

## ADAM WEITZMAN KC

Year of call  
1993

Silk  
2016



Adam Weitzman KC is a very experienced barrister in all fields of personal injury litigation.

He works with the leading solicitors firms and handles cases in all parts of the country. Professional clients find him responsive, commercially minded and willing to work as part of a team. They praise him because he is decisive, able to make tough decisions and happy to take cases to trial. Lay clients find him approachable and sympathetic. Most of all he is valued for his advocacy and ability to win in court. Adam is ranked in the directories as a leading barrister in both personal injury and clinical negligence. He is described by clients as, *"incredible and brilliant with clients. If there is a way through a case he will find it. His advocacy is second to none"*.

Starting as a mixed practitioner Adam had both a civil and criminal practice until 2009 when he chose to specialise in all types of personal injury work. His criminal background (Attorney General's B panel prosecuting fraud, tax evasion and drug importation) has given him a wealth of advocacy and courtroom experience. His practice now includes personal injury claims, involving injuries of the maximum severity and fatal cases, clinical negligence, inquests and historic abuse cases. He also has a specialist knowledge and wide experience of claims involving local authorities.

## LEGAL EXPERTISE

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### Clinical Negligence

Instructed predominately for the claimant Adam's practice includes claims resulting from wrongful birth, failure to diagnose cauda equina syndrome, contraceptive failures, failure to diagnose cancer, failures of colorectal, gastric, gynecological and vascular surgery. He is also regularly instructed to assist in the quantification of maximum severity claims against the NHSLA, in particular claims involving children with cerebral palsy

arising from failures at or immediately after birth. Adam is ranked as a leading junior in clinical negligence in both Chambers and Partners and the Legal 500.

Recent notable hearings include the 2 week inquest into the death of Hayley Fullerton, a baby who had undergone heart surgery, at the Birmingham Children's Hospital, after which the coroner's criticism of the Trust was nationally reported. He was junior counsel for the defendant in *Woodand v Essex CC* in the Supreme Court.

## Selected Cases

### [Razumas v Ministry of Justice \[2018\] PIQR P10](#)

(1) was the Ministry of Justice liable for clinical negligence by prison GPs? (2) what constitutes fundamental dishonesty?

### [McDermott v InHealth Ltd \[2018\] EWHC 1835 \(QB\)](#)

When is it appropriate to make a Bullock/Sanderson order in favour of a claimant in a clinical negligence action?

### [Haywood v University Hospitals of North Midlands NHS Trust \[2017\] EWHC 335 \(QB\)](#)

A failure to investigate persistent tachycardia following C-section negligent and would such investigation have identified the bacterial infection that caused the claimant's stroke?

### [SXK v West Hertfordshire Hospitals NHS Trust \[2014\] WL 1097092](#)

Judgment of Master Roberts granting relief from sanctions to a cerebral palsy child who was out of time in an action to assess damages in serving her lay and expert witness evidence and Schedule. The Master found that there was good reason for the delay and that a claim against her solicitors was not a satisfactory remedy for the loss of the action against the Trust as the claimant would not be able to recover a PPO in a professional negligence claim.

### [Woodland v Essex County Council \[2013\] UKSC 66](#)

A case in which the Supreme Court changed the law on non-delegable duties to extend their scope to all cases in which the claimant was a vulnerable person and the duty delegated was core to the functions which the defendant had to discharge.

## Personal Injury

Adam is experienced in dealing with the full scope of personal injury work but now concentrates on maximum severity claims, fatal accidents, claims involving historic abuse and actions against local authorities or other statutory bodies.

In general PI he is familiar with liability issues and regularly acts in serious RTA, EL and PL claims. He has a particular specialty in local authority duties, appearing for the local authority in two of the more recent Court of Appeal cases on the duties of highway authorities.

The majority of Adam's clients are those who have acquired brain or spinal injury with claims valued in excess of £1,000,000. He has a clear understanding of the medical and care issues affecting these claimants and how these play out legally. He has a particular interest and expertise in pediatric brain injury having acted for a number of applicants to the CICB who suffered catastrophic injuries after they were assaulted as babies. Adam regularly negotiates settlements that include a PPO for future care and case management and has recently achieved in excess of £12,000,000 for a spinally injured client.

