



## Will Young

**Year of Call:** 2008

**Direct Access:** No

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Will's practice is divided primarily between **personal injury**, **clinical negligence** and **employment**.

His personal injury practice increasingly consists of catastrophic brain and spinal injury cases, in which he is a well-regarded junior, working with a number of silks in chambers, and with some of the leading national firms. His cases as sole counsel involve a wide range of multi-track personal injury actions in the County Court and High Court. He also appears at inquests, and has a particular interest in personal injury claims with a **cross-border** aspect to them.

His clinical negligence practice encompasses a range of claims, from surgical negligence to delayed diagnosis, acting for Claimants and Defendants.

Will also appears in the **Employment Tribunal** on a regular basis, representing both Claimants and Respondents, as well as in the Employment Appeal Tribunal. He is regularly instructed in multi-day discrimination, whistleblowing and unfair dismissal cases, amongst others.

Within the employment sphere Will has a particular interest in claims involving psychiatric injury, in which his personal injury practice gives him particular expertise. He has acted in a number of recent cases involving claims of significant psychiatric injury caused by discrimination at work, and his personal injury experience assists him to bring to this work both particular expertise and sensitivity towards often very vulnerable Claimants.

Will is a tenacious advocate both orally and on paper, able to grasp complex factual situations quickly and to present arguments persuasively. He takes pride in providing advice that is thorough, practical, on time, and always maintains a focus on his clients' needs and priorities.

Will studied Modern History at Oxford University, before completing his Graduate Diploma in Law. He is a Lord Denning Scholar of Lincoln's Inn. He was a Pegasus Scholar to Washington DC in 2012. Outside of the law his interests are history; politics; music; and sport, rowing in particular, having twice coxed the Great Britain Under 18 VIII at the Junior World Championships, as well as the Oxford reserve boat in the 2004 Boat Race.

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## Areas of Expertise

### Personal Injury

Will acts for both Claimants and Defendants in personal injury actions, although more often for Claimants. His cases involve a wide range of such claims, including road traffic accidents, claims under the Occupiers Liability Act, and the Fatal Accidents Act, as well as employers' liability claims (including stress-at-work claims) and cross-border personal injury claims. He also appears in claims under the Animals Act, particularly in equine cases, an area of his practice that has grown significantly in recent years.

Will is well-regarded as a junior in catastrophic brain and spinal injury cases, and has been led in current and recent cases by more senior members of chambers, including [Gerard McDermott KC](#), [Nathan Tavares KC](#), [Eliot Woolf KC](#), [Sarah Crowther KC](#), and [Harry Trusted](#). He is also instructed as sole counsel a number of smaller brain injury cases.

He advises, drafts pleadings, and appears in court on a regular basis in personal injury claims, as well as attending joint settlement meetings.

Will's experience in this and other areas, in particular clinical negligence and medical regulatory work, means he has the experience and confidence to deal with the medical evidence that is always involved, and usually crucial, in achieving a good result for a client in a personal injury claim.

Recent cases have involved: acting as a junior to [Gerard McDermott KC](#) for the Claimant in an RTA claim involving a young child claimant in which the pleaded value of the claim is in excess of £25 million; acting as a junior in another RTA claim that settled at a JSM for £4 million; a multi-track Highways Act case in which Will's client was successful at trial and awarded around £50,000; and an injury-at-work claim (as a junior) involving amputation, which settled for £2.55 million at JSM.

Will also regularly provides CPD training events for solicitors' firms. Topics have included fraud in PI cases (especially in a travel context); dealing with expert evidence; and Fatal Accidents Act cases, but he is happy to provide talks on other topics of interest.

### Notable Personal Injury cases

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Acting as a junior to Gerard McDermott KC for the Claimant in an RTA claim involving a young child claimant, which settled after a Mediation for an amount which amounted, when capitalised, to around £13 million.

