12
King's Bench Walk

Eleanor Duckenfield



Call: 2021
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AREAS OF EXPERTISE

Personal Injury, Credit Hire, Clinical Negligence, Industrial Disease, Costs & Litigation Funding

Eleanor joined chambers in October 2022 following successful completion of her pupillage. She advocates in court numerous times a week in trials, interim hearings, CCMCs and applications. In addition, Eleanor is frequently instructed on paperwork matters.

Eleanor accepts instructions in all areas of personal injury, credit hire, clinical negligence, industrial disease, costs and fraud. She is also keen to accept instructions in inquests. In addition, Eleanor is an experienced courtroom advocate in Disposal hearings, Stage 3 hearings and Infant Approvals.

Eleanor is clerked by Lily Baker (baker@12kbw.co.uk).

Under her supervisors, Rachit Buch, Charles Robertshaw and Isaac Hogarth, she obtained experience in personal injury, clinical negligence, inquests, and industrial disease, with a particular focus on mesothelioma and noise-induced hearing loss claims.

Eleanor studied Anthropology at Durham University (with a particular interest in Forensic Anthropology). Following her degree, Eleanor achieved a Distinction in both the GDL and LLM in Bar Practice. Eleanor won a prize for receiving the highest mark in Ethics in her BPTC cohort and 91% in her Personal Injury and Clinical Negligence module.

Following several successes in mooting competitions, Eleanor volunteered at the University of Law's Legal Advice Centre where she represented litigants in person in hearings and offered assistance throughout the litigation process.

Prior to pupillage, Eleanor gained experience working abroad in Austria and Spain, before returning to the UK to work in the pharmaceutical industry throughout Covid, whilst simultaneously completing both her delayed Bar exams and a Medical Counter Assistance course.

Personal Injury

Eleanor is well-versed in all areas of personal injury, including employers' liability, occupiers' liability, vicarious liability and fundamental dishonesty. She is frequently instructed in paperwork cases in this area and regularly advises on prospects of success, liability and quantum. Eleanor also has experience in drafting schedules, with the most recent one including future losses for dental treatments.

Eleanor recently provided advice on quantum, resulting in a settlement worth over three times as much as the case had originally been valued, a figure those instructing felt that they *"would not have got anywhere near without your advice".*

Credit Hire

Eleanor has considerable experience in credit hire cases, appearing in Court numerous times each week. She is well-versed in the relevant authorities and familiar with the key issues of enforceability, need, period, rate and impecuniosity.

She is formidable in her approach and regularly has success for Defendants in this area, particularly in disproving impecuniosity, reducing period, reducing the claim to zero under *Hussain v EUI* and successfully arguing for intervention rates under *Copley v Lawn*.

Clinical Negligence

Eleanor is interested in all areas of clinical negligence and keen to expand her practice. Recent paperwork of note includes a Defence denying negligent treatment of a patient during a medical examination.

Industrial Disease

Eleanor obtained experience in this area during pupillage under Rachit Buch, and has attended show cause hearings and evidence on commission.

Eleanor has recently drafted pleadings in a non-military noise induced hearing loss claim and is keen to grow her practice in this area.

Costs & Litigation Funding

Eleanor has experience in CCMCs, having been instructed to appear in the Master's corridor, and is keen to expand this area. She is familiar with the fixed costs regime and tactics surrounding Part 36 offers and QOCS. She has achieved success in obtaining Defendants their costs, for unreasonable behaviour on behalf of the Claimant.

Qualifications & Awards

BPTC Ethics Prize

BPTC, Very Competent

LLM in Bar Practice, Distinction

GDL, Distinction

Anthropology BA (Hons), University of Durham

Carmelite Chambers Moot, Finalist

Hassans Moot, Winner

ULaw Advocacy Allocation, ranked 3/90

ULaw Negotiation Competition, Semi-finalist

ULaw GDL Moot, Semi-finalist

UKELA Environmental Moot, Semi-finalist

Appointments & Memberships

PIBA

APIL

Publications

Watt v Lend Lease Construction (Europe) Ltd [2022] CSOH 23: Adopting Abraham (12KBW Industrial Disease Blog: Elle Duckenfield and Michael Rawlinson KC). Available here https://asbestoslawblog.uk/2022/03/29/watt-v-lend-lease-construction-europe-ltd-2022-csoh-23-adopting-abraham/

From Vicarious Liability to Precarious Liability (12KBW Personal Injury Blog: Elle Duckenfield and Jessica Franklin)