

Tom Vonberg

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AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, International & Travel, Insurance, Product Liability, Professional Negligence, Fraud

Tom is a highly regarded barrister in serious and catastrophic injury. He is also respected for his handling of matters arising from fatality, defective products, clinical and professional negligence and in damages claims involving multiple parties.

Tom is comfortable advising in and presenting the most challenging cases at Court and he has worked alongside some of the country's best-known lawyers in his areas of work.

Over the last twenty years of practice, Tom has been involved in many technical and high value cases both on his own account and with leading KC's.

His work has included claims on behalf of both adults and children for brain or spinal injury, as well as complex orthopedic injury and polytrauma. He is also involved in litigation against healthcare providers for clinical negligence as well as frequently acting against producers of defective products both in the UK and overseas.

Tom routinely deals with difficult liability and quantum issues, including those arising out of group litigation, and he is adept at working with expert witnesses.

Tom is known for his ability to communicate effectively and sensitively with professional and lay clients and for the strength of his written and courtroom advocacy on their behalf.

He travels all over the country to meet and act for his clients.

Tom is identified as a leading barrister in the legal directories Chambers and Partners and Legal 500. The 2024 editions report that:

"Tom is liked by the clients and highly regarded for his technical skill and reliable advice. His eye for detail really stands out, and he is very robust in court."

“He is well known for his handling of high-value personal injury claims.”

“Tom is adept at handling product liability cases” and has “experience of appearing in multi-party litigation.”

Recent previous directory entries have described Tom as:

“A highly approachable and impressive advocate”, who is “calm under pressure with a logical approach to cases and a great client manner”, “Excellent on points of law and advice, strong with clients and very approachable and accessible”, “able to simplify complex technical issues”, “Very good on his feet”, “Bright and good on tactical issues”, “pragmatic with an excellent eye for detail”, “very good with clients”, “organised and meticulous in his attention to detail” and who has a “commercial attitude and impeccable manner with clients”.

Before coming to the independent bar, Tom was a barrister at the leading offshore law firm Walkers Global.

Personal Injury

Tom has significant experience of the full range of catastrophic and fatal injuries.

The 2024 edition of Chambers and Partners recognises him as *“a respected barrister, well known for his handling of high-value personal injury claims.”*

He routinely appears in cases involving traumatic brain injury, spinal injury and in large dependency claims following fatal accidents.

Tom has also worked on a number of multi-party actions in relation to product liability, air and road accidents and in respect of injury and illness abroad.

The following is a selection of past and current cases:

Traumatic Brain Injury

Occupiers' liability claim following a fall at hotel premises. The claim settled at JSM for £1.4m. Led by Rob Weir KC. Instructed by Foot Anstey LLP.

Acting for a Claimant who lacks capacity following severe brain injury including bilateral frontal lobe and diffuse axonal injury. Lifetime care required. Instructed by Switalskis, Doncaster.

Acting for two Claimant's following an RTA resulting lifechanging brain injury. Both Claimant's lack capacity. Instructed by Slater & Gordon, Manchester.

Acting for claimant who sustained head and bowel injuries when riding pillion on a motorcycle. Instructed by Stewarts Law LLP, Leeds.

Acted for a Claimant who sustained polytrauma including brain injury when her son-in-law deliberately drove into collision with her in the grounds of a hotel and in respect of which he was sentenced to 6 years imprisonment. Instructed by Irwin Mitchell, Newcastle. [News item here](#).

Acting for the Claimant in the High Court following severe diffuse axonal brain injury and intraventricular, petechial and subarachnoid haemorrhage. Claim value in the region of £10m. With Andrew Axon. Instructed by Slater & Gordon, Manchester.

Acted in the Isle of Man for the claimant on a public access basis in a claim for post-concussion syndrome brought

against an employer. The claim settled for £775k at mediation.

Defending a claim for £1.25m following subdural haemorrhage requiring craniotomy. The claimant alleged profound cognitive disability and an inability to leave home unattended. She discontinued her claim and agreed to repay all interim payments following surveillance including of her running and weightlifting at the gym. Instructed by Kennedys Law LLP.

