

ADAM KORN

Year of call
1992



Adam Korn is an experienced advocate with a common law practice, specialising in clinical negligence, product liability and personal injury cases.

He is consistently recommended by the Legal 500 and Chambers UK Bar as a leading junior barrister in his principal areas of practice.

He appears in civil courts and tribunals at every level, handling cases involving consumer products; pharmaceutical and medical devices; clinical negligence causing cerebral palsy, other neurological injury and wrongful birth; and industrial disease. He has great experience of group litigation in such cases, having acted in some of the most high-profile group actions of recent years.

In the area of product liability he acts for parties alleging injury caused by defective medical devices or pharmaceutical products. These are usually group actions.

His clinical negligence work frequently involves representing protected parties who have either sustained neurological injuries prior to birth; at birth; in the neonatal period; or catastrophic brain damage from some other cause.

He regularly appears at group or unitary Inquests on behalf of properly interested persons, usually either bereaved families or NHS Trusts.

He represents applicants before the Criminal Injuries Compensation Authority (CICA) and doctors and other healthcare professionals before their Fitness to Practice Panels.

LEGAL EXPERTISE

Clinical Negligence

Adam handles a considerable clinical negligence caseload. Many of the cases are of the highest value and involve analysis of complex factual and legal issues with large teams of experts.

Adam regularly represents clients in civil courts at all levels and at round table meetings, achieving resolution in many cases appearing incapable of compromise.

He appears for doctors and other healthcare professionals at Fitness to Practice panels in the GMC.

His cases involve most areas of clinical practice including obstetrics and gynaecology, neurology, cardiology, accident and emergency medicine, cardiac, colorectal and orthopaedic surgery and psychiatry.

He frequently represents protected parties who have sustained neurological injuries either prior to birth, at birth, in the neonatal period, or catastrophic brain damage from another cause.

He regularly appears at Inquests on behalf of Properly Interested Persons, usually either bereaved families or NHS Trusts, in cases involving fatalities in which issues as to clinical negligence arise.

Selected Cases

Nottingham Heart Valve Cases

Infection of multiple cardiac patients by a single surgeon.

Bristol Cases

Claims arising out of the crisis in the Bristol Paediatric Cardiac Surgical service in the late 1980s/early 1990s into which a Public Inquiry was held in 2000 and new Inquiry convened in 2014.

Canning-Kishver (a minor) v Sandwell & W Birmingham Hospitals NHS Trust [2008] EWHC 2384 (QB)

Causation and material contribution between negligent and non-negligent causes of injury following Bailey v MOD.

Smith v Dr Dickson [2009] EWHC 1800 (QB)

Diagnosis and treatment of meningitis in infancy by a GP.

A v Sandwell & West Birmingham Hospitals NHS Trust

£2,500,000 lump sum and staged annual periodical payments for care for brain injuries.

E v St George's Healthcare NHS Trust

Damages awarded for failure to prevent suicide of psychiatric patient.

X v King's College Hospital NHS Trust

Damages awarded for failure to diagnose and treat ovarian cancer.

Arnong v Jenkins

Damages for infertility caused by ectopic pregnancy and removal of fallopian tub.

Telles v South West Strategic Health Authority [2008] EWHC 292 (QB)

Surgeon carried out a cardiovascular shunt operation in a negligent manner causing PVL.

Inquest & Judicial Review

Adam regularly appears at Inquests for Properly Interested Persons, both bereaved families and NHS Trusts.

He has particular expertise in group Inquests and those involving analysis of complex medical conditions.

In 2013 he represented families whose relatives died in "*Orchid View*" care home following poor treatment; and in 2010 represented the families of relatives who died from infected prosthetic heart valves having undergone surgery performed by the same surgeon.

He has appeared in unitary Inquests involving fatalities caused by the following:

- Cardiac surgery;
- Management of labour and delivery;
- Delay in provision of emergency services;
- Septicaemia;
- Failure to diagnose malignancy;
- Neonatal surgery; and
- Provision of Paediatric Intensive Care following surgery.

Personal Injury

Adam has extensive experience of personal injury work with an emphasis on catastrophic neurological injury and degenerative disease, whether sustained at work, in road traffic accidents, as a result of defective products or clinical negligence.

He appears regularly in the Criminal Injuries Compensation Authority (CICA) and at Inquests representing properly interested persons.

He has particular expertise in group Inquests and cases involving analysis of complex medical conditions. In 2013 he represented families whose relatives died in “*Orchid View*” care home following poor treatment; and in 2010 represented the families of relatives who died from infected prosthetic heart valves having undergone surgery performed by the same surgeon.

He has appeared in unitary and group Inquests, and in civil Courts at all levels, in cases involving serious injury and fatality caused by the following:

- Performance of surgery;
- Management of labour and delivery;
- Delay in provision of emergency services;
- Failure to diagnose malignancy;
- Asbestosis/mesothelioma;
- Occupational stress;
- Industrial accident/disease;
- Road traffic accident; and
- Neglect (in care home and hospital settings).

Selected Cases

Orchid View Claims (2013)

Fatalities caused by care home neglect.

