12
King's Bench Walk

James Sullivan



Call: 2005
sullivan@12kbw.co.uk

AREAS OF EXPERTISE

Personal Injury, International & Travel, Clinical Negligence, Fraud, Sport, Health & Safety, Insurance

James has a High Court and multi-track practice specialising in all aspects of personal injury and clinical negligence. He has complementary expertise in respect of accidents abroad and insurance fraud. He is very regularly instructed as sole Counsel in cases valued well in excess of £1,000,000.

James' personal injury practice is focused on cases involving catastrophic and life changing injuries. He has particular expertise in respect of serious brain or head injuries cases (including subtle brain injuries), amputation cases (upper and lower limb), cases involving fusion or joint replacement surgery, and cases involving major psychiatric injuries.

James also has very considerable experience in respect of cases involving rheumatological conditions and non-organic pain cases. His recent and current case load includes cases concerning Complex Regional Pain Syndrome, Chronic Fatigue Syndrome, alleged post-traumatic fibromyalgia, Functional Neurological Disorders and Somatic Symptom Disorders. He is often instructed in cases where there are elements of fraud, malingering and exaggeration.

James international or cross-border work is focused on accidents abroad. He has extensive experience of Rome II and of handling cases involving the application of foreign law both in terms of liability and quantum. James also has experience of claims involving the application of the EU Motor Insurance Directive

In his clinical negligence practice, James acts principally for claimants. He regularly advises in cases involving complex medical issues, particularly concerning causation.

James is ranked as a Leading Junior in both Chambers and Partners (Band 3) and Legal 500 in respect of Personal Injury. He acted for the successful parties in the recently reported High Court cases of *Levitt v Euro Building and Maintenance Contractors Ltd* [2019] EWHC 2926 (QB) 11 Nov 2019 (vicarious liability for assault perpetrated by a sub-contractor, ex turpi causa); and *Robinson v Barker (1) Markerstudy (2)* [2020] EWHC 3097 (QB) (brain injury, liability only trial, accident reconstruction evidence).

Outside of Chambers, James is heavily involved with a charity which funds Research Fellowships at the Royal Marsden Hospital (lecure.org).

Personal Injury

James acts for both claimants and defendants in all aspects of personal injury law, including employers' liability, public liability, tripping and slipping claims and road traffic cases.

James also has particular experience in respect of travel law and accidents abroad, MIB and RTA 1988 related matters, head and brain injury cases, complex regional pain syndrome and fibromyalgia, and cycling and motorcycling accidents (and in particular questions of contributory negligence relating to the wearing / sue of cycle helmets).

Recent examples of James' cases include:

- A claim where the Claimant sustained catastrophic injuries resulting in tetraplegia. The case concerned issues relating the Claimant's life expectancy and the applicability of a periodical payment order in respect an elderly claimant with devastating injuries. There was also significant dispute as to the appropriate care regime. James was led by Stephen Worthington Q.C.
- A claim concerning the alleged development of Non-Epileptic Attack Disorder ('NEAD'). The causation of the condition was disputed (delayed presentation of symptoms and non-accident related psychological drivers). The case concerned complex neuropsychiatric evidence and neurological evidence and a dispute as to the Claimant's career path.
- A workplace accident resulting in a crushing injury to the Claimant's head. The Claimant sustained neurological, neuropsychological and ophthalmic problems. In addition, he was left with fascial scarring / deformity. Liability initially remained in issue but was compromised. The matter ultimately settled for a substantial sum at a JSM.
- A claim involving the development of complex regional pain syndrome following a road traffic accident. The claim involved issues regarding: (1) the causation of the Claimant's alleged condition; and (2) the Claimant's likely career path (the Claimant was a young professional). The claim settled for a very significant six figure sum. James was led by Paul Russell Q.C.
- A fibromyalgia claim where the Claimant had a very significant pre-accident medical history including psychiatric problems and a pre-existing autoimmune condition.
- A workplace accident resulting in an eye injury and a conversion disorder. Liability and contributory negligence remained in issue throughout the proceedings. The disputes in case related to: (1) training and supervision; and (2) the provision and suitability of personal protective equipment. The matter settled at a JSM for a substantial six figure sum.
- A claim involving a cyclist who allegedly suffered a head injury / moderate brain injuries. There was disputed neurological and neuropsychological evidence as to the extent of any brain injury and the impact on the Claimant's working capacity. The claim settled at a JSM for a substantial six figure sum.
- A workplace incident resulting in modest orthopaedic injuries but also a severe chronic pain disorder. The Claimant was unable to work as a result of her symptoms and had significant care requirements. The case involved disputed psychological evidence as regards the causation of the Claimant's chronic pain condition.
- A workplace accident involving serious orthopaedic injuries, and a deep vein thrombosis. The case involved a claim for provisional damages in respect of the future risk of a further deep vein thrombosis leading to a pulmonary embolism.
- A workplace accident where the Claimant developed Chronic Regional Pain Syndrome. The case involved substantial claims for loss of earnings, care and assistance, aids and equipment, and accommodation adaptations. The claim was compromised for a sum well in excess of £1,000,000. James acted for the Claimant in this case where he was led by Nicholas Heathcote Williams Q.C. (now HHJ Heathcote Williams Q.C.).

