

## ADAM CLEMENS

Year of call  
1985



Adam Clemens specialises in police law, clinical negligence and personal injury.

He acts as an independent adviser to a leading insurance provider on funding issues and settlement parameters in very high value cases. He also has a niche practice in bailiff/enforcement law, having guided some of the main players through the important changes in this area, and drafting guidance/the Code of Practice for CIVEA, the industry trade body.

Adam has wide inquest experience and excellent trial management skills, is comfortable in multi-expert cases and recently successfully “hot tubbed” audio-vestibular experts in a high value claim. His recent workload features an increase in Article 3 claims based on allegations of failed historical investigations in the police context, and complex traumatic brain injury in personal injury.

### LEGAL EXPERTISE

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#### Actions Involving The Police

Adam acts mainly for defendants and, principally, the Commissioner of Police of the Metropolis. He is instructed on high profile and high value cases.

#### Selected Cases

[Brown v \(1\) Commissioner of Police \(2\) GMP, EHRC Intervener \[2019\] EWCA Civ 1724/\[2019\] 10 WLUK 265](#)

Important clarification by the Court of Appeal on the Part 44 QOCs regime and guidance on exercise of the 44.16(2)(b) discretion.

## Stephen Yaxley-Lennon v Cambridgeshire Police (2019)

Successful defence of a case brought by Tommy Robinson for harassment, Equality Act discrimination and breach of human rights.

## Watling v Chief Constable of Suffolk & G4S [2019] EWHC 2342 (QB)

Successful defence of Article 3 and 8 claims alleging a failure to provide medical attention to a detainee suffering a stroke.

## Various claimants v The Commissioner (2019)

Claims arising from the Occupy London demonstration in Parliament Square.

## TT Smith v The Commissioner (2019)

Claim for damages of £600k in relation to release of mink in 1998, only recently coming to light in the enquiry on undercover police officers.

## Archer v Commissioner - High Court (2019)

Whether detention of juveniles for their own protection under s.38 PACE offends Article 5. Claimant seeks a declaration of incompatibility.

## Brown v Commissioner of Police [2018] EWHC 2016 (QB)

Successful appeal on the interpretation of the CPR Part 44 QOCS provisions. Court of Appeal hearing listed in October 2019.

## Pal v The Commissioner [2018] EWHC 2988 (QB)

Successfully resisting appeal on a social media harassment and human rights claim.

## Clinical Negligence

Adam acts for claimants across the spectrum of clinical negligence claims, often involving capacity and Court of Protection issues.

## Selected Cases

### JT (ongoing)

Failure to monitor baby after fetal maternal haemorrhage resulting in anaemic collapse and death of baby.

### Robus (ongoing)

Failure to manage bed sores resulting in ulceration, osteomyelitis and probable amputation.

### Skraga (ongoing)

Failure to detect a material change in size of an epidermoid tumour.

## Personal Injury

Adam acts for both claimants and defendants in a wide spectrum of personal injury cases, with an increasing focus on brain injury and the tension between normal MR scanning suggestive of no demonstrable organic brain injury, and clinical presentation of cognitive deficit. He will resist an appeal in October 2019 (CA) in the case of *Brown v Commissioner* on the availability of a discretion under CPR 44.16(2)(b) in “mixed” QOCS cases.

## Selected Cases

### [Joseph v Commissioner of Police \[2018\] 5 WLUK 490](#)

Leading audio-vestibular experts hot-tubbed to good effect in a case examining the interface between traumatic brain injury, vestibular type migraine and PoTS – positional orthostatic tachycardia syndrome.

### [Brown v Commissioner of Police \[2018\] EWHC 2016 \(QB\)](#)

Enforcement issues in the CPR Part 44 QOCS regime.

## Data Protection

Adam has a wide experience of data protection issues, from the Court of Appeal landmark QOCS case involving misuse of private information – *Andrea Brown v (1) The Commissioner of Police of the Metropolis and (2) GMP* [2020] 1 W.L.R. 1257 – where travel details from the UK Border Agency were obtained in breach of the Data Protection Act, to advising both private and public bodies on GDPR issues and information sharing protocols.

The judgment in *Brown* has obvious implications for the funding of data protection/misuse of private information/confidentiality claims, and the recovery of costs in this arena. Adam recently advised LUL on the capture and retention of CCTV images involving accidents on the London underground for use in civil litigation, and the potential GDPR ramifications of the same for company officers. He has advised CIVEA (the trade body for enforcement agents) on data protection issues, and public bodies such as the Commissioner of Police on information sharing protocols, and their drafting.