12
King's Bench Walk

Pascale Hicks



Call: 1999
Hicks@12kbw.co.uk

AREAS OF EXPERTISE

Personal Injury, Insurance, International & Travel

Pascale specialises in serious Personal Injury cases.

Pascale has represented many clients in catastrophic and large loss personal injury cases exceeding £1,000,000 in value. She is highly experienced in joint settlement meetings and complex, high-value negotiations.

Pascale's practice encompasses both liability and quantum across a broad range of serious injury work including brain injuries, amputations and serious spinal and orthopaedic injury cases, psychiatric injuries, pain management / chronic pain cases and fatal claims.

She is often involved at an early stage to review the evidence and advise on the best tactical approach to lead the case to a successful resolution, be that a finding of fundamental dishonesty, securing discontinuance, or negotiating settlement well below the pleaded value.

She regularly appears against silks and senior juniors in High Court cases.

She is ranked in the field of Personal Injury in the Legal 500.

Pascale acts on behalf of defendants and their insurers, especially in cases involving fundamental dishonesty and catastrophic injuries.

She also appears on behalf of claimants and is happy to consider work on a CFA basis.

Pascale is a trial lawyer with over 23 years' experience and regularly defeats liability claims at trial, where astute cross-examination and technical legal submissions demonstrate her quality and expertise.

She is highly regarded for dealing with high-value cases in which allegations of fundamental dishonesty are to be made. This often involves the interplay of complex medical evidence, surveillance and other investigative techniques.

She has secured findings of fundamental dishonesty and has provided training to solicitors and insurers.

Personal Injury

Catastrophic and Large Loss Claims

Pascale has represented many clients in catastrophic and large loss personal injury cases exceeding £1,000,000 in value. She is experienced in joint settlement meetings and negotiations. She regularly appears against silks and senior juniors in High Court cases. She is ranked in the fields of Personal Injury in the Legal 500.

Her current caseload includes the liability and quantum aspects of head injuries and serious spinal and orthopaedic injury cases, psychiatric injuries, pain management / chronic pain cases and fatal claims.

She is often involved at an early stage to review the evidence and advise on the best tactical approach to lead the case to a successful resolution be that a finding of fundamental dishonesty, discontinuance, or settlement well below the pleaded value.

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"*Pascale's attention to detail when analysing the evidence is extraordinary. She can quickly assimilate complex evidence to assess the strengths and weaknesses in a case, to ensure the best outcome in any particular matter. The way she presents the evidence in court is always impressive. She is able to command the attention of the court and the judge in a way which few others can."* [Legal 500, 2027]

Notable Cases

E v O

Achieved settlement of a complex traumatic brain injury claim arising from a multi-party motorway crash. The Claimant, who had significant pre-existing psychiatric vulnerability sustained a traumatic brain injury, serious orthopaedic injury and psychological injuries resulted in a complex claim being maintained. Pascale was instructed to settle, at an early stage, Counter Schedule and represent the Defendant Insurer at JSM. Early resolution through to a negotiated compromise ensured finality for the Claimant with cost savings.

K v M

Instructed by the Defendant insurer in a liability and quantum disputed motorcyclist road traffic accident claim, where the Claimant sustained serious orthopaedic injuries listed at the RCJ. Claimant alleged to be under the influence of drugs at the time of the collision and threats made against the insured driver. Multiple disciplines of experts instructed including accident, reconstruction, pain, orthopaedics, and psychiatry. Pascale instructed from the beginning and settled the Defence as well as advising on tactics and issues with surveillance. Contentious split trial application alongside an interim payment before the Master was defeated. Claimant later sought to introduce further expert accommodation evidence which was defeated and subsequent surveillance with an appropriately timed part 36 offer resulted in a compromise of the claim at a 1/3 of the pleaded value.

S v A, A

Instructed to advise on causation and quantum, where insured driver hit pedestrian Claimant. Issues on TBI and suspected DAI. Multi disciplines of medical and non-medical experts instructed. Pascale asked to advise on value, reserve and strategy.

L v P

Liability, Causation and Quantum denied against an employee Claimant sustaining a minor accident at work following a manual handling operation but resulted in significant skin grafts and weakness to the arm seeking a claim in excess of £250,000. Clients were non-English speaking, which led to issues on disclosure and credibility. A strong pleading followed by tactics and selection of medical experts were crucial, including disciplines in microbiology and plastics led to a discontinuance by the Claimant with significant savings.

M v K

Instructed by the Defendant insurer in a quantum claim pleaded in excess of £4.35m involving 6 expert medical disciplines from psychiatry through to nephrology and cardiology. Issues on medical causation and disclosure. Settled at JSM for a quarter of the value.

J v F

Instructed by the Defendant insurer in a multi-track quantum trial claim pleaded in excess of £400,000. Involving issues on medical causation, disclosure and fundamental dishonesty. Resulted in a dismissal of the claim and a finding of fundamental dishonesty with indemnity costs.

W v J

Instructed by the Defendant in a claim pleaded in excess of £750,000. Settlement secured at JSM at 40% of the pleaded value.

B v L, H

Instructed by the Second Defendant in a liability and quantum multi-track trial following a significant accident on the highway. Advised from the service of the proceedings through to trial as to the tactics and prospects of the Defence. Secured the dismissal of the claim and successfully argued for a Sanderson costs order against the unsuccessful First Defendant.

E v F

Instructed by the Defendant insurer for a liability admitted motor claim from the outset. Advised on tactics and evidence. Disclosure revealed evidence of dishonesty and exaggeration – an amended defence was settled resulting in discontinuance of claim. Instructed to pursue a finding of fundamental dishonesty. Following the trial, the Judge made a finding of fundamental dishonesty with indemnity costs.

P v E

Instructed by the Defendant in a claim pleaded in excess of £2,100,000 following an accident at work involving machinery. Settlement secured at JSM at a third of the pleaded value. Issues on care and OT.

C v M

Instructed by the Defendant in a multi-track liability and quantum trial claim pleaded in excess of £200,000. Involving issues on medical causation, disclosure, exaggeration and fundamental dishonesty. The Claimant received less than 10% of the claim and a significant reduction in costs, resulting in a very happy insurer.

H v I

Instructed by the Defendant in a multi-track pain management quantum claim pleaded in excess of £600,000. Involving issues on medical causation and contested applications on late disclosure of surveillance evidence. Settled at JSM for a third of the pleaded value claim.

12
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Directories

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Education

- Ormskirk Grammar School
- King George V College
- University of Liverpool – LLB in English and French Laws and French
- Universite de Bordeaux Montesquieu -Licence en Droit

Awards

- Hardwicke Scholarship
- Sir Thomas More Scholarship
- Bar Council Scholarship at Legal Service of the European Commission