



Ben Kelly

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Year of Call: 2006

Ben was called to the bar in 2006 by Lincoln's Inn from which he was awarded two major scholarships during his Bar Vocational Course year and ultimately achieved an Outstanding grade. He practises exclusively in civil law.

Memberships

- Personal Injury Bar Association

Appointments

- Accredited for Direct Public Access instructions

EXPERTISE

Personal Injury

Ben's practice is focused principally on personal injury. He has a particular interest in RTA fraud matters although he also routinely represents both Claimants and Defendants in all aspects of RTA litigation along with employers', public and occupiers' liability claims.

Ben accepts work on a CFA basis. He seeks to turn papers around at short notice when requested by Instructing Solicitors.

Ben's recent cases include:

RTA

- Staged/fictitious accidents;
- Phantom passengers;
- Bogus “independent” witness;
- Exaggerated claims;
- Induced collisions;
- Low velocity impact claims; and
- Significant credit hire claims.

Employers’ Liability

- The extent of a school’s duty of care to a teaching assistant to avoid an assault by a child with special educational needs;
- Accidents on construction sites; and
- An assault by a resident of a care home upon a carer.

Public Liability

- Various slips and trips including highways tripping claims.

Fraud - Civil

Ben undertakes Claimant and Defendant work at Fast and Multi Track level. He is experienced in cases of alleged fraud and dishonesty usually but not exclusively in claims arising out of road traffic accidents. His recent seminar talks include the topics of malingering and fundamental dishonesty.

Ben is experienced in drafting statements of case that deal with direct allegations of fraud as well as those that fall short of direct allegations but raise issues of concern regarding the credibility of the Claimant.

Ben has appeared for a number of large insurers in cases of fraud, dishonesty, exaggeration and “put to proof” cases at all stages from directions hearings through to trial and advising on appeal.

Cases

McGrath v Starkie – Manchester CC

Obtained a finding for the Defendant that the Claimant’s purported independent witness had not been at the scene of the accident and had been dishonest in her evidence.

Wrisdale v Ashton – Wrexham CC

Claim successfully defended on the basis of LVI.

Alderson v Wright – Preston CC

Employer's liability claim, which was said to be fraudulent and entirely fictitious.

Rehman v Aviva (Stoke-on-Trent CC)

Claimant in LVI case found to be fundamentally dishonest thus losing his costs protection, per r44.16.

Company and Commercial

Ben undertakes a wide range of civil work including contractual disputes, housing matters (to include private and public landlord/tenant possession claims and mortgage possession cases) and injunctions.

Ben's recent cases include:

- Social housing possession claims;
- Protection from Harassment Act injunctions;
- Anti gang injunction under the Policing and Crime Act 2009;
- Disputes over the sale of goods and the supply of goods and services; and
- Application to set aside a Statutory Demand.