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# Philip Davy

**Year of Call:** 2009

**Telephone:** 0115 947 2581

## Overview

**Philip specialises in personal injury, professional negligence and clinical negligence work.**

His caseload has an equal claimant/defendant split across what are now almost exclusively higher-value or complex cases.

### Personal Injury

All types of PI work undertaken, including:

- Accidents at work
- Public liability claims
- Industrial disease (noise, vibration, asbestos etc)
- Clinical negligence and dental negligence
- Animals Act claims
- Catastrophic and life-changing injuries
- Inquests
- Abuse claims (historic sexual and physical abuse), an area of particular expertise

### Professional Negligence

Recent and current caseload involves claims against solicitors, barristers, expert witnesses, accountants, surveyors, aestheticians and social workers.

In his last 5 cases for Claimants, all have settled either following close of pleadings or at early mediation/JSM, securing substantial compensation at an early stage in the litigation process.

Conversely, in the last two cases in which he was involved for the Defendant (relating to alleged solicitor negligence), the solicitor was entirely exonerated; in one case at Trial and in the other at an early Defendant application to strike-out the claim (which was successful).

Philip is keen to continue developing his practice in this area but is already handling several cases with pleaded values in excess of £100,000.

### General

Philip is regularly instructed on JSMs and CCMCs, alongside his paperwork practice. He is available to conduct remote hearings, as well as being able to travel nationally.

He has been on the winning side in the Court of Appeal (where he appeared as sole counsel against a KC), and in the Supreme Court in the case of *Armes* (now regarded as the 'high water mark' of the doctrine of vicarious liability).

He has twice been nominated for PI Junior of the Year at the Legal 500 Bar Awards, in 2022 and 2023, alongside considerably more senior practitioners. He is the only junior to have been nominated in both consecutive years and one of only two outside London.

He is always at the end of the phone to answer any queries, believing that early and continued collaboration with instructing solicitors is the best way to a successful outcome in any case. He is valued for being a straightforward communicator in court and for his personable manner with clients.

# Expertise

## Personal Injury

Personal injury forms by far the largest part of Philip's advocacy and paperwork practices. He maintains a fairly equal split between claimant and defendant work and is experienced in Fast and Multi Track claims, including on appeal.

His current caseload includes advocacy and drafting in road traffic accidents, accidents at work, Highways Act cases, occupiers' liability, defective premises and product liability.

He has particular experience of cases involving limitation and complicated issues of causation. He is regularly instructed on CICA appeals.

He has acted in several multi-day inquests, including those where his own client also has one eye on bringing, or potentially having to defend, subsequent civil proceedings.

He is more than happy to consider instructions on a CFA basis, and will act on that basis where the merits of a particular case permit.

## Disease

Philip has considerable experience dealing with trials and interim applications in disease cases, for claimants and defendants alike, on both the Fast- and Multi-Tracks. He routinely appears against significantly more senior opponents.

He is always available at short notice to draft pleadings (and where particularly urgent, he can turnaround papers often within 24 hours). He is also available to attend conferences with clients/experts in disease cases.

There has recently been a meteoric rise in the number of noise-induced hearing loss (NIHL) cases, which represents about 80% of Philip's disease practice, but his caseload also includes HAVS, dermatitis, upper limb disorders, occupational asthma and other respiratory conditions.

Where limitation is being dealt with as a preliminary issue, Philip is happy to advise and to act at the limitation trial. He has a 100% success rate acting for defendants at limitation trials.

## Abuse

Philip has appeared at all levels of court in abuse cases, including in the Supreme Court in *Armes v Nottinghamshire County Council* [2017] UKSC 60, in hindsight the high water mark for the expansion of the doctrine of vicarious liability. The outcome of the case was that the doctrine was extended so as to make local authorities liable, even without fault on their part, for abuse perpetrated by foster parents upon foster children in the home, despite foster parents not in fact being employees of the local authority.

He is as comfortable with single-claimant claims as he is with group actions. He is available at short notice for drafting and advisory work. He appreciates the need in such cases for a forensic and methodical approach, as well as for tact and empathy given both the serious nature of the allegations being made in this area of work, as well as the potentially serious and long-lasting consequences abuse can have.

Instructions are accepted from claimants and defendants alike. On behalf of claimants, Philip is happy to accept instructions on a CFA basis if the prospects of success are sufficient.

## Motor

A large amount of Philip's time in court is spent on motor cases, whether for claimant or defendant usually where allegations of dishonesty have been raised.

He is very familiar with 'low-velocity impact' (LVI) cases and those where personal injury claims are presented long after the event.

He appears in Fast and Multi Track trials in motor cases, at least once a week and usually even more frequently.

## Credit Hire

Philip has acted in many credit hire cases with values of up to £100,000, including on appeal. He has appeared successfully for claimants seeking to pursue often high-value claims, as well as for defendants seeking to minimise their exposure in such cases.

## Counter Fraud

Philip is frequently instructed by defendant insurers in cases arising out of (alleged) accidents where dishonesty/fraud is raised. He is, likewise, often trusted by claimants to represent their interests in such cases.

He has successfully obtained findings of 'fundamental dishonesty' for defendants in several claims for damages arising out of (alleged) accidents, both in a motoring context as well as in public and employers' liability claims.

