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## Daniel Kinnear

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Year of Call: 2018

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Daniel is one of the country's leading practitioners in dental negligence.

Before being called to the Bar in 2018, Daniel practised as a solicitor for more than a decade working in the specialist fields of clinical and dental negligence. This has given him a valuable insight into the demands and challenges which solicitors face on a day-to-day basis and has allowed him to hone excellent client-care skills.

## EXPERTISE

### Clinical Negligence

Daniel is frequently instructed to settle statements of case, advise on merits, quantum and evidence (both in writing and in conference), and draft agendas for expert meetings. He regularly appears in the County Court for CCMCs, interlocutory applications and PTRs. He is often instructed to negotiate settlements at various forms of ADR (including counsel to counsel discussions, joint settlement meetings and judicial-led mediations). He has also represented Claimants in multi-track trials.

Daniel's experience extends beyond clinical and dental negligence to general (and sometimes obscure) disputes pertaining to the Civil Procedure Rules as well as costs litigation (having represented Claimants in detailed assessments).

### Cases

**Bailey v Farahzad – County Court (Stoke-on-Trent) [July 2022]:** Daniel represented the Claimant in a three-day trial. The Defendant mismanaged the Claimant's periodontal health over a period of almost a decade. Extent of likely future tooth loss and the Claimant's psychological injury were in issue. Damages of circa £63,000 were awarded (with the Defendant's Part 36 offer being almost doubled and

the Claimant's Part 36 offer being beaten as well).

**Sparks v Ng – County Court (Manchester) [December 2021]:** Daniel represented the Claimant in a three-day trial. The Defendant mismanaged the Claimant's periodontal health over a period of almost two decades. Causation and contributory negligence were in issue. Damages of circa £67,300 were awarded (with the Defendant's Part 36 offer being beaten by 210%).

**JO v TMF: [October 2021]:** Daniel represented the Claimant in a joint settlement meeting. This claim related to periodontal mismanagement and negotiations took place after the joint meeting of the expert witnesses against the backdrop of an impending trial date. Settlement was agreed in the sum of £35,000 plus costs.

**DA v HS and GC (Manchester) [September 2021]:** Daniel represented the Claimant in a two-day hearing. The Defendants applied for strike out or summary judgment to be entered in their favour alleging that the Claimant's claim was bound to fail in circumstances where it was brought (i) without reference to highly relevant dental records and (ii) purportedly after the expiry of the limitation period. The applications were dismissed with substantial costs being awarded in the Claimant's favour.

**VT v PL and JH [September 2021]:** Daniel represented the Claimant in counsel-to-counsel settlement negotiations. This claim related to periodontal mismanagement as well as the inappropriate provision of orthodontic therapy and involved complex issues of causation and quantum with the expert witnesses on both sides taking divergent views. Settlement was agreed in the sum of £70,000 plus costs.

**Z v S (Southampton) [2020]:** Daniel represented the Claimant in a judicial-led mediation. This claim related to the circumstances surrounding the extraction of a wisdom tooth following which the Claimant was left with a permanent inferior dental nerve injury and an adjustment disorder. Settlement was agreed in the sum of £38,000 plus costs.