# Theo Huckle KC

**SILK: 2011 | CALL: 1985**

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## Overview

Theo was called to the Bar in 1985 and took silk in 2011. He specialises in Complex and Catastrophic Personal Injury, Clinical Negligence, Industrial Disease and Product Liability work.

Theo's profile includes complex clinical disputes and personal injury, including occupational illness/disease litigation, spinal, head injury and clinical negligence; public law, human rights and commercial matters including employment, fraud and professional negligence.

He is Bencher of Lincoln's Inn and a Visiting Professor of Law at KCL. He was statutory ministerial Counsel General for Wales in the Fourth Assembly government of 2011-16. Personal Injury Bar Association Executive Committee Member 2000-2022; Member of the Bar Council 1990-2007; Bar Council Wellbeing At The Bar Working Group Chair 2021 (Member 2018).

## Personal Injury

In Theo's complex injury practice, he acts for clients who face the challenges of significant physical or psychiatric disability, or both, or, where the injury has sadly resulted in death, for the deceased person's family and dependants. Theo has been at the forefront of developments in the law of complex and technical medico-legal claims.

After 5 years, Theo and his team (instructed by Penningtons' Tris Hallam and Louise Taylor upon the instruction of the Police Federation) have achieved settlement of the psychiatric claims of the police officers who attended at the fire and aftermath of the Grenfell Tower disaster. Substantial damages have been secured and the team is delighted with the result. See references in various media such as LinkedIn.

Theo acted for celebrated Canadian-Haitian conceptual artist Mr Mathieu in the leading case of *Mathieu v Aviva*, a case raising a number of important issues, including the link between TBI and subsequent onset of dementia.

Theo has appeared 5 times in the Supreme Court (4 as a leader, including leading 2 current Justices of the Court of Appeal). He led on quantum issues in the *Hip Prosthesis group litigation*, and advising on appeals to challenge current orthodoxy in cases as different as *Williams v Birmingham University* (asbestos low exposure liability), *Lowe v Guise* (care claims in respect of care of claimant's disabled partner), and *Chell v Tarmac* (vicarious liability for 'horseplay' in the workplace) In 2018-19 he successfully obtained, and then defended the appeal by the Royal Opera House against, the judge's award for serious noise injury to Christopher Goldscheider, former world class viola player: *ROH v Goldscheider* (2019).

Theo has particular knowledge of complex quantum issues, dating back to the first of his many Court of Appeal cases in *Herring v MOD (2003)* (loss of chance of a potential career as a police officer); he wrote Butterworths' 2007 introductory practice manual on periodical payments: "Future Loss in Practice: Lump Sums and Periodical Payments". He prefers to work without paper in and out of court, and has pioneered effective systems for digital and automated working as an advocate.

## Expertise

- Clinical Negligence
- Personal Injury

## Recommendations

"Theo is an excellent advocate. His mathematical and scientific analysis is really second to none." Chambers UK Bar 2024

"Theo has excellent technical skills and knowledge allied to good personal skills." Chambers UK Bar 2024

"Theo is one of the most knowledgeable and experienced personal injury silks in London and the UK. He quickly grasps the issues, as one would expect, but is not constrained by what others might see. Like all good lawyers at the very top, he is always looking to push the boundaries. " Partner, Penningtons Manches Cooper

"I have worked with Theo Huckle KC on catastrophic injury matters for injured clients for many years, often worth many millions in damages. His attention to detail is second to none, he is a fierce advocate, and he leaves no stone unturned when fighting for clients." Partner, Shoosmiths

## Key contacts

**William Meade**

**Senior Clerk**

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**Olivia Moliterno**

**Senior Team Leader**

**Phone:** 020 7269 0477
**Email:** moliterno@oldsquare.co.uk

**Manisha Agheda**

**Team Leader Assistant**

**Phone:** 020 7269 0482
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## Clinical Negligence

Theo has a broad range of experience in all types of clinical case, including across orthopaedic, neurological, psychiatric and sensory disciplines, and including diagnostic, surgical and therapeutic issues. He is technically and analytically gifted in all aspects of liability issues and quantum assessment for complex injury. His complimentary disease expertise makes him especially knowledgable about complex injury causation issues, and he enjoys particular expertise in high value spreadsheet scheduling, including as to earnings and care computation and loss of chance modelling.

## Recent and current work

**Personal Injury:**

- Acting for the psychiatrically injured police officers who attended at the Grenfell Tower disaster and aftermath, instructed by Tristan Hallam and Louise Taylor of Penningtons Manches Cooper; see http://bit.ly/GrenfellFirstHearing and the first judgment: De Costa & Ors v LFC & Ors [2020] EWHC 2718 (QB);

- Mathieu v Martin-Hinds & Aviva [2022] EWHC Acting for a world-renowned North American abstract artist who suffered disabling brain injury when run down on a pedestrian crossing in London. Highly complex assessment of future loss of earning capacity; appropriateness of provisional awards in respect of epilepsy and dementia risks post TBI; proper approach to BTC v Gourlay tax netting by the court in respect of taxpayer outside UK;

- Acting for a sufferer of severe ADHD to resist a fundamental dishonesty defence raised despite the agreed severe injuries sustained in a road traffic accident.

