

JAMES BENTLEY

Call 2012

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James Bentley specialises in **Personal Injury**, **Clinical Negligence** and **Costs Litigation**.

He appears for Claimants and Defendants in broadly equal measure, with most of his caseload being in the multi-track. He also has a well-established and varied clinical negligence practice, receiving instructions on behalf of both Claimants and Defendants.

Expertise

Personal Injury

Personal injury work forms the majority of James's practice.

He represents both Claimants and Defendants across the full range of liability and quantum issues, and his expertise is consistently recognised by both legal directories.

In addition to 'standard' RTA, EL and PL claims, James has extensive experience in more complex claims, the majority of which have been valued in excess of £100,000, and which occasionally run into seven figures. These include:

- Brain injury claims;
- Fraud and exaggerated claims;
- Animals Act claims;
- Accidents abroad/claims with a foreign law element;
- Fatal Accidents Act claims;
- Pain disorders, including: CRPS, Somatoform disorders, FND and Fibromyalgia;
- Secondary victim/complex psychiatric claims;
- Complex loss of earnings claims.

As a result of having a well-established costs practice, James also has particular experience where difficult costs issues arise during the case, and clients have often appreciated his ability to give well-informed and

commercial advice as a result.

Featured Personal Injury cases

Fatal Accidents Act claim pleaded over £500k. Complex and sensitive issues around liability (involving engineering evidence) and the length of the alleged dependency. Acting for the Defendant.

A catastrophic injury brain injury claim, pleaded in excess of £5m. Currently being lead. Acting for the Defendant.

EL claim involving a crushing injury to a young employee. The case involved a complex loss of earnings claim and a dispute about the level of disability. Pledged at £620,000 and settled for £180,000. Acted for the Defendant.

Complex case relating to discrete hand injury and/or SSD, leading to a complex loss of earnings claim for a self-employed businesswoman. Settled for £350,000. Acted for the Claimant.

Claim following severe orthopaedic injuries to a self-employed chartered surveyor and pub landlord. Complex and substantial loss of earnings claim, leading to settlement at over £300,000. Acted for the Claimant.

Complex case involving diagnosis of Functional Neurological Disorder and SSD. Settled for £150,000. Acted for the Claimant.

Multiple Animals Act claims, more often than not involving horses or cattle.

Clinical Negligence

James has built a successful clinical negligence practice.

Examples of recent work include cases involving:

- General practice and inappropriate advice;
- Hepato-biliary failures;
- Nursing – including pressure sore cases of the utmost severity;
- Vascular surgery;
- Cardiology;
- Orthopaedic negligence (including spinal surgery leading to neurological complications);
- Delayed cancer diagnoses and inappropriate monitoring;
- Dental negligence;
- Radiological negligence;
- Consent

James's clinical negligence work involves high 5 and 6 figure claims where at least 3 or more experts have been instructed for each side. He has also been instructed as a junior and second junior in 7 and 8 figure cases involving injuries at birth.

His work includes appearing at inquests where there are some prospects of success.

Featured Clinical Negligence cases

Dental negligence resulting in fibromyalgia, and a claim that was pleaded in excess of £450,000. The Claimant contented that but for the injuries she would have gone on to work full time as a nurse. Acted for the Claimant.

Pressure sore case, resulting in the need for lifelong nursing care for an elderly Claimant. Settled for £280,000. Acted for the Claimant.

Nursing negligence, resulting in a brain injury to an elderly Claimant and leading to residential care. Settled for over £160,000. Acted for the Claimant.

A Hospital patient suffering a pressure sore resulting in lifelong nursing care, resulting in a claim pleaded in excess of £400,000.

Pressure sore case involving a Claimant who had pre-existing disabilities. Pleaded in excess of £360,000. Acted for the Claimant.

Failure to diagnose a perforated bowel. Settled at mediation for £120,000. Acted for the Claimant.

Radiological negligence leading to below knee amputation. Ongoing and acting for the Claimant.

Costs & Litigation Funding

James has formed a well-established Costs Litigation practice, which covers everything from discrete applications to detailed assessments, including in the SCCO.

The value of those assessments varies, but more often than not the bills are up into six figures and arise out of complex personal injury and clinical negligence matters

Recent assessments on behalf of both paying and receiving parties include:

- An assessment of the costs arising from a multi-defendant clinical negligence claim, where the bill totalled approximately £312,000.
- An assessment arising from a complex cerebral palsy claim, where the bill totalled approximately £473,000.
- An assessment arising from a 7-figure clinical negligence claim, where the bill totalled approximately £410,000.
- Appeared for the receiving party in the assessment arising from a Fatal Accidents Act claim, where the bill totalled over £110,000.

James also appears and advises in cases involving fixed costs, protocols or QOCS and sometimes all three, as well as applications involving wasted costs/third party costs. An example of this is where he recently appeared for the Claimant in *Bateman v Devon County Council* (HHJ Mitchell, Plymouth County Court), an appeal that held that fixed costs did not apply to highway claims, where the injured party was a cyclist.

Education

- BPTC, Kaplan Law School
- LLM, University College London
- LLB Hons, University of Exeter

Memberships

- AvMA
- PIBA