2021) Issue of PP security for Gibraltar-based insurer. Construction of Gibraltarian financial services and EU exit legislation; whether covered by the FSCS; issues of FCA registration, construction of the Prudential Regulation Authority Rulebook.

ABC (2021) Issue of PP security. Liabilities of insolvent insurer met by the Danish Guarantee Fund. Issue of liability of FSCS to satisfy the liability were the DGF to default.

B v L (2020) Coverage and exclusion clauses in multi-party construction site accident.

H v S (2020) Accident involving agricultural lifter used without authorisation to assist in nearby construction project to build family home for owner of the construction company. Eight policies potentially responded.

H v B (2018). Advising on application by claimant for disclosure of defendant's policy.

D v AL (2018) Road construction worker – traumatic arm amputation in a hired chip spreader on temporarily fenced off section of highway – issue of motor/EL/PL coverage.

S v P (2018) Hammer attack by employee on co-worker who may have just resigned, using hammer stolen from workplace, in public car park outside workplace. Whether employer's EL or PL policies responded.



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LC v P (2015) – Skip lorry parked half on driveway, half on road. Homeowner climbs on bed of lorry to help attach chains and is injured when driver operates hydraulic arm. EL/PL/Motor coverage issue.

## Product Liability

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Patrick has extensive experience in product liability work involving complex technical, engineering and design issues and parties outside the UK, causing serious personal injuries, property damage and business interruption. Recent cases include:

- Tyre claims
- Defects in motor vehicles, and vehicle fires
- Fire claims generally
- Defects to industrial equipment and construction plant
- Children's play equipment

## Selected Cases

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Examples of Patrick's recent and ongoing cases include the following:-

L v B ; KC v L (2018, 2019) – Two unconnected fatal leisure diving cases involving allegations of inadequate training and supervision; failures by buddy divers; defective equipment and on one case with contested medical causation.

P v C (2017)– Tetraplegia claim against UK subsidiary of international tyre manufacturer, successfully struck out because UK subsidiary was the wrong defendant.

## Clinical Negligence

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In this area Patrick generally acts in contribution claims or claims against co-defendants in cases of inadequate medical treatment following trauma, or negligent failure to identify and treat conditions such as epilepsy in patients who go on to injure third parties.

## Selected Cases

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Patrick deals with clinical negligence issues connected with personal injury cases. A recent example is the ongoing case of C v S in which he acts against a GP who misdiagnosed the early signs of epilepsy, for a claimant whose driving in an automatic and epileptic state caused a serious RTA.

## Civil/Insurance Fraud

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Patrick specialises in personal injury cases of maximum severity. From the start of his career he has dealt with issues of fraud and dishonesty, learning his robust cross examination skills in the magistrates' courts – including on one occasion forcing an admission from a police officer that he had concocted the central

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evidence in a case of driving under the influence of drugs. These days Patrick's skills lie more in the forensic analysis of documentary, expert and surveillance evidence to identify patterns of inconsistency suggesting dishonesty and exaggeration. He is experienced in third-party and e-disclosure issues to access the widest pool of evidential material and in one such recent case worked with solicitors to identify exaggerated evidence in a claim by a solicitor in a Magic Circle firm, to achieve a settlement at a fraction of its pleaded value.

He regularly advises on the proper limits of surveillance and recording, including the surreptitious recording of expert examinations.

He is particularly experienced in claims involving functional neurological disorder, chronic pain and somatoform disorders in which credibility issues are prominent, and in working to identify whether ongoing symptoms in brain injury and other claims are organic, psychological or fraudulent.

## Memberships

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- Commercial Bar Association
- London Common Law & Commercial Bar Association
- Personal Injury Bar Association
- Professional Negligence Bar Association
- Pan European Organisation of Personal Injury Lawyers

## Recommendations

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"His technical knowledge and commercial awareness are very impressive. He is a strong negotiator."  
Chambers & Partners, 2022

"Patrick is a formidable opponent, striking the right balance between pragmatism and tenacity."  
Legal 500, 2022

"He has an impressive legal brain and is very good with clients." "He is very persuasive and clear in his advocacy."  
Chambers & Partners, 2021

"Charming manner whether with experts, witnesses or clients. Excellent advocacy skills in court or settlement meetings. Pragmatic and commercial."  
Legal 500, 2021

"He's personable, thorough and very tactical in negotiations." "Extremely bright, very down to earth and impressive." "He's accessible and effective in his negotiation style." "He's brilliant on his feet – he could charm the birds out of the trees."  
Chambers & Partners, 2020

"He is brilliant with clients and has an effective courtroom manner."  
Legal 500, 2020

"He is rated because of his excellent outcomes both from trials and JSMs."  
Chambers & Partners, 2016

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"He is excellent with the client and forensic in his ability to digest a lot of medical information."  
Chambers & Partners, 2016

"He is calm, thoughtful and has a good manner with clients and judges."  
Legal 500, 2016

"He's not frightened of having a conflict where it needs to be had, and his advocacy and negotiation skills are particularly strong."  
Chambers & Partners, 2015

"He's measured and practical, and reduces things down to the key points."  
Chambers & Partners, 2015

"He has a good bedside manner in conference but takes no prisoners in the courtroom."  
Legal 500, 2015