Acted for a junior registrar doctor who sustained traumatic brain injury by way of frontal sub-arachnoid haemorrhage when she was struck by a car as a pedestrian. The claim was premised on the basis of loss of a chance for career progression (to Consultant level) and for provisional damages associated with the epilepsy and the dementia risk. Instructed by BMA Law Limited.

Spinal Injury

Acted for the claimant who sustained crush injuries at work requiring percutaneous stabilisation. Led by Steve Killalea KC. Instructed by Irwin Mitchell LLP, London.

Acted for a claimant who sustained spinal and urological injuries following an RTA. The claim settled at JSM for £1.9m.

Acted for the Claimant who, in a construction site accident, sustained C4 incomplete tetra paresis with complete loss of motor and sensory neurology below C4. Leading counsel was Henry Witcomb KC.

Acting for a claimant tyre fitter who sustained traumatic brain injury, brachial plexus injury and spinal fractures when an HGV fell from its jacking points. Instructed by Irwin Mitchell LLP.

Fatality

Recovered £1.05 million net of contributory negligence acting for the young widow of a motorcyclist killed when a car turned across his path. Tom appeared at the inquest and later JSM. Instructed by Irwin Mitchell LLP.

Currently instructed on behalf of the family of a deceased following the Avonmouth explosion at a Wessex Water treatment plant. Instructed by Unionline, Sheffield. News item [here](#).

Recovered £500,000 net of contributory negligence for the widow of a man run down when jogging and attempting to cross a slip road of the A1. Instructed by Unionline, Sheffield.

Acting for the family of a grandmother killed whilst she was a pedestrian when the Defendant mounted the kerb at speed. Tom appeared at the Defendant's contested application for life expectancy evidence made in light of the decision in *Dodds v Arif* [2019] EWHC 1512. The claim settled and was approved by the court for twice the sum offered by the Defendant at a failed joint settlement meeting one year earlier. Instructed by Irwin Mitchell. News item [here](#).

Acted for dependents, including four protected parties, in a High Court action following a fatal accident at work when the deceased saved the life of a colleague but tragically lost his own. The settlement included substantial Court of Protection costs. Instructed by Trade Union Legal LLP. News item [here](#).

Acted for a widow following her husband's death when the uninsured Defendant performed a U-turn in the road. Tom appeared at the inquest. News item [here](#).

Acted for the claimant and dependent family in a claim following the death of their eighteen-year-old son. The settlement included damages for the family's dependency on his future earnings in light of his unique contributions to the family prior to his death. Instructed by Irwin Mitchell LLP.

Acted for the family of man killed in a freak accident outside Berwick-upon-Tweed rail station when the station "header"

sign snapped and struck him, fatally, to his head. The coroner's inquest, at which Tom did not act, failed to call relevant witnesses and omitted material facts from the narrative verdict. The claim settled after preliminary hearings for 100% liability shared between the rail network and train operator. Instructed by Irwin Mitchell LLP.

Acting for the dependents of a man killed in a high-speed collision whilst he was the passenger of a driver and relative he knew to be drunk. A discount of 20% for contributory negligence was agreed in line with the authority of *Owens v Brimmell* [1977] QB 859 and the liability and quantum settlements were approved by the High Court. News item [here](#).

Acted for the widow of a man killed in a road traffic accident. Claim initially defended on grounds of automatism (an epileptic seizure) but settled on a full liability basis. News item [here](#).

Acted for the family of a young man killed following a tyre blow out on a coach trip. At the inquest, evidence was called from a US based expert into the process of tyre degradation. The mother of the deceased successfully campaigned for the introduction of legislation as to the legal age of tyres used on public service vehicles. Instructed by Thompsons, Birmingham. News item [here](#).

Serious injuries

Acted for the Claimant who recovered £1.4 million at JSM for CRPS secondary to right ankle pilot fracture. Instructed by Minster Law.

Acted for a female motorcyclist following open book pelvic fractures. The claim was settled at JSM. Instructed by Irwin Mitchell, Newcastle.

Acting for a woman who sustained severe burns requiring skin grafting, degloving injuries, complex ankle fractures and post-traumatic stress disorder. She was an innocent bystander at a campsite when an intoxicated teenager drove a vehicle whilst uninsured into collision with her. Instructed by Irwin Mitchell. News item [here](#).