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Acting as a junior to Matt Phillips KC in an RTA claim for a young child claimant in a case that settled at an RTM for a lump sum in excess of £13 million

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Acting as junior counsel in another RTA claim that settled at a JSM for £4 million.

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An injury-at-work claim (again acting as a junior) involving amputation, which settled for £2.55 million at JSM.

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Will is currently being led by Gerard McDermott KC, Nathan Tavares KC, Matt Phillips KC and Eliot Woolf KC in RTA spinal, brain injury and/or amputation cases, which have yet to be quantified, but which are likely to be multi-million pound claims.

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A multi-track Highways Act case in which Will's client was successful at trial and awarded around £50,000.

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Will is currently instructed as sole counsel in one injury-at-work claim involving a traumatic brain injury, for example, which is likely to be pleaded in excess of £500,000.

## Clinical Negligence

Will has a busy practice in this area, and he regularly advises and drafts pleadings for both Claimants and Defendants in cases involving a wide range of clinical disputes. In addition to being instructed as sole counsel, he has acted as a junior in more valuable and/or complex cases. He also appears at inquests, representing families and also NHS institutions, which has given him additional experience of questioning medical witnesses and advocacy in a health-care context.

He has experience of a wide range of clinical disputes, including negligent failures to diagnose conditions ranging from cancer and cauda equina syndrome to orthopaedic injuries, surgical negligence (including bowel perforations), and negligent failure to treat psychiatric patients leading to suicide.

Will's advice is thorough and comprehensive, and he always aims to be practical, realistic and attuned to the needs and expectations of his clients, whilst always seeking to achieve the best outcome reasonably possible. He is comfortable and confident in handling expert evidence in factually complex medical situations, and in dealing with medical experts in conference and in court. He strives to put clients at ease, and to always put them and their needs and interests at the centre of all of his work.

He is scrupulous about completing work on time, and appreciates the importance of this to those who instruct him.

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## Notable Clinical Negligence cases

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Acting, led by Harry Trusted, in cases including a wrongful birth case, which settled shortly after a JSM for £3 million, and a case involving negligent psychiatric treatment leading to a suicide attempt and double amputation, which settled for around £2 million.

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A current spinal clinical negligence case involving allegations of delayed diagnosis of spinal tumour, leading to permanent spinal injury (likely to be worth in excess of £1 million if successful).

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A current spinal clinical negligence case involving allegations of delayed diagnosis of spinal tumour, leading to permanent spinal injury (likely to be worth in excess of £1 million if successful).

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A case involving allegations of negligent treatment of a patient with psychiatric illness leading to attempted suicide causing catastrophic spinal injury, and subsequent death. The case was settled at a mediation for £250,000.

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Acting for the Claimant in a case involving allegedly negligent total knee replacement. The claim settled at a JSM for in excess of £300,000.

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Acting for the Defendant in a claim alleging negligence during lumbar decompression surgery leading to a perforated bowel. The claim settled at an NHS mediation for around £260,000.

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Appearing for the Claimant at trial in an action relating to allegations of negligence during a total knee replacement. The case involved contested expert evidence concerning surgical technique and analysis of post-operative radiography.

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A number of claims involving negligent failure to diagnose and/or appropriately treat patients with cancer, often involving difficult causation arguments, for example one case involving a delayed diagnosis of lung cancer, which settled for around £200,000.

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## International Personal Injury and Travel Law

Will has a particular interest in claims involving **cross-border personal injury and travel law**.

He acts for both Claimants and Defendants in claims with an international or cross-border element to them in a number of areas, including: package travel claims, cross-border RTAs, Athens Convention, and aviation claims (including "Denied Boarding" Regulations).

He has been instructed in a number of cases involving catastrophic injury following RTAs abroad, or with a cross-border element to them. One recent case, in which Will is instructed as junior to Sarah Crowther QC, involved poly-trauma after an RTA in Germany, and settled at a JSM for £500,000.

