12
King's Bench Walk

Ben Leech



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AREAS OF EXPERTISE

Personal Injury, Fraud, Industrial Disease, Professional Negligence, Costs & Litigation Funding

Ben acts for both Claimants and Defendants in the full range of Personal Injury cases. Particular experience includes (1) catastrophic injuries (spinal and brain injuries); (2) acting for insurers in suspected fraudulent and exaggerated claims (e.g. malingering, staged accidents, phantom passengers, slam-ons and low velocity collision cases amongst others); (3) employer's liability claims; (4) fatal accidents; (5) MIB and RTA 1988 related issues; and (6) public liability claims.

Ben's insurance fraud work extends to fraudulent first party claims made on buildings/contents policies. These have covered claims ranging from allegedly damaged shotguns to veterinary treatment and stolen vehicles. The most significant, however, typically relate to fire and flood damage claims, often involving multiple insurers.

Clinical negligence experience includes failed orchidectomy, hernia repair and dental cases as well as claims arising out of cosmetic procedures such as UV treatment and laser hair removal.

Personal Injury

Ben's areas of expertise are principally:

- Catastrophic injuries (spinal and brain injuries)
- Psychiatric injuries and claims with a significant psychiatric component.
- Fraudulent and exaggerated claims
- Employers' liability issues.
- Motor insurance issues.
- Fatal accidents.
- Public liability claims.

By way of example, recent cases include:

- *R v W*: Represented a brain injured claimant with significant care needs. Recovered £1m+ at JSM (D represented by leading counsel).
- *C v M*: Acted for insurer in claim presented for £1m+ by a claimant who sustained a subtle brain injury as a teenager. Damages principally comprised of future loss of earnings as a result of changing career aspirations following injury.
- *S v H*: Claimant suffered brain injury at age 11 when knocked from his bicycle. Issues include quantification of loss of Royal Navy career and allegations of contributory negligence raised years after the event.
- *W v P*: Claimant a vulnerable young adult with learning difficulties who suffered a brain injury which left her without capacity. Significant evidential and legal issues surrounded her future life/career path but for the accident and the contribution of the injury to her existing difficulties.
- *H v S*: Claimant suffered hypochondriacal disorder and an irregular heartbeat following an electric shock suffered at her employer's premises.

- *S v J*: Bi-lateral epicondylitis developed into a chronic pain condition by reason of stress at work and ergonomic (repetitive strain) factors.
- *G v L*: Claimant lost 70% of his lower lip after a dog bite. Issues raised included 'aesthetic prejudice' experienced by people with facial disfigurement and whether 'severe disfigurement' met the Ogden criteria for 'disabled'

Ben regularly presents seminars and lectures to solicitors on topics of interest.

Fraud

Ben regularly acts for insurers in cases where fraud is suspected (and often proved).

These fall into two main categories:

- Third party personal injury claims.
- First party claims on contents/buildings insurance policies.

Ben is very familiar with issues surrounding the use of surveillance evidence and contempt of court.

Recent cases include

- *W v H*: Neurosurgical causation issue as to whether symptoms could be attributed to an RTA. Surveillance evidence also suggested C was dishonest. Reliance upon and admissions of surveillance evidence was unsuccessfully opposed.
- *M v U*: The Claimant advanced a significant care claim that surveillance evidence suggested was largely fabricated. The claim settled on the basis of earlier Part 36 with adverse costs consequences. Also advised on contempt proceedings.
- *S v N*: Fraudulent conspiracy to deliberately set fire to a building containing a number of different premises. The claimant's claim was dismissed after a 5-day trial and permission to appeal was refused.
- *G v U*: Domestic house fire in suspicious circumstances with subrogated claims waiting in the wings. Fraud and liability issues to be considered.

Industrial Disease

Ben has experience of industrial deafness, work related stress and upper limb disorders.

Professional Negligence

Ben has experience of claims brought against architects, accountants and surveyors, but now only undertakes claims against solicitors which arise out of the handling of personal injury claims.

Costs & Litigation Funding

In the context of his other areas of expertise, Ben regularly attends CCMC's to deal with cost management issues and advises on costs' issues following Part 36 offers.

Qualifications

Trinity College, Cambridge (BA Hons)

College of Law, York (DipLaw)

Cases

R v W: Represented a brain injured claimant with significant care needs. Recovered £1m+ at JSM (D represented by leading counsel).

C v M: Acted for insurer in claim presented for £1m+ by a claimant who sustained a subtle brain injury as a teenager. Damages principally comprised of future loss of earnings as a result of changing career aspirations following injury.

S v H: Claimant suffered brain injury at age 11 when knocked from his bicycle. Issues include quantification of loss of Royal Navy career and allegations of contributory negligence raised years after the event.

W v P: Claimant a vulnerable young adult with learning difficulties who suffered a brain injury which left her without capacity. Significant evidential and legal issues surrounded her future life/career path but for the accident and the contribution of the injury to her existing difficulties.

S v N: Fraudulent conspiracy to deliberately set fire to a building containing a number of different premises. The claimant's claim was dismissed after a 5-day trial and permission to appeal was refused.

Sean McGhie v British Telecommunications plc, CA, [2005] EWCA Civ 48 – Successful appeal against a judge's exercise of his discretion pursuant to s.33 Limitation Act 1980.

Interface Properties Ltd v Eagle Star Insurance Co Ltd, CA, [2004] EWCA Civ 1687 – Claim concerned insurer's refusal to indemnify for loss of vehicle by theft. Appeal concerned fairness of trial in which findings of dishonesty were made but not pleaded.