



Simon Murray

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Year of Call: 2008

“Recommended Expert” **Legal 500 2022**

Simon practices in Personal Injury and Clinical Negligence, Accidents Abroad, and Inquests. In 2016 he was Made in Manchester’s “Lawyer of the Year”, having been appointed a Deputy District Judge in 2015, and becoming a member of the Government Legal Department provincial panel of counsel. He represents both claimants and defendants in equal measure on cases in the multi track and frequently with a value of £250,000 or those with significant complexity, and where jurisdiction is challenged.

Simon read Law at Cambridge University (Girton College) and was called to the Bar by Inner Temple in 2008, having obtained an Outstanding grade on the BVC at Manchester Metropolitan University.

Memberships

- PIBA
- INQUEST Lawyers Group

Appointments

- Deputy District Judge (Civil) – Northern Circuit
- Junior Counsel to the Crown

Directory recommendations

“Simon is an excellent barrister. He is articulate, has an excellent approach with instructing solicitors, clients and witnesses, and is clearly well respected by coroners. He is confident, very knowledgeable and reliable.” **Legal 500 2021**

“An adamant advocate” **Legal 500 2019**

“Extremely knowledgeable, personable and eloquent.” **Legal 500 2017**

EXPERTISE

Clinical Negligence

Simon represents claimants and defendants (NHS Trusts, GPs, private practitioners, and other healthcare professionals) in all areas of clinical negligence from misdiagnoses and treatment errors to complex causation cases. He has been instructed in cases concerning prescribing errors, delays in diagnosis of cauda equina, multiple sclerosis and cancer. He has also dealt with cases involving birth injuries, including consent issues and resultant shoulder dystocia.

Given his significant experience of conducting coronial inquests, Simon is often instructed to provide representation at inquests in fatal accident cases and thereafter to act in any clinical negligence claim, providing beneficial continuity of representation.

Simon also has experience of providing written early neutral evaluations to assist parties in clinical negligence matters reach appropriate settlements.

Some of his notable cases include:

AMcG v PW: Claim against GP for failing to provide safety-netting advice following complaint of lower back pain, leading to delay in diagnosis of a cauda equina injury. Liability and causation denied. Opposing expert evidence in GP practice, neurosurgery, colorectal surgery, urology, pain management and psychiatry. Case settled at JSM in excess of £250,000.

BL v Pennine Acute Hospital NHS FT: Claim against Trust for negligent delay in diagnosis breast cancer. Liability was denied on basis of competing experts' interpretation of mammography and ultrasound scans. Causation denied on the basis of differing approaches to calculation of tumour size at time of breach of duty. Liability settled at first mediation. Following further expert evidence, and Simon's calculations of tumour doubling times, case settled in excess of £200,000 at mediation.

Inquest re TFD: Representing a paediatric registrar in relation to the death of a young boy with an undiagnosed, congenital heart defect. The inquest centred on a dispute as to whether, following a failure to diagnose cardiomegaly, the registrar had asked the on-call consultant to attend the hospital to provide assistance in the complex case – this was denied by the consultant. The coroner found in favour of the registrar, concluded that the consultant's failure to attend when asked amounted to neglect.

Personal Injury

Simon continues to act in all areas of personal injury work, representing both claimants and defendants. His practice involves cases of multi-track value, frequently in excess of £300,000 to £500,000. He has acted in sexual assault claims with a value in excess of £1 million, and CICA claims (being determined under the pre-tariff schemes) with a value in excess of £5 million.

He is experienced in handling high value and complex claims involving multiple experts both in conference and at trial.

Simon's technical ability sees him regularly retained on cases where jurisdiction is challenged, both on domestic and international matters. He also advises in cases involving claims of exaggeration, fraud and dishonesty mainly for defendant solicitors and insurers.

Recent notable cases include:

Re NJ: Simon assisted in the preparation of one of the few remaining pre-1990 CICA claims involving the infliction of a serious brain injury on the then infant claimant. Simon conducted several hearings against leading counsel and settled the provisional schedule. The claim recently settled in the region of £10 million.

PD v First MTR: Claim against occupier of railway station arising from accident when claimant sustained serious leg injuries when he fell between train and platform due to an excessive gap.

