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Damian Powell 3
Overview 3
Expertise 4
Personal Injury 4
Counter Fraud 4
Disease 4
Clinical Negligence 5
Criminal Regulatory 5
Police Law 5
Professional Memberships 5
Education 5
Recommendations 7

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Damian Powell

Year of Call: 2003
Telephone: 0115 947 2581

Overview

Damian joined Ropewalk in 2018, having practised at the Bar in London for 15 years, undertaking personal injury and disease litigation.

His practice incorporates all aspects of Chambers' personal injury, disease and clinical negligence work. Damian has been involved in a number of recent, notable disease cases – please see the 'disease' section below. He is ranked in the Legal 500 as a leading junior, Tier 2, for Personal Injury on the Midlands Circuit.

Damian prides himself on being very approachable to both his professional and lay clients. He is committed to delivering an excellent service to every client by supplying prompt, pragmatic paperwork as well as providing incisive and fearless advocacy.

Away from the Bar, Damian's interests include rugby, skiing and spending time with his family.

Expertise

Personal Injury

Damian is listed in the 2021 edition of the Legal 500 as a leading junior, Tier 2, for Personal Injury on the Midlands Circuit. His entry states that he "provides effective, detailed, and accurate advice in an efficient manner."

Damian acts for both Claimants and Defendants in a wide range of personal injury claims before the High Court, Coroners' Courts and the County Court (on the multi-track and the fast track). These claims include cases involving fatal accidents, employers' liability claims, claims arising from defective premises, public liability claims, claims under the Highways Act 1980, occupiers' liability claims and claims arising out of road traffic accidents (including credit hire claims).

He regularly represents parties in the above types of claim at hearings such as: show cause hearings, inquests, costs and case management conferences, applications, telephone hearings, remote hearings by video conferencing and, of course, trials.

Damian has considerable experience in settling pleadings, advising professional and lay clients in writing and in conference and representing parties at joint settlement meetings and mediations.

Counter Fraud

For many years Damian undertook serious criminal work in the Crown Court and Court of Appeal, including fraud cases, where he honed his trial advocacy and cross-examination skills. It gives him a particular advantage when acting in personal injury trials where there are allegations of fraud or fundamental dishonesty.

Disease

Damian has particular experience in mesothelioma claims, having been regularly instructed by the legal department of one of London's emergency services to deal with such claims on its behalf. He is currently instructed in a mesothelioma claim before the High Court involving issues of jurisdiction and choice of law (the law of which country applies) where some of the Claimant's exposure to asbestos occurred in several different foreign countries.

Damian has appeared in a number of recent, notable county court cases in the area of noise induced hearing loss ['NIHL'].

He acted for the First Defendant in the matter of ***Leonard Fotherby v (1) Quibell & Sons (Holdings) Ltd, (2) Strata Construction Ltd & (3) Togel Contractors Ltd***, 14th December 2018, unreported, DJ Josling at Sheffield County Court ['Fotherby'] in which, after a 2-day multi-track trial at Sheffield County Court, where the Court heard expert medical evidence from Mr Mirza for the Claimant and Professor Lutman for the Defendants, DJ Josling accepted the evidence of Professor Lutman on de minimis that was rejected in ***Evans -v- Secretary of State for the Department of Energy and Climate Change & JJ Maintenance Limited***, 14th November 2017, unreported and dismissed the claim on the basis the Claimant's NIHL was de minimis. Fotherby is now frequently relied upon by Defendants in similar de minimis NIHL cases.

In the matter of ***Hoy v (1) Secretary of State for the Department of Transport (2) Middle East Holding Ltd***, 17th October 2019, unreported, DJ Robinson at Middlesbrough County Court ['Hoy'], Damian represented the First Defendant in its successful application for an order that the Claimant's solicitors pay the First Defendant's wasted costs following the late discontinuance of a NIHL claim. Hoy has subsequently been cited in a number of similar applications before the County Court. At the time of writing, it is subject to appeal to the circuit judge.

Clinical Negligence

Damian represents both Claimants and Defendants in a wide range of clinical negligence claims involving NHS Trusts, GPs and dentists.

He has appeared on behalf of families at coroners' inquests where clinical negligence proceedings are being contemplated.

Criminal Regulatory

Damian has considerable experience of prosecuting and defending in cases of regulatory crime, in particular, environmental, health and safety and trading standards prosecutions. He was recently instructed by a local authority to prosecute a defendant for offences under s.33 of the Environmental Protection Act 1990. Damian drafted the indictment, settled a detailed opening note and prosecuted the matter before a jury in the Crown Court. Damian is also regularly instructed by various trading standards departments to prosecute regulatory offences before the Crown Court.

Police Law

Damian is head of the Police Law Team. He has great knowledge and huge experience in this area which has been recognised by the legal directories.

Whilst Damian was practising in London, he regularly represented numerous police authorities, including the Metropolitan Police, Sussex Police and Surrey Police, as a result of which he was ranked as a leading junior in the Legal 500 for 'Police Law: Defendant: London'. Since moving to Ropewalk Chambers in 2018, Damian has continued to act for a number of police forces in the Midlands and further North.

Damian's extensive experience in police law includes:

- Defending civil actions against the police by assisting with the police's pre-action response to letters of claim, drafting defences and representing the police at court in such claims, including trials;
- Acting for the police where they are a party to judicial review proceedings, appeals and inquests;
- Representing the police in applications made by them, for example, applications for:
  - Detention and/or forfeiture under the Proceeds of Crime Act 2002 of cash seized by the police;
  - Premises closure orders under the Anti-Social Behaviour, Crime and Policing Act 2014;
  - Sexual Risk Orders under the Sexual Offences Act 2003;
- Being the legal advisor to police disciplinary hearings;
- Acting as independent counsel asked to review documents found by the police when executing a search warrant under Section 9 of the Police and Criminal Evidence Act ['PACE'] 1984 and to advise the police on whether those documents are subject to legal privilege within the meaning of Section 10 of PACE 1984 thus cannot be seized.

Professional Memberships

- Personal Injuries Bar Association

Education

- LLM, Université Paris 1 Panthéon-Sorbonne

- LLB (Hons), University of East Anglia

Recommendations

"Damian is a strong, convincing advocate in court."

- The Legal 500 2026

"Damian is thorough in everything he does and reviews papers meticulously. He is an excellent advocate and his knowledge is second to none in personal injury cases. Damian is also very personable."

- The Legal 500 2025

"A forensic and detailed approach to his work, which ensures that no stone is left unturned. During cross-examination, a calm approach is adopted which teases concessions from witnesses and experts alike."

- The Legal 500 2022

"Provides effective, detailed, and accurate advice in an efficient manner"

- The Legal 500 2021

"His work ranges from judicial reviews to antisocial behaviour matters to cash forfeiture"

- The Legal 500 2017

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