

JULIAN MATTHEWS

Year of call
1979



Julian Matthews has a broad practice of high value and/or difficult and demanding cases, generally involving complex medical or technical issues.

He is ranked as a leading junior in Chambers & Partners and the Legal 500 in clinical negligence (Band 1), personal injury (Band 1) and product liability.

Julian acts for Defendants (with instructions on behalf of major insurers, the NHSLA, and corporate clients) and for Claimants, particularly in respect of maximum severity claims. He has been involved in landmark decisions, such as *Eeles v Cobham* and *Gregg v Scott*, and regularly writes and presents on matters within his expertise.

LEGAL EXPERTISE

Clinical Negligence

Julian acts for both Claimants and Defendants in this complex area of law. He is regularly instructed in birth injury and other catastrophic brain damage and spinal injury claims, and has significant experience in relation to Erb's palsy, orthopaedic and anaesthetic accidents, and cases concerning delay in the diagnosis of cancer and other diseases.

He was junior counsel in the landmark case of *Gregg v Scott*, acting at first instance as well as on appeal to the Court of Appeal and House of Lords, and has been instructed in numerous reported high value claims in the High Court and Court of Appeal.

Julian is also regularly instructed in relation to secondary victim claims for psychiatric injury secondary to clinical accidents.

Selected Cases

Ollasson v Lee [2019] EWHC 784

Claim in respect of failure to provide appropriate information in relation to chronic testicular pain prior to vasectomy operation. Claimant left with severe and enduring pain.

Mossa v Wise [2017] EWHC 2926

Failure to provide appropriate advice prior to operation for insertion of vaginal tape to treat urinary stress incontinence. Tape caused extensive damage requiring vaginal reconstruction. Issues of limitation, as surgeon had died.

FM v Ipswich Hospital NHS Trust [2015] EWHC 775

Successful claim for failure to provide appropriate advice in relation to delivery options, resulting in child being born with Erb's palsy sustained during delivery.

Shorter v Surrey and Sussex Healthcare NHS Trust [2015] EWHC 614

Acting for Trust – claim rejected for severe psychiatric injury suffered by sister of patient who had a severe subarachnoid haemorrhage resulting in death due to negligence.

Montagu v Collins (2014)

Settlement – severe withdrawal syndrome suffered after rapid detoxification from benzodiazepines as recommended by the defendant consultant psychiatrist. Suffered psychological and physical symptoms including pain, tinnitus, paraesthesia, memory loss and agoraphobia and had to leave his work as a chief executive officer of a large company.

Frawley v East Midlands (2012)

Erb's palsy birth injury – Claimant – won at trial.

Moied v South Central Ambulance Service (2012)

Death of young mother due to failure of resuscitation by paramedics following collapse.

BP v South London & Maudsley NHS Trust (2012)

Acting for Trust in preventable suicide claim.

Watson v Hull & Humberside (2011)

Severe psychiatric injury suffered following excessive breast reduction surgery.

Khan v King's College Hospital (2010)

Young mother treated with removal of stomach and chemotherapy after incorrect diagnosis of cancer.
Complex damages and provisional damages issues.

Holt v Edge [2007] EWCA Civ 602

Delayed diagnosis of sub-arachnoid haemorrhage, finding of no negligence in GP at first instance overturned on appeal.

Anderson v Heatherwood & Wexham Park Hospitals NHS Trust [2005] EWHC 1325 (QB)

Failure to provide prompt treatment of pneumonia causing death of young mother.

Personal Injury

Julian acts for Defendants, instructed by many major insurers, as well as for Claimants, across a range of work. He specialises in brain, spinal and other serious and complex injuries, whether sustained in the workplace or elsewhere, public health matters and group actions, including stress and bullying at work. He has considerable experience in travel, skiing and diving accident claims.

The majority of Julian's cases do not result in contested trials, but are successfully resolved as the result of careful preparation leading to settlement or discontinuance as appropriate.

Selected Cases

Levitt v Euro Building Maintenance [2019] EWHC 2926

Claim for serious brain injury sustained during altercation between workers on a building site against building company. Issues of vicarious liability. Case proceeding on appeal.

Ellis v Kelly [2018] EWHC 2031

Contributory negligence by 8 year old pedestrian. Liability of parent for allowing child out supervised only by other young children.

2017

Represented the defendant in a claim concerning a severe brain injury sustained by a finance director as a result of a building site defect in high wind. The case involved complex issues of liability in relation to neighbouring landowners, employers and shell companies.

Secker v Fairhill Property Services Ltd [2017] EWHC 69

No liability on builder and vendor of property for maximum severity injuries sustained by purchaser tripping on garden path.

