

Jonathan Lally

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Education

St Bedes' College, Manchester.

Magdalene College, Cambridge University

Manchester Metropolitan University - BVC

Professional Associations

PIBA

Criminal Bar Association

Member of the Northern Circuit

Appointments

Crown Counsel to the Falkland Islands

CPS Advocates Panel - Cat 3 (R)

Areas of Specialism

Personal Injury

Professional Discipline

Regulatory

Motoring Offences

GMC Defence

Civil and Insurance Fraud

Licensing, Betting, Gaming and Sports Law

Travel

Motor Claims

Employer's Liability and Public Liability

Contempt & Private Prosecutions

Profile

Jonathan specialises in personal injury work, with particular focus on civil fraud work. With extensive experience in both criminal and personal injury advocacy he is ideally positioned to robustly challenge complex evidence in fraudulent claims. He has secured numerous findings of Fundamental Dishonesty leading to the dismissal of claims and orders for the payment of costs. His experience in this regard spans the whole range of personal injury cases

including road traffic accidents, accidents at work, public liability claims and holiday sickness claims. He is regularly instructed to defend holiday sickness cases dealing with issues of causation and challenging expert evidence.

He acts for both claimants and defendants in general personal injury cases resulting from road traffic accident claims, occupiers liability claims, Highways Act claims, employers liability claims and claims resulting from breaches of health and safety legislation. His practice is heavily court based dealing with fast track and multi track claims both on and off circuit. He is well versed on issues regarding medical causation.

His background in criminal work, in particular road traffic and health and safety offences, means that he is still regularly instructed by insurance clients to represent drivers charged with road traffic offences (from the minor to the most severe cases involving death and catastrophic injury) and employers charged with health and safety offences. This specialism enables work to be done on the same case in the criminal and civil courts, including inquests.

He also has experience of conducting Professional Discipline hearings before the General Medical Council, the Nursing and Midwifery Council and the Institute of Chartered Accountants. He accepts instructions from Local Authorities in regulatory and licensing matters.

He has been instructed on a number of occasions in the Falkland Islands on both criminal and personal injury matters.

Notable Cases

Personal Injury- Fundamental Dishonesty

Samuel v Gregarious

The Claimant claimed that he had been injured as a result of drinking from a cracked glass which had been served to him in a pub. He claimed to have sustained a laceration which scarred, along with psychological injury. He was found to have been fundamentally dishonest in bringing his claim as the judge was satisfied that the glass in question had no sharp edges capable of causing a cut. He was seen on CCTV interfering with the glass in some way prior to approaching the bar to complain. She was satisfied that the injury claim was dishonest and that all of his special damages claims were dishonest. He had claimed loss of earnings, however the evidence showed he was receiving incapacity benefit and could not have been working as alleged as a personal trainer. He was also found to have made a dishonest claim for dental treatment as the evidence showed that he had not visited his dentist at the time and received free dental treatment in any event. He was ordered to pay over £9.5k in costs.

Personal Injury- Fundamental Dishonesty

Worthington v Knowsley

Represented Knowsley MBC. The Claimant claimed that she was thrown from her bicycle after hitting a pothole in the carriageway. The Defendant defended the claim on the basis that the alleged defect was not dangerous and that they had a reasonable inspection regime. They also put the Claimant to proof as to the cause of the accident in light of the fact that contemporaneous medical notes stated that the cause of the accident was that a cat had ran under her wheel causing her to swerve, hit the kerb and fall from the bike. The Claimant's explanation in cross examination that the nurse practitioner had recorded the cause of the accident incorrectly as he had been listening to an unrelated conversation between family members about another accident, was rejected by the Judge. The Judge found that the claim was fundamentally dishonest within the meaning of CPR 44.16 and made an enforceable costs order requiring the Claimant to pay the Defendant's costs in the sum of £14,110.30. The Judge also indicated that the defect complained of was in any event not dangerous and did not give rise to a breach of s.41 of the Highways Act 1980.

Personal Injury- Fundamental Dishonesty

Moseley v Zurich Insurance

Represented Defendant. The Claimant claimed that he was injured as a result of a road traffic accident when a van reversed into the side of his stationary vehicle. He alleged that he had his window open and had tried to alert the driver of the van of his presence by banging on the back of the van. He alleged that he was injured when the van collided as it struck his arm causing his shoulder to be jarred. The Defendant defended the claim on the basis that the Claimant had failed to notify the personal injury claim until over a year after the accident despite being in regular

contact with the Defendant regarding the repairs to his vehicle and provision of a hire vehicle. They also relied upon the lack of any treatment being sought by the Claimant and inconsistencies in his account regarding his ability to continue working in a physical occupation without issue but at the same time requiring unpaid assistance in his home life for 3 months. Evidence was also obtained as to his ability to continue with his hobby of mountain biking throughout the period of alleged injury and the fact that his gym records indicated he had not been to the gym in the five months prior to the accident despite telling the GP expert that he had been unable to attend the gym as a result of the accident, having been a regular attender prior to the accident. The Judge rejected the Claimant's evidence and found as a fact that he was not injured in the collision. He found that there was no contact between the Claimant and the van which was capable of causing injury. He went on to find that the claim was fundamentally dishonest within the meaning of CPR 44.16 and made an enforceable costs order requiring the Claimant to pay the Defendant's costs in the sum of £7,500.

