



## Joel Donovan QC

Year of Silk/Call: 2011/1991

Call Clerk on 020 7827 4000

### PRACTICE AREAS

Clinical Negligence | Personal Injury

### HIGHLIGHTS

Appeared successfully with Adam Ohringer in the Supreme Court case of *Mohamud v Morrisons* (the 'close connection' test for vicarious liability). "Very professional and very approachable." "Excellent with clients..." "A standout on technical issues..." **Chambers and Partners 2018**

### OVERVIEW

Joel is a prominent and highly-regarded clinical negligence and personal injury specialist.

In the clinical negligence field he is particularly known for his expertise in cauda equina cases, claims involving delayed recognition and treatment of spinal cord compression, birth injuries, and secondary brain injury.

His personal injury work centres on traumatic brain and spinal cord injury, and claims arising from workplace stress. Joel has a longstanding interest in limitation and in secondary claims against legal advisers, going back to his early practice as a solicitor. He is also noted for his quantum expertise, including in the field of pension loss and discrimination compensation.

He is practiced in advising lay clients who are cognitively impaired, mentally ill and/or educationally disadvantaged. His professional clients range in size from unions through specialist firms to small high street practices; he is also able to accept instructions direct from members of the public and from organisations.

Joel is a veteran negotiator, and a highly experienced arbitrator and mediator.

## REFERENCES

Chambers and Partners 2018: "Highly sought after for cases of the greatest complexity and highest value", "Very thorough and conscientious, he takes a very methodical approach to cases and is reassuringly cautious and thoughtful", "Very professional and very approachable", "Excellent with clients, and maintains an air of calm even in the most difficult of cases", "Very clever at deciphering complex technical detail and getting to the heart of issues", "A standout on technical issues and someone who thinks on his feet incredibly well."

Chambers and Partners 2017: "...a fantastic strategist, with an ability to see all the complexities of a case before they actually play out in court."

"..phenomenally intelligent and a real pleasure to work with." "...incredible in terms of his ability to absorb folders of information and drill down to the key issues. He makes the instructing solicitor's job so much easier. He combines being calm, sensible and unflappable with a determined desire to win."

Chambers and Partners 2016: "Growing in stature as a silk, having acted on

numerous multimillion-pound cases..."

Legal 500 2016: "His technical knowledge of the law is second to none."

Chambers and Partners 2014: "He is calm, thorough, and masterfully in control, especially in cases concerning multiple experts and complex issues. He is sensible and practical in his advice, responsive, and compassionate with clients."

## APPOINTMENTS AND MEMBERSHIPS

Panel arbitrator under the MIB Untraced Drivers' Agreements, and the Personal Injury claims Arbitration Service (PIcARBS)

CEDR-accredited mediator

Personal Injury Bar Association

Professional Negligence Bar Association

Action against Medical Accidents

Association of Personal Injury Lawyers (APIL)

Bar Pro Bono Unit - member of case review panel

Accredited as Tutor Trainer, Lead Tutor and Course Director - Lincoln's Inn

Advocacy Training Programme

## PUBLICATIONS AND TRAINING

Joel is a very experienced advocacy trainer. In addition to his Lincoln's Inn work he has taught in Dubai and Singapore on behalf of the Advocacy Training Council, and on the South East Circuit's renowned Keble course. He has developed and delivered a number of specialist advocacy courses and masterclasses for the Personal Injury Bar Association.

