

## Dominic Bright

Dominic's practice includes commercial, property and personal injury (including credit hire). He is a registered [Civil and Commercial Mediator](#) with the [Civil Mediation Council](#), and offers online and telephone mediation services: [www.ResolvedOnline.com](http://www.ResolvedOnline.com). Dominic is also the editor of [Jus Cogens](#), the online journal providing news, expert analysis and compelling opinion on public and private international law and arbitration for those with an international aspect to their practice.

[HHJ Karen Walden-Smith \(Senior Circuit Judge and Designated Civil Judge for the County Court in East Anglia\)](#) wrote a foreword to 'A Practical Guide to the Small Claims Track' in these terms: "... Dominic Bright has set out all that a practitioner could possibly need to know about how to deal with a small claim ...". [District Judge Cridge \(South Eastern Circuit\)](#) wrote a testimonial: "Dominic Bright has balanced a thorough, careful review of the Small Claims Track procedure with a helpful analysis of the most common areas of law the County Court sees. The wealth of sensible, practical advice for those coming to court helps further set this book apart."

[Richard Pitkethly, Head of Learning and Practice \(In-House Counsel\)](#) at [LawWorks](#) – the pro bono unit with 150 members, including large City and international law firms, fielding over 59,000 enquiries between April 2017 to March 2018, and providing training last year to over 1000 solicitors and advisors – published a [Five Star book review in the Law Society Gazette](#), entitled 'A pro bono game changer', concluding in these terms:

'It seems inevitable that A Practical Guide to the Small Claims Track will quickly become the go-to small claims book for practitioner volunteers (and junior practitioners generally), especially those unfamiliar with handling claims allocated to the small claims track, as well as an indispensable self-help guide to LiPs.'

Dominic can be [instructed directly](#), without having to involve a solicitor. He is registered on the [Direct Access Portal](#). Dominic is also a member of [Advocate](#) (the Bar's national charity), matching him with members of the public who need help, are unable to obtain legal aid, and cannot afford to pay.



**Year of Call: 2016**

Contact Practice Manager  
[Victoria Eastwick](mailto:victoria@lambchambers.co.uk)  
[victoria@lambchambers.co.uk](mailto:victoria@lambchambers.co.uk)  
020 7797 8301

VAT Reg No  
308639389

Prior to pupillage, Dominic was judicial assistant in the Court of Appeal to Sir Brian Leveson, the former President of the Queen's Bench Division. He was also researcher in construction law at a leading set of barristers' chambers, public international law at the British Institute of International and Comparative Law, and national implementation measures (nuclear disarmament, non-proliferation, development and use of chemical weaponry) at the Verification Research, Training and Information Centre. Dominic is an Associate of King's College London.

For daily case digests, connect with Dominic on [LinkedIn](#) and follow him on [Twitter](#).



## Publications

Dominic assists authors to publish academic articles and professional texts on national and international law. He also publishes in his own right.

### Books

- 'A Practical Guide to the Small Claims Track' (Law Brief Publishing, December 2019; available from [Amazon](#), [Law Brief Publishing](#) and [Wildy & Sons Ltd](#))
- 'Trespass to Land' in volume 40(1) of [Atkin's Court Forms](#) (Practice and Forms) (assisted the contributor, [Simon Brilliant](#), LexisNexis, August 2019)

### Articles

- 'Staying on Track: Ten Key Points that PI Lawyers Should Know About the Small Claims Track' (PI Focus, March 2020)
- 'The CICC and the Rule of Law: Fair, Transparent and Convenient? What You Need to Know About China's New International Commercial Court' (Counsel Magazine, September 2019)
- 'Section 21 Sent Packing' (New Law Journal, Issue 7838, 2 May 2019)
- 'Treaty-Making Within the British Commonwealth' (assisted the author, [Sir Franklin Berman KCMG QC](#), [2015] Melbourne Law Review 4)

## Seminars / training

Dominic accepts invitations to present seminars / training from professional clients. He also attends other professional events.

