

OLIVER MANLEY

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Oliver Manley is a **Commercial**, **Personal Injury**, and **Property & Estates** barrister with considerable experience in resolving all manner of disputes arising from his practice areas, including **costs** issues.

He regularly appears in both the High Court and County Court and is consistently instructed in cases at all stages, including advisory, pre-action, interlocutory applications, trial, costs and appeals. When it comes to procedural matters, Oliver is a shrewd tactician and has been involved in multiple contested applications, which have resulted in a welcome early conclusion to litigation.

Oliver has been invited (and thereafter spoke) at the annual **Professional Negligence** Lawyers Association (PNLA) conference and the Public Law Project annual conference. He is also happy to offer talks and presentations specifically tailored to instructing solicitors needs if required.

In October 2021, Oliver was appointed as a Fee Paid Employment Judge.

Expertise

Personal Injury

The bulk of Oliver's personal injury practice is high value, catastrophic injury work, split roughly 50:50 between Claimant and Defendant work. Oliver has dealt with all manner of personal injury cases over his 17 year practice has extensive experience and a particular interest in the following:

- Serious brain injury claims, especially those involving a loss of capacity;
- Fatal accidents
- Motorcycle cases
- Career loss cases
- Actions against the police and assault
- Chronic pain
- Fundamental dishonesty

Featured Personal Injury cases

Currently acting for a Claimant in a fatal accident claim following the death of a motorcyclist who left three dependent children. Claim is ongoing.

Advising on a catastrophic brain injury case involving a motorcyclist, who as a result of his injuries did not have litigation capacity. Case settled at JSM for £1.5m.

A claim for a TV and Film producer whose leg was crushed by a taxi meaning that she would not be able to progress in her career as she would have done but for the accident. Issued in the High Court and pleaded at £1.7m. Claimant accepted a substantial sum offered by Defendant shortly after her case appeared in a tabloid newspaper.

Acted for a claimant in a High Court case where a mechanic was crushed by forklift truck at work leading to a catastrophic pelvic injury. Claim settled at JSM.

Acted for a Claimant on an appeal in the High Court following successfully obtaining an extension for service of a claim form following an error made due to an incorrect email address at first instance. Foster J found that getting an email address wrong through a purely innocent error meant that the Claimant had failed to take all reasonable steps to effect service within the meaning of CPR 7.6 (3) (b).

Acting for a claimant in an assault case against the police where the whole incident was captured on CCTV. The Claimant is an electrician and has sustained a permanent injury to his dominant elbow which impacts on his ability to work. Jury trial elected due to unlawful detention and likely award of aggravated damages.

Acted for a claimant in an assault case against a school where she was assaulted by a pupil in circumstances where there had been no specific risk assessment despite there having been numerous previous incidents. Vaile v. London Borough of Havering [2011] EWCA Civ 246 relied upon and followed. The Circuit Judge found for the Claimant after a multi-track trial in Plymouth.

Acted for a claimant in an assault case where a profoundly autistic man assaulted his social worker by strangulation causing a permanent psychiatric injury meaning that he could never work in the field again. Case settled for a six figure sum after CCMC.

Acted for claimant who was a support worker in specialist supported housing when she was assaulted by a resident in the site office sustaining a psychiatric injury. Another support worker had left the office thereby allowing the violent resident to gain access meaning the case could be pleaded on the basis of vicarious liability. Case settled after CCMC for £75,000.

Acting for a defendant in a fatal accident case where an HGV driver was crushed to death after releasing tension straps on a flatbed lorry.

Secured multiple findings of fundamental dishonesty following a three-day trial in Nottingham where a claimant had alleged, she had slipped on a wet floor at her workplace. The judge found that she had deliberately misled medical experts in respect of historic injuries.

Acted for defendant in a multi-track claim where a claimant had alleged that there was a duty for the employer to grit an area of patio which served a property which had been provided for the Claimant's use free of charge whilst he was working as a chef at a hotel. The Claimant had slipped on ice and fractured his wrist. The claim had been pleaded on the basis that the patio was a workplace and no claim had been advanced under the Occupiers' Liability Act 1957. The Recorder found that the patio area, which was on a separate title, was not part of the workplace and dismissed the claim.

