William Hamilton

YEAR OF CALL 2008

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AREAS OF EXPERTISE

Inquests & Public Inquiries, Court of Protection, Travel & International Personal Injury Law, Insurance Fraud, Personal Injury



Insurance Fraud CV

William's practice is predominantly focused upon insurance fraud litigation. Since the inception of his practice in 2008, William has gained an in-depth understanding of how fraud cases should best be conducted. He has a busy court practice, defending major insurers in all manner of hearings, including in multi-day multi-track fraud trials. He has extensive experience in claims involving low velocity impact, staged/contrived collisions, phantom passengers and fraud rings. William enjoys dealing with claims having technical and procedural complexity.

William prides himself on maintaining an up-to-date knowledge of the way the courts are applying the QOCS exceptions, particularly the fundamental dishonesty provisions under CPR r 44.16 and section 57 of the Criminal Justice and Courts Act 2015. A considerable number of his successes involve wasted costs orders being made where a claim has been negligently conducted, ensuring that costs recovery is maximised.

William believes that thorough preparation is the key to success in fraud cases, and enjoys working closely with his Instructing Solicitors at an early stage to consider the tactical requirements necessary to best deal with these cases. He provides high quality drafting services, including drafting robust defences, counter-schedules and witness statements in support of interim applications. William is pleased to advise in conference in fraud cases.

William has developed a growing practice in the field of personal injuries sustained abroad, at sea and in the air. He receives regular instructions in relation to claims in which jurisdictional challenges have been raised, as well as cases engaging the Brussels I (recast) and Rome II Regulations. He regularly advises and appears in court in claims involving issues relating to these topics as well as the Package Travel Regulations, holiday claims (including gastric illness), local standards, and foreign road traffic accidents. A growing number of his recent instructions involve claims with a foreign element in which fraud concerns have arisen.

William is happy to provide seminars and training on issues relating to fraud cases.

Snapshot of recent cases of interest

K v B (Trial 21.06.19) - Claim for 'severe' whiplash injuries following road traffic accident found to be fundamentally dishonest. There was a significant delay in the claim being intimated in the context of a Claimant who had experience in making previous claims.

B v M & A Insurance Company (Trial 23.08.19) - This matter involved a number of claims intimated arising out of two road traffic accidents which were alleged to have occurred within the space of a few months involving the same tortfeasor. Following both incidents the tortfeasor advertised the vehicle involved for sale without any apparent collision damage. There were Facebook links between the occupants of the target vehicle involved in each collision. The first litigated claim was not pursued following service of an amended defence pleading fraud. The second litigated claim was pursued to the day of trial when it was dropped on terms that the Claimant paid the Second Defendant's costs on an enforceable basis.

Q v L Insurance Company (Trial 19.09.19) - Claim for 'severe' whiplash injuries following road traffic accident found to be fundamentally dishonest. The Claimant had failed to disclose previous relevant medical history and failed to seek medical attention following the index accident.

O v E Insurance Company (Trial 15.01.20) - Claim for whiplash injuries following minor road traffic accident. The Claimant had allegedly been injured in an accident which took place a few weeks prior to the index accident yet failed to disclose this to the medical expert and alleged that he had recovered from it in his witness statement when that was not the case. The claim found to be fundamentally dishonest.

S & W v D Assurance (Application 11.02.20) - Claims for injury brought against Belgian insurer of tortfeasor's vehicle. The Defendant made an application to strike out claims on the basis that the Claimants had failed to plead the provisions of Belgian law that gave them a direct right of action. The claims were struck out with an enforceable costs order made against the Claimants and a show cause order made against the Claimants' solicitors.

P & H v L Insurance Company (Trial 19.02.20) - Claims brought for alleged injuries arising after minor road traffic accident. There was a delay in the claims being intimated. During the course of their evidence, both Claimants gave inconsistent accounts in relation to the nature of their alleged injuries. The claims were dismissed and found to be fundamentally dishonest.

H v H (Trial 26.02.20) - Claim brought for alleged injuries arising from road traffic accident. There was a delay in the claim being intimated. The Claimant failed to seek medical attention despite alleging to have taken 4 weeks off work (which itself was unsubstantiated). The claim was dismissed and found to be fundamentally dishonest.