

OLIVER MOORE

CALL: 2005

SOL: 1998

"Oliver is an extremely safe pair of hands. His knowledge and experience means that there is never a stone left unturned; he has an answer to every question thrown at him and he always strives to get the best possible result for every client he represents. He is popular with clients and experts."



LEGAL 500 2022

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Oliver 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 UK for Personal Injury and Costs Litigation. He is the only barrister on the Western Circuit recommended in both directories for both Personal Injury and Costs Litigation.

He is the co-head of Chambers' PI/Clinical Negligence Team and head of the Costs and Litigation Funding team.

PRACTICE AREAS

- Personal Injury
 - Costs & Litigation Funding
 - Clinical Negligence
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PERSONAL INJURY

Oliver has a substantial Personal Injury practice mainly consisting of serious and catastrophic injuries. He is co-head of Chambers' PI/Clinical Negligence team.

Oliver has worked in the field of personal injury for over 23 years. He was formerly a defendant PI solicitor, and his background is of assistance in both his claimant and defendant work.

In his time working in this field, he 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 is head of Chambers' Costs and Litigation Funding team and his knowledge and experience in costs is frequently sought after in respect of 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.

Recent personal injury cases include:

- 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 C not wearing a cycle helmet. Evaluation/settlement was over £1.3m more than D's Part 36 offer.
- Claim for doctor arising from lifting patient. C suffered spinal injury and had surgery, which non-negligently caused serious neurological and urological injury (bladder and sexual dysfunction). Liability eventually agreed on 85/15% basis (C's favour). C unable to continue working full-time and lost chance of becoming Consultant. Value of C's case on his evidence £1.6m. Significant causation issue: D's case that acceleration by 2-3 years and C would have had same symptoms and surgery. Settled at JSM, 6 weeks before 5-day trial.
- Claim for C and other dependants following fatal RTA. C worked most of year in Middle East, but after death of wife returned to UK - initially for 6 months but ultimately permanently. Complex issue: whether recovery of substantial reduction in earnings as proxy for loss of services permitted. and, if so, for how long.
- Fatal claim following death of wife and mother of young child. Settled for £715,000.
- Fatal claim arising from fractured knee. Deceased died after non-negligent surgery. PL claim with liability denied. Complicated financial dependency claim re farm.
- Extremely serious leg injury, EL claim that settled for c£700,000.
- Instructed for D in EL claim arising from coal mining accident. C claimed that accident caused PTSD and a heart attack 8 weeks later. Causation was disputed: D's case was that C did not have PTSD and would have suffered a heart attack in any event.
- EL claim in which C injured lower back, but numerous complications re injuries, causation and quantum. C developed bladder/bowel, lower limb and psychiatric symptoms. Diagnosed with pain condition. Settlement agreed at £275,000.
- Multi-party EL claim with contributory negligence issues involving head, psychological and orthopaedic injuries that settled shortly before trial for £225,000.
- RTA causing multiple injuries with significant causation and quantum issues. Settlement agreed at c£545,000.
- Lower-limb amputation case arising from high-speed RTA in which C has suffered multiple other serious injuries. Seat-belt contributory negligence issues.
- Heat exhaustion injury claim for Royal Marine with effect on career prospects, but dispute as to the extent of the effect.
- Loss of chance claim for aspiring rugby player following orthopaedic, psychological and head injuries.
- Functional Neurological Disorder claim.
- Chronic Pain claim for C where it is contended injuries are permanent, but D's case is short-lived soft tissue injuries only.
- Claim arising from C's exposure to psycho-active substance as prison officer causing psychiatric injury and ultimately ill-health retirement.
- Hand injury claim pleaded at > £600,000 with many issues

COSTS & LITIGATION FUNDING

Oliver has a specialist costs practice and heads Chambers' Costs and Litigation Funding team. He receives instructions nationwide to advise/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 PI/Clinical Negligence claims.

Oliver has advised and represented parties in relation to costs 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 (including e.g. points of principle over good reasons to depart from a budget and proportionality);
- 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 QOCS issues.

