

# Edward Lamb

Call: 2006



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Edward is sought out by clients nationwide for his expertise in catastrophic injury, clinical negligence, family disputes and the Court of Protection.

Given the breadth of his specialisms, he offers an unrivalled range of skills that sees him frequently appearing against Queen's Counsel and senior counsel in the cases of utmost complexity. He is primarily an advocate and advises at all stages of litigation, to ensure the very best outcomes for those that instruct him.

Edward is listed as a leading junior and as a 'highly articulate advocate' in the most recent edition of the Legal 500. Edward has appeared in leading cases in all of his disciplines and continues to enjoy a loyal following from solicitors and clients.

Edward was also appointed in 2021 to the prestigious Attorney General's Panel of Counsel (B) and undertakes work on behalf of the government.

Edward is able to receive instructions directly from members of the public.

## Areas of Expertise

### Personal Injury

Edward is frequently instructed in cases involving serious and catastrophic injury. Instructed by many of the nation's leading solicitor's firms, Edward is well placed to apply his additional specialism as head of the Court of Protection team to cases involving complicated and technical arguments about capacity (many arising out of serious brain injuries).

As Edward has a keen interest in the sea and sailing, he also focuses on cases involving accidents that occur at sea. He is currently instructed in a number of cases before the Admiralty Division of the High Court.

Edward was a contributing author to the leading text book on CICA claims now in its second edition. He has an increasing defence practice arising from his recent appointment to the Attorney General's Panel of Counsel (Civil B).

In Edward's other areas of practice, he appears almost daily in court and therefore retains strong court room expertise and advocacy when it is needed. Edward frequently appears in inquests that arise out of road traffic accidents and medical accidents.

## Notable Personal Injury cases

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K v. MOD (on-going)

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involving injuries that occurred in a collision between 2 vessels at sea. Concerning the Merchant Shipping Act and limitation periods and difficult quantum issues for future loss of earnings at sea.

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R v. G (on-going)

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led by Giles Mooney QC, catastrophic RTA leading to an injured boy who contracted bacterial meningitis whilst receiving treatment for catastrophic but survivable injuries. The Claimant now largely vegetative.

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A v. H (on-going)

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Catastrophic injuries sustained in an RTA. Multiple and severe injuries to a 19 year old. Quantum around £500K and difficult arguments on the future loss arising from claimant's inability to join the army.

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P v. Ors (on-going)

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Acting for a famous international DJ whose career was cut short by a catastrophic RTA. Difficult question on determining his earnings capacity and cross jurisdictional issues between Italy and the UK. \ BDE v C Claims arising out of sexual abuse within a family.

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P v Oxleas

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NHS Trust Settled at a JSM for disabling back injury sustained at work. Led by Andrew Ritchie QC

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X v CICA (Upper Tier Judicial Review)

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A test-case involving an award of £750,000 and whether the 3 distinct periods of historic sexual abuse can attract separate awards under the 2001 CICA Scheme.

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C v CICA

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A maximum award case acting for a catastrophically brain injured client, Ed drafted the schedule and appeared at Tribunal under the 2001 Scheme.

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Smith v TFL & Ors

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A 12-day inquest against a number of QCs involving the death of a school-girl at traffic works. Ed secured a favourable

verdict from the jury in the face of developed legal submissions from his opposing legal Counsel

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## Clinical Negligence

Edward was author to the chapter on consent in the text book, Clinical Negligence Claims (4th Edition) Sharghy et al. 2019. Since then his clinical negligence practice has flourished and this area now forms a significant part of his practice.

In addition to difficult cases concerning consent, Edward is often sought out for his advice on negligence arising out of eye treatment; births; delays in diagnosis of cancer and other illness and general surgical negligence. Many of his cases also involve issues of capacity, that he is well placed to deal with as Head of the Court of Protection team in Chambers.

A Manufacturer of Prosthetic Eye Lenses Grouped Litigation: A multi-claimant action arising out of clinical negligence/product liability from defective eye lenses.

Various Claimants vs. Optical Express: acting in over 25 cases involving negligent laser eye surgery treatment and defective consent procedures.

<https://www.theguardian.com/society/2015/jan/03/top-eye-clinic-faces-claims>

## Notable Clinical Negligence cases

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W v. NHS

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Cerebral Palsy case. Secondary victim claim also as part of main claim in respect of the mother. Pleaded at £40m+ claim. Led by Andrew Ritchie QC.

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J v. NHS

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Significant claim concerning the historic negligence of an obstetrician causing shoulder dystocia. There is complicated medical evidence concerning the prevailing clinical knowledge at the time and further advanced limitation arguments.

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Capstick (Deceased): Negligent treatment of mental health patient, leading to his suicide, significant dependency claim.

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North v. M

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Claim arising out a failure to treat diabetes resulting in leg amputation.

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P v Roche

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Claim arising out of negligently performed drug trial resulting in life-changing injuries to a patient.

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Fairbairn v NHS

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Failure to treat skin cancer resulting in significant disfigurement.

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## Court of Protection

Edward is the head of the specialist Court of Protection team in Chambers that has seen an exponential growth since its inception in late 2015. Edward has been listed in the Legal 500 for some time and is now a band 3 junior and noted as a 'confident and articulate advocate'. He deals with the broad spectrum of COP work: from welfare to finances and cases involving consent to medical treatment. Edward is instructed by the Official Solicitor and government departments through his recent appointment to the Attorney General's Panel of Counsel (Civil B).

