

"He has excellent attention to detail. His written work is always powerfully presented and often produced with tight deadlines. He is also a very skilled advocate and superbly capable in fraud cases."

Chambers and Partners 2019



Howard Cohen

Called in 1999 +44 (0)20 7583 9241

Howard Cohen's particular expertise is in Personal Injury work. He has extensive experience in high value and complex cases, especially where these involve serious psychiatric injury, chronic pain and serious spinal disorders.

More recently, his practice has increasingly focused on cases in which fraud and/or dishonesty are alleged.

His caseload includes Employer's Liability, Occupier's Liability, Product Liability, Fatal Accidents, Highways and Road Traffic claims, as well as associated areas including MIB, CRU and Criminal Injuries compensation. He has vast experience of railways claims.

He acts for both Claimants and Defendants on claims predominantly in the multi-track and he regularly appears in the High Court. His clients include local authorities, trade unions, large companies and other corporate organisations. He is an accomplished court performer, appearing in courts and tribunals nationwide. In addition, he has a busy paper practice and frequently represents clients at round-table conferences and other settlement meetings.

Howard has developed significant expertise in Educational law, most recently focusing on bringing parental appeals to the Office of the Schools' Adjudicator in addition to being instructed to appear in a wide range of other disciplinary hearings and academic appeals.

Howard is a popular speaker, regularly contributing to chambers' seminars and training sessions. He also writes articles for the chambers website and newsletter. In the recent past, he has spoken/written about Accidents at Work, Fraud and Surveillance Evidence, the Compensation Recovery Unit, Contempt of Court and RTA Insurers and Article 75.

Location

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Costs

Howard regularly appears in Courts nationwide on Costs and Case Management hearings, as well as detailed assessments and other hearings dedicated solely to costs issues. In this complex area of the law, Howard is able to discern the salient facts quickly and efficiently.

He appeared in the recent case of Americhem Europe Ltd v Rakem Ltd 2014 [EWHC] 1881 TCC, which concerned the validity of a statement of truth on Precedent H Costs Budgets completed by a costs draftsman, rather than by the party's legal representative.

Credit Hire

Howard continues to appear in cases involving claims for credit hire, as he has done since he first qualified in 2000. He has a deep knowledge and understanding of the law in this area which assists him when both advising and appearing in Court.

Criminal Fraud

Howard is regularly instructed by large insurer clients to defend claims where there are suspicions of fraudulent conduct, usually within the context of road traffic litigation. He was recently instructed to represent an alliance of insurance companies against a swathe of claims arising out of a "fraud ring" in East London. This resulted in each of the claims being either struck out or discontinued.

He is an expert in the area of exemplary damages, which he now seeks and often wins against fraudulent Claimants.

When successful Defendant insurers wish to take matters further, Howard has a detailed knowledge of the new CPR 81 dealing with contempt of court proceedings. He recently successfully defended the first application ever made to bring committal proceedings under that provision against a suspected fraudulent Claimant.

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Inquests

Howard has significant experience of appearing in Inquests throughout the country arising out of road traffic deaths and deaths in custody.

Insurance

Howard advises and represents individuals, businesses and insurance companies on a wide range of contractual and tortious matters. He has advised on disputes concerning the payment of commissions, matters concerning the sale and supply of goods and services, and fire and other property damage claims.

Personal Injury

Howard's particular expertise is in Personal Injury work, particularly where there are elements of fraud or dishonesty apparent or alleged. He covers a broad range of matters with an emphasis on high value and complex cases.

His caseload includes Employer's Liability, Occupier's Liability, Product Liability, Fatal Accidents, Highways and Road Traffic claims, as well as associated areas including MIB, CRU and Criminal Injuries compensation. He has vast experience of railways claims.

He acts for both Claimants and Defendants on claims predominantly in the multi-track and he regularly appears in the High Court. His clients include local authorities, trade unions, large companies and other corporate organisations. He is an accomplished court performer, appearing in courts and tribunals nationwide. In addition, he has a busy paper practice and frequently represents clients at round-table conferences and other settlement meetings.

