

He is approachable, clever and easy to work with. He gets excellent results and is very knowledgeable.

Chambers UK 2022



Joshua Hedgman

Called in 2011 +44 (0)20 7583 9241

Josh acts for defendants in catastrophic injury work. He is well-known to the defendant insurance market for his expertise in brain injury, spinal column damage, amputation and fatal accident cases. He has secured the dismissal of brain injury claims of the utmost severity at preliminary trials on liability. He has secured the favourable resolution of scores of significant brain injury claims at JSM. He is increasingly being instructed in cases with a foreign or international element.

Josh is noted in both leading directories for his defence of high-value personal injury claims. He is particularly noted for his skill in cases that involve complex causation issues or allegations of fundamental dishonesty, as well as his expertise in public liability and employers' liability claims. He routinely acts in multi-million pound cases and frequently appears unled against silks.

Away from injury work, Josh is regularly instructed in insurance matters, typically cases with coverage issues or policy construction. He has drafted insurance policies for several leading insurers. Josh also accepts instructions in professional negligence work (principally claims against solicitors and insurance brokers) as well as the full plethora of traditional chancery and probate practice. He has appeared in several reported trials in the Chancery Division.



Location

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Clinical Negligence

Joshua has acted in a number of multi track clinical negligence cases, including:

- The wrongful diagnosis of cancer that lead to unnecessary chemotherapy and considerable loss of earnings (over £60k/year).
- The alleged failure of a leading high street optician to identify glaucoma, leading to permanent loss of sight.
- An incompetently performed appendectomy raising issues of consent.

Commercial

Joshua has a broad caseload in commercial matters.

Past and present instructions include:

- A successful three-day multi-track construction trial that turned on issues of agency and whether a managing agent had authority to order extensive work.
- Defending a claim brought against a principal contractor for damage sustained during excavation works; the principle issue being whether excavation in the vicinity of subterranean power lines is an 'ultra-hazardous act' for the purposes of a non-delegable duty of care.
- Breach of directorship duties in an ongoing claim for \$7.5 million against a former director.
- Advising on the construction of pension agreements.
- Breach of confidence, privacy and proceedings in the Queen's Bench Division for injunctive relief and substantial damages.
- Resisting a defamation claim following articles published in a public journal.

Credit Hire

Joshua regularly represents clients in credit hire cases. He is fully conversant with arguments on enforceability, impecuniosity, rate, duration, need (personal and corporate), especially in light of *Stevens v Equity*.

Employment

Appearances in the Employment Tribunals in proceedings relating to unfair dismissal, redundancy, sex and disability discrimination, TUPE and claims under the Equality Act generally. Joshua has recently been instructed in appeals to the EAT on TUPE.

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General Common Law

Joshua has acted in numerous cases concerning the provision of services and also title to goods (especially cars), sale, transfer and wrongful interference through trespass and conversion. Joshua recently acted for a clients in:

- A £450,000 claim to reject substandard yacht worth half a million pounds.
- A substantial claim for damages against a local council after arsonists raised the house to the ground.

Insurance

Joshua has broad experience in both insurance and re-insurance. He has recently acted or advised in cases concerning aggregation, coverage and indemnity clauses.

Joshua is fully conversant with the Uninsured Driver's Agreement and recently succeeded in a trial on behalf of an insurer to recover substantial payments from an uninsured driver.

Personal Injury

Joshua has represented claimants and defendants in claims on both the fast and multi-tracks in the County Court and in the High Court, as well as at JSM. The upper end of Joshua's caseload includes claims and defences of well over £500,000.

His experience includes:

- Road traffic collisions, including Low Velocity Impact arguments, occupancy disputes and civil fraud.
- Landlord and occupier's liability, especially public rights of way.
- Employer's liability.
- Public liability, particularly under the Highways Act 1980 and New Roads and Street Works Act 1991.
- Chronic pain.
- Defective products
- Claims under the Fatal Accidents Act 1976.

