

Andrew Hogarth KC

Call: 1974
Silk: 2003

hogarth@12kbw.co.uk



AREAS OF EXPERTISE

Industrial Disease, Personal Injury, Employment & Discrimination, Inquests, Abuse, Mediation, ECITB levy claims, Arbitration, International & Travel, Aviation

JUDICIAL APPOINTMENTS

Fee-paid employment judge 1998-2010

Andrew Hogarth KC has a strong reputation both in the field of personal injury and employment law with a particular interest in industrial disease claims. His reputation is at its strongest in cases requiring experience in both employment and personal injury law. He is recommended as a leading PI and employment silk in the current editions of the major legal directories. The 2021 edition of Legal 500 says of him, *'He has an astounding ability to identify significant issues with ease and be there waiting with a smile when everyone else catches up to him.'*

The 2021 edition of Chambers says of him, *"He is technically able and can pick up any sort of work and deal with it. He works incredibly hard and is very good with clients."*

Previously Andrew has been described for giving "measured and reasonable advice" on personal injury, employment law and industrial disease matters" and as "a barrister capable of digesting a vast amount of information and distilling it into a few words." Instructing solicitors say that, despite his "fantastic knowledge and enterprise," Hogarth "doesn't have an inflated personality." and "knowledgeable, approachable and professional."

From 1997 to 2010 he was a part-time Employment Tribunal Chairman. He is a CEDR-accredited mediator and mediates in employment law and personal injury cases. Andrew Hogarth KC was head of Chambers between 2005 and 2015.

Industrial Disease

Editor of the chapter in Munkman on asbestos disease in the last three editions. One of the few barristers willing to represent both claimants and defendants he has acted in a large number of mesothelioma claims.

Personal Injury

A leading PI practitioner ranked in both directories. His practice covers a number of specialized fields including stress claims, psychiatric injury and secondary victim claims and industrial disease litigation.

Employment & Discrimination

One of the few lawyers covering both PI and employment law his practice is on the cusp of these two practice areas with

TUPE, employment status and working time cases being his forte.

International & Travel

Andrew Hogarth KC has an established personal injury and employment practice with a focus on those that have an International element.

His International practice arises from our core practice areas ranging from aviation, fatal accidents, employment, human rights, personal injury and military claims.

Andrew has represented clients in the Cayman Islands and Bermuda as well as in England and Wales and has experience in claims arising from accidents in the Middle East, Libya, Spain and Cyprus.

Experience and recent cases include:

Carter v Atlas Helicopters

Mr Carter and his son were killed when a helicopter crashed in fog attempting to land on his estate. He had been a successful entrepreneur and his widow's claim was settled for £7million.

Garcia v Les Autocars de France

Mr Garcia was a Spanish artist hit by a lorry whilst in London on holiday. His claim was settled at mediation. An expert in Spanish pensions was used.

Cherkaoui v Motorola Ltd

Mr Cherkaoui was an engineer who had been sent to Libya to advise on where his employer should place its mobile phone masts. He was given a GPS location finder and a camera to allow him to identify tall structures. He was arrested and subsequently tortured for taking a picture of a tall building which happened to be a secret police headquarters. His employers had not obtained a visa or any form of permission for him to do this work and he was treated as being an Israeli spy. He suffered psychiatric injury as a consequence, settling for £1million.

Fishback v Sheik Khalifa

Mr Fishback was the assistant of the defendant who aspired to the throne of Ras Al Khaimah. When his father died he appeared to claim the throne but was arrested. Mr F was also arrested and imprisoned. He sued his employer.

Yates v Chin

Cayman Islands Court of Appeal. An appeal in a Personal Injury action.

Eskil v Carnival Line

Arbitrator in a claim by an injured Turkish crew member of a Panamanian flagged vessel against his employer.

Thomson v Colonial Insurance

Bermuda Court of Appeal. The Court of Appeal had to decide what discount rate they should adopt when assessing damages for personal injury.

Kernohan v Attorney General for the Cayman Islands. Cayman Islands Grand Court.

Acted for the Chief of Police who had been dismissed in his claim against the Governor of the Cayman Islands for misfeasance in public office. Settled for a sum which cannot be disclosed.

Bodden v Soloman. Cayman Islands Grand Court.

A Personal Injury action in the Cayman Islands which resulted in the largest award of damages for such a claim in the Islands.

British Caymanian Insurance v Bell and Another. Cayman Islands Grand Court.

The various statutory provisions regarding motor insurance in the UK do not apply in the Cayman Islands. This was a dispute as to whether the insurers were entitled to repudiate the contract of insurance at common law.

Bell v Ministry of Defence

A claim brought by a serving soldier against the MOD for injuries sustained when he was the Sovereign Base Area in Cyprus and was beaten up by other soldiers. Settled at mediation.

Winter-Myers v British World Airways

A claim on behalf of the posthumous child of a pilot who was killed when his transport aircraft crashed in poor weather.

Lucas v Ministry of Defence. UK Employment Appeal Tribunal.

Dispute over the applicability of UK discrimination legislation to acts of harassment suffered by a serving soldier mainly outside Great Britain.

Jefferson v Royal Ordnance. High Court.

Claim in the UK by a mine disposal expert hired by the Defendant to render safe munitions in Kuwait who was injured as a result of the failure by his employer to provide the appropriate protective equipment. Settled on the third day of the trial.

