

# Andrew Evans

Year of Call: 2000

Telephone Clerk: +44 (0)121 246 7015

Clerks Email: [civil@st-philips.com](mailto:civil@st-philips.com)



## Introduction

Andrew is a specialist Personal Injury, Clinical Negligence and Licensing barrister.

### What the directories say:

#### Chambers and Partners

A junior who is regularly instructed to act for claimants in a broad range of clinical negligence matters. He has a developing practice in cases involving negligence in dentistry and cosmetic surgery.

Strengths: "His attention to detail on some of the finer points was second to none. I was impressed with his approachable manner yet in-depth knowledge of the subject matter, which you would only see from a true specialist in the field of clinical negligence."

#### Legal 500

Personal Injury and Clinical Negligence Leading Junior: 'Recommended for cosmetic surgery clinical negligence cases.'

### Qualifications and Appointments:

- LLB (Hons) 2:1 University of Birmingham
- IC SL (Very Competent)
- Hardwicke Scholar of Lincolns Inn
- Treasurer of the Midland Circuit
- IoL Member
- AvMa Member

## Licensing

Over the last 18 years Andrew has developed an established reputation in this field as a result of his wide-ranging experience in this complex and fast developing area.

Best known for his liquor and entertainment licensing, Andrew Evans also handles issues arising from the licensing of firearms and taxis. He is especially noted for the thoroughness of his preparation and his courtroom acuity.

### Chambers and Partners 2018 – Band 1

*Barrister of choice for Birmingham City Council in licensing appeals. He has recently been active in premises licensing appeals against nightclubs and late-night venues. He also acts for venues across the West Midlands. Strengths: "Probably the most solicitor-friendly counsel imaginable in terms of turnaround time. He's very reliable." "Every time he does an application he*

*always takes the time and effort to go and look at it, whatever and wherever it is. That's the level of effort he puts in to every matter."* **Recent work:** *Represented Birmingham City Council against Biorme Trading in a licensing revocation appeal related to a firearms incident outside its Beorma Club.*

## Legal 500 2018

*'Unflappable and industrious.'*

Previous entries:

*"Our first choice counsel for all matters in the Midlands and the North. He is an excellent advocate – commercial, well prepared and good with clients."*

*"He is measured in his approach and quietly persistent."*

*"He is approachable, pleasant to deal with and knows what he's talking about."*

Andrew regularly appears before local authorities, the Magistrates' Court, Crown Court and Administrative Court in licensing matters. Andrew receives instructions in matters relating to the Licensing Act 2003 from major pub operators, hotel chains and local authorities across England and Wales to provide specialist advice and advocacy on a wide variety of contentious and non-contentious matters.

Andrew acts on behalf of local authorities particularly in respect of appeals and complex applications, such as those for large open-air events.

Andrew can be available for emergency applications such as summary review/ interim steps applications and closure order applications at short notice.

## Inquests & Coronial

Andrew accepts instructions to advise and represent corporate entities and families at inquests, particularly where civil claims are contemplated. Andrew also has a busy clinical negligence practice and is comfortable dealing with medical evidence.

## Fatal Accidents

Andrew acts for the estates and dependants of victims of fatal accidents that occur as the result of road traffic accidents, in the course of their work or arising from clinical negligence.

## Catastrophic injuries

Andrew has experience of high value claims arising from very serious injuries. Recent cases include:

- multiple orthopaedic and psychological injuries arising from a motor cycle accident.
- a subtle brain injury to a 3 year old girl that has affected her hormonal function.
- a 25 year old claimant who has suffered a debilitating somatoform disorder.
- A 30 year old claimant who has suffered a chronic pain disorder.
- A brachial plexus injury leading to severe pain and an excoriation disorder.

# Industrial Disease

Andrew provides advice and representation to claimants and defendants in claims arising from industrial exposure to harmful dust, chemicals and substances caught by the COSHH Regulations 2002, vibration, repetitive activities causing work related upper limb disorders and stress.