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

Recent cases include:

- *Messenger v Zenith* D.A. where issue of principle re effect of C's conduct on costs assessed, where CMO had been made. D contended that C had failed to mitigate his loss and if he had pursued a reasonable claim it would have been a small claim. Regional Costs Judge accepted that he could make findings on assessment re failure to mitigate, that C had failed to mitigate and costs allowed should be based on small claims costs.
- *Storey v Swann*. Instructed for appellant for appeal on costs order. Issue: effect of D's successful Pt 36 offer on liability of 50/50 in fixed costs PI cases. D made no successful quantum offer but C was awarded no costs despite being awarded substantial damages. Permission to appeal granted by Mr Justice Murray and appeal then compromised.
- *Price v Saundry*. D.A. proceedings following Trusts litigation (that had gone to Court of Appeal). Two distinct parts of litigation: removal claim and account claim. Complex issue re interpretation of costs management rules and application to d.a. in circumstances: whether 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 budget should have been varied.
- *Jones and Davies v Davies and Vaughan* D.A. before Regional Costs Judge Phillips. Costs dispute arising from litigation re whether a valid trust existed. Numerous issues of principle, with key issue being recoverability of VAT on costs claimed. Judge accepted arguments as to appropriate test and that VAT not recoverable inter partes.
- Advised and represented 3^d – 30th and 32nd Ds re costs issues and D.A. proceedings arising from £multi-million contentious probate, multi-party, litigation. Total costs sought > £1.5 million. Numerous points of principle and issues raised including re 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 SCCO. 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 c£245,000. Instructed re preliminary issues hearing.
- D.A. before Master Brown with various issues on assessment including proportionality and hourly rates (reasonableness of instructing solicitors in London).
- Costs dispute arising from very complex, protracted, property litigation, with substantial costs (c£800,000) to be subject of assessment. Advised and represented Receiving Parties re application under CPR 47.8 before HHJ Cotter QC (now Cotter J.) and Regional Costs Judge Middleton (sitting as an assessor).
- Advised and represented C re Costs Management in complex clinical negligence claim pleaded at £4.6m with 9 expert disciplines. Total budget (incurred and approved budgeted costs) c£550,000. Following settlement, instructed to advise re costs recovery, offers and settlement. Issues of principle included: good reasons to depart from budget and hourly rates. Represented C at D.A. preliminary issues hearing.
- Advised and represented C re Costs Management in claim involving severe brain injury pleaded at >£3m. Key issues whether Court should approve budget providing for Leading Counsel; whether 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. Total budget >£850,000.
- Costs issues arising from Court of Protection proceedings. Costs of solicitors instructed by Official Solicitor had been assessed on paper in SCCO. Attorneys disputed reasonableness and had not paid costs from estate as ordered. Advised and represented Attorneys on Receiving Party's application re the costs heard in the Court of Protection.
- Advice on the application of QOCS in a provisional damages case.
- Advice on later acceptance of Part 36 offer.

CLINICAL NEGLIGENCE

Oliver is co-head of Chambers' PI/Clinical Negligence Team and head of the Costs Team.

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 Bristol District Registry.

He increasingly accepts instructions in clinical negligence claims more generally and over his years in practice he has acquired a wide experience of substantial claims.

Recent cases include:

- Birth injury claim. C suffered significant facial trauma due to use of wrong forceps, causing facial palsy and a significant eye injury.
- Birth injury, fatal claim. Deceased suffered severe cerebral palsy alleged to have been caused by suboptimal intubation and ventilator support by paediatric staff after showed signs of sepsis. Deceased very significantly disabled and died from sepsis and complications from cerebral palsy. Instructed for CCMC; approved budget plus incurred costs of c£300,000.
- Claim re failure to take C to hospital for emergency treatment following methadone overdose. C suffered anoxic brain injury and lacked capacity. Represented Claimant at 3 CCMCs. Approved budget plus incurred costs of c£430,000.
- Claim re alleged negligent failure to refer/advise by GP. C 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; permanent, severe left sensorineural hearing loss and tinnitus. Has developed Asperger's Syndrome and emotionally unstable personality disorder. Value of claim >£2 million. Instructed for CCMC. Approved budget plus incurred costs of c£290,000 for split trial.
- Fatal claim in respect of allegedly negligent psychiatric treatment. Instructed for CCMC.
- Allegedly negligent occupational health assessment and advice in respect of psychiatric injury.

