

OLIVER MOORE

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Oliver Moore is a very experienced specialist [Personal Injury Clinical Negligence](#) and [Costs Litigation](#) barrister. He was a solicitor (with Higher Rights of Audience), before transferring to the Bar.

He is recommended as a Leading Junior in both Legal 500 and Chambers & Partners for [Personal Injury](#) and [Costs Litigation](#). He is the only barrister on the Western Circuit recommended in both directories for both areas. Oliver was shortlisted for Personal Injury Junior of the year at the 2023 Legal 500 awards.

Oliver is the Co-Head of our [Personal Injury / Clinical Negligence](#) team, and Head of the [Costs & Litigation Funding](#) team.

Expertise

Personal Injury

Oliver's Personal Injury practice largely consists of serious and catastrophic injuries. He has worked in the field of Personal Injury for over 25 years; he was formerly a defendant PI solicitor, and his background is helpful in both his claimant and defendant work.

Over the years, he has been instructed in an enormous variety of cases, including cases of very substantial value. Particular areas of interest and expertise include:

- Fatal Accident Act claims;
- Brain injury claims;
- Amputation claims;
- Claims involving loss of chance of career and/or promotion;
- Chronic pain cases.

Oliver's knowledge and experience in costs is frequently sought after in respect of PI claims in which he is instructed. There will be very few cases in which he is not able to provide added value on related costs

issues, whether in tactical considerations, costs management or detailed assessment. His sharp eye for detail means he is frequently able to identify errors or points missed by others.

Due to his aptitude in respect of procedural issues he is sought after for contentious applications and procedural appeals.

Featured Personal Injury cases

A brain injury case that settled for £1.7m following Independent Evaluation by an Evaluator who sits as a Deputy High Court Judge. Key issues were the relevance of surveillance evidence and the causative effect of the claimant not wearing a cycle helmet. Evaluation / settlement was over £1.3m more than the defendant's Part 36 offer.

A claim for a doctor arising from lifting a patient. The claimant suffered spinal injury and had surgery, which non-negligently caused serious neurological and urological injury (bladder and sexual dysfunction). Liability eventually agreed on an 85% : 15% basis in the claimant's favour. He was unable to continue working full-time and lost the chance of becoming a Consultant. The value of the claimant's case on his evidence was £1.6m. There was a significant causation issue, including the defendant's case that acceleration by 2-3 years meant the claimant would have had the same symptoms and surgery. The case was settled at Joint Settlement Meeting (JSM), 6 weeks before the 5-day trial.

A claim for the claimant and other dependants following a fatal road traffic accident (RTA). The claimant worked most of the year in the Middle East, but after the death of his wife returned to the UK, initially for 6 months, but ultimately permanently. There was a complex issue over the recovery of substantial reduction in earnings as proxy for loss of services was permitted. and, if so, for how long.

A fatal claim following the death of a wife and mother of a young child. The claim was settled for £715,000.

A fatal claim arising from a fractured knee. The deceased died after non-negligent surgery. A Personal Liability claim with liability denied. A complicated financial dependency claim regarding a farm.

An extremely serious leg injury, Employers' Liability claim that settled for £700,000.

Instructed for the defendant in an Employers' Liability claim arising from a coal mining accident. It was claimed that the accident caused Post Traumatic Stress Disorder (PTSD) and a heart attack 8 weeks later. Causation was disputed. The defendant's case was that the claimant did not have PTSD, and would have suffered a heart attack in any event.

An Employers' Liability claim in which the claimant injured their lower back. Numerous complications arose regarding injuries, causation and quantum. The claimant developed bladder/bowel, lower limb and psychiatric symptoms, and was diagnosed with a pain condition. Settlement was agreed at £275,000.

Multi-party Employers' Liability claim with contributory negligence issues, involving head, psychological and orthopaedic injuries. The claim settled shortly before trial for £225,000.

A road traffic accident where the claimant suffered multiple injuries and where the claim had significant causation and quantum issues. Settlement was agreed at £545,000.

