James Byrne

Call: 2006

E	clerks@dekachambers.com
T	+44(0)20 7832 0500

James Byrne is a highly sought after leading junior, with a busy high value practice across a wide field of personal injury and clinical negligence claims.

He is regularly instructed in marque cases, including representing the families of those killed in the Riu Imperial Marhaba Hotel (Tunisia) terrorist attack, and the Croydon Tram Disaster, as well as advising a number of high profile sports stars in respect of injuries suffered whilst playing professional sports.

With a background in criminal law, James is both a both an astute courtroom tactician and persuasive advocate, which he combines with a very strong work ethic, sound judgment and approachability.

Outside work and since retiring from a long amateur (in the truest sense) career playing rugby, James now competes at Ironman and long-distance swimming.

Areas of Expertise

Clinical Negligence & Healthcare

James has established a thriving practice in the field of clinical negligence, accepting instructions from private clients, NHS Trusts, medical defence organisations and private medical and related institutions.

With a wife who is a doctor, James has a unique insight into the workings of the medical profession that the majority of barristers in the field lack. He particularly enjoys cases concerning consent and capacity, and has given a number of lectures on the subject.

Notable Clinical Negligence & Healthcare cases

JT v UCLH Foundation Trust (ongoing)

A multi-million pound claim representing a claimant who suffered respiratory arrest leading to catastrophic brain injury as a result of

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negligent monitoring by the nursing staff in intensive care.

SB v Portsmouth Hospital NHS Trust (2019)

Claim arising out of a failure to recognise and treat an infection that led to a 22 year girl becoming infertile. The case settled on the basis that the Trust would pay for the girl to have 8 courses of IVF treatment in the future, to give her the best chance of still being able to have children.

Personal Injury

James acts for claimants and defendants across a broad range of personal injury work, though specialises in complex and high value catastrophic injury cases, particularly those relating to brain injuries, and fatal accidents.

Alongside being available to advise formerly in respect of liability and quantum, draft pleadings and schedules, James prides himself on being at the end of the telephone for any of his instructing solicitors who would like an informal chat about the issues they are concerned about.

James is a contributor to LexisNexis, PI Update, and Kemp and Kemp.

Road traffic accidents:

A significant part of James' practice comes from injuries caused in road traffic accidents. James has a particular interest in:

- Assisting developing and advising on liability evidence, including the preparation of, and/or advising how the challenge, accident reconstruction reports;
- Advising on primary liability and contributory negligence contributions;
- Unnamed driver and/or uninsured driver MIB claims, both domestic and international.
- Causation arguments concerning the wearing of safety equipment such as seatbelts or cycle helmets.

James also acts as one of the primary barristers used by UK Cycling for claims involving cyclists. This work covers both professional and amateur cyclists, encompassing road traffic liability, Highway Acts claims and occupiers' liability.

Employers Liability

James is regularly instructed to advise on accidents in the workplace, with a particular focus on accidents in an industrial and construction setting, whether it be the failure to provide safe systems of work, accidents at height, breaches of the constructions regulations, the use of faulty equipment and/or the vicarious liability of negligent co-workers.

Highways Act claims

James has represented both claimants and highway authorities in claims brought pursuant to the Highways Act and/or in negligence, including being asked to advise on the meaning of dangerousness, whether a defect is part of the fabric of the highway, defects caused by road resurfacing, flooding, the reasonableness of inspections and what constitutes a trap in negligence (e.g.

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defective street furniture).

Occupiers' Liability

James has experience on advising on the reasonable steps that should be taken to make a premises safe, the fault of independent contractors, and who is the occupier for the purposes of the litigation.

Notable Personal Injury cases

Richards v TUI UK Ltd (ongoing)

Junior to Andrew Ritchie QC, representing 85 claimants made up of the families of those murdered and injured at the Hotel RUI Imperial Marhaba in Tunisia in 2015 as a result of the a terrorist attack by an ISIS militant.

Croydon Tram disaster

Junior to Andrew Ritchie QC, representing families of 5 of the 7 persons killed when a tram derailed at the Sandilands Junction, Croydon in 2016 .