Civil Fraud

Howard has vast experience of dealing with fraudulent claims and claims in which fundamental dishonesty is alleged. He is ranked as a Leading Junior in the Motor Insurance Fraud section of Chambers and Partners 2018 and recently went to the Court of Appeal in the case of *Ogiehor v Belinfantie* [2018] EWCA Civ 2423 arising out of an allegation of fraud.

Howard successfully defended the Respondent in the first application for contempt of court arising from the new CPR 81 in the case of *RSA v Kosky* [2013] EWHC 835 (QB) and regularly advises insurers on issues relating to surveillance, fundamental dishonesty, Section 57, exemplary damages and contempt of court.

He also has experience of defending against fraud rings, acting for a co-operative of insurers in the case of *Tasneem v Morley* [2014] LTL, 28/1/14 against a total of 16 Claimants alleging injury following 9 separate road traffic accidents.

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Each claim was struck out with exemplary damages awarded.

Howard regularly gives seminars and training on issues arising from fraudulent claims to solicitors, insurers and local authorities.

Professional Negligence

Howard has developed an interest in clinical and professional negligence claims of all types, particularly against solicitors.

Clinical Negligence

Howard has significant experience in dealing with large clinical negligence claims, most particularly, in colorectal cases, claims following accidents at birth and those arising from negligently performed surgery. He is also a trained case presenter for the Nursing and Midwifery Council and has wide experience of appearing before that, and other healthcare regulators.

Public Access

Howard accepts instructions on a public access basis.

Notable Cases

Ogiehor v Belinfantie [2018] EWCA Civ 2423

Successfully defended 2nd appeal by litigant in person against an Unless Order and related costs award, resulting in Defendant's costs being awarded of over £110,000.

Tasneem v Morley (2014)

Won exemplary damages for successful Defendant insurer against a total of 16 fraudulent Claimants involved in a fraud ring comprising 9 separate road traffic accidents.

Royal & Sunalliance Insurance Company Ltd v Kosky (2013)

Successfully defended the first ever application for permission to bring committal proceedings for contempt of court under the new CPR 81 in the High Court.

B v Criminal Injuries Compensation Authority (2013)

Represented applicant in appeal to First Tier Tribunal after he was awarded £1,500 at first instance following sexual abuse suffered at the hands of a former teacher at his school. Drafted a full Schedule of Loss and following submissions before the Tribunal, the applicant was awarded in excess of £105,000.

Taylor v Taylor (2013)

Represented the Defendant in a multi-track trial involving a Claimant who was claiming in excess of £100,000 for lost earnings following a road traffic accident. Following 2 days of detailed cross-examination revealing the true extent of the weaknesses in the Claimant's case, the matter settled globally (including costs) for

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£42,000.

Deegan v (1) Thompson (2) Motor Insurer's Bureau (2013)

Led by Alan Jeffreys QC. Instructed by MIB in a claim arising out of a road traffic accident that was pleaded in excess of £6 million. Drafted Counter-Schedule, following which the matter settled at a JSM for just over £1 million.

If you would like to instruct Howard Cohen or would like help or advice in doing so, please call and talk to our excellent clerking team, led by senior clerk Alan Kilbey MBE. Our phone number is +44 (0)20 7583 9241. Alternatively, please email us at chambers@farrarsbuilding.co.uk

For more information about our clerking team, please [click here](#) for the clerks page.

Appointments & Memberships

- Association of Personal Injury Lawyers
- Personal Injury Bar Association
- London Common Law & Commercial Bar Association
- South Eastern Circuit

Education & Qualifications

- Winner of Wilfred Getz Scholarship, Gray's Inn
- BVC, Inns of Court School of Law, London
- M. Phil (Criminology), Trinity Hall, Cambridge
- MA Hons, Jurisprudence, St. Catherine's College, Oxford
- City of London School for Boys

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