Commercial Dispute Resolution

Oliver has an impressive and diverse Commercial and Chancery practice, and has consistently accepted instructions in:

- Contractual disputes
- Debt Claims
- Sale and supply of goods and services
- Agency agreements
- Construction
- Partnership disputes
- Consumer credit
- Professional negligence
- Costs

Featured Commercial Dispute Resolution cases

Healys LLP v Partridge and anor [2019] EWHC 2471 (Ch)

Concerned the recovery of solicitor's fees and dealt with whether a Conditional Fee Agreement can also be a Contentious Business Agreement within the meaning of section 59 the Solicitors Act 1974.

Forklift Truck Ltd v Mollertech Ltd

A Multi Track trial involving novation and subrogation arising from bulk hire contracts.

Freefoam Plastics UK Ltd v J

A Multi Track contract trial, Involving validity of personal guarantee.

M & 14 others v Freightliner Heavy Haul Ltd

A High Court breach of contract claims where Oliver successfully represented 15 train drivers.

DGD & ALD v Abbey National Plc (Santander UK Plc)

A Professional Negligence/Breach of Contract claim in respect of a mis-sold mortgage involving subrogation and misrepresentation.

Landmark Entertainment Ltd v Evergreat Ltd

A debt case involving historic intra-company loans worth in excess of half a million.

Wardell & Standish (joint trustees in bankruptcy) v AMJ & Anor

A case involving Oliver defending multiple claims from trustees in bankruptcy against the former director of the Company. Resulted in a successful split of equity in the property.

Dr AG v Dr MO, Dr EW, Cwm Taf University Health Board & Ors

Oliver defended the Local Health Board from multiple claims made by a former locum doctor. These included claims for negligent misstatement and breach of data protection.

Steddy Ltd v E

Injunction proceedings involving restraint of trade.

G v H (a firm) LLP

Oliver led in a High Court case involving negligent immigration advice. the case involved the complex assessment of both general and special damage in circumstances where the immigration position remains uncertain. He successfully obtained a stay at CCMC held in the Royal Courts of Justice until immigration status was resolved. this led to the settlement of the case by insurers.

Neal Environments Ltd v LN, BN, SN v TH & WN

Oliver advised a Company and Directors over a number of years on a long running dispute with other company directors. This involved dealing with Employment Tribunal claims, and resisting petitions for unfair prejudice. It resulted in successful removal of the directors and settlement of their shares.

Professional Negligence

Oliver was recently led in a multi-million pound solicitor's negligence claim by Huw Sims KC on behalf of a Local Authority involving the failure of solicitors to identify the detrimental effect of a variation agreement arising from a complex property transaction for the redevelopment of a town centre.

Oliver has also been led in a case in the High Court involving the provision of negligent immigration advice by solicitors. The case threw up novel legal issues, particularly in the quantification of damages and whether the loss of employment (due to the Claimant's loss of immigration status) should be quantified by using recognised methods from the personal injury jurisdiction.

The diverse practice Oliver undertook prior to specialising in professional negligence has place him in a unique position, especially when it comes to solicitor's negligence cases, which as a result form the vast bulk of his work.

Oliver has acted in professional negligence cases in banking and financial services including mis-sold mortgages, financial advice, accounting, commercial insurance brokers and legal advice.

Featured Professional Negligence cases

Healys v. Partridge [2023] SCCO (see also Healys LLP v. Partridge and anor [2019] Costs LR 1515).

Long running detailed assessment proceedings involving in excess of £800,000 of unpaid fees following success in the underlying professional negligence claim against a previous legal team based on a failure to please EURIBOR claim. The former clients seeking to avoid payment by alleging professional negligence.

Acting for solicitors and managed to secure substantial interim costs order due to the defendant seeking a last-minute adjournment of the detailed assessment. More recently this led to securing an unless order and thereafter a debarment order following their failure comply. This paved the way to a recent strike out of the associate part 7 claim by the defendant's due to an abuse of process.

LB v P LLP [2023]

Acting for the Claimant in a claim against former solicitor for negligently failing to advise on the potential detrimental effect of a clause in a consent order in ancillary relief proceedings. Claim is ongoing.

CBC v. B [2022]

Instructed by a local authority in a claim against their previous legal team who missed the detrimental impact arising from terms contained in a variation agreement. The variation agreement arose in the context of multiple and complex property transactions for the re-development of a town centre. The claim settled shortly before trial for £2.7m.

