

# Henk Soede

Call: 2019

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Henk Soede specialises in claims involving personal injury and clinical negligence; construction, building safety defects, property and related professional negligence; and travel and private international law disputes.

He has been ranked as a 'rising star' in the major directories ("sharp technical knowledge" and "a practical approach to tactical litigation" (Legal 500, 2023); "very clever and has the knack of being able to simplify difficult and complex concepts" (Legal 500, 2024); "very knowledgeable and helpful", "great attention to detail and is very good on cross-examination." (C&P, 2024)).

## Areas of Expertise

### Personal Injury

Henk acts in claims spanning the full spectrum of personal injury law, including road traffic disputes; employer and occupier liabilities; product liability; public liability; psychiatric injuries; and vicarious liability. He is often instructed in claims where there are suspicions of fraud.

Notable recent cases include:

- Representing a journalist who suffered life-changing injuries in a cycling accident (liability established following two-day trial)
- Piepenbrock v LSE & Ors (led by Laura Johnson QC)
- Representing the defendant in a claim (c.£700k) involving alleged accident-induced fibromyalgia (claim discontinued shortly before trial following disclosure of surveillance evidence)

### Professional Negligence

Henk has a busy paper-based and trial practice in the field of professional liability. He has considerable experience in claims brought against surveyors, conveyancers and building contractors. Henk regularly lectures on this area of law, particularly on issues relating to the assessment of damages in 'loss of chance' claims.

Notable recent cases include:

- Advising on a prospective claim (c. £90k) against a conveyancing solicitor relating to negligent advice prior to the purchase of a residential property
- Advising on a prospective claim (c. £300k) relating to the negligent withdrawal of an easement of support during construction works.

## Commercial, Chancery & Property

Henk has developed a specialist practice in construction law. A significant part of his practice involves building safety defect litigation and related professional negligence and insurance issues. He is happy to provide training on issues relating to the Building Safety Act 2022 and is currently writing a book on the topic.

Henk is familiar with many standard form construction contracts, particularly the JCT. He is called on to advise on tactics and legal merit in prospective or notified adjudication proceedings, often on short notice, and he has experience enforcing adjudication awards in the TCC. He is also instructed in claims involving consideration of the Defective Premises Act 1972, the Party Wall Act 1996 and common law rights to support.

In the property field, Henk has experience in claims for breach of covenant, commercial landlord and tenant disputes, lease renewals, adverse possession, service charge disputes and dilapidation recoveries.

Notable recent cases include:

- Representing a main contractor in the enforcement of an adjudication award (c. £800k) in the TCC. The matter settled shortly before a hearing relating to an urgent freezing order
- Representing a school in an adjudication dispute (c. £130k) arising from a major cladding project (JCT MW16)
- Representing the owner of a residential development in ongoing proceedings concerning breach of repair covenants
- Advising on the withdrawal of a right to support from soil beneath residential properties
- Representing the claimant in a fire safety defect claim valued at £8m+

## Public Sector & Human Rights

In tandem with his personal injury practice, Henk regularly acts in claims brought against public authorities, whether in common law negligence or under the Human Rights Act 1998, data protection legislation, the Equalities Act 2010 or the Highways Act 1980. He was recently instructed by Essex Police (led by Laura Johnson KC) in a seven-day trial concerning the extent of the duty of care owed by the police when performing road policing functions (*Transport Arendonk v Chief Constable of Essex Police*, May 2022, HHJ Freeland KC). He is well-placed to advise on any claim involving contentious duty of care allegations.

## Travel & Cross Border Claims

Henk has developed a specialist practice in the field of travel and private international law. He is a contributing editor to the leading practitioner text in this area, *Saggerson on Travel Law and Litigation* (7<sup>th</sup> Ed.) and is ranked as a “rising star” in the Legal 500 (2022).

Henk is frequently called on to advise in cases involving novel arguments under the Package Travel etc Regulations 2018. He is currently instructed (led by Sara Prager) in an ongoing representative action (£10m+) brought against several major tour operators under regulations 12 and 13 following the onset of the covid-19 pandemic.

He also acts in contractual disputes between travel businesses which necessitate detailed understanding of the package travel landscape.

Henk has built up expert knowledge in all private international law matters, including issues relating to jurisdiction, foreign applicable law and the enforcement of foreign judgments. He regularly writes and lectures on these areas.

Recent notable cases include:

- *Stait v Cosmos Insurance* [2022] EWCA Civ 1429
- *ST v BAI Ferries* [2022] EWCA Civ 1037
- *Alli-Balogun v On the Beach* [2021] 1 WLR 193 (assisted Sarah Prager)
- *UK Tour Operator v Foreign Booking Agent*: high value arbitration under the Arbitration Act 1996 concerning the interpretation of an agency agreement. The arbitration settled on favourable terms for Henk's client
- Advising and representing the claimants in a high value group claim concerning package holiday cancellations due to covid-19

## Clinical Negligence & Healthcare

Henk routinely acts for both healthcare providers (in prison and in community) and claimants in the field of clinical negligence. He is frequently asked to advise on merits, evidence and quantum throughout the lifeline of a claim. Henk has dealt with high-value and complex cases involving difficult issues on breach, causation and evidence. He has no difficulty addressing contentious issues with experts in conference. Recent instructions include a wrongful birth claim involving complex psychiatric injury; a claim involving a negligent hip-replacement surgery; advising on the issue of non-delegable duties in the prison healthcare context; and a claim involving late diagnosis of cancer.

## Education

- GDL and BPTC, City University.
- BSc. Politics & Philosophy (first class), London School of Economics & Political Science.

## Awards

- Lord Denning Scholarship, Lincoln's Inn.
- Accommodation Award, Lincoln's Inn.
- Lord Brougham Scholarship, Lincoln's Inn.
- Top of the year in Philosophy of the Social Sciences, LSE.

## Notable Cases

*ST v BAI Ferries* [2022] EWCA Civ 1037: extension of time for service of the claim form (led by Sarah Prager).

*Stait v Cosmos Insurance* [2022] EWCA Civ 1429: test for domicile in the context of Regulation (EC) No. 1215/2013 (led by Sarah Prager).

*Transport Arendonk BVBA v Chief Constable of Essex Police*: claim involving lost cargo and novel duty of care arguments. Henk acted for the successful defendant following a seven-day trial in May 2022 (led by Laura Johnson KC).

*Piepenbrock v LSE & Ors* [2022] EWHC 2421: claim involving alleged psychiatric injury, novel duty of care allegations, and losses pleaded at £1m+ (assisted Laura Johnson KC).

*Alli-Balogun v On The Beach* [2021] 1 WLR 193 (assisted Sarah Prager).

*UK Tour Operator v Foreign Booking Agent*: high value arbitration under the Arbitration Act 1996 concerning the interpretation of an agency agreement. The arbitration settled on favourable terms for Henk's client.

*LEN Developments v Butler*: the successful enforcement of an adjudication award (c. £800k) in the TCC, requiring advice on charging orders and a worldwide freezing order on property assets. The matter settled shortly before the hearing of the urgent freezing order application.

## Accreditation Logos

