

Elliot Kay

Year of call 2013

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Elliot's practice is split between serious injury litigation and construction litigation, acting for both Claimants and Defendants in the County Court and the High Court.

Elliot's serious injury practice involves increasingly complex and high value cases from the initial advisory stage right through to trial. He has extensive experience in claims arising from road traffic accidents as well as claims involving employers' liability, occupiers' liability, and public liability. Elliot is regularly instructed by insurers in claims where fraud is alleged and provides early strategic advice when required.

Elliot maintains a busy construction practice alongside his serious injury work. He is regularly instructed by homeowners, contractors, sub-contractors, and employers across a range of construction disputes.

Expertise

Serious Injury

Elliot maintains a nationwide practice acting for Claimants and Defendants in equal measure across the full range of serious injury litigation. He deals with increasingly complex and high value cases from the initial advisory stage right through to trial. He has extensive experience in claims arising from road traffic accidents as well as claims involving employers' liability, occupiers' liability, and public liability.

In addition to representing seriously injured Claimants, Elliot also represents a number of major insurers and local authorities in cases of similar complexity. Having formerly been a member of the Attorney General's Panel, Elliot has significant experience of representing government bodies involved in personal injury litigation.

Elliot maintains a busy paper practice. He frequently advises and drafts pleadings in complex cases and can be relied upon to meet tight deadlines as required.

Notable Serious Injury cases

Representing a Claimant cyclist who sustained a mild brain injury and significant orthopaedic injuries following a head on collision with a German motorist whilst cycling on holiday in Gran Canaria.

Representing a Claimant who suffered significant facial, dental and neurological injuries following a serious road traffic accident. The case required detailed consideration of complex medical evidence regarding causation.

Representing a Claimant who contracted listeria from eating pre-prepared sandwiches whilst an in-patient in hospital, resulting in a further admission for 6 months. The Claimant required a total colectomy and was left with no natural bowel function and permanent mobility difficulties. The claim settled for a substantial sum prior to trial.

Representing an amputee following an accident caused by the provision of an unsuitable wheelchair and mobility aids, resulting in further serious injury to the Claimant.

Representing a Claimant who developed compartment syndrome following an assault whilst working as a teacher at a specialist learning resource centre.

Representing a Defendant insurer in a significant personal injury claim where fraud was alleged. Extensive surveillance evidence over many months was relied upon by the Defendant and Elliot secured a finding of fundamental dishonesty at trial.

Representing a Defendant insurer in relation to a number of linked claims which were said to be fraudulent. The claims were jointly case managed and required careful consideration of extensive evidence to evidence links between the parties. Elliot was involved from the initial strategic advice stage right through to trial and secured findings of fundamental dishonesty.

Inquests

Having formerly been a member of the Attorney General's Panel, Elliot has significant experience of representing government bodies at inquests, including those concerning deaths in custody and whilst on active service in the armed forces. Elliot is also regularly instructed by local authorities, healthcare professionals, families and other interested parties and has experience of Article 2 inquests.

Notable Inquests cases

3-week Article 2 jury inquest concerning the death of two women who were murdered following a campaign of escalating domestic violence inflicted by one of their ex-partners. A highly sensitive case which was widely reported in the media.

Inquest into the death of an asylum seeker who was awaiting the outcome of an immigration appeal at the time of death.

Inquest into the death of a young mother following a number of missed opportunities to diagnose and treat sepsis.

Construction

Elliot maintains a busy construction practice and has been instructed by insurers, employers, contractors, sub-contractors, government bodies, homeowners and associated professionals. His practice includes disputes arising from new build residential projects, residential renovations/extensions, demolition projects, and commercial projects.

Elliot has been instructed as sole counsel in a number of multi-day construction trials and has experience of cross examining a number of expert witnesses. Elliot maintains a busy advisory practice alongside Court appearances.

Notable Construction cases

Three day trial of a claim arising out of a substantial residential renovation project and a counterclaim for unpaid invoices. Complex issues of expert evidence which resulted in a split trial being ordered.

Four day trial in relation to a claim brought by the principal contractor for unpaid invoices for work done in renovating agricultural barns into holiday accommodation. Counterclaim for substantial delay and loss of profits.

Successfully representing the Claimant at trial in a claim brought by a sub-contractor against the principal developer for unpaid invoices for work done in the construction of roads and accessways for a residential development.

Three day trial of a claim for unpaid invoices with a substantial counterclaim for defective work arising out of a residential renovation project. Included oral expert evidence on both sides.

Advising the Defendant in relation to a claim arising out of the development of a nursing home in which contractors failed to give adequate notice of subterranean works within specified proximity of the Claimant's residential property for the purposes of the Party Wall Act 1996.

Memberships

- The Society of Construction Law
- North Eastern Circuit
- Northern Circuit
- Junior Counsel to the Crown, Regional C Panel (2018-2023)
- Personal Injury Bar Association
- Lincoln's Inn
- Football Junior (North Eastern Circuit)

Qualifications

- Bar Professional Training Course, Accredited Mediator, LLB Hons (1:1)
- Law (LLB) (Durham University, First Class)
- Bar Professional Training Course (BPP, Outstanding)
- Accredited Mediator (ADR Group)

Awards

- Hardwicke Entrance Scholarship (Lincoln's Inn)
- Lord Denning Scholarship (Lincoln's Inn)
- Buchanan Prize (Lincoln's Inn)
- Megarry Scholarship (Lincoln's Inn)
- Louise Godfrey KC Memorial Moot Winner
- North Eastern Circuit Prize