



Theo Huckle KC

(1985 | KC: 2011) Door Tenant

Specialist Areas

Personal Injury & Clinical Negligence

Out of Court Solutions (NCDR)

Who is Theo Huckle KC?

Theo specialises in Complex and Catastrophic Personal Injury, Clinical Negligence, Industrial Disease and Product Liability work.

Theo advises in and conducts cases of high levels of complexity and damages valuation, as well as in test and group litigation, and in appeals. He invariably finds himself acting for Claimants, and likes to think that's because they get first choice. :-)

Theo is fully qualified for and will welcome instructions to advise under the Bar's Direct Access scheme. Please refer to the chambers guide for Public Access clients here.

Theo has almost unparalleled broad experience as a common law barrister specialising principally in the injury claim fields, often with a human rights focus. That experience includes:

- Consulting Editor, Halsbury's Laws, Vol. 29, Damages
- General Editor of the Butterworths' Personal Injury Litigation Service
- Visiting Professor of Law at the Dickson Poon School, King's College London.
- Counsel General for Wales 2011-2016, member of the Welsh Government as Wales's devolved Law Officer with a broad remit advising across public law fields. Member Bar Council 1988-2008
- Exec member of the Personal Injury Bar Association (PIBA) since 2000
- PIBA lead representative and 2020 Vice-Chair of the Wellbeing At The Bar Working Group
- Bencher of Lincoln's Inn
- Author or contributing editor of Guide to Periodical Payments (Future Loss in Practice) and Munkman on Employer's Liability (LexisNexis Butterworths) and Occupational Illness Litigation (Thomson Sweet & Maxwell) and Apil Guide to Noise Claims (Jordans), and many articles in the New Law Journal, JPIL, PILJ and Apil's PI Focus
- Times Lawyer of the Week, December 2016
- PI Awards Claimant PI Lawyer/Case of the Year, shortlisted 2017, 2018, 2019

🏠 **No.18 Chambers**
21 Carlton Crescent
Southampton
SO15 2ET

📞 02380 736 812

✉️ clerks@no18chambers.com

No.18 Chambers is a distinguished set of barristers based in Southampton, recognised for its strong reputation and presence across the South Coast of England. Our expertise cover a range of practice areas, including Family Law (Care Proceedings and Adoption, Private Law Children, Matrimonial Finance), Employment, Chancery and Commercial Law, Property Disputes, together with Dispute Resolution and Mediation. Our members are committed to delivering expert legal advice and representation to clients nationwide, offering extensive experience in handling both complex and sensitive matters.



Legal Expertise

For more information or to get in touch with Theo please contact the clerks room who will be happy to assist you.

His time as a Law Officer has given Theo a highly strategic approach to complex dispute resolution and team leadership.

Theo works digitally and his clerks will be pleased to help you provide instructions/briefs under our fully GDPR compliant service.

As well as what some consider an unusual interest in drafting spreadsheet schedules of loss, Theo likes to undertake a range of interesting cases, particularly those involving novel and complex points, and recent work includes:

- acting for the psychiatrically injured police officers who attended at the Grenfell Tower fire and aftermath, instructed by Tristan Hallam and Louise Taylor of Penningtons Manches Cooper; see [here](#) and the first judgment: *De Costa & Ors v LFC & Ors* [2020] EWHC 2718 (QB).
- advising on the legal issues arising out of non-provision of PPE to clinical and other “front line” workers during the Covid-19 pandemic; see [here](#);
- advising on the legal issues arising out of the stopping of “normal” healthcare services for diagnostics and treatment of existing patients in neurology, oncology, cardiology, surgery and other fields, to hold resources ready to combat the feared “overwhelming wave” of Covid-19 infections, and failures in recommencing those services including in urgent cases; see [here](#);
- the groundbreaking success in *Royal Opera House v Goldscheider* [2019] EWCA Civ 711, selected as one of The Lawyer’s Top 20 Cases for 2019, in which the Court of Appeal upheld the judgment of Nichola Davies J [2018] EWHC 687 (QB) in favour of a world class orchestral viola player who suffered career-ending noise injury during rehearsals for the ROH’s 2010 Wagner Ring Cycle; instructed by Chris Fry, Theo led Jonathan Clarke in this first authoritative decision on the 2005 Noise Regulations and first finding of “acoustic shock” as a mechanism of serious injury;
- a series of Helmand Fever (Q Fever) cases brought against the MOD by servicemen infected in the Afghanistan campaigns and suffering serious debilitating chronic fatigue syndromes; in the lead case judgment was entered against the MOD for serious disclosure failures after a series of hotly contested interlocutory battles: *Eaglesham v MOD* [2016] EWHC 3011 (QB) Andrews J and a multi-£m settlement was achieved in 2019. Theo led Paul Kilcoyne in all three cases, instructed by Sue Bowler of Coffin Mew for Mr Eaglesham and by Dianne Yates of Hilary Meredith for their clients Mr Taylor and Mr Bass;
- leading advice teams on quantum aspects of the successful group metal-on-metal hip prosthesis product liability claims conducted by Michelle Victor at Leigh Day.

