



## William Poole

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Year of Call: 2004

**Acting for the insurers, against leading counsel, in a brain injury claim** "...we have reached a settlement of this difficult and protracted brain injury claim by way of a costs inclusive sum of £200,000.00. The settlement represents a small fraction of the sum (exceeding £1.4 million plus huge costs) which was being claimed. I regard this as a massive success which owes a huge debt to the initiative, intuition, diligence, tenacity and fearlessness displayed by William Poole in his handling of the case." **Instructing Solicitor (Partner)**

William has been at St John's Buildings since undertaking pupillage in 2004. He is always in demand for his forceful advocacy and sound advice. He is bright, hard-working and a good cross-examiner. His approach is professional, practical and commercial.

William undertakes all his trial and advisory work using paperless briefs, so all instructions and trial bundles can therefore be emailed to Chambers.

He enjoys a busy court, advisory and paper practice specialising in Commercial Litigation, Clinical Negligence, Personal Injury, Costs and Mediation.

William read Classics with Italian at Leeds University, graduating in 1997. Before being called to the Bar in 2004, he worked in London and overseas – in Italy and Spain. He speaks speaks fluent Italian and basic French.

## EXPERTISE

Fraud - Civil

William is in trial virtually every week acting for insurers in defence of large and invariably exaggerated, often fraudulent credit hire claims. He acts exclusively for insurers in the field.

He is well-versed on handling the often substantial amounts of financial documentation that large hire claims can involve. He also has a deep understanding of the procedural requirements involved when giving disclosure or drafting pleadings which in such cases are so often inadequate and determinative.

Since the introduction of s.57 of the Criminal Justice and Courts Act, 2015, William has secured dozens of findings of fundamental dishonesty for his insurer clients. Since the introduction of QOCS, William now advises insurers about how to recover the costs of failed hire claims from the hire companies, especially after a finding of dishonesty, and is enjoying recent consistent success in the field.

One example of a recent case in this field that has been reported is:

### **Hassan v (1) Cooper and (2) Accident Claims Consultants Ltd [2015] EWHC 540 (QB)**

The High Court gave guidance on the proper approach to the quantification of counterclaims by a Defendant for exemplary damages in a fraudulent claim where both the Claimant and the Hire Company were involved in the fraud. Substantial awards of exemplary damages made against the hire company.

William is often counsel of choice in any commercial dispute involving difficult procedural matters. For example, he acted for the insurers in the recent, widely reported (see White Book, 2018) decision of the High Court, on appeal, in the case of **Davies v (1) Carillion Energy Services Ltd (2) His Energy Ltd (In Liquidation) [2017] EWHC 3206 (QB)** where the Court clarified the proper approach to the question of abuse of process, post Mitchell and Denton, to second claims issued after a first has been struck out for procedural reasons.

**Haider v DSM Demolition Ltd [2019] EWHC 2712 (QB):** William successfully defended a client at the High Court in a rear end shunt claim. This appeal and cross appeal was about a road traffic accident that the Defendant alleged had been staged. Ultimately, the Defendant succeeded in demonstrating that the Claimant had presented a claim that was fundamentally dishonest, albeit that the Court found that his dishonesty related to quantum rather than liability. William has written an article about the case [which you can download here](#). You can also read [the full judgment](#).

## **Clinical Negligence**

William acts for both Claimants and Defendants in this field. He is regularly in trial and in conference with the experts. He drafts first class and meticulous pleadings in such claims.

Recent instructions include the following:

- Successful defence, at trial, of a claim against a nurse in Liverpool
- Successful defence of a plastic surgeon involving allegations of lack of consent
- Acting in defence of a Trust/Mental Health Hospital in a self-harm case by a patient
- Acting for two Trusts in a claim brought by a battered wife for the alleged failure to diagnose and treat serious psychiatric injuries

- Acting for a surgeon in a colorectal cancer claim
- Acting for an uninsured Spanish dentist/implantologist providing treatment to a Greek national overseas
- Acting for a dentist in an alleged failed implants claim
- Acting for a claimant against a locum (uninsured) dentist and the practice where he was seconded
- Acting in defence of a GP accused of failing to diagnose diverticulitis
- Acting in defence of a surgeon for an alleged failed hernia operation
- Acting for a Claimant in substantial claim against a dentist
- Acting for a mother in a claim against the Trust for injuries sustained during the delivery of her first baby.

## Personal Injury

William specialises in brain and spinal injuries and deals with cases of the utmost severity. In this field, he acts for both Claimants and Defendants.

Much of his work involves the provision of advice on the selection of the appropriate expert evidence, engaging with those experts in conference and advising on the evidence, disclosure and procedure generally.

Recent claims include the following:

- Acting for a severely brain-injured Claimant before the Criminal Injuries Compensation Authority
- Acting for the insurers in defence of a grossly exaggerated alleged brain injury claim
- Advising insurers about the prospects of a defence of *ex turpi causa* in an RTA where the passengers had all taken illegal drugs.

He has acted for dozens of Claimants with serious spinal or brain injuries.

## Costs

William has acted for both Claimants and Defendants in many costs disputes, perhaps the best known of which was the decision of the Court of Appeal in **Lamont – v – Burton [2007] EWCA Civ 429** where William acted for the insurers.

## ADR and Mediation

William qualified as a CEDR trained mediator in 2016.

Recent mediations include acting as mediator in the successful resolution of the following disputes:

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A probate claim between the trustees and beneficiary who was seeking to challenge the validity of a will on medical and procedural grounds

- A multi-party and technically challenging mediation involving a claim by a solicitor against two company directors for the payment of own party costs under the terms of a CFA for services provided by the solicitors in relation to a professional negligence claim against another firm of solicitors.