## Selected Cases

### [Revill \(A protected party\) v Damiani \[2017\] EWHC 2630 \(QB\)](#)

Whether a protected party could rely on Article 14 to stop an insurer resiling from a compromise agreement which had not yet been approved under CPR 21.10?

### [FC v CAFCASS \[2014\] EWHC 1619](#)

Claim by father in damages against CAFCASS for failing to facilitate/preventing contact with his son. Judge ruled that no common law duty of care owed to a parent where such would conflict with the duty owed to the child.

### [Woodland v Essex County Council \[2013\] UKSC 66](#)

Judgment extending the scope of non-delegable duties of care in common law.

### [X v Oldham BC \[2013\] Lawtell](#)

Claim in damages by a mother against social services for failures which lead to the later removal and adoption of her child.

### [EL v Children's Society \[2012\] EWHC 365](#)

Historic child abuse claim defeated on limitation and the existence of a duty of care.

### [Raggett v Governors of Preston Catholic College \[2012\] EWHC 3132](#)

Damages claimed by a victim of child sexual abuse for £5 million with a final award of circa £60,000.

### [Valentine v TFL \[2010\] EWCA Civ 1358](#)

Claim identifying the limitations of highway authorities duties under section 41 of the Highways Act 1980.

[Yetkin v Mahmood \[2010\] EWCA Civ 776](#)

Judgment identifying the scope of a highway authority's common law duty of care to pedestrians.

## Abuse (Defendant)

Adam has been acting for defendants in historic abuse claims for the past 15 years. He is one of the most experienced and recognised juniors in this field; instructed by all the major firms who do the work and by local authorities direct. Clients include religious organisations, charities, voluntary groups, local authority social services and education departments and other statutory bodies. He is in trial, acting for the defendant 2 or 3 times a year, almost invariably with success.

Adam's breadth of experience means he is familiar with the legal issues (limitation, no fault liability and duty of care), damages social work practice and psychiatry.

## Selected Cases

[MG v Street & Governors of St Augustine RC High School \[2018\]](#)

Can a claimant who has suffered historic abuse recover damages which flow from illegal substance misuse?

[Armes v Nottinghamshire County Council \[2017\] 3 WLR 1000](#)

Do local authorities owe a non-delegable duty to foster children and are they vicariously liable for foster parents?

[JL v Bowen \[2017\] PIQR P11](#)

How a court should exercise its discretion under section 33 of the Limitation Act 1980.

[FC v CAFCASS \[2014\] EWHC 1619](#)

[Woodland v Essex County Council \[2013\] UKSC 66](#)

[X v Oldham MBC \[2013\] Lawtel](#)

[Raggett v Governors of Preston Catholic College \[2012\] EWHC 3132](#)

[EL v Children's Society \[2012\] EWHC 365](#)

[TF v Lewisham LBC \[2009\]](#)

## Inquests & Inquiries

Adam has appeared in inquests for both the family and institutions throughout his career. Typically, he is instructed by the family in cases where there are concerns about clinical negligence. He has also acted in inquests involving the death of children on school trips, defective products, workplace fatal accidents and RTA. Recent notable hearings include the 2 week inquest into the death of *Hayley Fullerton*, a baby who had undergone heart surgery, at the Birmingham Children's Hospital, after which the coroner's criticism of the Trust was nationally reported.

## Court of Protection

Dealing with large quantum cases Adam regularly litigates to recover Court of Protection fees and has called a deputy on a number of occasions to give evidence. He has also litigated the issue of capacity and sought damages for the costs of a welfare as well as a financial deputy. On behalf of applicants he negotiated and then drafted a form of Peters' indemnity which was acceptable to Master Lush for use by the CICB where large awards were made to brain damaged children who lacked capacity. In his work for local authorities he has also negotiated and drafted agreements for social services departments to act as financial deputies to those without capacity awarded damages as a result of historic abuse.

## Memberships

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- AvMA
- PIBA