

# Harry Lambert

**Year of Call:** 2008

**Direct Access:** No

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Harry Lambert specialises in the areas of **product liability**, medical tech, **clinical negligence**, **personal injury**, and **human rights** law. He is also renowned for his expertise in **group litigation** claims relating to these areas.

Harry is one of the leading Product Liability juniors at the Bar. He is ranked in Band 2 in Legal 500 where he is described as someone who “knows the area like the back of his hand”. He acts for both claimants and defendants and has particular expertise in cases involving drugs and medical devices such as the Hepatitis B vaccine, vitamin supplements, and medical aids, as well as the nationwide commercial recall of intra-ocular lenses. Harry has been instructed in many of the big product liability cases of recent years including: Metal on Metal Hips, Thalidomide and the Seroxat litigation in which Harry conducted a hearing against two KCs. It was listed as one of the Lawyer Magazine’s “Top 20 cases of 2019”.

He is instructed in both *Grenfell* (on product liability matters, for one of the major manufacturers) and in the Mobile Telephone Voicemail Interception Litigation on behalf of News Group Newspapers.

He was nominated for Group Litigation Junior of the Year at the Legal 500 UK Bar Awards 2024.

A unique aspect to his legal practice, Harry has a particular interest in and a passion for the intersection of law and emerging technologies. He is dedicated to staying at the forefront of technological developments to better serve his clients in cases involving data privacy, and tech-related legal issues. He is the Founder and Head of the Centre for Neurotechnology & Law, and his 12-part series on Neurotechnology and The Law has garnered academic acclaim, been translated into several European languages, and turned into a podcast run by the Italian equivalent of the Financial Times.

He successfully defended a claim relating to a state-of-the-art custom knee prosthesis using advanced imaging and design, a claim involving new-generation Cochlear implants, and a claim regarding automated eye testing. He has been instructed in a number of cases involving social media, telephone hacking, email hacking, and other invasions of privacy. Harry was a member of the core trial team in the Mobile Telephone Voicemail Interception (“phone hacking”) Litigation, acting for News Group Newspapers. Over the years, Harry has advised in multiple misuse of private information cases including those involving high-profile individuals and A-list celebrities. He also acts as standing counsel to one of the world’s largest oil companies on human rights issues in a particular region.

Aside from emerging products and technologies in the health field, Harry has a strong general Personal Injury and Clinical Negligence practice. He is a member of the Pan European Organisation of Personal Injury Lawyers (PEOPI) and the British Institute of International Comparative Law (BIICL).

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He has a heavyweight Clinical Negligence practice encompassing claims in, inter alia, the fields of neurosurgery, paediatrics, obstetrics, orthopaedics and cardiology. He acts for both Claimants and Defendants.

Harry has particular interest and expertise in amputation cases and is familiar with the highly specialised issues to which such claims give rise. This is a practical, fast-moving sub-speciality of Personal Injury and Harry combines knowledge of the latest prosthetics, with a "problem solving" attitude and a rigorous legal analysis. He also specialises in workplace accidents, public liability and RTAs.

Harry also sits as a Coroner in Inner North London, covering Camden, Islington, Tower Hamlets and Hackney. As counsel, he has considerable experience of the coronial jurisdiction and attends inquests nationwide. He is recognised as a leading junior in the directories and, in recent years, has been involved in some of the most high-profile and heavyweight litigation in the field.

Over the years, Harry's professional clients have included, amongst others, Linklaters, Clifford Chance and Simmons & Simmons, whilst recent lay clients come from those in the Oil, Gas, E-cigarette, Home Electronics, Healthcare Equipment, and White Goods sectors.

He provides advice with meticulous detail ("a very detailed and focused counsel, who never misses a trick" – Legal 500) but if matters go to trial "Harry is a fierce advocate who is able to think outside the box" (Chambers & Partners 2023) and who "fights his corner hard" (Chambers & Partners 2021).

