

Jamie Carpenter

Call year: 2000

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Jamie specialises in medical law, professional negligence, disciplinary and regulatory law, and the law of costs. He is an experienced advocate, having appeared in every court up to the House of Lords as well as several disciplinary tribunals. Having devoted much of his early practice to crime, Jamie is a confident and effective cross-examiner, and his scientific background means that he is comfortable dealing with complex medical issues and expert witnesses. He appears in *The Legal 500* and *Chambers UK*.

Practice profile

Medical Law

Jamie acts for claimants and defendants, including NHS Trusts and individual practitioners, in relation to all types of clinical (medical and dental) negligence claims. He has been instructed in high value cases involving complicated issues of law and fact. Jamie has appeared in trials of liability and quantum issues. His scientific background means that he is comfortable dealing with and cross-examining expert witnesses. Jamie has acted for families, healthcare professionals and institutions in inquests arising out of deaths related to medical treatment. He is also interested in withdrawal of and consent to treatment and has co-authored an article on comparative international approaches to these issues. Jamie contributed the chapter on civil litigation to a recently published book of medical law precedents.

Professional Negligence

Jamie acts for claimants and defendants in all aspects of solicitors' negligence, including property transactions, lenders claims (including claims for breach of trust and warranty of authority), breaches of undertakings, failed litigation (including procedural mistakes and under-settlement in personal injury, clinical negligence, professional negligence and asylum claims), will drafting, and costs-related issues, such as failures to advise on funding methods or seek costs from the Legal Services Commission. Jamie is happy to undertake work relating to other professionals. He is presently instructed in a claim against a firm of property consultants.

Regulatory & Disciplinary

Jamie has represented a wide variety of healthcare professionals at disciplinary tribunals including the General Medical Council, the Nursing and Midwifery Council, the Health Professions Council and the Care Standards Tribunal. He has appeared in interim orders hearings, full fitness to practise hearings, review hearings, and in the Administrative Court on appeal. Jamie is happy to accept instructions in proceedings involving other professionals; he is currently representing a solicitor in an appeal from a refusal of admission to the Roll.

Jamie is also interested in the public law aspects of regulatory work and was part of the team that successfully challenged the "Protection of Vulnerable Adults" scheme created by the Care Standards Act 2000 in the House of Lords as contrary to the European Convention on Human Rights (*Wright and Others v Secretary of State for Health* [2009] 2 WLR 267). Jamie has advised on several aspects of the operation of that scheme and its intended successor under the Safeguarding Vulnerable Groups Act 2006 and has been instructed in a number of appeals to the Care Standards Tribunal.

The Law of Costs

Jamie has for the past four years been regarded by *The Legal 500* and *Chambers UK* as a leader in this constantly developing area of the law.

Jamie provides advocacy and advice in relation to all areas of costs law, including inter partes costs in litigation and arbitration, additional liabilities, methods of funding, bases of assessment, wasted costs, predictive costs, Part 36 issues, costs caps and estimates, security for costs and solicitor-client costs. He has been involved in a number of high profile challenges to the enforceability of Conditional Fee Agreements, including *Myatt v National Coal Board* and *Myers v Bonnington (Cavendish Hotel) Ltd*. Jamie is regularly instructed to deal with costs issues arising out of high value commercial disputes, including advising on the terms of costs orders and the possibility of seeking costs orders against third parties, and arguing in court for a particular costs order after a trial or settlement.

Further information

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Specialist areas: medical law, professional negligence, regulatory and disciplinary law, the law of costs.

Education: Trinity College, Cambridge: MA, Philosophy and Linguistics (First Class Honours); Diploma in German (Distinction). The College of Law, London: Post-Graduate Diploma in Law (Distinction). The Inns of Court School of Law: Bar Vocational Course (Very Competent)

Notable cases

Khan v Solicitors Regulation Authority (DC, 20 May 2010), successfully appealed against a decision of the SRA to refuse to issue a certificate of satisfaction to a Pakistani Advocate applying for admission to the Roll, because of a failure to declare two driving convictions when applying to take the Qualified Lawyers Transfer Test. This was the first ever appeal under new legislation directing appeals of this nature to the High Court rather than the Master of the Rolls.

Saunders v The Hearing Aid Council [2010] EWHC 629 (Admin) and then this: A successful appeal against an order for erasure as a result of the storage of pornographic images on a work computer.

Kevin Keegan v Newcastle United Football Company Ltd

Jamie was instructed by Newcastle United FC to deal with costs issues arising out of the Premier League Manager's Arbitration Tribunal award.