### Recent invitations

- 'Future of International Dispute Resolution' (discussant analysing the effects of the COVID-19 pandemic on



international commercial contracts with the International Dispute Resolution Group, June 2020)

- 'Jurisdiction and Choice of Law Clauses in International Commercial Contracts' (seminar to City lawyers, November 2019)
- Defence barrister in a mock trial following a road traffic collision and claim for credit hire (training for a leading law firm of about 2,500 employees and an insurer with over 166,000 employees, July 2019)

## Recent events

- 'Short Course: Public International Law in Practice' (British Institute of International and Comparative Law, September 2020)
- 'Short Course: Law of the Sea' (British Institute of International and Comparative Law, September 2020)
- 'National Security and the Law in the 2020s' (Middle Temple, February 2020)
- 'Climate Change Litigation: Comparative and International Perspectives' (British Institute of International and Comparative Law, January 2020)
- 'Civil Mediation Council Annual Conference 2019' (Hallam Conference Centre, November 2019)
- 'Property Bar Association Conference 2018: Fraud and Equity in Practice' (The Honourable Society of Gray's Inn, 27 November 2018)

## Further information

Dominic holds two postgraduate qualifications, is an active member of various domestic and international professional associations, and enjoys gardening, travelling and learning about geopolitics when time permits.

## Qualifications

- Master of Laws (LL.M) in Professional Legal Practice (incorporating the BPTC), BPP University Law School, London Holborn, awarded Distinction
- Master of Laws (LL.M), King's College London, School of Law, awarded Distinction
- Law (LL.B Hons) with European Legal Studies, King's College London, School of Law (incorporating an Erasmus exchange at Uppsala University, Sweden)

## Memberships

- British Institute of International and Comparative Law
- Chatham House, the Royal Institute of International Affairs
- Civil Mediation Council
- Commercial Bar Association
- Property Bar Association
- Technology and Construction Bar Association

## Interests

- Cooking (macaroni cheese with chorizo), drumming



(previously in Middle Temple's 'Revels') and gardening (inspired by Ron Finley, the "Gangster Gardener" on Masterclass)

- Domestic (Applecross, North Coast 500, Scotland; Battle Abbey, Hastings, English Heritage; and Tattershall Castle, Lincolnshire, National Trust) and international travel (Al Khazneh, Petra, Jordan; Templo Dio del Viento, Tulum, Mexico; Mitre Peak, Fiordland, New Zealand)
- National, regional and global threats, challenges and opportunities including the changing nature of geopolitics in relation to sustainable growth, prevention of conflict, and development of the rule of law

## Personal Injury

Dominic's personal injury practice is founded upon repeat instructions by professional clients acting for insurers, where there are often allegations of "fundamental dishonesty", or that, upon a claim being struck out, the conduct of a claimant is alleged to be "likely to obstruct the just disposal of proceedings", so as to depart from the general rule of qualified one-way costs shifting ("QOCS").

Fast track and multi-track trials frequently include claims for credit hire, where there are disputes relating to rate, impecuniosity, mitigation of loss, enforceability, storage and recovery charges, and delivery and collection charges.

Dominic is frequently instructed by defendant insurers to apply for strike out, and substantial costs on the basis that the claimant has behaved unreasonably, where – although there is no claim for pain, suffering and loss of amenity – there is a significant claim for credit hire.

## Recent instructions

- *A v A* – successfully resisted the claimant's application for relief from sanctions and permission to rely on evidence that was filed and served before the final hearing was relisted; and applied for the claimant to pay the defendant's costs on the basis that the claimant had behaved unreasonably. Email from professional client, dated 29 May 2020: '*Thank you, great result as always!*'
- Advice on causation, quantum, responding to a Part 36 Offer to settle, and making a Part 36 Offer to settle following the proposed claimant's alleged fall in a fruit and vegetable shop (June 2019).
- *H v T* – successfully submitted that about a quarter of the amount claimed for credit hire be awarded, and nothing for three of the other heads of loss (May 2020).
- *J & Anor v A* – successfully applied for the defendant's costs following the claimant's application to adjourn (May 2020).
- *C v H* – successfully applied to exclude the claimant's statement that was filed and served three days after



the date for exchange; and applied for the claim to be struck out because the claimant had no evidence.

