

James Marwick
Barrister



YEAR OF CALL: 2008

INN: LINCOLN'S INN

“ James is extremely engaging, commercial and pragmatic. He has an amazing ability to identify the heart of the issues, and deliver advice which truly understands the client's prospective. He is also extremely responsive.”

LEGAL 500, 2022
PERSONAL INJURY

Practice Overview

James is an experienced personal injury and clinical negligence barrister with sub-specialisms in costs and professional negligence. He is ranked in The Legal 500 in costs (Tier 1), clinical negligence and personal injury.

He acts for both claimants and defendants in all aspects of personal injury and clinical negligence work but is well known for acting in cases where dishonesty is alleged or where there are complex liability or quantum issues. His present workload includes a large number of cases for both claimants and Insurers/Trusts worth in excess of £1million where he acts as sole junior often in cases against silks. He is often instructed in industrial disease and construction cases, and present instructions include a large number of pain cases.

James has an extensive related practice acting in all professional negligence, insurance and costs related matters where he is regularly instructed to act in contribution and property damage cases. He brings an expertise in procedural matters to all work he undertakes and is well regarded as a trial advocate.

Areas of Expertise

Clinical Negligence

James acts for both claimants and defendants in the full range of clinical negligence matters. He specialises in surgical negligence as well as cases arising out of negligent obstetric & gynaecological care. He has a breadth of trial experience in clinical negligence work which gives him an added insight into the management of cases for both claimants and defendants.

Recent trial work includes the successful defence at trial of claims for the alleged delay in the diagnosis of an ectopic pregnancy and the alleged failure to address an intra-laparoscopic bleed as well as the recent High Court case of *Richins v Birmingham Women's Children's NHS Foundation Trust* [2022] EWHC 847 (QB).

Clinical Negligence Costs

James has a particular specialism in clinical negligence litigation funding and costs. He regularly lectures and provides training on common issues in such claims. He undertakes the full range of costs work including detailed assessments, costs and case management hearings and wider advisory work in relation to retainers and funding.

Recent work has included both pre- and post-laspo assessments, an audit of a major regional firm's CFA arrangements and discrete issues which may arise in relation to QOCS.

Personal Injury

James accepts instructions in all areas of personal injury work acting for both claimants and defendants. He is presently conducted as sole counsel in a number of cases worth up to £1 million and in others where there are complex liability and quantum issues.

Particular specialisms include construction industry, road traffic accidents, fraud and public liability. James is regularly instructed to act where there are allegations of fraud or fundamental dishonesty and he is an experienced trial advocate particularly where there are causation concerns. He is a specialist in all procedural matters and has recently acted in several cases concerning, inter alia, the deployment of surveillance evidence, stand alone fundamental dishonesty hearings and the disapplication of QOCS.

This work complements instructions in the full range of road traffic accidents, public liability and employer's liability (including industrial disease) matters together with recovery contribution claims. James has a significant advisory and drafting practice dealing with all aspects of liability, quantum and procedure.

James is instructed in the full range of workplace claims including claims involving work-related stress and occupational stress as well as classic six pack claims. He is frequently instructed on behalf of local authorities and other public bodies including highways claims, actions against the police, and assault cases.

James has a strong focus on disease work and is regularly instructed in NIHL and asbestosis cases particularly where there are limitation or other procedural concerns.

James undertakes all aspects of inter-parties costs work, whether arising in a personal injury context or otherwise. This includes costs management, detailed assessments and dealing with technical issues such as the validity of retainers. He is also regularly instructed with costs issues in general litigation, particularly arising out of the portal or fixed recoverable costs regime. James conducts regular seminars dealing with costs updates, such as the budgeting regime and subsequent changes, and fixed costs under Part 45 & the Portal.

Personal Injury Costs

James has a substantial personal injury costs practice complementing his core personal injury work. He undertakes the full range of costs work for paying and receiving parties. James is regularly retained by a major insurer to act in relation to the application of the low value costs regimes (in particular Portal and FRC matters).

Recent work has included detailed assessments in pre-LASPO multi-million settlement cases, frequent cost and case management work and advising on the validity of retainers.

Personal Injury Fraud

James accepts instructions in all areas of personal injury work acting for both claimants and defendants. He is presently conducted as sole counsel in a number of cases worth up to £1 million and in others where there are complex liability and quantum issues.

A significant proportion of personal injury work is where dishonesty or causation is in issue. James is principally instructed by insurers and local authorities and a typical month will involve a number of trials in such matters. He

acts in all aspects of fraud related personal injury work including LVI claims, exaggerated injury claims and staged fraud.

He frequently acts in cases involving the disclosure of social media evidence and the use of surveillance evidence. James is comfortable dealing with all procedural issues (not only in relation to fundamental dishonesty but also where third party costs orders or wasted costs orders ought to be considered) and is very robust in court.

Property Damage & Insurance

James has a busy practice acting in property damage claims, including in multi-party litigation and contribution proceedings. He is often instructed where there is an issue as to the extent of any tortious and/or contractual duty said to be owed to a party. He is presently instructed in a number of multi track high value property damage disputes and he is frequently retained by local authorities to act in relation to flooding and nuisance claims.

Town & Village Greens

James has always had an interest in village green work alongside his main areas of practice. He maintains a discrete practice acting for interested parties in all matters relating to village greens, parks and open spaces. The substantial core of his work is acting as an independent inspector for registration authorities in relation to applications for registration of land as a town or village green.

Recent and ongoing cases for village green and open space work:

- ▶ Instructed as Inspector on four-day non-statutory inquiry for Vale of Glamorgan Council in the matter of land at Sully Sports Field.
- ▶ Advisory work for a number of local authorities both as inspector and landowner.
- ▶ Instructed on behalf of individuals and parish councils to act in registration and development disputes.

Related Cases

- ▶ *Richins v Birmingham Women's Children's NHS Foundation Trust* [2022] EWHC 847 (QB).
- ▶ *Brown v South West Lakes Trust and others* [2022] EWCA Civ 18
- ▶ *Cornish v Darnley*
- ▶ *PH v City of Wolverhampton Council*
- ▶ *Apfel v London Borough of Hackney*
- ▶ *Edwards v Bristol City Council*
- ▶ *Issa v Bristol City Council*
- ▶ *Trussler v Surrey County Council*

Professional memberships

- ▶ LLB (Hons) Durham & BVC Nottingham

Recommendations

"James is incredibly clear and quietly fierce."

LEGAL 500, 2022

CLINICAL NEGLIGENCE

"James provides reliable and clear advice, which takes into consideration the client's needs. He has an eye for detail often overlooked by other members of the bar. What may seem innocuous to others can be crucial to a case and he has the knack of applying perfect weight to the issues which allows him to rescue even the most dire cases."

LEGAL 500 , 2021
COSTS

"James is an excellent advocate. He is analytical, pays great attention to detail and provides stellar advice. He is ultra client focused."

LEGAL 500 , 2021
PERSONAL INJURY

"Focused and unflappable, offering high quality advocacy and pragmatic advice."

LEGAL 500 , 2021
CLINICAL NEGLIGENCE

"A very tenacious advocate with a strong work ethic. "

LEGAL 500 , 2020
PERSONAL INJURY

"His costs and CPR technical knowledge are outstanding. "

LEGAL 500 , 2020
COSTS

"James has a fantastic manner with clients."

LEGAL 500 , 2019
PERSONAL INJURY

Contact James:

james.marwick@stjohnschambers.co.uk

Contact the clerks:

T: 0117 923 4730

E: piclerks@stjohnschambers.co.uk