HS v. JH [2022]

Instructed by the defendant to a claim for fees in a Solicitor's Act 1974 assessment, arising in circumstances where her defence to the claim was the negligence of her solicitor in the handling of her matrimonial finance case. The defendant's professional negligence claim already having failed on limitation despite an appeal to the Court of Appeal. Managed to get the proceedings struck out (declaration that there was no jurisdiction) on the basis of defective service and due to an abuse for a failure to discontinue earlier proceedings.

M v F LLP [2022]

NJT v RJT & PS

Oliver defended a claim for harassment arising over property dispute. The four day trial was dismissed after day two after successful half time submission. The subsequent appeal was resisted.

Technology & Construction

Oliver has regularly represented both Claimants and Defendants in complex construction disputes and conducted numerous multi track trials in cases involving both residential and commercial construction projects.

He regularly appears for developers, architects, sub-contractors and owners of residential property.

Featured Technology & Construction cases

S v. MB & VB and ors [2022]

Acted for the defendants in a dispute arising out of building works conducted at their residential premises. The builder sued on an unpaid invoice, and this was met by a counterclaim for defective works. Three other contractors were added to the claim. Case settled on the first day of a 4 day multi-track trial by the claimant accepting the defendant's offer out of time, paying the defendant's costs and his own claim being dismissed.

T v W [2022]

Acted for claimant in a claim against his builder who had carried out defective building works at his home. The claimant's claim succeeded after a 2 day trial.

R J L & T R D v Wye Construction Services Limited

A Multi Track construction dispute.

Tremorfa Limited v Amser Buildings Services Limited

A Multi Track construction dispute involving technical issues arising from the installation of fire and security systems.

Costs & Litigation Funding

Oliver has been recognised as being 'extremely good on costs' (Legal 500, 2021) and recently managed to secure a 25% deduction to a successful party's costs on the basis of a failure to engage in ADR pursuant to the Halsey principles. Oliver conducts all manner of costs work including: attending detailed assessments in the SCCO and regional county courts, advising on complex points of principle, settling Points of Dispute and Replies in complex cases and Solicitors Act assessments. He is currently involved in a long running costs dispute arising from disputes over service charges in a large holiday park where the bill spans a period of 12 years of proceedings which included Court of Appeal proceedings. Oliver's particular interest include:

- Solicitors Act assessments
- Detailed assessments in the SCCO
- Protected parties and issues of informed consent
- Retainer enforceability issues
- Recovery of fees involving allegations of professional negligence

Featured Costs & Litigation Funding cases

Healys v. Partridge [2023] SCCO (see also Healys LLP v. Partridge and anor [2019] Costs LR 1515).

Long running detailed assessment proceedings involving in excess of £800,000 of unpaid fees following success in the underlying professional negligence claim against a previous legal team based on a failure to please EURIBOR claim. The former clients seeking to avoid payment by alleging professional negligence. Acting for solicitors and managed to secure substantial interim costs order due to the defendant seeking a last-minute adjournment of the detailed assessment. More recently this led to securing an unless order and thereafter a debarment order following their failure comply. This paved the way to a recent strike out of the associate part 7 claim by the defendant's due to an abuse of process. The matter is now listed for DA before the Master in January 2024.

DP & RG (suing on behalf of the tenant's association) v. MF and anor [2023]

An ongoing detailed assessment involving a bill of costs which spans 12 years of litigation in county court, Lands Tribunal and Court of Appeal. Attended a 2-day preliminary hearing to deal with the issue of construction of the lease pursuant to the approach in Arnold v. Britton [2015] UKSC 36 and also an interesting Henderson v. Henderson point. Currently part heard.

LD & anor v. Abbey National Plc (Santander UK Plc) [2021]

A professional negligence claim in respect of a mis-sold mortgage which resulted in a reduction of 25% of the successful party's costs due to the defendant's refusal to engage in any form of ADR.

HS v. JH [2022]

Instructed by the defendant to a claim for fees in a Solicitor's Act 1974 assessment, arising in circumstances where her defence to the claim was the negligence of her solicitor in the handling of her matrimonial finance case. The defendant's professional negligence claim already having failed on limitation despite an appeal to the Court of Appeal. Managed to get the proceedings struck out (declaration that there was no jurisdiction) on the basis of defective service and due to an abuse for a failure to discontinue earlier proceedings.