Wright and Others v Secretary of State for Health [2009] 2 WLR 267, HL

A successful challenge under the Human Rights Act on behalf of four nurses to a central part of the "Protection of Vulnerable Adults" scheme created by the Care Standards Act 2000.

Cassidy v Stephenson & LSC [2009] EWHC 1562 (QB)

Clarification of the scope of the public funding statutory charge. Jamie defeated an argument by the LSC that damages received for professional negligence arising out of a failed publicly funded claim were subject to the charge.

Nassif v Augusta Offshore SpA [2009] EWHC 90142 (Costs)

Construction of a costs order obtained against one of a number of defendants to a claim.

Joyce v Secretary of State for Health [2008] EWHC 1891 (Admin).

An appeal from the Care Standards Tribunal concerning the limits of the Secretary of State's power to make new allegations of misconduct on an appeal against inclusion in the Protection of Vulnerable Adults list.

Kay v Lambeth Borough Council [2007] EWHC 90068 (Costs)

A case raising interesting issues in relation to claims for costs against the Legal Services Commission. An appeal to the Court of Appeal was subsequently compromised.

Myers v Bonnington (Cavendish Hotel) Ltd [2007] EWHC 90077 (Costs)

One of the early challenges to the enforceability of a CFA under the Accident Line Protect scheme. Jamie succeeded in establishing that a receiving party could raise a *de minimis* defence based on the small number of referred cases actually received.

Vinayak v Lovegrove & Eliot [2007] EWHC 90096 (Costs)

Disclosure of CFAs in detailed assessment proceedings

NJ v Secretary of State for Health [2006] 727.PVA, 728.PC (decision 27.03.08)

A successful appeal to the Care Standards Tribunal by a nurse accused of raping a mentally disabled resident of a care home. This was apparently the first case in which there had been argument before the CST about the standard of proof to be applied.

Thomas Cooper Stibbard v Stark (2006, SCCO and QBD, unreported).

Jamie acted for Koo Stark in this dispute over liability for her solicitors' fees. The case involved a dispute over the terms of the retainer and a day of live evidence and cross-examination. Jamie was also instructed in a subsequent appeal to the High Court.

Lambeth v Cumberbatch [2005] EWCA Civ 1103

An appeal against the assessment of damages in an action for conversion

Crouch v King's Healthcare NHS Trust [2004] EWCA Civ 853

An appeal against the award for loss of earnings in a clinical negligence claim, in particular whether it had been appropriate to award a lump sum rather than employing a multiplier-multiplicand approach

Publications and lectures

Medical Law Precedents for Lawyers, ed. Charles Foster, Wildy Simmonds & Hill, 2010 (the chapter on civil litigation).

Nutritional Support at the End of Life: the Relevant Legal Issues, European Journal of Gastroenterology & Hepatology, May 2007.

Jamie is in demand as a speaker and writer. He has featured in three Legal Network Television programmes on costs.

What others say

"Jamie Carpenter, recently seen to good effect in the renowned Garrett challenge." *Chambers UK 2010*

"Jamie Carpenter is 'a rising star'- he is 'impressively clever'." *Legal 500 2009*

"Jamie Carpenter prompted a shower of praise from interviewees. 'Someone with the potential to be the best in the field,' he 'ticks all the right boxes and is destined for the big time.' His strength comes from the fact that he 'has a good grasp of costs issues, is full of ideas, and is very strong on his feet.' These qualities were to the fore when he recently appeared in a number of legally significant cases, including *Kay v Lambeth Borough Council* and *Myers v Bonnington*.'" *Chambers UK 2009*

"Jamie Carpenter garnered universal praise for his involvement, which included the drafting of 'an absolutely model skeleton.' Although still relatively junior, his 'marrying of the academic and the practical,' together with his 'highly approachable style' have commentators touting Carpenter as a 'major force for the future'." *Chambers UK 2008*

"Jamie Carpenter moves up a tier on the strength of a track record that includes *Kay v Lambeth Borough Council* and Accident Line protection case *Myers v Bonnington* (Cavendish Hotels) Ltd." *Legal 500 2008*

"Jamie Carpenter was also strongly recommended by peers as "a great opponent with enormous potential." "Bright and personable," he has, of late, been "punching above his weight" on a number of conditional fee arrangement test case challenges" *Chambers UK 2007*

Personal info

Jamie is a keen musician. At university he played the drums in a band that did irreparable damage to classic disco, but these days restricts himself to the piano and some occasional guitar strumming. He rock climbs and cycles regularly (in 2008 he completed the Étape du Tour in the Pyrenees). Jamie is a season ticket holder at Tottenham Hotspur, where he predicts great things for the future (as he has done for as long as he can remember). Jamie speaks good German and basic French.