Away from personal injury, Joshua has a substantial practice in wills and probate. As a result, he is often asked to represent clients in unusual cases that involve an overlap between the two areas. Recent examples include:

- Proceedings brought between siblings following the passing of their father. Instructed by the estate in claims for compensation following sexual abuse and for failure to leave a reasonable will under the 1975 Act.
- Instructions from a defendant in a QBD claim brought under the Fatal Accidents Act, the substantial component of which was an increased inheritance tax liability, the deceased having passed within seven years of several inter vivos

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- transfers to her son.
- Claims against a negligent tortfeasor under the Fatal Accidents Act alongside a claim against the deceased for failing to make reasonable financial provision under the related Inheritance (Provision for Family and Dependants) Act 1975.

Professional Negligence

Joshua has acted in negligence cases that touch on a variety of professions but has developed a particularly strong practice in claims concerning solicitors.

He has been instructed by both disappointed litigants and solicitors in matters including:

- Resisting a claim, on behalf of a solicitor, for the allegedly negligent handling of a foreign royal's immigration/asylum application (instructed with Andrew Hopper QC).
- A claim against a firm of solicitors for the conduct of a defence in the Chancery Division; the substantive proceedings concerning the sale of a £650,000 residential home.
- The defence in a claim for £550,000 arising from an allegation that the solicitor unreasonably failed to scrutinise interests in land before the conveyance took place.
- Strike out of a claim brought for £72,000 in which the claimant alleged that the solicitor had negligently advised on and conducted litigation against real estate agents following the purchase of a property in Bulgaria.
- A claim against a solicitor for breach of trust; the solicitor having released funds to their own client that were held on trust for the benefit of the opposing party.
- Strike out of case alleging that a solicitor had negligently prepared proceedings in the Family Division.
- A claim against a firm of solicitors who conducted the client's defence to a partnership dispute; the partners in dispute themselves being solicitors.
- A claim for the lost opportunity to bring Employment Tribunal proceedings for discrimination and unfair dismissal after the client was not advised on limitation.

Trusts & Probate

Joshua has extensive experience of matters proceeding in the Chancery Division.

The considerable bulk of Joshua's probate practice is concerned with the formal and substantive validity of wills. Joshua has acted in many cases concerning section 9 validity, undue influence, knowledge and approval, capacity and forged wills.

Joshua has also advised on, and appeared, in many applications for failing to make reasonable financial provision under the Inheritance (Provision for Family and Dependants) Act 1975, including:

- An interesting Chancery Division case in which the deceased promised his wife maintenance over her lifetime provided she forbore objection to divorce proceedings. In the event, the deceased made a non-provision declaration in his will.

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- Claim brought in the Chancery Division for misrepresentation, breach of contract and failure to make reasonable financial provision pursuant to the 1975 Act.
- A claim by the fiancée of the deceased who was killed in a car accident by the tortfeasor before being able to change his will for the benefit of the claimant.

Joshua has experience in other chancery matters, including:

- Breach of trust and knowing receipt.
- Part 64 proceedings for the administration of multi-million pound estates.
- Trusts of land, particularly constructive trusts.
- Claims for wilful default, negligence and devastavit and associated proceedings for removal.
- The representation of parties in proceedings following the dissolution of business partnerships.
- Section 994 petitions alleging the unfair prejudice of minority shareholders.

Civil Fraud

Josh acts for defendants and has secured several findings of fundamental dishonesty. He has done so in cases ranging from invented events, exaggerated injuries, phantom passengers and LVI. He has obtained such findings across the board of injury claims and throughout road traffic, employers' and public liability matters. He has achieved referrals to the Attorney-General for prosecution and in respect of contempt of court proceedings.

Josh has also been instructed on appeals in relation to the jurisdiction of the Appeal Court to infer dishonesty in reversal of the trial judge's reluctance to do so.

Josh acts for property insurers in respect of fraudulent claims. He recently succeeded for a defendant in a claim where the insured had fabricated invoices for remedial works.

Josh's probate practice has included 3 appearances in the High Court in respect of forged wills.

Public Access

Joshua frequently accepts instructions on a public access basis.

