

## ELLIOT KAY | MANCHESTER, LEEDS & BIRMINGHAM

Year of call: 2013

Qualifications: Bar Professional Training Course, Accredited Mediator, LLB Hons (1:1)

Clerked by: Aaron Smith Leanne Martin



**AREAS OF EXPERTISE:**  
Serious Injury Inquests  
Construction

### Profile

Elliot practises in all areas of personal injury litigation, acting for Claimants and Defendants in equal measure. He was appointed to the Attorney General's Panel of Junior Counsel in April 2018 and acts for a number of major insurers, government departments and local authorities.

Elliot has an expanding practice and has gained significant inquest experience. Elliot accepts instructions to draft papers and can be relied upon to meet tight deadlines when required to do so.

**Year of Call:** 2013

### Areas of 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 represents a number of major insurers, local authorities and government departments, having been appointed Junior Counsel to the Crown in 2018. Elliot is regularly instructed by insurers in claims where fraud is alleged and provides early strategic advice.

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.

#### Recent Cases Include:

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. The matter settled for a significant sum prior to trial.

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

Representing a Defendant 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 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.

## Inquests

Having been appointed Junior Counsel to the Crown in 2018, Elliot is frequently instructed to represent government bodies at inquests concerning deaths in custody and whilst on active service in the armed forces. Elliot is also instructed by a number of local authorities and has experience of Article 2 inquests.

Recent cases include representing a local authority at a 3 week jury inquest concerning the death of two women who were murdered after a campaign of escalating domestic violence inflicted by one of their partners. Elliot also represented a local authority at an inquest into the death of an asylum seeker who was awaiting the outcome of an immigration appeal at the time of death.

## Construction

Elliot has been instructed by insurers, employers, contractors, sub-contractors, suppliers, homeowners and professionals. His work has included disputes concerning the proper construction and operation of contracts in addition to claims concerning residential dwellings, renovation projects and demolition projects.

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

### **Recent 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 sub-terranean works within specified proximity of the Claimant's residential property for the purposes of the Party Wall Act 1996.

## **Memberships**

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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**

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Law (LLB) (Durham University, First Class)

Bar Professional Training Course (BPP, Outstanding)

Accredited Mediator (ADR Group)

## **Awards**

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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