

## Tim Cooke-Hurle



Call: 2012

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### Profile

Tim Cooke-Hurle practices in a broad range of civil and international law, with a particular focus on claims involving environmental torts, climate change, business and human rights, clinical negligence, product liability, inquests and sexual abuse.

Further details of Tim's environmental, climate change and business and human rights law are available under the tabs below. He is well versed in climate science and law, and often works on climate issues involving elements of corporate responsibility or human rights. Tim is recognised as an expert on the law of business and human rights in Chambers & Partners Global legal directory. His work often applies the United Nations Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises, the two key international standards now at the forefront of establishing corporate responsibility in the context of the climate and biodiversity emergencies.

Chambers and Partners Global Market Leaders rankings for Business and Human Rights law write:

*"Described as "bright and creative" Tim Cooke-Hurle is known for his claimant-oriented practice, particularly in human rights matters related to the environmental sphere. Describing him as "incredibly diligent in the way he looks at and analyses the law," clients pinpoint his*

*skills in articulating “the context of international human rights law with globalisation.”*

*“He is instructed on high-profile civil claims concerning human rights violations in developing countries. He also advises NGOs and corporations on the implementation of human rights law in high-risk jurisdictions. Additionally, the London-based barrister is highlighted for his work on OECD complaints before various NCPs. One interviewee hails the “totally brilliant” Cooke-Hurle for “being really methodical” on cases.”*

In his civil practice, Tim has particular experience in multiparty and group actions, having assisted in several very large group action claims in the UK civil courts. He is also instructed in a number of multi-party product liability claims.

Tim has particular experience in international business and human rights claims, including as junior counsel in cases such as *The Bodo Community v Shell* and *The Ocale Community v Shell*, both cases arising from oil pollution in Nigeria, *Various v African Barrick Gold*, concerning mining operations in Tanzania and *Various v British Airways* and *Simon Woods* in Kenya. He also advises in relation to complaints under the OECD Guidelines for Multinational Enterprises, such as in the case of *Crude Accountability v the KPO Consortium* in Kazakhstan and *Americans for Democracy and Human Rights in Bahrain v the Formula One Group*. He has advised on business and human rights issues in a wide range of other sectors.

Tim has a first class law degree, graduating at the top of his year from the London School of Economics. He gained his Masters in Law from the University of Pennsylvania, where he was a Thouron Scholar. He was awarded a Lord Denning Scholarship by Lincoln’s Inn for his BPTC.

## **Awards**

BPTC, 2012: Lord Denning Scholarship, Lincoln’s Inn; Hardwicke Award, Lincoln’s Inn.

LLM, University of Pennsylvania, 2005: Thouron Award Scholar.

LLB, London School of Economics, 2004: Slaughter and May prize, best exam performance in law (final year); Slaughter and May Prize, best exam performance in law (second year); Hughes Parry Prize, best performance in obligations; John Griffith Prize, second best overall performance in law (first year).

## **Education**

BPTC (2012)

LLM, University of Pennsylvania, June 2005

## **Languages**

French

## **Related practice areas**

International Law

International Human Rights Law

Actions Against the Police and Public Authorities

Inquests and Public Inquiries

Anti-Trafficking

Business and Human Rights and Modern Slavery

Clinical Negligence, Personal Injury & Product Liability

Children's Rights Group

Climate and Environmental Justice

## **Environment, Climate Change and Business and Human Rights**

Tim specialises in environmental, climate change and business and human rights law.

He is well versed in climate science and law, and often works on climate issues involving elements of corporate responsibility or human rights. Tim is recognised as an expert on the law of business and human rights in Chambers & Partners Global legal directory. His work often applies the United Nations Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises, the two key international standards now at the forefront of establishing corporate responsibility in the context of the climate and biodiversity emergencies.

Tim has acted as counsel in a significant number of the leading business and human rights and environmental claims, as summarised in the tab below. His background in the area dates to 2006, when he worked on a number of multinational torts claims at Leigh Day solicitors, including the Trafigura litigation involving 30,000 claimants in Ivory Coast.

Tim's current and recent work in the context of environmental, climate change and business and human rights claims includes:

- Instructed by the Global Legal Action Network to mediate the Cerrejón mining dispute involving several multinational corporations and jurisdictions.

- Acted in a ground-breaking 'greenwashing' OECD complaint for ClientEarth which was associated with BP retracting global advertising. Tim also advises on greenwashing consumer claims, including greenwashing in the technology sector and greenwashing in plastics.
- Currently advising in a number of claims involving issues touching on the climate, deforestation and biodiversity impacts of agri-business, the human rights impacts of resource extraction and renewable energy, and the human rights obligations of businesses investing in high emitting sectors.
- Recently advised on claims involving constitutional and tort-based litigation against corporate defendants said to be causing climate change loss and damage. Tim has advised in respect of 'shareholder' climate claims.
- In litigation arising from the 'dieselgate' emissions scandal, Tim is instructed regarding expert and regulatory issues. The litigation involves 'defeat devices' said to have been used to avoid clean air standards by several vehicle manufacturers concerning.
- Tim also advises in claims involving public nuisance and related torts, in respect of waste treatment and emissions management.
- Advised the claimants on a number of procedural issues in respect of the collapse of the Samarco Dam in Brazil.
- Tim is happy to speak on all of these issues, and also speaks on the use of litigation in the climate context. He has trained lawyers, judges and investigators on a range of related issues internationally. He often trains groups and organisations on the use of the OECD Guidelines for Multinational Enterprises in environmental, consumer and business and human rights issues.