Likewise, he has successfully resisted findings of fundamental dishonesty on behalf of claimants accused of the same in motor and other claims.

## Clinical Negligence

Philip's current caseload includes several claims arising out of (allegedly) negligent cosmetic surgery, botched beauty treatments, dental treatment and delayed diagnosis (or misdiagnosis) of serious medical conditions.

He appreciates the need in such cases for a tactful and sympathetic approach.

Philip is familiar with cases involving multiple sets of expert witnesses and recognises the need for early identification (and, where possible, the narrowing) of the significant issues in such cases.

## Inquests

Philip has appeared at numerous inquests for all sorts of interested parties. He appreciates the need at such hearings to adopt a tactful and sympathetic approach, whilst still being prepared to ask the difficult questions which often arise.

## Animals & Equine

Philip has acted for both claimants and defendants in cases involving injuries caused by both domestic animals and livestock. He is familiar with the Animals Act 1971 and the particular breed of liability which arises under that Act.

He is available at short notice for drafting and advisory work, as well as representation at trial or at interim hearings.

## Costs & Litigation Funding

Philip regularly attends CCMCs, as well as oral detailed assessment hearings following provisional assessments of costs, for both paying and receiving parties.

In addition, he has particular experience of arguments in favour and against QOCS (qualified one-way costs shifting) being disappplied, including where strike-out applications have been made shortly before a discontinuance and where fundamental dishonesty has been found.

## Professional Negligence

Philip acts for Claimants and Defendants.

He has successfully argued cases arising out of negligence on the part of solicitors (whether in their handling of personal injury matters, or non-PI work including conveyancing), as well as non-lawyers (including accountants, social workers etc). Currently dealing with a long-running claim against 4 separate parties (specialists in various professional disciplines), arising out of their alleged negligence relating to the purchase of a hotel at a substantially inflated sum.

He also has experience acting for the defence, including in striking-out professional negligence claims against solicitors at an early stage, to avoid the incidence of substantial defence costs.

## Property & Real Estate

Philip deals with cases on all tracks. He has recently been involved in claims concerning spillages and leaks causing property damage, nuisance, trespass and the Party Walls Act.

## Data Protection & Information

Philip has experience of dealing with, and defending against, claims relating to the DPA, GDPR and other associated causes of action.

This is a rapidly expanding area of law and Philip is well-versed in the developing arguments relating to both the underlying legal regime and the costs position governing data breach cases.

Philip's recent caseload includes acting for a local authority in relation to inadvertent disclosure of personal data, as well as acting in claims against financial institutions, local authorities and clubs/societies. He is also involved in an ongoing defamation case against a national newspaper.

Philip is happy to discuss your needs before embarking upon any data-related work and the available means of funding this work, particularly in light of the ever-changing landscape regarding costs recovery/liability in such cases.

## Notable Cases

*SKX v Manchester City Council* [2021] EWHC 782 (QB). For more on this case, please [click here](#).

*(1) Worthington (2) Parkin v Metropolitan Housing Trust Ltd* [2018] EWCA Civ 1125. For more on this case, please [click here](#).

*Armes v Nottinghamshire County Council* [2017] UKSC 60. For more on this case, please [click here](#).

# Awards

Nominated for Personal Injury Junior of the Year at the Legal 500 Bar Awards 2022

# Professional Memberships

Personal Injuries Bar Association

Midland Circuit

# Qualifications

Nottingham High School

University of Sheffield (Law LLB)

Wolfson and Hardwicke scholar of Lincoln's Inn



# Recommendations

*"Philip has a strong background and knowledge in abuse cases. He is approachable and works well as part of a team on these types of cases. His advice is clear, and he considers the practicalities of the case."*

- Legal 500 2023 - Personal Injury

*"Philip Davy is a personal injury junior whose practice has a particular emphasis on abuse cases representing both claimants and defendants. He is no stranger to high-value litigation and has growing expertise in appellate work."*

*"Philip is a very talented advocate."*

- Chambers and Partners 2023 - Personal Injury

*"He is approachable and a team player and he is very knowledgeable and experienced in the field of personal injury law and particularly in cases involving abuse."*

- Legal 500 2022 - Personal Injury

*"He is very easy to deal with and is very good with clients. Excellent both in court and on paper."*

- Chambers and Partners 2022 - Personal Injury

*"Approachable and very capable, always provides a good service."*

- Legal 500 2021 - Personal Injury

*"Excellent on abuse cases – he has a strong knowledge of the law and relevant procedure."*

- Chambers and Partners 2020 - Personal Injury

*"Phil Davy is an incredible advocate – he's courageous and very good on his feet. He understands the clients' concerns and issues and he always goes the extra mile to get the right result."*

- Chambers & Partners 2019 - Personal Injury

*"A personal injury junior whose practice has a particular emphasis on abuse cases representing both Claimants and Defendants. He is no stranger to high-value litigation. Very approachable and in court vigorously defends his client's position. He has impressed us with his pragmatism and commercial approach. He has a keen eye for detail."*

- Chambers and Partners 2018 - Personal Injury

# Ropewalk Chambers

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