

David Boyle

1996 Gray's Inn, boyle@deanscourt.co.uk



Education	Professional Associations	Appointments
Manchester Grammar School Churchill College, Cambridge Inns of Court School of Law	Northern Circuit Personal Injuries Bar Association Professional Negligence Bar Association	Visiting Professor, Dr B.R. Ambedkar National Law University, Sonapat, India (2022-) Member of the Bar Standards Board's Advisory Pool of Experts (APEX) Head of Mini-Pupillage 2010-2016 Accredited Pupillage Supervisor Civil and Commercial Mediator

Areas of Specialism
Personal Injury and Insurance Litigation
Non PI Insurance Claims
Clinical Negligence
Solicitors' Negligence
Occupiers' and Public Liability
Employers' Liability
Industrial Disease
Civil and Insurance Fraud
Accident Reconstruction
Fatal Accidents
Catastrophic Injury
Sexual Assault
Robbery and Civil Assault
Product Liability
Accidents Abroad
Travel
Motor Claims
Contempt & Private Prosecutions
Mediation
Business and Property Law

David Boyle is a barrister, writer, lecturer, mediator, and visiting professor, with a long-standing interest in expert evidence and forensic thinking.

He was Head of Mini-Pupillage at Deans Court from 2010 to 2016, has taken 3 pupils including Gareth Poole and Joe Price, and is currently Head of our Travel Law team. In 2019, he was the first Personal Injury barrister ever appointed to the Bar Standards Board's Advisory Pool of Experts (APEX), advising the BSB as to the appropriate conduct of barristers practicing in civil law. In 2020, he qualified as a Civil and Commercial Mediator, and in July 2022 was appointed as a Visiting Professor at the Dr B.R. Ambedkar National Law University, Sonapat, in India.

Consistently instructed by both claimants and defendants, he not only undertakes work across the full spectrum of Personal Injury, Disease, Clinical Negligence, Assault, Actions against the Police, and fraudulent claims litigation, but also a range of Commercial, Professional Negligence, Insurance, and International work, together with non-standard and problem cases which often fall outside traditional categories.

Always approachable, he has a particular appreciation of the need for clients to understand their litigation, no matter what the complexities, and has a reputation for both clarity and forensic rigour in both his written and oral advocacy. He is in demand for his pleadings and schedules, his trial and appellate advocacy, his client care, problem-solving, and strategic advice, and his firm but pragmatic negotiating skills, whether at JSMs or mediations. His perceptive and analytical approach makes him the first port of call for unusual, complex and/or difficult cases.

David accepts claimant instructions on a CFA or privately paid basis. He does not accept Direct Access work.

Additional Information

David is regularly instructed in fatal accident claims and injuries of the utmost severity. He has a particular expertise in accident reconstruction and cases of accidents abroad. He has specialised in civil fraud (both Personal Injury and policy related) litigation for over twenty years and undertakes all aspects of industrial disease work including mesothelioma and other asbestos-related conditions. His professional indemnity work covers both clinical negligence and solicitors' negligence, the latter with particular regard to the conduct of Personal Injury claims. He has received regular repeat instructions from government departments, local authorities, supermarkets, bookmakers, travel companies and other well-known national companies and organisations, advising on litigation policies as well as individual cases. He has brought successful actions against the Home Office, Ministry of Defence and Health & Safety Executive and has represented a significant number of high-profile clients.

David gives in-house and public seminars on all aspects of Personal Injury law and forensic thinking. He has been a guest lecturer at the University of Durham, Lancaster University, Liverpool John Moores University, Sheffield Hallam University, the College of Law, the Open University, and the Law College, Dehradun (India), the last leading to an invitation to write a paper in the Dehradun Law Review and his lecturing at the Dr B.R. Ambedkar National Law University, Sonapat. His other speaking engagements in the last 5 years have included The Grange Annual Conference (medico-legal psychiatry), The Liverpool Law Society Occupational Disease Conference, McCollum Consultants, The Motor Accident Solicitor Society (MASS) Annual Conference, the CILEX Lancashire branch, triOS College (Canada), and a variety of bespoke in-house conferences and training sessions. In 2014, he spoke at the Cambridge University Sixth Form Conference and was invited to debate at the Cambridge Union, alongside Dr Matt Dyson, Fellow of Trinity College, Cambridge, defeating a team consisting of both the Winner and losing Finalist from the European Debating Championship 2013.

