

Eamonn Hurley-Flynn

Call: 2013



Eamonn is a highly experienced practitioner in personal injury, clinical negligence and costs litigation. He is an accomplished advocate with an eye for detail. He is always focussed on placing the client's best interests at the core of his case whilst maintaining a fair and professional approach. Eamonn understands that no case is the same and that every case requires its own personalised approach.

In recent years Eamonn has increasingly acted in Multi Track and serious injury cases. He frequently works in cases with six figure schedules of loss and multiple expert witnesses. Having a diverse practice, he can quickly get a grip on a case, whatever the circumstances giving rise to the cause of action. He continues to develop his knowledge and understanding of the law to be able to provide the best possible service to his clients. Eamonn's knowledge and experience of costs litigation also ensures that he is alert to potential costs issues that arise in personal injury and clinical negligence litigation.

Eamonn has extensive experience of vulnerable clients and witnesses, including adult clients who lack capacity. He is adept at handling such cases and recognises the need for a sensitive approach whilst keeping focus on the case and maintaining the highest professional standards.

Expertise

Personal Injury

Eamonn is a highly experienced personal injury barrister who dedicates himself to achieving the best results for his clients. Eamonn prides himself on his attention detail. His thorough approach ensures that cases are handled fairly and efficiently. He is always focussed on placing the client's best interests at the core of his case whilst maintaining a fair and rigorous approach. Eamonn understands that no case is the same and that every case requires its own personalised approach. Eamonn understands the high levels of client service expected.

His specialism in personal injury litigation over the past decade has meant that he has an extensive range of experience, including road traffic accidents, employers' liability and tripping / slipping claims. He has also been instructed on cases concerning:

– Dog bites

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- Military personnel
- CICA appeals
- Fatal accidents
- Sexual abuse
- Inquests

In recent years Eamonn has increasingly acted in Multi Track and serious injury cases. He is adept at handling cases involving multiple expert witnesses and large schedules of loss. Eamonn's practice has seen him working on serious injury cases including cases concerning:

- Amputation
- Epilepsy
- Inability or substantially reduced ability to work because of injury
- Pain syndromes and Fibromyalgia
- Personality change following head injury
- Spinal cord injury
- Substantial future care claims requiring expert evidence as to the nature and extent of care

Eamonn has extensive experience of vulnerable clients and witnesses, including adult clients who lack capacity. He is adept at handling such cases and recognises the need for a sensitive approach whilst keeping focus on the case and maintaining the highest professional standards.

Eamonn continues to focus on his ongoing professional development with a view to maximising the quality of services that he can offer to parties in personal injury litigation.

Travel Litigation

Eamonn is an experienced barrister who dedicates himself to achieving the best results for his clients. Eamonn prides himself on his attention detail. His thorough approach ensures that cases are handled fairly and efficiently. From his wider personal injury practice, Eamonn has extensive experience of vulnerable clients and witnesses, including adults clients who lack capacity. He is adept at handling such cases and recognises the need for a sensitive approach whilst keeping focus on the case and maintaining the highest professional standards.

Eamonn has a breadth of experience in handling cases concerning injuries and illness abroad. Eamonn gained particular experience in advising on and drafting for holiday sickness claims and frequently handled Fast Track trials in this area. He is fully familiar with the issues that can arise in such cases – in particular late disclosure and allegations of fundamental dishonesty. Eamonn also appears at CCMCs, pre-action disclosure hearings and other interim matters and has a thorough understanding of the rules and protocols in place for this niche area of practice.

Beyond travel sickness, Eamonn also has experience of other cases in international travel litigation including motor accidents abroad and accidents at resorts and hotels as part of all-inclusive packages. This includes court advocacy and advice on liability, quantum and local

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standards expert reports.

Eamonn continues to focus on his ongoing professional development with a view to maximising the quality of services that he can offer to parties in international travel litigation.