A lower-limb amputation case arising from a high-speed road traffic accident in which the claimant suffered multiple other serious injuries. There were seat-belt contributory negligence issues.

A heat exhaustion injury claim for a Royal Marine with an effect on career prospects, but a dispute as to the extent of the effect.

A loss of chance claim for an aspiring rugby player following orthopaedic, psychological and head injuries.

A Functional Neurological Disorder (FND) claim.

A Chronic Pain claim for a claimant where it was contended injuries were permanent, but the defendant's case was that they are short-lived soft tissue injuries only.

A claim arising from the claimant's exposure to psycho-active substances whilst a prison officer, causing psychiatric injury and ultimately retirement on the grounds of ill-health.

A complex hand injury claim which was pleaded in excess of £600,000.

Costs & Litigation Funding

Oliver receives instructions from top tier firms nationwide, to advise and / or represent parties in all aspects of Civil Costs.

Instructions have covered a wide range of practice areas (including property litigation, wills and trust disputes, Court of Protection) but most often arise from Personal Injury / Clinical Negligence claims.

Oliver has advised and represented parties in relation to Costs Litigation disputes for many years (he did his first "taxation" (as it was pre-CPR) over 25 years ago) and has a great depth of experience and knowledge.

Oliver is frequently instructed:

- To attend detailed assessments, particularly at the SCCO / before Regional Costs Judges, where costs are high and there are complex issues.
- To advise on points of principle in detailed assessments and likely Costs recovery.
- To settle Costs pleadings in complex cases.
- To advise on and represent parties in respect of Costs Management in complex / high Costs cases.
- To advise on Part 36 issues.
- In disputes over Orders for Costs.
- For Costs Appeals.
- In respect of Qualified One-Way Costs Shifting (QOCS) issues.

Oliver is the author of the chapters on Costs Appeals and Part 36 for the legal publication "Butterworths Personal Injury Litigation Service".

Featured Costs & Litigation Funding cases

Messenger v Zenith

Advised the defendant on the issue of principle regarding the effect of the claimant's conduct on costs assessed, where CMO had been made. The defendant contended that the claimant had failed to mitigate his loss, and if he had pursued a reasonable claim it would have been a small claim. A Regional Costs Judge accepted that he could make findings on assessment re failure to mitigate, that the complainant had failed to mitigate, and costs allowed should be based on small claims costs.

Storey v Swann

Instructed for the appellant for appeal on costs order. Issue. This concerned the effect of the defendant's successful Part 36 offer on liability of 50 / 50 in fixed costs Personal Injury cases. The defendant made no successful quantum offer but the claimant was awarded no costs, despite being awarded substantial damages. Permission to appeal was granted by Mr Justice Murray and appeal was then compromised.

Price v Saundry

Proceedings following Trusts litigation (that had gone to the Court of Appeal). Two distinct parts of litigation were involved, a removal claim and account claim. There was a complex issue regarding the interpretation of costs management rules and application to DA in the circumstances, and whether the receiving party should have revised its costs budget re account claim and, if it should, were costs of account claim recoverable. Successfully argued in preliminary issues hearing that the budget should have been varied.

Jones and Davies v Davies and Vaughan

Appeared for the defence before Regional Costs Judge Phillips. This was a Costs dispute arising from litigation regarding whether a valid Trust existed. Numerous issues of principle were involved, with the key issue being recoverability of VAT on costs claimed. The Judge accepted arguments as to appropriate test, and that VAT not recoverable inter partes.

Advised and represented 3rd to 30th and 32nd defendants re costs issues and DA proceedings arising from £multi-million contentious probate, multi-party, litigation. Total costs sought were upwards of £1.5 million. Numerous points of principle and issues were raised including the CFAs, division of costs with non-CFA clients, alleged duplication with another firm, reasonableness of Leading Counsel's fees, and amount of success fees.

DA before Master Nagalingham in the Senior Courts Costs Office. The Master accepted arguments that there were good reasons to depart upwards given developments, and the absence of an application for approval of increased budget did not preclude good reasons being applied.

