Ben Rodgers

Call: 2007

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Ben Rodgers is a personal injury and clinical negligence specialist.

He can help with tricky issues in insurance, workplace safety law, civil procedure and costs, actuarial methods of calculating future losses, claims for future loss of earnings and care, and fatal accident claims. He is instructed in High Court cases involving life-changing injuries including injuries to the brain, serious orthopaedic injuries and chronic pain disorders. He also has expertise in maritime accidents, injuries sustained abroad, criminal injuries compensation and inquests. He edits the road traffic accidents chapter in ***APIL Personal Injury*** and contributes chapters to ***Work Accidents at Sea*** by Grahame Aldous KC and Linda Nelson and ***The APIL Guide to RTA Liability***.

Areas of Expertise

Personal Injury

Ben can give particular assistance with complex EL and PL cases, often involving construction sites and industrial accidents. Many of these cases involve workers who cannot give instructions in English.

Ben routinely deals with difficult road traffic liability situations, often involving reconstruction evidence. He is well-versed in Road Traffic Act liability and motor insurance.

Industrial disease claims: Ben has recently dealt with respiratory disease claims for mould, isocyanates, coffee and flour. He has handled cases of platinum salts sensitisation, hepatitis, legionnaires and malaria.

When not dealing with the above, Ben's practice consists of advising and drafting schedules of loss in claims worth up to £3m, usually as sole counsel. These are mostly orthopaedic and brain injury claims, and he is familiar with claims having a pain / fibromyalgia / FND aspect.

Notable Personal Injury cases

M v An NHS Trust

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Settled claim for hip injury for £1m at JSM.

X v Foster

Drafted £2.8m schedule of loss in brain injury claim arising from RTC.

Walsh v CP Hart

£900,000 EL brain injury claim.

Kasongo v TFL [2023] EWHC 1464 (KB)

Successful appeal against disapplication of QOCS.

Z v An Airline

Successful claim by cabin crew member for injury caused by contracting malaria down-route.

Accidents at Sea

Ben frequently pleads and appears in cases within the jurisdiction of the Admiralty Court, instructed both by shipowners and injured crewmen, officers, stevedores, passengers and others.

Notable Accidents at Sea cases

Limitation claim arising out of catastrophic injuries to family members on canal boat.

Defending claim against shore-based recruiter by cable-layer plough driver claiming to be employee.

Claim by powerboat driver injured off Mumbai during a race.

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Claim by visitor to ship injured due to lack of familiarity with ship procedures.

Serious back injury sustained by marine salvage worker in South African coastal waters.

Various claims by stevedores against the Ports of Felixstowe and Southampton, and against Maersk.

Claim against Royal Navy arising out of offshore helicopter exercise.

Claim by seaman injured aboard Royal Fleet Auxiliary ship in Caribbean.

Claim against operator of the Woolwich Ferry.

Claim arising out of negligence of Southampton mooring launch driver.

Various pieces of litigation involving accidents on cruise liners.

Travel

Ben has a busy practice advising on cross-border personal injury litigation, and lectures on jurisdiction, choice of law and limitation.

Notable Travel cases

Claim by cabin crew against airline employer following contracting malaria down route.

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Pre-Brexit ***Odenbreit*** claims relating to RTCs in France and Spain.

Various package travel claims including Jamaica, UAE etc.

Claim by English employee arising out of accident in Northern Ireland.

Claims by BP employees arising out of attack on Algerian gas facility.

Claim in England under Portuguese law against uninsured English owner of Algarve villa.

Brain injury sustained by English professional footballer in car being driven in South Africa by English driver.

Clinical Negligence

Ben also accepts instructions in clinical negligence cases, the following being a sample of his recent cases:

Notable Clinical Negligence cases

Diathermy probe negligently causing burn to ureter during private gynaecological surgery.

Failure to diagnose slipped upper femoral epiphysis leading to hip replacement at age 17.

ZXC v Essex [2022] 6 WLUK 42

Maternal death in labour due to failure to infuse blood clotting products.

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Premature discharge of dialysis patient with dangerous hypertension and cerebral aneurysm.

Assault on HCA by unmanageable patient.

Causation of stroke following 4-year delay in referring to tertiary centre.

Inquests

Ben regularly acts for bereaved families at inquests into workplace, hospital and road traffic deaths, and is familiar with the extreme pressures which these hearings place on relatives of the deceased. The stress is particularly acute in the case of hospital inquests, where the family usually requires insulation from the trust's understandably anxious employees. Ben has seen inquests from the other side too, representing local authorities, major public companies and witnesses before the coroner.

Notable Inquests cases

Re Christian Tuvi

2-week inquest, cleaner killed in travellator at Waterloo.

Re Jack Bruce

2-day inquest, collision between cyclist and refuse lorry.

Re Stefania Pintilie

5-day inquest, patient died during caesarean section.

Re Logan McKenzie

5-day inquest, patient died following dialysis.

Re Matthew Wilmott

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5-day inquest, pedestrian died in unguarded excavation.

Education

- BA (Bris.) French and Politics, 2004
- LLB (City), 2006

Memberships

- Inner Temple, PIBA

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