Alongside his formal pupils, he has taken 4 surrogate pupils, 19 mentees and 1,200 mini-pupils. No, he doesn't know where he gets the time, either.

His books, *On Experts* (2016), *An Introduction To Personal Injury Law* (2017), and *The Mini-Pupillage Workbook* (2019) are available via www.lawbriefpublishing.com or Amazon <https://tinyurl.com/dsbbooks>.

He is currently working on his fourth (a second edition of ITPIL), fifth (*An Introduction to Case Management*) and sixth (*A Clarity of Thinking*) books simultaneously, which might explain why his publishers are still waiting.

Notable Cases

Gulf View Medical Centre Limited (1) & Roopchand (2) v Tesheira (Trinidad and Tobago) [2022] UKPC 38

Practice Area: Judicial Committee of the Privy Council

Consideration of a number of issues pertaining to expert evidence, the range of opinion, CPR35 compliance etc. in the context of a fatal

clinical negligence claim in Trinidad.

In April 2004, Mr Tesheira, a former captain of the Trinidad football team, underwent a TURP procedure under the care of a Dr Goetz at Gulf View Medical Centre in San Fernando, Trinidad. Dr Roopchand was the anaesthetist. Unfortunately, Mr Tesheira developed heavy bleeding after the surgery and, despite the efforts of various doctors, died. The claim against Dr Goetz having been compromised, the action proceeded against the Medical Centre and Dr Roopchand. At the conclusion of the Claimant's case, the Defendants, represented by Mary O'Rourke KC, argued that there was no case to answer by reason of the nature and strength of the evidence presented. The High Court rejected that argument and, the Defendants having been put to their election, entered judgment for TTD\$18,034,772.33 (approximately £2.25M). The Court of Appeal overturned a number of findings of fact, but concluded that Dr Roopchand had been negligent and that the Medical Centre owed a Non-Delegable Duty to Mr Tesheira.

Joined the case for the hearing before the Privy Council. Heavily engaged in drafting the final Statement of Case and the oral advocacy alongside Miss O'Rourke KC, arguing a number of points including the approach to the expert evidence and its quality, procedural unfairness, the effects of an admission in certain respects of the Claimant's case, the Bolam test, and non-delegable duties under *Woodland v Essex*.

Ultimately, the Court found that there were no novel points of law, and that the admission, made by previous solicitors in the initial Defence, meant that several of the arguments raised were not, in fact, open to the Appellant on this appeal, which was, accordingly, dismissed.

Hamid v Khalid & Co-Operative Insurance Society General Insurance Limited [2017] EWCA Civ 201

Practice Area: Court of Appeal

Reiteration of guidance on overturning findings of fact, particularly when Second Defendant's allegations of fraud dismissed at first instance. First Defendant (represented by DSB) emerged from side road onto another minor road in a snowstorm, not appreciating that Claimant, coming from his right, had right of way. Second Defendant (First Defendant's insurer) unilaterally commissioned apparently damning engineering evidence which concluded that Claimant's car was stationary at impact, and therefore pleaded fraud. No evidence of any link between the parties adduced or established. Claimant's telephone call to the police in evidence. Claimant obtained engineering evidence. First Defendant did not. First Defendant, refused indemnity by Second Defendant, admitted fault, but adopted First Defendant's position re quantum. After a 3 day trial, the Recorder found for the Claimant and granted First Defendant a declaration of indemnity. Second Defendant appealed. Held: (1) The judge was not "plainly wrong" (*McGraddie v McGraddie* [2013] UKSC 58 applied); (2) An acquittal of fraud should only be displaced on the clearest of grounds (*Akerhielm v De Mare* [1959] AC 789 applied) and this case fell well short; (3) Judge was entitled to reject the Expert evidence in favour of the evidence of the Claimant and First Defendant (*Armstrong v First York Limited* [2005] EWCA Civ 277 applied); (4) There was an issue of proportionality in play – to allow the appeal would be to order a retrial and another 3 day trial in a claim of modest value. Appeal dismissed. (Lewison, Henderson LJ)

