

Alexander Hutton

Call year: 1992

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Alexander Hutton's principle areas of practice are clinical negligence (both claimant and defendant), medical disciplinary matters and all aspects of costs law. He is recommended as a leading junior in both Legal 500 and Chambers UK directories for both clinical negligence and costs (the latter consistently as one of the top two or three juniors in the field). He also does solicitors' negligence work, largely arising out of underlying facts of clinical negligence, personal injury or costs.



Practice profile

Clinical Negligence

Alex has specialised in clinical negligence since he joined 6 Pump Court in 1993 and he has done ever increasing quantities since joining Hailsham Chambers in 2005 where his practice in this field has burgeoned. He does substantial amounts of work on behalf of both claimants and defendants (the latter including the defence organisations, the NHSLA and the Welsh NHS Trusts) involving all aspects of clinical negligence but with particular emphasis on the most serious types of case including cerebral palsy at or around birth, failure to diagnose congenital abnormalities in utero, spinal injuries, failure to diagnose cancer etc.

Regulatory & Disciplinary

Alex regularly acts for doctors in the General Medical Council involving all aspects of disciplinary proceedings in the professional conduct, health, interim orders committees etc

Costs

Alex has specialised in costs work since very few others did in 1996 and he now regularly acts for either claimants or defendants in the High Court and Court of Appeal on important points of costs law. His practice includes appearing on preliminary points of law in front of the Costs Judges in both between the parties and solicitor-own client costs, and substantial non-contentious work advising solicitors on their retainers and conditional fee agreements. He has been recognised as one of the leading juniors in the field (consistently in the top two or three recommended juniors) ever since the directories first included costs as a specialism in its own right and during the considerable expansion of this field.

Professional Negligence

Alex acts for claimants and defendants in solicitors' negligence actions, usually arising from underlying facts in clinical negligence or costs law.

Further information

Year of call: 1992

Specialist areas: clinical negligence, regulatory & disciplinary, costs and professional negligence.

Education: BSc University of Bristol (1990) – First Class Honours Degree in Politics; University of Westminster (CPE); Inns of Court School of Law (BVC - Very Competent).

Appointments: Assessor in High Court costs appeals 1999 onwards; Junior Counsel to the Crown (B Panel) 1999-2005

Recent cases

Jones v Attrill (Law Society intervening) [2008] EWCA Civ 1375 (accident line direct challenges to recoverability).

Gloucestershire County Council v Evans [2008] EWCA Civ 21: the lawfulness of a discounted CFA with a success fee calculated as a percentage of the full base costs figure.

Jenkins v Young Bros Transport [2006] 1 WLR 3189: the lawfulness of assigning a CFA between solicitors.

Burchell v Bullard [2005] EWCA Civ 358; [2005] BLR 330: the appropriate principles for making the costs order where a claim was successful and the counterclaim only partly successful, and where one of the parties failed to mediate.

Smart v East Cheshire NHS Trust [2005] EWHC 2086 (QB) [2004] 1 Costs LR 124 (Gage J): the principles of making costs capping orders in non-group action cases (there a clinical negligence case).

R (Factortame) v Secretary of State for Transport [2003] QB 381 (CA): the legality of contingency fees for litigation-support organisations and/or experts.

Malkinson v Trim [2003] 1 WLR 463; [2003] 2 All ER 356 (CA) – the leading modern case on what costs are recoverable when a solicitor litigant acts in person.

Re Claims Direct Test Cases [2003] 4 All ER 508 (CA): whether the cost of a basket of claims management services can be included in an after the event insurance premium recoverable from the paying party.

Lownds v The Home Office [2002] 1 WLR 2450 (CA) – the leading case on proportionality under the CPR.

South Coast Shipping v Havant BC [2002] 4 All ER 779 (Pumfrey J) – legal professional privilege and the disclosure of documents on detailed assessment in the light of the Human Rights Act.

Publications and lectures

Lecturing at CFA Conference 2008 (May 2008)

Lectured at the ALCD Annual Conference on costs 2006 and 2007.

Lecture on Periodical Payments 2007 for Capsticks solicitors.

What others say

"A bright future is predicted for Alexander Hutton. Hutton is expected to go from strength to strength, as he is 'bright, hard-working and extremely knowledgeable.' Sources comment that 'with him, a first-class job is guaranteed.' In addition to being known as a strong personal injury practitioner, he is also commended for his costs work." *Chambers UK 2010*

"Alexander Hutton, a 'well-mannered, well-spoken and measured barrister.' Hutton recently represented the claimant in *Gloucester County Council v Evans*." *Chambers UK 2010*

"Alexander Hutton maintains 'an outstanding reputation' for his representations in the Court of Appeal; he acted in CFA case *Gloucester County Council v Evans* and appeared for the defendant in *Jones v Attrill*." *Legal 500 2009*

"Alexander Hutton is often touted as the best junior in the costs domain. Characterised by one client as 'a gentleman barrister,' his manner is 'friendly yet combative,' and he always presents himself as 'utterly calm and unperturbed.' Much in demand, his availability tends to be limited to cutting-edge, high-value cases, such as *Gloucester County Council v Evans*, a success fee case with potentially far-reaching impact." *Chambers UK 2009*

"Solicitors rely on the 'robust and personable' Alexander Hutton in costs matters. A good advocate, he is 'great to work with and understands the wider implications of a case'." *Chambers UK 2009*

" 'a real star of the future'." *Legal 500 2008*

" is 'confident' on any case related to CFAs." *Legal 500 2008*

"Alex Hutton whom clients believe "has no weaknesses" making him "a great advocate who will rise to the very top" *Clinical Negligence - Legal 500 2007*

"Won universal acclaim for his "concise but comprehensive" manner. "Thorough, calm and considered", Hutton offers "elegant drafting skills combined with excellent advocacy." Popular with peers and clients alike, he is "great on his feet and able to make even the most tedious cases appear highly enjoyable." *Costs - Chambers UK 2008*

"Rising star Alexander Hutton "can think on his feet and get to grip with all the issues"" *Clinical Negligence - Chambers UK 2008*

"Excellent" and "assured" *Costs – Legal 500 2007*

"Considered a star by many solicitors and barristers" *Clinical Negligence – Chambers UK 2007*

"An effective and forceful" practitioner... As one client said: "He's really established himself as a leader in the field and is very much a first phone call for me" *Costs – Chambers UK 2007*

Personal info

Volunteer advisor at Bethnal Green Legal Advice Centre since 2001

Qualified international ski instructor (BASI level 2)

Chelsea FC season ticket holder and full member of the Marylebone Cricket Club (MCC)
