



Simon Maddison

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Year of Call: 2008

Simon read law at the University of Birmingham. He was called to the Bar in 2008. Simon specialises in clinical negligence and personal injury work. He has also developed a substantial practice in the Court of Protection.

Appointments

- Fee-paid Judge of the First-tier Tribunal (Mental Health)

EXPERTISE

Clinical Negligence

Simon acts predominantly for defendants including NHS Trusts and medical defence organisations, at all stages of proceedings.

He has experience of a wide range of clinical negligence disputes and has acted in cases with values in excess of six figures.

Cases

PN v LHCH: Simon acted for the defendant in proceedings involving an allegedly negligently performed rigid bronchoscopy and biopsy, which resulted in significant bleeding during the procedure. Following positive advice in conference, the claimant discontinued the claim shortly before trial.

LT v BCUHB: Simon acted for the defendant in this case involving delayed diagnosis of myeloma; the claimant's symptoms having initially been attributed to back pain. Breach of duty was admitted but

there remained complex issues surrounding causation. The defendant's arguments on causation succeeded as the matter settled in a modest sum.

LT v CCH: A Fatal Accident Act claim which arose from alleged delayed inducement of labour. There were complex issues around breach and causation. Simon received instructions to settle the defence and advise on liability and the appropriateness of an early offer of settlement.

NC v WHH: Simon acted for the defendant Trust at an application hearing in a claim which had been issued on behalf of a deceased child without the claimant having first obtained grant of letters of administration. The judge found that the claim was an incurable nullity as per *Milburn-Snell v Evans* [2010] EWCA Civ 577 and struck it out.

NH v MCH: Simon acted for the defendant in a case where the claimant had miscarried due to a non-negligent complication. The claimant alleged that she had sustained a psychological injury because of a failure by midwives to provide support and reassurance during admission to hospital prior to the miscarriage. There were issues around breach of duty and causation. The claim was dismissed at trial.

Personal Injury

Simon acts predominantly for defendants in all areas of personal injury litigation in cases allocated to the fast track and the multi-track. He is instructed at all stages of proceedings and has appeared in the High Court and the Court of Appeal.

Court of Protection

Simon acts primarily for local authorities and on the instruction of the Official Solicitor (and other litigation friends).

His experience is mostly in welfare cases (including section 21A applications) but he has also acted in a number of contested property and affairs applications.

Simon also has experience in cases involving:

- The interplay between the Mental Health Act 1983 and the Mental Capacity Act 2005 (including the discharge of restricted patients who lack capacity).
- Applications under the inherent jurisdiction of the High Court.
- Local authority applications to the Court of Protection arising from allegations of abuse and neglect.
- Non-disclosure of evidence to particular parties.