

## Doug Cooper

2004 Inner Temple

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### Education

Lancaster Royal Grammar School

Manchester Metropolitan University

### Areas of Specialism

Disease

Clinical Negligence

Personal Injury

Product Liability

Travel

Business & Property Law

### Profile

Doug joined Deans Court Chambers in September 2014. Prior to being called to the Bar in 2004, he worked for many years in the insurance industry, for Royal Insurance (now RSA), for NEM/AGF (now Allianz) and for the Iron Trades (now Chester Street Insurance Holdings and QBE) where he became the Regional Claims Manager. Most of this time was spent dealing with Employers' and Public Liability cases, in latter years predominantly disease claims. This has remained the case whilst at the Bar.

His work is exclusively for Defendants, insurers, large corporate clients, public authorities or funds. The vast majority of his work concerns occupational disease claims, predominantly in respect of medical causation. The vast majority of his work is multi track work given the complexity of the issues, often involving in-depth knowledge of medical research and epidemiology underpinning such issues.

For the last few years, issues regarding *de minimis* in disease and fundamental dishonesty have been a large part of Doug's practice. Limitation remains a significant issue in addition.

A significant part of Doug's practice also involves issues of misconduct on the part of Claimant's solicitors.

Clinical Negligence is a growing area of Doug's practice. Doug also handles Product Liability claims and is regularly instructed by manufacturers of allegedly defective products.

### Notable Cases

#### Industrial Disease - Deafness Claim

**Holloway -v- Tyne Thames Technology Limited (2015)**

The only issue before the court was whether the Claimant's noise induced hearing loss was sufficient to sound in damages. Exposure, that such exposure was in breach of duty, limitation and causation were not in issue.

The court was asked to decide if a hearing loss of between 0.8dB and 1.3dB (measured at the conventional speech frequencies of 1, 2 and 3kHz) or the diminution of the Claimant's ability to hear sounds at 4kHz by about 10-15dB, was sufficient to sound in damages.

His Honour Judge Freedman heard evidence from Professor Homer for the Claimant and Professor Lutman for the Defendant and made the following findings:

1. A hearing loss at the conventional speech frequencies of 1, 2 and 3kHz of 3dB or less would not cause sufficient disability for the same to sound in damages.
2. The /f/, /th/ and /t/ sounds were heard over a range of frequencies and therefore a hearing loss of 10-15dB at 4kHz was insufficient to cause disability, given they would be perceived at other unaffected frequencies.
3. Although the sound /s/ may be frequency specific to 4kHz when made by some people, the Claimant's hearing loss of 10-15dB at 4kHz would only cause her perception of such sounds to be diminished between about 40 and 55dB (she would have had similar disability as a consequence of age anyway between 30 and 45dB) but would have been unchanged at the level at which quiet conversational speech was perceived. Such a narrow 'window of opportunity' within which any theoretical disability may be manifest was insufficient to give rise to a claim for damages: de minimis non curat lex.

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## Personal Injury - Disease

### **Cran -v- Perkins Engines Limited (January 2013)**

This was the first trial in which asymmetric hearing loss was alleged to be due to symmetric noise exposure. A copy of the judgment can be provided on request.

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## Personal Injury - Disease

### **Hughes -v- Rhondda Cynon Taf County Borough Council (3rd August 2012, Cardiff CC)**

This was the first deafness case in which the principle of de minimis non curat lex was applied to noise damage. The Defendant successfully argued that the Claimant's hearing loss at 4kHz (which was due to noise) did not cause him to be 'appreciably worse off' as his hearing at the speech frequencies of 1, 2 and 3kHz was well preserved.

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## Personal Injury - Hand Arm Vibration

### **Owens v Gwent CC**

Case regarding the date of knowledge of local authorities regarding the use of gardening equipment (strimmers etc).

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## What the Directories say

"He has a straightforward and forceful manner, and is prepared to argue his points." "He knows absolutely everything about deafness."

*Chambers and Partners, 2021*

"He has a formidable knowledge of medical causation issues in noise-induced hearing loss cases, often showing greater knowledge of the literature than the experts he is examining." "He is the go-to man for noise work and is incredibly adept from a scientific standpoint."

*Chambers and Partners, 2020*

"He's a national authority on deafness claims." "He's very meticulous and his attention to detail is second to none." "He's good with clients and is very down-to-earth, as well as being very good on his feet." Recent work: Instructed in

Diamantek v James, a case in which the claimant alleged that he had not been provided with hearing protection throughout his employment.

*Chambers and Partners, 2019*

He brings extensive prior experience in the insurance industry to bear in his practice, principally representing defendants, including insurers, large corporations and public bodies. He has a strong reputation for his expertise in industrial disease cases. His claims have related to various injuries and conditions including deafness and asthma. "An excellent barrister who has strong industry knowledge."

*Chambers and Partners, 2018*

Highly qualified to advise on a broad range of industrial disease claims, Cooper is particularly well regarded for his exceptional practice in noise-induced hearing loss cases. He principally represents defendants, including insurers and corporate clients, in both individual and group actions. "He's a tough opponent regarded by insurers as an informed opinion. He understands the science as well as the law."

*Chambers and Partners, 2018*

Highly qualified to advise on a broad range of industrial disease claims, Cooper is particularly well regarded for his exceptional practice in noise-induced hearing loss cases. He principally represents defendants, including insurers and corporate clients. "A very skilled junior who specialises in occupational disease cases and who has a keen eye for detail." "He is the best defence lawyer for deafness cases around right now."

*Chambers UK, 2017*

He brings extensive prior experience in the insurance industry to bear in his practice, principally representing defendants including insurers, large corporations and public bodies. He has an strong reputation for his expertise in industrial disease cases. "His knowledge in industrial deafness cases is unrivalled."

*Chambers UK, 2016*

Recommended for industrial disease work, with a focus on representing defendants. His expertise covers noise-induced hearing loss and asbestos-related disease.

*Chambers UK, 2015*

"He takes a robust approach in terms of how he prepares his cases, and when you get to trial, he's a good advocate."

*Chambers UK, 2015*

"He is an excellent negotiator."

*Chambers UK, 2015*