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# Philip Godfrey

**Year of Call:** 2010

**Telephone:** 0115 947 2581



## Overview

Philip prides himself on providing a tactical insight into the cases on which he is instructed. He provides a proactive approach and is often involved at the earliest stages of claims to provide input and guidance.

Philip specialises in all areas of personal injury, industrial disease and clinical negligence litigation.

His practice encompasses high-value multi-track work involving cases valued up to £1 million.

Philip has extensive experience of trial advocacy and interim hearings, incorporating the full range of personal injury litigation.

Philip has a wide-ranging paperwork practice, advising both claimants and defendants, as well as settling pleadings. He regularly advises on liability, quantum and issues of medical causation.

He has a particular specialism in cases involving the Defective Premises Act 1972, and was counsel for the Respondent in the leading case of *Lafferty v Newark and Sherwood DC* [2016] HLR 13.

Philip studied Law at the University of Nottingham. At University, he was awarded the Law Graduates' Association Moot Prize. He undertook his Bar Vocational Course at Nottingham Law School where he was graded "Very Competent".

Prior to joining Chambers, Philip spent three months working for the International Arbitration team at a leading international law firm in Paris.

Away from the Bar, Philip's interests include travel, cooking, golf, spending time with family and friends and trying (in vain) to keep his two terriers under control.

# Expertise

## Personal Injury

Philip's practice encompasses all areas of personal injury litigation. He acts for both claimants and defendants.

He provides particular insight into claims against local authorities, claims under the Defective Premises Act 1972, claims involving issues of vicarious liability and high value cases.

Cases of note include:

- Successfully represented the Claimant at a trial on the liability of a water utility company for a defective drain cover that it owned located on third party private land (*RS v Severn Trent*).
- Counsel for the Respondent in the leading case of *Lafferty v Newark and Sherwood DC* [2016] HLR 13.
- Junior counsel in the Supreme Court case of *McDonald v National Grid Electricity Transmission PLC* [2015] AC 1128.

His claimant practice incorporates cases valued in the hundreds of thousands of pounds. He is regularly instructed to settle schedules of loss in complex cases. Recent examples include:

- A claim against the MIB. Claim settled for over £450,000.
- A claim involving complex psychiatric evidence and claims for future diabetic and renal care on a private basis. Claim settled at a joint settlement meeting for £385,000.
- A public liability case involving significant future care and accommodation issues. Claim settled for £250,000 at a joint settlement meeting.
- A claim involving a serious ankle injury with issues relating to future surgery and prosthetics. Claim settled for £100,000.

Philip regularly gives talks and mock trials for professional clients.

## Housing

Philip is regularly instructed in housing cases, in particular cases relating to disrepair.

He has a particular specialism in cases involving the Defective Premises Act 1972, and was counsel for the Respondent in the leading case of *Lafferty v Newark and Sherwood DC* [2016] HLR 13.

## Serious Injury

Philip represents both claimants and defendants in high-value litigation arising out of serious injuries causing catastrophic injury or death.

Philip has a wealth of experience involving:

- Drafting detailed schedules and counter-schedules of loss involving complicated issues of future losses.
- Representing parties at joint settlement meetings.
- Advising on complex cases involving multi-disciplinary expert evidence.
- Advising on complicated issues of quantum.

Recent examples of work undertaken includes:

- Representing the Claimant at a joint settlement meeting involving a complicated issue relating to future diabetic eye and renal care. Case settled for £385,000.
- A claim against the MIB. Claim settled for over £450,000.
- A public liability case involving significant future care and accommodation issues. Claim settled for £250,000 at a joint settlement meeting.
- A claim involving a serious ankle injury with issues relating to future surgery and prosthetics. Claim settled for £100,000.
- Representing the Claimant in an ongoing case of a traumatic above-elbow amputation following a road traffic accident.
- A claim following a fatal road traffic accident giving rise to claims for dependency and associated expenses under the Fatal Accidents Act 1976 and the Law Reform (Miscellaneous Provisions) Act 1934 (claim limited to £700,000).

Philip prides himself on taking an early tactical approach to his cases, including initial client-care meetings to discuss quantum and litigation-planning.

## Disease

Philip specialises in cases of industrial disease involving noise-induced deafness, vibration, industrial asthma, dermatitis, cancer and exposure to harmful dusts and asbestos.

He is regularly instructed on Multi Track trials, limitation hearings, appeals, show cause proceedings in the King's Bench Division and interim hearings. He acts for both claimants and defendants.

He has acted for clients at Inquests and is regularly instructed to settle pleadings and to draft applications.

Cases of note include:

- Acting as junior counsel in the Supreme Court case of *McDonald v National Grid Electricity Transmission PLC* [2015] AC 1128 relating to the interpretation of the Asbestos Industry Regulations 1931.
- A successful appeal against a Judge's finding on date of knowledge following a preliminary limitation trial in a noise-induced hearing loss case.
- Junior counsel to Patrick Limb KC in a successful conjoined appeal to HHJ Robinson at the Sheffield County Court on the circumstances in which a Defendant would be granted permission to rely upon its own medical evidence in noise-induced hearing loss cases on the Fast Track.
- Instructed to act for the Defendant on a £300,000 HAVS trial and a repetitive strain injury trial with contested expert medical evidence.

