



Hamish Dunlop

Year of Call: 1991

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Overview

Hamish Dunlop is an experienced family law advocate and is head of the 3PB's Family Finance group.

Hamish's family law practice is concerned with the financial claims of: spouses on divorce; co-habitees upon separation and dependants from the estate of a deceased. In the context of financial provision on divorce, he has particular expertise in cases involving family businesses; professional clients and the military.

He advises and represents co-habitees, co owners and other family members on property issues including legal and beneficial ownerships and promissory and proprietary estoppel.

Hamish was until 2012 the Chair of the Hampshire Family Justice Money and Property Committee. He is regularly invited to lecture at external conferences and offers bespoke in-house training seminars for clients.

Hamish is also a clinical negligence specialist. His practice includes high value claims and he advises on personal and medical short term and long term care and life time housing requirements where appropriate.

Hamish's recent important cases have involved failures in GP referrals leading to cauda equina lesions and subarachnoid haemorrhage. His claims against Hospital specialists have included: A&E Departments; obstetrics; orthopaedic and general surgery.

He also undertakes product liability claims.

Hamish is experienced in claims involving: housing requirements; lifetime care and complex dependency claims.

Recommendations

'A lateral thinker who is always meticulously prepared.'

Legal 500 2020/Family and children law – Leading juniors

'Commands attention in court.'

Legal 500 2020/Clinical negligence – Leading juniors

'Highly recommended for financial provision cases.'

Legal 500 2018/19/Family and children law – Leading juniors

'Well known for his expertise in clinical negligence matters.'

Legal 500 2018/19/Personal injury and clinical negligence – Leading juniors

'He builds affinity with clients and wins their confidence very quickly.'

Legal 500 2017/Family and children law – Leading juniors

'Very experienced across the spectrum of personal injury law.'

Legal 500 2017/Personal injury and clinical negligence – Leading juniors

'He has excellent rapport with clients and is truly knowledgeable in the complex field of financial remedy.'

Legal 500 2016/Family and children law & Personal injury and clinical negligence – Leading juniors

'He has a fantastic rapport with clients and really knows his stuff'

Legal 500 2015/Family and children law & Personal injury and clinical negligence – Leading juniors

'Highly skilled in respect of pleadings, court presence and dealing with experts.'

Legal 500 2014/Personal Injury and Clinical Negligence.

'Precise and thorough'.

Legal 500 2014/Family

'always conducts himself with the utmost professionalism'.

Legal 500 2013/Family

'court demeanour is controlled and eloquent'.

Legal 500 2012/Family.

Heads the set[*'s* Family Finance team] and focuses his practice on all financial cases arising from the dissolution of relationships, including hereditary cases. His particular areas of expertise include cases involving family businesses and property-based assets.

Strengths: "Brilliant in court and knows when to speak and when not to. He's a careful planner, who's meticulous with everything and covers all bases."

Recent work: Appeared in *Owens v Owens*, representing the respondent husband in a petition for divorce.

Chambers UK 2020/Family Matrimonial Finance – London Bar – Band 4

Head of the national family group at 3PB and an authority in the field of finance-based family law. He concentrates on litigating claims relating to separation, divorce and inheritance and deals with assets of all kinds, often in multiple jurisdictions. He is noted for his knowledge of wider commercial and military issues.

Strengths: "Hamish Dunlop is a formidable barrister with the ability to think laterally and give practical, simple options in the most complex of cases. He has great attention to detail and is always well prepared. He can cut through the detail and gives pragmatic and sensible advice." "He's very measured and clear in his approach and advice. He is an excellent team player for complex matters requiring careful and considered attention."

Chambers UK 2020/Family Matrimonial – Western – Band 3

Continues to manage a broad clinical negligence practice that encompasses cases concerning obstetric and orthopaedic injuries, including negligence stemming from general surgery. He offers a wealth of experience in complex dependency claims, as well as claims involving housing requirements and lifetime care.

Strengths: "He's got a very analytical brain: he tends to cut to the chase and is very good on damages and finances." "He is extremely thorough and very careful in everything he says and does."