He regularly provides CPD training for solicitors' firms, with recent talks having covered "fundamental dishonesty" in package travel claims; jurisdiction after *Brownlie v Four Seasons*; and *X v Kuoni*. He was a speaker at the 2018 APIL Accidents Abroad conference in London, and was the co-author of the Athens Convention chapter in the 2018 APIL Accidents Abroad book.

## Employment

Will appears regularly in the Employment Tribunal (acting both for Claimants and Respondents), as well as the Employment Appeal Tribunal. He also provides written advice and drafts pleadings when required.

Will has a particular interest in employment cases involving allegations of psychiatric injury caused by discrimination, often in high-pressure legal, financial services, or similar employment. His personal injury experience is extremely valuable in this area, since it has given him both familiarity with medical expert evidence and skill at handling experts (to a greater extent than is usual in Employment Tribunal litigation), but also sensitivity towards often very vulnerable Claimants. He has a number of on-going cases involving these kind of issues, and has advised at an early stage on both stress-at-work claims in the civil courts and claims in the Employment Tribunal for personal injury flowing from discrimination. It is not uncommon in these kind of cases for Will to be instructed opposite more experienced counsel, including KCs.

He has a very broad experience of employment disputes, however, ranging from small private companies to large national and international employers, both public and private sector, and including in the field of financial services. He is particularly interested in discrimination and whistle-blowing claims of all types, and has a significant amount of experience in his field.

He also has experience of employment and employment-type claims in the civil courts; two recent examples being: advising a senior consultant in the healthcare field working in the Middle East in relation to claims for sums due under his contract of employment; and advising directors of a media company on an injunction to restrain a former employee from making unauthorised use of intellectual property owned by the company.

Publications – in 2016 Will co-edited, along with **Emily Gordon Walker**, the Tolley's Employment Law Service chapter on Absence from Work

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## Notable Employment cases

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### AB v RBS [2021] EWCA Civ 345

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Will was sole counsel for the (3 week) liability hearing and junior counsel for the remedy hearing in this disability discrimination case, which resulted in the Claimant being awarded £4.7 million, understood to be the highest award ever made in any discrimination claim in the UK Employment Tribunal system. Appeals by the Respondent were dismissed by the EAT and the Court of Appeal.

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Will has a number of on-going cases involving allegations of discrimination made by high earning employees, many also alleging psychiatric injury as a result. These include claims by: an NHS Consultant; an employee of a major professional services firm; and a senior employee of an international management consultancy firm.

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### Rana v London Borough of Ealing [2018] EWCA Civ 2074

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Will was sole counsel in this Court of Appeal case, which gave guidance on the correct approach to applications for extensions of the time limit for appeals to the EAT where the ET's judgment has not been sent to one of the parties.

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### Kong v Gulf International Bank (UK) Ltd (UKEAT/0054/21)

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Appeal to the EAT against the ET's dismissal of the Claimant's claim for automatic unfair dismissal arising out of whistleblowing. Raised questions relating to the scope of the principle in Jhuti, and also the separability of protected disclosures and conduct whilst making them. The Respondent to the appeal was represented by a QC. The case is being appealed to the Court of Appeal, in May 2022.

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### Prasad v Epsom & St Helier NHS (2019)

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Successful appeal to the EAT overturning the dismissal of the Claimant's claim for harassment on grounds of sex. The Respondent was represented by a QC.

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### Taylor v Ladbrokes [2017] IRLR 312

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Successful EAT appeal against dismissal of claim for disability discrimination, relating to question of whether the Claimant's diabetes was a "progressive condition".

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## Memberships

- APIL
- PIBA
- ELBA
- ELA

## Publications

- Co-Author of APIL Guide to Accidents Abroad, chapter on Athens Convention.

## Awards

- Lord Denning Scholarship (Lincoln's Inn)
- Pegasus Scholarship (Washington DC, 2012)

## Recommendations

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