2016

Acting for travel company in respect of multiple deaths and injuries sustained during group tour to India.

Harrison v Technical Sign Co Ltd [2013] EWCA Civ 1569

Collapse of shop frontage in Putney High Street causing multiple injuries. Complex issues of design responsibility and sub-contractors.

Mian v Coventry University (2013)

Psychiatric injury resulting from inadequate investigation prior to charge of gross misconduct.

Love v Dewsbury [2010] EWHC 3452

Brain injury quantum trial, acting for Defendant – issue as to appropriate approach pending review of discount rate.

Eeles v Cobham Hire Services [2009] EWCA Civ 204

Leading authority on interim payments – acting for Defendant at first instance and on appeal.

Bollito v Arriva London [2008] EWHC 48 (QB)

Acting for Defendant in serious brain injury claim concerning passenger falling from moving bus.

R v Wilson & Mainprize [2004] EWCA Crim 2086

Where there were breaches of the Diving at Work Regulations and Codes of Practice but those breaches had not caused or contributed to the death of a trainee diver, fines of £3,000 each were manifestly excessive, and given that much of what was alleged by the prosecution had failed, costs of £7,500 each were also found to be manifestly excessive.

Clenshaw v Tanner & Ors [2002] EWCA Civ 1848

Cyclist in a designated cycle lane collided with a vehicle turning left across him – found to be 50 per cent contributorily negligent. Deductibility of housing benefits.

Pratt v Smith [2002] All ER (D) 322, LTL 20/12/2002

Defective braking system on motorcycle resulting in collision, leading to severe brain damage and brachial plexus injury.

Product Liability

Julian acts for both Defendants and Claimants. Although medical products are a mainstay of Julian's caseload he has also acted in matters relating to a wide range of other products.

Julian was instructed by the manufacturers in the *Organophosphate Litigation* [2002] EWCA Civ 1644. The group action was struck out at an early stage, and the striking out was upheld on appeal. Julian has also been instructed in relation to subsequent individual claims, which have also been struck out.

Julian was instructed on behalf of approximately 850 Claimants in the Seroxat Litigation.

Julian has also acted for the Defendants in cases concerning claims against major motor manufacturers (Ferrari), medical equipment suppliers (pacemakers), photographic product producers (Kodak) and nursery furniture suppliers (Mothercare).

Selected Cases

Wise v Mossa [2017] EWHC 2608

Extension of limitation period in vaginal mesh case, where used as part of a trial without informing patient

Johnson v Suzuki (2013)

Alleged faulty frame on defendants GSXR model resulting in injury to claimant.

Seroxat Litigation (2011)

Group litigation relating to alleged side effects from taking anti-depressants.

Loveridge v Ferrari & Others (2006)

Product recall and product liability litigation brought against defendant for alleged faulty oil filter on the defendants 328 Model.

Organophosphate Litigation (2005)

Group action relating to exposure to organophosphates in chemicals used for cleaning sheep.

Employment

Julian regularly deals on behalf of Defendants and Claimants with claims for civil damages arising out of employment relationships, including in particular psychiatric injuries and stress at work claims.

Selected Cases

Mian v Coventry University [2014] EWCA Civ 1275

Psychiatric injury resulting from inadequate investigation prior to charge of gross misconduct. Stress at work.

Rosbotham v Easthams (2012)

Complex stress at work claim brought by employee.

Barnet v British Airways (2012)

Newman v British Airways (2012)

Boreham & Others v Easyjet (2010)

Stress at work claims brought by flight attendants who suffered injury when aircraft suffered extreme turbulence resulting in PTSD and mental illness. Acting for airline.

Court of Protection

Julian deals with Court of Protection issues relating to substantial awards of damages.

Regulatory & Professional Discipline

Julian's experience in medical and healthcare law means that he has acted on behalf of medical professionals at disciplinary tribunals. He is also instructed in inquests which involve a failure of medical care or breaches of health and safety legislation.

Selected Cases

Dr Mawgoud v West Kent NHS [2004] All ER (D) 96, EAT No. UKEAT/0084/04

Doctor disciplinary claim.

R v Wilson & Mainprize [2004] EWCA Crim 2086

Where there were breaches of the Diving at Work Regulations and Codes of Practice but those breaches had not caused or contributed to the death of a trainee diver, fines of £3,000 each were manifestly excessive, and given that much of what was alleged by the prosecution had failed, costs of £7,500 each were also found to be manifestly excessive.

Awards



Memberships

- AvMA

7BR

- LCLBA
- PNBA