

Barrister: Edward Lamb

Overview:

Edward has a successful and wide-ranging practice and is listed as a leading individual in the 2019 and 2020 Legal 500 Directory for Court of Protection as "A well prepared and articulate advocate who is clearly on top of his papers."

He specialises in a number of main areas: Clinical Negligence/Court of Protection/Family: children and finance. A rare example of such a broad specialism at the modern bar Edward is head of the Court of Protection team in Chambers.

Recent selected cases from each specialism include:

Divorce:

H v. H (HHJ Nathan) 2020: Acting for a husband in protecting a family business worth £10m+. Edward was led by Andrew Bagchi QC and successfully settled a long-running and important case. The case involved complicated company valuations and assessment of expert actuarial evidence.

Court of Protection:

CCG v. AF [2020] EWCOP 16: Mostyn J: The central question was whether it was in AF's best interests, a man in his 70s who suffered a stroke in 2016, to continue to receive clinically assisted nutrition and hydration (CANH). Case conducted on Skype and concluded in 4 days.

HS [2019] Cobb J and Lieven J High Court: Acting for HS by her deputies. An application for approval of a course of IVF for P

and consequential expenses by the Deputy. Heard in the High Court before Lieven J and Cobb J. Significant press coverage.

Negligence:

Rose v. Allianz (on-going): High Court: Acting for P, who sustained catastrophic brain injuries. Led by Giles Mooney QC in a claim valued in excess of £15m.

Children:

E v. OG [2019]: Family Court: Lead by Janet Bazely QC. A long running case involving 2 parents accused of inflicting significant injuries on their 6 week-old baby. 11 experts heard over the course of the hearing as to who caused the injuries.

Edward is qualified receive instructions via [direct access](#), from members of the public and business.

Edward frequently lectures on legal issues and is a contributing author to a number of popular legal text books: Clinical Negligence Claims (Chapter on Consent) 2nd Edition; Criminal Injuries Compensation Claims (Chapters on Conduct and Character) 3rd Edition; Road Traffic Liability, 2nd Edition and Employment Tribunal Remedies 1st Edition.

Some recent clients have commented:

- "Ed provides clear expert advice, both on paper and in person. He is hugely energetic and always on the ball". **Partner, Bolt Burdon Kemp Solicitors**
- "I found Ed both personable and knowledgeable, and he was able to act with the kind of decisiveness and speed that you want when you place your trust in a barrister. The law often seems an unfathomable beast but Ed guided us to an ideal solution. I would be more than happy to recommend Ed to people seeking expert legal counsel". **RP, Director, City Financial Services Firm**
- "Ed is efficient, thorough and precise with an eye for detail and the enviable ability to separate out and quickly identify which issues go to the heart of a matter and then to investigate and deal with them proactively." **Partner, GLP Solicitors**

Recent articles:

<http://www.9goughsquare.co.uk/news/1542/>

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Negligence

Personal Injury:

Edward acts mostly on behalf of seriously injured Claimants. Dealing with multiple and catastrophic injuries, brain injury, injuries arising at work (including ID) and claims arising out of sex abuse.



Call: 2006

Education:

Lincoln's Inn Bursary Award (2006); BVC; MSc Russian & Post Soviet Studies; LLB Law

Practice areas

- Clinical Negligence
- Court of Protection
- Family
- Inquests
- Personal Injury

Recent News

- Ed Lamb counsel in a legal first last week.
- Ed Lamb discusses different areas of consideration for practitioners and touches on the impact of the Court of Protection Rules 2017
- Edward Lamb instructed as joint Counsel in the Occulentis Product Liability multi-party action
- Edward Lamb has been invited to speak at the British Psychological Society's Conference
- Edward Lamb invited to speak at EMG Solicitors' Catastrophic Injury Seminar
- Judgment published in an important and long-running Court of Protection case
- Ed Lamb to speak at the British Psychological Society's National Conference
- Ed Lamb completes an important Court of Protection case in front of senior judge Hilder
- Edward Lamb is speaking at MBL Annual Court of Protection Conference in London

Edward has a particular specialism in appeals arising out of decisions made by the Criminal Injuries Compensation Authority and he is a contributory author to the forthcoming text-book on Criminal Injury Claims (Begley).

As Head of the Court of Protection team he is sought out by solicitors across the country for his cross-expertise in personal injury and issues relating to a lack of capacity and deputyship.

Edward frequently appears at Inquests on behalf of families.