Inquests

Oliver has been regularly instructed at Inquests on behalf of medical professionals, employers, and other interested parties.

Featured Inquests cases

Re: Campbell [2023]

Inquest into the death of a prisoner detained in HMP Bristol involving article 2 ECHR issues. Acted on behalf

of the Ministry of Justice at a 5 day jury inquest which returned the verdict of drug related death.

Re: Haines

Inquest into death of elderly patient in care. Allegations of poor care following severe bed sores. Appeared on behalf of the nurse in charge of the home.

Re: Walker

Appearing as Counsel for the driver of a vehicle at an inquest where a verdict of suicide was recorded after a pedestrian stepped into the motorway.

Re: Cunningham

Appearing as Counsel for the owners of a care home at an inquest where it was alleged that a 22-year old autistic man was forced to swallow a surgical glove.

Property, Trusts & Estates

Oliver is regularly instructed on property and estates matters including:

- Commercial property disputes
- 1975 inheritance act claims
- TOLATA, cohabitation disputes
- Administration of estates

Oliver was recently instructed to represent the interests of a charity that was the beneficiary of the Studdert (an estate in excess of **£4.5m**) in circumstances where there were likely to be a number of historic sexual abuse claims. The case involved the need to set up a compensation scheme for the historic victims of the sexual abuse perpetrated by the deceased. Oliver appeared in the High Court against a silk and secured an interim distribution of the estate of **£2.5m**.

Oliver has been recognised for his 'strategic nous' (Legal 500, 2022) and recently secured a specific disclosure order when defending a TOLATA claim which later led to the claim being discontinued.

In another TOLATA case he successfully deployed his personal injury knowledge to bring a Protection from Harassment as counterclaim, which included a claim for damages for the consequent psychiatric injury. This led the claim to be discontinued and the counterclaim being settled with costs in the defendant's favour.

Featured Property, Trusts & Estates cases

Re: Studdert [2022]

Instructed by the primary beneficiary of the Studdert estate worth in excess of £4.5m. The Claimants who were the personal representatives of the estate were represented by Mr. Cunningham KC and the matter came before Chief Master Marsh in the High Court. The primary beneficiary was an educational trust. The main issue was that of the likelihood of historic sexual abuse claims and the consequent need to set up and advertise the existence of a compensation fund for victims. The fund has to be publicised internationally in countries including Poland, Italy and Denmark. Successfully secured an interim distribution in excess of £2.5m and therefore saw the matter through to a final hearing following which the scheme was closed and directions made for the distribution of the residuary.

S v. M [2021]

Was instructed by the claimant in a TOLATA claim against her former partner in circumstances where there was an underlying professional negligence claim against former solicitors due to an error made in conducting the litigation. It was necessary to run the primary case in order to crystallise the loss in the professional negligence claim. The defendant accepted the claimant's offer on day one of a 4 day trial and secured judgment for £215,000 plus costs.

Vale of Glamorgan Council v Late Margaret Judith Tailby, JMT

A case in Lands Tribunal defending a claim for care home fees after unperfected gift on the basis of rule in Strong v Bird.

The Bute Development Company Limited v V & C

Defending a claim for adverse possession of land, and resisting security for costs application.

Williams & Williams v W

Successfully appealed against a Party Wall award.

NJT v RJT & PS

Defended a claim for harassment arising over a property dispute. The four day trial was dismissed after day two after successful half time submission. the subsequent appeal was resisted.

The Estate of Joseph Elfed Davies

A contentious probate matter in an estate worth over £2m. Oliver was acting for the executors. It involved a complex historic trust of farmland.

GH v PRL In The Matter of the Estate of the Late Dorothy Lavender

An ongoing contentious probate matter in the Royal Courts of Justice. there were issues of capacity in respect of all parties, and consequent Court of Protection proceeding leading to stay.

KB-P & SBP v A (a firm)

A complex professional negligence matter involving solicitors who were advising on a Spanish property scam. The case turned on the extent to which adjacent tooth principles could apply, relying on Emptage. Disposed of under the Adjudication pilot scheme after obtaining an order at CCMC for such an adjudication to take place.

Education

- BVC (Very Competent) (2005)
- PgDip (Merit) (2004)
- BA (Hons) History (2002)