David Calvert

YEAR OF CALL 1995

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AREAS OF EXPERTISE

Travel & International Personal Injury Law, Personal Injury, Insurance Fraud, Employment



General CV

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Profile

Born and brought up in the North West, David has been in chambers in Manchester since 1995. Since qualification he has covered a wide range of commercial and common law work but has now specialised in personal injury law; however, he also has extemsive experience in employment law.

His personal injury practice covers most areas of work, but with particular expertise in employer's liability, occupier's liability, Highways Act claims, road traffic litigation (both in the UK and abroad) and in particular holiday accident/illness cases.

He is also developing a practice defending cavity wall claims which appear to be a growth area amongst claims management companies.

In all his areas of his work he has substantial experience in advising, drafting and representing Defendants as to how to tactically deal with claims where there are concerns and allegations of fraud, exaggeration and fundamental dishonesty.

David has a thriving practice defending all types of accidents abroad. In particular he is regularly instructed by the country's largest holiday firms in defending both holiday illness claims and accidents within hotels. He will provide advice from pleadings all the way to trial.

At trial he has an enviable track record and is highly regarded for his advocacy.

He has no nonsense approach to litigation and is a tenacious cross examiner.

Although he now accepts instructions mainly from Defendants, he does undertake some Claimant work having cut his teeth originally in this area. A substantial proportion of his PI practice is multi-track work where claims regularly exceed £100,000 and often £1m.

David's experience in employment work covers both appearances and advisory work in both the English and Scottish tribunals. He has appeared, with some regularity, in the Employment Appeal Tribunal where he has also appeared before the President. He has a particular interest in unfair dismissal work, regularly accepts claims where damages exceed the

statutory maximum award and is frequently instructed to defend the interests of local authorities.

With regard to representing local authorities, he has particular expertise in case involving teachers and other education staff. He has represented the interests of local authorities at internal disciplinary hearings and appeals before the full council.

On a number of occasions, he has been successful before the tribunal in seeking and recovering the maximum award of costs against a party where their conduct has been unreasonable.

David has substantial experience in both the appellant courts and tribunals up to and including the Court of Appeal.

David regularly gives seminars and lectures to the legal profession both in and outside of chambers and will conduct conferences at client s homes and places of business, should circumstances demand.

He occasionally accepts work direct from litigants under the Public Access Scheme.

When time permits David enjoys travelling, socialising and supporting the mighty Carlisle United.

Reported Cases

- Maynard v Wigan MBC (2011) EWCA Civ 1694 Occupiers liability, adequacy of judgement
- Matinpour v Rotherham MBC (2011) UKEAT/0406/11/2811 Correct test under the DDA
- Beardshall v Rotherham MBC and others (2012) UKEAT/0073/12/ZT Consideration of the circumstances as to when a tribunal can adjourn faced with an ill non attending claimant
- Thompson v Rotherham MBC (2012) UKEAT/0350/12/ZT
- Matinpour v Rotherham MBC (No2) (2013) UKEAT/0537/12/RN Successfully argued, on cross appeal and before the President, that an ET's judgment was ultra vires. Also consideration of First West Yorkshire v Haigh
- Falco Finance v Gough [1999] 17 Tr.L.R. 536 [1999] C.C.L.R. 16 Concerning the application of the European consumer regulations as to redemption penalties and interest rates in domestic mortgages
- Turner v Turner (reported Current Law 05/1304)

 Application of the Human Rights Act 1998 on the Sex Discrimination Act 1975 s.3 as to protecting engaged as opposed to married couples
- Pentney v Tameside MBC (unreported, HHJ Armitage KC, Manchester County Court 2005) Consideration of the burden of proof in Highways Act 1980 cases