## International Law and Business and Human Rights

Tim Cooke-Hurle specialises in international claims raising business and human rights issues. He also advises in relation to unlawful detention and torture.

His recent and ongoing work includes:

- Representing the claimants in *The Bodo Community and Others v The Shell Petroleum Development Company of Nigeria Limited* – a claim for the Bodo community in Nigeria for environmental damage caused by Shell oil extraction operations in the Niger Delta. £55 million settlement obtained for 15,600 fisherman and farmers in 2015.
- Representing the claimants in *Awala and Others v Royal Dutch Shell PLC and the Shell Petroleum Development Company of Nigeria Limited* – a claim for members of the Ogale community in Nigeria for environmental damage caused by Shell oil extraction operations
- Representing the claimants in *Various Claimants v African Barrick Gold and North Mara Gold Mine Limited* – in relation to alleged killings and injury at a mine in Tanzania.
- Representing the complainants in *Crude Accountability and others v the KPO Consortium*(comprising BG Group, ENI, Chevron, Lukoil, KazMunaiGas) – an OECD complaint in relation to adverse impacts and resettlement of communities living near to one of the world's largest gas and condensate plants.
- Representing the complainant in *Americans for Democracy and Human Rights v The Formula One Group* – an OECD complaint in relation to adverse human rights impacts associated with Formula One racing in Bahrain.
- Representing the complainant in *LPHR v G4S* – an OECD complaint in relation to the provision of security services in Israel and the Occupied Palestinian Territories.
- Representing the Complainants in litigation arising from the abuse of a significant number of migrant workers in the UAE against two major construction companies.
- Tim has also advised in relation to: adverse impact of mining and dam operations; businessmen detained in incommunicado detention in a middle eastern country; pre-action litigation in relation to war crimes committed by a private military contractor; OECD complaints in relation to supply chains.
- Tim's other advisory work has included: *Privacy International v 6 Telecommunications Companies*, in relation to adverse impacts associated with mass interception of data by GCHQ on underseas data cables; complaints relating to adverse impacts relating to industrial pollution in Africa and East Asia; advice regarding the employment of child soldiers by a private military contractor; advice regarding due diligence obligations of oil and gas companies in relation to exploratory drilling on community lands.

- Tim is a named Counsel in the UK section of the 'Directory of Business and Human Rights Lawyers', a directory maintained by the Business and Human Rights Resource Centre.
- Tim's prior experience includes working between 2006 and 2009 as a Researcher and Legal Officer for the claimants in *Various Claimants v Trafigura*. Settlement agreed for 30,000 clients in Ivory Coast against Trafigura in relation to the offloading of hazardous waste from their chartered ship, the Probo Koala. This was the largest litigation of its kind in UK legal history.
- From 2009 to 2011, Tim worked for the NGO Reprieve, where he worked as an investigator on the extraordinary renditions and Guantanamo Bay team. There, he engaged in investigation and litigation regarding detainee abuse and corporate accountability matters. Tim trained with the International Institute for Criminal Investigations as a war crimes investigator in 2010, and attended the London School of Economics course, Law War and Human Rights in 2011. He has specialist knowledge on national security matters. In 2013, he advised the Shadow Cabinet on Closed Material Procedures and the Justice and Security Act 2013. He provides bespoke advice on evidence, strategy and litigation opportunities to individuals detained and abused in detention worldwide.

## Clinical Negligence, Sexual Abuse and Product Liability

Tim acts as junior counsel in claims against United Kingdom companies, charities or churches arising from the alleged sexual abuse of children in their care. For example:

- *Various Claimants v British Airways and Simon Woods* - a claim against British Airways relating to their liability for the alleged sexual abuse of orphans and other children in Kenya and Uganda committed by their pilot in Kenya.
- *Various Claimants v the Methodist Church and another* – a claim against the Methodist Church for alleged sexual abuse committed by their missionary in Sierra Leone.
- *Various Claimants v Simon Harris* – a claim in relation to the abuse of street children in Nairobi, Kenya.

Tim is regularly instructed in clinical negligence and product liability claims. For example:

- X v Y – a settled claim for catastrophic brain injury that occurred during participation in a medical trial, raising complex product liability and causation issues.
- Tim often acts as junior counsel to Robin Oppenheim QC and others in clinical negligence claims relating to catastrophic and birth injury. For example: a claim for damages arising from undiagnosed cerebral palsy and a claim for damages arising from negligent implantation of incorrect embryo.
- Tim is instructed by several hundred claimants in a number of proceedings relating to defective metal on metal hip implants, including in arbitration.

## Inquests and Inquiries

Tim regularly acts in inquests, particularly concerning failed medical care and deaths in custody.

Tim's recent and ongoing inquest work for bereaved families includes:

- Inquest touching upon the death by alleged suicide of a teenager in local authority care;
- Inquest into the death of a person detained under mental health powers whilst restrained in a dangerous position;
- Inquest into the death in custody of a prisoner with undiagnosed cardiac issues;
- Inquest into the death by cerebral hemorrhage of a prisoner in hospital;
- Inquest the death of a prisoner by intestinal rupture, when transferred to hospital;
- Inquest into the death by haemorrhage of a baby cut by a doctor during a caesarean procedure;
- Inquest into the death of a baby raising the issue of the promptness of ambulance response times.

Tim has previous experience working for 18 months for Reprieve on the 'Gibson Inquiry' into detainee abuse in the context of the war on terror.