Selected Recent Cases

- **Rose v R: (on-going)** : Catastrophic injuries arising out of an RTA of a 16 year-old boy.
- **Turner v Butcher (on-going)** : Claims arising out of attempted murder (freezing injunction protecting damages obtained in the QBD).
- **Went v P (on-going)** : Lifelong disability caused by accident at work.
- **S v MOD (on-going)** : Lifetime disability arising out of serious injuries occurring at an MOD naval base.
- **D v MIB (on-going)** : involving multiple injuries sustained in a road traffic accident. The claim involves complicated issues of causation relating to cognitive impairing arising out brain injury.
- **BDE v C** Claims arising out of sexual abuse within a family.
- **P v Oxleas NHS Trust**: Settled at a JSM for disabling back injury sustained at work. Led by Andrew Ritchie QC
- **X v CICA (Upper Tier Judicial Review) (on-going)** : A test-case involving an award of £750,000 and whether the 3 distinct periods of historic sexual abuse can attract separate awards under the 2001 CICA Scheme. Judgment is awaited.
- **C v CICA**: A maximum award case acting for a catastrophically brain injured client, Ed drafted the schedule and appeared at Tribunal under the 2001 Scheme.
- **Smith v TFL & Ors**: A 12-day inquest against a number of QCs involving the death of a school-girl at traffic works. Ed secured a favourable verdict from the jury in the face of developed legal submissions from his opposing legal Counsel.

Clinical Negligence:

From births, cancer treatment and surgical procedures in general, Edward has a loyal following of solicitors.

Edward has a detailed knowledge of issues arising out of consent in medical procedures, having recently edited the chapter on consent in a leading text-book on clinical negligence. Edward is a member of AvMA (Action Against Medical Accidents) and is Head of the Court of Protection Team. He frequently advises in cases involving issues relating to capacity and/or management of awards through trusts or deputyships.

Selected Recent Cases:

- **W v A NHS (on-going)** : Cerebral palsy claim arising from negligent birth. Also running novel conjoined primary/secondary victim claim for the mother of the injured child. Led by Andrew Ritchie QC.
- **R v B (on-going)**: Life-long disability and disfigurement arising from negligent performance of thigh implants.
- **Various eye cases**: Instructed in a number of grouped cases arising from negligent treatment of patients at high street laser eye clinics.
- **RE: Capstick (Deceased) on-going**: Negligent treatment of mental health patient, leading to his suicide, significant dependency claim.
- **North v Mandal** Claim arising out a failure to treat diabetes resulting in leg amputation.
- **Purcell v Roche (on-going)** : Claim arising out of negligently performed drug trial resulting in life-changing injuries to a patient.
- **Fairbairn v D (on-going)** : Failure to treat skin cancer resulting in significant disfigurement.

Profesional Negligence:

By virtue of his broad practice Edward is often instructed to advise on the negligence of other professionals: spanning his practice areas from civil to family cases.

Most recently this has included:

- A claim arising out of a construction project (£1M-£2M)
- A claim arising out of negligent advice received in the course of a PI claim (£3m+)
- A claim from negligent settlement advice received in financial relief proceedings (£1.5+)

Family Law

Family Law:

Edward is sought out by solicitors and direct access clients alike for his calm and persuasive approach to cases involving relationship breakdown. He is the founder of Geras Consulting (www.gerasconsult.co.uk) that provides services direct to the public.

His civil expertise is particularly helpful when deconstructing complex medical evidence and cases requiring mathematical analysis. His work spans both private and public law.

Recent Cases:

Private/Financial

- **H v H (HHJ Nathan) 2020:** Acting for a husband in protecting a family business worth £10m+. Edward was led by Andrew Bagchi QC and successfully settled a long-running and important case. The case involved complicated company valuations and assessment of expert actuarial evidence.
- **R v R [2019]:** Short marriage/needs case settled on day 1 of final hearing. Involving unusual settlement concerning testamentary provision for a child of the marriage.
- **N v N [2018]:** A long-running application to set aside consent order with allegations of fraud. Settled on day 2 of final hearing.
- **D v D [2018]:** Ongoing contact/residence dispute over a child with counter-allegations of sexual abuse made by both parties.
- **E v E [2017]:** A case involving Schedule One applications, Grandparental contact applications and international relocation.