Theo believes that seriously injured clients should always be visited by counsel in their homes if possible, and that experts should always be firmly tested in consultation before finalising their reports. If expected to present and argue a schedule of loss in high value cases, he wants to know it inside out and preferably have drafted it himself, or advised in detail upon it before service in its final version.

Theo is happy to help with detailed anticipated fee breakdowns in spreadsheet form to assist with budgeting of complex cases.

He is fully supportive of the growing awareness of Wellbeing issues, and represents PIBA on and is currently Vice Chair of the Bar Council’s Wellbeing Working Group.

Theo is both committed to promoting access to justice and (besides his beloved rugby and skiing) loves the sport of rowing (to which he came as a junior and youth rugby player, and he continues to be an enthusiastic sculler), and so was pleased to be invited to become a non-executive board member and trustee of both JUSTICE and Welsh Rowing after a long career being at best reasonably competent in a variety of sports. He is Chair of Welsh Rowing and a member of the Board of British Rowing, and has recently also accepted an invitation to join the Board of Advocate (Bar Pro Bono).

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Personal Injury & Clinical Negligence

Theo is also regularly instructed to conduct test litigation and has particular experience of leading large scale and group litigation, especially through his work on the *Parkes v Meridian* and *Baker v Quantum* litigation during 2003-2011; most recently he led in test trials against British Telecoms Plc in Cardiff (Noise Induced Hearing Loss claims re test tone sets including issues of application of Ogden computation to deafness disability cases) and Boots Plc in Nottingham (Work Related Upper Limb Disorder; carpal tunnel syndrome). Theo recently conducted a further test case management appeal in the BT tone set cases concerning the Sheffield County Court's practice of using Fast Track allocation and restriction of expert evidence in low value Noise Induced Hearing Loss cases: *Offermanns & Aspinall v BT* [2015]. Further appeal is being pursued with the prospect of detailed guidance being given by the Court of Appeal on critical practice issues for solicitors in group low to midvalue disease claims.

As well as his Medical Claims and Clin. Neg. practice generally, Theo recently conducted two interesting high value Prof. Neg claims against solicitors. The first is for a project engineer who lost his leg after a construction site accident in Scotland, was advised by his English solicitor that he had to issue in Scotland, and the solicitor withdrew without protecting client's position and with limitation period expiring; Theo agreed to act instructed by Nigel Cook of Cooks and the claim was brought successfully in England against the contractors but settled for 60% because of that limitation risk; the Prof. Neg claim against the first solicitor for the balance of 40% was likewise successfully settled. The second case was a claim against the claimant's first solicitor, who allowed the limitation period to expire in one of the Virgin Atlantic beauty therapist cases, of which Theo has handled 6 or 7 to successful conclusions including in 2 High Court trials in 2005: *King & Rimmer v Virgin Atlantic* [2005]; *Evans & Hindmarch v Virgin Atlantic* [2011]; Robert Peach of Coffin Mew now instructed as he has done in the rest of that series of cases and the case was successfully settled at mediation.

Theo Huckle KC was during 2011-16 the Counsel General for Wales, a statutory member of the Welsh Government and its senior legal advisor and Law Officer. He joined Doughty Street in 2015 and is a Bencher of Lincoln's Inn and General Editor of the Butterworths' Personal Injury Litigation Service.

He began practice at the Bar with a broad based common law practice conducting 12 murder defences before specialising in complex disease cases and latterly also public/constitutional cases, and has great experience of advocacy at every UK level including 5 recent Supreme Court appearances, and in many different tribunals from public inquiry to coroner's court to magistrates, county and crown court, to employment tribunal and EAT, to CICA, to committees of both Commons and Lords, and, of course, to the National Assembly for Wales. He has conducted death-in-custody and child-clinical-negligence inquests, as well as Professor Pennington's 2008 E. coli O157 Public Inquiry.