Email from professional client, dated 15 May 2020:

*'Great results.'*

- *A v C* – successfully applied for the Stage 3 hearing to determine quantum for credit hire, recovery and storage, loss of earnings, and general damages for pain, suffering and loss of amenity to be vacated, and that the Part 8 claim be transferred to Part 7 (May 2020).
- *S v S* – started to cross-examine the claimant on discrepancies in the evidence before he left the hearing, and successfully submitted that the claim should be dismissed as the burden of proof had not been discharged, and that the claimant had behaved unreasonably by leaving the hearing, so that the court should award an amount of costs to the defendant (April 2020).
- *S v Z* – successfully submitted that, although the claimant had substantially succeeded, no costs should be awarded to mark that the claimant had behaved unreasonably for three reasons, first the failure to file and serve key documents, secondly the erroneous allegation that the defendant had not served any evidence, thirdly the failure to inform the defendant or the court that the claimant's statement was materially incorrect before it was adopted (without amendment) as her evidence in chief (April 2020).
- *C v A* – successfully submitted that there was no evidence that the claimant needed to hire a credit hire vehicle, and although the matter was adjourned to allow further evidence, it was on the condition that the claimant pay the defendant's costs to be assessed if not agreed (April 2020).
- *W v C* – successfully submitted that less than half the amount claimed for credit hire be awarded (March 2020).
- *V v R* – successfully applied for relief from sanctions about a month before trial, after admission of serious and significant breaches of court directions without good reason, in relation to disclosure and service of witness statements, successfully made an oral application for permission to rely on documents evidencing the claim for special damages that had only been filed and served three days previously, and successfully resisted the defendant's application for costs (about £8,000) that exceeded fixed recoverable costs (£300) (March 2020).
- Advice on quantum following a road traffic collision, in which a minor suffered physical injuries, including to his lower back, right hip and right leg, and psychological injuries, including initial acute stress symptoms and contribution towards Autism Spectrum Disorder symptoms, namely separation anxiety and enuresis (March 2020).
- *A v S* – successfully submitted that the court should



dismiss the claim, and that the claimant behaved unreasonably, so that the claimant should pay the defendant's costs (March 2020).

- *M v C* – successfully submitted that about one-fifth of the amount claimed for credit hire be awarded (March 2020).
- *K v E* – successfully submitted that less than half the amount claimed for credit hire be awarded (February 2020).
- *S v N* – successfully submitted that about one-fifth of the sum claimed for credit hire be awarded (February 2020).
- *W v B* – successfully submitted that the claim for diminution in value, policy excess and interest should be dismissed, and that the counterclaim for the defendant's policy excess, the defendant insurer's outlay, and interest should be allowed (February 2020).
- *B v A* – successfully submitted that the claims for credit hire, engineer's fee and interest should be dismissed, and that the hearing fee should not be awarded as the claim for repairs was admitted in the defence (February 2020).
- *C v L* – successfully applied to add a second defendant and Part 20 claimant (February 2020).
- *T v C* – successfully represented the defendant so that the claim for credit hire was dismissed. Email from lay client, dated 13 February 2020: *'Great result!'*
- *W v C* – successfully made an oral application to strike out the claim as an abuse of process and successfully applied for a finding that the claimant behaved unreasonably, so that the court ordered the claimant to pay £1,000 in costs to the defendant (February 2020).
- *L v P* – successfully applied to disallow the hearing fee after the court awarded judgment in the sum of about £6,000 (February 2020).
- Advice on prospects of success ahead of a multi-track trial following a claim for general damages for personal injury and special damages for medical expenses, the pre-accident value of a vehicle, credit hire charges of about £30,000, storage and recovery charges, and loss of use of a vehicle, where there was an allegation of fundamental dishonesty, application to strike out and disapply QOCS on the basis that the claimant's conduct was likely to obstruct the just disposal of proceedings (February 2020).
- *G v T* – successfully invited the court to dismiss the claim on the basis of the evidence elicited in cross-examination that the offside of the claimant's vehicle collided with the front nearside of the defendant's vehicle on a roundabout (January 2020).
- *P v M* – successfully applied to strike out the only head of loss in dispute, and successfully applied for the defendant's costs on the basis that the claimant behaved unreasonably (January 2020).
- *E v A* – successfully resisted an application to add another defendant, invited the court to strike out the



claim, and applied for the defendant's costs on the basis that the claimant behaved unreasonably (January 2020).