## Areas of Expertise

### Product Liability

Harry is one of the leading Product Liability juniors at the Bar. He is ranked in Band 2 in Legal 500 UK, who commented that he "*knows the area like the back of his hand*"; is "*a thorough, hardworking barrister*" with a "*superb intellect*"; "*outshines his contemporaries*" and "*impresses with his intelligence, enthusiasm, diligence and manner*".

In Chambers and Partners, he is said to "*fight his corner hard*" and "*he is at his best when handling cases with complex and novel legal issues.*"

Recent instructions include acting without a leader on a cross-jurisdictional pharmaceutical dispute pleaded at over £30M, advising the NHS in relation to *Oculentis* claims, and acting on behalf of one of the major product manufacturers in the *Grenfell Litigation*.

This work can also involve cross-over with the coronial jurisdiction (where Harry also sits as a Coroner). Harry recently acted for a world leading electronics manufacturer, following a residential fire started in or around the printed circuit board of a television. Both the family of the deceased and the Fire Brigade had suggested that Harry's client had manufactured the television involved in the fire. However, Harry successfully argued that the identity of the manufacturer and/or precise mechanism of failure were out of scope or, alternatively, insufficiently evidenced and Harry's client was not mentioned in either the Inquest Conclusion or Inquisition.

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Likewise, he appeared at a 4-day inquest on behalf of a leading Healthcare Equipment company. Despite extensive criticisms by the CQC at the outset of the coronial proceedings, Harry's client was absolved of all and any blame.

Harry is also familiar with the Tobacco & Related Products Regulations 2016 and recently advised on a Judicial Review arising out of alleged breach of the same.

He is the author of the chapter on product liability and multi-party actions in 18th edition of *Bullen & Leake* and was asked by the Bar Council to write its paper on *Brexit* and the *Consumer Protection Act*.

### Medical Devices & Pharmaceuticals

Over the years Harry has acted in many cases involving drugs and medical devices.

Examples of the former include a fascinating case concerning the Hepatitis B vaccine, olmesartan medoxomil and a vitamin supplement containing 568 times the safe level of Vitamin D. He also played a leading role in the Seroxat litigation.

Examples of the latter include claims concerning insulin pumps, an allegedly defective surgical cutting guide, and a bathroom hoist which broke [rendering a paraplegic user tetraplegic].

Harry's background in clinical negligence also gives him a real advantage here. For example, he acts for the NHS on matters relating to the nationwide commercial recall of intra-ocular lenses. His knowledge of commercial product liability law, medical law, as well as familiarity with the underlying pathology, have been of tangible benefit to the client in this complex multi-factorial area of the law.

### Non-Medical Cases

Harry has a particular interest in cases concerning white goods and was involved in the Shepherd's Bush Fire litigation as well as a high-profile inquest against Whirlpool arising out of two deaths in 2014. Both these cases were cited in the Business, Energy and Industrial Strategy Committee report entitled *The Safety of Electrical Goods in the UK*.

With his background and reputation in product liability, Harry brings particular expertise in matters brought or defended under the Consumer Protection Act 1987. This also makes him particularly adept at dealing with complex causation cases such as those involving concurrent, competing or cumulative causes.

Examples of recent cases include:

- Represented a professional footballer whose dietary supplement was contaminated, leading him to be banned from professional football.
- Subrogated claim for contractual indemnity after the re-sale of contaminated silage led to multiple cattle deaths on third-party farms.
- Acted for the UK's leading manufacturer of garage doors. The case was robustly defended and a strike out application on a complex point of law led to the claim being discontinued against Harry's client (but pursued against others).
- Acted in a case involving allegedly defective push-pedal or electric bicycles.
- Acted for a world-renowned manufacturer in a case involving allegations of a defectively produced takeaway coffee cup (for a major international brand) which led to burns and psychiatric injury.
- Harry acted for one of the Defendants in this multi-party action for contractual damages/indemnity arising out of

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the inadvertent destruction of industrial moulds due to negligence somewhere along the contractual chain.

## **Property Damage; Fires, Floods and Explosions**

Harry's property damage cases include those involving fires, floods and explosions.

