

## Andrew Ward

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### AREAS OF EXPERTISE

Personal Injury, Fraud, Insurance, Inquests, Military Claims

Andrew is recommended in the Chambers & Partners and Legal 500 directories as a leading personal injury junior. He represents Claimants and Defendants in high value employer's liability, public liability and RTA personal injury claims. He has extensive experience of traumatic brain injury, amputation, chronic pain conditions, functional neurological disorder, paralysis caused by spinal injury, fatal accident claims, issues of motor insurance policy coverage and fundamental dishonesty.

The Legal 500 (2023) says:

"Andrew is a very measured and persuasive advocate at court. He is never flustered, he is scrupulously polite and he is devastatingly effective. He knows his specialist area of the law backwards, he rarely pursues bad points and he is a very sensible opponent."

Andrew is also a tenant at Exchange Chambers, Manchester.

### Cases

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Andrew's recent cases include the following:

- Muyepa -v- MOD [2022] EWHC 2648 (KB): Andrew represented the successful Defendant and secured the dismissal of a £3.7 million personal injury claim on the ground of fundamental dishonesty at a 12-day trial involving oral evidence from 29 lay and 10 expert witnesses.
- Muyepa -v- MOD [2021] EWHC 2236 (QB): Andrew represented the Defendant in its successful application to rely upon covert surveillance and social media evidence in relation to this Non-Freezing Cold Injury claim pleaded at £3.7 million.
- SC -v- AL: Andrew, led by Will Waldron QC, represented the claimant motorcyclist who suffered a severe traumatic brain injury following an accident in May 2016. The claimant had an initial Glasgow Coma Score of 3/15 and significant retrograde and post-traumatic amnesia. He also suffered a spinal cord contusion at the level of T2/3. A settlement of £2 million was achieved at a JSM in December 2021.
- Various -v- MOD: Andrew is currently representing the Ministry of Defence in a significant number of high-value claims for Non-Freezing Cold Injuries (NFCI) and Noise-Induced Hearing Loss (NIHL) sustained by soldiers. These cases frequently involve limitation issues; difficult liability issues; complicated medical causation issues; significant quantum issues concerning the lost chance of a full military career with detailed loss of earnings and pension calculations; and complicated procedural case management issues.
- Malcolm Carew -v- MOD [2019] 6 WLUK 858: Andrew defended the Ministry of Defence at the limitation trial in June 2019 in this claim by a former soldier for damages for Non-Freezing Cold Injuries. The claimant alleged

- fourteen cold exposures between 2004 and 2016. Six of the cold exposures were ruled to be time-barred; six were permitted to proceed; and two were accepted to be in time. The claim settled following the limitation trial.
- Watson –v- MOD [2016] EWHC 3163 (QB): On 8<sup>th</sup> April 2016, Andrew acted alone against leading counsel in successfully representing the Ministry of Defence in its application to adduce covert surveillance evidence three weeks before the start of a trial in a claim pleaded in excess of £2,000,000.
  - PR -v- TW and NFU Mutual: During 2021, Andrew represented the Defendants in relation to this road traffic accident claim valued at between £500,000 and £1m. Issues of fraud, fundamental dishonesty and covert surveillance arise. The claim is ongoing.
  - BO -v- RT: Andrew is currently acting as junior counsel, led by Will Waldron QC, for a motorist who suffered a severe traumatic brain injury and a serious acetabular fracture following a road traffic accident.
  - CW -v- DM: Andrew represented the Claimant who sustained a serious left foot fracture and avulsion of the heel pad when he was knocked off his motorcycle by a car in May 2016. The treating and medical experts in the disciplines of orthopaedics and rehabilitation medicine agreed that the Claimant would benefit from an elective below-knee transtibial amputation. However, he had received input from a multi-disciplinary rehabilitation team and had opted for conservative treatment for nearly five years. The claim was presented on the basis that it was inevitable that he would come to an elective amputation in due course. Damages of £1.6 million were recovered at a JSM in February 2021.
  - CP -v- NP: Andrew represented the Claimant, aged 58 years, who was rendered paraplegic in a road traffic accident. A gross settlement was secured in January 2021 of £2,500,000.
  - C -v- MOD: Andrew represented the Ministry of Defence in a claim by an Indian soldier who suffered a traumatic below-knee amputation whilst participating in a joint training exercise with the MOD in the UK. The claimant returned to India. The case raised various difficult issues including the correct quantification of loss under English law where the claimant's rehabilitation will take place in India; the cost of care in India; the reasonableness of Indian prosthetic provision; the use of English and Indian experts; and consideration as to whether a different discount rate should be applied under the Damages Act 1996. The claim settled at a JSM in March 2020 for £700,000.
  - AP -v- KT: Andrew acted as junior counsel, led by Will Waldron QC, for the Claimant who was knocked over by the Defendant's car as she walked across a country road. She was rendered paraplegic with no bony connection left between her upper and lower body. Liability was established at a High Court trial in March 2019 with no finding of contributory negligence. The Defendant obtained permission to appeal to the Court of Appeal. Andrew prepared the Claimant's Skeleton Argument in response to the appeal. The appeal was compromised at a JSM in March 2020 when the Claimant recovered damages in excess of £2 million.
  - N -v- MOD: Andrew represented the Ministry of Defence in a claim by the widow of an Army Corporal killed in a Challenger Tank accident at Castlemartin Ranges, South Wales, in June 2017. The gun's obturator pad had been removed for cleaning and it was fired with the pad missing. Ignition gases backfired into the tank's compartment. Further propelling charges that were lying on the compartment floor exploded. They should have been kept in the secure charge bin. Two Corporals were killed and two others were very seriously injured. A confidential settlement was negotiated at a JSM in August 2019.
  - L -v- H and M: Andrew represented the defendants in a claim arising from a riding accident at a livery yard in which the claimant fell from a horse and was rendered paraplegic. The claimant was represented by leading counsel. The claimant's schedule of loss exceeded £4 million. Andrew successfully negotiated a settlement of £150,000 in January 2018.
  - A -v- B: Andrew acted as junior counsel, led by Will Waldron QC, on behalf of a claimant who suffered paraplegia following an accident. A settlement of £4 million was achieved at a mediation in April 2018.
  - ST –v- DS: Andrew represented the Claimant, ST, who sustained a serious right brachial plexus injury, a mild traumatic brain injury, a de-gloving injury to his right arm and multiple fractures in an RTA in June 2014. Complicated issues arose concerning medical causation, the cost of flail arm orthoses and ST's residual earnings capacity. Andrew obtained a settlement at a JSM in November 2017 of £925,000.

## Qualifications & Awards

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B.C.L., M.A. (Oxon) (Jesus College, Oxford)

Winner of the Middle Temple Rosamund Smith Mooting Competition (2000)

Astbury Scholar (Middle Temple, 2000)