



## Christian Du Cann

**Year called** 1982

**Email** christian.ducann@39essex.com

Christian has appeared in both *Chambers Directory* and the *Legal 500* as a leading junior barrister in personal injury every year since 1998. He is also ranked for Industrial Disease in *Chambers & Partners*. He appears in court frequently against silks, and acts for both Claimants and Defendants. *Chambers & Partners* also named Christian in the Chambers 100, a list of the top 100 juniors practising at the Bar across all practice areas.

### Qualifications

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BA (Cantab)

### Practice Areas

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Personal Injury  
Clinical Negligence  
Professional Negligence  
Health & Safety

### Recommendations

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*Chambers & Partners* 2015 name Christian as a Star Individual for Personal Injury, they also rank him for Health and Safety law. *Legal 500* 2014 name his as a top ranked junior for Personal Injury.

Christian was named Personal Injury junior of the year at the *Chambers Bar Awards* 2005 and as the top ranked junior for Personal Injury in the *Legal 500* 2009.

### Quotes

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*"A superb advocate in Crown Court." "He's very good at taking difficult points and is really good at mitigation."*

*Chambers & Partners* 2015

*"He's extremely intelligent, and very good at cutting through issues and seeing the nuances in a case. You can put him up against any silk you care to name."* *Chambers & Partners* 2015

*"He's a tremendous advocate, and somebody who really fights your corner in the courtroom."* *Chambers &*

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**Tel:** +(60)32 271 1085

Partners 2015

"An excellent courtroom advocate, who is very impressive with clients." Legal 500 2014

"Very astute" Legal 500 2014

"A favourable choice for solicitors." Legal 500 2014

"He's very approachable and easy to engage with, but once you put him in a courtroom he becomes keenly focused. Just because he hasn't got QC after his name doesn't mean you wouldn't put him up against a leader."

Chambers & Partners 2014

"He gets stuck in and really quite tangibly fights for his client in his cross-examinations and speeches." Chambers & Partners 2014

"A very smooth advocate indeed," "his advocacy is brilliant." Chambers & Partners 2014

"simply outstanding on his feet" Legal 500

"the ability to see matters from both sides" Chambers & Partners 2009

"very bright, tough cross-examiner who cuts to the crux of an issue" Chambers & Partners 2009

"He's immensely experienced" Chambers & Partners 2009

"You can throw anything at him and he'll manage" Chambers & Partners 2009

"a very amenable style and can put difficult points over quite well" Chambers & Partners 2009

## Cases

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### Personal Injury

**Amarjit Kaur Bhamra (Widow & Administratrix of the estate of Kuldip Singh Bhamra, Deceased) v Prem Dutt Dubb (t/a lucky caterers)** 20 January 2010 [2010] EWCA Civ 13

Sikhism forbade the consumption of eggs and therefore a caterer at a Sikh wedding was under a duty to take reasonable care not to serve dishes containing egg.

**Vowles v Evans and Welsh Rugby Union Ltd** [2003] EWCA Civ 318; [2003] 1 WLR 1607

Duty of care and standard of care in the context of refereeing a rugby match during which a front row forward sustained a catastrophic neck injury.

**Campbell v Conoco (UK) Ltd (CA)** 2 May 2002 (2003) 1 All ER (Comm) 35

An indemnity clause regarding injury arising out of, or in connection with, the performance or non-performance of a contract.

**Stacey v National Leisure Catering Ltd (CA)** Lawtel 6/3/2001

Acted for claimant suffering from somatoform disorder resulting from minor head injury sustained in road accident.

### Professional Negligence

**McCann v Wimpey Construction (UK) Ltd (CA)** 11 November 1999 Lawtel 11/11/1999

Where, during a period of inordinate and inexcusable delay, the defendant's liability for damages had increased by virtue of the coming into force of the Social Security (Recovery of Benefits) Act 1997, the defendant could not claim to have suffered financial prejudice since the claimant had undertaken to reimburse the defendant out of the final award of damages.

### Health & Safety

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## **R v Balfour Beatty and Railtrack [2005]**

Prosecutions arising out of the Hatfield rail crash.

## **Hatton v Cooper (CA) 3 May 2001 (2001) RTR 544**

Where there was no evidence to indicate that one party was more culpable than the other, responsibility for a road traffic accident was shared equally.

## **Experience & Expertise**

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He has a special interest in medico-legal work and the majority of his personal injury practice comprises claims involving either catastrophic injury or industrial disease. He has particular experience in employer's liability claims and appeared for many public companies through almost all the major EL/PL insurers defending claims involving stress, abuse, asbestos, WRULD and VWF.

He appears regularly in the criminal courts defending HSE prosecutions. He is fully conversant with the recurring liability issues in road traffic and work-place accidents, public liability claims, foreign torts and sports accidents.

Christian has also practised clinical negligence for the past 10 years as a significant part of his established medico-legal practice acting for both Claimants and Defendants in the usual areas associated with such claims: cerebral palsy, obstetric mismanagement, meningitis, maxillo-facial and cleft palate surgery, cardiac surgery, orthopaedic surgery (especially the upper limb), spinal surgery, and psychiatric management of patients. He is fully conversant with the required analysis of breach and causation elements in issues of liability, together with a ready understanding of all quantum matters having been involved in high value claims often involving structured settlements of each type.

Reported cases include:

The Marchioness inquiry/prosecution/civil claims

*R v P & O Ferries* [Zeebrugge ferry disaster]

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