

Derek Holwill

Call year: 1982

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Derek Holwill specialises in Professional negligence and Clinical Negligence claims. He is listed by both the Legal 500 and by Chambers UK in the top rank of juniors working in the professional negligence field; and as a leading junior in the clinical negligence field, His work also includes advising on general insurance policy matters.



Practice profile

Professional Negligence

The majority of his work involves claims against lawyers, surveyors, accountants and IFAs, but he has handled claims against all manner of professionals. He works for both claimants, including mortgage lenders, and defendants. He has been involved in several important limitation cases in the professional negligence context.

Medical Law

He acts primarily for claimants, and has considerable experience of, in particular, cerebral palsy claims. Other recent cases include issues arising from mishandled spinal surgery; undiagnosed meningococcal septicaemia; a wrongful birth; and a failure properly to manage a mentally ill patient.

Commercial Litigation

He regularly advises on policy issues, often in the context of professional indemnity policies.

Further information

Year of call: 1982

Specialist areas: professional negligence, clinical negligence, insurance

Education: MA (Cantab) – First class; Squire Law Scholarship (Gonville & Caius College); Bacon Scholar, Holker Senior Scholarship, Reid Scholarship, Band Scholarship (Grays Inn).

Recent cases

Law Society v Sephton [2006] 2 AC 543 House of Lords - limitation and the date of accrual of a cause of action in negligence.

Watkins v Jones Maidment Wilson, (CA) [2008] EWCA Civ 134 - limitation - application of *Nykredit* and of *Sephton*.

Abbey National plc v Gouldman [2003] 1 WLR 2201 concerning the meaning of "same damage" and "just and equitable" under the Civil Liability (Contribution) Act 1978.

Abbott v Will Gannon & Smith [2005] BLR 195 (CA) - limitation and the current status of *Pirelli*

Standard Life Assurance Ltd v Oak Dedicated Insurance [2008] EWHC 222 - construction of aggregation clause and associated professional negligence claims against brokers and solicitors

What others say

"Derek Holwill is another junior in demand. An 'experienced and highly competent barrister with a detailed and comprehensive knowledge of the law,' he is an expert advocate both orally and in writing. A bright future is predicted." *Chambers UK 2010*

"Derek Holwill is another of the set's high-flyers who excels in solicitor negligence claims. He continues to act for Reynolds Porter Chamberlain in *Standard Life v Oak Dedicated* and others, a £75 million insurance claim arising out of endowment mis-selling." *Chambers UK 2010*

"'Incredibly bright' Derek Holwill appeared in *Watkins v Jones Maidment Wilson*." *Legal 500 2009*

"The 'phenomenally clever' Derek Holwill... 'always picks up on the necessary points.' His work highlights include numerous settlements for claimants of considerable amounts of money. Solicitors rely on the 'robust and personable'." *Chambers UK 2009*

"Derek Holwill is 'commercial, incisive and highly talented.' He was highlighted for his solicitors' negligence work, an area in which he is 'hard to beat'." *Chambers UK 2009*

He is listed by both *The Legal 500* and by *Chambers UK* in the top rank of juniors working in the professional negligence field. He is, or has, been variously described in these publications as: "highly recommended"; "*commended by peers for his 'sharp advocacy skills'*"; "*a genuinely bright bloke who is very down to earth*"; "*highly reputable*"; a "*highly sought after junior*"; and as having an "*immense reputation*".

In the clinical negligence context, he is listed by both *The Legal 500* and by *Chambers UK* as a leading junior. He is described as "*held in high regard for his 'concise, clear view of medico-legal issues'*".

Personal info

His hobbies include lindy hop and tango; travel to obscure tribes in distant lands; as well as scuba diving and underwater photography. He is happy to show anyone who asks his pictures of the various sharks with which he has made friends over the years.