Acting for a Claimant as a secondary victim in respect of the death of her 10-year-old daughter killed by an uninsured driver. News item [here](#).

Acted for a claimant who suffered amputation at work by the rotating arm of a waste silo. Led by Rob Weir KC. Instructed by Hugh James LLP.

Acting for an American off-shore drilling contractor in respect of a claim by a roustabout for serious injuries sustained during an accident on an oil rig. Instructed by CMC Cameron McKenna Nabarro.

Clinical Negligence

Tom has experience of serious injuries in a clinical context. He has spoken to AvMA and to firms in-house on the law around patient consent, material contribution and acquired brain injuries.

He has trial advocacy experience on both the claimant and defendant side.

Some examples of current and recent work appear below:

Acted for the insurers of a nightclub following a fight in which the claimant struck the kerb after a single punch by a doorman. The dispute surrounded the causation of catastrophic brain injury as between the fight and the subsequent surgery. Led by Rob Weir KC.

Acted for a claimant who within hours of suffering a catastrophic stroke was negligently treated during brain surgery at hospital. Complex issues around divisibility of injury and care requirements in light of the decision in *Reaney v University Hospital of North Staffordshire NHS Trust & Anr* [2015] EWCA Civ 1119. Led by Rob Weir KC during the litigation, acted

as sole junior at JSM. Instructed by Hudgell Solicitors, Leeds.

Acted for a personal trainer who underwent incorrect lower limb facial repair (as opposed to fasciotomy) resulting in crippling injuries. The claim settled two weeks before a 5-day High Court trial. Led by Rob Weir KC. Instructed by Irwin Mitchell LLP, London.

Acted for a female firearms officer in which a postpartum sphincter injury was not repaired resulting in incontinence and an inability to return to work. The claim settled following exchange of joint reports. Instructed by Pattinson & Brewer, London.

Acted in the High Court for a professional ballerina who sustained division of a tendon during bunion surgery. Instructed by Irwin Mitchell LLP, London.

Acting for defendant clinics in various cosmetic surgery claims including bariatric surgery and breast surgery. Instructed by Kennedys Law LLP.

Acting for the defendant trust at the interim payment hearing for a child who suffered profound hypoxic ischaemic brain damage and four limb dystonic cerebral palsy. Instructed by Capsticks, Leeds.

Acted for a protected party who sustained pressure sores following a prolonged period of negligence. The settlement, which included a claim for 24-hour nursing care, was approved in the High Court and an anonymity order made in view of the decision in *JXMX v Dartford and Gravesham NHS Trust* [2015] EWCA Civ 96.

Acted for an 8-year-old girl in her High Court claim against the hospital trust for mismanagement of acute promyelocytic leukaemia and sepsis.

Acted for the NHS Trust in the defence of a claim following an alleged failure to follow a “*nil by mouth*” direction resulting in a patient fatality after she aspirated on her own vomit. Instructed by Kennedys Law LLP, London.

Acting for various claimants in missed diagnosis claims including breast cancer, rectal adenocarcinoma, peritoneal cancer, endocarditis and streptococcus sanguinis and left frontal glioblastoma. A number of these claims concern fatalities.

Professional Negligence

Tom is often instructed by the insurers of legal and financial professionals. He also acts for claimants against their own lawyers.

Often these disputes arise from injury and related litigation. They include claims for negligent advice, negligent conduct and under settlement.

Other specific examples of cases he has worked on include the following:

Acted for the insurer against a claim's handler in the High Court for negligent handling of 50,000 motor insurance personal injury claims. Instructed in relation to valuation evidence. The claim settled for £7m. Led by Richard Harrison. Instructed by Hogan Lovells.

Advised the Insurance Corporation of the Channel Islands as to the allocation of damages in a negligence claim against the local authority following abuse of children in care. The claim was presented for £238 million and is thought to be the largest personal injury claim in British history. Led by Andrew Burns KC. News item [here](#).

Acted for the Claimant under the terms of her home insurance policy against her clinical negligence solicitors for mis-managed litigation. The underlying clinical negligence claim related to gastric sleeve revision surgery and a resultant

gastric leak due to staple line dehiscence.

Acting in the defence to broker's negligence claims in respect of the arrangement of fleet motor policies where there are alleged breaches of the Insurer's Code of Business Sourcebook (ICOBS).

