



Richard Whitehall KC



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“Richard is an outstanding advocate.” “He is very forensic and very knowledgeable.”
(Chambers and Partners, 2023)



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Personal Injury

Richard specialises in complex and high-value personal injury cases. He has a very busy practice, representing Claimants and Defendants. He has been instructed for many years on behalf of all of the major insurance companies, the Motor Insurers' Bureau and many local authorities.

Richard spends most of his time handling brain injury, spinal cord injury, catastrophic polytrauma and amputation claims. He has a longstanding interest in claims involving pain disorders and fatal accidents and a particular interest in claims giving rise to issues of dishonesty and illegality. He has also advised and presented seminars on the liability of insurers in respect of the use of autonomous vehicles.

Richard is very experienced in joint settlement meetings and mediations. He has considerable experience in the medical issues arising from high-value personal injury claims, and tests medical evidence in conference and at trial on a regular basis. He enjoys cases involving very complex expert evidence.

Insurance & Reinsurance

Richard also has considerable experience in advising insurers on policy and coverage issues arising from all types of personal injury claim, most commonly issues concerning policy interpretation and potential declinature or avoidance for non-disclosure, late notification etc.. He has a particular expertise in respect of issues arising from compulsory motor insurance, including liability under the Road Traffic Act 1988 and Motor Insurers' Bureau liability. He has a lot of experience in Article 75 issues and the arbitrations which arise from them.

Personal Injury



Selected Cases

Personal Injury

Moor v Aviva Insurance Ltd & Midhurst Engineering & Motor Co. Ltd. [2023] EWHC 1651 (KB)

Trial of liability arising from an RTA in which each driver claimed that the other was on the wrong side of the road. Accident reconstruction expert evidence of limited value only. Trial fought and won mainly on witness evidence.

Personal Injury

Swift v Carpenter [2020] EWCA Civ 1295

Instructed as junior counsel for the Personal Injuries Bar Association, who were permitted to intervene on the appeal to the Court of Appeal. The case concerns the measure of damages for alternative accommodation in serious personal injury claims. Led by Darryl Allen KC.

Personal Injury

Cable v Liverpool Victoria Insurance Co. Ltd. [2020] 4 WLR 110, [2020] EWCA Civ 1015

Personal injury claim commenced in the RTA Protocol notwithstanding that it was later revealed to have an alleged value of some £2.2 million. Proceedings held to be an abuse of process and sanctions applied. Richard represented the Defendant at all three stages of this litigation and was led in the Court of Appeal by Darryl Allen KC.

Fatal Accidents

Kore v Brocklebank [2019] EWHC 3491 (QB), Turner J

Fatal accident claim. Issue over whether acceptance of an offer to settle "the whole of" a fatal accident claim applied only to those named in the letter of claim, or all dependants.

Fatal Accidents

Walleit v Vickers [2019] PIQR P6, [2018] EWHC 3088 (QB), Males J

Fatal accident claim arising from an accident in which two motorists were speeding. Case involved the defence of illegality. Led by Tim Horlock KC.



Personal Injury

Griffiths v Gwynedd County Council [2016] RTR 15, [2015] EWCA Civ 1440

Highways Act claim arising from an accident befalling a cyclist on a remote rural road. Represented Defendant authority successfully at first instance, and in the Court of Appeal (led by Tim Horlock KC). Decision clarifies the test for dangerousness in respect of rarely-used highways.

Personal Injury

McCracken v Smith [2015] PIQR P19, [2015] EWCA Civ 380

Case concerning (amongst other things) the scope of the doctrine of illegality in personal injury claims where a driver is held liable in negligence to a claimant who is engaged in a joint criminal enterprise at the time of an accident. Led by Stephen Grime KC.

Credit Hire

Pattni v First Leicester Buses Ltd. [2012] PIQR Q1

Concerning the recoverability of contractual interest on credit hire charges. Led by Mark Turner KC.

Credit Hire

Bent v Highway and Utilities Construction (Costs) [2011] EWCA Civ 1539

Concerning costs and interest on the conclusion of credit hire litigation subject to two appeals to the Court of Appeal.

Qualifications

- Royal Grammar School, Newcastle upon Tyne
- University of Cardiff, LLB, Law and French
- Certificat d'Etudes Universitaires Generales, Rennes
- Inns of Court School of Law
- University of Cardiff, LLM Commercial Law

Memberships

- Northern Circuit
 - Personal Injuries Bar Association
 - Northern Circuit Representative for the Personal Injury Bar Association – 2009 to 2013
 - Co-opted member of the executive committee of PIBA – 2013 to date
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Recommendations

"Richard is an outstanding advocate." "He is very forensic and very knowledgeable."

Chambers and Partners, 2023

"He is well prepared and very good in cross-examinations." "Absolutely excellent - he offers detailed and sensible advice, and is excellent with clients, insurers and experts in conference and always willing to go the extra mile."

Chambers and Partners, 2022

"Very careful and cerebral." "He really gets to grips with the issues in his cases and clients love him."

Chambers and Partners, 2021

"His attention to detail is excellent, and he is very good with clients and experts. He's sensible in negotiations to make sure he achieves the right result." "He has a technical ability beyond his years."

Chambers and Partners, 2020

"He is very experienced, intelligent, good with clients and a strong negotiator. He never lets you down and clients like him too."

Chambers and Partners, 2019

"An experienced junior who handles all areas of personal injury, primarily focusing on multi-track cases of significant value. He regularly acts in catastrophic injury, RTA and industrial disease claims, and is also very well versed in issues of EL/PL. "A very impressive advocate at trial. His attention to detail and forensic analysis of records allows him to expertly tie both his lay and expert witnesses in knots." "Very technical, experienced and practical."

Chambers and Partners, 2018

"An experienced junior who handles all areas of personal injury, primarily focusing on multi-track cases of significant value. He regularly acts in catastrophic injury, RTA and industrial disease claims, and is also very well versed in issues of employers' and public liability. "One of the finest barristers I've had the pleasure to be against. His cross-examination was flawless and devastating, absolutely lethal." "He handles difficult cases very well: he's very good in court and always well prepared."

Chambers and Partners, 2017