

## David Knifton QC

Call 1986



### Clerks' Details

 Rachel Williams  
 0151 242 8840

### 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

### Personal Injury

#### Overview

David practises exclusively in high-value personal injury and clinical negligence cases, primarily on behalf of claimants. He is recommended as a leader in those fields by both Chambers & Partners and The Legal 500. He will generally only accept new instructions in cases with a value in excess of £1m, and consistently achieves settlements each year totalling over £20m.

His personal injury practice covers the following areas:

- brain injuries
- spinal cord injuries
- claims for loss of a limb
- other catastrophic injuries

Described by the Head of PI at a major UK firm as “*a terrific advocate with a great natural bedside manner*”, and by a partner at another leading firm as “*simply excellent*”, solicitors consistently praise his superb advocacy, thorough preparation, attention to detail, approachable and accommodating nature, clear and well-reasoned advice, excellent negotiation skills, and great empathy with lay clients, whom he involves in every part of the litigation process. Chambers & Partners describes him as “*An excellent strategist who is completely trusted by clients and will fight tooth and nail to get the best result possible*”, whilst The Legal 500 describes him as “*a determined and able advocate*.”

He has a particular interest in difficult liability issues, such as failures to wear seatbelts or cycle helmets, pedestrian contributory negligence, claims brought by injured servicemen against the MOD and claims arising from aircraft accidents.

An acknowledged expert on the application of the Ogden Tables, he has extensive experience of drafting complex Schedules of Loss in high-value claims, and invariably produces a spreadsheet indicating settlement parameters for any joint settlement meeting, providing the client with clear advice to enable them to make difficult decisions. His experience and proven track record in negotiations consistently leads to outstanding results.

## Beyond the Bar

David is married with 4 children, 3 of whom have autism spectrum disorders. He was responsible for setting up a pro bono alliance between Exchange Chambers and the National Autistic Society to provide advice and representation in the field of special educational needs. This alliance has provided invaluable assistance to parents struggling to secure appropriate education to meet their children's needs. Away from work, he is a keen musician, singing in a choir 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

“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.”

“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.”

**Chambers and Partners 2022**

“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 attention to detail and client care skills are excellent.” “He is very organised and communicative.” “He conducts his cases with skill and has excellent judgement.”

“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**

“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**

“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**

“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**

“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**

“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**

“An excellent communicator and fantastic technician, with a lovely rapport with the most seriously injured clients.”

“Chris has skills well beyond his call and manages to build meaningful and valued relationships with those who instruct him as well as his lay clients. He is uber-efficient and distils even the most complex cases to the crucial, case deciding core issues.”

**The Legal 500 2022**

“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**

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

**The Legal 500 2020**

“He argues his points with a steely charm.”

**The Legal 500 2018/19**

“Thorough, quick and tactically astute.”

**The Legal 500 2017**

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

**The Legal 500 2016**

## Cases

**MIB v Lewis (2019):** Landmark ruling, in which the CA upheld a judgment that the MIB was directly liable under the EU Motor Insurance Directives for catastrophic spinal cord injuries caused by the use of an uninsured vehicle on private land. Although the injuries did not arise out of the use of the vehicle on a “road or other public place”, and hence fell outside the scope of the compulsory insurance requirements under Part VI of the Road Traffic Act 1988 and of the MIB’s liability under the Uninsured Drivers’ Agreement, the MIB was held liable under the Directives as an emanation of the state. Permission to appeal or to refer the case to the CJEU was refused by the Supreme Court.

**O’Malley v Powertherm (2009):** A claim for catastrophic brain injury and resultant quadriplegia sustained by a 28 year-old man who fell from scaffolding at work, which was settled at a global value in excess of £8.2m.

**Borowski v Sands & MIB (2009):** Believed to be the highest ever award against the MIB at that time, this was a catastrophic brain and spinal injury claim, brought by a passenger who was not wearing a seatbelt, which settled (after a 20% deduction for contributory negligence) at a global value of £8.125m.

**Pearson v Mohammed (2015):** A tetraplegia claim for a taxi passenger, who was not wearing a seatbelt, where a settlement (after a preliminary trial resulting in a 25% deduction for contributory negligence) with a global value of £7.31m was negotiated.

**M v MOD (2018):** A claim for severe brain injuries suffered by a Navy pilot who fell from the deck of an aircraft carrier, in which David negotiated a total award valued at over £7.1m.

**MW v Hussain (2017):** Catastrophic brain injury suffered by a blind member of the traveller community deliberately run down by a car, in which David’s collaborative approach led to a settlement worth over £7.16m, including provision for a farmhouse with space for visitors’ caravans.

**Carver v Bingham (2014):** Damages totalling £6.85m recovered for severe brain injury sustained by a pedestrian in a hit and run accident. David’s meticulous assessment of each head of loss and constructive approach to negotiations enabled recovery on a 100% basis, despite a significant risk of contributory negligence.

**S v Jones (2020):** £6.375m settlement negotiated on a provisional damages basis for a young man who suffered paraplegia as a result of a motorcycle accident, when his previous legal team had advised the claim was worth no more than £2.4m.

**Fargher v Webb (2014):** Claim for catastrophic brain injury sustained in the Isle of Man by a car passenger whilst not wearing a seat-belt, where a 100% liability judgment was nevertheless obtained, leading to settlement for £5.5m.