Harry acted for a gas network distributor, one of whose pipes had exploded, causing both significant personal injury and property damage. Harry's client was absolved of all blame and the claim dismissed, following a contested High Court trial. Harry acted alone against a leading silk and was victorious on all live issues in dispute.

Examples of recent cases include:

- Shepherd's Bush Fire litigation
- Grenfell Litigation
- Acted in a case brought by a faulty pressure-reducing valve causing a flood – this case involved complex questions of causation and issues under the Companies Act 2006.
- A restaurant destroyed by a fire caused by tortiously accumulated grease deposits. This case raised issues concerning the proper scope of the Berni's Inns principle.
- A fire in a block of flats allegedly caused by a defective DVD player.
- Property damage and consequential losses arising out of defective industrial scale paper.
- A subrogated claim on behalf of an insurer against Apple Incorporated in relation to an iPad allegedly causing a house fire.

## **Group Litigation**

Harry has been instructed in most of the big product liability cases of recent years including: Metal on Metal Hips, Thalidomide and the Seroxat litigation in which Harry conducted a hearing against two KCs. It was listed as one of the Lawyer Magazine "Top 20 cases of 2019".

He is currently instructed in both the Grenfell and Mobile Telephone Voicemail Interception Litigation. His work in this area earned him a nomination for Group Litigation Junior of the Year at the Legal 500 UK Bar Awards 2024.

## **Information Law**

From 2012 to 2015 and 2022 to date, Harry has been intimately involved in the Mobile Telephone Voicemail Interception ("phone hacking") Litigation. He acts for News Group Newspapers and is a member of the core trial team.

Over the years Harry has advised in dozens and dozens of misuse of private information cases including those involving high profile individuals and A-list celebrities. Harry has acted for Hollywood movie stars, TV personalities, international footballers, football managers, politicians and pop stars.

In 2023, Harry was part of the counsel team which successfully sought summary judgment against HRH Prince Harry and Hugh Grant, on limitation grounds.

Away from phone hacking, back in 2012, Harry ran one of the first ever group actions under the old Data Protection Act 1998, when he successfully brought claims arising out of the loss of back up data discs against a payday loans company.

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He also advised a cohort of claimants in the Morrisons Supermarket case, which went on to become one of the leading DPA authorities following the judgment of the Supreme Court in 2020.

More recently, he advised a leading hotel chain on a highly sensitive claim relating to inadvertent disclosure of information which had catastrophic personal consequences.

## Clinical Negligence

Harry acts for Claimants, the NHSR and the medical defence organisations. He has a heavyweight Clinical Negligence practice encompassing claims in, inter alia, the fields of neurosurgery, paediatrics, obstetrics, orthopaedics and cardiology.

He has experience of complex clinical negligence areas such as birth cases and Erb's Palsy; areas which require a considerable degree of sub-specialism.

He acts as sole counsel in high-value or complex clinical negligence litigation.

Harry also acts in related clinical negligence inquests, again of the utmost complexity. He recently undertook a very high-profile clinical negligence inquest over more than 3 weeks, with 54 witnesses and 5 medico-legal experts. Harry cross-examined more than 30 doctors/nurses/experts. He secured a conclusion of Neglect, a finding that Article 2 applied and a wide-ranging Prevention of Future Deaths Report.

## Notable Clinical Negligence cases

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Conducted a 4-day trial in an oncological case. The trial judge remarked that the parties were represented by "one silk, and one potential silk".

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J

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Acted as sole counsel against a KC in this case involving an alleged failure to diagnose a stroke, pleaded at circa £5M.

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W

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Harry acts alone against a silk in this liability and quantum matter against a "Band 1" silk and a "Star Individual."

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R

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Acts as sole counsel against a KC in this quantum-only matter pleaded at around £4M.

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L

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This case concerns the failure of a state-of-the-art "custom" knee replacement. Harry acted for one of the foremost knee surgeons in custom knee implants in the country. After drafting a robust and technical 35 page defence, all allegations relating to surgical technique were promptly withdrawn.