Chambers UK 2020/Clinical Negligence – Band 1

"Hamish is outstanding with numbers; he's like a human calculator." "He is very well prepared, and has a nice client manner and good judgement. He's analytical and possessed of a good mind."

Recent work: Represented the respondent in a petition for divorce in the case of *Owens v Owens*. After Mrs Owens's appeal was dismissed by the Court of Appeal, the case has now gone to the Supreme Court.

Chambers UK 2019/Family Matrimonial Finance – London Bar

"Thorough, meticulous, pragmatic and a great advocate on his feet."

Recent work: Represented the respondent in *Owens v Owens*, a much-publicised petition for divorce based on allegations of unreasonable behaviour.

Chambers UK 2019/Family Matrimonial - Western

"Exceptionally good advocate and very skilled in negotiations." "He is excellent with clients and experts, knowledgeable and experienced in a variety of matters from complex orthopaedic claims to laparoscopic surgery." "Very good in court and does not get fazed if information is provided at the last minute."

Chambers UK 2019/Clinical Negligence

'A popular choice among claimants for challenging cases, he is especially renowned for his strength in cauda equina matters. He also handles catastrophic brain injury and birth injury cases stemming from failures in general practice.'
Strengths: "He's very good at breaking things down and getting to the root of legal and medical issues. In conferences he reins clients in, manages their expectations and explains the area in a way they can understand." "He handles tricky cases very well. He's good with the client and is good on detail."

Chambers UK 2018/Clinical Negligence

'Recognised for his approach to complex cases, he demonstrates particular expertise in handling cauda equina matters. He provides additional support on care and housing requirements, as well as on dependency claims.
Strengths: "He is very thorough and approachable." "His real strength is in the testing of evidence. He can focus on factual evidence and chronology very well."

Chambers UK 2017/Clinical Negligence

'Has a strong practice focus on clinical negligence work, with complementary experience in the related areas of care and housing requirements for the afflicted. He particularly specialises in dependency claims being brought by spouses, children and partners.
Strengths: "His strengths are the way he handles sensitive clients with serious injuries, emotional clients, and his technical ability." "His attention to detail, responsiveness and client care are the best of the best."

Chambers UK 2016/Clinical Negligence

'Undertakes a wide range of work, with proficiency in cases relating to accommodation needs and lifetime care. In addition, he specialises in dependency claims brought forward by partners and children.
Expertise: "He's extremely user-friendly and clicks very well with clients."

Chambers UK 2015/Clinical Negligence

'...barrister with a significant reputation in the field. He is noted for his expertise in high-value serious injury and fatality claims.
Expertise: "He has extreme attention to detail and exceptional client care skills." "He is brilliant. I always recommend him as my first choice for clients."

Chambers UK 2014/Clinical Negligence

"I engaged Hamish on a Direct Access Basis from Canada. His attention to detail, consideration, intelligence, and thoughtfulness was outstanding in the case to a successful outcome, in winning the case. I recommend him highly and I believe you would be lucky to secure his services."

Shamila Mackie, direct access client

Professional qualifications & appointments

- Accredited Mediation Advocate

Professional bodies

- Family Law Bar Association
- Western Circuit

Expertise

Family

Hamish's family law practice is concerned with the financial claims of: spouses on divorce; co-habitees upon separation and dependants from the estate of a deceased. In the context of financial provision on divorce, he has particular expertise in: cases involving family businesses; professional clients and the military.

He advises and represents co-habitees, co-owners and other family members on property issues including: legal and beneficial ownerships (and the Court's powers under TOLATA); promisory and proprietary estoppel. He advises on Inheritance Act claims.

Hamish provides pragmatic advice to clients in a sympathetic manner; he is robust and dogged in their representation. He is described in the 2016 edition of the Legal 500 as having: 'an excellent rapport with clients and is truly knowledgeable in the complex field of financial remedy.'

Hamish has been Head of the Family group at 3PB since 2015.

Private Remote FDR Hearings

Hamish is available for private remote FDR hearings. For more information on private remote FDR hearings please click [here](#).

