



Product Liability and Group Actions

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...the pre-eminent set in the area.
Chambers UK

*Unparalleled expertise across all forms of
defendant consumer and product liability cases.*
Legal 500

*...offers unparalleled depth and focus on
product liability.*
Chambers UK

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Corporate INTL magazine UK Product Liability
Law Practice of the Year 2010



Henderson Chambers is consistently ranked by the legal directories as the leading Product Liability set in the country being described as “in a league of its own” with a “panoply of eminent product liability specialists” (Chambers UK). “Widely regarded as reigning supreme on the defendant side,” it contributes “more barristers to the leaders table than any other set” (Legal 500).

Over the past 2 decades members of Chambers have been instructed in many of the most significant product liability claims, including group actions concerning Opren, Benzodiazepines, Lariam, Pertussis, Tobacco, Organophosphates, Norplant, MMR, Sabril, Foetal Anti-Convulsants and Seroxat. Members also feature in the “Atomic Veterans,” OCENSA Pipeline and Trafigura cases. Chambers’ experience in disputes and insurance matters concerning commercial product liability has included the Benzene litigation and the Sudan red, Para red and petrol contamination product recalls.

Our work encompasses contractual and tortious, commercial and personal injury claims involving defective products, regulatory proceedings and prosecutions and advising on precautionary steps and improvements to be taken to ensure compliance with relevant consumer protection legislation, both criminal and civil. We also advise on the drafting of terms and conditions of commercial and insurance contracts.

We are widely recognised for our experience in litigation and advisory services involving pharmaceutical products, medical devices, vehicles, food and drink, and agricultural products. In 2011 we were recognised as the Product Liability Law Practice of the Year by Corporate INTL.

The Group covers four key practice areas: personal injury claims, commercial disputes, group actions and regulatory actions.



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Retains the strongest complement of product liability specialists. **Legal 500**

Charles Gibson QC is 'a superb advocate who is the absolute leader in this area as he has an astonishing depth of experience.' ... he has been active on an increasing number of major commercial and insurance-related cases... Sources praise his manner with clients and his 'extraordinary enthusiasm, determination and industry.' **Chambers UK**

Toby Riley-Smith wins praise for his 'good all-round knowledge, hard work and pleasant manner, which has served him very well with clients and judges.' **Chambers UK**

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Personal Injury

In personal injury claims arising out of allegedly defective products, our expertise extends to individual and group action cases.

Members of chambers have been instructed in personal injury claims brought by groups of claimants against manufacturers, amongst other things, pharmaceuticals, (eg Opren; Benzodiazepines; Tetracycline antibiotics, Roaccutane; Prozac; Lariam; Pertussis vaccine; Organophosphates; MMR vaccine; Sabril; Seroxat; Epilin), tobacco products, medical devices (eg heart valves; contraceptive implants; hip replacements; breast implants) and motor vehicles.

Significant individual personal injury cases we have worked on include: a tetraplegia claim following a road traffic accident allegedly caused by a defective tyre; a multi-million pound mountain-biking personal injury claim under the Consumer Protection Act; and a severe arm injury caused by a tumble dryer.



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Prashant Popat QC is 'extremely able' and 'a fine team player with commercial sense and a measured and effective court style.' Since taking silk he has 'established himself as one of the country's leading silks in... product liability.' **Chambers UK**

Geraint Webb is 'bright, approachable and a good all-rounder, proving effective both on written work and in court.' **Chambers UK**

Noel Dilworth 'plays his hand extremely well...' **Legal 500**

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Commercial disputes and related matters

We cover all forms of contractual and tortious actions concerning the supply of products, including substantial commercial disputes, sale of goods disputes and resulting business law and insurance claims.

Notable commercial disputes we have acted in include petrol contamination litigation; the destruction of a coal-fired power station; and several fire damage cases.

Our advisory work has covered numerous different products and industries including pharmaceuticals, mobile phones, food and drink products and motor vehicles.

In addition, we are regularly involved in major property damage claims arising from allegedly defective products. We advise on structures and deals, and advise on and act in all forms of related insurance and policy coverage issues.

We were also involved in the landmark 'Bacardi-Martini' litigation, the leading recent authority on manufacturers' liabilities, economic loss and damage arising from product recalls.

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Firmly established at the top of the table with clients affording it numerous accolades, including ‘the easiest set to work with.’ **Legal 500**

Malcolm Sheehan is praised as ‘articulate and a pleasure to work with on every level.’ He is highly regarded for his expertise in pharmaceutical and medical device litigation. **Chambers UK**

Oliver Campbell is highly regarded for his ‘commercial approach and ability to find the right solution for the client.’ **Chambers UK**

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Group actions

We have unrivalled experience in the particular challenges of group actions, such as costs sharing, defining common issues, group management, cut off dates, the selection of lead cases and abuse of process.

High-profile group actions we have acted in include litigation concerning: the MMR/MR vaccine; Sabril anti-epilepsy medication; haemophilia blood products; Lariam malaria prophylactic; Pertussis whooping cough vaccine; Seroxat; Foetal Anti-Convulsants; Employers’ Liability Trigger litigation.