**Hazlewood v Control Risks (2013):** Damages of £5m recovered for incomplete tetraplegia suffered by a close protection officer working in Iraq.

**G v MOD (2019):** A total settlement worth almost £4.2m was secured in respect of an above-knee amputation to a soldier whose inadequately-armoured vehicle was struck by an IED in Afghanistan, after the MOD was persuaded to abandon its combat immunity defence.

**A v Wood (2018):** Settlement of £3.9m was negotiated on behalf of a motorcyclist who suffered severe brain and brachial plexus injuries in a collision with an oncoming car, despite evidence that he had failed correctly to fasten his helmet.

**R (a protected party) v Vieira (2016):** Damages of over £3.8m were recovered for a woman who sustained a brain injury and above-knee amputation in a devastating car accident.

**K v Tradex (2020):** Damages of £3.8m secured on behalf of a young man who suffered a severe brain injury in a car accident, in what is believed to be the first JSM conducted entirely remotely.

**TP v Watson (2016):** Catastrophic brain injury claim, where David's Schedule of Loss (described by the judge at approval as "fabulous") enabled rapid re-calculation of settlement parameters when the discount rate review was announced on the eve of the JSM, leading to negotiation of a £3.5m settlement.

**B v MOD (2015):** A claim for severe brain injury sustained by an Army recruit struck by a pace stick thrown by his drill sergeant, where a settlement worth over £3.28m was approved.

**Stagnell v Jenkinson (2013):** Damages of £3.25m were recovered in respect of a very severe brain injury suffered by a vehicle passenger who was not wearing a seatbelt.

**W v Freightliner (2020):** An award of nearly £3.2m was secured on behalf of a mechanical fitter who suffered a below-knee amputation after falling into an inspection pit.

**M v MOD (2020):** An award totalling over £3.1m was secured on behalf of a Territorial Reserve officer who suffered a major depressive disorder when his inadequately-armoured vehicle was struck by an IED in Afghanistan.

**Craddock v Hardman (2014):** Catastrophic spinal cord injury claim on behalf of 5 year old boy injured in a road traffic accident, where a settlement of £3m was achieved.

**S v E-On (2018):** David negotiated a settlement of £2.75m on behalf of a young woman who underwent a below-elbow amputation as a result of suffering an electrocution at work.

**Williams v Manor Bakeries (2014):** A claim for catastrophic brain injury suffered by a fitter whilst dismantling a steel column at work, where a settlement of over £2.5m was negotiated, ensuring that his future care needs would be met if his marriage failed.

**Speed v MOD (2016):** A settlement worth over £2.35m was negotiated for an Army captain who suffered severe brain and orthopaedic injuries in a mountaineering exercise.

**M v MOD (2020):** An overall settlement worth over £2.15m was negotiated on behalf of a Royal Marine who suffered multiple orthopaedic injuries when his inadequately-armoured vehicle was struck by an IED in Afghanistan.

**W v S Evans & Sons Ltd (2019):** Catastrophic injury claim, in which the Claimant suffered amputations of both hands in an industrial accident. A settlement of £2.1m was negotiated. Although the Claimant ultimately derived limited assistance from myoelectric prostheses, the settlement included the full purchase costs of a suitably-adapted bungalow, together with substantial carer support.

**M v Harper (2020):** Damages of £1.9m recovered for a brain injury sustained by a child pedestrian struck by a car, where there was a significant dispute between experts as to the nature and severity of his injury.

**Browne v Ward & Burke (2017):** Damages of £1.85m were recovered on behalf of a construction worker who suffered bilateral below-knee amputations when his legs were crushed by steel piles, despite a firm denial of liability.

**N v Walker & EUI Ltd (2019):** Severe brain and orthopaedic injuries to a young female passenger in an RTA. The Defendants sought a deduction for contributory negligence, arguing that she had encouraged the driver to drive dangerously. A settlement of £1.7m was negotiated, including a contingent claim for future care costs.

**C v British Steel (2021):** Damages of over £1.63m were secured for a 63 year-old man who suffered an above-knee amputation when his leg was crushed by the gearbox and axle of a slag cart on which he was undertaking maintenance.

**A v Patel (2018):** Damages of £1.5m on a provisional basis obtained on behalf of a young man who was struck by a car which mounted the pavement, resulting in severe orthopaedic injuries to both legs, requiring extensive surgical reconstruction.

**Haines v Stobart (2018):** Damages of £1.4m negotiated on behalf of an HGV driver who suffered a functional neurological symptom disorder, leading to significant disability, following a minor back injury when the step of his cab collapsed.

**Wickenden v Mehmood (2017):** A below-knee amputation to a motorcyclist, in which David negotiated a settlement of £1.4m.

**Moran v Buffaload (2017):** Damages of £1.4m negotiated on behalf of a coach driver who suffered incomplete tetraplegia in a road traffic accident.

**S v B (2020):** David secured an award of over £1.2m for a pedestrian who suffered a severe brain injury when he stepped in front of a car whilst drunk, after a previous QC had advised that the claim had little prospect of success.

**King v MIB (2021):** A net settlement of £1m was negotiated shortly prior to trial on behalf of a motorist who suffered a below-knee amputation in a high-speed collision, where liability was likely to be apportioned on a 50:50 basis.