Recent instructions include:

- A claim by a factory worker who suffered an upper limb disorder working on a cling film production line.
- A claim by a worker in a woodworking factory who suffered industrial deafness because he was exposed to excessive noise at work for over forty years.
- A claim by a supermarket employee who was exposed to spilt chemicals in her work re-stocking shelves and suffered dermatitis as a result.
- A claim by a worker who handled raw meat products and developed dermatitis.
- A claim by an assembly line worker who was exposed to dangerous chemicals in a lubricant he was required to apply to equipment he assembled.

# Fraud and Allegations of Fraud

In recent years Andrew has built up considerable experience in personal injury litigation. With a background in the early part of his career prosecuting criminal cases in the Crown Court he is ideally suited to civil and in particular personal injury fraud work.

Andrew accepts instructions from the early stages in defending insurers' interests, advising on: investigation tactics; witness credibility; requirements for expert evidence (and testing it in conference); whether fraud may be properly advanced in pleadings; and thereafter in drafting statements of case and providing robust representation at trial. With years of experience on his feet in the Crown Court, before he made the change to practising exclusively in civil law ten years ago, Andrew is not afraid to get stuck into a witness in cross-examination, usually to good effect.

Recent instructions include cases involving: Low Velocity Impact claims; fraud rings; phantom passengers; inflated credit hire and repair claims; induced accidents; and staged accidents.

# Clinical Negligence

Legal 500 2016: 'He is personable, and has great client-care skills.'

Legal 500 2015: '*He has a great grasp of technical areas of law.*'

Chambers and Partners 2015: '*His client care is second to none. I use him on cases with clients that are more difficult as he manages their expectation well.*' '*He picks up on complex issues quickly.*'

Chambers and Partners 2016: 'He has an eye for detail; his drafting is impressive. He's a strong advocate.' 'He's got a really good feel for client care.'

Andrew has an established practice in clinical negligence cases built on his ten years' experience in personal injury work. His growing reputation and experience sees him instructed by some of the leading law firms in this highly specialised field, where his client care, attention to detail and ability to identify how cases can be won are much appreciated and in demand.

Andrew receives instructions to draft statements of case, schedules, and applications and advise in writing and in conference with expert witnesses in attendance.

Andrew has a particular interest in recent years in cosmetic surgery cases.

Recent instructions include claims relating to:

- Failure to diagnose a deterioration in kidney function leading to the loss of a single remaining kidney leading to a transplant.

- Failure to identify and repair a grade four tear during childbirth.
- Delays in diagnosis of cancer.
- Failures to diagnose scaphoid fractures leading to serious disability.
- Failure to diagnose a brain cyst leading to the death of a child from hydrocephalus.
- Negligently performed total gastrectomy where a patient was wrongly diagnosed with cancer.
- Failure to diagnose and correctly treat a potentially fatal cardiac condition.
- Extravasation injuries causing disfiguring scarring to a children.
- Failure to diagnose and treat compartment syndrome leading to disability.
- Negligently performed ACL repairs.
- Negligently performed cystoscopy leading to peyronie's disease.
- Failures to consent and competently carry out breast augmentations and lifts, face lifts, rhinoplasty, procedures involving cosmetic fillers
- Failures to identify and manage infections following cosmetic surgery and procedures.
- Negligently performed cosmetic dentistry including implants leading to nerve injury.

Andrew is happy to accept instructions on a CFA basis where appropriate and to appear before the Coroners Court where civil claims are contemplated.

## Travel and Holiday Claims

Andrew accepts instructions relating to claims made for personal injury and associated losses arising from accidents abroad. Andrew accepts instructions in mostly multi-track cases involving the Package Travel Regulations. Recent cases include:

- A complicated cardiac injury resulting from a Shigella infection.
- A group claim for 12 Claimants who suffered gastric illness on a holiday to Egypt.
- A group claim for 11 Claimant who suffered food poisoning on a holiday in Rhodes.
- Pre-action disclosure applications against holiday companies and travel agents.

## Commercial Litigation

To view Andrew's full CV please [click here](#).

## Sports

Andrew has a keen interest in claims arising from accidents that occur during or at sporting or other indoor and out-door recreational activities.

