



Daniel has a broad civil practice, and specialises principally in the fields of personal injury and clinical negligence, insurance fraud, costs, inquests and inquiries, and health and safety. He has a busy court practice in the County and High Courts alongside an active advisory and paperwork practice in his key specialisms.

He is currently instructed as junior counsel to the Grenfell Tower Inquiry alongside his court practice.

In his spare time, Daniel is a contributing expert to Lexis Nexis PSL in the fields of Personal Injury, Clinical Negligence and Dispute Resolution, and is a trustee of Pro Bono Community, a charity that provides training and placements to law students in advice centres across London.

PRACTICE AREAS

- Personal Injury and Clinical Negligence
- Insurance Fraud
- Costs and Litigation Funding
- Inquests and Inquiries
- Product Liability
- Insurance Law
- Health and Safety

PRACTICE AREAS

PERSONAL INJURY AND CLINICAL NEGLIGENCE

Daniel is frequently instructed in fast- and multi-track personal injury cases for both claimants and defendants. His multi-track practice includes several six-figure claims in which he is instructed as sole counsel. He is often instructed to draft pleadings, Schedules and Counter-Schedules in high-value cases and is familiar with issues of complex evidence and medical causation.

Daniel is available to advise on liability across a broad spectrum of cases, including road traffic accidents, Highways Act claims, occupiers' liability and employers' liability. He is well placed to advise on EL/PL claims due to his related specialisms in coronial law and Health and Safety, and has extensive experience of Fatal Accident Act claims.

In respect of clinical negligence, Daniel is instructed by both claimants and defendants and is familiar with issues raised by, for example, complex expert evidence, delayed diagnosis and causation. He also has experience in healthcare inquests, and has provided early advice in cases where both inquest and civil proceedings are contemplated. He has advised on admissions of liability in civil proceedings whilst coroners' investigations are ongoing, and on recovery of related costs.

Daniel appears in court for trials and interlocutory hearings on a regular basis before both District and Circuit Judges. He has extensive witness handling experience, particularly in cases involving complex expert evidence.

Prior to pupillage, Daniel worked as a paralegal to a senior junior practising solely in catastrophic personal injury. He is proficient at drafting complex Schedules and Counter-Schedules in high-value personal injury and Fatal Accident Act cases, particularly those involving dependency, care, accommodation/adaptions and loss of earnings/pension. Daniel is available to advise on complex quantum and future loss issues.

INSURANCE FRAUD

Daniel appears in court on a regular basis in cases in which fraud or fundamental dishonesty is alleged. He is instructed in trials involving fraudulent elements such as low-velocity impact, phantom passenger, staged/fabricated accidents and exaggerated claims. He is in particular demand from insurers in motor fraud cases and has experience of advising on indemnity concerns. Clients praise his attention to detail in case preparation and his persuasive cross-examination. He is skilled at witness handling in claims involving inconsistent or exaggerated evidence. He is also familiar with credit hire cases and related fraud concerns.

Daniel is regularly instructed at an early stage in cases where fraud is suspected or alleged and is happy to advise on tactics and the best presentation of the evidence in a case. He is in regular demand to draft robust and comprehensive defences in such cases.

COSTS AND LITIGATION FUNDING

Daniel practises in costs law and has been instructed in cases dealing with a wide range of matters such as the recoverability of ATE premiums and joint or several liability. He is familiar with the law in respect of both pre- and post-LASPO costs and is available to advise on tactics and procedure in relation to Detailed Assessment Hearings and related applications. He is also available to assist in cases where his specialisms overlap, for example recovering costs of inquest proceedings in subsequent civil litigation.

As a personal injury specialist, Daniel is familiar with all aspects of costs as they relate to PI and clinical negligence cases. He is frequently instructed in Costs and Case Management Conferences as well as costs applications that arise in civil proceedings. He has a full understanding of the exceptions to Qualified One-Way Costs Shifting and has been successful in recovering costs under both CPR r44.15 and CPR r44.16 in bespoke applications. He has also been instructed in applications for wasted and indemnity costs as well as in relation to Part 36 offers.

INQUESTS AND INQUIRIES

Daniel has a significant practice in Inquests and Inquiries, both in his own right and as a junior. He has since 2017 been instructed on the Grenfell Tower Inquiry as junior counsel, led by Kate Grange QC (39 Essex Chambers) and

Richard Millet QC (Essex Court Chambers). He is familiar with the specific challenges posed by ongoing and high-profile cases. Prior to his work on the Grenfell Inquiry, Daniel was involved in the second Deepcut Inquest and the inquests arising from the terror attacks on Westminster Bridge.

Daniel is also instructed as sole counsel in inquests and is familiar with all aspects of coronial law such as the applicability of Article 2, whether a jury is required and the conclusions available to a coroner. He has been instructed in inquests arising out of contexts including terror attacks, national disasters, clinical negligence and road traffic accidents.