International & Travel

James has a particular interest and specialism in travel law and accidents abroad.

He has advised and appeared in cases concerning jurisdictional issues (principally regarding the Brussels Regulations), applicable law in the context of accidents abroad (Rome II), and the Package Travel, Package Holidays and Package Tours Regulations 1992.

James has also regularly advised regarding the instruction of foreign law experts in the context of accidents abroad (both in terms of the liability and the assessment of damages).

Recent examples of James' international and travel work include:

- A claim arising out of a road traffic accident that occurred in Italy. Italian law applied. The matter has involved: (1) the instruction of Italian law experts; (2) the consideration of Italian limitation law; and (3) the assessment of damages (and recoverable heads of loss) pursuant to Italian law (but with reference to English medico-legal

evidence).
- A claim arising out of an accident that occurred in a hotel in Spain. The matter involved: (1) consideration as to whether the English Courts had jurisdiction, or whether the Spanish courts were already seized of the Claimant's claim (pursuant to Spanish law, read in the light of Brussels I Regulation (recast)); (2) whether Spanish law afforded the claimant with a direct right of action against the Defendant insurer; and (3) the assessment of the Claimant's claim pursuant to Spanish law.
- A claim arising out of a package travel holiday in Egypt that had been organised by the Defendant. The Package Travel, package Holidays and Package Tours Regulations 1992 applied. The claims related to alleged food poisoning. Complex causation issues arose in respect of one of the Claimant's alleged post-infective gastroenteritis and IBS. There was disputed expert gastroenterology, and microbiology evidence.
- A claim arising out of an excursion undertaken by the Claimant whilst on a package holiday organised by the Defendant. The Claimant alleges the Package Travel, package Holidays and Package Tours Regulations 1992 apply. There are disputes as to whether: (1) the Defendant was an undisclosed agent for a third party excursion provider; and (2) breach of contract (where there will be a dispute as to local standards evidence).
- A claim relating to a road traffic accident in England but where the application of Article 4(2) of Rome II has resulted in the displacement of English law in favour of Italian law.
- A claim arising out of a road traffic accident in Austria. Austrian law applied. The matter has involved: (1) the instruction of Italian law experts; and (2) the assessment of damages (and recoverable heads of loss) pursuant to Austrian law.

Clinical Negligence

James has a keen interest in clinical negligence work. He has experience of advising of such cases from the very outset of the litigation with particular regard to assessing the merits of potential claims on the medical records, advising as to breach of duty reports and causation reports. James also has experience in respect of cases concerning clinical assessments and equipment trials.

Recent examples of James work include:

- A claim involving the alleged missed diagnosis: (1) of a serious shoulder injury leading to a largely irreparable rotator cuff injury; and (2) of a wedge fracture to the spine. The Claimant is a manual worker and has been left with permanent symptomology affecting his ability to carry out his trade.
- A claim involving a clinical assessment of an occupational therapy equipment. During the course of the assessment the already vulnerable Claimant suffered fractures to her tibia and fibula.
- A claim involving the alleged negligent treatment of an elbow injury such that the early diagnosis of CRPS as missed.
- A claim involving the negligent treatment and management of an elbow injury resulting in the conversion of the initial injury from a closed fracture into an open fracture, together with the failure to diagnose a scaphoid fracture.

Fraud

James has considerable experience of cases concerning allegations of fraud (both from the perspective of defendants and claimants) – including cases concerning alleged low velocity impacts, alleged phantom passengers, alleged staged accidents, alleged paper accidents, or allegedly induced collisions. He also has experience of dealing with and advising upon suspected fraud rings.

James is often instructed in fraud matters prior to the issue or service of proceedings so as to advise on evidence and tactics. He has considerable experience in terms of drafting pleadings and appearing in trials where fraud is alleged or suspected. He also has considerable experience in dealing with surveillance evidence, social media evidence and insurance database material.

James has lectured frequently on the subject of civil fraud, and has most recently provided seminars on Section 57 of the Criminal Justice and Courts Act, fundamental dishonesty, and QOCS.

12
King's Bench Walk

Sport

James has a particular interest in cases concerning sporting injuries and the impact of injuries on sporting careers. James was led by Richard Methuen Q.C. in a case involved a prominent sportsperson who suffered injuries in a road traffic accident. Liability for the accident was not in issue however there were substantial arguments relating to the impact of the Claimant's injuries on the Claimant's sporting career (loss of a chance).

