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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

- Ben Davies focuses his practice on complex clinical negligence and personal injury matters. He is regularly called upon to act for claimants in claims involving brain and spinal injuries and cases arising from the failure



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to diagnose cancer. "Ben is an exceptional barrister who is very knowledgeable and provides clear advice to clients." "Ben is a very effective adviser and advocate." "Ben is an outstanding advocate. He is highly experienced at all aspects of complex personal injury and clinical negligence work. He is a barrister of choice on these matters because of his expert knowledge, analytical skills, and ability to achieve excellent outcomes for clients." (Chambers & Partners 2024, Clinical Negligence)

- Ben Davies acts for both claimants and defendants in multi-track personal injury claims. He has been instructed in numerous cases concerning brain, spine or orthopaedic injuries, among other matters. He has considerable experience in road traffic and fatal accident claims, as well as claims pertaining to public or employers' liability. "Ben is incredibly thorough and if he gives you advice it's right. He is really quick at dealing with any queries you might have." "He is extremely thorough and knowledgeable, particularly about medical issues and court process. He is always well prepared and excellent in conference." "Ben is meticulous and easy to work with. He has great soft skills and a commercial attitude." "Ben is an exceptional barrister who is very knowledgeable and provides clear advice to clients." (Chambers & Partners 2024, Personal Injury)
- 'He is a highly experienced advocate and first choice counsel to run cases where there are complex liability issues to explore. He prepares cases in meticulous detail and is always willing to thoroughly investigate every aspect of even the most challenging claims on liability or quantum. He has an excellent rapport with clients. He is extremely responsive, and strong at CCMC preparation, costs budgeting and costs arguments.' (Legal 500, 2024 -Clinical Negligence)
- He produces thorough and reliable work. He is very approachable and is always willing to make time to discuss matters and has excellent client care skills.' (Legal 500, 2024 - Personal Injury)
- "Ben is incredibly thorough in his approach, leaving no stone unturned. He is particularly good on the strategy of running a claim." (Chambers & Partners, 2023 - Personal Injury)
- "Ben is very well prepared and good with clients." "Ben is an accomplished advocate who conducts his cases with the utmost skill and care." (Chambers & Partners, 2023 - Clinical Negligence)
- "Ben is a talented barrister with exceptional knowledge in the area of personal injury. An accomplished advocate who makes a substantial impact upon every case he is instructed on." (Legal 500, 2023 - Personal Injury)
- Tier 1 (Legal 500, 2023 - Clinical Negligence)
- "He has superb client care skills and a comprehensive and impressive knowledge of the law in this field. He is a highly experienced advocate who pays enormous attention to the details and is always willing to advance the most challenging of cases." (Chambers UK, 2022 - Clinical Negligence)
- "Very knowledgeable." (Chambers UK, 2022 - Personal Injury)
- "Very thorough and with a deep understanding of medical issues, excellent in conference and prepares excellent schedules of loss, leaving no stone unturned. ' (Legal 500, 2022 - Personal Injury)
- 'Ben is an extremely capable and diligent barrister. He is most approachable and engages well with clients putting them at ease but also explaining the intricacies that such claims can present. ' (Legal 500, 2022 - Clinical Negligence)
- "He is very analytical and gets into the minutiae of the evidence." "An exceptional advocate with superb case analysis skills." (Chambers UK, 2021)
- 'He has a keen eye for detail and is very thorough in his approach to cases.' (Legal 500, 2021)
- 'An excellent practitioner, he's meticulous in his preparation and renowned for his ability to assess and prepare schedules of financial loss.' 'Particularly adept at assimilating intricate details and reducing those to



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a form readily understandable by clients.' 'He has an impressively broad knowledge and his attention to detail is exceptional.' (Chambers UK, 2020)

- 'Knowledgeable, thorough and good with clients.' (Legal 500, 2020)
- 'Determined and very thorough, he leaves no stone unturned and produces meticulously prepared schedules of loss.' 'A thoughtful and thorough lawyer who is personable and good with clients but decisive when it's called for.' (Chambers UK, 2019)
- 'A straight talker with a forthright approach to cases.' (Legal 500, 2018)
- '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 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

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