Gray v Gibson [2014] EWCA Civ 355

Practice Area: Court of Appeal

Consideration of contributory negligence and apportionment in road traffic accidents on country lanes. Head on collision on country road between Claimant's car and Defendant's lorry, with lorry encroaching into Claimant's lane but Claimant travelling 30mph at or about a bend in the road. Finding of 40% contributory negligence overturned and judgment for Claimant for 100% of her damages to be assessed. (Longmore, Patten, Christopher Clarke LJ)

West Midlands Travel Limited v Aviva Insurance UK Limited [2013] EWCA Civ 887

Practice Area: Court of Appeal

Consideration of the measure of damages, and the calculation thereof, for the loss of use of a bus caused by the Defendant's insured's admitted negligence. Claimants argued for general damages to be assessed on a standing charge whilst the Defendants sought to argue for a loss of profit basis and took issue with various aspects of the standing charge calculation. Standing charge allowed in full at first instance. Remitted to the High Court for fresh consideration on Appeal. (Moore-Bick, Rimer, Underhill LJ)

Mitchell et al v United Co-Operatives Limited, [2012] EWCA Civ 348

Practice Area: Court of Appeal

Duty to be imposed on employers to protect employees from injury when commercial premises robbed by third parties. Claimants claimed for psychiatric injuries sustained in various robberies at employer's mini-market premises. Claimants argued that a series of robberies at the premises meant that the Defendant should have reinstated security screens or employed permanent security guards. Claims dismissed both at first instance and on Appeal. (Ward, Tomlinson, Lewison LJ)

Smith v The Chief Constable of Nottinghamshire Police, [2012] EWCA Civ 161

Practice Area: Court of Appeal

Duty to be imposed on emergency service drivers and contributory negligence of pedestrians. Claimant severely injured when attempting to cross main road in front of Police car attending emergency. Trial Judge found Defendant to have been travelling too fast, but Claimant 75% to blame. On appeal by Claimant (as to contributory negligence) and cross-appeal by Defendant (as to primary liability), cross appeal dismissed and contributory negligence assessed at 1/3. (Ward, Lloyd, Kitchin LJ)

Barnes v The Scout Association, [2010] EWCA Civ 1476

Practice Area: Court of Appeal

Duty to be imposed on Youth Organization when playing games. Appeal by Defendant on the basis that Trial Judge had misdirected himself as to relevance of the social utility of the activity in which he found the Claimant had been injured. Permission granted on paper, but appeal dismissed (Ward & Smith LJ, Jackson LJ dissenting).

Juttla v FMX Food Merchants Import Export Co. Ltd & Pignatelli, Teare J. 16/12/08

Practice Area: High Court

Joinder of Defendant to action. Successful appeal by Claimant to join Second Defendant, a director in the First Defendant company, to the action qua employer when (uninsured) First Defendant purporting to admit Claimant's employment status.

Ward v Wooder, Silber J. 19/02/04:

Practice Area: High Court

Assessment of damages and costs in Low Velocity Impact claims. Successful appeal by Defendant against Order that Defendant pay Claimant's assessed costs of action where Claimant recovered £500 for general damages in a liability disputed Low Velocity Impact case. Claimant's damages reduced to £300 on appeal, with fixed costs of the action below. One of the first significant LVI cases.

re S (2015), unreported

Practice Area: Criminal Injuries Compensation Authority

Represented Applicant in CICA claim where childhood sexual abuse led to a life-time of psychiatric harm with concomitant effect on earning capacity, relationships and care requirements. Secured maximum available award (£500,000) whilst avoiding need for Applicant to undergo additional psychological assessments (which would, potentially, be damaging to her health).

