

Patrick West



YEAR OF CALL: 2007

INN: LINCOLN'S INN

Practice Overview

Patrick is personal injury barrister who is regularly instructed in hearings on the fast and multi-track. He also advises on liability and quantum and undertakes the drafting of schedules and counter schedules. He has successfully conducted and defended appeals in the High Court.

His extensive experience in personal injury, combined with his ability to marshal large amounts of detailed evidence, and his lively and effective cross-examination makes him a strong candidate for all aspects of personal injury fraud work.

Patrick has an established clinical negligence practice acting in dental treatment, general surgical errors and mental health care both in terms of liability and quantum issues.

Patrick is also experienced in stress at work claims and harassment claims.

Patrick provides representation at inquests for both claimants and defendants, including on behalf of bereaved families.

Patrick successfully settled a million pound FFA clinical negligence claim on behalf of a multiple sclerosis sufferer whose spouse died from Swine Flu in the 2010 pandemic involving 16 experts with multiple technical clinical issues.

Areas of Expertise

Clinical Negligence

Patrick has an established clinical negligence practice. He acts for claimants and defendants in clinical negligence claims across a broad spectrum including dental treatment, general surgical errors and mental health care both in terms of liability and quantum issues.

- ▶ Surgical disaster
- ▶ Failure to diagnose
- ▶ Failure to consent
- ▶ Hospital deaths/Inquests
- ▶ Negligent prescription and administration of drugs

- ▶ Post-operative care
- ▶ Obstetric/maternity cases
- ▶ Cosmetic surgery
- ▶ GP negligence
- ▶ Nursing/midwifery
- ▶ Dental negligence

Recent cases

- ▶ Patrick successfully settled a million pound FFA clinical negligence claim on behalf of a multiple sclerosis sufferer whose spouse died from Swine Flu in the 2010 pandemic involving 16 experts with multiple technical clinical issues.
- ▶ Representing a young woman who fell victim to a catastrophic surgical injury to her bladder and vagina during a routine hernia operation. Liability and quantum were in dispute. The claim included complex issues as to future prognosis including the need for bladder reconstruction surgery, kidney damage and numerous issues as to future loss including a claim for IVF. The claim settled for a six figure sum.
- ▶ Obtaining a narrative inquest verdict on behalf of a Claimant who died after she was injured by the explosion of an oxygen bottle in an ITU. The case was later settled by the industrial supplier and the NHS Trust co-defendant.
- ▶ Advising in a case involving post-surgical infection in an allegedly negligent arthroscopy.

Inquests and Public Inquiries

Patrick has represented interested parties including families, insurers, and health authorities, at all stages up to and including inquest. Recent instructions have included inquests into the death of a woman who died following an oxygen bottle fire in an intensive care unit and a man killed in a quarry hopper accident.

Personal Injury

Patrick has a national practice, specialises in all areas of personal injury law including:

- ▶ Employers' liability
- ▶ Occupiers' and public liability
- ▶ Highways Act cases
- ▶ Holiday claims
- ▶ Road traffic
- ▶ Animals Act
- ▶ Product liability and consumer protection
- ▶ Sport accidents
- ▶ Credit hire
- ▶ Insurance and indemnity issues
- ▶ Criminal Injuries Compensation claims and appeals

Patrick acts for insurance companies in personal injury claims where fraud is an issue and also acts for claimant's where fraud is alleged or insinuated. He drafts pleadings, applications and schedules/counter schedules in cases

of suspected fraud. His extensive experience in personal injury, combined with his ability to marshal large amounts of detailed evidence and his lively and effective cross-examination makes him a strong candidate for all aspects of civil fraud work.

Patrick has a rapidly growing practice in occupational illness litigation particularly noise-induced hearing loss in the engineering, steel and textile industries. He also has an interest in HAVS, RSI, stress, occupational asthma and asbestos-related claims.

He also provides representation at inquests for both claimants and defendants.

Patrick has a rapidly growing practice in occupational illness litigation. For further details, see 'industrial disease'.

He is regularly instructed to conduct trials on the fast and multi track, and Joint Settlement meetings. He also provides representation at inquests and conducts CRU appeals.

He advises on liability and quantum and undertakes drafting work including complicated schedules and counter schedules. He has successfully conducted and defended appeals in the High Court.

He accepts instructions on a CFA basis and is happy to work to tight deadlines.

Patrick also delivers regular bespoke lectures for solicitors on his main areas of practice.