- *C v W* – successfully submitted that the claim for credit hire should be dismissed as need was not made out (January 2020).
- *P v T* – successfully reduced the amount awarded to about one-eighth of the sum claimed for credit hire, and successfully applied to reduce fixed costs to those relevant to the judgment sum (as opposed to the sum claimed). Email from professional client, dated 22 January 2020: *'Another brilliant result, thank you!'*
- *G v A* – successfully cross-examined the claimant, eliciting evidence of other accidents around the time of the index accident, so that the court could not be sure that the index accident caused the damage alleged in the particulars of claim, and successfully applied for costs on the basis that the claimant behaved unreasonably (January 2020).
- *O (A Minor) & Anor v H & Anor* – successfully applied for costs on behalf of the *defendant* after an infant settlement approval hearing (January 2020).
- *P v S* – successfully applied for professional client to come off the record as acting for the claimant on the day of trial, where the defendant indicated that he would apply to strike out the claim, disapply QOCS and seek costs of about £6,000 (December 2019).
- *B v P* – successfully secured about one-ninth of the sum claimed for credit hire on behalf of the defendant, and successfully applied for a reduction in the amount of the claimant's fixed costs. Email from professional client, dated 15 November 2019: *'Many thanks Dominic really appreciate all your efforts on this one and fantastic result!'*
- *M v A* – successfully represented the defendant, who saw a gap behind her, and began to reverse, before there was a collision with the claimant's vehicle. Email from professional client, dated 29 October 2019: *'Thanks Dominic – great job!'*
- *B v L* – successfully made an oral application at a directions hearing to strike out, £4,000 costs be awarded to the defendant, and QOCS be disapplied, on the basis that the claimant disclosed no reasonable grounds for bringing the claim, and his conduct was likely to obstruct the just disposal of proceedings (October 2019).
- *K v B & Anor* – successfully applied to strike out the claimant's claim for about £12,000 in respect of credit hire, on the basis that there was a legitimate concern with the claimant's level of English, and, in absence of a translated witness statement, the court could not place any weight on it (October 2019).
- *Y & Anor v E* – successfully applied for permission to rely on expert evidence in a low-value claim, despite a failure to apply to amend / vary directions for trial (that did not grant permission to rely on an expert) and



finding that the application was not prompt (October 2019).

- *B v M* – successfully settled on the defendant’s terms for about one-third of that claimed (October 2019).
- *H v A* – successfully submitted that a *Copley*-compliant intervention letter was sent to the claimant’s solicitors, who were acting as agents for their client, and so, due to the agent’s failure to pass this letter on to the claimant, about an eighth of the amount claimed for credit hire should be awarded (October 2019).
- *S v I* – successfully settled on the defendant’s terms (September 2019).
- *M v G* – successfully represented a taxi driver in an alleged “low velocity impact”, who was awarded: about £2,300 general damages for pain, suffering and loss of amenity; about £6,700 special damages for credit hire, vehicle repairs, physiotherapy and miscellaneous expenses; and about £9,000 for costs, disbursements and witness expenses (September 2019).
- *P v E* – successfully resisted application to adjourn trial, so that, in response to the claimant’s arguments, the court found opined that: “I have never heard such rubbish in my life ... That is total nonsense” (August 2019).
- *S v R* – successfully resisted admission of a handwritten, contemporaneous note, allegedly admitting liability, on the basis that it was not on the defendant’s list of documents (August 2019).
- *P v W* – successfully cross-examined, so that the judge did not need to hear closing submissions from the defendant before dismissing the claim, allowing the counterclaim (August 2019).
- *B v H* – successfully secured the full amount that was claimed for credit hire, on the basis that the claimant was impecunious, despite the judge finding that, as no wage slips were provided, and only incomplete bank statements were provided, the claimant had committed a serious and significant breach of the court’s directions, for which there was no good reason (August 2019).
- *B v L* – successfully made an oral application to strike out the case as an abuse of process, and successfully submitted that the claimant behaved unreasonably, so that the court awarded the defendant costs of £2,500. Email from professional client, dated 14 August 2019: ‘*What a brilliant result! I have a happy client.*’
- *R v I* – successfully secured a court award of about one-seventh of that claimed on behalf of the defendant, after liability was admitted, and the judge found that an accident management company was acting as an agent for the claimant, so that this agent should have passed the defendant’s intervention letter on to the claimant (August 2019).
- *S v A* – successfully cross-examined the claimant in a fast track trial, in which the judge found that the claimant answered questions “in an unnecessarily



argumentative way”, and his claim was dismissed (July 2019).

