

David Knifton KC

Call 1986 | Silk 2018



Clerks' Details

 Neil Wright
 0151 242 8814

Appointments

- Accredited Mediator (2006)
- Recorder - Crown and County Court (2002)

Memberships

- Northern Circuit
- Personal Injury Bar Association
- Professional Negligence Bar Association
- Northern Circuit Medico-Legal Association

Education

- LLB (Hons), University of Nottingham (Class II.i, 1985)
- Inner Temple, Duke of Edinburgh Entrance Scholarship

Military Injury Claims CV

Overview

David has extensive experience in handling high-value military claims. He practises exclusively in the fields of Personal Injury and Clinical Negligence, particularly cases involving brain or spinal cord injuries, amputations and other catastrophic injuries. His abilities as an outstanding advocate and tactician are widely recognised.

He typically achieves settlements on behalf of his clients averaging £20m-£30m per year. He is consistently recommended as a leading barrister in Chambers & Partners and the Legal 500.

His vast experience, legal expertise, meticulous preparation, excellent client skills and pragmatic approach are highly-valued by many of the country's leading PI and clinical negligence firms.

In addition to his PI and clinical negligence work, David has acted at a number of high-profile Inquests and public inquiries, including the Checkpoint 'Blue 25' Inquest (2011) concerning the deaths of 5 UK servicemen shot by a rogue Afghan policeman. In 2014 he was interviewed on the British Forces News channel after speaking at the APIL Military Claims Conference at the Churchill War Rooms in London on combat immunity.

Cases

- **G, M and M v MOD (2019-20):** David secured awards totalling over £9m on behalf of 3 servicemen who suffered very serious injuries when their inadequately-armoured Pinzgauer vehicles struck roadside improvised explosive devices (IEDs) in Afghanistan. The claims raised difficult legal issues regarding the scope of the defence of combat immunity. Arguing that the shortcomings of the vehicles (nicknamed “coffins on wheels” by troops) were known to the MOD prior to their deployment in Afghanistan, such that the procurement decision had not been taken in the heat of battle (Smith v MOD [2013] UKSC 41), David (leading Chris Barnes) persuaded the Defendants to compromise the claims without any admission of liability
- **M v MOD (2018):** David (leading Paul Kirtley) secured an award of over £7m on behalf of a Navy pilot who suffered a severe brain injury and multiple fractures after landing his Merlin helicopter on the aircraft carrier HMS Illustrious at night-time, when he fell between decks due to the flight deck lift being opened without a warning being sounded. Although the Claimant had made a remarkably good physical recovery, he had been left with major problems of fatigue, cognitive impairments and behavioural issues, such that his career as a Navy pilot had been terminated, he was unlikely to be capable of remunerative employment and he was left with significant support needs. Part of the award included the rental of a respite flat, where the Claimant could stay during the week in order to manage his fatigue away from the demands of his family
- **S v MOD (2016):** David secured an award of £2.35m on behalf of an Army Captain who suffered a severe brain injury and multiple orthopaedic injuries when he fell from the rock face on Ben Nevis during a poorly-planned military climbing exercise, resulting in post-traumatic epileptic seizures, cognitive impairments and behavioural change, prematurely ending his promising Army career (he had been expected to promote to Lt Colonel) and restricting him to part-time employment. The client subsequently commented: “I am truly grateful for all the support and effort my legal team put in to my case. They made what had seemed like a very daunting and unnerving process a clear and transparent one where I felt supported and informed throughout”
- **C v MOD (2016):** An award of £325,000 was secured for a brain injury to an RAF technician who fell from a poorly-designed platform whilst servicing a helicopter
- **G v G4S (2016):** A challenging case in which David negotiated a settlement at mediation of £175,000 on behalf of a former Infantry officer who suffered PTSD whilst working as a security project manager for a contractor in Iraq. As a result of vetting failures, another ex-serviceman (DF) was employed as a close security operative, despite having been dishonourably discharged from the Army due to misconduct, having a number of criminal convictions and unstable mental health. **Having been**

issued with live weapons, DF became involved in a drunken argument with 2 other employees, whom he fatally shot within the compound, causing a situation of panic to develop in which the compound was believed to be under attack from insurgents. The Claimant rendered first aid to the dying men, despite fearing that his own life was in danger, and developed PTSD, requiring him to end his security career. The case raised difficult legal issues regarding vicarious liability for criminal conduct