DA before Regional Costs Judge with costs of £245,000. Instructed regarding the preliminary issues hearing.

DA before Master Brown with various issues on assessment including proportionality and hourly rates (the reasonableness of instructing solicitors in London).

A Costs dispute arising from very complex, protracted, property litigation, with substantial costs (c£800,000) to be the subject of assessment. Advised and represented the Receiving Parties regarding an application under CPR 47.8 before HHJ Cotter QC (now Cotter J.) and Regional Costs Judge Middleton (sitting as an Assessor).

Advised and represented the complainant regarding Costs Management in complex clinical negligence claim, pleaded at £4.6m with 9 expert disciplines. the total budget (incurred and approved budgeted costs) was £550,000. Following settlement, Oliver was instructed to advise regarding costs recovery, offers and settlement. Issues of principle included good reasons to depart from budget, and hourly rates Represented the complainant at a DA preliminary issues hearing.

Advised and represented a claimant regarding Costs Management in a claim involving severe brain injury pleaded at upwards of £3m. Key issues included whether the Court should approve the budget providing for Leading Counsel, whether the budget should provide for two Counsel, and the reasonable and proportionate fees for Counsel. Master McCloud accepted submissions that it was reasonable to instruct Leading Counsel and it was a two Counsel case. The total budget was more than £850,000.

Costs issues arising from Court of Protection proceedings. The costs of solicitors instructed by the Official Solicitor had been assessed on paper in SCCO. Attorneys disputed reasonableness, and had not paid costs from the estate as ordered. Oliver advised and represented said Attorneys on Receiving Party's application regarding the costs heard in the Court of Protection.

Advice on the application of QOCS in a provisional damages case.

Advice on later acceptance of a Part 36 offer.

Clinical Negligence

Over several decades Oliver has accumulated wide ranging experience in this area and his careful, measured and thoughtful approach are highlighted by top tier practitioners involved in navigating complex claims with his assistance.

Oliver's expertise in [Costs & Litigation Funding](#) is sought after in many Clinical Negligence claims. He is renowned for his handling of CCMCs in high value claims, particularly in the Bristol District Registry.

Featured Clinical Negligence cases

A birth injury claim involving significant facial trauma due to use of wrong forceps, causing facial palsy and a significant eye injury.

A birth injury, fatal claim. The deceased suffered severe cerebral palsy, alleged to have been caused by suboptimal intubation and ventilator support by paediatric staff after they showed signs of sepsis. The deceased was very significantly disabled, and died from sepsis and complications from cerebral palsy. Oliver instructed for CCMC, and the approved budget plus incurred costs was £300,000.

A claim regarding the failure to take a claimant to hospital for emergency treatment following a methadone overdose. The claimant suffered anoxic brain injury, and lacked capacity. Oliver represented the claimant at 3 Cost and Case Management Conferences. The approved budget, plus incurred costs was £430,000.

A claim regarding an alleged negligent failure to refer/advise by GP. The complainer had meningitis, was 4 years old at time, and suffered numerous injuries, including: extensive scarring due to tissue necrosis, impacting on mobility and causing severe bullying, as well as permanent, severe left sensorineural hearing loss and tinnitus. The claimant developed Asperger's Syndrome and an emotionally unstable personality disorder. The value of the claim was over £2 million. Oliver was instructed to deal with the CCMC. The approved budget, plus incurred costs was £290,000 for the split trial.

A fatal claim in respect of an allegedly negligent psychiatric treatment. Oliver was instructed for the CCMC.

An allegedly negligent occupational health assessment, and advice in respect of psychiatric injury.

Awards



Education

- BA Hons, Law & Politics, Nottingham University
- Diploma of Legal Practice, Nottingham Law School

Memberships

- Personal Injury Bar Association (PIBA)

Professional History

- Trainee solicitor (Cole & Cole) – 1996 -1998
- Admitted to Solicitors' roll – 1 October 1998
- Solicitor (Bond Pearce) – 1998-2005
- Higher Rights of Audience (Civil) 2004
- Exemption from pupillage with full qualification as a barrister on transfer – March 2005