

A very bright & impressive junior. His paperwork & written advice is always of an exceptionally high standard...thorough and accurate. He is also good on his feet & in conference, has a confidence-inspiring manner.

Chambers UK 2022



Tom Bourne-Arton

Called in 2005 +44 (0)20 7583 9241

Tom Bourne-Arton is an experienced junior barrister, recognised in Chambers UK as a Leading Junior. He predominantly specialises in high value complex Personal Injury. He is extremely experienced in all aspects of litigation.

Tom is proud of his quick turnaround of papers and is happy to accept instructions to turn around papers urgently.

Tom completed his pupillage at Farrar's Building and has been a tenant ever since.



Tom Bourne-Arton

Personal Injury

Tom is ranked in Chambers UK 2021 and 2022 for Personal Injury.

Tom's personal injury practice involves working for both Claimants and Defendants in all aspects of personal injury and fatal accident claims. His practice involves predominantly six figure claims. He is particularly experienced in highway liability claims, workplace accident claims, road traffic accident claims, complex care claims, and industrial disease claims (including noise

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induced hearing loss, VWF and HAVS claims). Tom is also experienced with costs budgeting hearings.

Tom's personal injury practice involves all aspects of litigation including advising, drafting pleadings, CCMCs, JSMs, PTRs, conferences with clients and experts, and trials.

Recent cases of note have included settling a fatal accident claim at a JSM, a contribution claim trial between a highway authority and their contractor, a complex work equipment claim, a subtle brain injury claim and a claim involving 17 separate medical experts.

Tom has experience with claims involving severe injuries, including claims involving multiple and severe injuries, including subtle brain injuries, complex internal injuries and cases involving loss of limbs.

Insurance

Tom has been instructed in claims concerning policy coverage issues relating to RTA liability, the MIB and Art. 75.

In addition, Tom has significant experience of property and product liability claims from drafting statements of case, advising in conference and in writing, and attending trials. He accepts instructions from both Claimants and Defendants, and is often involved in claims where there is an interplay between insurance policies.

Recent property damage cases include:

- a claim resulting from fire damage of a building and the cars stored within;
- a claim where stored items damaged a neighbour's building wall.

Recent product liability instructions have included:

- a claim relating to a defective pushchair;
- a claim for chemical burns from cement mix;
- a claim for breach of contract caused by defective engines in kit cars;
- a claim for personal injury caused by a defective glass bottle (containing cider);
- a claim for personal injury caused by a defective toaster causing electrocution;
- a claim involving defective electrical wiring in lamps causing electrocution;
- a fatal accident claim arising from a defective helicopter engine;
- a claim involving defective footwear;
- a claim involving a fire arising from a motor vehicle (which also included insurance coverage issues).

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Clinical Negligence

Tom has extensive experience of fatal and catastrophic injury claims. His clinical negligence work is usually conducted in the High Court. Tom is used to dealing with complicated medical issues, including causation, and with cross examining medical experts. Tom's current cases include a fatal accident claim arising following a fall within a care home.

Costs

Tom is very experienced with Costs Budgetting hearings and is routinely instructed by both Claimants and Defendants in the county court and in the high court. Tom can grasp complicated claims quickly and is happy to provide tactical advice as part of instructions for CCMCs.

Credit Hire

Tom is experienced in credit hire claims and is instructed by both Claimants and Defendants in fast track and multi track cases.

Civil Fraud

Tom has acted for Defendants in numerous cases where a finding of Fundamental Dishonesty has been made against the Claimant, both in terms of dis-applying QOCS and in having the claim struck out pursuant to s.57 Criminal Justice and Courts Act 2015. Examples include claims where it was found no accident occurred, where the injuries claimed were grossly exaggerated, where the repairs claimed were dishonest, and where surveillance footage showed the Claimant working when claiming ongoing loss of earnings.

In addition, Tom has successfully defended claims with a defence of fraud; and on one such occasion successfully applied for a claim to be referred to the Attorney General asking for consideration to starting Contempt of Court Committal proceedings.

Although Tom predominantly acts for Defendants, he has successfully defended an application for permission to commence committal proceedings in the High Court.

Inquests

Tom regularly appears at inquests on behalf of insurers and has experience of both coroner and jury inquests.

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Professional Negligence

Tom has experience with advising and litigating professional negligence claims.

