



Trust Mediation

David Pittaway KC

David is a former Head of Hailsham Chambers and was Treasurer of the Inner Temple in 2017. Throughout a distinguished career at the highest level, his principal practice areas have been medical law, public inquiries, regulatory and disciplinary law, product liability, professional negligence, personal injury, and insurance law.

David became a Fellow of the Chartered Institute of Arbitrators in 1998 and an Accredited Mediator in 2002. He is also a Panel Member of Independent Evaluation, where he gives neutral evaluations in cases. David's practice now focuses almost entirely on resolving disputes without a trial, sitting as an arbitrator, mediator, or evaluator.

Specialist areas:

David brings to mediation and evaluation his extensive experience as a Deputy High Court Judge, over 15 years, in both the KBD and Administrative Court, and from his practice in complex clinical negligence cases, where he has been instructed by claimants, NHS bodies and medical defence societies. He has always had a particular interest in cases involving difficult issues of causation, where his skills in cross examination of experts have often been praised in the main legal directories. Through his work in public inquiries, he developed a discrete area of practice defending high profile clients in both the healthcare and non-healthcare sectors against reputational damage.

Professional:

Over the past 12 months, David has mediated or evaluated in a large number of cases ranging from solicitors' negligence, catastrophic injuries in clinical negligence, employer's liability, road traffic accidents, to breach of Articles 2, 6, 8 and 9 of the ECHR and

misfeasance in public office. He has built up a substantial following from other sets of chambers and amongst both claimant and defendant insurers' solicitors.

David is a recognised mediation expert and sees himself at the forefront of developing the use of evaluative mediation and neutral evaluation across a wide range of cases. As part of that process, in December 2022, David spoke at a conference on ADR at the University of Leicester Law Department, attended by the Master of the Rolls and other colleagues, on early neutral evaluation and in March in 2023 at a Westminster Legal Policy Forum chaired by Lady Justice Asplin, Chair of the Judicial ADR Liaison Committee.

Recent Mediation Experience

A claim for damages for misfeasance and infringement of their rights under section 7(1) Human Rights Act 1998 in connection with the delay in investigating and manner of investigating disciplinary offences against police officers, arising from the death of in person in custody.

A solicitor's negligence action arising out of under settlement of substantial personal injury action.

A road traffic accident case where expert evidence was totally disputed as to whether minor injury triggered subarachnoid haemorrhage, neurocognitive and neuro behavioural symptoms.

A serious RTA involving multiple injuries including head injury, where major causation issue was whether the claimant had suffered disabling brain injury. The case involved pre-existing drug use and longstanding premorbid and active factors underpinning current cognitive performance.

Recent Early Evaluation experience

A clinical negligence action arising out of unsuccessful procedure to cure incontinence in middle aged woman with catastrophic consequences for her life and marriage. Issues as to procedure undertaken and damages recoverable.

A road traffic accident where the claimant's partner was killed in whilst he was overtaking an HGV lorry on a dual carriageway, which had moved from the nearside to the offside lane. The claim involved issues of foreseeability, visibility, and blameworthiness.

A clinical negligence action where there had been negligent treatment after the claimant had suffered a severe injury to his ankle in an accident whilst at work. Issues as to both liability and quantum.

A road traffic accident case where a deaf claimant rode off pavement into the path of an oncoming HGV vehicle suffering multiple injuries, including head injury.

Testimonials

"David has a huge amount of gravitas." Chambers UK, 2023

“He brings with him a wealth of experience; he is so experienced that you feel in safe hands all the time.” Chambers UK, 2022

“I was extremely impressed with the process and with David’s knowledge of the papers/issues.” Claimant’s solicitor 2022

“David took possession of the process and instilled confidence in our insurer client.” Defendant’s solicitor 2023