

Excellent results without fail, leaving me to continue instructing James, no matter where in the country.

Louisa Bolleurs, Solicitor.



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## James Rozier

Called in 2007 +44 (0)20 7583 9241

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James Rozier's primary civil specialisms are personal injury, counter fraud/fundamental dishonesty and costs.

James also retains a criminal practice specifically limited to defending in: serious driving matters involving serious injury and/or death; and health and safety prosecutions

He has appeared in reported cases in the High Court and Court of Appeal. He has been appointed as personal injury panel counsel for one of the UK's largest employers and is regularly instructed by a number of local authorities.

His corporate clients have included: British Airways; Virgin Group; ISS UK; Kerry Group; and McDonalds.

## Personal Injury

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James is a personal injury specialist and represents both claimants and defendants in both the County Courts and High Court. He has a broad personal injury practice which has included: fatal accidents; highways claims; occupier's liability; employer's liability; product liability; psychiatric injury; and fraud.

A significant proportion of his work is paper based, including the drafting of pleadings, schedules of loss, Part 35 questions to experts and opinions on both prospects of success and quantum.

James's personal injury practice marries well with his costs practice, the combination allowing him to advise clients in respect of their bottom line commercial risk at each phase of litigation.

### Cases of Note:

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#### Location

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### Goulding v Hurst-Brown (2018)

Trial – Declaration of fundamental dishonesty obtained pursuant to s.57 Criminal Justice and Courts Act 2015 – Qualified One-Way Costs Shifting disapplied – enforceable costs order against the claimant.

### (1) Lewis (2) Lewis (Estate of) v (1) Quereche (2) Metroline

High Court Trial – Fatal road traffic accident – Fatal Accidents Act 1976 – Law Reform (Misc.) Act 1934.

### TEBB v SINGS (2017)

Post Traumatic Stress Disorder – complex loss of earnings – pension loss – claim totalling £600,000 – Joint Settlement Meeting.

### Kelly v (1) Pigg (2) Aviva (2018)

Strike out on the basis of abuse of process – CPR 44.15(1)(c)(ii) – Qualified One-Way Costs Shifting disapplied – enforceable costs order against the claimant

### Emin v Mostamand (2017)

Trial – Declaration of fundamental dishonesty obtained pursuant to CPR 44.16(1) – Qualified One-Way Costs Shifting disapplied – enforceable costs order against the claimant.

### Ivers v Tremain (2017)

Contested application to rely upon surveillance evidence – legal argument in respect of the timing of disclosure of surveillance evidence and its admissibility – application granted.

### Alimandani v Seager (2017)

Strike out – Declaration of fundamental dishonesty obtained pursuant to CPR 44.16(1) – Qualified One-Way Costs Shifting disapplied – enforceable costs order against the claimant.

### Mihalcea v (1) Patel (2) Aviva (2016)

Trial – Declaration of fundamental dishonesty obtained pursuant to CPR 44.16(1) – Qualified One-Way Costs Shifting disapplied – enforceable costs order against the claimant.

### (1) Tok (2) Khatun v Rahman (2016)

Trial – Declaration of fundamental dishonesty obtained pursuant to CPR 44.16(1) – Qualified One-Way Costs Shifting disapplied – enforceable costs order against the claimant.

### Thompson v Green Marine Limited (2016)

Personal Injury – employer’s liability – £250,000 – initial advice – drafting Particulars of Claim; and Schedules of Loss – loss of earnings and pension contribution calculations – Pre-Trial Settlement Hearing (SE Circuit) – negotiation – settlement.

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Karavadra et al v Brewster et al (2016)

Personal Injury – nine Parties – interlocutory hearings and trial – credit hire – indemnity – concertina collision – successful defence of all claims.

Staite v Good (2015)

High Court – Personal Injury – complex orthopaedic and psychiatric injuries – CCMC – costs budgets totalling £319,000.

A v LB (2015)

Personal Injury – costs – expert evidence – complex orthopaedic – osteoporosis – fibromyalgia – reduction of claimant’s Costs Budget from £183,000 to £104,000.

G v LB (2015)

Personal Injury – landlord and tenant – trial – disrepair – trial – liability and Quantum – Landlord and Tenant Act – Defective Premises Act.

M v AE (2013)

Personal Injury – £145,000 – loss of chance – future loss of earnings – settlement.

## Costs

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James had been regularly conducting CCMCs on behalf of both claimants and defendants since 2013, in the High Court as well as County Court. He has dealt with hearings in which the combined costs value has been in excess of £300,000.