An appeal relating to the disclosure of Occupational Health records in occupational disease cases (*Thrush v R G Buckle* (Leeds County Court, HHJ Gosnell, 23 May 2022 – for more, please click [here](#)).

## Clinical Negligence

Philip acts for claimants and defendants in clinical negligence and care cases, including representation at Inquest and at the advisory stage.

He has particular experience of cases involving negligent development of pressure sores, surgical negligence (in particular orthopaedic and obstetric cases), cases relating to the delayed diagnosis of cauda equina syndrome, hip conditions, cysts and cancer, failures to obtain informed consent and cases relating to errors in the prescription and administration of medicine.

He has recently acted in cases of failure to supervise patients at risk of falling and those involving obstetric complications in pregnancy and delivery.

He has considerable experience in drafting schedules and counter-schedules of loss, including cases valued up to £1,000,000. He is frequently instructed in cases related to both primary and secondary care.

## Inquests

Philip's coronial practice includes deaths arising from industrial accidents, cases of suspected medical negligence and those involving industrial disease.

He represents both families and interested parties.

He has experience of inquests that raise issues of Article 2, and inquests relating to deaths in custody.

Examples from his practice include:

- Representing a care home following the suicide of a patient under their care.
- Representing the family of a gentleman who died following a fall in hospital.
- Representing the family of a lady who died from complications arising from pressure sores.
- Representing the family of a boy who died of meningitis.

A number of inquests arising out of road traffic accidents and industrial disease.

## Animals & Equine

Philip has experience of cases involving the Animals Act 1971, in particular cases involving horses and dangerous dogs. Recent cases include:

- A trial involving a dog-biting a postman.
- Advising and drafting pleadings in a multi-track case regarding an incident involving a horse on a bridleway.
- Advising on a case regarding a dog escaping from a garden, involving expert evidence.

## Counter Fraud

Philip has extensive counter-fraud experience spanning all areas of personal injury work.

Recent examples of his work in this area:

- A claim dismissed in the Romford County Court with a finding of fundamental dishonesty for an invented accident on the highway.
- The Claimant's claim dismissed in the Birmingham County Court with a finding of fundamental dishonesty where the Claimant had invented an "independent witness" (with whom he was a longstanding friend on Facebook).
- Claim dismissed in the Worcester County Court with a finding of fundamental dishonesty for a fraudulent exaggeration of injuries on the basis of contemporaneous medical records.
- Claim dismissed in the Middlesbrough County Court with a fundamental dishonesty / wasted costs order in a noise induced hearing loss claim. There was a dispute as to whether the contents of the witness statement had been invented by the Claimant's solicitors or the Claimant himself, and the matter was listed for a "show cause" hearing.
- Claim dismissed in the Willesden County Court with a finding of fundamental dishonesty in a case where the Claimant was claiming tens of thousands of pounds for lost earnings while at the same time being a long-standing recipient of disability benefits.
- Regular involvement in drafting defences, counter-schedules of loss, advising in conference, joint settlement meetings

and Court advocacy in cases of suspected fraud.

He is often instructed on cases involving surveillance evidence. He frequently acts in cases that include extensive documentary records incorporating medical records, occupational records, DWP records and social media accounts.

## Motor

Philip regularly acts in cases arising from road traffic accidents, including credit hire disputes, counter-fraud cases and quantum disputes.

## Credit Hire

Philip has long experience of cases involving issues of credit hire, acting for both claimants and defendants.

## Professional Negligence

Philip has experience of representing both claimants and defendants in professional negligence cases.

His practice encompasses claims against accountants, legal professionals and building surveyors.

Recent examples include:

- Representing the Defendant in a claim against a solicitor where limitation was allowed to expire.
- Advising the Claimant in relation to a claim against their accountant.
- Advising the Claimant regarding the under-settlement of a claim.

Representing the Claimant in a claim against a building surveyor for failing to identify defects in the course of a property purchase.

## Notable Cases

*Lafferty v Newark and Sherwood DC* [2016] HLR 13

*McDonald v Department for Communities and Local Government* [2015] AC 1128

## Professional Memberships

- Personal Injuries Bar Association

## Qualifications

- LLB, University of Nottingham

# Recommendations

*"Philip is an excellent advocate. His analysis of evidence is insightful and detailed. His pleadings are well-drafted. He is friendly and approachable."*

- Legal 500 2024

*"Philip's competency is excellent in relation to pleadings and in court. He is always helpful and goes the extra mile. He is approachable and makes time to respond to ad hoc queries. He is a safe pair of hands."*

- Legal 500 2023 – Personal Injury

*"Knowledgeable and thorough in advice and analysis. Well drafted pleadings and proficient on cross-examination."*

- Legal 500 2022 – Personal Injury



# Ropewalk Chambers

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