

Clare Elliott

Call: 2015



Overview

Clare has a busy practice across all Hailsham's key practice areas and with particular focus on professional negligence and personal injury matters.

Clare has acted in a wide range of cases against surveyors, mortgage brokers, architects, property managers and letting agents. She has particular interest and expertise in claims against lawyers, arising from a broad spectrum of practice areas.

Clare enjoys appearing in court (whether in person, by telephone, or by video). She is frequently instructed to attend the County Court and High Court, both for interlocutory applications and for trial. Drawing on her busy court practice, Clare is also the lead author of "", an advocacy textbook published by Sweet & Maxwell in August 2019 in conjunction with the White Book.

Clare has a strong paper-based practice and is often instructed to advise and draft pleadings in a wide variety of matters. She prides herself on providing practical and straightforward advice. She is mindful that litigation can be very stressful for clients and has a friendly and approachable manner which puts them at ease, particularly before appearing in court. She is similarly conscious of the need to be as cost-effective as possible, and to provide value for money.

Professional liability

Clare is often instructed in claims against solicitors, surveyors, mortgage brokers, property managers, and architects. She has also acted in unusual claims involving education providers, prison services, and funeral directors. Clare's experience covers the whole lifespan of a claim, from pre-action correspondence to trial. Clare has undertaken a secondment at a leading professional negligence firm where she advised on various issues on claims against financial professionals.

Clare acts for both claimants and defendants, which provides insight into both sides

of a claim. She particularly enjoys solicitors' negligence claims and has acted in cases involving failure to advise on Part 36 offers, missed limitation deadlines, and loss of a chance to pursue litigation. Clare had recent success in obtaining summary judgment in a complex multi-track claim, and defending a solicitors' negligence claim where the Claimant discontinued following her cross-examination. Clare's background in clinical negligence and personal injury matters, including her involvement as a junior to Dominic Nolan KC and Jane Mishcon in very high value cases, provides a strong foundation for any actions involving under-settlement or mismanagement of such claims.

Clare's recent experience in claims involving lawyers has included:

- Residential and commercial conveyancing negligence claims (including claims relating to multiple dwelling relief, leasehold enfranchisement, lack of planning permission, identification of sewer pipes and other transmission media, properties purchased at auction, access roads and rights of way);
- Claims arising out of the conduct of personal injury and clinical negligence cases (including claims involving the Vibration White Finger compensation scheme, and the use of vaginal mesh);
- Claims arising out of the conduct of claims to the Criminal Injuries Compensation Authority;
- Claims arising out of the conduct of unfair dismissal claims and appeals to the Employment Appeal tribunal;
- Claims involving cyber attacks and impersonation of a firm;
- Claims arising from the preparation of wills and administration of estates.

Personal injury

Clare frequently appears in court for personal injury matters and is currently junior to Dominic Nolan KC in a £multi-million claim arising out of a serious motorcycle accident. She has acted in claims involving inhalation of chemicals in the workplace, occupiers' liability, and numerous road traffic accidents, including those involving low velocity impacts and issues of fundamental dishonesty. Clare's background in clinical negligence lends itself well to dissecting medical reports and the assessment of quantum in personal injury cases.

Clare is very familiar with credit hire matters arising from road traffic accidents and is frequently instructed to defend such claims, with particular success in reducing or eliminating damages on grounds of need, impecuniosity, and period. Clare is well-versed in the relevant case law and can often find arguments on the evidence which might otherwise be missed.

Commercial law

Clare often acts in contractual disputes and appears in both the County Court and

the High Court in this respect. She has been involved in high-value commercial disputes across a range of sectors and her cases have included entertainment venues, large sports clubs, and drinks manufacturers.

Clare is also very experienced in matters arising from banking law and the Consumer Credit Act 1974. She frequently appears in court for such cases and enjoys advocacy in these areas. Her work has included jurisdictional disputes, *res judicata*, alleged deliberate concealment, and the application of contract law principles to such issues.

Further information

Publications

Lead author of *On Your Feet: A Practical Guide to Civil Advocacy*, published August 2019 by Sweet & Maxwell in conjunction with the White Book

Awards

- Marion Simmons KC Essay Winner 2016
- Lord Denning Scholarship, Lincoln's Inn 2014
- Accommodation Award, Lincoln's Inn 2014
- Hardwicke Scholarship, Lincoln's Inn 2014
- Hogan Lovells Prize, 2013 (top of year)
- Postgraduate Mooting Cup Winner, University of Birmingham 2013
- Postgraduate Law Scholar, University of Birmingham 2012

Education

- BPTC 2014-2015 (University of Law (Bloomsbury)) Very Competent
- Accelerated LLB 2012-2014 (University of Birmingham) First Class
- MA English Literature (University of Edinburgh) First Class

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