

## Toby Halliwell

### Year of call and Inn

1992 Middle Temple

### Professional Details

#### Personal Injury

#### Insurance (Civil Fraud & Indemnity)

#### Clinical & Professional Negligence

#### Employment

#### Regulatory Crime



Toby has 20 years experience in Personal Injury and Employment work and is regularly instructed (in roughly equal proportion) on behalf of Claimants and by Defendant insurers.

He is one of the South West's leading "senior" juniors, and is well known for his clear, thorough and pragmatic advice; as an intelligent and highly persuasive advocate; and as a robust negotiator. He sits as an Adjudicator, in the Traffic Penalty Tribunal and lectures widely in his specialist areas.

The main emphasis of his PI practice is on High Court and (multi-track) County Court work, in all aspects of Employer's Liability, Defective Premises, MIB and CICA claims, Product Liability, serious Road Traffic Accidents, accidents abroad, in the air, and at sea. A significant proportion of his work relates to catastrophic, spinal and brain injuries, often with complex causation and quantum issues.

He has been instructed by a number of the country's leading insurers to advise on, and defend (with significant success) complex multi-party fraudulent claims, including associated indemnity and conflict issues.

Toby acts on behalf of defendant insurers, national and international corporate clients, and public authorities in respect of fatal accidents, appearing at jury inquests, and defending related Health & Safety at Work Act and Corporate Manslaughter prosecutions.

His Employment practice encompasses advice, drafting and advocacy up to and including the Court of Appeal, in all areas (strategic, contentious and non-contentious) with particular emphasis on equal opportunities, transfer of undertakings, restrictive covenants, and "whistle blowing".

### Notable Cases

#### Personal Injury/Regulatory

A civil fatal accident claim, jury inquest, and defence of related HSE prosecution against employer in respect of death of employee in a commercial diving accident involving the collapse of a cofferdam. Multi-party action with extensive technical expert evidence.

Civil fatal accident claim, jury inquest, and defence of related HSE prosecution against employer traffic management company in respect death of employee motorway worker hit by a speeding car.

Defence of personal injury and high value credit hire claims arising from fraudulent conspiracy and staged accidents involving eight parties. Joinder and judgment with costs successfully obtained against all potential parties in favour of client insurer.

Admiralty proceedings by passengers against a well-known cruise line in respect of failure to take adequate steps in response to outbreak of norovirus on board a large cruise ship.

Claim under Package Travel Regulations for serious injuries sustained by child falling from a hotel balcony.

Multiple claims against an international car manufacturer for RSI in production line workers.

Series of mesothelioma claims against a major car manufacturer.

Claim against local authority by care worker in respect of severely disabling psychological injuries sustained as a result of assault by a client/patient.

Successful claim against local authority in respect of injuries sustained from unknown cause by a severely mentally and physically disabled child whilst in the authority's care.

£1.2 million claim by ophthalmologist injured in motorcycle accident.

Product liability claim by severely injured racing driver against international vehicle manufacturer, where chassis alleged to have collapsed during speed trials.

#### Employment

Successful defence of a series of unfair dismissal and race discrimination claims following large-scale redundancies by a European service contracting company.

Jurisdictional and contractual dispute relating to dismissal of UK based Director of large French toy manufacturer.

Multiple religious discrimination claims against national commercial cleaning company.

Acting for the Queen's hairdresser in action for unfair dismissal against employers allegedly precipitated as a result of words/actions of the Queen.

#### Clinical negligence

Contribution proceedings against treating orthopaedic specialist for negligent surgical intervention at incorrect location leading to unnecessary surgical fusion.

Successful action for dependants of man who died due to anaesthetic mismanagement.

#### Other

**Mentor v R** [2004] EWCA Crim 3104 (03 December 2004) - Character evidence and appropriate direction to jury.

**Anderton -v- Clwyd County Council** (2001) 2 AC 619 - Service of Claim form and extension of time for service of particulars of claim.

### Formal Education

Called 1992 Middle Temple

1991-1992: Inns of Court School of Law

1986-1989: LLB. Hons University of Manchester

1981-1985: Winchester College

### Professional Memberships

Professional Negligence Bar Association, Personal Injuries Bar Association and Employment Lawyers Association.

Adjudicator (England & Wales) of the Traffic Penalty Tribunal (Traffic Management Act 2004)

Crown Prosecution Service Approved Advocate - Grade 3

AG's list of Approved Advocates

### Recent Seminars

"Stress at Work - Developments in Employment and Personal Injury Law"

"Contributory Negligence - Employees and Road Users"

"Killer Schedules - Drafting Schedules and Counter Schedules for Maximum Impact"

"Whistle blowing and Victimisation in the Workplace - Tactics and Pitfalls"