X v Y

Advice to the guardians of a very badly injured crew member of a Cayman flagged ship on the relative merits of bringing his claim in the UK or the Cayman Islands.

Gate Gourmet v TGWU and others. Reading ET.

A claim by 500 employees of GG who were dismissed for taking unofficial industrial action which led to a widespread strike at Heathrow.

Azavedo v Port Authority Cayman Islands and Ebanks v Fosters Foods

Two cases in the Cayman Islands concerning the discount rate to be used in calculating the award of damages and whether the award of general damages should be raised following the recent fall in the value of sterling.

Inquests

Undertakes inquests when they arise in connection with civil proceedings.

Abuse

Has represented the victim in many sexual abuse claims against public bodies, schools and other institutions. His knowledge of the law relating to vicarious liability derived from his employment law and PI practice is especially useful in some cases.

Mediation

A CEDR accredited mediator.

ECITB levy claims

Has defended many levy claims brought by the ECITB.

Aviation

Andrew Hogarth has a strong reputation both domestic and internationally, in cases arising from personal injury and employment law.

His aviation practice compliments these areas and recent cases include.

Carter v Atlas Helicopters. UK High Court.

A successful entrepreneur and his son were killed when their helicopter crashed in fog attempting to land on his estate. His business had failed after his death for reasons unconnected with his absence. His widow's claim was settled for £7million.

Winter-Myers v British World Airways. UK High Court.

Whilst attempting to fly through a blizzard a small transport plane suffered engine failure and crashed short of the diversion airport to which it was heading. The air accident investigation report was critical of the pilots and the airline. The claim on behalf of the posthumous son of the pilot who was killed was settled and approved by the Court.

Numerous employees and TGWU v Gate Gourmet. Reading ET and EAT.

500+ employees of GG who were dismissed for taking unofficial industrial action which led to a widespread strike at Heathrow. They brought claims for unfair dismissal and breach of various statutory obligations against their former employers.

British Airways v Noble and Forde, (Court of Appeal), and numerous other holiday pay, rest break and working time claims for and against airlines and airline service companies.

Qualifications

M.A. Trinity College, Cambridge.

Appointments

Fee-paid employment judge 1998-2010

Head of Chambers 2005-15

Directories

He is hugely experienced. – Chambers & Partners, 2024

He always knows the answer to thorny questions, and provides quick and clear advice. – Chambers & Partners, 2024

He is technically able and can pick up any sort of work and deal with it. – Chambers & Partners, 2022

He has an astounding ability to identify significant issues with ease and be there waiting with a smile when everyone else catches up to him. – Legal 500, 2022

He is vastly experienced. – Chambers & Partners, 2021

Has the gravitas to impress any court, the knowledge to put any defendant representative in their place, and the skill of putting clients at ease. – Legal 500, 2021

He is extremely approachable and has a very straightforward and no-nonsense approach. He never sits on the fence and gives very clear, unambiguous advice. – Chambers & Partners, 2020

He is always impressive, with a prompt turnaround and great knowledge of the most complicated areas of personal injury practice. He has both old-school charisma and a modern-day savviness. – Chambers & Partners, 2019

He has both old-school charisma and a modern-day savviness. – Chambers & Partners, 2019

Impressive advocate with a refreshing no-nonsense approach. – Legal 500, 2019

Has a superb grasp of the most complex areas of personal injury law. – Chambers & Partners, 2018

An excellent negotiator who is always well prepared. He has very good tactics and is client-friendly. – Chambers & Partners, 2018

He is very thorough and has a keen mind that is goal driven. – Legal 500, 2018

Precision and clarity of paperwork and calculation of losses are particular strengths. – Legal 500, 2018

Someone who is immensely skilled and knowledgeable. – Chambers & Partners, 2017

He's a very tough negotiator, highly intelligent, and produces excellent results in difficult cases. – Chambers & Partners, 2017

He has a superb grasp of the most complex areas of personal injury law. – Legal 500, 2017

Highly recommended for his far-reaching knowledge of occupational stress and severe injury claims. His substantial background in employment law is a particular asset on claims that fall under employer's liability. – Chambers & Partners, 2016

He is very clear and straightforward in his advice. He is an authority on stress at work cases and he is extraordinary to work with. – Chambers & Partners, 2016

He brings gravitas to the table, and judges warm to his persona. – Legal 500, 2015

Publications

Contributor *Asbestos: Law & Litigation*, Sweet & Maxwell, 2019 (Chapter; Causation)

Contributor of chapter on industrial disease in the last three editions of Munkman's *Employers' Liability*.

Author Asbestos Disease litigation. Butterworths personal injury litigation.

Cases

Last six months

A v Smith and EUI. Represented a young woman injured when being driven back from Christmas party by a drunken driver. As she was not wearing a seat belt she suffered catastrophic head injuries. She became hyperactive and childlike as a result. Case settled at a JSM for £13.775m.

S v Kidds. A young man now aged 22 who was injured at the age of 7. Settlement postponed for many years as the medical outcome was uncertain. Settled at a JSM for £3.775m.

British Horseracing v Farrelly. Represented a racehorse trainer facing a variety of allegations of misconduct at a five day disciplinary hearing.

J v Remax. A fatal mesothelioma claim in which the dispute was about the extent of the care provided to the deceased's mentally ill spouse.