Personal Injury- Fundamental Dishonesty

Fatima & Ali v Allianz

RTA claim in which brother and sister claimed they were injured as a result despite the minor nature of the collision. Evidence obtained showing one of the Claimant's had a significant history of bringing claims, along with multiple inconsistencies in the medical evidence and the accounts given by both Claimant's. The judge found both to be fundamentally dishonest and ordered them to pay costs in the sum of £7000.

Personal Injury, Road Traffic, Fraud, Phantom Occupants.

Khan & Khan v Bi

The Claimants claimed to be occupants of a stationary motor vehicle parked outside their home address when the Defendant's vehicle collided at low speed with the rear corner the stationary vehicle. They both claimed damages for personal injury. The Defendant disputed that there were any occupants of the vehicle at the time of the collision. The Defendant's case was that the First Claimant (Mr Khan) was stood on the pavement next to the vehicle and that the Second Claimant (Mrs Khan) was not in the vehicle. Following a trial before HHJ Rawlings at Stoke on Trent County Court, the claims were both dismissed and findings of fundamental dishonesty were made in respect of both Claimants. The Judge found that neither were in the vehicle and there were consequently no injuries sustained as a result of the collision. Having found both claims to be fundamentally dishonest, he ordered both Claimants to pay the Defendant's costs assessed in the sum of £14,500 and granted the Defendant permission to enforce the costs under CPR 44.16.

Personal Injury

GC v MOD

Advised Falkland Island resident on claim for serious personal injuries sustained as a result of being hit by a MOD vehicle. Significant procedural issues advised upon as well as complex multi-disciplinary medical evidence, future losses and alleged contributory negligence. Case settled without the need for a trial.

Professional Discipline

Represented a Chartered Accountant before the Institute of Chartered Accountants and successfully maintained his membership by avoiding exclusion. He had been brought before the Institute following the collapse of a stockbroking firm he had been Financial Director for. During his tenure the firm had relied upon a guarantee in the sum of £2million which it transpired did not exist causing loss to clients. He had been grossly misled by his Managing Director and an investor in the firm. He had already been prosecuted by the Financial Conduct Authority who stripped him of his authorisation to undertake regulated activities and the Insolvency Service who had disqualified him as a company director. He appeared before the Institute facing exclusion from the register of Chartered Accountants. As a result of the action taken by the FCA and the Insolvency Service the only real employment he could obtain was that teaching at a college and this would have been jeopardised by any exclusion. Despite the starting point in his case being exclusion, the Institute drew back from this sanction and instead imposed a Severe Reprimand. The accountant had exhausted all his savings and finances on the legal costs and fines from the FCA and Insolvency Service prosecutions

and consequently could not afford representation at the Institute. I acted pro-bono due to his limited financial means.

Road Traffic

R v Close

Successfully defended road sweeper driver charged with causing death by careless driving having reversed over his foreman. Submission of no case to answer upheld on the issues of causation and absence of evidence of carelessness. Extensive use of expert pathological, cardio pathological and histopathological evidence to establish that the deceased may have been dead prior to being struck. Use also of expert accident reconstruction evidence to establish that the deceased was likely to have been prone on the ground and out of the driver's sight as he reversed in dark conditions. Subsequent representation of the Defendant at the inquest where an open verdict was recorded.

Road Traffic

R v Slattery

Successfully defended driver of horsebox on charge of careless driving involving the death of a tractor driver (initially charged as causing death by dangerous driving and would now have been death by careless driving). Use of expert evidence regarding visibility, light failure and speed.

Road Traffic

R v Gardner

Successfully appealed the conviction of a coach driver for careless driving following his coach overturning on the M6 whilst transporting schoolchildren. Expert evidence used to establish mechanical fault with tyres as cause of accident.

Road Traffic

R v Farran

Successful defence of driver for careless driving (Involving death of his girlfriend). Expert evidence used to establish defect in road as cause of accident.

Drug Importation

R v Neville

Junior led by Stuart Denney QC in representing defendant charged with importing £14m of Cocaine from mainland Europe. The case involved the interrogation of large amounts of telephone cell sitting evidence covering the UK, Holland and Germany, as well as intercept recordings obtained by the Dutch police.

Crown Court Costs

R v Blacow

Appeal to the High Court by way of Case Stated against the decision of the Crown Court not to award a Defence Costs Order under the Prosecution of Offences Act 1985. Crown Court order overturned.

<http://www.bailii.org/ew/cases/EWHC/Admin/2012/3469.html>

Crime

R v Helm

Represented defendant on charge of perverting the course of justice (by setting fire to the car) in relation to a case of causing death by dangerous driving. Extensive use of expert evidence in the following fields: road traffic accident investigation, CCTV reconstruction, fire damage and causation.
