12
King's Bench Walk

Andrew Pickering



Call: 1987
pickering@12kbw.co.uk

AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, Industrial Disease, Professional Negligence, Product Liability, Costs & Litigation Funding, Abuse, Public Authority Liability

Andrew specialises in serious personal injury and professional negligence litigation and has a wide experience of advisory and advocacy work at interlocutory, first instance and appellate level.

He is particularly interested in fatal accident claims, a subject on which he lectures regularly. He acts regularly in claims in relation to catastrophic injury including both brain injury claims and serious orthopaedic injury claims.

His practice includes litigation arising out of accidents at work, accidents involving motor vehicles and public liability accidents from injuries sustained on highways to those sustained when engaging in sports and recreations.

He undertakes a significant amount of clinical negligence and dental negligence litigation, specialising in the latter in part because his wife is a practicing General Dental Practitioner.

He also specializes in industrial disease litigation focusing upon noise induced hearing loss, occupational asthma, industrial dermatitis, repeated insult back injury and vibration white finger.

Andrew has been instructed at first instance and appellate level in respect of historic sex abuse claims involving children's homes and football clubs.

He is regularly instructed on Costs Management Conferences in Multi-Track claims of many types.

He is instructed by both Claimant and Defendant solicitors.

He is a former Northern Circuit Representative on the PIBA Executive Committee. He is recognised as a leading individual in the 2016 Legal 500.

Personal Injury

Andrew concentrates on high and medium value claims arising out of road traffic, public liability and employer's liability incidents.

He has a particular interest in fatal accident claims (a subject upon which he lectures regularly). Recent interesting cases include a successfully mediated claim on behalf of two children, one of whom although 19 was a protected party, both of whose parents were killed in a coach crash where the father was the driver and a settled claim where the deceased wife's decision to get back into a car which had suffered engine failure and was positioned on the hard shoulder of the motorway and which was then struck by a lorry raised difficult issues as to contributory negligence.

He is also instructed regularly in brain injury cases with recent instances including a successfully mediated claim in respect of brain injury to a young child from a difficult home where the lump sum award was £1,300,000 with periodical payments of £55,000 increasing to £112,000 prior to indexation, a claim turning upon the impact of an acquired brain injury upon a serving soldier's ability to continue his career in the armed forces and a successful claim where the then 11 year old claimant fell through a skylight when a trespasser on school property.

He appears in a wide range of claims where primary liability or contributory negligence is in dispute in relation to accidents at work, accidents involving motor vehicles and accidents in public places.

Clinical Negligence

Andrew has a particular interest in dental negligence claims (his wife is a practicing General Dental Practitioner) and has acted in claims involving negligent orthodontic treatment and unnecessary extraction of several front teeth in a young woman, tooth loss because of untreated periodontal disease, tooth loss and protracted remedial treatment following sub-standard endodontic treatment and failed prosthetic dental treatment.

He is the author of three articles on the valuation of dental injuries.

He is also regularly instructed in wider clinical negligence claims, with recent cases involving negligent failure to convert hand surgery to open reduction and fixation, splenic tear and massive post-surgical haemorrhage following prolonged attempts at laparoscopic subtotal colectomy and delayed referral for investigation of bowel cancer leading to premature death.

Industrial Disease

Andrew has lengthy and extensive experience in industrial disease litigation at advisory, first instance and appellate levels instructed by both Defendants and claimants.

He is particularly interested in the impact of limitation law on this field and has both lectured on the topic for many years and appeared in the Court of Appeal on limitation issues in relation both to industrial disease and other areas of personal injury litigation. Interesting limitation cases include:-

T v Boys & Girls Welfare Service [2004] EWCA Civ 1747, where he was instructed on behalf of a Claimant who had suffered abuse at a Welsh Children's Home and was seeking section 33 discretion;

X v Crewe Alexandra FC QBD Manchester 21/10/2004, instructed by Crewe on limitation issues in respect of alleged historic sex abuse of a player who went on to play professional football by a youth team manager;

Teague v Mersey Docks & Harbour Company & Ors [2008] EWCA Civ 1601 where he was instructed on behalf of the Defendant company on the limitation issues flowing from a claim by a docker;

McNally v Mersey Docks & Harbour Company and Dagnall v Ocean Logistics 91998) Ltd & Anr, instructed by the Defendant on two linked claims of noise induced hearing loss by dockers employed on the Liverpool Dock Estate which were successfully defended at first instance and where, although permission to appeal was given by the Court of Appeal (17/03/2011 B3/2010/2407 and 2408) the appeals were subsequently abandoned.

Andrew also appears regularly at trials concerning breach of duty, causation of loss and quantum in relation to a range of industrial diseases including asbestos related disease, work related upper limb disorder, vibration white finger, occupational asthma and other dust diseases and occupational dermatitis.

Professional Negligence

Andrew is frequently instructed in professional negligence claims, particularly those in respect of alleged negligent

conduct of litigation by Solicitors.

Product Liability

Andrew has been instructed over many years in respect of claims relating to product liability. He was instructed by the defendants in claims relating to replacement hip joints which had allegedly been damaged by irradiation during the sterilization process and has appeared in cases relating to products as diverse as fishing chairs and wine bottles.

Costs & Litigation Funding

As part of his personal injury, disease and clinical/dental negligence practice Andrew appears regularly in costs related hearings, in particular in costs case management hearings and on substantive hearings relating to the costs of complex personal injury claims.

Abuse

As a consequence of his interest in limitation issues Andrew has frequently been instructed by both Claimants and Defendants in relation to historic sexual abuse cases, interesting cases include;

T v Boys & Girls Welfare Service [2004] EWCA Civ 1747, where he was instructed on behalf of a Claimant who had suffered abuse at a Welsh Children's Home and was seeking section 33 discretion;

X v Crewe Alexandra FC QBD Manchester 21/10/2004, instructed by Crewe on limitation issues in respect of alleged historic sex abuse of a player who went on to play professional football by a youth team manager.

Public Authority Liability

Andrew's involvement in public authority liability litigation goes back many years and he has been instructed by numerous local authorities (both in their capacity as Highway Authority and otherwise) throughout England and Wales.

Interesting cases include:

Cassin v London Borough of Bexley & Commissioner of Police for the Metropolis (CA) (1999) L.G.L.R. 810 in relation to the liability of the Highway Authority where the Police directed the removal of bollards prior to a road in fact being closed to traffic;

Several claims over a number of years where, after transfer of a housing estates to Housing Associations, the extent of the persisting liability of a Local Authority under the Highways Act 1980 fell to be considered.

Andrew has also been instructed for, and against, Local Authorities in England and Wales in claims in respect of employment, highway design and maintenance and industrial disease.

Appointments & Memberships

Andrew also practices from Atlantic Chambers in Liverpool where he is Deputy Head of Chambers and Head of the Civil Practice Group.

He is a former Northern Circuit Representative on the Executive Committee of the Personal Injury Bar Association.

Andrew is a member of the Personal Injury Bar Association

Directories

Andrew is listed as a Leading Individual in the 2016 Legal 500