He is currently advising for an inquest into the death of a handyman, killed when sulphuric acid sink/drain cleaner caused emission of fatal H₂S gas, as a precursor to a high value product liability claim for seriously injured family members. Theo has a particular interest in complex medico-legal issues in civil and criminal or quasi-criminal contexts and especially enjoys cross-examining expert witnesses. He is also highly thought of for his empathy with victims of serious/fatal personal injury and their families.



Legal Expertise

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Inquiries and Inquest

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Out of Court Solutions (NCDR)

Theo is a dual qualified mediator (ADR and LSOM) and PlcARBS qualified arbitrator and is a member of the www.PlcARBS.co.uk panel of arbitrators. He has particular experience of ADR in personal injury and family property claims and disputes, and given his broad experience of common law (crime, family, tort, contract) and public law, and his strategic role as a Law Officer at ministerial level in the Welsh Government during 2001-16, is happy to assist with disputes across a broad range of specialisms and also those engaging several legal fields.

Single Joint Advices/Early Neutral Evaluation

Round Table Meetings/Joint Conferences

Merits, Advice, Drafting And Support Package



Professional Info

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Awards

Claimant Lawyer of the Year, PI Awards 2017, 2018, 2019

Case of the Year, PI Awards 2019

PI Silk of the Year, Legal 500 Awards 2014

Barrister of the Year, PI Awards 2011, 2012, 2013

Personal Info

2018 saw Theo climb Ben Nevis on his birthday, and complete the daunting Big Welsh Swim at Llyn Padarn in the foothills of Snowdon (see here) and look out for him at 2.40! Post Lockdown wild water swim plans include the Lake Bala swim and the 10k "Hurly Burly" swim at Barmouth.

Theo is a keen student of Iyengar yoga.



Cases of Note

For more information or to get in touch with Theo please contact the clerks room who will be happy to assist you.

Having also conducted the trial in 2018, Theo successfully acted for Mr Goldscheider, formerly a world class orchestral viola player, in the Royal Opera House v Goldscheider appeal [2019] EWCA Civ 711, selected as one of The Lawyer's Top 20 Cases for 2019, in which the Court of Appeal upheld in his favour the judgment of Nichola Davies J [2018] EWHC 687 (QB). Mr Goldscheider suffered career-ending noise injury (hyperacusis) during rehearsals for the ROH's 2012 Wagner Ring Cycle, and the case has attracted considerable mainstream media interest in the UK and abroad.

Other appeals are of course less high profile, and under the new rules appeals from first instance decisions of county courts will go to a High Court Judge rather than the Court of Appeal. Theo has good recent experience of these forms of appeal, having been brought in to assist in 2 High Court Clinical Negligence appeals.

PRP Architects v Reid

[2006] EWCA Civ 1119 [2007] ICR 78 [2007] PIQR P4 (Pill LJ, Smith LJ, Neuberger LJ) ?Meaning of "work equipment", "for use at work" and "used at work" within the Provision and Use of Workplace Equipment Regulations 1998 and hence applicability of those regulations, and of the Workplace (Health, Safety and Welfare) Regulations 1992, to a defective lift in the common parts of an office building and used by all the tenants and their employees.

Smith v Notaro v Plumbase

[2006] EWCA Civ 775 CA (Ward LJ, Rix LJ, Gage LJ)? Competing duties of employer and site controller when employee carrying out manual handling operation using unsafe walkway. Liability of employer for failure to train employee as to manual handling risks of using unsafe walkways despite being "largely a matter of common sense".

Herring v MOD

[2004] 1 All E.R. 44 CA [2003] EWCA Civ CA (Potter & Tuckey LJJ, Wall J)?Proper ambit of the Loss of Chance principle (Doyle v Wallace) in personal injury cases.

Midco v Piper

[2004] EWCA Civ 476; [2004] N.P.C. 59 (Peter Gibson & Tuckey LJJ, Sir Martin Nourse)? Damages assessment in tortious deceit.

Morris v Jones & McCormack

[2003] EWCA Civ CA (Ward & Clarke LJJ, Sir Anthony Evans)? Misrepresentation: inducement, reliance and loss issues.

R v Lloyd, McCarthy, Warren

[1998] RTR 374 CA (Otton LJ, Sachs J, HHJ Rivlin) Admissibility of DVLA records and computerised business records.

Julian Hodge Bank Ltd v Hall

[1998] CCLR 14, CA (Saville, Thorpe & Judge LJJ)? Consumer Credit Act: Meaning of "Total Amount Payable" and related expressions.