

He is smart and academically very vigorous, but brings a fierce practicality to his practice.

Legal 500 2020



## Andrew Arentsen

Called in 1995 +44 (0)20 7583 9241

Andrew Arentsen's practice is predominantly personal injury, with a focus on high value and complex claims usually involving conflicting medical evidence. It also includes professional and clinical negligence. He is also highly regarded for his work on commercial and contractual disputes, including insurance disputes as well as cases involving sports law and sporting disciplinary regulation.

Personal Injury work has a particular focus on catastrophic, spinal and closed head injuries. These include cases of employers' liability, occupiers' liability and road traffic accidents. Specialist advice is offered in claims with conflicting, complex medical evidence for example with orthopaedic, neurological or psychiatric disputes or where pain disorders are challenged. Work is divided between Claimant and Defendant and includes extensive experience at trial and in a pre-trial advisory capacity of industrial disease litigation (including group actions) in the form of deafness, asbestosis, dermatitis, WRULD and HAVS. He is very experienced in cases of NIHL of all types and has ongoing involvement in test litigation where the applicability or otherwise of the Coles Lutman Guidelines to BT engineers exposed to tonal noise is being addressed. The acute difficulties of cases involving exposure to asbestos with mesothelioma are regularly and sensitively addressed as are the problems presented litigating high value cases worth over one million.

Clinical negligence work is for both Claimants and Defendants and has included injuries caused at birth, negligent surgical procedures and cases of mis-diagnosis.

Commercial and common law litigation includes a focus on costs and recoverability issues. Regular instructions involve a multitude of commercial contractual disputes as well as insolvency. Common law work includes cases of professional negligence with solicitors, architects and surveyors. Specialist advice is offered in respect of insurance policies and recoverability issues as well as complex cases revolving around the construction, maintenance and management of sewerage systems.

Andrew has recent and extensive experience of sports disciplinary regulation including the supervision and administration of sports clubs by governing bodies.

### Location

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Andrew is listed in both The Legal 500 and Chambers UK Guide to the Bar as a leading personal injury practitioner on the Wales and Chester Circuit every year without exception since 2000.



Andrew Arentsen



## Clinical Negligence

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An experienced Clinical Negligence practitioner conducting work both for Claimants and for Defendant trusts across the full range of claims including injuries caused at birth, negligent surgical procedures and cases of mis-diagnosis and failure to diagnose.

### Recent Cases

- L v Nottingham University Hospital NHS Trust (Settlement at JSM 25<sup>th</sup> February 2020). Counsel for the Claimant in a dependency claim where his deceased wife had been admitted to hospital with a pulmonary embolism which was not diagnosed or treated in time. She died in consequence. Limited breaches of duty were admitted and the deceased should have been prescribed enoxaparin but causation was disputed and the evidence of the precise effect of anti-coagulation was controversial. The value of the claim was agreed in the sum of £535,000 and the claim settled for a sum based upon the assessment of the relative risks to both parties.
- Jones v Betsi Cadwaladr UHB. (Settlement at JSM September 2019). Counsel for the Claimant where the Defendant had failed to diagnose cancer of the ileal pouch. The Claimant had undergone radical surgery to create the ileal pouch in 1998. The pouch then required regular monitoring but in 2006 the Claimant was allowed to fall out of the Defendant's surveillance programme. Breach of duty for the same was admitted. As a result there was a delay in diagnosing and then treating the Claimant's ileal pouch cancer. Had the cancer been identified at an early stage then the pouch could have been surgically removed and treatment would have led to a cure. In consequence of the delay the Claimant had developed secondary lung metastases and his cancer was terminal. The prognosis was that only months remained. The claim included losses to date and losses for the "lost years". It settled for a sum of £300,000
- Ridell v South Humberside NHS Trust. (2018) Counsel for the Claimant. A 40 year old nurse who developed Cauda Equina which was not diagnosed and treated with the requisite speed causing the Claimant to suffer disabling neurological symptoms. The claim settled for £850k
- John Nicholl v Cardiff & Vale University Health Board: February 2015. Counsel for the Defendant health board throughout in a claim brought by the Claimant with an allegation of injury following negligent surgery. The claim was pleaded in excess of £1 million. The claim compromised at a joint settlement meeting shortly before the trial date.
- Beryl Luke v Cwm Taf University Health Board: Cardiff CC September 2014. Counsel for the Defendant health board defending a claim for serious injury alleged to have been caused during bowel surgery.

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- Susan Selby v Public Health Wales NHS Trust: QBD Cardiff District Registry. February 2014. Counsel for the Defendant trust defending a claim for alleged negligence during breast cancer screening.

