hailshamchambers

Clerks: **020 7643 5000**

Clare Elliott

Call: 2015



Overview

Clare is ranked as a leading junior by Chambers UK and Legal 500 and has a broad practice with particular focus on professional negligence, personal injury, and commercial disputes. She has been described as *'very commercially aware'* and *'very good on her feet'*; clients remark that she *'provides advice in a way that is easy to understand'*.

Clare frequently acts as sole counsel in very complex matters proceeding in the High Court, against much more senior opponents. She is also regularly instructed as junior counsel in significant and valuable claims. She prides herself on providing practical and easy-to-follow advice, no matter how complex the matter.

Professional liability

Clare is ranked as a leading junior for professional negligence by Chambers UK and Legal 500 and this work comprises the majority of Clare's practice. Clare has very substantial experience of acting in claims against solicitors, surveyors, valuers, architects, and financial professionals, as well as more unusual professionals such as auctioneers, university academics, and medical experts.

Clare is currently sole counsel in an extremely complex 'lost litigation' travel injury claim involving 9 expert disciplines and claimed at c.£4.5 million. Clare's background in clinical negligence and personal injury matters, including her experience as junior to Dominic Nolan KC and Jane Mishcon in very valuable cases, provides a strong foundation for cases involving under-settled, 'lost', or mismanaged personal injury claims.

Clare recently acted as junior to Nicola Rushton KC, and now continues to act as sole counsel, in a very significant claim arising out of mismanagement of costs litigation. Clare is actively developing her expertise in costs law both as a practice area in its own right and as the subject of professional negligence litigation.

Clare has also recently acted as a junior to William Flenley KC in a high value conveyancing matter; claims arising out of erroneous conveyancing form a large part of Clare's practice. Clare appeared successfully both at first instance and in the High Court appeal of *Brem v Clark & Anor* [2023] EWHC 1358.

Clare's recent experience includes the following:

Lawyers

- Clare recently acted as junior to Nicola Rushton KC, and now continues to act as sole counsel, in a very significant claim arising out of mismanagement of costs litigation.
- Acting as junior counsel to William Flenley KC in a very high value conveyancing claim concerning an alleged collective investment scheme involving 76 claimants;
- Acting as sole counsel in an extremely complex lost litigation case arising from a very serious holiday injury claim, involving 9 expert disciplines and considerations of international occupiers' liability law;
- Successfully striking out a complex claim arising from high-value divorce proceedings in the High Court;
- Acting in a High Court claim concerning a series of cyclical bridging loans for properties worth £multi-millions, which also engages considerations of potential negligence by elite financial brokers;
- Succeeding both at first instance and on appeal in *Brem v Clark & Anor* [2023] EWHC 1358 before Spencer J in a solicitors' negligence matter involving allegations of fraud and conspiracy;
- Defending a claim arising out of an alleged failure to apply for security for costs as a strategic measure in long-running commercial litigation;
- Successfully settling, at a joint settlement meeting, two related 'lost litigation' cases arising from multiple road traffic accidents;
- A multitude of conveyancing claims involving restrictive covenants, overage agreements, property boundaries, failed purchases, etc;
- Successfully defending claims alleging professional negligence in the context of criminal convictions and/or sentencing.

Property and Construction Professionals

- Acting as sole counsel in an extensive arbitration concerning the management of 26 properties;
- Successfully defending an architect's negligence case at trial, arising from matters concerning planning permission;
- Successfully obtaining strike out/summary judgment in a surveyor's negligence claim;
- Acting in a complex contribution/indemnity claim against a structural engineer regarding a valuable London townhouse;
- Acting in claim by a lender against a valuer, involving potential fraudulent behaviour by the mortgagor;
- Acting in a claim against a large property management company including allegations that monies had been fraudulently redirected;

- Acting in many claims against property management companies regarding allegedly inadequate tenant referencing procedures, including a claim involving a claimed novation by conduct;
- Acting in a claim by a consumer against a building contractor, involving considerations of architectural obligations.

Brokers and Insurance

- Successfully obtaining summary judgment and strike out in an insurance broker claim pleaded at £2 million;
- Acting in a claim against an insurance broker following the breakout of fire at a large warehouse;
- Advising on a proposed claim against an insurance broker concerning a lack of business interruption insurance during the coronavirus pandemic;
- Acting in a claim against an insurance broker regarding the alleged failure to notify an insurer of a potential claim resulting from fire damage;
- Acting in a claim against a mortgage broker concerning an alleged duty to advise on non-mortgage financial products;
- Successfully defending a huge number of claims against mortgage brokers arising from alleged mis-selling of interest-only mortgages.

Other

- Acting in a claim against an auctioneer regarding the sale of a property;
- Successfully striking out a claim against a well-known website and building services directory;
- Successfully defending a claim brought against a university professor;
- Acting in a claim against a university by a former member of staff;
- Striking out a claim brought against a medical expert;
- Obtaining limited and extended civil restraint orders against vexatious litigants.

Personal injury

Clare is frequently instructed in personal injury matters and is looking to expand her practice in this area. She recently acted as junior to Dominic Nolan KC over a period of several years in an extremely high value, £multi-million claim arising out of a serious motorcycle accident. That claim was factually and legally complex, involving over 30 experts, and including matters of law and practice in high value claims in the relevant state in Australia. Clare has also acted as a junior to Jane Mishcon in a high value clinical negligence case, an experience which assists her in running her own personal injury cases today.

Clare’s own cases have involved inhalation of chemicals in the workplace, occupiers’ and employers’ liability matters, and numerous road traffic accidents, including those involving low velocity impacts, fraud, and 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 is happy to act in insurance coverage matters. Clare has recently acted for a claimant in a claim for breach of contract and/or unjust enrichment against a utility supplier, and for a defendant in a claim for inadequate services in the field of data analytics. Clare's other 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

ICO Data protection registration number: **ZA275155**.

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