

Thomas O'Donohoe

Year of Call: 2007

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Personal Injury

Thomas acts for claimants and defendants on fast and multi-track claims on matters of liability, quantum, costs and procedure. His work ranges from providing pre-action advice to drafting, conducting interim applications, and appearing at trial.

Recent cases have included:

- determining whether or not a defendant would be permitted to call its own expert evidence in relation to an alleged LVI collision
- determining the claimant's 'employer' and applying the tests for the alternative bases of liability under the health and safety regulations
- a local authority's liability for a dangerous defect on the highway
- employer's liability for an unsafe system of maintenance work
- occupier's liability for spillages in a nightclub
- split liability for a motorway road traffic accident
- costs budgeting in a multi-track claim involving complex orthopaedic evidence
- the assessment of general and special damages for burn injuries and complex dental injuries sustained by two young children
- the evaluation and settlement of a potentially career-long loss of earnings claim arising from alleged reduced cognitive abilities and involving intended future work outside the UK
- the assessment of loss of earnings in respect of a claimant self-employed through a limited company structure and also as a sole trader and employee
- the analysis of covert surveillance evidence of a claimant said to have been exaggerating her injuries

Thomas has a great deal of recent experience with costs budgeting and recently presented an update on that subject on behalf of the PI group to clients and solicitors of chambers.

Recent experience on behalf of defendants in particular includes striking out credit hire and other financial claims when instructed on behalf of a major regional bus company; striking out and obtaining an 'exceptional circumstances' costs award under section IIIA of CPR Part 45 in favour of a defendant to a personal injury claim; cross-examining a claimant at a hearing for the assessment of damages resulting in a significant reduction in general damages from the level indicated by the Judicial College guidelines; and representing multiple defendants at trial defending claims brought by multiple claimants.

Thomas is a member of the Personal Injuries Bar Association and is happy to accept instructions on a conditional fee basis where appropriate.

Credit Hire

Thomas is regularly instructed by claimants and defendants in proceedings involving claims for credit hire charges, often in addition to other heads of loss including personal injuries. Thomas has particular experience of the operation of the Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008 and the analysis of rates evidence including cross-examination of the authors of rates reports. Thomas has also recently advised on claims for credit hire charges in respect of a damaged PSV licensed vehicle in a case also potentially engaging the *ex turpi causa* principle on the basis of unlawful loss of use as well as requiring consideration of relevant VOSA guidelines and the adequacy of the claimant's insurance for hire and reward purposes under s.145 of the Road Traffic Act 1988.

Recommendations

"Many thanks for your help with this case and for securing an excellent result – the client was very complimentary about you and it is obviously of particular importance where we aren't attending hearings to have a personable barrister with strong client management skills." - instructing employment solicitor, 2017.

"Please extend my thanks to Mr O'Donohoe for this comprehensive submission. Your choice in him was very well placed" – whistleblowing claimant client represented successfully by Thomas at ET and EAT level.

"Tom's approach was exceptionally thorough and this gave our client great confidence in his advice in a case involving complex variables about future loss of earnings" – instructing PI solicitor.

"Thank you for your outstanding work on this case. I look forward to working with you again" – instructing solicitor in successful defence of claims of unfair dismissal and whistleblowing.

"We instructed Tom in a recent RTA case involving a father and his daughter who both suffered substantial physical and psychological injuries. Both have been impressed not only by Tom's thoroughness and attention to detail but also by the sympathetic treatment and understanding they have received from him throughout" – instructing PI solicitor.

"Thomas has been instructed on a number of occasions and has proved to be excellent...exceptional legal knowledge within his selected area... . A fantastic ability to quickly understand complex issues within a short space of time and the ability to analyse and deal with a large amount of information without prompting.... Clients find him to be an excellent orator with fantastic diction and cross examination skills... a trusted advocate and is recommended amongst fee earners in the department... determined to succeed on behalf of clients" – head of employment law at a firm of instructing solicitors.

Academic qualifications

- BA Hons (Oxon), Magdalen College, Oxford
- Tutorial Prize in Modern History, Magdalen College, Oxford (2000/1)
- Exhibitioner, Magdalen College, Oxford (2000/1)
- Graduate Diploma in Law, City University (Distinction)
- Bar Vocational Course, Inns of Court School of Law (Outstanding, 4th in year)

Scholarships

- Lord Brougham Scholarship, Lincoln's Inn (2005)
- Hardwicke Entrance Award, Lincoln's Inn (2005)
- Lord Mansfield Scholarship, Lincoln's Inn (2006, Highest award available for the BVC)
- Barstow Scholarship, Inns of Court School of Law (2007, for coming 4th in the year on the BVC)
- Buchanan Prize, Lincoln's Inn (2007, for obtaining 'Outstanding' on the BVC)

- Sunley Scholarship, Lincoln's Inn (2007)

Professional bodies

- Employment Law Bar Association (ELBA)
- Personal Injury Bar Association (PIBA)
- Appointed to the London C Panel of Junior Counsel to the Crown