- **MMC v MOD (2016):** David secured an award of over £1m for a Scots Guards Lieutenant who suffered a serious injury to his lower back during a casualty evacuation exercise, causing significant disability which prematurely ended his military career
- **C v Devonport Royal Dockyard (2015):** David secured a settlement of almost £1m, subject to a 30% deduction for contributory negligence, for a Royal Navy Warrant Officer who suffered a severe brain injury when the front wheel of his bicycle became trapped between uncovered railway tracks, causing him to be thrown over the handlebars
- **B v MOD (2015):** A total settlement valued at over £3.2m was negotiated on behalf of an Army recruit who suffered a profound brain injury when he was struck on the head by a pace stick thrown by the drill Sergeant at Catterick, leaving him with significant physical, cognitive and behavioural difficulties
- **H v Control Risks Group (2013):** A former soldier working as a close protection operative in Iraq suffered a catastrophic spinal cord injury resulting in incomplete tetraplegia when the vehicle in which he was travelling suffered a tyre blow-out, due to maintenance failures, causing it to crash and overturn. A total award of £5m was negotiated, after an agreed reduction of 20% for contributory negligence
- **L v MOD (2013):** David secured an award of almost £630,000 for a severe hand injury to an infantryman struck by a rocket flare during a training exercise
- **L v MOD (2012):** David secured damages of over £625,000 on behalf of a TA engineer who suffered a brain injury when she fell from her bicycle whilst on exercise on Ascension Island, due to not being provided with a helmet
- **F v MOD (2011):** David secured an award of £135,000 for a TA volunteer who suffered a serious shoulder injury
- **A v MOD (2011):** An award of over £40,000 was obtained on a provisional damages basis for skin cancer sustained as a result of sun exposure to a Grenadier Guardsman in Kenya
- **K v MOD (2010):** David secured a settlement of nearly £1m for a Royal Navy Leading Medical Assistant who suffered severe and life-threatening injuries, including a traumatic brain injury, when the Land Rover in which he was being carried overturned

- **B v MOD (2010):** An unusual case in which a Military Police Corporal suffered a back injury during an 8-mile loaded march in Germany, leading to the development of dystonia and CRPS, resulting in a below-knee amputation. Despite liability and causation remaining in dispute, David negotiated damages totalling £900,000
- **B v MOD (2010):** An award of £580,000 was secured for post-traumatic epilepsy and visual impairment suffered by a Corporal in The Royal Green Jackets as a result of a gunshot wound to the head during a night-time assault exercise using live ammunition
- **B v MOD (2009):** A claim for non-Hodgkin's lymphoma suffered by an Army engineer following exposure to excessive hydrocarbon fumes whilst cleaning confined spaces in an M2 amphibious bridge vehicle. Despite significant difficulties in establishing causation on the expert evidence, David was able to negotiate a mediated settlement on behalf of the Claimant's widow, following his death

Beyond the Bar

David is married with 4 children, 3 of whom have autism spectrum conditions. In 2011, he was responsible for setting up an alliance between Exchange Chambers and the National Autistic Society to provide pro bono representation to parents challenging local authority decisions in the Special Educational Needs & Disability Tribunal. His outstanding work in the field was recognised at the 2016 NAS Autism Professionals Awards, where Exchange Chambers won the team award for innovative family support. Away from work, David is a keen musician, singing in several choirs and occasionally playing guitar and keyboards in a band. He enjoys cycling, and was a member of the Chambers' team which raised nearly £30,000 following a trans-Pennine charity ride.

Recommendations

"Talented silk who specialises in acting for claimants who have suffered catastrophic brain and spinal injuries and amputations, notably those with complicating factors such as disputed liability and contributory negligence. He is skilled at preparing schedules of loss." "His skills in serious personal injury cases are second to none. He is my go-to silk for the most complex matters." "David is very technically astute and knowledgeable." "He is effortlessly knowledgeable in personal injury matters of the utmost severity and complexity."

Chambers and Partners 2024 – Personal Injury Tier 1

"David Knifton KC acts exclusively for claimants in complex clinical negligence cases. He frequently handle obstetric injury, surgical negligence and delayed diagnosis claims,

and offers expertise in cases involving complex issues of consent.” “David is very talented and highly impressive for his attention to detail.” “He is thorough and articulate. He has excellent interpersonal skills and a great ability to put clients at ease.” “He grapples with complex cases with apparent ease and confidence.”

Chambers and Partners 2024 – Clinical Negligence Tier 2

“David is extremely bright and his ability to grasp complex matters is second-to-none. He is the best there is, he has excellent communication skills, and he is able to express himself very clearly.”

Legal 500 2024 Leading Silks – Personal Injury Tier 1

“David is an excellent barrister who is always prepared for a fight. He is a great advocate who has the confidence to cross-examine and also to challenge defendants on difficult points, and he is the first port of call for a difficult case.

