

## Barrister: Robert Horner

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### Overview:

Robert's practice encompasses high value personal injury and clinical negligence work together with health professions' regulatory. He was deputy head of the personal injury and clinical negligence group in his former set.

Outside of work Robert enjoys cross-country running, albeit he finds it takes him ever longer to cover ever shorter distances. He is kept amply occupied and amused by his three young children.

### What the directories say:

- "He is a diligent advocate, who always has command of the detail in a case." **Legal 500 2017**
- "He provides good, concise, common-sense advice." Robert is thorough and organised. He is approachable and deals with clients well. He is flexible and supportive." **Chambers & Partners 2017**
- "He has an ability to express complex legal and medical matters very clearly, and excellent knowledge of the law relating to clinical negligence claims." **Legal 500 2016**
- "He is absolutely brilliant with clients because he's very down to earth and speaks in a language they can understand." **Chambers & Partners 2016**
- "He provides good, concise, common sense advice." **Chambers & Partners 2016**
- "High level of knowledge and attention to detail." **Legal 500 2015**

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### Clinical Negligence

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#### Clinical Negligence:

Robert's high level personal injury practice and his regulatory medical professional disciplinary practice dovetail perfectly with his clinical negligence practice.

Robert has experience of representing both claimants and defendants where clinical practice is in issue. He is very familiar with the workings of medical institutions and clinical practices. He has extensive experience of cross-examining experts on highly technical points of medical procedure. He is able to analyse and marshal high volumes of information to great effect. His insightful and realistic approach is highly regarded by his professional and lay clients alike.

#### Negligent Advice

Failure to obtain informed consent prior to undertaking surgery.

Alleged failure to advise as to the material risks inherent in a procedure, which subsequently materialised.

Alleged premature and unjustified recommendation, and then performance, of a surgical procedure.

#### Negligent Care

Alleged neglect of an elderly patient in hospital, leading to her death.

Alleged failure to treat a debilitating condition due to failings in a hospital's administrative system.

Alleged failure to diagnose a condition following surgical procedure, leading to subsequent hospitalization and surgery.

#### Negligent Treatment

Alleged negligent performance of an operative procedure requiring remedial fusion of the ankle.

Alleged negligent and unnecessary treatment causing significant injury to an otherwise healthy limb.

### Disciplinary & Regulatory

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#### Disciplinary & Regulatory:

Robert has advised and represented clients with a great amount of success before a wide range of professional disciplinary bodies. He has appeared before the General Dental Council, the General Chiropractic Council, the General Osteopathic Council, the Health and Care Professions Council, the Nursing and Midwifery Council as well as the Association of Chartered Certified Accountants. He has appeared before both conduct and competence committees and health committees. He sat as a legal assessor to the NMC for a number of years.



**Call: 1999**

#### Appointments:

Mediation Advocate

#### Education:

LLB Dunelm

#### Practice areas

- Clinical Negligence
- Court of Protection
- Inquests
- Personal Injury
- Regulatory and Disciplinary

#### Recent News

- Robert Horner and Giles Mooney provide seminar for MBL in Cardiff
- Rob Horner speaking on 'Think Bike' - The Common Issues Arising in Motorcycle Accident Claims
- Rob Horner chairing Ashtons Legal Case Management Conference 2016
- 9 Gough Chambers team welcomes Robert Horner

Robert's recent cases include allegations involving:

- Failure to obtain consent prior to operative treatment.
- Unnecessary operative treatment involving joint fusion.
- Poorly performed operative treatment.
- Operative treatment on the incorrect limb.
- Failing to inform a child's G.P. of an anaphylactic reaction to local anaesthetic.
- Assault by a practitioner on a patient.
- Allowing a patient sectioned under the Mental Health Act off the ward unaccompanied, which was followed by the patient stabbing another patient.
- A practitioner suffering from severe depression and alcoholism.

Robert provides an insightful attention to detail coupled with well balanced judgment to any matter in which he is instructed. His style of advocacy and his manner in dealing with both opponents and panels is both precise and persuasive. He is adept at both marshalling and countering expert evidence. His practical user friendly approach is well received by clients.

## Personal Injury

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### Personal Injury:

Robert acts for claimants and defendants across the full range of personal injury work. His busy practice includes advising and representing clients in road traffic accidents, accidents at work, fatal accidents, occupiers' liability, highways claims, CICA applications and appeals, claims involving the MIB and low velocity impact cases. He is fully conversant with claims involving allegations of fraud and cases involving credit hire.