Drinkall v Whitwood [2003] EWCA Civ 1547

A settlement agreement with a minor was only a proposed settlement until approved by the court.

Byukardicli v Hammerson UK Properties PLC (2) Standard Life Assurance Co (3) Amec Civil Engineering LTD Plc [2002] EWCA Civ 683

A judge’s finding of negligence based on his findings of fact in a tripping accident could not be criticised.

Nixon v FJ Morris Contracting Ltd Times (2001)

Trauma to the brain or spinal cord could be sufficiently severe as to provoke multiple sclerosis.

Corbin v Penfold Metallising Co Ltd [2000] Lloyd’s Rep. Med. 247

Definition of “knowledge” for the purposes of s.14 Limitation Act 1980.

Asbestosis/Mesothelioma Litigation

On behalf of claimants formerly involved in heavy/chemical industry and industrial processes.

Inquests

Adam regularly appears at Inquests for properly interested persons, either bereaved families or NHS Trusts, where clinical negligence is raised as an issue, or where the death occurred as a result of an accident at work, an industrial disease or road traffic accident.

He has particular expertise in group Inquests and those involving analysis of complex medical conditions.

In 2013 he represented families whose relatives died in *Orchid View* care home following poor treatment; and in 2010 represented the families of relatives who died from infected prosthetic heart valves having undergone surgery performed by the same surgeon.

He has appeared in unitary and group Inquests involving fatalities caused by the following:

- Mesothelioma;
- Performance of surgery / aftercare following surgery;
- Management of labour and delivery;
- Delay in provision of emergency services;
- Failure to diagnose malignancy;
- Neglect, in a care home setting or hospital;
- Industrial accident; and
- Road traffic accident.

Product Liability

Adam has extensive experience in group and unitary actions representing people alleging that their injuries were caused by defective products.

He is regularly involved in claims arising out of defective medical devices or pharmaceutical products, whether brought under the Consumer Protection Act 1987 or in negligence.

He has been involved in many of the most significant product liability cases in the last 15 years.

He has been/is currently instructed in group and unitary actions in relation to the following:

- *Vaccines* – Claimants alleging injury caused by vaccines (e.g., MMR; Pertussis). Medication for illness/disease – Parkinson's Disease sufferers whose medication allegedly caused gambling addiction and other pathological behaviours.
- *Hip prostheses* – He acts in various unitary and group claims alleging defective metal on metal prostheses.
- *Cosmetic implants* – He acts for claimants alleging injury caused by various cosmetic products.
- *Defibrillators* – Inappropriate electric shocks caused by defective implantable cardioverter defibrillators.
- *TVT gynaecological mesh* – He acts for claimants alleging defective mesh necessitating complex removal surgery.
- *Other medical devices* – He has acted in unitary claims brought against the manufacturers of medical

devices such as prosthetic implants.

- Non-medical devices – Claims for injuries caused by defective fridge-freezers, cars, bicycles.

Selected Cases

Haemophilia/HIV Blood Products Litigation

Blood contaminated with the HIV and/or Hepatitis viruses given to haemophiliacs.

MMR Litigation

Investigation of allegations of autism/bowel pathology following MMR vaccination.

Medtronic Litigation

Faulty defibrillator leads implanted into patients with heart failure.

Dopamine Agonist Litigation

Parkinson's Disease medication causing pathological gambling and other compulsive behaviours.

Pertussis Litigation

Neurological damage allegedly caused by vaccination program.

Metal on Metal Hip Implant Litigation

Claims brought against various manufacturers of metal on metal implants for high failure rates and metallosis.

TVT Mesh Litigation

Group action brought by UK patients alleging defective implants for prolapsed/stress incontinence caused multiple removal operations.

Public Law

Many of Adam's clinical negligence cases derive from crises in the provision of medical services which have been the subject of a Public Inquiry.

He has acted for the claimants in the majority of the clinical negligence actions arising from the events detailed in the *Bristol Royal Infirmary Public Inquiry Report* (2001).

Adam has advised the families involved in the recently concluded or on-going inquiries into:

- Deaths of paediatric surgical patients at the Bristol Hospitals.

- Deaths of residents at *Orchid View* care home in Sussex.

Sports Law

Sports law is where Adam's professional and amateur interests collide. He is a competitive swimmer, sailor and cyclist and is the Chairman of a local masters swimming club.

He advises competitive swimmers involved in regulatory and disciplinary disputes, as to anti-doping regulations and regulatory infringements.

He has acted for participants injured in competitive sports at all levels.

Civil Fraud

Adam has extensive experience in the field of professional negligence, chiefly concerned with legal advice given in context of clinical negligence/personal injury actions, but also in the fields of property valuation and construction.

His cases include representing claimants whose high value clinical negligence and personal injury negligence claims have been under-settled, and representing claimants against personal injury solicitors alleged to have negligently concluded their injury actions.

Inquests

Adam specialises primarily in clinical negligence and medical product liability work. He appears regularly in high profile Inquests. His experience of representing patients and their families in civil and coroners' courts has led to a developing practice in Court of Protection work. He has particular interest in capacity and the provision of medical treatment.

Memberships

- AVMA
- BASL
- PIBA
- PNBA