XYZ v The Football Association, Rugby Football Union (all home nations) and others (ongoing)

A proposed class action suit representing various household name sports stars from professional football, rugby union and rugby league who allege that due to failures of their sports' governing bodies to take appropriate medical action they suffered long term dementia type injuries.

Naran (deceased) and Soni v Highways England and others (ongoing)

Representing the Claimants in a fatal accident case where 8 year old Dev Naran was killed after a lorry struck his vehicle, which had stopped on a smart motorway. The case has received national press attention forcing Highways England to admit that smart motorways are not safe as previously reported.

Zawadski v Willliams & MIB (ongoing)

Representing a claimant in a multi-million pound claim against an uninsured driver, who caused him a catastrophic brain injury when the Claimant stepped out in front of his car whilst crossing the road.

Rachfal v P&D Engineering

Representing a claimant who suffered terrible facial injuries when her hair got tangled in a lathe machine causing total avulsion of

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her scalp.

Horncastle v Felixstowe Docks (2019)

Successfully represented Felixstowe by proving fundamental dishonesty against a claimant who hid the true picture of his loss of earnings post-accident. The case is unusual as, on James' advice, it was one of the first to take the tactical approach of pleading a counterclaim of deceit allowing the Defendant to be awarded damages.

Sport Law

James is one of the premier junior barristers in the country specialising in civil liability arising out of participation in sport.

On the claimant side, James has a wide-ranging client list that includes current and ex-professional footballers, rugby players, cyclists, cricketers, jockeys, gymnasts and hockey players. Whilst on the defence side, James has represented regulatory bodies such as British Cycling and British Gymnastics, alongside promoters, professional football clubs, referees, schools and individual players.

Given the high-profile nature of the work, James is experienced in advising on media strategy and settling cases using non-disclosure agreements.

Of note, James is junior counsel advising in the class action brought by ex-professional footballers for the failure to protect them from the consequences of concussive and non-concussive brain injuries during their time playing. The case has been described as 'ground-breaking' and has garnered considerable media attention:

https://www.dailymail.co.uk/sport/football/article-8959585/FA-braced-brain-injury-compensation-claims.html

https://www.skysports.com/football/news/11095/12135563/legal-action-begins-over-brain-injuries-among-former-players

He has further advised in respect of a similar class action brought on behalf of professional rugby players.

Inquests

Alongside his personal injury and clinical negligence practices, James is often asked to attend inquests on behalf of families during the genesis of their fatal accident claims.

Notable Inquests cases

Dev Naran (2019)

On behalf of the family, James assisted the Area Coroner of Birmingham and Solihull in reaching her decision to order Highways England respond to a regulation 28 report to prevent future deaths in respect of the safety of smart motorways

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Croydon Tram Disaster (ongoing)

James and Andrew Ritchie QC, representing the families, are due to begin a 4-month inquest in May 2021 to establish the causes of the Croydon Tram Disaster.

Selet (ongoing)

Father of two young children killed in a motorcycle accident when struck by a vehicle whilst filtering between traffic at speed on the M25.

Civil Fraud

Prior to joining the Civil Fraud team, James enjoyed an extensive background in prosecuting white collar criminal fraud for both HMRC and the Serious Fraud Office, and acted as junior counsel in some of the largest fraud cases brought in the early 2010s, including the Libor rates fixing scandal successfully prosecuting Tom Hayes.

James has brought that experience to bear in both acting for Claimants and Defendants in civil fraud claims. He has a keen eye for detail and understanding of what the real issues in the claim are, he is tactically astute, and a persuasive court room advocate.

Notable Civil Fraud cases

Mitchell v QBE

James successfully obtained a finding of fundamental dishonesty following a 5 day trial against a self-employed cleaner who claimed his earnings had been impacted by an accident at work.

XYZ v Aviva

James obtained a fundamental dishonesty finding against a Litigation Friend who brought a claim on behalf of a man who provided inconsistent accounts about how a road traffic accident took place. The claim was particularly sensitive because it involved the cross examination of two persons with very significant mental health issues.

Messent v Fifields

James prevented a Defendant from amending pleadings to include a fundamental dishonesty claim.

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Education

- History (BA Hons), University College London
- PgDL, BPP Law School, London
- BPTC, BPP Law School, London

Memberships

- Association of Personal Injury Lawyers

Awards

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Accreditation Logos

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