

Simeon Maskrey QC

Year of call: 1977 Silk: 1995

“An exceptional Silk with precision, judgement and top-drawer client-care skills.”

Chambers and Partners 2018



Overview

Simeon Maskrey QC is widely recognized as an outstanding silk in clinical negligence, personal injury and product liability cases. His expertise across all aspects of medical jurisprudence means that he is also instructed in public law and coroners' court cases involving challenging medical issues. Simeon is a 'star individual' for clinical negligence work in Chambers UK Bar 2018 and is ranked by all major directories in clinical negligence, personal injury and product liability.

What the directories say

“His wealth of knowledge and his ability to absorb a massive amount of information that you throw at him are hugely impressive”. – Chambers and Partners 2018

“A legend in the clinical negligence field – undoubtedly a leader”. – Legal 500, 2017

“He projects a studied authority in court but never appears superior or pompous” – Legal 500, 2016

Simeon has vast experience in clinical negligence actions, particularly those involving catastrophic injury and complex causation issues. Trials have involved all aspects of birth and neonatal injury and include decision to delivery intervals, neonatal resuscitation, CTG interpretation and kernicterus. Other complex trials have concerned metabolic mediated encephalopathy, neonatal and paediatric heart surgery, delay in diagnosis, sepsis and meningitis. He has dealt with the inter-relationship of maternal choice and consent, the scope of a doctor's duty and the duties owed by A&E clerical staff.

Simeon has been instructed in many of the vaccine damage and drug related multiparty actions and helped achieve a successful settlement in one of the leading metal-on-metal prosthetic hip failure group actions. He has a particular knowledge of the complex issues involved in bringing actions against multinational drug and medical product companies.

He is experienced in all aspects of personal injury work and was instructed in the leading Court of Appeal case on the approach to interim payments (Cobham Ltd v Eeles). He has a detailed knowledge of the application of the CPR and has been involved in cases determining when and in what circumstances consent judgments can be set aside.

Many regard his open and straightforward approach towards lay clients, and the relatives of lay clients, as a particular advantage. He will take as long as is necessary to explain, advise and reassure, both before and during trial.

He is experienced in all tiers of court, including the Supreme Court and the European Court of Justice. He has experience of offshore jurisdictions and in 2017-2018 was instructed in cases in the Caribbean, Channel Islands and Isle of Man. Simeon sits as a Deputy High Court Judge

Areas of expertise

- Clinical Negligence
- Personal Injury
- Product Liability

Clinical Negligence

Ranked as a star individual in Clinical Negligence by Chambers and Partners 2018, Simeon is described as “an exceptional silk with precision, judgement and top-drawer client-care skills.”

Legal 500 2018 describe him as “a legend in the clinical negligence field” and rank him in the first band of leading silks.

Simeon has vast experience in clinical negligence actions, particularly those involving catastrophic injury and complex causational issues.

In 2017-2018 alone he appeared in the Supreme Court in the case of Darnley, in the Court of Appeal in two clinical negligence actions and in the High Court in three others that went to trial. He was instructed in cases in the Caribbean and Channel Islands and in others that involved claimants resident abroad; he negotiated numerous settlements in maximum severity cases. He will appear in the Court of Appeal in late 2018 in a case that will determine the scope of a doctor’s duty of care. He is recommended in all of the major directories.

He is as experienced in the assessment of damages as he is with issues of liability, and has been closely involved in the development of structured settlements and periodical payment orders.

Many regard his open and straightforward approach towards lay clients and the relatives of lay clients as a particular advantage. He will take as long as it needs to explain, advise and reassure.