## Commercial

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Andrew is highly regarded for his work on commercial and contractual disputes, including insurance and subrogated recovery claims. He has undertaken and has continued to undertake numerous claims for insurers to recover for domestic property damage paid out to their insured. He also undertakes commercial and common law litigation that includes a focus on costs and recoverability issues. Regular work involves a multitude of commercial contractual disputes as well as insolvency, Companies Act litigation, partnership issues and construction disputes. Common law work includes cases of professional negligence with solicitors, architects and surveyors. Specialist advice is offered in respect of insurance policies and recoverability issues as well as complex cases revolving around the construction, maintenance and management of sewerage systems.

## Recent Cases

- Counsel instructed in 2013 by a national firm of solicitors in respect of approximately 100 claims to be brought against their ATE insurer for payment of costs and disbursements following the discontinuance of substantive PI claims in the light of the Court of Appeal decision in *Grieves v FT Everard & Sons Limited* [2007] UKH APP 39.
- *Consumer Credit Services Limited v Aims Legal Services Limited*: Counsel for the Claimant in respect of a claim for damages for breach of contract valued at over £1 million: The claim arose from the provision of PPI Legal Assistance.
- *Brain & Others v Welsh Water & 12 Others*: October 2010 Chester County Court. The determination of liability and the quantification of a group action arising from the discharge of hydrogen sulphide from the sewer of a recently constructed industrial estate.
- *Preece v Caerphilly County Borough Council* QBD 2007 Hickinbottom J: Counsel for the Claimant on the enforceability of a Conditional Fee Agreement that had not been signed.
- *Saunders v Williams* CA 2002: Counsel for the Defendant in a building dispute that focused on the burden of proof when mitigating losses in negligence claims.

## Insurance

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Andrew is highly regarded for his work on insurance and subrogated recovery claims. He has undertaken and has continued to undertake numerous claims for insurers to recover for domestic property damage paid out to their insured. Specialist advice is offered in respect of insurance policies and recoverability issues.

## Recent Cases

- Counsel instructed in 2013 by a national firm of solicitors in respect of approximately 100 claims to be brought against their ATE insurer for payment of costs and disbursements following the discontinuance of substantive PI claims in the

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- light of the Court of Appeal decision in *Grieves v FT Everard & Sons Limited* [2007] UKH APP 39.
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## Personal Injury

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### Recent Cases

- *Grant v Dawn Meats* [2018] EWCA Civ 2212. Counsel for the Defendant in the Court of Appeal in the hugely significant procedural case involving the effect of a general stay on the requirement to serve a Part 8 Claim Form.
- *Bates v Staples*. High Court of Justice. Cardiff District Registry 7th March 2018. Counsel for the Claimant in the substantial dependency claim following the tragic death of a high achieving young father and his infant son in a road traffic accident. The claim was approved in excess of £1m.
- *P v The Welsh Ambulance NHS trust*. High Court of Justice. Cardiff District Registry 6th December 2018. Counsel for the Defendant in a claim brought by a motorcyclist for catastrophic injuries suffered when in collision with an ambulance. The claim was approved at a little under 4 million.
- *Jake Hollinshead v Darren Jones*. Cardiff CC. 14th January 2019. Counsel for the Claimant who sustained a significant brain injury whilst struck crossing the road. The claim was approved in excess of £500k.
- *Various v Depuy International Limited*: Ongoing. Counsel for a number of Claimants in claims for injury arising from the provision of metal on metal hip prostheses.
- *Donovan v Dwr Cymru*: Cardiff County Court. March 2015. Counsel for the Defendant in a claim brought by the Claimant for personal injury with a schedule of loss pleaded at circa £1million. The claim compromised after service of detailed schedules and counter-schedules at a joint settlement meeting shortly before the trial date.
- *Green and Milsom v Kravag Logistics*: August 2014. Counsel for 2 motorcyclists each of whom suffered serious injury in a single road traffic accident. The claim settled at a JSM for an aggregate sum £1.3 million.