Children:

- **E v OG [2020]: Family Court:** Lead by Janet Bazely QC. A long running case involving 2 parents accused of inflicting significant injuries on their 6 week-old baby. 11 experts heard over the course of the hearing as to who caused the injuries.
- **K v K [2019]:** Against leading Counsel. Confidentiality agreement signed. International contact dispute.
- **Re LB v C [2019] - on-going:** Multi-week hearing involving multiple parties and vulnerable witnesses.
- **Re: H (Hair strand testing) 2017 EWFC 64:** The lead case on hair stranding testing in family proceedings.
- **Re: WCC & LBW v E,C,K & V EWFC 2017 [detention and torture of parent]** – a 21 day fact finding involving serious allegations of abuse.

Court of Protection

Court of Protection:

Edward is currently head of the Court of Protection Team at 9 Gough Square. He has an academic interest in and is the co-author of a popular text-book dealing with consent and in particular, determining consent for treatment in cases of brain injury / incapacitous adults. Due to his serious injury/clinical negligence practice he is able to provide a unique perspective into cases straddling the civil and Court of Protection jurisdiction and is sought out by solicitors nationwide for this knowledge.

Recent cases:

- **CCG v. AF [2020] EWCOP 16: Mostyn J:** The central question was whether it was in AF's best interests, a man in his 70s who suffered a stroke in 2016, to continue to receive clinically assisted nutrition and hydration (CANH). Case conducted on Skype and concluded in 4 days.
- **LBB v (1)NB(2)SA(3)AD(4)MB(5)SB [2019]:** Acting for Father of P. Intractable dispute between the family and the OS and the LA. Each side has differing views of the need for independence of P who is severely disabled but retains some capacity. A vitally important case listed for initially 5 days as reflected by the OS instructing leading Counsel and further listing in the High Court before Hayden J. The case has widespread importance for (a) to what extent are the views of family members considered in a hierarchy of importance of views and (b) how best to accommodate the views of P who has been heavily influenced by family members.
- **HS [2019] Cobb J and Lieven J High Court:** Acting for HS by her deputies. An application for approval of a course of IVF for a protected Chinese national and consequential visits to China by the Deputy. Heard in the High Court before Lieven J and Cobb J. Significant press coverage.
- **SF v. Norfolk CC and Dorset CC [2019] HHJ Marin:** Acting for SF's family. An important case exploring the extent of the duty to place and assess a young adult with significant needs. There was a substantial dispute between the Local Authorities and the OS.
- **ST v. CCC [2019] HHJ Davies High Court:** Acting for CCC. Listed before a s.9 COP judge. Intractable and complex dispute relating to the Local Authority obtaining access to assess ST whose family are refusing access to him. The case is on-going. An important case testing the limits of the Local Authority's powers to assess P when family members are not compliant.
- **LBL v DBE, EB, JPG [2017]:** Recently settled at RTM, avoiding 4 day final hearing. Against leading Counsel. Assets of over £1M, allegations of undue influence and exploitation. I was acting for EB and was running a new argument about 'social engineering' and best interests when determining a statutory will. Key issue was whether JPG had capacity to make a will transferring property etc. to EB. Importance reflected by instruction of leading Counsel by the OS. Welfare aspect continuing, against listed leading Juniors.
- **LBHF v LB, HF [2017]:** Acting for P, instructed by OS. An important case involving the consideration of whether a 17 year old should be told of his HIV status and how his care should be planned. Fundamental dispute between parent of P, the LA and the OS. Unusual case is that it straddles Family/COP jurisdiction. Being heard by DFC Tolson QC. Has had significant press interest and will be testing limits of 'right to know' diagnosis and whether declarations should be made as to P's treatment for the wider protection of the public.
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- **RE YW [2016 EWCOP 18]:** Acting for a Respondent. The leading recent authority on appointment of panel deputy and determination of best interests in light of a family dispute. I was instructed on a direct access basis. It is authority for (a) the importance of medical evidence establishing capacity to make decisions as to finance and (b) the analysis the Court will undertake when considering whether the costs of a deputy are appropriate set against a wide family dispute. Put shortly: whether a panel deputy should be appointed in all cases of family dispute.
- **LBI & (1)AA (2) DS, REGIONAL MANAGER, GCH (3) PN (4) IA (5) MA (6) AH (7) BM [2017]:** Acting for AH. Proceedings brought by LA about a dispute between care home and the family of P. Care home alleged abusive behaviour, family claimed negligent care. Unusual steps taken by the Court to join (personally) the regional manager of the care home (first occasion that has occurred) to give account of the care of P. A prominent case as evidenced by BBC reference to it. Wider importance as it covers an increasingly important issue in the care of the elderly: substandard care in homes and how the family can dispute it.

Recommendations



For more information please call our clerks on **020 7832 0500**

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