### Cases of Note:

A v LB (2015)

Personal Injury – costs – expert evidence – complex orthopaedic – osteoporosis – fibromyalgia reduction of claimant’s Costs Budget from £183,000 to £104,000.

Staite v Good (2015)

High Court – Personal Injury – complex orthopaedic and psychiatric injuries – costs – CCMC – costs budgets totalling £319,000.

## Mediation & Arbitration

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James has conducted Joint Settlement Meetings (JSMs), Mediations, Judicial Mediations and Pre-Trial Settlement Hearings (SE

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Circuit).

## EvD

Commercial Contract – commissions – advising – drafting pleadings – mediation before Sir Peter Creswell – settlement.

## TEBB v SINGER

Post Traumatic Stress Disorder – complex loss of earnings – pension loss – £600,000 – Joint Settlement Meeting.

## I v (1) T (2) K

Orthopaedic and psychiatric evidence – Smith v Manchester – loss of earnings – surveillance evidence – £250,000 – Joint Settlement Meeting

# Credit Hire

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James regularly appears in Multi Track credit hire cases and is repeatedly instructed by some of the UK's largest insurers.

## Cases of Note:

### Karavadra et al v Brewster et al (2016)

Credit Hire – personal injury – nine parties – trial – indemnity – concertina collision – CCMC to final hearing – successful defence of all claims.

### Younis v IBCO Limited (2014)

Credit Hire – trial – liability – quantum – application of Opoku v Tintas.

### A v S (2013)

Credit Hire – bogus accident – expert engineering evidence – fraudulent hire agreements.

# Civil Fraud

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James conducted his first fraud trial in 2012 and has since been regularly instructed in cases involving both fraud and fundamental dishonesty. He acts exclusively for defendants and has obtained numerous declarations of fundamental dishonesty in both fast and multi-track cases involving: the Occupiers' Liability Act; the Highways Act; Workplace Regulations; and RTAs.

He has dealt with cases including, but not limited to: fraud rings; staged collisions; vehicle occupancy; fictional or exaggerated injuries; and fraudulent credit hire claims. He has obtained declarations of fundamental dishonesty both by way of standalone

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applications and at the conclusion of trials.

James utilises both Part 18 and Part 35 questions in order to make the very best of any intelligence evidence gathered including: surveillance; social media entries; and pleadings and/or evidence relied upon by claimants in previous or simultaneous claims.

Further, James is well versed in respect of the best timing for the disclosure of intelligence evidence in order to maximise its potency whilst preserving its admissibility. In the case of *Ivers v Tremain* (2017) James (representing the defendant) was successful in a contested application to rely upon surveillance evidence. The case involved extensive legal argument in respect of the correct timing for the disclosure of such evidence.

In all personal injury cases James conducts a forensic analysis of a claimant's medical records and, when applicable, uses Part 18 and Part 35 questions to exploit inconsistencies in the chronology upon which a claimant's case relies.

## Criminal Fraud

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James conducted his first fraud trial in 2012 and has since been regularly instructed in cases involving both fraud and fundamental dishonesty. He acts exclusively for defendants and has obtained numerous declarations of fundamental dishonesty in both fast and multi track cases involving: the Occupiers' Liability Act; the Highways Act; Workplace Regulations; and RTAs.

With regards to RTAs, James has dealt with cases including: LVI; staged collisions; vehicle occupancy; fictional or exaggerated injuries; fraudulent credit hire claims; and fraud rings. He has obtained declarations of fundamental dishonesty both by way of stand alone application and at the conclusion of trial.

James utilises both Part 18 and Part 35 questions in order to make the very best of any intelligence evidence gathered such as: surveillance; social media entries; pleadings and/or evidence relied upon in previous or simultaneous claims; and insurance industry databases.

James is well versed in respect of the best timing for the disclosure of field intelligence evidence in order to maximise its potency whilst preserving its admissibility. In the case of *Ivers v Tremain* (2017) James (for the defendant) was successful in a contested application to rely upon surveillance evidence. The case involved extensive legal argument in respect of the correct timing for the disclosure of covert surveillance.

### Cases of Note:

#### Goulding v Hurst-Brown (2018)

Trial – Declaration of fundamental dishonesty obtained pursuant to s.57 Criminal Justice and Courts Act 2015 – Qualified One-Way Costs Shifting disapplied – enforceable costs order against the claimant.