Daniel is available to advise at an early stage in respect of disclosure, procedure and tactics, as well as to provide representation at both Pre-Inquest Review Hearings and Final Hearings.

PRODUCT LIABILITY

Daniel has been involved in a number of claims arising out of defective products brought under the Consumer Protection Act 1987 as well as in negligence and contract. He is familiar with the standard causes of action, as well as advising on appropriate defendants in both EU and non-EU contexts. He is comfortable dealing with the strict liability nature of such claims, and is well placed to act for both claimants and defendants.

He is available to advise on liability, procedure, and appropriate expert evidence, as well as to settle pleadings and attend court in such cases.

INSURANCE LAW

Daniel is familiar with a range of insurance law issues, including policy coverage, construction, indemnity, and non-disclosure. He has advised in cases arising out of double coverage, particularly when fleet and employers' liability policies overlap, and has provided training to solicitors' firms working in insurance law. He is further familiar with subrogated claims and rights of action.

His insurance expertise complements his Personal Injury and Health and Safety practices. Accordingly, he is well placed to advise on insurance disputes arising from road traffic accidents and accidents in the workplace.

HEALTH AND SAFETY

Daniel is instructed to defend organisations and individuals in health and safety cases arising out of HSE and Local Authority prosecutions in both the Crown and Magistrates' Courts. He has a particular interest in sentencing practice in Health and Safety cases. He has been involved in prosecutions in a range of circumstances including accidents in factories, warehouses and care homes.

Due to his Health and Safety experience, Daniel is well placed to advise on occupiers' and employers' liability in civil cases, as well as the overlap between related criminal and civil proceedings.

CASES

Inquest touching upon the death of Jonathan McCarthy

30.04.2019

Barristers involved: Daniel Laking

Daniel represented the family of Jonathan McCarthy in the inquest into his death.

Mr McCarthy died whilst an inpatient at the Tunbridge Wells Hospital at Pembridge in October 2018. He was a Type 1 diabetic who had been successfully maintaining his insulin regime for the entirety of his adult life. During admission, his insulin regime was managed by clinical and nursing staff. His blood sugar was allowed to increase to such levels as to be unreadable for a period of almost twenty-four hours. He subsequently died of Diabetic Ketoacidosis, an acute condition caused by extremely high blood sugar levels.

Mr Roger Hatch, Senior Coroner for North West Kent, found that the Trust failed to correctly monitor Mr McCarthy's blood glucose levels, failed to undertake ketone testing when it was clearly indicated, failed to administer the correct doses of insulin, failed to provide adequate nursing care and failed to escalate to the on call medical team when it was clear this should have been done.

He recorded a narrative conclusion that the death was due to the failure of Maidstone and Tunbridge Wells Hospital Trust to check frequently for high blood sugar levels or ketones and as a result of no action being taken, Mr McCarthy developed Diabetic Ketoacidosis from which he died. The Coroner also made a Preventing Future Deaths report pursuant to Schedule 5 Paragraph 7 Coroners and Justice Act 2009.

Further information can be found [here](#).

Grenfell Tower Inquiry

The Grenfell Tower Inquiry is examining the circumstances leading up to and surrounding the fire. Sir Martin Moore-Bick was appointed as the Chairman of the Inquiry by the Prime Minister on 28 June 2017. The Inquiry is investigating a List of Issues that has been separated into two phases. Phase 1 focuses on the factual narrative of the events on the night of 14 June 2017. Phase 2 of the Inquiry examines the causes of these events, including how Grenfell Tower came to be in a condition which allowed the fire to spread in the way identified by Phase 1.

Daniel is instructed as a junior to the Inquiry. He is primarily involved in work on the construction team for Phase 2 and is responsible for issues to do with testing, design and installation of the cladding system. He has also been involved in disclosure and managed a team of paralegals and junior barristers undertaking a document review exercise.

APPOINTMENTS

Lexis Nexis Personal Injury Panel Expert
Personal Injury Bar Association Committee Member
Trustee, Pro Bono Community

MEMBERSHIPS

Health and Safety Lawyers' Association
Personal Injury Bar Association

QUALIFICATIONS

New College, Oxford University: BA (Hons) Music
City University, London: CPE/GDL (Commendation)
City Law School, London: BVC/BPTC (Outstanding)

Awards:

Buchanan Prize
Shelford Scholarship
Lord Denning Scholarship
Lord Haldane Scholarship
Hardwicke Entrance Award

ADDITIONAL INFORMATION

During his legal studies Daniel volunteered for the South West London Law Centres Network and Greenwich Housing Rights, providing pro bono representation to members of the public facing possession proceedings in his local community. Outside of the law, Daniel is a keen musician and frequently undertakes concerts and tours as a singer (when time permits).

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