- Advising on the legal issues arising out of Covid-19 related matters:

    - non-provision of PPE to clinical and other “front line” workers during the Covid-19 pandemic; see http://bit.ly/CovidForgottenVictims;

    - non treatment due to the stopping of “normal” healthcare services for diagnostics and treatment of existing patients in neurology, oncology, cardiology, surgery and other fields, to hold resources ready to combat the feared “overwhelming wave” of Covid-19 infections, and failures in recommencing those services including in urgent cases; see http://bit.ly/CovidNonTreatmentScandal;

    - return of known infected hospital patients to their care-homes without staff and other residents being warned or protected;

- Advising a contestant in a reality talent competition as to claims arising from her breakdown;

- Acting for bereaved parents in the inquest arising from early neonatal death when C section was unsuccessful because of impaction of the baby’s head. Article 2 issues of systemic failure of maternity services;

- Advising a bereaved husband/father whose wife died in labour;

- Acting for patient twice sent home after being conveyed to hospital with severe headache and who subsequently suffered catastrophic collapse with recurrence of the previously undiagnosed sub-arachnoid haemorrhage.

- Advising the bereaved family of a father killed when a tree adjoining the highway, and previously identified as rotten by the Highway Authority, collapsed onto his car;

- Acting for a senior army officer who suffered brain injury when he was

struck by a helicopter during exercises abroad;

- Acting for a young student who suffered a severe Chronic Fatigue Syndrome following a PE lesson at school;

- Winning a test case in Leeds in Willsher v Caterpillar UK Limited [2020] E34YJ904 20 October 2020 to establish occupational exposure to welding fume as a probable cause of chronic obstructive pulmonary disease (COPD), instructed by Emma White of Hamers (now SJP Law);;;

- The groundbreaking success in Royal Opera House v Goldscheider [2019] EWCA Civ 711, selected as one of The Lawyer's Top 20 Cases for 2019, in which the Court of Appeal upheld the judgment of Nichola Davies J [2018] EWHC 687 (QB) in favour of a world class orchestral viola player who suffered career-ending noise injury during rehearsals for the ROH's 2010 Wagner Ring Cycle; leading Jonathan Clarke in this novel case, the first authoritative decision on the 2005 Noise Regulations, the first major decision concerning the duties of organisers of events in the musical and entertainments sector, and the first authoritative finding of "acoustic shock" as a mechanism of serious injury or the injury itself;

- Negotiating a positive settlement late on, very close to the listed trial, for a brain injured young man alleged to have been the cause of his own injury by lying down in the road in an intoxicated state (late 2019);

- Forcing a settlement with indemnity costs recovered and an earlier offer by his client massively exceeded on the second day of a liability trial for a school caretaker seriously injured when he fell over a gym bench left close to the door into the school hall; instructed by Myfanwy Buckeridge at Barcan+Kirby;

- A series of Helmand Fever (Q Fever) cases brought against the MOD for servicemen infected in the Afghanistan campaigns and suffering serious debilitating chronic fatigue syndromes; in the lead case judgment was entered against the MOD for serious disclosure failures after a series of hotly contested interlocutory battles: Eaglesham v MOD [2016] EWHC 3011 (QB) Andrews J and a multi-£m settlement was achieved in 2019. Theo led Paul Kilcoyne in all three cases, instructed by Sue Bowler of Coffin Mew (now Shoosmiths) for Mr Eaglesham and by Dianne Yates of Hilary Meredith for their clients Mr Taylor and Mr Bass;

- Defeating/overturning a series of strike out applications for non service of medical reports with the claim, instructed by the disease team at Slater & Gordon in a number of separate hearings across England and Wales;

- Leading on technical quantum aspects of the successful claims in the Hip Prosthesis Product Liability Group Litigation; instructed by Leigh Day.

**Clinical Negligence:**

- Providing strategic advice on preparation to defeat the defence of fundamental dishonesty in a clinical negligence case brought by a woman suffering serious physical and psychiatric injury in the wake of insertion of a vaginal mesh device (TVT-O).
- Advising on the legal issues arising out of Covid-19 related matters:
    - non treatment due to the stopping of "normal" healthcare services for diagnostics and treatment of existing patients in neurology, oncology, cardiology, surgery and other fields, to hold resources ready to combat the feared "overwhelming wave" of Covid-19 infections, and failures in recommencing those services including in urgent cases; see http://bit.ly/CovidNonTreatmentScandal;
    - return of known infected hospital patients to their care-homes without staff and other residents being warned or protected;
- Acting for bereaved parents in the inquest arising from early neonatal death when C section was unsuccessful because of impaction of the baby's head. Article 2 issues of systemic failure of maternity services;
- Advising a bereaved husband/father whose wife died in labour;
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## Professional Recommendations

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**Partner, Shoosmiths**

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**Partner, Pennington Manches Cooper**

Theo Huckle KC has a strong sense of justice and fairness, and gives clear and thoughtful advice. He is very accessible, approachable and quick to respond to further queries. Theo demonstrates gravitas and authority without condescension which is always welcome in a KC! He is a pleasure to work with.

**Consultant & Head of Brain Injury Department, Russell Cooke Solicitors**