Travel and Tourism

Tom is regularly instructed in cases involving personal injury in the Travel Law sphere on behalf of Claimants and Defendants in cases brought under the Package Travel Regulations, Montreal or Athens conventions. Examples of cases include a road traffic accident in Greece, personal injury accidents suffered whilst on board plane, and whilst in transit in airports, food poisoning claims, accidents in hotels (such as slips and trips), a tripping accident on a cruise ship and a fatal accident following a light aircraft accident.

Tom has extensive experience through his travel law and other personal injury practice with issues of jurisdiction and choice of law.

Public Access

Tom accepts instructions directly, by public access, across the range of areas of work that he undertakes. Where appropriate a person can now go directly to a barrister without having to involve anyone else (e.g. a solicitor) and this presents a cost effective and efficient approach to obtaining legal advice.

Notable Cases

E v SRI

Tom acted for the Claimant in this personal injury claim pleaded over £1 million. The Claimant was an aspiring golf professional. The claim involved expert evidence in Orthopaedics, General Surgery, Psychiatry, Plastic Surgery, Dentistry, Neurology, Upper Limb, Pain, and Employment. The claim settled at a Pre Trial Settlement Hearing.

E v SP

Tom acted for the Defendant in this personal injury claim arising from an accident at work, whereby the Claimant suffered a serious fracture injury to his right ankle when steel sheeting landed on it. Liability was admitted. Causation and Quantum remained in dispute. Expert evidence in Orthopaedics, Psychiatry, and Orthotics was obtained by both sides. "Disability" was in issue in addition to other areas of dispute between the experts. The claim was pleaded at over £1.15 million. The claim settled at a JSM.

G v MIB

Tom acted for the Claimant in a claim against MIB with a pleaded value over £1.5 million. The Claimant relied on expert evidence in the fields of Orthopaedics, Lower Limb Surgery, Psychiatry, Plastic Surgery, Orthotics, Care and Accommodation. The claim has settled through negotiations.

M v MSW

Tom acted for the Defendant in this personal injury claim arising out of an accident at work. Breach of duty was admitted. Causation and quantum remained in

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dispute. The Claimant claimed to have suffered cauda equina syndrome and resultant, permanent symptoms following an accident at work. The Claimant suffered a back injury which latently led (on the Claimant's case) to a diagnosis of cauda equina syndrome. The reported ongoing symptoms included erectile dysfunction, urinary incontinence, back pain, leg pain, and serious exacerbation of psychological symptoms. These symptoms led to a chronic pain cycle. Expert evidence was required in the fields of: Engineering, Spinal Surgery, Psychology, Chronic Pain, and Urology. The claim was pleaded at just under £2.5 million and it settled at a JSM for just over £1million.

S v E

Tom acted for the Claimant in relation to his personal injury claim arising from an accident at work whereby he suffered amputation to all his digits in his dominant right hand. The Claimant had ongoing mechanical and phantom pains requiring chronic pain management. In addition the Claimant requires prosthetics for the rest of his life. The claim settled at a JSM for just short of £1.5 million.

Da Silva v TFL, 3 WLUK 316

Tom acted for the Claimant in relation to his personal injury claim arising from a road traffic accident, whereby the Claimant fell from his moped when it skidded on a worn manhole cover in the highway. The claim was brought under the Highways Act 1980. Judgment for the Claimant was found following a two day trial for agreed damages of £60,000.

Garey v OneTree Estates Ltd

Tom acted for the Defendant in this multi-track personal injury claim listed for a 5 day trial. The claim arose from an accident at work when the Claimant allegedly sustained injuries to her right arm and psychological injuries as a result of becoming trapped in a lift, and the lift then moving. The Claim was initially pleaded based on the Claimant being disabled and intimidated a high six figure claim. The Claimant alleged her right arm was effectively useless and since the accident she had agoraphobia. Liability, Causation, Quantum and Fundamental Dishonesty were all in issue for the trial. 8 days before trial the matter settled. Expert evidence from engineers, orthopaedic surgeons and psychiatrists were relied by both parties.

Allfree v CP Environmental Ltd

Tom acted for the Defendant in a claim pleaded at over £750,000 arising from an accident at work when the Claimant's foot became trapped in a metal recycling machine, causing injuries to his right foot, including amputations of the Claimant's big toe and second toe. Case settled at a JSM. Liability, Contributory Negligence, Causation and Quantum all remained in issue at the JSM. The case involved expert evidence in the fields of Orthopaedics, Psychiatry, Podiatry, and Prosthetics.

