

Jonathan Carr

Jonathan is a highly regarded barrister whose practice is split between personal injury, civil fraud, chancery/commercial matters and Court of Protection work (property and affairs).

He is regularly instructed in cases with technical aspects on liability and procedure.

He brings a wealth of expertise to cases raising issues which cut across different practice areas, often in relation to matters arising from substantial damages awarded to an incapacitated Claimant in a



personal injury claim which a Deputy or family member subsequently requires advice or consideration by the Court of Protection or claims with combined elements of personal injury and credit hire.

Personal injury

Instructed by both Claimants and Defendants in virtually all types of personal injury work, with particular emphasis on mid to high value claims arising from road traffic accidents, highway claims, occupiers' liability and employers' liability (including industrial disease claims – asbestos exposure, deafness, HAVS, dermatitis and asthma).

A specialist in employers' liability, fatal accident claims and those arising out of allegations of motor insurance fraud. Experienced with claims involving injuries of the utmost severity, brain damage, death and dependency.

A specialist in clinical negligence cases including negligent treatment and surgery, failure to investigate, failure to diagnose, misdiagnosis, misreporting of scans, failure to obtain a patient's consent and failure to warn of the risks of surgery / treatment, failed sterilisations and dental negligence.

YEAR OF CALL

1990

AREAS OF PRACTICE

CIVIL

Company & Commercial
Court of Protection &
Mental Health
Credit Hire
Motor Insurance Fraud
Personal Injury
Trusts & Probate

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Recent cases include:

Alleged negligent diagnosis of multiple sclerosis (RRMS).

Acting for a Defendant in a noise induced hearing loss claim involving the interpretation of the and CLB guidelines where the Claimant had isolated notching in the audiogram at 6 kHz.

Acting for a Defendant in an application to strike out the Claimant's claim for noise induced hearing loss for failure to serve compliant medical evidence in accordance with CPR 35 and CPR PD 16 paragraph 4.3. (see Dalus -v- Lear Corporation (Nottingham) Limited)

Credit Hire

Has a niche practice in matters arising out of credit hire including mitigation, need, impecuniosity, basic hire rates, credit repair, consumer credit arguments and enforceability.

Motor Insurance Fraud

Instructed in cases alleging staged accidents, organised fraud rings, induced "slam on" accidents, fictitious accidents, phantom passenger claims, low velocity impacts, grossly exaggerated injuries out of proportion to the extent of the impact, alleged or suspected malingering.

Advising on committal for contempt of court against dishonest Claimants / witnesses and third party costs orders

Court of Protection

Advises in a wide variety of property and affairs disputes in Court of Protection matters including contested LPA and deputyship applications, applications for authorisation of inter vivos gifts, statutory wills and cases involving allegations of financial abuse.

In addition, Jonathan compliments his Court of Protection practice with expertise in the area care home fees funding. He advises clients on the recoverability of care home fees, particularly in relation to deprivation of capital by way of asset protection trusts and lifetime gifts.

Recent cases include:

Advising clients objecting to the proposed terms of a statutory will.

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Acting on behalf of a deputy wishing to make a gift out of the proceeds of a personal injury award.

Advising a professional deputy in relation to his powers of investment.

Contentious Probate

Jonathan is instructed in probate and trust matters including Inheritance Act claims.

Recent cases include:

Advising a beneficiary in relation to the steps to be taken regarding the failure of the Executors to distribute the proceeds of the Deceased's estate. A successful application to the Probate Registry for inventory and account was made which ultimately led to the Estate being distributed.

Applying to Court for the rectification of a Will.

Advising an Executor on the availability of assigning a cause of action that was vested in the Estate to the beneficiaries.

Advising trustees of a Will Trust as to the distribution of a charitable gift.

Property

Property work includes easements, rights of way, boundary disputes and restrictive covenants.

Lectures and seminars

Jonathan has provided lectures/seminars in the following:

Recovering care home fees

Calculating pension loss

Loss of earnings

Failed sterilisations

Dental negligence

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NOTABLE CASES

W -v- (1) T & (2)

Instructed on behalf of the Second Defendant to defend a claim brought by the Claimant and First defendant following the Claimant sustaining a serious head injury in a crash whilst both the Claimant and Second Defendant were Kart racing at the First Defendant's outdoor track. Involved expert engineering evidence surrounding the nature of the collision and whether it was a "racing incident" or negligent driving. Claim eventually discontinued against the Second Defendant.

Re J (2011)

Compensation claim following a miscarriage of justice. Representing J (a patient within the meaning of the Mental capacity Act 2005) in his successful claim for compensation from the Justice Secretary under section 133 of the Criminal justice Act following his wrongful conviction for the murder of his girlfriend which led to his incarceration for 16 years. Issues surrounded not only the calculation of the appropriate award but also the involvement of the Court of Protection in approving the final award.

Re XY

Revocation of a power of attorney. Acting on behalf of Objectors who wished to challenge the attorneys application to deal with the Donor's substantial assets held in bank accounts in Switzerland. Complex issues surrounding jurisdiction of the Court of Protection, the interplay with the English power of attorney and a further power of attorney that the Donor had executed in Switzerland, the Swiss Bank refusing to recognise the validity of the English power of attorney and the Court of Protection's enforcement powers.

GDC -v- W

Acted on behalf of a Dental Technician in proceedings before the Professional Conduct Committee of the General Dental Council relating to undertaking clinical procedures outside the scope of his practise.

H -v- P "Lottery Rapist"

Acted on behalf of the Claimant who commenced proceedings for damages 22 years after she was raped by the Defendant in 1992. Subsequent to the rape and his conviction for the offence the Defendant won £5 million on the National Lottery. The Defendant denied the claim for damages, denied raping the Claimant and wished to challenge his conviction for rape (he had asked the Criminal Cases Review Commission to review his conviction) and raised a limitation defence. The case initially proceeded to a limitation hearing where the Judge exercised his discretion in favour of the Claimant under section 33 of the Limitation Act 1980.

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Memberships

The Honourable Society of Middle Temple

North Eastern Circuit

Qualifications

Durham School

Newcastle University LLB (Hons)

Other interests

Pupil Supervisor