Recent cases

Owens v Owens ([2017] EWCA Civ 182) {2018} UKSC 41

Acting for a Husband who has successfully contested his Wife's petition for divorce based on grounds of unreasonable behaviour. The Court of Appeal and supreme Court both rejected the Wife's appeal.

C v C (2016)

Acting for a Wife in her claim for financial provision from Husband. Although the parties themselves had modest assets, Wife was defending Husband's attack on a family trust in which she had an interest: both in relation to income (until her father's death) and thereafter capital. The Trust was valued at £3.5M.

B v B Roberts J. High Court (2015)

Financial Provision on Divorce. Parties own and Husband operated a successful general trading business from a site in Oxfordshire. The parties thereby acquired and retained a portfolio of UK investment properties. Value of assets = c.£14M. Husband disposed of a number of the properties into offshore trusts which Wife is attacking. The Oxfordshire business site is currently under development for residential housing and there are complicated tax issues.

A v V ((2015) CFC)

Applications for: a declaration of paternity and relief under Schedule 1 of the Children Act 1989. Representing a UK resident mother in her applications against a Dubai-based businessman father. Father was extremely wealthy and chose not to disclose his assets, running a 'millionaires defence'. The case involved issues of: jurisdiction and the extent to which a previous agreement reached by the parties should be binding on them.

MB v The Executors of EB (Deceased) ((2016) Bristol CC)

Representing a widow on her application for financial provision from her deceased husband's estate. Her husband's estate left nothing to the widow save an entitlement to remain at her family home for life.

D-C and ors v The Personal Representatives of N-C (2013)

Inheritance Act claim. The claim was brought by a number of dependants against the estate of the deceased who was a property developer on the South Coast. The estate included a number of properties and the shares in the deceased's company.

S v D (2013)

Financial claims between a Cohabiting Couple. Competing claims to various interests in the parties' family home; farming business and associated farmland.

C v R (2013)

Financial claims over Dynastic Wealth within a Family. Competing TOLATA claims concerning 2 existing properties but involving tracing financial interests through a 3 further houses.

Publications

3PB's specialist family law barrister Hamish Dunlop authors Divorce for a modern age: The divorce, dissolution and separation bill [HL] 2019-21.

[View Publication](#)

Read Hamish Dunlop's lecture notes on Owens v Owens, a groundbreaking divorce case scheduled to go to the Supreme Court. Hamish's analysis explains why this case could lead to the introduction of no-fault divorce in the UK.

[View Publication](#)

3PB's family law barrister Hamish Dunlop provides insightful commentary on the Sharland and Gohill cases.

[View Publication](#)

Head of 3PB's Family Law Group Hamish Dunlop draws conclusions from The Blue Cross and others v. Heather Ilot [[2017] UKSC 17].

On 15th March 2017, the Supreme Court gave judgment in the appeal of The Blue Cross and others –v- Heather Ilot [[2017] UKSC 17]. The case concerns Mrs Ilot's application brought under the Inheritance (Provision for Family and Dependents) Act 1975 ('the Act').

Although the Act is now over 40 years old, it has never received substantive review by the most senior Court in the country. This appeal has therefore been eagerly awaited by practitioners in the expectation of guidance in particular in relation to: managing the frequent tension between a Claimant's needs and the testator's wishes; and the definitions of reasonable financial provision and maintenance under the Act.

The case concerns the class of Claimant whose dependency arises in a context of being other than a spouse or civil partner. It obviously remains to be seen whether the Court will now find an opportunity to review the law in cases involving a spouse as Claimant. In the meantime, this case provides specific assistance in relation to 'non-spouse' cases and some general jurisprudence in relation to all claims under the Act.

[View Publication](#)

Clinical Negligence

Hamish is an experienced personal injury and clinical negligence barrister who enjoys a formidable reputation for his expertise and client friendly manner. He advises and represents clients on a range of personal injury and clinical negligence claims, involving both serious injury and death. His practice includes high value and sometimes high profile claims and he advises on personal and medical short term and long term care and life time housing requirements where appropriate.

He also undertakes product liability claims. Hamish is experienced in claims involving: housing requirements; lifetime care and complex dependency claims. As an ancillary relief practitioner, he has a particular specialism for dependency claims by wives; partners and children.