International & Travel

Tom has appeared in several interesting cases with a foreign element to them. They range from illness claims to those involving serious injuries, fatality and where there are multiple claimants.

Cases of interest include the following:

"MS Boudica". Acted for 35 claimants in claims under the Athens Convention brought in the Admiralty Court against Fred Olsen Cruise Lines following widespread sickness on a cruise ship. The claims were widely reported in the press. Instructed by Irwin Mitchell LLP, Birmingham. News item [here](#).

Acted in the High Court for fifteen student claimants, plus the estates in fatal accident claims, against a tour company under the Package Tour Regulations following the rollover of a safari coach in Swaziland, South Africa. The accident was widely reported internationally.

Acted successfully for Claimants against NutriBullet LLC and the parent company based in the United States. The claims were for burn injuries following boiling liquid expanding vapor explosions – the circumstances of which mirror multiple suits in the US. The United Kingdom claims settled at JSM three weeks before the 5-day liability and quantum trial. Instructed by Tim Annett at Irwin Mitchell, Sheffield.

Acted for the Claimant following serious injuries sustained in a helicopter crash in the UK where the Air Accidents Investigation Branch determined that a cause of the accident was due to maintenance work undertaken by a contractor in the USA.

Advised in a fatal accident claim following criminal injuries sustained on the Costa del Sol, Spain. The claim concerned the ability of dependents to obtain awards under the Spanish equivalent of the CICA regime.

Insurance

Tom has been instructed in all manner of insurance coverage disputes.

He undertakes work on points of discrete insurance law but also frequently where the underlying claims concern personal injury or professional liability.

The 2024 edition of Chambers & Partners recognises his experience of insurance coverage disputes relating to personal injury claims.

Tom is well used to handling cases where there are issues of dishonesty in relation to the policy.

Specific examples of cases he has worked on include the following:

Acted in a successful appeal to the Financial Ombudsman Service against the insurer's refusal of indemnity under a household policy on grounds of non-disclosure. The underlying claim against the policyholder was as an occupier of premises where the claimant's injuries had led to an upper limb amputation. Instructed by Wilkins Beaumont Suckling, London.

Acting for Mitsui Sumitomo Insurance in a pre-action disclosure application for documents against a third-party insurer following avoidance of a policy of motor insurance. Led by Rob Weir KC. Winston Hunter KC for the third-party.

Instructed to defend a claim by a bar owner for business interruption flooding. The claim was pleaded at more than £1m and settled, following interim hearings, for £20,000 costs inclusive.

Acting for a construction company in the High Court defending a Part 20 claim following property damage at a commercial premises.

Advising the Insurance Corporation of the Channel Islands as to the allocation of damages in a negligence claim against the local authority following child abuse. The claim was presented for £238 million and is thought to be the largest personal injury claim in British history. Issues concerned occurrence of damage, policy trigger wording and aggregation. Led by Andrew Burns KC. News item [here](#).

Appeared for the claimant in an action to join a party out of time at the compulsion of an Article 75 insurer pursuant to Clause 14.1 of the Uninsured Drivers' Agreement 1999. Leading KC for the insurer.

Acting for a family against their home insurer following contamination by penicillium aspergillus spores which had not been eradicated by contractors after a sewage escape. Claim included a direct action for breaches of ICOBS (Insurance Conduct Business Sourcebook).

Currently acting for a former premiership and international rugby player against his income protection provider regarding an indemnity dispute following the diagnosis of early onset dementia.

Acted for a former premiership rugby player against his mutual insurer regarding an indemnity dispute following the player's retirement on account of injury. The claim settled for the full value of the policy amounting to 8 years final salary earnings.

Acted for a former British Lions rugby player in his COVID-19 pay dispute with an Australian National Rugby League club over the terms of his coaching contract.

Product Liability

Tom specialises in product liability claims, including where there are multiple parties and jurisdictional issues.

Chambers & Partners 2024 identifies that Tom *"has experience of appearing in multiparty litigation and he is also adept at handling product liability cases."*

Interesting cases include the following:

Acted successfully for Claimants against NutriBullet LLC and the parent company based in the United States. The claims were for burn injuries following boiling liquid expanding vapor explosions – the circumstances of which mirror multiple suits in the US. The United Kingdom claims settled at JSM three weeks before the 5-day liability and quantum trial. Instructed by Tim Annett at Irwin Mitchell, Sheffield.