Fraud

Eamonn is regularly instructed in cases concerning motor traffic collisions, including those in which fraud and / or fundamental dishonesty have been alleged. Such instructions have been on a wide range of cases including bogus driver claims, bogus passenger claims, 'slam on' accidents, low speed impact cases and exaggerated personal injury claims. Experience includes:

- Drafting Particulars of Claim / Defences / Counter-Schedules of Loss
- Conferences
- Interim applications – particularly concerning engineering evidence, disclosure of medical records, unless orders and applications to strike out.
- Extensive trial experience
- Applications for disapplication of QOCS and assessment of costs following strike out of claims

Eamonn acts for both Claimants and Defendants. He considers this to be a key strength in his practice. Eamonn understands that no case is the same and that every case requires its own personalised approach. Eamonn has built up working relationships with instructing solicitors and understands the high levels of client service expected.

Cases and experience have included:

- A case involving a claimant who was pregnant at the time of the accident. Issues included allegations of inconsistency in reporting of injury and allegations of failure to disclose relevant medical history.
- A case involving two claimants and allegations of exaggeration and inconsistency in reporting of injury. Issues included discontinuance of one Claimant at Court, the extent of injury proved by the other Claimant and reduced levels of damages to be awarded.
- A case involving three claimants and allegations of low-speed impact and exaggerated damage to vehicle.
- A case involving a Claimant who had a medical history of muscular dystrophy. Claim dismissed without finding of fundamental dishonesty.
- Multiple cases involving findings of fundamental dishonesty in the context of allegations of low-speed impact.

Wider Fraud / Fundamental Dishonesty Experience

Eamonn has broader experience of fundamental dishonesty in the context of personal injury litigation including cases where there are allegations of exaggerated injury, cases involving surveillance evidence and cases of brain injury where issues such as lack of effort on neuropsychological testing are alleged.

In the context of international travel litigation Eamonn has had experience of cases concerning holiday sickness, an area of law where fraud allegations and causation issues arose in a substantial proportion of cases. This experience is particularly useful in the context of motor fraud cases where concerns regarding expert evidence and causation arise.

Costs

Eamonn is an experienced barrister who dedicates himself to achieving the best results for his clients. Eamonn prides himself on his attention detail. His thorough approach ensures that cases are handled fairly and efficiently. Having undertaken a secondment in the costs

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team of a national firm of personal injury / clinical negligence solicitors in his early years in practice, Eamonn has a keen interest in costs work. Eamonn is able to undertake work in all aspects of the costs budgeting and assessment process including CCMCs, interim applications, detailed assessments and reviews of provisional assessment.

Experience has included:

- Review of provisional assessment concerning the recoverability of inquest costs;
- Review of provisional assessment of the recoverability and amount of ATE premium;
- CCMCs in high value Clinical Negligence, Dental Negligence and Personal Injury Claims;
- Drafting Replies to Points of Dispute on Bills in excess of £250,000.
- Successfully resisting an application for payment on account of costs

Eamonn also has experience of a range of other costs issues such as 'Portal' costs, QOCS and Bullock / Sanderson orders. Eamonn takes pride in his assiduous approach to costs matters and his ability to take judges through both the broader costs principles and the practical process of line-by-line assessment.

Eamonn continues to focus on his ongoing professional development with a view to maximising the quality of services that he can offer to parties in costs litigation.

Inquest

Eamonn has a keen interest in inquests and coronial law. Whilst maintaining the highest quality of service in inquests, Eamonn approaches such cases with sensitivity and understands the frequently distressing process for families and witnesses in attending inquests.

Eamonn has appeared on behalf of families and other interested parties in cases concerning a range of fatal accidents and deaths from potential clinical negligence. He appears at Pre-Inquest Reviews as well as the substantive inquests. Eamonn also has experience of drafting written submissions for consideration by a coroner concerning the scope of an inquest and the oral evidence required.