#### Emin v Mostamand (2017)

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### (1) Tok (2) Khatun v Rahman (2016)

Trial – Declaration of fundamental dishonesty obtained pursuant to CPR 44.16(1) – Qualified One-Way Costs Shifting disapplied – enforceable costs order against the claimant.

### Arlsan v Streetcar (2013)

Personal Injury – Multi-Track – credit hire – Fraud – liability – quantum.

### Favourite v Evangelou (2012)

Personal Injury – Trial – Fraud – S.33 Limitation Act 1980.

## Crime

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James started his career solely practising at the criminal Bar and he dealt with cases involving : possession of firearms; offences against the person; sexual offences; and Class A possession with intent to supply.

James retains a criminal practice specifically limited to defending in:

Serious driving matters involving serious injury and /or death; and

Health and Safety prosecutions.

### Cases of Note

#### R v Tomasz Kroker (2017)

Court of Appeal – four counts of Death by Dangerous Driving, fifth count of Causing Serious Injury by Dangerous Driving – Appeal before Sir Brian Leveson (President of the Queens Bench Division) – correct application of Sentencing Guidelines Council`s Definitive Guideline – finding that the sentencing Judge`s approach had been `entirely inconsistent to the proper approach to passing sentence`.

#### R v Tomasz Kroker (2016)

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On the 10<sup>th</sup> October 2016 the Defendant entered guilty pleas in respect of four counts of Death by Dangerous Driving, and a fifth count of Causing Serious Injury by Dangerous Driving. The case was listed for sentence before Mrs Justice McGowan on 31<sup>st</sup> October 2016 at Reading Crown Court.

The case related to a road traffic collision which occurred on 10<sup>th</sup> August 2016. The Defendant was the driver of an articulated lorry which had collided with a row of stationary vehicles on the A34 near East Ilsley, Berkshire. The deceased were four of six family members who had been returning from a holiday in Devon when the collision occurred. A further victim, unrelated to the deceased, had suffered life changing injuries.

The case centred on the Defendant's use of a mobile phone prior to the impact. His use of the device had been recorded on his lorry's on board CCTV system. Further, tachograph data showed that the Defendant's vehicle had been travelling at around 50mph and that any attempts to brake had only been made an instant before impact.

Sentencing in the case considered the application of the Sentencing Council's guideline 'Causing Death By Driving' in cases which involve multiple fatalities. A sentence of 10 years was handed down.

(See: <http://www.bbc.co.uk/news/uk-england-37823457>)

### R v Mileham (2017)

A prosecution as a consequence of the defendant driver hitting a pedestrian on a bridge, as a result of which the pedestrian was thrown over a handrail and, thereafter, fell into the path of oncoming traffic below resulting in serious life changing injuries including amputation. Sentence passed – careless driving, 6 points and £250 fine.

### HSE v (1) Quality First Building Services Limited (2) EP Abley Limited (2017)

*Prosecution brought by the Health and Safety Executive as a result of workplace fall from height resulting in death. The prosecution followed the inquest in respect of the deceased's death (Re: Ockwell) at which James also represented the Second Defendant's interests. The prosecution incorporated: the prosecution of a companies subject to insolvency proceedings; conflicting bases of plea; bad character evidence; and the Sentencing Council's updated guideline in respect of the application of s.33(1)(a) of the Health and Safety at Work Act 1974 in respect of breaches of s.2 and s.3.*

### HSE v GNB Farm Limited (2015)

A prosecution relating to a workplace accident involving the use of an all-terrain vehicle which resulted in life-changing head injuries. The case involved breaches Regulation 5(1), 9 (1) of the Provision and Use of Work Equipment Regulations 1998, Regulation 3(1)(c) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 and Section 3 and 2(1) of the Health and Safety at Work Act 1974.

## Notable Cases

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### Turkmen v 1 Davies 2 Another (2021)

For Defendant, instructed by BLM – claim for personal injury including credit hire in the sum of £120,000 – use of motor insurance databases and motor trade search data – defence drafted alleging fundamental dishonesty on the basis of a staged collision – claim discontinued – savings of £175,000 for insurer.

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### Goncalves v George (2020)

For Defendant, instructed by BLM - claim for personal injury - credit hire in the sum of £85,000 – defence drafted alleging fundamental dishonesty on the basis of a staged collision – claim discontinued – savings of £163,000 for insurer.

### 1 Morina 2 Quduss v 1 Other (2020)

For Defendant, instructed by BLM – claim for personal injury and credit hire in the sum of £257,000 - legal argument in respect of specific disclosure – claim discontinued – advising in respect of costs - savings of £340,000 for insurer.

