



## David Knifton

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Call 1986

### Personal

David Knifton was born in 1964 in Crosby, Liverpool. He was educated at Merchant Taylors' School and at the University of Nottingham, from where he graduated with LLB (Hons) in 1985.

He was awarded a Duke of Edinburgh Entrance Scholarship to the Inner Temple and was called to the Bar in 1986. He returned to Liverpool to practise in common law, initially at Chavasse Court Chambers, then at 7 Harrington Street, before moving to Exchange Chambers in August 2006.

### Practice: Personal Injury

David practises exclusively in the fields of personal injuries and clinical negligence, in which he is recommended in the *Legal 500* and *Legal Experts*. He undertakes multi track work on behalf of both claimants and defendants, almost exclusively with a value in excess of £100,000. For details of his clinical negligence work, please see below. He wins particular praise from instructing solicitors for his approachable nature and ability to put clients at ease, the thoroughness of his preparation, and the quality of his advocacy. He has considerable experience of claims of the utmost severity, including brain and spinal injuries and amputations, and is adept at ensuring that seriously injured claimants recover the substantial awards to which they are entitled.

He has wide experience of catastrophic injury cases, and was recently involved in the settlement of a brain injury claim with a gross value of £8.2m, a spinal injury case with a value of £8.15m, and an amputation claim with a value of £2.1m. In the last 3 calendar years, he has assisted his clients to recover damages of almost £34m. His largest claim to date, acting without a leader, was a brain injury case in which he secured an award of £5.85m. He is currently instructed in a number of brain and spinal injury cases, and has a particular interest in difficult liability issues concerning seat belts and cycle helmets. He has been involved in a number of aviation accidents, and acted for the claimants in *Disley v Levine [2002] 1 WLR 785* (liability of instructor for catastrophic spinal injury sustained by trainee during a tandem paraglider flight) and *Martin & Ker v Dyn'Aero* (in which he recovered damages of almost £1m against the manufacturers of a light aircraft which crashed due to failure of the tailplane lugs). He was also instructed in the inquests into the *Morecambe Bay helicopter crash* (subsequently securing substantial damages for the pilot's widow) and the *Rugeley light aircraft collision*. He is regularly involved

in claims against the MOD, and recently advised on the issue of combat immunity arising from injuries sustained by a soldier whilst on patrol in Iraq. He appeared for the family of one of the soldiers murdered by a rogue Afghan policeman at the high-profile inquest into the fatal shootings at checkpoint Blue 25 in Helmand Province.

He has a particular interest in claims for damages for historic sexual abuse, having appeared in the *North Wales (Waterhouse) Child Abuse Inquiry 1997-1998*, and in *A v Wirral Borough Council [2008] EWCA Civ 783*, one of the leading authorities on limitation in that field. He is a champion of the use of mediation as a means of resolving such disputes, and is praised by instructing solicitors for his sensitive client handling skills.

On behalf of defendants, he is regularly instructed in industrial disease claims, predominantly for mesothelioma. He recently advised a major local authority on its potential liability for skin cancer suffered by employees working outdoors. He is instructed on behalf of a number of major insurers to defend fraudulent claims, and has extensive experience of highways claims.

Further details of David's practice may be found on his website [www.knifton.webeden.co.uk](http://www.knifton.webeden.co.uk)

### **Practice: Clinical Negligence**

David's clinical negligence work is undertaken largely on behalf of claimants. Recent cases in which he has been involved include:

- A claim for damages for chronic neuropathic chest pain, resulting from manipulation by a "Bowen" therapist (a form of remedial massage), which settled at a JSM for £400,000 (*instructed by Irwin Mitchell, Manchester*)
- A fatal accident claim arising out of the premature death of a young woman, due to a negligent failure to diagnose a synovial sarcoma of the leg, which settled just prior to trial for nearly £½m (*instructed by Maxwell Hodge, Liverpool*)
- The trial of an action resulting from a failed termination of pregnancy, in which he was described by his instructing solicitor as "inspirational to work with" (*instructed by Gregsons, Liverpool*)
- The defence of a claim against an eye surgeon and proprietor of a laser surgery clinic for damages resulting from allegedly negligent surgery, in which he was described by his instructing solicitor as "very approachable, thorough and well-prepared" (*instructed by Brabners Chaffe Street, Liverpool*)
- A claim for a negligent delay in the diagnosis of acute limb ischaemia, leading to a below-knee amputation (*instructed by Irwin Mitchell, Manchester*)
- A claim for negligent failure to detect MRSA in the foot of a patient disabled by spina bifida, leading to a below-knee amputation (*instructed by Gregsons, Liverpool*)
- A fatal accident claim arising out of a negligent failure to investigate and treat a chest infection in a former cancer patient (*instructed by Maxwell Hodge, Liverpool*)
- A claim for shoulder injuries suffered by a hospital patient with severe amnesic disorder, arising from a failure to undertake a risk of falls assessment (*instructed by Gregory Abrams Davidson, Liverpool*)

- A claim resulting from a negligent failure to diagnose a fracture to the lower spine, resulting in severe long-term disability (*instructed by Tranters Freeclaim, Stockport*)
- A claim in respect of a negligent failure to diagnose Erb's palsy in a newborn infant following shoulder dystocia (*instructed by Irwin Mitchell, Manchester*)
- A claim for peritonitis suffered due to the negligent performance of a hysterectomy, which settled for £160,000 (*instructed by Maxwell Hodge, Liverpool*)
- A claim involving severe complications resulting from negligent surgery to remove a gallbladder, which settled for £175,000 (*instructed by Maxwell Hodge, Liverpool*)

David accepts instructions from both LSC franchised firms and from others, and is willing to act on a CFA basis in appropriate cases.

### **General**

Married, with 4 children, 3 of whom have autism spectrum disorders, David has a particular interest in special educational needs, and has provided training to local authorities in that area. Having acted for several years as a volunteer advocate for the National Autistic Society's Tribunal Support Scheme, he was instrumental in setting up a *pro bono* partnership between Exchange Chambers and the NAS in 2009 to provide representation before the Special Educational Needs and Disability Tribunal, and has successfully represented a number of parents at Tribunal hearings.

He was appointed a Recorder in 2002, and is authorised to sit in both the Crown and county courts.

He is an ADR Group Accredited mediator, and a member of the Exchange Chambers mediation group.

He is a member of the Personal Injuries Bar Association and the Professional Negligence Bar Association.

He is a door tenant at 7 Bedford Row, London (Chambers of Simeon Maskrey QC).