RECENT CASES

- Greyson v Fuller - High Court Judgment

RECOMMENDATIONS

LEGAL 500 2021

Personal Injury

'Oliver is an extremely safe pair of hands. His knowledge and experience means that there is never a stone left unturned; he has an answer to every question thrown at him and he always strives to get the best possible result for every client he represents. He is popular with clients and experts.'

Ranked: Tier 1

Costs

'very approachable and able to make complex and confusing areas of cost law very easily understandable with succinct and to-the-point advice. Very tactically astute and able to see the bigger picture when delivering costs advice.'

Ranked: Tier 1

CHAMBERS UK 2021

Costs Litigation

Specialising in personal injury claims and costs litigation, he has a caseload that sees him tackling detailed assessments in the SCCO and before regional courts. He represents clients in costs settlements and handles costs appeals. Clients include both paying and receiving parties. Moore also has extensive knowledge of Part 36 offers.

Strengths: "Impresses both with his attention to detail and with his knowledge of the intricacies of costs rules. He is very, very good on his feet."

Recent work: Acted for the defendant in Messenger v Zenith Insurance Plc. This case concerned an issue of principle arising as a result of the impact of the claimant's conduct on costs assessed.

Personal Injury

Handles a broad range of personal injury claims on behalf of both defendant and claimant clients, including those involving brain injuries and fatal accidents. He has significant experience acting in multi-track claims and complex employers' and public liability disputes.

Strengths: "Technically very good."

Recent work: Acted for the defendant in Rothwell v Energybuild, an employers' liability claim arising from a coal mining accident.

LEGAL 500 2021

Personal Injury

'His strengths include his ability to get a very thorough grasp on a case before providing any advice, which means that any documents/statements of case he drafts are equally as thorough; leaves no stone(s) unturned and missing nothing.'

Ranked: Tier 1

Costs

'He is a walking knowledge bank of costs rules and laws. He also has good insight into the judicial approach to costs and their response to arguments and will focus on what will work.'

Ranked: Tier 1

CHAMBERS UK 2020

Costs Litigation

Specialising in personal injury claims and costs litigation, he has a caseload that sees him tackling detailed assessments in the SCCO and before regional courts. He represents clients in costs settlements and handles costs appeals. Clients include both paying and receiving parties. Moore also has extensive knowledge of Part 36 offers.

Strengths: "Oliver's practical experience and extensive costs experience make him an ideal advocate for any PI and clinical negligence costs litigation." "He is able to quickly grasp the issues, apply the law and present arguments in a logical and persuasive fashion." Recent work: Instructed to advise the claimant in XXX v Thatcher, a dispute connected to a head injury PI case that settled for millions of pounds and included various costs issues, such as multiple retainers, success fees and ATE insurance premiums.

Personal Injury

Handles a broad range of personal injury claims on behalf of both defendant and claimant clients, including those involving catastrophic injuries and fatal accidents. He has significant experience acting in multi-track claims.

Strengths: "He is a very skilful and persuasive advocate. He's also very approachable and easy to deal with; he used to be a solicitor before going to the Bar so he has greater experience than his years of call and he knows exactly what solicitors are looking for." Recent work: Instructed on behalf of one of the defendants in a case involving a claimant who suffered a head injury following an accident on a construction site.

LEGAL 500 2020

Costs

"He has great attention to detail and is well liked by clients."

Personal Injury

"Very experienced in all aspects of personal injury law."

CHAMBERS UK 2019

Costs

Specialising in personal injury claims and costs litigation, he has a caseload that sees him tackling detailed assessments in the SCCO, representing clients in costs settlements and handling costs appeals. Clients include both paying and receiving parties. He also has extensive knowledge of Part 36 offers.

