

James has a meticulous eye for detail and achieves excellent outcomes.

Legal 500



## James Pretsell

Called in 1998 +44 (0)20 7583 9241

James Pretsell was called to the Bar in 1998 and was taken on as a tenant having completed his pupillage at Farrar's Building in 1999.

James's practice consists largely in multi track personal injury work. He also has expertise in professional negligence and disciplinary work having represented individuals before a variety of professional regulatory bodies as well as the Administrative Court. He also practices in the area of employment law.

As a fluent French speaker, James has also developed an interest and practice in cases with a French element and more generally cases involving questions of foreign jurisdiction.

James provides seminars to solicitors and insurers. In the past eighteen months he has spoken and written on topics as varied as the impact of the Jackson Reforms, the Enterprise Act, conducting cases involving allegations of fraud and the 'hot tubbing' of expert witnesses.



### Location

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### Contact Us

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# Personal Injury

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James has an extensive personal injury practice consisting of multi track claims ranging from high value County Court to High Court claims. James has been briefed to appear alone in a number of High Court trials in the past eighteen months. James has considerable experience of conducting JSMs.

James largely appears on behalf of Defendants. He has been instructed by most, if not all, of the major UK insurance companies.

James also appears on behalf of Claimants where the claim is complex or of high value. For example, James recently successfully represented a Claimant in a week long High Court trial where complex legal and medical issues arose in a case where moderate brain injury was alleged.

James has particular expertise in claims involving issues of employers' liability and/or complex injuries and conditions such as chronic pain and occupational diseases.

# Civil Fraud

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James has extensive experience of dealing with fraudulent claims in both the civil and criminal jurisdictions.

He has acted as junior to Patrick Harrington KC in a number of criminal matters involving allegations of fraud of the utmost severity ranging from the attempted bribery of a Local Authority Chief Executive to an alleged conspiracy to avoid the multi-million pound reinstatement of open cast mining sites.

The overwhelming majority of James' work is though in the civil sphere where he represents Defendant insurers in a wide variety of cases involving allegations of fraud and which has resulted in him being ranked in the Legal 500.

James has particular experience and expertise in the use of surveillance evidence. He appeared on behalf of the successful Defendant insurer in the High Court case of *Stewart v Kelly* (2016) EWHC 3263 (Blake J) dealing with the, often difficult, issue of when to disclose surveillance evidence.

James represented the successful Defendant insurer in the High Court trial of *Atkinson v Pathak* (2015) EWHC 1120 (Robert Owen QC) where the forensic use of surveillance evidence at trial resulted in the Claimant failing to beat an historic Part 36 offer.

James is also vastly experienced in advising on and drafting allegations of fraud and/or fundamental dishonesty whether in Defences or Counter schedules.

# Professional Negligence

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James has extensive and broad experience of appearing in front of professional and sporting disciplinary and regulatory bodies.

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James has acted on behalf of solicitors, accountants, medical professionals and teachers. He has appeared before a wide variety of disciplinary panels such as those of the Association of Chartered Certified Accountants, the General Medical Council, the Nursing and Midwifery Council, the Care Quality Commission, the National College for Training and Leadership and the General Regulatory Chamber.

By way of example of his recent work, James successfully defended a teacher who was the object of potentially career-ending allegations of sexual misconduct:

<http://www.farrarsbuilding.co.uk/james-pretzell-represents-teacher-cleared-of-sexual-misconduct/>

James also sits as Chairman of the Appeals Tribunal of the Showmen's Guild of Great Britain adjudicating on disputes that are often of a commercial and technical nature.

James also advises and acts on behalf of professionals facing negligence claims. Recently James successfully resisted an appeal before HHJ Saggerson QC brought by a solicitor's former client in which a series of allegations of professional negligence were made arising out of a complex matrimonial dispute.

James has acted and advised on behalf of various professional sporting individuals and bodies. He has, for example, acted for a professional boxing manager before the appeal panel of the British Boxing Board of Control where he enjoyed the rare distinction of cross-examining Frank Warren and advised a rugby club on the prospects of successfully challenging a refusal by the WRU to allow promotion.

James is a member of the Association of Disciplinary and Regulatory Lawyers.

## Travel & Tourism Law

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James has a wealth of experience in litigation involving travel and cross-jurisdictional issues.

In particular his fluency in French and extensive expertise in personal injury litigation has led to his instruction in a variety of claims where an understanding and interpretation of French law and evidence in a foreign language has been invaluable.

For example, James has acted for defendants in a number of claims arising out of serious road traffic collisions in France. He has advised on French legislative provisions relating to the equivalent of social security benefits and their recoupment in the context of high value personal injury litigation in the High Court.

He has also acted in cases arising out road traffic collisions in Italy and Spain where complex issues relating to damage in the context of cross-jurisdictional litigation concerning brain injury have arisen.

James has also acted for a number of major airlines in cases involving delay and damage involving the interpretation and application of the Montreal and Warsaw Conventions and Hague Protocol.

## Notable Cases

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### Atkinson v Pathak (2015) EWHC 1120

James was instructed by the Defendant insurer to defend a claim involving a Claimant who had been working as a self-employed gardener when in December 2009 the First Defendant -insured by the Second Defendant- had negligently run over his left foot when mounting the pavement in the course of doing a U-turn. The Claimant sought a total award of damages in excess of £600,000.

### Szura v Dixey

Represented a Claimant injured in an rta who alleged that she sustained a moderate brain injury. This was hotly disputed by the experts (Neurologists, Psychiatrists and Neuro-Psychologists) and was heard over a five day High Court trial before HH Judge Forster QC sitting as a High Court Judge. The issue was determined in the Claimant's favour and quantum was settled. The case was one of the first in the High Court (indeed in any court) to involve experts giving evidence concurrently ('hot tubbing').

### Cass DA v (1) C & C Plumbing & Heating (Southern) Ltd (2) C & C Carpentry Services Ltd (3) Bellway Homes Ltd

Successfully represented a Defendant in a claim arising out of a fall through a roof on a construction site that was heard over a number of days before HH Judge Moloney QC. The claim involved complicated questions of engineering evidence relating to the building methods and materials used.

### Thompson F v Asphaltic Roofing Supplies Ltd

Successfully represented a Defendant in a claim where it was alleged that a hydraulic arm had malfunctioned and injured the Claimant. The matter was heard before HHJ Hand QC and involved lengthy and technical expert engineering evidence.

If you would like to instruct James Pretsell 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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- Chairman of the Appeals Tribunal of the Showmen's Guild of Great Britain
- Association of Regulatory & Disciplinary Lawyers
- British Association for Sport & Law
- Employment Law Bar Association
- Personal Injury Bar Association

## Education & Qualifications

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- Karmel Scholar & Prince of Wales Scholar, Gray's Inn
- BVC (with Distinction in Advocacy), Inns of Court School of Law
- Dip Law (Commendation), City University
- BA in French & Philosophy (First Class), University of Bristol

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## Directory Quotes

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James is ranked as a Leading Junior in the Legal 500 for Personal Injury:

*He has a wonderfully relaxed manner with clients which makes him very reassuring.* **Legal 500**

*James has a meticulous eye for detail and achieves excellent outcomes.* **Legal 500**

## Personal Interests

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James interests include playing for and now supporting London Welsh, cycling, skiing and cricket.

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