Acting in *"vaping"* claims against an e-cigarette seller following the explosion of Lithium-ion batteries. The claims have been brought under The Consumer Rights Act 2015. Instructed by the product liability team at Irwin Mitchell LLP. News items [here](#) and [here](#).

Advising claimants regarding methylisothiazolinone (MIT) chemicals contained in cosmetic products and the liability of producers under the Consumer Protection Act 1987. Instructed by Leigh Day, London.

Acting for multiple claimants who were supplied a bodily piercing aftercare solution contaminated with pseudomonas aeruginosa. Claims have been issued against the supplier and producer under the Consumer Protection Act 1987.

Acted for a family whose house was burned to the ground and in which they sustained modest burn injuries when a

defective hoverboard caught fire whilst charging. The claim was brought on the basis of breaches of Sections 9 and 10 of the Consumer Rights Act 2015. Quantum for substantial property damage was defended until very shortly before the trial. News item [here](#).

Fraud

Tom has often been instructed by insurers where there are issues of dishonesty.

He has been instructed at first instance and on appeal in many motor fraud claims and in relation to other policies of insurance.

In *Howlett and another v Davies and Ageas Insurance Ltd* [2017] EWCA Civ 1696, Tom appeared unled for the successful insurer in the first ever Court of Appeal authority to consider the term “*fundamental dishonesty*” in the context of injury claims.

Directories

Chambers & Partners, 2024 – Personal Injury (Band 2) – *“Tom is a respected barrister, well known for his handling of high-value personal injury claims and insurance coverage disputes. He has experience of appearing in multiparty litigation and has appeared unled before the Court of Appeal. He is also adept at handling product liability cases.”*

Legal 500, 2024 – Personal Injury (Tier 2) – *“Tom is liked by the clients and highly regarded for his technical skill and reliable advice. His eye for detail really stands out, and he is very robust in court.”*

Legal 500, 2023 – Personal Injury (Tier 2) – *“Tom is liked by the clients and highly regarded for his technical skill and reliable advice. His eye for detail really stands out, and he is very robust in Court.”*

Chambers & Partners, 2022 – Personal Injury (Band 2) – *“Excellent on points of law and advice, strong with clients and very approachable and accessible.”*

Legal 500, 2022 – Personal Injury (Tier 2) – *“Tom is calm under pressure with a logical approach to cases. He has a great client manner.”*

Chambers & Partners, 2021 – Personal Injury (Band 2) – *“He is very detailed in his approach.” “He has a no-nonsense and commercial attitude and an impeccable manner with clients. His organisational skills and meticulous attention to detail are very impressive.”*

Legal 500, 2021 – Personal Injury (Tier 3) – *“Pragmatic with an excellent eye for detail.”*

Chambers & Partners, 2020 – Personal Injury (Band 2) – *“A respected junior, well known for his handling of high-value personal injury claims and insurance coverage disputes. He has experience appearing in multiparty litigation and has appeared unled before the Court of Appeal. He is also adept at handling product liability cases.”*

Legal 500, 2020 – Personal Injury (Tier 3) – *“Pragmatic with an excellent eye for detail.”*

Chambers & Partners, 2019 – Personal Injury – *“A highly approachable and impressive advocate.” “He’s very bright and good on tactical issues. He always goes the extra mile, is very easy to deal with and is very good with clients.” “He’s professional and performs well even under pressure.”*

Legal 500, 2019 – *“He has an excellent eye for a realistic prospect and is very good on his feet.”*

Publications

Howlett v Davies – interview with Lexis Nexis following Tom's success before the Court of Appeal arguing fundamental dishonesty. [Please follow this link to view the article.](#) This article was first published on Lexis®PSL Personal Injury on 15 November 2017.

Appointments & Memberships

Personal Injuries Bar Association.

International Bar Association.

Professional Negligence Bar Association.

Qualifications & Awards

LLB, University of Durham.

Authorised by the Bar Standards Board to conduct litigation.

Public Access qualified.