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R

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Acting for the NHS without a leader, Harry settled this highly complex paediatric claim with a full pleaded value of circa £5M.

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A

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Case discontinued "at the door of court" following a robust defence and probing RFI.

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## Personal Injury

Harry is recognised in the directories as a leading practitioner, with Legal 500 UK saying; "His depth of PI knowledge is exceptional and he is especially helpful on quantum."

He acts for both Claimants and Defendants in cases of the utmost value and across all areas of personal injury including workplace accidents, public liability and RTAs.

Harry robustly defends cases both on paper and in court.

Recent examples include a case discontinued after Harry's strike out application on Duty of Care; winning an Employer's Liability trial notwithstanding the admitted absence of a risk assessment; and succeeding on both limitation and breach following a 2-day NIHL trial.

In a recent multi-track HAVS trial, Harry's client retained no documents but he nevertheless successfully defended the claim on the issue of medical diagnosis (CTS vs. HAVS) after rigorous cross-examination of the Claimant's expert. Harry also recently acted in a highly confidential multi-million-pound claim involving the death of a high-profile individual.

### Amputations and other Serious/Catastrophic Personal Injury

Harry has particular interest and expertise in amputation cases and is familiar with the highly specialised issues to which such claims give rise. This is a practical, fast-moving sub-speciality of personal injury, where having the right counsel can make all the difference. Harry combines knowledge of the latest prosthetics, with a "problem solving" attitude and a rigorous legal analysis.

In the case of **M**, Harry acted for the Claimant in a case involving 7 expert disciplines, which settled minutes before Harry's opening speech, when the Defendant accepted his old Part 36 offer. Harry had conduct throughout and attended two

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RTMs, rejecting two high offers before the Defendant eventually 'blinked first'.

Harry has acted in upper limb and lower limb cases, acting for both claimants and defendants.

Harry also has considerable experience of serious/catastrophic personal injury. He prides himself on fusing attention to detail, which is often the key in such cases, with a user-friendly presentation. He takes pride in producing detailed, persuasive Schedules and Counter Schedules. One such case settled following novel arguments on the nature of general damages in Jersey and the cost of investment advice.

Harry has conducted conferences with leading figures in the world of serious/catastrophic PI.

## Travel and International Law (including Jersey)

Harry is familiar with the Brussels Recast regulations and has advised on issues of jurisdiction and choice of law or forum involving numerous European countries i.e. Spain, Holland and Germany. Many of his cases also involve foreign manufacturers, clients or other corporations such as those based in USA, China and Denmark. On more than one occasion, Harry has acted in cases abroad.

Harry acts in a number of personal injury cases instructed by Jersey-based solicitors, and has advised on matters of Jersey law.

One of his current catastrophic injury cases is approaching trial and involves contested issues on the interplay between cost of living and general damages as well as the cost of investment advice in Jersey.

He has also been involved in numerous Human Rights cases with an international element, some of which involved the application of foreign law. In 2011, Harry successfully took a case on the interplay between personal injury and state immunity to the Employment Appeal Tribunal (*Nigeria v Ogbonna [2012] 1 W.L.R. 139*).

Harry also has experience of acting in domestic 'travel/holiday' cases, where he brings to bear his expertise in personal injury.

He is a member of the Pan European Organisation of Personal Injury Lawyers (PEOPIL) and the British Institute of International Comparative Law (BIICL).

## Inquests and Public Inquiries

Harry sits as an Assistant Coroner in Inner London North covering Camden, Islington, Tower Hamlets and Hackney.

As counsel he has considerable experience of the coronial jurisdiction and attends inquests nationwide.

Harry recently acted for a world leading electronics manufacturer, following a residential fire started in or around the printed circuit board of a television. Both the family of the deceased and the Fire Brigade had suggested that Harry's client had manufactured the television involved in the fire. However, Harry successfully argued that the identity of the manufacturer and/or precise mechanism of failure were out of scope or, alternatively, insufficiently evidenced. Harry's client was not mentioned in either the Inquest Conclusion or Inquisition.

