



## David Rivers



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### Profile

David is a specialist in personal injury work mainly on behalf of claimants. He has a particular focus on complex quantum work. He is the author of the chapters on Contributory Negligence, Employer's Liability Insurance, The Health and Safety at Work Act 1974 and Reporting and Enforcement in the Sixteenth edition of Munkman on Employers Liability (2013), and has just been commissioned to update those chapters in the Seventeenth edition planned for 2018. He has been recommended by both *Chambers and Partners* and *Legal 500* since he was eight years call.

Over the last sixteen years he has acted for many thousands of claimants. His highest settlement, being led by Paul Rose QC, has a lump sum value of £5million and his highest award acting on his own is £980,000, in a below the knee amputation claim. He has acted for a Deputy High Court Judge who is now a Lord Justice of Appeal; a professional footballer; a senior police officer and an actor from *Eastenders* in his claim for injuries suffered whilst shopping in Selfridges.

He has appeared in a number of high profile inquests. He appeared for the family in the inquest into the death of Amelia Flight which returned a neglect finding against her local GP's out of ours service, and a two day inquest into the death of a patient caused by her inappropriate discharge from hospital described by the Coroner as the last of an accumulation of failures and omissions by the NHS Trust. He was led by Barry Cotter QC on behalf of the Prison Officers in the inquest into the death of Harold Shipman.

Most recently he successfully appeared for the Claimant in a controversial decision of Mr Justice Foskett in ***Wright v First Group PLC EWHC 297 (QB) [2018]*** to allow an adjournment and give permission for the Claimant to change his accident reconstruction expert the day before a high court trial on liability in a head injury road traffic accident claim. The Claimant's reconstruction expert had collapsed in his joint statement such that the Defendant withdrew all of its offers and the Claimant was left facing a trial with both experts agreed that there was nothing that the Defendant could have done to avoid the collision. The high court judge found that the decision was a difficult one but that on balance the trial should be adjourned and a new expert instructed for the Claimant. He ordered the Claimant to pay the Defendants costs of the application but not the trial as they could not demonstrate what loss they had suffered. Permission was given by Sharp LJ on paper for an appeal despite it being a case management decision, with permission to appeal the costs order to be considered once a transcript had been obtained. Jonathan Watt-Pringle QC was instructed for the Defendant. By the date of the Court of Appeal hearing a new expert had been instructed by the Claimant and a new joint statement completed in which all issues were not agreed. The Defendant made a six figure offer which was accepted by the Claimant shortly before the hearing.

David has retained a cost practice appearing in the leading Court of Appeal case on the validity of a Part 36 offer (*Shaw v Merthyr Tydfil County Council [2014]*). Over the years he has been especially concerned with appeals against original findings by the cost judge and/or high value assessments recovering £280,000 in the Cardiff High Court (District Registry) in a multi-day assessment arising out of a £3.2 million catastrophic injury claim. He was previously instructed in the Court of Appeal to defend



previous success on appeal to the Circuit Judge, on a costs point arising out of the appropriate interpretation of the CPR, until the appellant withdrew their appeal the day before the hearing was due to be heard.

David accepts instructions on behalf of defendants particularly in cases requiring robust cross examination. He succeeded by a majority in the Court of Appeal on behalf of the Defendant in the case of [Iqbal v. Home Office \[2009\]](#) EWCA Civ 1310 (led by Michael Beloff QC) which has restated the law on both the tort of false imprisonment and nominal damages.

He graduated from Jesus College Cambridge in 2001. Whilst at Cambridge he was awarded the ECS Wade Prize for the top first in administrative law, elected to a Squire Scholarship by the university for his exam performance, the Lovells Prize for the top first in the college, and a college scholarship for obtaining a first. He obtained a masters degree (LLM) from Cambridge in 2003. Grays Inn awarded him its top (Bedingfield) scholarship for the BVC and an award for Pupillage as well as a prize for best speech from the floor in a debate on law reform. He was awarded the Joseph Petty Law Student Prize in 1998.

## Recent and current work

- ***Molina Ramirez v. EUI Ltd*** CA Ref: B2/2012/2837