

He's very prepared, thorough and nimble in the way he thinks things through. He's excellent on his feet and gets great results.

Chambers and Partners



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## Howard Cohen

Called in 1999 +44 (0)20 7583 9241

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Howard's particular expertise is in Personal Injury work. He has extensive experience in high value and complex cases, especially where these involve serious brain, spinal and psychiatric injury. He also has vast experience of railways claims.

His practice has a strong focus towards cases in which fraud and/or dishonesty are alleged and he is ranked in Band 1 for Motor Insurance Fraud in Chambers and Partners.

He acts for both Claimants and Defendants on claims exclusively in the Multi-Track and he regularly appears in the High Court. His clients include local authorities, trade unions, large companies and other corporate organisations. He is an accomplished court performer, appearing in courts and tribunals nationwide. He often conducts multi-expert conferences in complex and difficult cases and is known for his forensic and calm manner. In addition, he has a busy paper practice and frequently represents clients at round-table conferences and other settlement meetings.

Howard is a popular speaker, regularly contributing to chambers' seminars and training sessions. In the recent past, he has spoken about Accidents at Work, Fraud and Surveillance Evidence, the Compensation Recovery Unit and Contempt of Court.

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### Location

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### Contact Us

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## Costs

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Howard regularly appears in Courts nationwide on Costs and Case Management hearings, as well as detailed assessments and other hearings dedicated solely to costs issues. In this complex area of the law, Howard is able to discern the salient facts quickly and efficiently.

He appeared in the recent case of Americhem Europe Ltd v Rakem Ltd 2014 [EWHC] 1881 TCC, which concerned the validity of a statement of truth on Precedent H Costs Budgets completed by a costs draftsman, rather than by the party's legal representative.

## Credit Hire

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Howard continues to appear in cases involving claims for credit hire, as he has done since he first qualified in 2000. He has a deep knowledge and understanding of the law in this area which assists him when both advising and appearing in Court.

## Criminal Fraud

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Howard is regularly instructed by large insurer clients to defend claims where there are suspicions of fraudulent conduct, usually within the context of road traffic litigation. He was recently instructed to represent an alliance of insurance companies against a swathe of claims arising out of a "fraud ring" in East London. This resulted in each of the claims being either struck out or discontinued.

He is an expert in the area of exemplary damages, which he now seeks and often wins against fraudulent Claimants.

When successful Defendant insurers wish to take matters further, Howard has a detailed knowledge of the new CPR 81 dealing with contempt of court proceedings. He recently successfully defended the first application ever made to bring committal proceedings under that provision against a suspected fraudulent Claimant.

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## Inquests

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Howard has significant experience of appearing in Inquests throughout the country arising out of road traffic deaths and deaths in custody.

## Insurance

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Howard advises and represents individuals, businesses and insurance companies on a wide range of contractual and tortious matters. He has advised on disputes concerning the payment of commissions, matters concerning the sale and supply of goods and services, and fire and other property damage claims.

## Personal Injury

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Howard's particular expertise is in Personal Injury work, particularly where there are elements of fraud or dishonesty apparent or alleged. He covers a broad range of matters with an emphasis on high value and complex cases.

His caseload includes Employer's Liability, Occupier's Liability, Product Liability, Fatal Accidents, Highways and Road Traffic claims, as well as associated areas including MIB, CRU and Criminal Injuries compensation. He has vast experience of railways claims.

He acts for both Claimants and Defendants on claims predominantly in the multi-track and he regularly appears in the High Court. His clients include local authorities, trade unions, large companies and other corporate organisations. He is an accomplished court performer, appearing in courts and tribunals nationwide. In addition, he has a busy paper practice and frequently represents clients at round-table conferences and other settlement meetings.

## Travel & Tourism Law

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Howard has acted for both Claimants and Defendants in numerous claims arising from overseas accidents or accidents involving cross jurisdictional issues. These include a claim arising from a near-fatal road traffic accident in France, and an accident in the UK involving an illegal Albanian immigrant that required consideration of average Albanian earnings and Albanian care rates.

Howard has a particular interest in claims involving allegations of fraud/fundamental dishonesty and has had plentiful exposure to holiday claims (sickness claims amongst them) in which the central factual allegations are challenged. He is ranked as a Leading Junior in Chambers and Partners 2018 and recently went to the Court of Appeal in the case of *Ogiehor v Belinfantie* [2018] EWCA Civ 2423 arising out of an allegation of fraud.

Howard successfully defended the Respondent in the first application for contempt of court arising from the new CPR 81 in the

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case of *RSA v Kosky* [2013] EWHC 835 (QB) and regularly advises insurers on issues relating to surveillance, fundamental dishonesty, Section 57, exemplary damages and contempt of court.

Howard is happy to deliver training to tour operators and others in relation to cross jurisdictional personal injury claims.

## Civil Fraud

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Howard has vast experience of dealing with fraudulent claims and claims in which fundamental dishonesty is alleged. He is ranked as a Leading Junior in the Motor Insurance Fraud section of Chambers and Partners 2018 and recently went to the Court of Appeal in the case of *Ogiehor v Belinfantie* [2018] EWCA Civ 2423 arising out of an allegation of fraud.