"Has a passion for costs and it shows in his tenacious approach to costs disputes. He can be relied upon to give good pragmatic advice on the prospects of a case and displays excellent attention to detail in his written and verbal submissions." "Oliver is able to quickly grasp the issues, apply the law and present arguments in a logical and persuasive fashion."

Recent work: Instructed on behalf of the claimant in *Anderson v Ladler*, a case concerning the costs consequences of the defendant's acceptance of the claimant's Part 36 offer after the expiry of the relevant period in claims under Section III A of Part 45.

LEGAL 500 2019

Costs

'Very knowledgeable and affable.'

Personal Injury & Clin Neg

'Very experienced in fatal accident and psychiatric injury claims.'

CHAMBERS UK 2018

Costs Litigation

Leading Junior - Band 4

Specialising in personal injury claims and costs litigation, he has a caseload that sees him tackling detailed assessments in the SCCO, representing clients in costs settlements and handling costs appeals. Clients include both paying and receiving parties.

Strengths: "Oliver has an in-depth knowledge of both PI and costs. He also benefits from having previously been a solicitor, which is very valuable when it comes to justifying or disputing work that has been done on a matter."

Recent work: Instructed on behalf of the claimant in *Brindley v Cooper*, an appeal concerning the application of the fixed costs rules relating to personal injury claims.

LEGAL 500 2017

Personal Injury & Clinical Negligence

Leading juniors

'An extremely safe pair of hands.'

Costs

'An extremely safe pair of hands.'

CHAMBERS UK 2017

Costs Litigation

Leading Junior - Band 4

Specialising in personal injury claims and costs litigation, he has a caseload that sees him tackling detailed assessments in the SCCO, representing clients in costs settlements and handling costs appeals. Clients include both paying and receiving parties.

Strengths: "Has a real interest in costs and always gets his facts and figures straight."

LEGAL 500 2016

Personal Injury & Clinical Negligence

Leading juniors

'An excellent legal brain, and an effective and tenacious advocate.'

CHAMBERS UK 2016

Costs Litigation

Leading Junior - Band 4

A specialist costs barrister and head of the set's costs and litigation funding team. He handles the full gamut of civil costs disputes and brings with him former experience as a solicitor with higher rights.

Strengths: "Certainly a go-to costs specialist in the south west, he is extremely knowledgeable." "He can look across a range of cases and identify common themes before hammering out deals in hard-nosed negotiations."

Recent work: Advised the Secretary of State for Energy and Climate Change in regards to several substantive costs disputes.

LEGAL 500 2015

Personal Injury & Clinical Negligence

Leading juniors

'He has a particularly strong occupational disease practice'.

CHAMBERS UK 2015

Costs Litigation

Leading Junior - Band 4

Heads the costs and litigation funding team at Guildhall Chambers. He represents paying and receiving parties in all civil costs matters, and is frequently instructed on costs appeals, appearing before costs judges and the Supreme Court Costs Office (SCCO). Recent work: He acted for a defendant in respect to the claimant's appeal from the SCCO relating to the applicable success fee to a personal injury claim.

LEGAL 500 2014

Personal Injury & Clinical Negligence

Leading juniors

'As part of his broad practice, he handles catastrophic claims arising out of motorcycle accidents'.

CHAMBERS UK 2014

Costs Litigation

Called to the bar after eight years as a solicitor, and represents claimants and defendants in the SCCO and County courts through the country, but in particular before the Western Circuit's Regional Costs Judges.

Expertise: "He is clever, thorough, very pragmatic and a good advocate."

Recent work: Acted in the Court of Appeal on Bird v Meggitt Aerospace, a case which concerned the interpretation and application of fixed success fee rules under CPR P45 as it pertains to disease cases.

LEGAL 500 2013

"Highly regarded"

MEMBERSHIPS:

- PIBA
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EDUCATION:

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

- Personal Injury & Clinical Negligence Newsletter - April 2020
 - Personal Injury Case Updates - December 2015
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