

## Clare Elliott

Call: 2015



### Overview

Clare has a very busy practice focusing on professional negligence, personal injury, and commercial litigation. She enjoys appearing in court, and usually does so several times a week, in County Court and High Court matters. She has also been instructed as a junior on very high value and complex personal injury and professional negligence claims, including work with William Flenley KC and Dominic Nolan KC.

Outside of her court appearances, Clare has a strong paper-based practice. She frequently drafts pleadings, applications, and advice in a wide variety of matters. She prides herself on providing practical and easy-to-follow advice, even in very complex matters.

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### Professional liability

Clare is often instructed in claims against solicitors, surveyors, valuers, architects, and financial professionals. She is frequently instructed to act in complex and document-heavy cases, and is currently junior to William Flenley KC in a high value conveyancing matter. Clare's background in clinical negligence and personal injury matters, including her work as junior to Dominic Nolan KC and Jane Mishcon in very valuable cases, provides a strong foundation for any actions involving under-settlement or mismanagement of such claims.

Clare acts for both claimants and defendants, providing insight into both sides of a claim. She particularly enjoys acting in applications for strike out and/or summary judgment, and has extensive experience of such matters, including her successful appearance both at first instance and in the High Court appeal in *Brem v Clark & Anor* [2023] EWHC 1358. Clare recently enjoyed success at trial when defending an architect's negligence case.

Clare's recent experience includes the following:

## Lawyers

- A very high value conveyancing claim concerning an alleged collective investment scheme;
- 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;
- A complex lost litigation case arising from a very serious holiday injury claim, involving a large number of expert reports and considerations of international occupiers' liability law;
- Successfully settling, at a joint settlement meeting, two related 'lost litigation' cases arising from multiple road traffic accidents.
- Striking out a claim arising out of the conduct of family proceedings, resulting in an indemnity costs and civil restraint order;
- Conveyancing claims involving restrictive covenants, property boundaries, failed purchases, etc.

## Property and Construction

- Successfully defending an architect's negligence case at trial, arising from matters concerning planning permission;
- A contribution/indemnity claim against a structural engineer regarding a valuable London townhouse;
- A claim by a lender against a valuer, involving potential fraudulent behaviour by the mortgagor;
- A claim against a large property management company including allegations that monies had been fraudulently redirected;
- Many claims against property management companies regarding allegedly inadequate tenant referencing procedures, including a claim involving a claimed novation by conduct;
- A claim by a consumer against a building contractor, involving considerations of architectural obligations.

## Financial Professionals

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

## Other

- A claim against an auctioneer regarding the sale of a property;

- Striking out a professional negligence claim brought against a medical expert.
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## **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. Although Clare no longer practises in clinical negligence matters, many of the principles are similarly applicable to personal injury matters, particularly regarding the evaluation of quantum.

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.

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## **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. 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.

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## **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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