Recent cases (notable and/or recent cases) include:

- ▶ Simultaneously defeating 12 claims for whiplash brought by passengers travelling on the same coach in a fundamental dishonesty case.
- ▶ Successfully settling a road traffic claim for a young mechanic with permanent injuries and damages in excess of £200,000.
- ▶ Successfully representing a large corporate defendant in an industrial asthma case which was defeated on limitation grounds.
- ▶ Defeating a factory based noise-induced hearing loss claim on medical causation grounds.
- ▶ Defeating a noise-induced hearing loss claim by a ship's captain working on a fleet of oil tankers.
- ▶ Several successful appeals of CICA awards involving historical sexual abuse claims.
- ▶ Successfully settling a claim by an industrial worker involved in a fatal accident who suffered long-standing PTSD.
- ▶ Winning a claim for a bus company in which the whiplash injury of a passenger was alleged.
- ▶ Defeating an employers' liability claim involving a pub landlord injured when he intervened in a bar room fight.

- ▶ Winning a claim for credit hire on behalf of a claimant with a complex financial history in which fraud was insinuated.
- ▶ Striking out a credit hire claim on Mitchell grounds.
- ▶ Defeating a credit hire claim by a large BMW dealership.
- ▶ Advising in several cases of psychological injury to children with autism.
- ▶ Advising in an Animals Act case involving the severe injury of a woman attacked by a cow on a public footpath.
- ▶ Defeating a claim against the Scout Association for alleged injury of a child on a camp site using a Compensation Act defence.
- ▶ Obtaining a narrative inquest verdict on behalf of a claimant who died after she was injured by the explosion of an oxygen bottle in an ITU.

Employers' Liability

Patrick has a rapidly growing practice in occupational illness litigation particularly noise-induced hearing loss in the engineering, steel and textile industries. He also has an interest in HAVS, WRULD/RSI, stress, occupational asthma and asbestos-related claims.

He specialises in all areas of industrial disease work including:

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| ▶ NIHL | ▶ Stress |
| ▶ HAVS | ▶ Occupational asthma/respiratory illness |
| ▶ WRULD/RSI | ▶ Asbestos-related claims |

Recent cases include:

- ▶ Representing a young man with a "golden ticket" engineering job injured in complex workplace accident with high levels future loss. Liability, causation and quantum were in dispute. The claim involved complex future loss of earnings claim including disputes about expenses payments and comparators. Employment consultant and forensic accountant evidence were obtained. The claim settled for six figure sum.
- ▶ Multi-track trial appearing for defendant Shipping Line. Former Merchant Navy Ship's Master who worked on oil tankers claimed for Noise Induced Hearing Loss. Complex issues as to liability evidence and nature of work aboard a fleet of 7 tankers including ship-based acoustic engineering evidence. All issues in dispute including liability, medical causation and quantum. claimant agreed drop hands on second day of trial.
- ▶ Animals Act claim representing the claimant. Farm manager crushed in pen by a cow. Serious upper arm/shoulder injury with significant past and future loss claims involving loss of expenses,

accommodation, pension, and earnings. Employment consultant evidence. Case settled for six figure sum.

- ▶ Successfully settling a claim by an industrial worker involved in a fatal accident who suffered long-standing PTSD.
- ▶ Representing a large corporate defendant in an industrial asthma case which was defeated on limitation grounds.
- ▶ Defeating a factory based noise-induced hearing loss claim on medical causation grounds.
- ▶ Defeating an employer's liability claim involving a pub landlord injured when he intervened in a bar room fight.
- ▶ Winning an NIHL claim by a female employee of an international shoe manufacturer.
- ▶ Six figure settlement of a claim by a lorry valet who was crushed and suffered serious chest and shoulder injuries.
- ▶ Representing a communications expert who suffered NIHL during his work for the intelligence services both at GCHQ and abroad.

Industrial Disease

Patrick has a rapidly growing practice in occupational illness litigation particularly noise-induced hearing loss in the engineering, steel and textile industries. He also has an interest in HAVS, RSI, stress, occupational asthma and asbestos-related claims.

Personal Injury Costs

Patrick has extensive experience of costs budgeting hearings, and is happy to assist clients with both prior preparation and subsequent amendment of budgets, as well as tactics for getting the best from the budgeting process.

Personal Injury Fraud

Patrick acts for Insurance companies in personal injury claims where fraud is an issue and also acts for claimant's where fraud is alleged or insinuated. He drafts pleadings, applications and schedules/counter schedules in cases of suspected fraud. His extensive experience in personal injury, combined with his ability to marshal large amounts of detailed evidence and his lively and effective cross-examination makes him a strong candidate for all aspects of civil fraud work.

Public Liability

Public liability work makes up a large proportion of Patrick's practice. He is regularly instructed by highways authorities and other public bodies as well as claimants and advises on section 41 and section 58 issues. He is also

a specialist in Occupiers cases.

Professional Memberships

- ▶ Personal Injury Bar Association

Qualifications & awards:

- ▶ MA (Oxon) Modern History, First Class
- ▶ LLB (Graduate) Nottingham Trent University, First Class
- ▶ BVC Nottingham Trent University, Very Competent
- ▶ Hardwicke Scholar and Sir Thomas More Bursary, Lincoln's Inn

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