

JAMES WESTON

Year of call
2007



James practices in the fields of clinical negligence, catastrophic injury and abuse/social services claims. Within his areas of expertise he undertakes complex and high value litigation, including group actions, as well as inquests for families, local authorities and institutional clients.

LEGAL EXPERTISE

Clinical Negligence

James undertakes a range of complex and high value clinical negligence work. He has a particular expertise in cases involving birth, brain and neurological injury. He is regularly in court cross examining clinicians and experts.

James also appears at coronial proceedings including Article 2 inquests following deaths in psychiatric units.

Selected Cases

[H v County Durham & Darlington NHS Foundation Trust \(2023\)](#)

The Claimant, a young fashion designer, suffered injury during ophthalmic surgery, leaving her partially blind. Complex issues of causation and quantum are in issue. The claim is valued at over £5 million in light of the Claimant's care needs and career prospects in the fashion industry at the time of injury.

[T v St George's University Hospitals NHS Foundation Trust \(2020 - High Court\)](#)

Birth injury resulting in cerebral palsy.

Hankin v Saracens and others (2020 – High Court)

Representing former professional rugby player in relation to claim for management of his brain injury.

C v St George’s University Hospitals NHS Foundation Trust (2020 - High Court)

High value claim following injury to engineer during neurosurgery.

Inquest into the death of Chanice Anderson (September 2019)

Article 2 jury inquest following the death of a patient on a psychiatric unit.

C (a child) v Lewisham & Greenwich NHS Trust (2019 – Central London)

Birth injury.

MG (a child) v Barts Health NHS Trust – (2019 - Central London)

Wrongful birth claim.

Inquest into the death of Mia Rose Atkins (August 2019)

Death of a toddler in hospital following a hypoxic brain injury.

Inquest into the death of Baby Bienias (May 2019)

Death of a baby girl as a result of vigorous obstetric handling at birth.

Abuse & Social Services Claims

James defends local authorities and other bodies in litigation involving allegations of child and adult social services negligence, abuse and deprivation of liberty. He also has a particular expertise in claims under Articles 2, 3, 6 and 8 of the Human Rights Act and stress at work claims.

He is also regularly involved in representing adult and children’s services at inquests where the reputation and standing of social work professionals and departments is in question.

Selected Cases

Multiple Claimants vs Local Authority (2023)

A group action brought by over 50 claimants in relation to abuse at a school in the 1970s, 1980s and 1990s, which has been widely covered in the media. James represented the local authority.

Y v London Borough (2022)

James represented the local authority in a claim brought by Y, who was seeking to recover for breach of Article 4 of the European Convention on Human Rights (prohibition against slavery and forced labour). The Claimant alleges that social workers owed her extensive duties under Article 4 to provide services as a result of her being a victim of human trafficking.

Pearl Butterworth v Rochdale Borough Council (Manchester County Court, 2022)

James successfully defended the local authority at trial in a claim relating to child sexual exploitation in Rochdale in the early 1980s, one of the earliest known reports of CSE.

Professor Akay v Newcastle University [2020] EWHC 1669

James was successful at the appeal hearing before Lambert J having applied successfully to strike out the Claimant for abuse of process/res judicata at first instance.

Fisher v Blackpool Borough Council (2020 – Manchester County Court)

Strike out application in failure to remove claim following CN v Poole.

Inquest into the death of JS and VS (2020)

Article 2 inquest representing a local authority following a domestic homicide.

AB v E (2020 – Wrexham County Court)

Contribution claim against abuser by former employer. Successful recovery at trial of full contribution to damages and costs.

F v A Borough Council (2019 – Manchester District Registry)

Defending an abuse claim valued at over £1 million.

MR v C Healthcare (2019 – Manchester District Registry)

James represented a psychiatric hospital in a claim for alleged abuse of a patient by his treating psychologist.

Various Claimants v A County Council (2017-2019 – Cambridge County Court)

Group action following abuse in a care home.

Brain Injury

James is an expert in brain injury claims with an in-depth understanding of neurological and neuropsychological medico-legal issues. He is adept at marshalling and cross-examining experts. His advice is

a mix of pragmatic realism and a keen desire to test the boundaries on quantum.

Selected Cases

Hankin v Saracens and others (2020 – High Court)

Representing former rugby player in relation to claim for brain injury and its management.

C v JL and MS Insurance (High Court - 2020)

Severe brain injury to a head teacher following an RTA.

C v L (High Court - 2020)

Brain injury following an assault with a weapon and a deliberate running down with a vehicle.

PB v KC (High Court – 2019)

Claim on behalf of a police officer. Settled for £1.2 million.

Inquests & Inquiries

James represents interested persons in coronial proceedings, including Article 2 inquests, in his areas of expertise. He regularly appears for adult and children's services where the reputation and standing of social work professionals and departments is in question. He also represents families following deaths in hospitals and state detention.

Selected Cases

Grenfell Tower litigation (2022-2023)

James represented a large cohort of Claimants involved in the disaster.

Inquest into the death of JS and VS (2020)

Article 2 inquest representing a local authority following a domestic homicide.

Inquest into the death of Chanice Anderson (September 2019)

Article 2 jury inquest following the death of a patient on a psychiatric unit.

Inquest into the death of Mia Rose Atkins (August 2019)

Death of a toddler in hospital following a hypoxic brain injury caused by choking at home.

Inquest into the death of Baby Bienias (2019)

Death of a baby girl as a result of vigorous obstetric handling at birth.

Inquest into the death of Baby Bienias (May 2019)

Death of a baby girl as a result of vigorous obstetric handling at birth.

Memberships

- AvMA
- PIBA