12
King's Bench Walk

Farhana Mukith



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AREAS OF EXPERTISE

Costs & Litigation Funding, Fraud, Personal Injury, Credit Hire, Professional Negligence, Product Liability, Clinical Negligence, Insurance, International & Travel, Industrial Disease

Farhana accepts instructions in most areas of chambers' work with a particular interest in costs, fraud, personal injury, and credit hire. Farhana has a varied practice representing Claimants and Defendants across many areas of chambers' expertise.

Farhana has a growing reputation as a fraud specialist and is often instructed to advise insurers on high value claims involving exaggerated injury and loss to staged accidents.

Her unparalleled knowledge of fundamental dishonesty law makes her a go-to junior in this area. She is regularly instructed at early stages of litigation to shape the case and lead it to a successful resolution.

Farhana's expertise in dishonesty cases overlaps with her interest in costs law. Her knowledge in this area allows her to robustly pursue a finding of fundamental dishonesty at trial and seamlessly transition to costs law by disapplying QOCS, obtaining a costs order against the Claimant, and assessing those costs in a detailed assessment or oral review hearing following a provisional assessment.

Farhana's costs practice also crosses over with her specialism in credit hire cases as she is regularly instructed to advise on applications for non-party costs orders against a credit hire companies.

Costs & Litigation Funding

Farhana is a costs specialist regularly appearing in the Senior Courts Costs Office and before Regional Costs Judges.

Farhana is highly experienced in a wide variety of technical costs work and a substantial part of her practice relates to costs litigation including:

- Detailed Assessments
- Oral Review Hearings
- Solicitor/Client Costs
- Non-Party Costs Orders
- ATE Premiums
- Costs Budgeting
- Departure from Costs Budgeting
- Fixed Costs in Fast Track Trial under CPR 45 and securing costs on an exceptional circumstances basis pursuant to CPR 45.29J

- Interim Applications for Costs
- QOCS
- Applications for Wasted Costs Orders pursuant to CPR 46.8
- Part 36 Consequences
- Exceptions to QOCS pursuant to CPR 44.16(1) where there has been a finding of fundamental dishonesty
- Exceptions to QOCS pursuant to CPR 44.16(2)(a) where there is a mixed claim including a claim made for the financial benefit of a person other than the Claimant

Farhana has been instructed in costs disputes arising from not only personal injury claims, but also judicial reviews, unlawful detention, property damage and solicitor/client costs.

Farhana is a member of the 12KBW Costs Team and regularly provides seminars and training on costs-related matters.

Fraud

Farhana has considerable expertise in handling cases involving alleged exaggeration or malingering and is regularly instructed by insurers to defend fraudulent claims.

Farhana has been engaged in a wide variety of fraud work including:

- Trials in which the credibility of the Claimant is in issue
- Applications to disapply QOCS pursuant to CPR 44.16(1) where the Claimant has been found to be fundamentally dishonest
- Applications pursue a finding of dishonesty and costs pursuant to paragraph 12.4 of PD 44 notwithstanding a notice of discontinuance
- Applications pursuant to Section 57 of the Criminal Justice Act 2015
- Contempt of Court proceedings against fraudulent Claimants

Farhana is well versed with developing case law in this area and familiar with the red flags which give rise to concerns of dishonesty. As such, Farhana carries out a forensic review of the claim and advises from an early stage on the prospects of pursuing fundamental dishonesty, right through to the conclusion of the litigation.

Farhana drafts detailed pleadings alleging fraud and advises on tactics including obtaining surveillance footage, witness statements and photographs on social media, and insurance database material.

Farhana also attends conferences with witnesses to test their credibility and advises on the prospects of obtaining a finding of fraud at trial.

In the context of road traffic accidents, Farhana is well versed with low-velocity impacts, induced accidents, phantom passenger claims and staged accidents.

Personal Injury

Farhana regularly attends trials and applications in all aspects of personal injury law including:

- Road Traffic Accidents
- Workplace Accidents
- Local Authority Liability
- Occupiers' Liability
- Defective Premises
- Product Liability

Farhana also has extensive experience in:

- Advising at the early stages of claims on prospects and quantum
- Drafting robust pleadings
- Advising on interim applications
- Advising on settlement
- Conferencing with lay and expert witnesses
- Attending settlement meetings

Credit Hire

Farhana regularly represents Defendants in credit hire trials and is familiar with the plethora of cases in this field.

Farhana is confident in cross examining Claimants on impecuniosity, enforceability, need, period and rate, as well as complex issues, such as agency, fleets of vehicles, and intervention letters.

Professional Negligence

Farhana's expertise in costs litigation overlaps with her professional negligence practice, particularly in light of the volume of complaints of professional negligence generated by or linked to costs disputes.

Farhana advises in actions against solicitors, barristers and other legal professionals, as well as actions against negligent experts and in related costs and insurance disputes.

Farhana is also well-versed with questions concerning the existence and scope of duties of care and issues of causation.

Product Liability

Farhana is experienced in all types of product liability claims including those under the Consumer Protection Act 1987 and the Consumer Rights Act 2015.

Farhana's practice ranges from claims with a contractual or tortious basis, to regulatory proceedings and prosecutions.

Farhana has been involved in claims involving pharmaceutical products, breast implants, consumer goods, mobility equipment and food and drink.

Clinical Negligence

Farhana has experience in drafting pleadings in this area of law, including cases involving failure and delay in diagnosis, misdiagnosis, and injuries caused by substandard or inappropriate treatment.

Insurance

Farhana has extensive experience in drafting pleadings and advising on policy construction and coverage disputes, including disputes related to non-disclosure, misrepresentation and breach of warranty.

Farhana has a strong interest in this field and is keen to increase her instructions in this area.

International & Travel

Farhana is experienced in advising in International and Travel law cases and frequently deals with defending claims arising out of accidents abroad, including those brought under the Package and Travel Regulations.

Industrial Disease

Farhana has experience of advising on and drafting pleadings in a wide range of disease claims, including mesothelioma, noise induced hearing loss (NIHL), and hand-arm vibration syndrome (HAVS).

Qualifications & Awards

BPTC: Very Competent, Kaplan Law School

LLM: Distinction, UCL

LLB: First Class, 2nd place in year

Lord Denning Scholarship

Hardwicke Entrance Award