Having been a keen hockey player in his youth, with a continuing interest in all levels of motorsport and now with a young sporty family, Andrew provides realistic and practical advice to claimants and defendants that appreciates the importance of first understanding the sport before advice is given about legal liability.

On the quantum side Andrew's developed wider personal injury practice and interest in medical negligence makes him well suited to tackling medically complicated claims.

Recent cases include:

- A claim against local education authority for injuries suffered by a 15 year old girl in trampolining lesson at school. Breach of duty, causation and quantum in dispute. Claimant suffered amongst other injuries fracture dislocation of left knee with severe arterial injury. Multiple orthopedic and vascular surgeries followed including initial fasciotomy leaving severe scarring and nerve injuries. Complex medical evidence from vascular surgeons as to future risk. Future loss of earnings and pension claims. Settled for over £100k.
- Paying spectator at ice rink suffered facial laceration when hit by ice hockey puck. Dispute on liability as to whether safety fencing adequate. Consideration of risk assessments and league rules as to minimum standards of protection.
- Boy of 12 suffered severe ocular injury when hit by squash ball in school sports lesson at local leisure centre. Dispute on

liability as to adequacy of supervision and provision of safety goggles. Long term risk of raised intra-ocular pressure and claim for provisional damages.

- Boy of 13 suffered very deep gash to lower leg on defective safety fencing around school tennis courts. Permanent disfiguring scarring and effect on ability to work in certain trades as unable to kneel properly.
- Boy of 12 suffered ankle fracture when organisers let older boys who had been drinking alcohol out onto track with novices.
- Numerous slips and trips at leisure centres, on sports fields, broken bones playing laser quest type games, falls on or from play equipment, and unexpected ejections from bucking broncos.

## Disciplinary Tribunals & Professional Regulation

As a member of both the Regulatory and Clinical Negligence practice groups within Chambers Andrew is well equipped to provide effective representation to members of the medical and dental professions before disciplinary tribunals. Andrew's expertise is recognised in both arenas in leading directories (Chambers & Partners and Legal 500 2015): 'He has a great grasp of technical areas of law.' 'His client care is second to none. I use him on cases with clients that are more difficult as he manages their expectation well.' 'He picks up on complex issues quickly.' 'He is an excellent advocate, commercial, well prepared and good with clients.' 'He is measured in his approach and quietly persistent.'

## Personal Injury

Andrew is instructed regularly in personal injury and clinical negligence matters on the multi-track, around 50% in the High Court. The value of his normal caseload is usually between £100,000 and £1m.

Recent cases have involved:

- A variety of digital amputations and hand injuries to factory workers.
- A severe upper limb injury to a construction worker who fell from scaffolding.
- Lower body crush injury to a manager supervising the unloading of a lorry, 4 defendants.
- Fractured spine with lifelong neurological consequences.
- Multiple injuries from motorcycle accidents.
- Brain injuries from road traffic accidents.
- Fatal accidents – RTAs, fall from hotel window, legionella.
- Holiday illness claims – gastric illness, cardiac injury from infection.

As part of St. Philips' commitment to providing continuity of service through a case from the earliest advice on prospects to trial, if required, Andrew regularly appears in CCMCs in both the County and High Court. Andrew understands the importance of fighting for the directions that allow a case to be resolved justly on behalf of a claimant, and the importance to that of a costs budget being set that allows sufficient funding to be in place for expert evidence and solicitors work to see that the case is litigated properly. In the earliest part of his career Andrew accepted instructions in specialist costs work, drafting and arguing points of dispute and replies, and attending hearings (including before Masters and Costs Judges in the Senior Courts Costs Office in London). This early training has always meant that Andrew is comfortable with costs negotiation and argument before the Courts on costs issues. The budgets Andrew tends to work with are in the £100,000 to £250,000 range. Andrew's philosophy for Costs Budgeting is to know the case thoroughly and be pragmatic in the hearing, being careful to achieve the best overall result on the budget from the particular judge. Regular appearances before the more senior District Judges in Birmingham, as well as in Coventry, help to ensure that he knows the approaches and idiosyncrasies of many of the judges and tends to be trusted and listened to by them.