James has experience involving cases concerning the impact of orthopaedic injuries on professional sporting careers such as diving, swimming and golf. He has also advised in cases concerning liability for sporting accidents in the football, climbing, gymnastics, skiing and golf.

Health & Safety

James has considerable experience in cases concerning workplace accidents.

Recent examples of James' cases include:

- A workplace accident resulting in a crushing injury to the Claimant's head. The Claimant sustained neurological, neuropsychological and ophthalmic problems. In addition, he was left with fascial scarring / deformity. Liability initially remained in issue but was compromised. The matter ultimately settled for a substantial sum at a JSM.
- A workplace incident resulting in modest orthopaedic injuries but also a severe chronic pain disorder. The Claimant was unable to work as a result of her symptoms and had significant care requirements. The case involved disputed psychological evidence as regards the causation of the Claimant's chronic pain condition.
- A workplace accident involving serious orthopaedic injuries, and a deep vein thrombosis. The case involved a claim for provisional damages in respect of the future risk of a further deep vein thrombosis leading to a pulmonary embolism.
- A workplace accident where the Claimant developed Chronic Regional Pain Syndrome. The case involved substantial claims for loss of earnings, care and assistance, aids and equipment, and accommodation adaptations. The claim was compromised for a sum well in excess of £1,000,000. James acted for the Claimant in this case where he was led by Nicholas Heathcote Williams Q.C. (now HHJ Heathcote Williams Q.C.).

Insurance

James has considerable experience in the field of motor insurance law. He regularly appears in cases concerning disputes relating to the Road Traffic Act 1988 (Section 151 and Section 152 issues). He also considerable experience in claims involving the MIB Agreements.

Qualifications & Awards

B.Sc. (First Class Honours) Government (London School of Economics)

M.Phil. (Distinction) International Relations (Magdalene College, Cambridge University)

Post Graduate Diploma in Law (Distinction) (College of Law)

Bar Vocational Course (Very Competent) (ICSL)

Howard Laski Scholarship (LSE 1999-2000)

Princes Royal Scholar (Inner Temple 2004-2005)

Directories

James is incredibly bright and user-friendly and clients love him. James is forensic with his advocacy and paperwork. –

Chambers & Partners, 2026

James is very thorough in his approach to cases. He has an excellent manner with clients. He is an excellent advocate who plans meticulously. – Chambers & Partners, 2026

He is very knowledgeable and tuned in, clear and precise, and very friendly. He has a great mind. – Chambers & Partners, 2026

He is very well prepared for conferences and prepares notes to assist experts. – Chambers & Partners, 2025

He is a very good barrister with a good grasp of key points in a case. – Chambers & Partners, 2025

Excellent prep for cons, detailed written notes, very clear thinking, user friendly, commercially aware. – Legal 500, 2025

He is really responsive and really empathetic. – Chambers & Partners, 2024

James is very well-prepared and has an excellent knowledge of the law. – Legal 500, 2024

He always produces excellent advice and is very strong in court. – Chambers & Partners, 2024

He manages to cut through work very thoroughly. He is really responsive and really empathetic. – Chambers & Partners, 2024

He is excellent with clients and has a keen grasp of the issues both in negotiations and in court. – Chambers & Partners, 2024

Ranked in Chambers and Partners 2022: Band 3 (Personal Injury).

Ranked in Legal 500 2023: Personal Injury: Tier 2 (Travel Law) and Tier 4 (Personal Injury).

James is an excellent lawyer, with fine judgment, whose tactics and running of cases, as well as his advocacy, are exemplary. – Legal 500, 2023

Quite frankly one of the nicest people you will meet in the professional world and technically brilliant. – Legal 500, 2023

Clients have so much trust in his ability and work.– Chambers & Partners, 2022

He has excellent attention to detail, adds real value to cases and is very able when it comes to managing clients and experts alike. – Legal 500, 2022

He is a strong and capable practitioner with an excellent knowledge of the law in the travel field. – Legal 500, 2021

A confident advocate who can argue difficult points. – Legal 500, 2021

He will always go the extra mile to advise on difficult issues. – Legal 500, 2019

He is very organised, extremely thorough and does not miss a thing. – Legal 500, 2018

He is always prepared to go the extra mile to advise on issues that do not fall within his brief. – Legal 500, 2017

Memberships

PIBA, LCLCBA, AvMA

12
King's Bench Walk

Cases

Copley v Lawn and Maden v Haller [2009] EWCA Civ 580. Appeared as Junior Counsel, led by Ronald Walker Q.C. for the Defendants in these credit hire cases concerning: (1) whether or not it is unreasonable for claimants, whose vehicles have been damaged in road traffic accidents, to reject offers of replacement vehicles from defendant insurers; and (2) the question, if it is unreasonable for claimants to reject such offers, of the correct measure of damages.