Legal 500 2024 Leading Silks – Clinical Negligence Tier 2

“David is incisive when dealing with evidence.” “He is very organised and responsive with a friendly client manner.” “He is brilliantly persuasive.” “David’s preparation skills and creativity are really fantastic.” “He is an exceptional tactician and strategist.” “He meticulously analyses cases.” “David is outstanding.” “He identifies the key issues in any case with pinpoint accuracy.”

Chambers and Partners 2023 - Tier 2

“David’s grasp of the primary material and evidence is beyond impressive. He is able to drill down into the granular detail of every important point, because he has absorbed and analysed the relevant medical records, witness evidence and expert reports. He is able to use that attention to detail to steer conferences with experts and clients through the important areas with efficiency and skill. His lay clients trust and respect him. They feel reassured by his ability to demonstrate an in-depth understanding of their case and he is able to talk them through the litigation (including complex points and difficult concepts) in a way which they are able to easily understand and engage with. David has secured some excellent results for his clients.” “Clients trust in him completely and he will fight tooth and nail to get the best possible result. He has a forensic, yet down-to-earth, relaxed approach: he meticulously analyses cases and explores all avenues to ensure excellent results are achieved. He has an abundance of experience with clinical negligence catastrophic injury claims. He works tirelessly and is always available to provide prompt, clear, effective advice. His attention to detail is second to none. A thorough silk with unrivalled determination and skill.”

The Legal 500 2023 – Leading Silk, Tier 1

“Forensic, accessible, innovative and great with clients.” “He is able to distil complex clinical negligence cases down to the key issues, and his advice is well prepared, well structured and well delivered.” “He is technically excellent, and his attention to detail is second to none.” “He is extremely effective and very energetic. He is clear with clients, caring and very responsive.”

Chambers and Partners 2022 - Tier 2

“David is highly impressive and effective with clients and experts alike. All good Silks can refine cases down to a few key issues, but David goes further providing a certain clarity to difficult issues. He is forensic in his approach and delivers his advice in a clear, effective manner leaving nothing to be misunderstood. Excellent with clients and experts. A problem solver and a thinker.”

The Legal 500 2022

“An excellent strategist who is completely trusted by clients and will fight tooth and nail to get the best result possible. He is bright, sharp and has excellent attention to detail.” “He is very approachable and good at explaining difficult issues to clients.”

Chambers and Partners 2021

“David has great technical knowledge and a keen forensic eye for detail, and his experience sitting as a Judge, places him in an excellent position to advise on the likely approach of the court. David has a relaxed and calm manner which is particularly helpful with claimants. David has always been very accessible which is crucial in litigation, available to provide fast advice and guidance on situations that may arise.”

“David is calm, patient with families who have seen the worst things happen to them, and a determined and able advocate. He will fight difficult cases and is able to quickly determine the right approach on any case. He is not shy of taking on the most difficult cases and successfully navigates them.”

The Legal 500 2021

“He’s a good negotiator and is very thorough.” “He’s always well prepared and has very good attention to detail.”

Chambers and Partners 2020

“A true claimant specialist who is determined to fight for clients.”

The Legal 500 2020

“He is able to deal with huge amounts of detail and quantum elements very quickly. He is organised in his approach and in conferences he will provide a detailed plan, which clients appreciate.”

Chambers and Partners 2019

“He argues his points with a steely charm.”

The Legal 500 2018/19

“Technically excellent. He takes a pragmatic approach to cases and is very approachable.”
“He has a keen eye for detail and gets excellent results. Clients like him.”

Chambers and Partners 2018

“Just supreme in his technical ability, though his best asset is the way he can take something that appears indecipherable and break it down into manageable terms, not only for the solicitor but for the client.” “He takes no nonsense and gets the job done. Meticulous in his preparation and strong in negotiation, he is a calm but strong and reassuring presence.”

Chambers and Partners 2017

“Thorough, quick and tactically astute.”

The Legal 500 2017

“A highly-experienced senior junior who acts primarily for claimants on cases involving serious injuries, with notable expertise in military claims... He is meticulous in his approach. He’s calm and patient with clients, with a reassuring and confident demeanour. He is efficient, accessible and approachable. He has excellent technical skills together with a superb manner with clients.”

Chambers and Partners 2016

“He has a fantastic eye for detail, and is always calm and rational under pressure.”

The Legal 500 2016

“Focuses in particular on claimant work, with notable skills in dealing with matters involving brain, spinal injury and military claims. Interviewees particularly praise his excellent client skills.” “He is fiercely intelligent whilst also being tactically brilliant.” “He is very practical, and has a very nice manner with clients and opponents.”

Chambers and Partners 2015