

OLIVER MOORE

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Oliver Moore is a very experienced specialist **Personal Injury** and **Costs Litigation** barrister. He was a solicitor (with Higher Rights), 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 is the Co-Head of Chambers' **Personal Injury** / **Clinical Negligence** team, and Head of the **Costs Litigation** team.

Expertise

Personal Injury

Oliver has a substantial Personal Injury practice, mainly consisting of serious and catastrophic injuries. He has worked in the field of Personal Injury for over 23 years, and was formerly a defendant PI solicitor. His background is of assistance in both his claimant and defendant work.

In his time working in this field, Oliver has dealt with an enormous variety of cases. Particular areas of interest and expertise include:

- Fatal accident claims;
- Brain injury 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 the PI claims in which he is instructed.

Oliver's aptitude in respect of procedural issues means he is often 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 complainant 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 complainant's favour. He was unable to continue working full-time and lost the chance of becoming a Consultant. The value of the complainant'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 complainant would have had the same symptoms and surgery. The case was settled at JSM, 6 weeks before the 5-day trial.

A claim for the complainant and other dependents following a fatal Road Traffic Accident. The complainant 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. Settled for £715,000.

A fatal claim arising from 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 Employer Liability claim that settled for £700,000.

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

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

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

A Road Traffic Accident causing multiple injuries with significant causation and quantum issues. Settlement agreed at £545,000.

A lower-limb amputation case arising from a high-speed Road Traffic Accident in which the complainant 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 claim.

A Chronic Pain claim for a complainant where it was contended injuries are permanent, but defendant's

case is that they are short-lived soft tissue injuries only.

A claim arising from the complainant's exposure to psycho-active substances as a prison officer, causing psychiatric injury and ultimately ill-health retirement.

A hand injury claim pleaded at > £600,000 with many issues.

Costs & Litigation Funding

Oliver receives instructions nationwide to advise and/or represent parties in all aspects of Civil Costs.

His 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) almost 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 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 complainant's conduct on costs assessed, where CMO had been made. The defendant contended that the complainant 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 complainant 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 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 d.a. 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 – 30th and 32nd defendants re costs issues and D.A. 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.

D.A. 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.

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

D.A. 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 D.A. preliminary issues hearing.

Advised and represented a complainant 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 >£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

Oliver's expertise in Costs is sought after in many Clinical Negligence claims. He is renowned for his handling of CCMCs in high value Clinical Negligence claims, particularly in the Bristol District Registry.

He increasingly accepts instructions in Clinical Negligence, and over his years in practice he has acquired a wide experience of substantial claims.

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 complainant to hospital for emergency treatment following a methadone overdose. The complainant suffered anoxic brain injury, and lacked capacity. Oliver represented the claimant at 3 CCMCs. 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. They developed Asperger's Syndrome and an emotionally unstable personality disorder. The value of the claim was >£2 million. Oliver instructed for CCMC. The approved budget plus incurred costs were £290,000 for the split trial.

A fatal claim in respect of an allegedly negligent psychiatric treatment. Oliver instructed for 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)