

James Sullivan

Call: 2005
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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).

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.

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 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

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.