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Harry attended a 4-day inquest on behalf of a leading Healthcare Equipment company. Despite extensive criticisms by the CQC at the outset of the coronial proceedings, Harry's client was absolved of all and any blame.

Harry also has neighbouring experience in the regulatory context, having acted in numerous cases in the Health Professions and Nursing & Midwifery Councils.

Other examples of his inquest work include:

- A high-profile inquest, which has attracted national media attention, in which a residential flat was destroyed in a fire allegedly started by a faulty electronic device.
- Appearing on behalf of two intensive care nurses whose care had been called into question.
- Acting in a Road Traffic Collision Inquest involving a bus at a known accident 'hotspot'.
- Acting in Inquests in the setting of nursing/care homes.
- Representing a major broadcasting corporation in the face of allegations of workplace bullying.
- Representing the family, in the case of Ayannuga, a CPA case on causation involving death and catastrophic injury [2022] EWHC 590 QB.

## Human Rights

Harry is a human rights specialist who has acted as standing counsel to one of the world's largest oil companies on human rights issues in a particular region.

His human rights practice has a particular focus on Articles 2, 3, 4, 8, 9 and 10:

### Article 2

This typically arises in Harry's clinical negligence practice and Harry often sits as a Coroner in Article 2 inquests, including in the prison/mental health context. He recently advised in a fascinating and high profile case which concerns the liability of prison services and an electronic tagging company for a horrific murder committed by a prisoner on parole.

### Articles 3 & 4

Harry's Human Rights work has included various cases involving torture, human trafficking and forced labour.

Harry has particular experience and expertise in issues relating to human trafficking. He played a major part in the two leading cases on trafficking; **Galdikas** [2016] EWHC 1376 (QB) and **Antuzis** [2019] EWHC 843 (QB), which paved the way for future claims. In the latter, Harry conducted the trial without a leader and secured 100% of the "as pleaded" figures for lost earnings for all eleven claimants.

Harry also acted in another high-profile trafficking/forced labour matter (name confidential). Harry drafted all of the pleadings and then, before Mr Justice Jay, successfully obtained a freezing injunction leading to settlement. Harry is adept at advising on corporate liability/supply chains.

Harry was also part of a group of specialist trafficking lawyers which convened and provided written advice to the Lords on the introduction of the Modern Slavery Bill (now Modern Slavery Act 2015).

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He is currently instructed in the civil claim arising out of Operation Fort, the largest ever anti-slavery prosecution.

### **Articles 8 & 10**

Harry has considerable experience of Article 8 and 10.

### **Article 9**

Harry has a particular interest in Article 9 and the freedom of thought/expression in the context of emerging Neurotechnology.

Harry is also one of the leading juniors at the Bar when it comes to the crossover between personal injury and human rights.

He has advised in very high-profile cases including that of Jack Letts (dubbed “Jihadi Jack” in the media). Many such cases also have an international element, with which Harry is familiar.

## **Notable Human Rights cases**

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### **[Kamoka v Security Services \[2019\] EWHC 290 \(QB\)](#)**

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The case concerned Libyans seeking damages for their detention between pending deportation to Colonel Gaddafi’s Libya under the deportation with assurances programme (DWA) and on the basis of documents showing the UK security services were at the time involved in unlawful rendition. Harry was the sole personal injury practitioner for the Claimants in circumstances where the other side had instructed a number of counsel including a KC.

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### **[Ali v MOD & FCO \[2019\] EWHC 3172 \(QB\)](#)**

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Similar to above, he was brought in as the personal injury expert in a human rights context, in the case of alleged rendition/torture case of **Ali v MOD & FCO**.

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### **[Mutua v FCO \(the “Mau Mau” litigation\)”](#)**

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### **[Guerrero v Montericco & Another \(the “Peruvian Miners” litigation\)](#)**

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## Appointments & Memberships

- HM Coroner for Inner North London
- Pan European Organisation of Personal Injury Lawyers (**PEOPI**L)

## Awards

- Nominated for Group Actions Junior of the Year at the Legal 500 UK Bar Awards 2024.

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