The COP team in Chambers (under his leadership) has now been listed as the number 2 chambers in the list of approved London Chambers for the London Alliance of Local Authorities.

In the past year Edward has appeared in cases mainly against silks/leading juniors and have been involved in significant and important cases in this jurisdiction. The DCJ for East London has invited Edward to prepare an advisory note for all London local authorities on the appropriate mechanism for the transfer of cases from the Family Court to the Court of Protection.

## Notable Court of Protection cases

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[CCG v. AF \[2020\] EWCOP 16: Mostyn J](#)

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Against leading silks a withdrawal of artificial nutrition case. This case was the first ever trial in England and Wales to be conducted by skype and received interesting comment. Edward acted for the local authority.

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[HS v. \[2020\] Cobb J and Lieven J](#)

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Acting for HS by her deputies. An application for approval of a course of IVF for a protected Chinese national and consequential visits to China by the Deputy.

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ST v. CCC: High Court

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Acting for CCC. Listed before a s.9 COP judge. Intractable and complex dispute relating to the local authority obtaining access to assess ST whose family are refusing access to him. The case is on-going and is likely to be transferred to the High Court in due course to make orders under the inherent jurisdiction. An important case testing the limits of the local authority's powers to assess P when family members are not compliant.

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VM v. Surrey

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Acting for P through the OS. This case is on-going and concerns VM who had her property removed from her by her sons.

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The case not only involved difficult decisions about the placement of VM but also involved detailed submissions from the OPG as to the extent of the COP's jurisdiction to set aside a property transfer if this was relevant to VM's placement. The case is on-going.

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LBB v. NB [2017] EWCOP 34

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Acting for Father of P. Intractable dispute between the family and the OS and the LA. Each side has differing views of the need for independence of P who is severely disabled but retains some capacity. A important case with the OS instructing leading Counsel and further listing in the High Court before Hayden J. The case has widespread importance for (a) to what extent are the views of family members considered in a hierarchy of importance of views and (b) how best to accommodate the views of P who has been heavily influenced by family members.

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RE YW [2016 EWCOP 18]

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Acting for a Respondent. Authority on the appointment of panel deputy and determination of best interests in light of a family dispute. Instructed on a direct access basis. It is authority for (a) the importance of medical evidence establishing capacity to make decisions as to finance and (b) the analysis the Court will undertake when considering whether the costs of a deputy are appropriate set against a wide family dispute. Put shortly: whether a panel deputy should be appointed in all cases of family dispute.

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## Family Law

Edward has a broad family practice, primarily specialising in disputes in relation to children but also retaining a niche but well-formed financial/property practice.

He mostly acts for local authorities in public law proceedings in cases involving complicated medical evidence arising out of non-accidental injury. Due to his significant civil practice, Edward is well used to dealing with medical experts and examining their evidence in Court.

In private family disputes, Edward is instructed in difficult and robustly fought disputes in relation to children, including international abduction and relocation cases, often against silks.

### Notable Family Law cases

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Re O (A Child: The Vienna Convention on Consular Relations 1963) [2021] EWHC 908 (Fam)

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Edward successfully argued there was a discretion, in line with the child's welfare, not to inform the consular authorities of a foreign state that a subject child was in proceedings. Guidance given by the High Court as to the extent of the local authority's duties.

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R v M : Keehan J

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Successful response to an application for a return of a child from India. Successfully argued habitual residence and

acquiescence.

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LA v. K

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Successfully established threshold facts arising from significant brain injuries sustained to a 2 year old child. Appeared unled against a leading QC. The case involved numerous experts and issues relating to blood clotting disorders and EDS.

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E v OG

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Led by Janet Bazely QC. A long running case involving 2 parents accused of inflicting significant injuries on their 6 week-old baby. 11 experts heard over the course of the hearing as to who caused the injuries.

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K v K

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Against leading Counsel. Confidentiality agreement signed. International contact dispute.

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Re: H (Hair strand testing) 2017 EWFC 64

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The lead case on hair stranding testing in family proceedings.

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Re: WCC & LBW v E,C,K & V EWFC 2017 [detention and torture of parent]

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a 21 day fact finding involving serious allegations of abuse.

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His finance practice deals with mid-market cases, often up to £15M of net marital assets and which involve arguments in relation to trust and company valuations.

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H v H

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Acting for a husband in protecting a family business worth £10m+. Edward was led by Andrew Bagchi QC and successfully settled a long-running and important case. The case involved complicated company valuations and assessment of expert actuarial evidence.

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R v R

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Short marriage/needs case settled on day 1 of final hearing. Involving unusual settlement concerning testamentary provision for a child of the marriage.

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N v N

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A long-running application to set aside consent order with allegations of fraud. Settled on day 2 of final hearing.

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## Education

- LSE Law (International Protection of Human Rights) LLB 2003
- LSE (Russian and Post-Soviet Studies) MSc, 2004

## Memberships

- Personal Injury Bar Association
- Family Law Bar Association
- Court of Protection Bar Association

## Appointments

- Attorney General's Panel of Counsel (Civil – B) 2021
- Advocate Case Reviewer

## Awards

