



## Gordon Exall

Year of call: 01/01/1991

*'A colossus in the legal world.'*

Legal 500 (2016)

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## Practice Summary

Gordon qualified and practised as a solicitor before being called to the Bar in 1991. He practises in the area of personal injury, fatal accidents, clinical negligence, sanctions, procedural issues, limitation and costs. He has been involved in some of the leading cases relating to procedure and the assessment of damages.

Gordon is the author of several of the major practitioner's texts on personal injury damages. Munkman and Exall on Damages for Personal Injury and Death is in its 14th edition, Gordon's "Guide to Fatal Accidents" is now in its 4th edition as is his book "Personal Injury Practice Notes". He has contributed to several of the major works on damages and procedure including the latest edition of Munkman on Employer's Liability.

Gordon's blog on civil procedure, "Civil Litigation Brief" has been described as "essential reading for any litigator" receiving well over 1 million views each year.

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## Qualifications

BA Hons (Warwick) 1984

Admitted as a solicitor 1987

Called to the Bar 1991

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## Noteworthy cases

- Seabrook -v- Adam [2021] EWCA Civ 382. Construction of Part 36 offers when claimant makes an offer on liability in a case where causation was in issue.
- Faulkner v Secretary of State for Business, Energy And Industrial Strategy [2020] EWHC 296 (QB).

- Successfully defended application to set aside notice of discontinuance and disapply one way cost shifting. Court's discretion not to set off costs of application against costs covered by QOCS
- Powell-v-Watford Borough Council [2017] EWHC 2283 (QB). Defendant had not complied with unless order, case stood struck out. Claimant should have succeeded at trial on the merits in the absence of evidence about risk assessments
  - Cross-v-Black Bull (Lawtel 2017). Successful appeal against striking out of action when the claimant had given an inaccurate statement of value on the claim form
  - Murray-v-BAE [2016]. Successful appeal on relief from sanctions hearing where costs budget served late
  - Worthington-v-03918424 Ltd [2015]. Costs after late acceptance of a Part 36 offer
  - Pykett-v-Clement [2011] EWCA Civ 2925. Issue of liability owed by overtaking driver causing substantial injuries
  - Re M [2011] (Lawtel) £4 million CICA award
  - Re S [2011] (Lawtel) £3.6 million CICA award
  - Motor Insurers Bureau-v-Shikhell [2011] EWHC 527 (QB). Successful defence of witness in personal injury case alleged to have been in contempt of court
  - Hodinott-v-Persimmon Homes [2008] 1 WLR 806. Appropriate procedure for challenging service of the claim form
  - O'Hara-v-McDougall [2005] ALL ER D 275. Service on tenant's address not good service on landlord
  - Smith-v-Hughes [2003] 1 WLR 2441. Appropriate address for service of claim form
  - Lunnun-v-Singh [1999] ALL ER D 718. Effect on judgment on ability to defend claim for damages
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