Lamb v Equity Red Star & Miller, DDJ Jones, 09/09/11

Practice Area: Personal Injury/Insurance

Liability of taxi driver to passengers. Successful claim by passenger in taxi (insured by First Defendant) which crashed when Second Defendant attacked the taxi driver after an altercation about the fare. Driver had falsely imprisoned his passengers in deciding to take them to a police station to resolve the dispute, and was in breach of his duty of care to the Claimant in attempting to continue his journey whilst being physically attacked by Second Defendant. One of the leading cases on the liability of taxi drivers to their passengers.
more

Shaida v Mughal v KGM Motor Insurance, Rec. Price QC OBE 25/08/10

Practice Area: Personal Injury/Insurance

Wasted Costs and Third Party Costs Orders. Successful application by the Third Party (the Claimant's own RTA insurers) for indemnity costs against the Claimant, wasted costs against the Claimant's solicitors and third party costs against the Claimant's hire company, where Third Party joined to defend Counterclaim in circumstances where Claimant pursuing false claim in first instance.

James v MANCAT, HHJ Armitage QC 3/03/09

Practice Area: Disability Discrimination

Instruction of experts under CPR35. Successful appeal by Defendant regarding need for Claimant (litigant in person) to pay towards the cost of joint Psychiatric evidence required to establish (a) whether the Claimant suffered from Obsessive Compulsive Disorder and (b) whether the same constituted disability for the purposes of the Disability Discrimination Act 1995.

What the Directories say

David has an excellent manner with lay clients. He has an ability to explain complex concepts in terms lay clients understand and appreciate. ... a fierce advocate.

Chambers & Partners, 2024

David is a very good cross-examiner

Chambers & Partners, 2024

A highly personable, intellectual and creative barrister with a broad skillset and an engaging and persuasive advocacy style... always in control of the case and quick to master the issues.

Legal 500, 2024

He has an incredible ability to digest and absorb copious amounts of information and transmit them in a concise and simplified style.

Chambers & Partners, 2023

A good-quality junior

Chambers and Partners, 2022

He is very client-focused and provides clear and commercial advice.

Chambers and Partners, 2021

David is very down to earth and approachable. His ability to explain complex matters in a simple way is a real asset.

Chambers and Partners, 2020

He has a wonderful ability to put clients at ease.

Legal 500, 2018

Recognised for his broad practice.

Legal 500, 2014

Has particular experience of personal injury claims.

Legal 500, 2012

Recommended.

Legal 500, 2008

He has a commanding courtroom presence and is meticulous in his preparation.

Chambers & Partners, 2023

Technically excellent ... He provides comprehensive advice at a level that the client can understand ... where there are difficulties in a case [he] will find an approach to solve the issue ... is prepared to go the extra mile ... extremely skilled drafting.

Legal 500, 2022

Attention to detail is a major strength of his. He is a very effective advocate.

Legal 500, 2021

Approachable, authoritative and very strong on paper.

Extremely practical, often coming up with solutions that make a real difference to clients' lives.

Chambers and Partners, 2019

An expert in fatal accident claims.

Legal 500, 2016

Persuasive, friendly and approachable.

Legal 500, 2013

Recommended for high-value claims.

Legal 500, 2010

Strong, effective Counsel, kept very busy.

Legal 500, 2006/2007

David is an exceptionally competent barrister.

Chambers & Partners, 2023

David is a formidable opponent; he is meticulous in preparation and fearless in presentation. His skeleton arguments read beautifully and give you nowhere to hide. His cross-examination is brutal; in full flow he's like a fast bowler, using the tools of skill and speed to cause a witness to crumble under questioning. In cross-examination, David demolishes experts who produce inadequate reports - he has won numerous trials by undermining the expert evidence to such a degree that the claim is no longer viable.

Legal 500, 2023

A strong advocate who cuts straight to the issues.

Legal 500, 2020

An excellent advocate.

Legal 500, 2017

Provides tactically astute, detailed advice and is able to convey this simply.

Legal 500, 2015

A popular junior for high value claims.

Legal 500, 2011

Increasingly experienced in high-value claims.

Legal 500, 2009

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