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- Godwin v Peacock: Cardiff County Court 11th April 2014 HHJ Hywel James. Counsel for the Claimants in a dependency claim involving the death of a 20 year old husband and father in a road traffic accident.
- Oliver Turton v WRU and Llanharan RFC: Pontypridd County Court. DJ Taylor 2nd April 2014. Counsel for the WRU in the successful defence of a claim brought against them by an injured player as a result of the condition of the premises of the member club. It was approached by the Defendant as an important test case.
- Counsel for a professional rugby club instructed to defend a claim brought against them by an opponent who had lost the sight of an eye and retired from professional rugby following an injury suffered whilst playing in a competitive match. The claim settled after service of a Defence and counter-schedule and following a joint settlement meeting in March 2014.
- Marlene Harris v The Club: Swansea County Court. 14th-15th October 2013. HHJ Vosper QC. Counsel for the Defendant in a claim pleaded in excess of £100,000 for injury suffered as a visitor. The claim was dismissed at trial. Permission to appeal to the Court of Appeal was refused by Lewison LJ.
- Khan v Fitness First Limited QBD: Leeds District Registry. Norris J. 9th July 2013. Counsel for the Defendant in appellate proceedings in a claim for injury involving a fall at a gymnasium. The Defendant alleged fraud.
- Sidaway v The Lawn Tennis Association: Cardiff County Court. January 2013. Counsel for the Claimant. The Claimant was a young nationally ranked tennis player who sustained an injury that prevented his pursuing a professional career.
- Loughheed v On the Beach Limited: Winchester County Court 10th/11th October 2013 and CA 2014 EWCA Civ 1538. Counsel for the Claimant who suffered serious injury on a holiday. The claim succeeded at first instance upon the Package Travel Regulations. The Defendant was an internet travel agency who disputed the application of the Regulations to an internet sale and any breach of Spanish regulations.

## Civil Fraud

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Andrew has extensive experience of representing Defendant's in cases where fraud and dishonesty are alleged at trial. More recently these have included the successful application of Section 57 and the exceptions to the QOCS regime. He has given a number of lectures and presentations on the full legislative package now available to address fraudulent and exaggerated claims.

## Sports Law

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As a former first class rugby player Andrew has a busy practice that includes sports law. He has recent and extensive experience of sports disciplinary regulation including the supervision and administration of sports clubs by governing bodies. He was the author of an Independent review commissioned by a leading sports governing body into the licensing of its league clubs and it's liabilities for the condition of their premises. He sits as the Chairman of the Welsh Rugby Union Independent Tribunal (from 2008 to date). The panel considers foreign player work permit applications. The Panel sits approximately 5 times each season. He has also acted as Panel Counsel to the British Boxing Board of Control Limited and was Panel Counsel to the Australian Rugby Football Union and the Georgia Rugby Football Union for the 2010 and 2012 tours.

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## Recent Cases

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- Counsel for a professional rugby club instructed to defend a claim brought against them by an opponent who had lost the sight of an eye and retired from professional rugby following an injury suffered whilst playing in a competitive match. The claim settled after service of a Defence and counter-schedule and following a joint settlement meeting in March 2014.
- Sidaway v The Lawn Tennis Association: Cardiff County Court. January 2013. Counsel for the Claimant. The Claimant was a young nationally ranked tennis player who sustained an injury that prevented his pursuing a professional career.
- The British Boxing Board of Control Limited v Various.: Panel Counsel to the BBBC in disciplinary proceedings brought against 13 licence holders including boxers, trainers, managers and promoters. All have been involved in a well-publicised boxing promotion in London that was regulated by a foreign Boxing Board contrary to the membership rules of the BBBC.
- The Welsh Rugby Union v Penygraig Rugby Football Club 2005: Counsel for the WRU in unique disciplinary proceedings brought in response to the refusal of an entire rugby team to submit to a drugs test after they had won the Silver Bowl club competition. Tribunal Chairman Patrick Harrington QC.

## Notable Cases

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L v Nottingham University Hospital NHS Trust (Settlement at JSM 25th February 2020).

Counsel for the Claimant in a dependency claim where his deceased wife had been admitted to hospital with a pulmonary embolism which was not diagnosed or treated in time. She died in consequence. Limited breaches of duty were admitted and the deceased should have been prescribed enoxaparin but causation was disputed and the evidence of the precise effect of anti-coagulation was controversial. The value of the claim was agreed in the sum of £535,000 and the claim settled for a sum based upon the assessment of the relative risks to both parties.

JPC (A protected Party through his Litigation Friend LCM) v Paul Watts. 23rd January 2020 High Court of Justice QBD Cardiff District Registry.

Approval before HHJ Harrison sitting as a Deputy High Court Judge. Counsel for the Claimant in an approved settlement. The Claimant sustained catastrophic brain injuries when he was knocked off his bicycle into the path of an oncoming car. The claim resolved for the capital sum of £13.5 million in addition to the Defendant transferring legal title of a bungalow which they had purchased for the Claimant into his name.

W v B (Settlement at JSM on 17th September 2019).

