



# David Kemeny

**Year of Call:** 2016

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## Overview

David Kemeny accepts instructions for both Claimants and Defendants in a broad range of common law practice areas. He has a particular focus on personal injury, clinical negligence claims and procedural disputes, and is often instructed in cases involving issues of credit hire and fundamental dishonesty. In addition, David has experience of cross-border claims, economic torts, construction and other contractual matters, employment disputes and Crown Court defence work.

David is available for court representation, written advocacy and advisory work. He appears in court regularly for Fast Track trials, application hearings and case management hearings. David also has an increasingly busy paper-based practice, advising frequently on matters of liability, quantum, civil procedure and case management strategy, drafting statements of case, witness statements and questions to experts, and advising in conference.

David joined chambers following successful completion of pupillage in October 2021 and works predominantly out of chambers in Bournemouth. Prior to pupillage, David worked as a paralegal in a London firm specialising in personal injury claims, as a researcher for Practical Law and as a freelance county court advocate. He studied modern languages as an undergraduate and then international politics at postgraduate level, before converting to law where he developed a keen interest in mooting. He was rated Outstanding on the Bar Course, excelling in Civil Litigation and Civil Advocacy. Outside work, David enjoys chess and other strategy games, science fiction, travelling and attending live music performances.

## Academic qualifications

- BPTC (City University Law School)
- GDL (BPP)
- MSc International Politics (School of Oriental and African Studies)
- BA (Hons) French & German (University College London)

## Scholarships

- Lincoln's Inn Buchanan Award
- Lincoln's Inn Lord Denning BTPC Scholarship
- BPP Internal Mooting Competition winner
- Westminster University Mooting Shield winner

# Expertise

## Personal Injury

Personal Injury matters comprise the mainstay of David's practice, and he accepts instructions from both Claimants and Defendants in all related fields. His expertise covers road traffic accidents, slipping and tripping claims under the Occupier's Liability and Highways Acts, vicarious liability, employer's liability and public liability disputes. David is confident carrying out complex calculations of special loss, including multiple losses at varying periods and rates of interest, future loss of earnings and Fatal Accident Act dependency claims.

Examples of recent work include:

- Advising on quantum of general and special damages where medical evidence as to physical and psychological injuries is in dispute
- Advising on the recoverability of damages in relation a diagnosis of early-onset Alzheimer's Disease following a traumatic brain injury
- Drafting proceedings against multiple defendants in respect of injury caused by defective building works within a residential property
- Drafting proceedings against the Motor Insurers' Bureau
- Trial in respect of an assault by one serving prisoner against another on the Prison Estate

## Credit Hire

David is frequently instructed by both Claimants and Defendant to argue issues relating to credit hire charges. He is available to provide training and advise on matters of disclosure.

## International

David is developing a practice involving claims with an international element. He has previously advised on matters of cross-border service and jurisdictional challenges, claims involving foreign insurers, and claims brought under the Montreal Convention. David also accepts instructions involving accidents abroad, including package holiday claims.

David speaks fluent French and German and has a working understanding of Danish and Portuguese.

## Costs

David is quickly developing considerable expertise dealing with costs, in particular the application of fixed costs rules to cases commencing under the various low-value Protocols. He has experience of costs budgeting in Multi-Track cases, wasted costs orders, applications to disapply Qualified One-Way Costs Protection in personal injury cases, and advising on the costs of appeals in the High Court. David also accepts instructions in costs-only proceedings.

## Clinical Negligence

David's interest in clinical negligence predates his career at the Bar, having had early work experience of cases involving neurosurgical expert evidence. His rapidly-developing clinical negligence practice encompasses written advice on pre-action conduct and settlement, breach of duty, causation and quantum; drafting pleadings, including High Court cases; and advising in conference. His recent experience includes cases of:

- Delayed diagnoses
- Negligent treatment
- Withdrawal of treatment
- Fatal Accident Act claims

## **Contractual disputes**

David accepts instructions for advocacy and drafting in matters of contract. His advisory and trial experience covers claims for the supply of goods and services in both consumer and business-to-business matters and the validity of hire-purchase agreements.

## **Articles**

David Kemeny analyses the case *Armstead v Royal & Sun Alliance Insurance Company Limited* [2024] UKSC 6, which is of immense importance to understanding the fundamental legal principles underpinning the recoverability of damages in the law of tort, and should be read by students and practitioners alike.

[View Article](#)

David Kemeny reviews the regulatory regime concerning the use of electric scooters, in light of their growing popularity and the increasing number of trials taking place in the UK, from Truro to Teeside and Copeland to Canterbury.

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