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## Ben Davies

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### Practice Overview

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Ben specialises exclusively in personal injury work, representing both claimants and defendants. He has particular experience in dealing with Employers Liability, Public Liability and Road Traffic Accidents and undertakes an increasing amount of high value work often involving brain and spinal injuries as well as orthopaedic injuries causing post-traumatic degenerative change, joint replacement or resulting in Complex Regional Pain Syndrome. Ben's practice is now exclusively Multi track and he is regularly instructed to draft complicated Schedules of Loss and attend Costs and Case Management Hearings and is often consulted in relation to preparation of Costs Budgets. He also undertakes CICA Appeals and Coroners Inquests.

Ben has spent the last 15 years undertaking personal injury work as a result of which he is able to identify the main issues in a case very quickly. He has a good manner with clients and is easy to work with. Over the years he has developed a practice that is built around repeat instructions from a number of local and national solicitors many of whom send him all of the work that they have in South Wales. He also receives repeat instructions from some of the largest personal injury firms in the country. Ben is flexible in the way that he works and willing to travel to suit the client, often undertaking conferences at solicitors offices and occasionally at clients homes or business premises. Ben is willing to work to fixed fees or charge by the hour.

#### Notable and Reported cases

- RH v CICA

Ben acted for the claimant who sustained a serious brain injury when he was hit on the head by a brick thrown by a passing motorcyclist. Despite being unemployed at the time of the accident he received a gross award of £440,000.

- WL v OM

The Claimant was a 19 year-old nursery nurse who sustained life changing injuries in a road traffic accident. Liability was admitted. Prior to the accident she intended to become a primary school teacher. As a result of the accident she suffered a motor complete spinal cord injury and lost all sensation from the C5 level down. The claim included claims for her loss of earnings and pension as a teacher, 24 hour care, case management, medical treatment, extensive physio and hydrotherapy, a number of different types of wheelchair, specialist equipment, a new house and a specially adapted vehicle and assistive technology. The claim settled for £8.2m on a provisional basis. Ben drafted the Schedule of Loss and attended the JSM with leading counsel.

- DF v RS



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The Claimant suffered a spinal fracture in a motorbike accident in relation to which liability had been apportioned on the basis of a 67.5/22.5% split in C's favour earlier in the proceedings. C was rendered paraplegic and unable to work. The claim settled for £1.8m net, equivalent to a gross value of £2.6m. Ben prepared the Schedule of Loss and attended the JSM with leading counsel.

- MR & PR v KS

The Claimants were 2 of 3 friends hit at the same time by the Defendant's car. The accident happened on an A-road outside the entrance to a Country Club at around midnight. Both Claimant's sustained head injuries and neither could remember the accident. Both claims had been turned down by a number of previous solicitors and counsel. Ben was instructed by C1 on the day before limitation expired. C2 did not provide instructions until he was tracked down to provide a witness statement well-after limitation had expired. The Claimants' case was essentially that the Defendant should have seen the men either in the road as he approached or making their way towards the carriageway. The Defendant maintained that the men suddenly stepped into his path immediately prior to impact. Both parties obtained expert accident reconstruction evidence. The third friend eventually came forward and gave evidence that C1 they had all been under the influence of alcohol and C1 decided to lie down in the road. There was no on-coming traffic initially but as D approached the others went into the road to get C1 and all 3 were hit by D. The claims did not settle at a JSM but settled shortly thereafter. C1's claim was valued at approximately £1m and settled for £300,000. C2 settled for £50,000. Ben provided the initial Advice on Liability, drafted the Pleadings and attended the JSM with leading counsel.

- DJ v MOJ

The Claimant was a private in the Army serving in Afghanistan when the vehicle in which he was travelling lost control and overturned. C sustained a back injury which was permanent. The on-going symptoms were comparatively minor but sufficient to prevent C from continuing as a serving soldier. C was initially given a non-combat role but was unable to cope with the frustration of no longer being a full combat soldier and left the Army. He was subsequently re-employed and ultimately left again for the same reason. C's claim was based upon his loss of earnings from a successful career path through the Army with a number of promotions. C was however capable of alternative work outside the Army. The medical evidence was also disputed. The claim settled at JSM for £145,000.

- Re: AS (Deceased)

Ben acted for the family of the deceased during a 5-day Coroners Inquest into the death of a scaffolder during the construction of the SA1 development in Swansea Marina. He subsequently dealt with the Fatal Accident claim which settled at a JSM.

- RM v SMCQ

Ben represented a self-employed driving instructor who sustained a skull fracture and subtle brain injury as a result of an RTA. The brain injury caused balance problems which resulted in C falling downstairs in his home and sustaining a further skull fracture.

## Recommendations

- 'He will never not do a case because it is too difficult. He really uses all the resources available to him, which has resulted in a lot of wins where others would have given up. He achieves excellent results.' (Chambers



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UK, 2018)

- 'A strong and persuasive advocate, with vast knowledge of the personal injury sphere.' (Legal 500, 2017)
- Has a claimant-focused practice and acts in high-value, often multimillion-pound claims, on behalf of traumatically injured claimants. He also represents fast-track claimants. He is noted for his excellent client care skills. Strengths: "He's very careful and considered." (Chambers UK 2017)
- Knowledgeable on personal injury claims involving employers' liability, public liability and road traffic accidents (Legal 500, 2016)
- 'Highlighted by sources for his outstanding cross-examination and advocacy skills. His personal injury practice focuses on high-value RTA claims.'
- "He provides detailed advice and has a very good style of advocacy in court." (Chambers UK 2015)
- "A dependable, reliable and responsive practitioner" (Legal 500, 2014)
- "He's thoroughly reliable - a go-to barrister." (Chambers UK 2014)
- 'Ben Davies concentrates his practice entirely on personal injury litigation. He regularly receives both fast-track and multi-track claims from claimants and defendants.' (Chambers UK 2013)
- 'Also entering the tables this year, Ben Davies is "an extremely thorough and able advocate," who is widely seen as a thoroughly safe pair of hands'. (Chambers UK 2012)
- 'Ben Davies is rated for his ability to turn papers around quickly'. (Legal 500 2012)
- 'Ben Davies is an increasingly popular choice for personal injury mandates' (Legal 500 2011)

## Appointments

- Deputy District Judge (Civil)
- Pupil Supervisor
- Direct Access Qualified