Counsel for the Claimant in a claim by a young male passenger who sustained serious spinal injuries in a road traffic accident. The Claimant suffered incomplete tetraplegia and was left with restricted mobility and limited motor power. The claim resolved at a JSM for the gross sum of £4.9 million.

Jones v Betsi Cadwaladr UHB (Settlement at JSM September 2019).

Counsel for the Claimant where the Defendant had failed to diagnose cancer of the ileal pouch. The Claimant had undergone radical surgery to create the ileal pouch in 1998. The pouch then required regular monitoring but in 2006 the Claimant was allowed to fall out of the Defendant's surveillance programme. Breach of duty for the same was admitted. As a result there was a delay in diagnosing and then treating the Claimant's ileal pouch cancer. Had the cancer been identified at an early stage then the pouch could have been surgically removed and treatment would have led to a cure. In consequence of the delay the Claimant had developed secondary lung metastases and his cancer was terminal. The prognosis was that only months remained. The claim included losses to date and losses for the "lost years". It settled for a sum of £300,000.

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### Grant v Dawn Meats [2018] EWCA Civ 2212

Counsel for the Defendant in the Court of Appeal in the hugely significant procedural case involving the effect of a general stay on the requirement to serve a Part 8 Claim Form.

### Bates v Staples, High Court of Justice

Cardiff District Registry 7th March 2018. Counsel for the Claimant in the substantial dependency claim following the tragic death of a high achieving young father and his infant son in a road traffic accident. The claim was approved in excess of £1m.

### P v The Welsh Ambulance NHS trust. High Court of Justice. Cardiff District Registry 6th December 2018

Counsel for the Defendant in a claim brought by a motorcyclist for catastrophic injuries suffered when in collision with an ambulance. The claim was approved at a little under 4 million.

### Jake Hollinshead v Darren Jones. Cardiff CC. 14th January 2019

Counsel for the Claimant who sustained a significant brain injury whilst struck crossing the road. The claim was approved in excess of £500k.

### Ridell v South Humberside NHS Trust. (2018)

Counsel for the Claimant. A 40 year old nurse who developed Cauda Equina which was not diagnosed and treated with the requisite speed causing the Claimant to suffer disabling neurological symptoms. The claim settled for £850k.

### Ian Scott & Others v BT

Counsel for BT Engineers suffering hearing loss after exposure to tonal noise when testing telephone connections. The primary issue is the application of the Coles Lutman Guidelines on medical causation to cases of exposure to tonal rather than broadband noise.

### Various v Depuy International Limited (Ongoing)

Counsel for a number of Claimants in claims for injury arising from the provision of metal on metal hip prostheses.

### Green & Milsom v Kravag Logistics (2017)

Counsel for 2 motorcyclists each of whom suffered serious injury in a single road traffic accident. The claim settled at a JSM for an aggregate sum £1.3 million.

### Donovan v Dwr Cymru (2015)

Counsel for the Defendant in a claim brought by the Claimant for personal injury with a schedule of loss pleaded at circa £1million. The claim compromised after service of detailed schedules and counter-schedules at a joint settlement meeting shortly before the trial date.

### John Nicholl v Cardiff & Vale University Health Board (2015)

Counsel for the Defendant health board throughout in a claim brought by the Claimant with an allegation of injury following negligent surgery. The claim was pleaded in excess of £1 million. The claim compromised at a joint settlement meeting shortly before the trial date.

### Green & Milsom v Kravag Logistics (2014)

Counsel for 2 motorcyclists each of whom suffered serious injury in a single road traffic accident. The claim settled at a JSM for an aggregate sum £1.3 million.

If you would like to instruct Andrew Arentsen 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 Welsh Rugby Union Independent Tribunal (2008 – present).
  - Tier 1 Panel Counsel to the Welsh Government for personal injury.
  - Panel Counsel to the British Boxing Board of Control Limited.
  - Panel Counsel to the Australian Rugby Football Union and the Georgia Rugby Football Union for their 2010 and 2012 tours.
  - Company, Commercial and Clinical Negligence tutor on the Cardiff University Bar Vocational course (1999 – 2007).

## Education & Qualifications

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- Inns of Court School of Law (1994 – 1995)
- MA Law 2:1, Corpus Christi College, Cambridge University (1991 – 1994)
- Cardiff High School (1983 – 1990)

## Directory Quotes

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Andrew Arentsen is known for his impressive representation of claimants and defendants in spinal, catastrophic and closed head injury litigation. He specialises in claims involving highly complex medical issues, such as neurological, orthopaedic or psychiatric disputes.