Howard successfully defended the Respondent in the first application for contempt of court arising from the new CPR 81 in the case of *RSA v Kosky* [2013] EWHC 835 (QB) and regularly advises insurers on issues relating to surveillance, fundamental dishonesty, Section 57, exemplary damages and contempt of court.

He also has experience of defending against fraud rings, acting for a co-operative of insurers in the case of *Tasneem v Morley* [2014] LTL, 28/1/14 against a total of 16 Claimants alleging injury following 9 separate road traffic accidents.

Each claim was struck out with exemplary damages awarded.

Howard regularly gives seminars and training on issues arising from fraudulent claims to solicitors, insurers and local authorities.

## Professional Negligence

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Howard has developed an interest in clinical and professional negligence claims of all types, particularly against solicitors.

## Clinical Negligence

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Howard has significant experience in dealing with large clinical negligence claims, most particularly, in colorectal cases, claims following accidents at birth and those arising from negligently performed surgery. He is also a trained case presenter for the Nursing and Midwifery Council and has wide experience of appearing before that, and other healthcare regulators.

## Industrial Disease

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Howard Cohen has substantial experience of claims involving work related upper limb disorders, HAVS, noise induced hearing loss, dermatitis and occupational stress.

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He regularly drafts statements of case in occupational disease cases and meets with experts in conference to discuss complex points arising from such injuries.

Recent experience includes settling a multi-track WRULD claim arising from work within an industrial bakery, and an HAVS claim brought by a civil engineer following extensive use of a jackhammer.

## Public Access

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Howard accepts instructions on a public access basis.

## Notable Cases

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### MacBurnie v Liverpool Victoria

Recently settled a substantial lower limb amputation case for £1.7 million. Expert evidence comprised Orthopaedic, Amputee Rehabilitation, Prosthetic, Accommodation and Care. The matter settled at JSM.

### Stanley v Tower Hamlets LBC [2020] EWHC 1622 (QB)

Successfully set aside judgment entered immediately following the national lockdown in March 2020 in circumstances which were deemed to be unfair.

### Chowdhary v Network Rail Infrastructure

Settled the Claimant's £1.5 million claim for widespread chronic pain and quasi-neurological symptoms, following a conference with experts in all 6 disciplines. Drafted a detailed Counter-Schedule of Loss which led to a settlement at less than half the sum claimed.

### Ogiehor v Belinfantie [2018] EWCA Civ 2423

Successfully defended a litigant in person's 2nd appeal to the Court of Appeal against an Unless Order and related costs award, resulting in Defendant's costs of over £110,000 being awarded

### Royal & Sunalliance Insurance Company Ltd v Kosky (2013)

Successfully defended the first ever application for permission to bring committal proceedings for contempt of court under the new CPR 81 in the High Court.

If you would like to instruct Howard Cohen or would like help or advice in doing so, please call and talk to our excellent clerking team, led by senior clerk Alan Kilbey MBE. Our phone number is +44 (0)20 7583 9241. Alternatively, please email us at [chambers@farrarsbuilding.co.uk](mailto:chambers@farrarsbuilding.co.uk)

For more information about our clerking team, please [click here](#) for the clerks page.

## Appointments & Memberships

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- Appointed Recorder (Crime – South Eastern Circuit) – June 2020
- Association of Personal Injury Lawyers

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- Personal Injury Bar Association
- London Common Law & Commercial Bar Association
- South Eastern Circuit

## Education & Qualifications

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- Winner of Wilfred Getz Scholarship, Gray's Inn
- BVC, Inns of Court School of Law, London
- M. Phil (Criminology), Trinity Hall, Cambridge
- MA Hons, Jurisprudence, St. Catherine's College, Oxford
- City of London School for Boys

## Directory Quotes

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Howard Cohen predominantly acts for defendants in high-value personal injury cases and is well regarded for his expertise in claims arising from railway accidents. His personal injury practice is complemented by his recognised expertise in motor insurance fraud.

"He is very approachable, highly intelligent and able to advocate very effectively at trial." "Howard's drafting is excellent. His counter schedules in particular are the perfect base to commence negotiations." "Howard is an excellent advocate with attention to every detail. He is extremely mindful of clients' needs."

"He has a fluent narrative style." "Howard is meticulous in his approach, and his pleadings are powerful."

**Chambers UK 2023** – Ranked in Personal Injury & Motor Insurance Fraud, Tier 1

'Howard is a genial and capable opponent, who focuses on the material issues in the case and works hard to find solutions to disputes.'

**Legal 500, 2023** – Leading Junior, Personal Injury

"Skilled at drafting robust counter schedules and is a pragmatic and skilled negotiator in joint settlement meetings." "He is absolutely great and adds meaningful value to a case. He is responsive, always available, timely and prompt."

**Chambers UK 2022** – Ranked in Personal Injury & Motor Insurance Fraud, Tier 1

"He's very prepared, thorough and nimble in the way he thinks things through. He's excellent on his feet and gets great results." "A very good and busy insurance fraud practitioner."

**Chambers UK 2021** – Motor Insurance Fraud Tier 1

"He deals with cases very quickly and efficiently." "A very practical and sensible opponent."

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