In addition to actions involving pharmaceutical and medical products, we have advised on and acted in many of the other major group actions and multi-party litigation of the last two decades, including: the Buncefield litigation; the Tobacco litigation; mesothelioma and asbestosis claims, including the “Cape” litigation; the organophosphate “sheep dip” litigation; the Lloyds Names case; the Interest Rate Swaps litigation; the Atomic Veterans litigation; and the Trafigura litigation.

Regulatory actions

In the regulatory arena, we advise on product safety, product recall, corporate risk and crisis management, and compliance with domestic and European Commission legislation, including obligations under the General Product Safety Regulations and European consumer protection legislation and initial contact with the regulatory authorities.



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Roger Henderson QC. If ever there was a doyen of the Bar, this luminary is it... Clients bring him in on difficult cases that touch on many areas of law. **Chambers UK**

Andrew Kinnier... ‘very hard-working and a first class brain’... **Chambers UK**

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For over 20 years, we have been instructed in many of the leading unitary and group actions for personal injuries and commercial damage allegedly caused by defective products.

“Considered the pre-eminent set in the area, Henderson Chambers offers unparalleled depth and focus on product liability litigation, and covers a wide range of matters in sectors including pharmaceuticals, food and electronic devices. It is the only set to truly concentrate on the area, a decision that has reaped its own rewards. Now involved in most of the major pieces of product liability, it is able to field ‘barristers who are immersed in their subject, give clear, practical advice and are very hard-working.’ The quality of the clerks here is also high. One commentator said of them: ‘They are modern and business-like in their approach and always try to be as helpful as possible.’” **Chambers UK**

“Henderson Chambers is a highly proficient set that seems set fair for a brighter future still if its clutch of impressive junior barristers are anything to go by. It is home to some strong performers who have carved themselves the strongest of niches in the regulatory field. One of the premier sets for health and safety and product liability matters, it has performers ‘who leave no stone left unturned,’ and who impress their ‘ability to extract information from witnesses in a subtle but highly effective way.’” **Chambers UK**

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Keeping watch over it all, turbo-charged, entrepreneurial head clerk John White.
Chambers Student Guide

A 'tone and culture' of service that is a cut above other sets.
Chambers UK

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At Henderson Chambers, we are committed to achieving the right outcome for our clients. We are proud to offer “a quick response; good value for money, in proportion to the problem at hand” (Legal 500).

We are unusual in that our practice is highly experienced in both the civil and criminal law arenas, and at all levels, from QC to newly qualified juniors.

The foundations of our excellence in client service are our pedigree, our intellectual ability and our knowledge of our specialist areas of practice. We consider ourselves approachable, friendly and enthusiastic. At the heart of our client-friendly ethos is our open-door policy and our commitment to dealing with every client on a personal, individual basis.

We take on a wide range of cases, and no matter what the issues, we take pride in understanding our clients and their differing needs, including the commercial realities they face and the markets they operate in. The Legal 500 states we offer “common sense and good business thinking”, adding that we show “a high level of skill” and “work directly and promptly.”

We invest considerable effort and resources in ensuring that our clerking function delivers the quality and consistency of service that we believe our clients deserve. Legal 500 highlights our “impressive, efficient clerking,” while Chambers UK refers to “a client service mentality that is streets ahead of most.”

Our website was the first to offer direct access to public and corporate entities and associations. We believe direct access – which is used by smaller business, commercial and insurance clients – is an important element of the service we offer and which our clients need.



Henderson Chambers is home to 42 barristers, including nine QCs – “large enough to offer a versatile and wide ranging service, but not so large as to be impersonal” (Chambers UK).

We are recognised in both Legal 500 and Chambers UK as having expertise in all of the main areas in which we practice, and we are a winner of a Chambers Bar Award 2010.

We aim to provide a flexible and commercial service tailored to the needs of our clients. In addition to receiving instructions from solicitors, we accept instructions under the Licensed and Public Access schemes from a wide range of organisations.

Members of Chambers regularly deliver seminars, in-house training and lectures to ensure our clients are both informed and able to benefit from our specialist expertise and advice.

In addition to our own European law expertise, we have close links with barristers practising in Brussels, and we are able to advise and provide representation regarding all European law matters, including competition, trade, anti-dumping, public procurement and state aid, as well as appearing before the European Court of Human Rights in Strasbourg.

Contact us

For any product liability law or group action enquiries, or for questions regarding any other practice group areas, please contact John White, Chief Clerk:

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Email: clerks@hendersonchambers.co.uk



We also have the following brochures available for our other practice areas:

- Health, Safety & Environment
- Commercial, Insurance & Arbitration
- Employment
- Technology & Construction
- Property
- Finance & Consumer Credit
- Public Sector

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Friendly and approachable barristers.
Chambers UK

Always helpful and eager to work in a team.
Chambers UK

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