Memberships

- PNBA
- AvMA
- Midland Circuit

Clinical Negligence Cases

- *Darnley v Croydon Health Services NHS Trust* (2017 & 2018): appeal to Court of Appeal and Supreme Court to determine whether Trust liable for incorrect information being provided to an A&E patient. Judgment of the Supreme Court awaited.
- *JN v Kingston Hospital NHS Trust* (2018): assessment of damages following negotiated liability settlement.
- *Macaulay v Croydon Health Services NHS Trust* (2017): multi-limb amputation claim. Trial to determine whether Trust in breach when patient left A&E before treatment. Complex issues relating to causation.
- *Velarde v Guy's & St Thomas NHS Foundation Trust* (2017): paediatric brain damage. Trial to determine whether paediatric intensive care unit in breach for policy of dehydration in cardiac case. Complex issues as to whether dehydration led to brain damage sustained.
- *Willmott v Rotherham NHS Foundation Trust* (2017): appeal to Court of Appeal on the grounds of trial judge's apparent bias.
- *Welds v Sheffield Teaching Hospitals* (2016): Birth injury claim. Trial to determine whether ambulance and hospital staff reacted appropriately to placental abruption.
- *Smith v University Hospitals Leicester* (2016): Contested application to bring proceedings for failure to provide genetic counseling.
- *Rich v Hull & East Yorkshire Hospitals* (2015): Trial to determine whether a failure to prescribe steroids before pre-term delivery was a breach of duty and caused brain damage consequent upon RDS.
- *Gregg v Scott* (2005) UKHL 2: Landmark House of Lords decision on "loss of a chance".
- Numerous birth injury and other catastrophic injury cases settled prior to trial.

Personal Injury

Simeon is a catastrophic injury specialist who has a wealth of experience in claims of maximum severity. He represents both claimants and defendants in cases involving highly complex brain and spinal injuries. He is also known for his expertise in multiparty litigation, and is recommended for his analysis of especially complex matters.

In 2017-2018 he was involved in 3 High Court actions that went to trial as well as numerous multi-million pound settlements.

He is listed as a Band 1 Personal Injury silk in Legal 500 2018 where he is described as "a fearless advocate" who will "take difficult cases to trial".

He is listed as a Band 1 Personal Injury silk in Chambers and Partners 2018 and "heralded as one of the most gifted advocates handling precedent-setting personal injury litigation".

Memberships

- PNBA
- British Association for Sport & Law

Personal Injury Cases

- *Carter v Kingswood Learning & Leisure Ltd* (2018): trial to establish whether neck strain during abseiling event caused vertebral artery dissection and consequent stroke.
- *Roberts v Jenkins* (2018) RTA trial involving motor cycle/car collision and resulting in serious injuries to 3

people.

- *Ayres v Odedra* (2013): RTA trial when severe injuries caused by a car driven through a group of drunk pedestrians.
- *Blair-Ford v CRS Adventures Ltd* (2012): trial when teacher sustained neck injuries rendering him tetraplegic at a school 'mini-Olympics' event.
- *Cobham Hire Services Ltd v Eeles* (2009): Court of Appeal consideration of recoverability of interim payments.
- Numerous catastrophic injury cases settled prior to trial.

Product Liability

Simeon has been closely involved in many of the vaccine damage multiparty actions and in 2017 led a team of 4 counsel in the successful negotiation of a settlement of one of the leading metal on metal prosthetic hip failure group actions. He is currently involved in a group action involving blood transfusions leading to Hep. C and single actions involving a defective defibrillator and a defective fridge-freezers.

He has a particular knowledge of the complex issues involved in bringing actions against multinational pharmaceutical companies.

Simeon is listed as Band 1 Silk in Product Liability in Chambers and Partners 2018. He is described as frequently taking a leading role in complex multi-party actions and as "a superb advocate who is strategically brilliant". Legal 500 2018 describe him as "a fearless advocate".

Product Liability Cases

- *Lewin v Glaxo Operations UK* (2017): Tetraplegic claim. Trial to determine [i] date of accrual of injury and [ii] date of knowledge for the purposes of the Limitation Act following late onset arachnoiditis alleged to have been consequent upon injection of Myodil contract medium.
- *Frank Amor & others v Corin Limited* (2017): settlement of leading metal on metal hip prosthesis group action.
- *Amor v Corin Ltd* (2016): contested application to determine whether defendant's policy of insurance is a disclosable document in a product liability claim.
- *OB v Aventis Pasteur SA* (2008) determination of meaning of 10 year limitation long stop in product liability cases. Case heard in the House of Lords and ECJ.

Judicial Appointments

- Deputy High Court Judge (2000)
- Recorder of the Crown Court (1994)

For more information please contact:

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