

# James Byrne

Call: 2006



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James is a highly sought after leading junior, with a busy high value practice across a wide field of personal injury and clinical negligence claims.

He is regularly instructed in marque cases, including representing the families of those killed in the Riu Imperial Marhaba Hotel (Tunisia) terrorist attack, and the Croydon Tram Disaster, as well as advising a number of high profile sports stars in respect of injuries suffered whilst playing professional sports.

With a background in criminal law, James is both an astute courtroom tactician and persuasive advocate, which he combines with a very strong work ethic, sound judgment and approachability.

Outside work and since retiring from a long amateur (in the truest sense) career playing rugby, James now competes at Ironman and long-distance swimming.

## Areas of Expertise

### Clinical Negligence

James has established a thriving practice in the field of clinical negligence, accepting instructions from private clients, NHS Trusts, medical defence organisations and private medical and related institutions.

With a wife who is a doctor, James has a unique insight into the workings of the medical profession that the majority of barristers in the field lack. He particularly enjoys cases concerning consent and capacity, and has given a number of lectures on the subject.

### Notable Clinical Negligence cases

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JT v UCLH Foundation Trust (ongoing)

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A multi-million pound claim representing a claimant who suffered respiratory arrest leading to catastrophic brain injury as a result of negligent monitoring by the nursing staff in intensive care.

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SB v Portsmouth Hospital NHS Trust (2019)

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Claim arising out of a failure to recognise and treat an infection that led to a 22 year girl becoming infertile. The case settled on the basis that the Trust would pay for the girl to have 8 courses of IVF treatment in the future, to give her the best chance of still being able to have children.

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## Personal Injury

James acts for claimants and defendants across the full range of personal injury work, though specialises in complex and high value catastrophic injury cases, particularly those relating to brain injuries.

James is happy to accept instructions in both non-fatal and fatal accidents arising from road traffic accidents (especially claims involving cyclists, the MIB and/or LVI), accidents at work, occupiers' liability and highways claims.

Alongside being available to advise formerly in respect of liability and quantum, draft pleadings and schedules, James prides himself on being at the end of the telephone for any of his instructing solicitors who would like to informally discuss issues they are concerned about, or to seek a second opinion.

## Notable Personal Injury cases

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### [Richards v TUI UK Ltd \(ongoing\)](#)

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Junior to Andrew Ritchie QC, representing 85 claimants made up of the families of those murdered and injured at the Hotel RUI Imperial Marhaba in Tunisia in 2015 as a result of the a terrorist attack by an ISIS militant

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### [XYZ v The Football Association, Rugby Football Union \(all home nations\) and others \(ongoing\)](#)

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A proposed class action suit representing various household name sports stars from professional football, rugby union and rugby league who allege that due to failures of their sports' governing bodies to take appropriate medical action they suffered long term dementia type injuries.

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### [Croydon Tram disaster \(ongoing\)](#)

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Junior to Andrew Ritchie QC, representing families of 5 of the 7 persons killed when a tram derailed at the Sandilands Junction, Croydon in 2016 .

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### [Naran \(deceased\) and Soni v Highways England and others \(ongoing\)](#)

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Representing the Claimants in a fatal accident case where 8 year old Dev Naran was killed after a lorry struck his vehicle, which had stopped on a smart motorway. The case has received national press attention forcing Highways England to admit that smart motorways are not safe as previously reported.

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### [Horncastle v Felixstowe Docks \(2019\)](#)

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Successfully represented Felixstowe by proving fundamental dishonesty against a claimant who hid the true picture of his loss of earnings post-accident. The case is unusual as, on James' advice, it was one of the first to take the tactical approach of pleading a counterclaim of deceit allowing the Defendant to be awarded damages.

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## Sports Law

James is one of the premier junior barristers in the country specialising in civil liability arising out of participation in sport.

On the claimant side, James has a wide-ranging client list that includes current and ex-professional footballers, rugby players, cyclists, cricketers, jockeys, gymnasts and hockey players. Whilst on the defence side, James has represented regulatory bodies such as British Cycling and British Gymnastics, alongside promoters, professional football clubs, referees, schools and individual players.

Given the high-profile nature of the work, James is experienced in advising on media strategy and settling cases using non-disclosure agreements.

Of note, James is junior counsel advising in the class action brought by ex-professional footballers for the failure to protect them from the consequences of concussive and non-concussive brain injuries during their time playing. The case has been described as 'ground-breaking' and has garnered considerable media attention:

<https://www.dailymail.co.uk/sport/football/article-8959585/FA-braced-brain-injury-compensation-claims.html>

<https://www.skysports.com/football/news/11095/12135563/legal-action-begins-over-brain-injuries-among-former-players>

He has further advised in respect of a similar class action brought on behalf of professional rugby players.

## Inquests

Alongside his personal injury and clinical negligence practices, James is often asked to attend inquests on behalf of families during the genesis of their fatal accident claims.

### Notable Inquests cases

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#### [Dev Naran \(2019\)](#)

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On behalf of the family, James assisted the Area Coroner of Birmingham and Solihull in reaching her decision to order Highways England respond to a regulation 28 report to prevent future deaths in respect of the safety of smart motorways

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#### [Croydon Tram Disaster \(ongoing\)](#)

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James and Andrew Ritchie QC, representing the families, are due to begin a 4-month inquest in May 2021 to establish the causes of the Croydon Tram Disaster.

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Selet (ongoing)

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Father of two young children killed in a motorcycle accident when struck by a vehicle whilst filtering between traffic at speed on the M25.

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## Education

- History (BA Hons), University College London
- PgDL, BPP Law School, London
- BPTC, BPP Law School, London

## Memberships

- Association of Personal Injury Lawyers