- *S v E* – successfully secured a court award of damages that was not greater than the defendant’s final offer in a stage 3 hearing, and nothing was awarded for six sessions of cognitive behavioural therapy, which were recommended by a consultant psychologist, so that the claimant was ordered to pay the defendant’s costs (July 2019).
- *V v A* – successfully adjourned when the defendant’s witnesses did not attend, and, on behalf of the defendant, successfully secured a finding of unreasonable behaviour, so that the claimant was ordered to pay the defendant’s costs of resisting the claimant’s (successful) application for relief from sanctions (July 2019).
- *H v A* – successfully cross-examined, so that, in the words of the judge, the claimant accepted that his pleaded case was “completely incorrect”, and his claim was dismissed (July 2019).
- *G v U* – successfully challenged the claimant’s witness statements (on the basis that neither complied with court directions, including stating the names of the parties, case number, and the address of the witness), and successfully submitted that there was no evidence of loss in respect of damages for a fleet vehicle, so that, although the cost of repairs was allowed, the claimant was limited to half of his fixed costs (July 2019).
- *K v H* – successfully challenged the claimant’s written witness evidence, which attempted to rebut the defendant’s basic hire rates evidence, on the basis that that witness was employed by a subsidiary of a relevant company, and so was not independent (July 2019).
- Advice on the defendant’s strike out application, the claimant’s relief from sanctions application, quantum (headaches for two years, neck injury for two years, jaw injury for six months, chest injury for six weeks, driving anxiety for six years and four months, and post-traumatic stress disorder for an indeterminate period), and making a Part 36 offer to settle (July 2019).
- *K v R* – successfully secured a court award of damages that was not greater than the defendant’s final offer in a stage 3 hearing, so that the claimant was ordered to pay the defendant’s costs, plus interest (July 2019).
- *M v H* – successfully rebutted allegation of impecuniosity, by eliciting in cross-examination that statements for a relevant bank account had not been disclosed; and successfully rebutted fast track costs, despite Particulars of Claim for more than £10,000, so that the ‘normal track’ was the fast track (June 2019).
- *Y v N* – successfully applied for permission to resile from pre-issue admission of liability, after judgment had been entered, the judgment sum paid, and the key evidence had not been filed with the court or served on the other party (June 2019).
- Advised a medium-sized business on liability,



contributory negligence, quantum, mediation, and offers to settle, following alleged facial injuries (March 2019).

- *N v W* – successful application for specific disclosure, and costs awarded. Email from professional client, dated 5 February 2019: *'Thank you for providing your very detailed attendance note. We are pleased with the fantastic outcome and the way in which you conducted the hearing on our behalf. I will certainly recommend you to my colleagues for similar instructions in the future.'*
- *D v K* – successfully submitted that the claim should be dismissed, as need was not established. Email from professional client, dated 18 February 2019: *'Many thanks Dominic for you [sic] attendance, detailed note of the outcoming [sic] of the hearing and result the client will be extremely pleased with the result.'*
- *K v E* – successful oral application to strike out evidence, as the claimant could not understand questions in cross-examination, his directions questionnaire did not confirm that an interpreter was required, and his statement of case and witness statement did not conform to the CPR, so that, upon a further successful oral application, costs were awarded pursuant to a finding of unreasonable behaviour (April 2019).
- *A v G & Anor* – email from professional client, dated 23 November 2018: *'Thank you for your very detailed attendance note and assistance yesterday. I really appreciate your thoroughness in preparation and attempts to salvage the case when it became apparent that our client was not going to turn up at Court. Although I always worry whether parties will turn up on the day, we could not anticipate that our client would not actually attend and, ultimately, her non-attendance cost us the case, despite your best efforts.'*
- *S v B* – fast track trial, where personal injury was alleged to have been caused as a result of breach of the common law duty of care, and statutory duty (owed to lawful visitors) under the Occupiers' Liability Act 1957 (July 2018).
- *H v M* – fast track trial, where personal injury was alleged as a result of breach of the duty of care that an occupier owes to an unlawful visitor under the Occupiers' Liability Act 1984 (June 2018).
- *M v C* – fast track trial, where the claimant alleged personal injury following a low velocity impact ("LVI") road traffic collision, which the defendant alleged was fundamentally dishonest (April 2018).