Inquests at which Eamonn has represented an interested party include:

- The death of a pedestrian as a result of a road traffic accident on a country road at night.
- The death of an individual who was struck by a delivery van outside the front of a residential retirement home.
- Fatal cardiac arrest in hospital in the context of a patient with brittle diabetes.
- The death of woman in hospital who had choked on a denture palate.
- The death of a patient in a hospital toilet, having been last seen on the ward two days previously.
- The death of a patient following removal of a peritoneal drain as part of cirrhosis treatment.
- The death of a patient following spontaneous bleeds at the site of a thigh graft used for haemodialysis.

Eamonn continues to focus on his ongoing professional development with a view to maximising the quality of services that he can offer to parties at inquests.

Clinical Negligence

Eamonn is an experienced barrister who dedicates himself to achieving the best results for his clients. Eamonn prides himself on his

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attention detail. His thorough approach ensures that cases are handled fairly and efficiently. Eamonn has extensive experience of vulnerable clients and witnesses, including adult clients who lack capacity. He is adept at handling such cases and recognises the need for a sensitive approach whilst maintaining focus on the case and the highest quality of service.

Eamonn's practice in clinical negligence includes drafting letters of claim and pleadings, costs budgeting, case management conferences and conferences with experts and clients. He has a wide range of experience in clinical negligence and has acted in cases that have included issues of:

- Care home injuries
- Consent
- Delayed / missed diagnosis including mental health services, orthopaedics, radiology and urology
- Dental negligence
- Death in custody
- Gestational diabetes and stillbirth
- Hospital falls
- Negligent surgery including anaesthesia, gynaecology and orthopaedics
- Pressure sores

Eamonn has had regular experience in inquests, both in the context of potential cases of clinical negligence and other fatal accidents. He has represented parties in inquests with a diverse range of issues, including:

- Fatal cardiac arrest in hospital in the context of a patient with brittle diabetes
- The death of a person in hospital care who choked on a denture palate
- The death of a person in a hospital toilet who was found two days after he went missing from the ward.
- The death of a person following removal of a peritoneal drain as part of cirrhosis treatment.
- The death of a person following spontaneous bleeds at the site of a thigh graft used for haemodialysis.

Eamonn has extensive experience of conducting CCMCs in clinical negligence cases, having worked on secondment in the early part of his career in the costs team of a national law firm specialising in clinical negligence work. He also deals with costs assessment in this area, having gained a detailed knowledge of the assessment of costs in clinical negligence cases whilst on secondment.

Credit Hire

Eamonn is a highly experienced barrister who dedicates himself to achieving the best results for his clients. Eamonn prides himself on his attention detail. His thorough approach ensures that cases are handled fairly and efficiently.

Eamonn has extensive experience of credit hire litigation and is fully familiar with the law concerning credit hire and mitigation of loss. Regularly acting for both Claimants and Defendants, Eamonn is alert to the key evidential issues that are likely to arise and the approach that parties are likely to take in credit hire cases. His incisive approach ensures that there is attention to small detail, such as impecuniosity

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disclosure, whilst never losing focus on the bigger picture.

In addition to the usual issues that arise in credit hire cases, Eamonn has particular experience of:

- Cases involving taxis;
- Cases involving other commercial vehicles;
- Cases involving motorcycles;
- Cases involving incomplete disclosure;
- Cases involving complex or poorly explained personal financial arrangements;
- Cases where no formal debarring order on impecuniosity has been made;
- Cases where BHR evidence is limited or poor quality.

Eamonn understands the ever-evolving nature of credit hire litigation and the applicable law. He continues to keep abreast of these developments to ensure that the service provided to his clients is of the highest quality.

Accreditations

- Certificate of Honour, Middle Temple
- Baron Dr Ver Heyden de Lancey Prize, Middle Temple
- Diplock Scholar, Middle Temple (BPTC)
- Cohen Scholar, BPP Law School, Leeds (BPTC)
- Harmsworth Scholar, Middle Temple (GDL)
- Cohen Scholar, BPP Law School, Manchester (GDL)

Memberships

- Personal Injury Bar Association
- Middle Temple

Qualifications

- BPTC "Outstanding", BPP Law School Leeds
- GDL "Distinction", BPP Law School Leeds
- BA (Hons) History, University College London

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