A lot of Robert's work is high value and much of it complex. Robert has a particular expertise in cases involving motorcycles, claims involving horses and construction accidents. Robert's recent cases include:

### Road Traffic Cases

- Advising on a high value motorcycle collision involving expert evidence regarding the behaviour and manoeuvrability of a motorcycle at speed.
- Advising on a serious multiple car motorway pile up involving accident reconstruction and issues of unavoidable accident.

### Inquests

- Advising and representing at inquest parents whose six-year old boy was drowned during a Scouting trip. This sensitive case involved consideration of appropriate supervision of groups, risk assessment and training of leaders, and detailed pathology evidence surrounding cause of death.
- Advising on liability and appearing at an inquest in respect of a fatal accident in the course of a motor cross event. The matter involved issues of course layout, bike handling and marshalling provision.

### Cases Involving Horses

- Advising and representing a family whose mother was killed in front of her young daughter in a horse riding accident. The matter involved detailed expert evidence on mechanical issues involving the HGV involved as well as expert equine evidence on horse behaviour, together with difficult issues of quantum.
- Advising and representing at inquest the family of a person killed at a country fair by a runaway horse and carriage.

### Employer's Liability Cases

- Advising and appearing on behalf of an employer in respect of an alleged serious assault by staff at a workplace. The matter involved detailed consideration of issues of vicarious liability.
- Advising on liability and appearing at inquest in respect of a lift engineer who was crushed to death whilst servicing a lift. The matter involved detailed consideration of health and safety provision both documented and in practice.

### Construction

- Advising and representing at inquest the families of four men crushed to death on a construction site due to collapsing steel works.
- Advising the family and dependents of a construction worker killed by a collapsing wall.

### Travel

- Advising on liability in respect of an injury sustained on an aircraft mid-flight.
- Advising on liability in respect of the contraction of salmonella whilst abroad, leading to a joint infection requiring a knee replacement.

### Unusual Cases

- Advising in respect of a claimant who sustained psychological injury on seeing a work colleague killed in front of him.
- Advising in a case involving serious scarring to a model.
- Advising on loss of opportunity to pursue a chosen career and prospective loss of congenial

employment in respect of a student at stage school.

- Robert provides an insightful attention to detail coupled with well-balanced judgment to any matter in which he is instructed. His style of advocacy and negotiation is both precise and persuasive. He is adept at both marshalling and countering expert evidence. His practical user-friendly approach is well received by clients.
- He regularly provides lectures and training on a wide range of topics, most recently on ADR and issues arising out of motorcycle claims.

## Inquests

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### Inquests:

Robert has extensive experience of inquests arising from deaths in a wide range of circumstances.

Many of the inquests in which Robert has acted were complex and lengthy, involving a number of interested parties and witnesses. Robert is well used to acting in inquests that involve a potential for criminal prosecution for serious offences and/or a large shadow civil claim. He is well able to navigate his clients through the significant media attention many of these cases attract.

Robert's clear and persuasive style of advocacy enables him to represent his clients best interests in a manner that is both effective and appropriate for the setting. His user-friendly approach has been particularly appreciated by the bereaved families for whom he has acted.

### Notable Cases:

- Advising and representing at inquest parents whose six-year old boy was drowned during a Scouting trip. This sensitive case involved consideration of appropriate supervision of groups, risk assessment and training of leaders, and detailed pathology evidence surrounding cause of death.
- Advising on liability and appearing at an inquest in respect of a fatal accident in the course of a motor cross event. The matter involved issues of course layout, bike handling and marshalling provision.
- Advising and representing a family whose mother was killed in front of her young daughter in a horse riding accident. The matter involved detailed expert evidence on mechanical issues involving the HGV involved as well as expert equine evidence on horse behaviour, together with difficult issues of quantum.
- Advising and representing at inquest the family of a person killed at a country fair by a runaway horse and carriage.
- Advising and representing at inquest the families of four men crushed to death on a construction site due to collapsing steel works.
- Advising the family and dependents of a construction worker killed by a collapsing wall.
- Advising on liability and appearing at inquest in respect of a lift engineer who was crushed to death whilst servicing a lift. The matter involved detailed consideration of health and safety provision both documented and in practice.
- Advising and representing at inquest the family of an elderly lady who died in hospital as a result of an alleged failure in care.

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## Recommendations



For more information please call our clerks on **020 7832 0500**

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