Thorne (by her litigation friend Mrs Vincent) v Griggs

Tom acted for the Claimant in this Personal Injury Claim that settled at a JSM for a lump sum of and a PPO. This settlement was subsequently approved by the Court. The Claimant was injured when as a pedestrian she was hit by the Defendant's car. She sustained numerous and significant injuries including: dental Injuries, multiple fractures on her right side, a pulmonary contusion, a right pneumothorax, a head injury, a fractured left ankle, a fracture and soft tissue injury of the spine, an abdominal injury, psychiatric symptoms, multiple strokes leading to permanent brain damage, a perforated colon and ileum leading to the fitting of a stoma bag, benign paroxysmal positional vertigo, and a tracheostomy. The strokes were caused by complications arising from her treatment in hospital where she suffered a series of brain infarcts leading to a series of strokes that caused brain damage. Expert evidence in seven areas of expertise was required including the main areas of contention: Neurology and Care.

Thomas v Rudolph

Tom acted for the Defendant in this Personal Injury Claim that was pleaded over £1.5 million and which settled at a JSM. The Claim arose from an accident at work when metal box pallets fell onto him. The Claimant sustained numerous injuries, including a left pneumothorax, lung contusions, multiple and bilateral rib fractures, a complex fracture to his right pelvis involving fractures of the sacrum at L4 and S2 and pubic rami, causing 1) a laceration of the right superior gluteal artery requiring life-saving surgery and embolization but resulting in wasting and weakness of the gluteal muscles, 2) damage to the lumbar-sacral nerves as a result of which the Claimant suffers pain and weakness in his right lower leg, abnormal sensations below the knee and foot drop, and 3) severe back pain, a transverse fracture of the left acetabulum, urinary tract problems, erectile dysfunction, sleep apnoea symptoms, PTSD and depressed mood. Between the parties there were reports from 17 experts.

Gallagher v Roadform

Tom acted for the Defendant in this Personal Injury Claim that arose out of an accident at work when a skip that was being moved by a crane fell and landed on the Claimant. The accident caused injuries including to the neck, back and knee. The extent and causation of the ongoing symptoms were both disputed. The expert Orthopaedic Evidence was starkly different such that based on the Defendant's evidence the Counter-Schedule pleaded losses were just over £20,000 and on the Claimant's evidence the Claimant pleaded his loss at over £1,450,000. The claim settled at a JSM.

Advantage Insurance Company Ltd v Latif & Ors

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Successfully defending a permission to bring contempt of court proceedings against the First Defendant.

Elson v Stilgoe, EWCA Civ 193

Successfully acted for the Defendant/Respondent in an appeal, heard by the Court of Appeal, against the decision to dismiss the Claimant/Appellant's claim for personal injuries, loss and damage in a road traffic accident.

If you would like to instruct Tom Bourne-Arton 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

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

Appointments & Memberships

- South Eastern Circuit
- Personal Injuries Bar Association

Education & Qualifications

- BPP Law School (2004 – 2005)
- Diploma in Law, City University (2003 – 2004)
- MA in Mental Philosophy, Edinburgh University (1999 – 2003)

Testimonials

“A very approachable counsel with impressive grasp of the facts and law relating to personal injury claims and with proven success at court. Highly regarded by our commercial clients.”

Andrew West, BLM

“Tom is a very good junior and typical of this set. Strong on paper, on his feet and in conference, I find him especially good on Claimant employers liability. He is very switched on to the harsh realities of CFA work, but refreshingly not risk averse.”

Neille Ryan, Partner, Furley Page

Directory Quotes

Tom Bourne-Arton is noted for his expertise spanning a wide range of personal injury matters. He acts for both claimants and defendants, and routinely handles multi-track claims arising from accidents at work. He also regularly undertakes cases involving the Highways Act and complex occupiers' liability disputes.

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“Tom is an impressive, confident & tenacious advocate.” “His advices are especially strong. He has a way of explaining complex points in terms my clients understand.” **Chambers UK 2023**

“A very bright and impressive junior. His paperwork and written advice is always of an exceptionally high standard and is thorough and accurate. He is also good on his feet and in conference has a confidence-inspiring manner.” “He is very responsive and provides commercial, sensible and practical advice. He is very thorough and detailed.” **Chambers UK 2022**

“He is efficient and sensible.” “He is quick to grasp issues and very efficient in turning work around.” **Chambers UK 2021**

Personal Interests

Tom enjoys playing cricket, golf, and the piano. He is also an avid reader and a keen, albeit very amateur, cook.

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