*“He is eminently sensible and pragmatic in his approach. He has a good personable manner with clients in conference and carries appropriate gravitas in court.” “Absolutely excellent, he produces very high-quality work. He is very thorough and good on his feet in trial.”* **Chambers UK 2022**

*“Andrew is a very smart advocate, who is very calm and pragmatic in dealing with complex personal injury claims.”* **Legal 500 2022**

*“He gets to the heart of the matter with the minimum of fuss and provides straightforward, no-nonsense advice. He is excellent with clients. I would have no hesitation in recommending him.”* **Legal 500 2020**

*“He is efficient and alive to the key points in his cases.” “He has a very approachable and caring manner with clients and offers pragmatic and sensible advice.”*

### Chambers UK 2021

*‘He is smart and academically very vigorous, but brings a fierce practicality to his practice.’*

### Legal 500 2020

*“Calm, pragmatic and approachable.” “He’s very good with clients and is extremely efficient.”*

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## Chambers UK 2019, Personal Injury (London Bar)

He is further recognised for his ability to handle cases involving complex medical evidence. He is also experienced acting for and advising clients in contentious industrial disease claims.

“A very reliable and creative barrister who is an expert in all aspects in the field. His paperwork is timely and thorough, and his advocacy skills are pointed, direct and well considered.” “He’s impressive in court and excellent in cross-examination. He has an eye for detail and is easy to work with.”

Recent work: Acted for a claimant in a high-value claim against a construction company. The claimant had fallen from scaffolding and suffered catastrophic brain injuries as a result.

## Chambers UK 2019, Personal Injury (Wales & Chester)

Continues to act in Wales-focused cases from London. He represents claimants and defendants in a range of catastrophic injury cases, and is noted for his dedication and client-oriented approach.

*‘A compelling and fiercely practical advocate.’*

## Legal 500 2018

Strengths: “He clearly has a great intellect, is very good with clients, is very approachable, and is very good at explaining things in lay language.” “He’s a very hard-working junior, who puts a lot of time into his practice.”

## Chambers UK 2017

Has a wealth of experience in noise-induced hearing loss and medical causation. Interviewees have also commented on his expertise in highways trips and slips.

Strengths: “He is very down to earth and has a great manner with clients.”

## Chambers UK 2016

‘Refreshingly straight-talking and a formidable presence in the courtroom.’

## The Legal 500 2016

“He is a great tactician and is very practical. He will really roll up his sleeves to look at the legal issues.”

## Chambers UK 2015

“A specialist in claims where there is complex and often conflicting evidence.”

## The Legal 500 2015

The entry notes the ability of Andrew Arentsen to handle numerous high-value damages claims.

## Chambers UK 2014

Andrew Arentsen is “a sensible, pragmatic, and highly efficient” barrister whose personal injury practice is predominantly focused on catastrophic brain and spinal injury cases. He recently appeared in *Andrew Jones v Ribbons Ltd*, a catastrophic injury claim concerning an individual rendered disfigured when he caught his arm in an unguarded machine.

## Legal 500 2014

The “fluent, persuasive and personable” Andrew Arentsen heads the group at Civitas Law, which has a national reputation for

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industrial disease claim.

#### **Chambers UK 2013**

The “brilliant” Andrew Arentsen’s honesty is recognised and appreciated by clients, who also value his “effective arguments and performances in court”. He is recommended.

#### **The Legal 500 2013**

Solicitors appreciate the “reliable and decisive” Andrew Arentsen who has recently been acting in a case which involved a nuisance and negligence claim against Welsh Water. He is also well known for representing clients in a number of RTAs.

#### **Chambers UK 2012**

Andrew Arentsen is “not afraid to make difficult decisions”.

#### **Chambers UK 2011**

Sources commend “the sound and practical” Andrew Arentsen for being “extremely approachable but also straight with you – he will tell you if you are going down the wrong route”.

#### **The Legal 500 2011**

## Personal Interests

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Andrew is a keen skier and father of 3 young children.

Cycled in 2012 from Yosemite to San Francisco as part of the Velindre Cancer Charity Cycle that raised over £500,000 for cancer services at the Velindre Centre in Cardiff. Then persuaded to complete the second Velindre Cancer Charity Cycle from Boston to New York in September 2014 which raised close to £750,000.

Completed the 2009 Etape du Tour, a 120 mile stage of the Tour de France including an ascent of Mont Ventoux.

First class professional rugby player for Richmond, Newport and Glamorgan Wanderers. Cambridge Rugby Union Blue 1993. U18 Welsh schoolboy rugby international.

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