Notable Cases

Re Ennis

Alleged chronic spinal injury claim for more than £900k. Settled for £38k at JSM following receipt of Josh's counter schedule for trial.

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Re B

A claim presented for £2mn after cyclist thrown from his bike, over a truck and head-first on the kerb of a pavement. Issues of contributory negligence as the claimant was not wearing a helmet such that reconstruction evidence was required. Claim for significant neurocognitive disability which settled shortly after JSM.

H v G

Instructed in defence of £5mn brain injury claim after a car mounted a pavement and struck various pedestrians.

Various Claimants v Lime Green Events

Ongoing instruction defending a number of claims brought following a stampede at 'We Are FSTVL' in 2019.

Re Kennedy

Severe traumatic brain injury claim dismissed following preliminary trial on liability. HHJ Ralton accepted Josh's submission that there was no sufficient evidence of an assault by the defendant's pub manager and that liability would not have attached vicariously in any event.

Re V

An interesting £1.2mn claim for significant brain injury suffered by a professional triathlete during a competitive event in which another rider caused a serious collision in the middle of a peloton. Significant neurocognitive disability.

Re P v M

Instructed for car in car versus motorcycle collision. Significant brain injury and capacity in issue. Claim presented in excess of £1mn. Successful appeal against interim costs order in favour of the claimant. Claim settled at JSM on a 25/75 apportionment against the claimant.

Re O

A fatal accident in which the deceased fell from a temporary structure. Claim presented for £2mn. Settled at JSM.

Wilson v George

Acted for the defendant in unusual brain injury claim, in which it was alleged that the accident caused decompensation of hydrocephalus. The defendant's evidence was that the decompensation was inevitable and the accident was fortuitous in bringing it to light.

Chappell v Mrozek

Instructed in substantive claim pleaded at nearly £10mn following wrist injury. Issues of fundamental dishonesty and exaggeration.

Battersby v Stonegate Pub Company & Regency Security Services

Severe traumatic brain injury claim dismissed following preliminary trial on liability. HHJ Carr dismissed the claim by finding that the insured's doorman had not committed an assault.

Harding v Richardson

Liability-admitted severe brain injury claim struck out for non-compliance with Court orders. Josh secured the strike out at first instance and successfully resisted the claimant's appeal against it.

Perez v Savills UK Limited

Josh successfully defended Savills in a serious injury claim after a tenant fell from a gate as he attempted to climb over it in order to access his flat. The tenant sustained multiple injuries including several spinal fractures and a moderate traumatic brain injury. HHJ Baucher accepted all of Josh's submissions; that there was no duty of care, no breach and no causation in light of the tenant's decision to climb the gate, which was 'reckless in the extreme'.

Santos v Metroline

Successful appeal against trial judge's refusal to find fundamental dishonesty. The trial judge had misdirected himself on the standard of proof required of a defendant to show fundamental dishonesty, and had perversely speculated on reasons as to why the claimant might not have been dishonest.

If you would like to instruct Joshua Hedgman 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

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

Education & Qualifications

- BA Hons, Jurisprudence, Keble College, Oxon (2010)
- Farnham Sixth Form College (2007)

Directory Quotes

Joshua Hedgman predominantly acts for defendants in high-value personal injury claims. He is skilled in cases involving complex issues surrounding causation or allegations of fundamental dishonesty. He is noted for his expertise in public liability and employers' liability claims.

"Joshua delivers spot-on and commercially-minded advice in a user-friendly format." **Chambers UK, 2023**

"Joshua's written work is superb and he is a top advocate; a go-to junior." **Legal 500, 2023**

"He is approachable, clever and easy to work with. He gets excellent results and is very knowledgeable." *"Absolutely superb. He's good to work with and very effective."* **Chambers UK, 2022**

' Exceptional written work and a skilled advocate.' **Legal 500, 2022**

Personal Interests

Outside of the Bar, Joshua enjoys travel and theatre. He is a Governor of his former secondary school, Farnham Heath End School, and a lecturer in contract law on the Graduate Diploma in Law. He also examines for the leading A-level Law examination board.

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