



New Park Court

Timothy Hartley

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# Contents

Personal Injury .....	1
Professional Negligence .....	2
Land & Nuisance .....	2
Planning .....	2
Public Inquiries .....	3

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## Timothy Hartley

Year of call 1970

For enquiries please call +44 (0)113 243 3277 or email

Timothy Hartley, in practice since 1972, is a skilled lawyer and advocate of wide experience, numerate and quick to find the heart of a case. Although more recently specialising in heavy clinical negligence claims, he has an unusually wide experience of Public Inquiries and, a former lecturer, retains an interest in planning, agriculture and land related disputes. As a mediator he has been described as 'born to it'.

## Personal Injury

Timothy has dealt with many cases of fatal, as well as severe and incapacitating, injury including severe acquired brain damage to people of all ages, whether arising from traffic accidents, work-related injury or disease or medical negligence. Among the latter recent cases include profound handicap caused during labour, failure to diagnose conditions such as breast cancer, cauda equina, subdural haematoma and, eventually fatal, cardiovascular disease and negligent treatment causing hypotension leading to death. He has recently been approached to advise on defective breast implants, among other cases involving defective cosmetic surgery. His substantial clinical injury experience means that he is used to difficult issues of medical causation and dealing with medical experts at a high level, and brings those skills to other fatal and personal injury cases.

He frequently conducts cases against leading counsel and, in recent years, when acting for claimants, has often secured judgments running into millions of pounds. In one week he had four settlements approved which had a total value in excess of £11,000,000. He has considerable experience of cases of periodical payments for future loss and, for Claimants, seeks to obtain such orders wherever possible. He was the first barrister on this Circuit to develop spreadsheet-based schedules of loss, which are not dependent upon a formulaic program but are

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carefully adapted to each individual case. He has an excellent working knowledge of French and has dealt with a number of cases in which jurisdictional issues have arisen under the Brussels and/or Lugano Conventions.

## Professional Negligence

Timothy has a wide range of experience of other types of professional negligence, including that of solicitors, surveyors and local education authority staff or advisers. Recent cases involving solicitors include several of inappropriate settlement advice, one of failure to make application to the Court for a new tenancy for a zoo and another of inadequate advice as to the difference in effect between a joint tenancy and a tenancy in common. A recent client with Asperger's Syndrome recovered £250,000 for unreasonable failure by an education authority to consider and respond to expert advice during his schooling.

## Land & Nuisance

Timothy has considerable experience of boundary and easement disputes for both Claimants and Defendants and cases involving agricultural land and tenancies, bringing both common sense advice and, if necessary, considerable advocacy skills to their resolution.

An example is *Palfrey v Wilson* [2007] EWCA Civ 94 in which advice as to what the Court of Appeal characterised as "a sensible offer" resulted in an award to his clients on an indemnity basis of the costs of a five-day trial and the appeal. Cases include claims to easements of way and light as well as boundary disputes. He has appeared in many cases in the County and High Courts as well as in a variety of tribunals, including the Lands Tribunal and Commons and Village Green enquiries.

Recent nuisance cases include one in which damages and a mandatory injunction to stop balls coming onto their land were obtained by Timothy's clients against the tenants of a golf driving range and course.

## Planning

Timothy lectured in Planning Law and has continued his interest in it. He has undertaken a number of road route and compulsory purchase inquiries, instructed by the Treasury Solicitor or the Highways Agency. Recent matters include one in which he had made no fewer than three successful applications to the High Court to quash Inspectors' appeal decisions – *J R Cussons v Secretary of State for Communities and Local Government and North Yorkshire National Park* [2008] EWHC443 and [2010] EWHC 2463. (Eventually the Park Authority recognised the inevitable and granted the permission sought before the fourth Inquiry.)

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# Public Inquiries

Timothy has unrivalled experience as counsel of public disaster inquiries having appeared in the Auckland Murder Inquiry and subsequently led for the Inquiry in the Stanley Royd Food Poisoning Inquiry. He was again instructed for the Inquiry by the Treasury Solicitor in the Bradford Football Fire Inquiry and the Cleveland Child Abuse Inquiry.

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