Regarding his clinical negligence, advice has included failures in GP referrals leading to: cauda equina lesions; subarachnoid haemorrhage; and limb amputations. His claims against hospital specialists have included A&E Departments; obstetrics; orthopaedic and general surgery. Until 26, Hamish sat as a legal assessor for the Nursing and Midwifery Council Disciplinary

Committees.

Recent cases

- **RS v Hospital NHS Trust.** Negligent hospital treatment around the time of the Claimant's birth, resulting in brain injury and disability: developmental delay; epilepsy and significant visual impairment. Liability admitted, valued at £30M. Extent to which the Claimant would have followed their parent's professional career to be examined.
- **KH v Hospitals NHS Trust.** Negligent L4-S1 Spinal Fusion procedure ('the fusion surgery') at the hospital resulting in damaged nerve root, nerve root pain and foot drop. Unwarranted delay in exploring and draining a haematoma developed during Revision Surgery, which became secondarily infected. Significant symptoms continuously experienced by the Claimant and unnecessary treatment.
- **SN v Hospital NHS FT.** Failure by the Hospital to carry out routine colonoscopy surveillance in patient diagnosed with ulcerative colitis. Development of a tumour of the ileo-caecal valve went undetected and though finally removed and despite chemotherapy treatment, the patient died.
- **RB v Hospital NHS FT.** Failure by the hospital to carry out careful management and regular colonoscopies in Claimant diagnosed with anal neoplasia II / III (AIN). Further failure by the hospital to refer patient for tests after clinical signs became suspicious. Claimant developed anal cancer which could have been treated earlier with proper management.
- **ND v Hospital NHS Trust.** Patient admitted to hospital due to cauda equina lesion in her spine. Failure by the hospital to immediately refer the patient to an Orthopaedic Department for further investigation and treatment, despite obvious symptoms. Wrong discharge from the hospital, after which the Claimant's progressed and she suffered deterioration in her condition.
- **PG v Hospital NHS Trust.** PG suffers from a constitutional degenerative disorder of the lumbar spine. Failure by hospital to refer patient to specialist department despite symptoms consistent with a cauda equina syndrome ('CES'), leading to deterioration of their condition, which then required L4/5 decompression / discectomy procedure to relieve the CES.
- **KD v Hospitals NHS FT.** 20 year old Claimant diagnosed with indeterminate colitis. Failure by hospital to monitor toxicity of patient's treatment with Mesalazine. Claimant suffered interstitial nephritis as a result, leading to renal impairment. The Claimant will suffer end-stage renal failure which will require a live-donor transplant.
- **JN v University Hospital NHS Trust.** Following unavoidable complications suffered during a surgical decompression procedure at L2/3 to L4/5 ('the surgery') the hospital failed to closely monitor the Claimant's neurological status after the operation. Claimant developed neurological symptoms including: loss of perineal sensation; loss of bowel function and impairment of bladder function. The Claimant thereby suffered an avoidable deterioration in her neurology; unnecessary pain and consequential losses.
- **MW v NHS FT Hospitals.** Failure by hospitals to twice diagnose an identifiable rupture to anterior cruciate ligament (ACL). Damaging referral for physiotherapy. Sustained unnecessary injury and avoidable losses.
- **CD v NHS Hospital Trust.** Sub-standard treatment provided to a young patient during spinal surgery and post-operatively. The failures led to a significant loss of lower limb function and permanent pain.
- **AB v NHS Hospital Trust.** Failure adequately to remove all products of conception following a birth by Caesarean section. The Claimant ultimately required a total abdominal hysterectomy, substantial urinary and bowel symptoms.
- **M v Dr C and NHS Direct.** Failed diagnosis by NHS Call Direct GP and nurse. They both failed to diagnose a subdural haematoma which led to an aneurysm and very significantly cognitive and functional impairment. The Claimant requires long term care in a residential setting.

Publications

Hamish Dunlop's briefing on recent SC case of Montgomery v Lanarkshire Health Board ([2015] UKSC 11)

[View Publication](#)