## QUALIFICATIONS

BA Law, Durham. Former solicitor. Fluent in French. Working knowledge of

## HIGHLIGHT CASES

- *Hadley v LB Redbridge*: successful appeal to Mr Justice Soole against County Court judge's order that claimant pay costs of aborted harassment trial (leading Andrew Buchan).
- *Bowman v Thomson*: successful resistance before Mr Justice Dingemans to defendant GP's appeal against refusal of County Court judge to order disclosure of previously-instructed urology expert's report.
- *Hewes v Tanna*: successful appeal to Mr Justice Foskett against Master's order granting summary judgment to defendant GP prior to exchange of expert evidence (leading Martyn McLeish).
- *Mohamud v Morrisons* [2016] AC 677: key Supreme Court decision extending the 'close connection' test for vicarious liability arising from employee misconduct
- *Griffin v Plymouth Hospital NHS Trust* [2014] IRLR 962: important Court of Appeal decision on the appropriate basis of assessment of pension loss, leading to revised guidance
- *M v A Highway Authority* approved liability settlement arising from catastrophic motorcycle vs. pothole collision; quantum ongoing
- *X v A Company* approved liability settlement following attempted suicide in custody, causing utmost-severity brain injury; quantum ongoing
- *Z v K* six-figure approved settlement of challenging catastrophic injury claim arising from drunken joyriding
- *K v L* multimillion pound settlement of severe chronic regional pain syndrome case (with Dan Lawson), believed to be the highest ever settlement for CRPS

- D v P NHS Trust seven-figure lump sum/PP approved settlement arising from delayed spinal immobilisation, leading to quadriplegia
- Y v L NHS Trust ongoing high-value claim arising from alleged contamination of spinal anaesthetic causing severe arachnoiditis
- W v K seven-figure lump sum/PP approved settlement in GP claim arising from devastating subarachnoid haemorrhage
- X v Y high-value wrongful birth case for mother of child with severe global developmental delay
- Z v A Trust cerebral palsy: seven-figure lump sum/PP approved settlement
- S v P Trust severe secondary brain injury case arising from delayed diagnosis of cerebral abscess; very high value lump sum/periodical payment settlement at JSM, approved by Mr Justice Jeremy Baker
- N v Y Trust spinal discitis case, causing incomplete paraplegia; multimillion-pound lump sum/periodical payment settlement at JSM.
- R v A Trust maximum severity wrongful birth case arising from failed fetal medical management; child born with perisylvian polymicrogyria and severe global developmental delay. Liability admitted at pleadings stage; quantum ongoing.
- C v D difficult workplace stress case arising from alleged financial whistleblowing: settled at mediation.
- W v K and others 100% approved settlement in claim against GPs for failure to recognise signs of 'sentinel bleed' prior to devastating sub-arachnoid haemorrhage. Quantum ongoing.
- Hort v Charles Trent Ltd Mr Justice Eady: successful appeal against refusal of District Judge to allow substitution of new expert for expert in whom confidence had been lost
- Sutherland v Turnbull successful costs application to Mr Justice Stadlen,

following disputed interpretation of rule 36.10(2) CPR after claimant's acceptance of an offer to compensate her for only some of her injuries

- *Mabiriizi v HSBC* consideration and application by Mrs Justice Sharp in this utmost severity case of the *Eeles v Cobham Hire Services* principles governing interim payments
- *H v A Local Health Board* complex secondary brain injury claim eventually resulting in seven-figure lump sum/periodical payment settlement following protracted negotiations, approved by Mr Justice Kenneth Parker
- *Connor v Surrey County Council* highly-publicised stress-at-work case involving a head teacher targeted by Muslim governors. Joel represented the victorious claimant at trial in the High Court and (led by Simon Taylor QC) in the Court of Appeal ([2010] IRLR 521). The Defendant unsuccessfully sought permission to appeal to the Supreme Court.
- *Oakes v Dr Neiningger and others* hotly-contested multi-party *cauda equina* case involving difficult issues of timing and causation. Joel successfully represented the claimant at the liability trial before Mr Justice Akenhead.
- At appellate level Joel's important cases also include *Lucas v Barking etc NHS Trust* [2004] 1 WLR 220, CA (disclosure of expert's "material instructions" under rule 35.10(4) CPR) and *Mold v Hayton and Newson*, CA, Lawtel (reasons need to be given for a long limitation extension).