MAS v CMUH NHSFT: Represented the defendant Trust in a personal injury claim brought by an employee who sustained injury due to a defective chair. At trial, the judge accepted that the vast majority of the claimant's symptoms could not be attributed to the accident. The claimant failed to beat the defendant's Part 36 offer. Simon successfully argued that, in addition to the effects of QOCS, the costs orders in favour of each party should be offset and therefore significantly limiting the defendant's financial outlay.

RLT v Durham CC and Staindrop PC: Represented the claimant in a personal injury claim arising from a fall on a defective pavement. The path ran between an area of common land and an old highway. Responsibility for the path was disputed by each defendant who had, in their previous guises, been in disagreement over the path since the late 1800s. Following detailed submissions considering parish records from 1870 onwards, the County Council accepted responsibility for the same and the claim was settled.

DC v Ministry of Justice: Represented the defendant prison service in a personal injury claim brought by a prisoner who claimed to have slipped and sustained a wrist fracture due to an overly polished floor. The trial was conducted via CVP, with each of the three prisoner witnesses, two prison officer witnesses, counsel, solicitors and judge joining separately. Following the claimant was found to be fundamentally dishonest and he was ordered to pay the defendant's costs.

Accidents Abroad

Simon practices in all areas of travel law and frequently represents claimant and defendants in claims:

- Aboard and concerning planes and other aircraft under the Warsaw Convention and the Montreal Convention
- Aboard cruise ships and other vessels under the Athens Convention
- Relating to the cancellation of flights, denied boarding and flight delays under the Denied Boarding Regulation (EC 261/2004)
- Relating to package holidays under the Package Travel and Linked Travel Arrangements Regulations 2018

He has a particular interest in claims involving accidents abroad (whether road traffic accidents, accidents at work, accidents during holiday excursions and public liability accidents) involving arguments as to jurisdiction and choice of law.

Simon is able to advise on the effects of the UK's exit from the European Union ("Brexit") on all aspects of claims for accidents abroad.

He continued to conduct hearings in the English courts applying the law of EU Member States and non-EU countries.

Simon regularly provides lectures and training sessions in all areas of travel law.

Inquests

Simon is regularly instructed on behalf of families, medical professionals, care homes, employers and other interested persons to advise and appear at inquests and pre-inquest reviews. He has appeared at inquests concerning road traffic accidents, accidents at work, industrial diseases and medical treatment.

He frequently appears in inquests to which Article 2 of the European Convention on Human Rights applies, including those concerning individuals:

- Detained in prisons, whether run by HM Prison Service or private companies.
- Detained in psychiatric units or other medical facilities under the Mental Health Act 1983.
- Informal patients in such facilities.
- Detained in police custody.
- Who have died as a result of police actions, for example those involving firearms officers.
- Who have died as a result of serious and systematic errors on the part of the NHS or other healthcare providers.

Notable cases include:

Inquest re AC: Representing the family of a 23-year-old man who died while on weekend leave as a sectioned mental health patient at Chesterfield Royal Hospital, run by Derbyshire Healthcare NHS Foundation Trust.

Inquest re KQ: Representing the family of a prisoner with a known heart condition, who died following the failure to diagnose a cardiac issue despite complaints of chest pain and an abnormal ECG.

Inquest re AW: Representing the family of a prisoner who killed himself following warnings made by his family to prison staff that he had threatened to do so.

Inquest re LH: Representing the family of a young woman who killed herself whilst she was an informal patient at a psychiatric unit. The scope of the inquest included consideration of the powers of detention under the Mental Health Act 1983 in light of the Supreme Court's decision in Rabone.

Inquest re BH: Representing the family of a man who killed himself during an operation by police firearms officers following the shooting of a police officer.

Inquest re TFD: Representing a paediatric registrar in relation to the death of a young boy with an undiagnosed, congenital heart defect. The inquest involved the challenging of decisions by way of judicial review and subsequent arguments regarding the duty of disclosure under the Coroners and Justice Act 2009.

Inquest re VB: Representing staff at a care home in which an elderly resident died after choking on cake kept in an unsecured storage area.

Inquest re JR: Representing staff at a care home in an inquest concerning an unexplained finding of opiate medication during the post-mortem of a resident.

Inquest re RS: Representing the family of a care home resident who died following a fall while he was not being supervised.