### Odewale v Tower Hamlets (2019)

For Defendant - claim for personal injury – fibromyalgia and myofascial pain syndrome - pleaded value £200,000 - defended on the basis of fundamental dishonesty - exaggerated injuries - trial - cross examination of psychiatric and orthopaedic Consultants – surveillance evidence - claim dismissed with declaration of fundamental dishonesty - enforceable costs order obtained - claim also referred to the Department for Work and Pensions for investigation - Claimant appeal - appeal dismissed.

### H v B (2019)

For Defendant - claim for personal injury with a pleaded value in excess of £1,000,000 - neuropsychological and orthopaedic evidence - advising in respect of quantum - settlement.

### Claimants v Virgin Atlantic Plc (2019)

For Defendant - six consolidated claims for personal injury – Costs and Case Management – expert evidence - parties' costs budgets totalling in excess of £500,000.

### Watters v Vision Labs Limited (2020)

For Defendant - personal injury - employer's liability - drafting defence amended to include fundamental dishonesty on the basis of exaggerated injuries - surveillance evidence - trial - claim dismissed with declaration of fundamental dishonesty - enforceable costs order.

### R v Ian Coombes (2020)

For Defendant - Causing Death by Careless Driving - Crown Court trial - cross examination of prosecution Forensic Collision Investigator - client acquitted.

### Bath and North East Somerset v D1 Company D2 Individual (2019)

Health and Safety prosecution - for Second Defendant – Crown Court Trial - legal argument - Prosecution offer no evidence.

### Goulding v Hurst-Brown (2018)

For Defendant – fundamental dishonesty alleged - trial - claim dismissed - declaration of fundamental dishonesty obtained pursuant to s.57 Criminal Justice and Courts Act 2015 - QOCS disapplied - enforceable costs order.

### (1) Lewis (2) Lewis (Estate of) v (1) Quereche (2) Metroline

High Court Trial – Fatal road traffic accident – Fatal Accidents Act 1976 – Law Reform (Misc.) Act 1934.

### T v S (2017)

For Defendant - personal injury - claim totalling £600,000 - Post Traumatic Stress Disorder – complex loss of earnings – pension loss – claim totalling £600,000 – settlement at Joint Settlement Meeting.

### Kelly v (1) Pigg (2) Aviva (2018)

Strike out on the basis of abuse of process – CPR 44.15(1)(c)(ii) - Qualified One-Way Costs Shifting disapplied – enforceable costs order against the claimant

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### Emin v Mostamand (2017)

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Trial – Declaration of fundamental dishonesty obtained pursuant to CPR 44.16(1) – Qualified One-Way Costs Shifting disapplied – enforceable costs order against the claimant.

If you would like to instruct James Rozier 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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- Employment Lawyers Association
- Personal Injuries Bar Association
- LCLCBA
- Accredited Pupil Supervisor

## Education & Qualifications

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- PgD Bar, Bar Vocational Course
- PgD Law
- BSc Hons

## Testimonials

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“James has a no nonsense and professional approach, he is always well prepared, taking instructions from his solicitors early on so as to avoid any last minute preparations, leaving you to feel calm and confident in his ability. James has a personal yet professional and confident approach, triumphing in excellent results without fail, leaving me to continue instructing James, no matter where in the country.”

**Louisa Bolleurs – Solicitor**

“I have instructed James in the Employment Tribunals, Employment Appeals Tribunal and County Courts in employment related matters. I also instruct James to undertake a significant amount of drafting such as merits assessments, pleadings and applications. James has covered the entire range of Employment Tribunal hearings and has always dealt with my cases excellently. I will hence doubtless continue to instruct him into the future.”

**Zahir Mohammed – Herefords Solicitors**

“James is an invaluable resource who is regularly retained in fast and multi-track matters including credit hire, personal injury claims and appeals. He is an astute Barrister who is able to quickly identify key issues and is meticulous in his case preparation. He has a robust advocacy style which is cogent and compelling, and clients are consistently reassured by the quality of his work.

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Any Solicitor instructing James can do so safe in the knowledge that he will ensure the best possible outcome in a given case.”

**Matthew Griffiths – AXA Insurance UK Plc**

“Very knowledgeable and approachable, with a keen eye for detail. I always have full confidence that James will deal with cases efficiently and effectively.”

**Rebecca Watt – Keoghs LLP**

## Personal Interests

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James has eclectic interests, ranging from surfing to what seems to be the perpetual restoration of a 1978 Triumph Spitfire 1500 which, we hear, now even starts.

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