



## Louis Browne

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Call 1988

### Personal

I joined Exchange Chambers in January 2000. I bring to my work considerable experience in major common law and commercial litigation. I have a First Class Honours Degree in Law and the Postgraduate Degree of Bachelor of Civil Law, Balliol College, Oxford.

### Practice

I practice exclusively in the area of civil litigation both in an advisory and representative capacity. However, within this area my practice is diverse and broad based. I am interested in all challenging areas of civil law. I was appointed Junior Counsel to the Crown (Provisional Panel, Civil) in January 2000. In this capacity I have represented the Home Office at trials brought by Prisoners claiming damages for psychiatric injury allegedly caused by Prison Officers contending that the Home Office were vicariously liable and alleging misfeasance in public office. I have also acted for and against government bodies including the Ministry of Defence in high value personal injury actions. These include bullying and historic sexual abuse claims. I practice in personal injury and disease litigation and am very frequently instructed in relation to asbestos disease claims. I have considerable experience in all fields of industrial disease litigation appearing on behalf of both Claimants and Defendants.

I regularly advise and appear for NHS Trusts in clinical negligence actions. I have a particular interest in this field of work. Within the last 18 months I have appeared in and/or advised in the following areas of clinical negligence.

- 5 day High Court trial; hypoxic brain injury sustained by child following failure to drain pericardial sac.
- Failure to diagnose Crohn's disease
- Failure to adequately perform ankle triple arthrodesis
- Delay in diagnose of biliary obstruction leading to death
- Negligent performance of endoscopic sinus surgery
- Failure to diagnose retinal haemorrhage leading to right eye blindness
- Failure to diagnose subarachnoid haemorrhage leading to death
- Failure by A&E Doctors to carry out an adequate medical examination of man

involved in fight leading to missed diagnosis of blood clot with result permanent severe brain damage

- Failure to diagnose peritonitis leading to sepsis – induced cardiac arrhythmia and death
- Negligent performance of carpal tunnel release procedure
- Failure to diagnose detached retina leading to right eye blindness.

In particular I am interested in clinical negligence in the field of treatment of spinal injury/disorders and abdominal conditions.

As an indicator of the strength of my practice, in 2007 I have been involved in litigation for Claimants/Defendants which (either at trial or by settlement) where over £6m was awarded/agreed.

I also have extensive experience in Inquest Work and have been instructed to appear on many occasions at inquests, e.g for the Home Office in respect of deaths at prisons, on behalf of Mersey Travel at the inquests into the deaths of two boys in a crash in the Mersey (Wallasey) Tunnel. I represented Merseyside Police at the Inquest into the death of an Officer who fell from a Honda motor cycle which, the Coroner concluded, was not fit for purpose (April 2007).

The remainder of my personal injury work is for both Claimant and Defendant with a roughly equal spread between the two.

I was appointed Counsel to the Laming Inquiry into the Shipman case in March 2000. I have knowledge and experience of Public Law and have often appeared on behalf of Applicants and Respondents in judicial reviews. Two recent (2007/8) contested and sensitive judicial reviews at which I appeared for local authorities related to claims brought

- on behalf of a child with Autism on whose behalf it was alleged inadequate educational provision was made and
- by a daughter (against whom serious allegations of physical/mental abuse upon her mother for whom she was the main carer) seeking judicial review of the decision to move her mother (who lacked mental capacity) to a residential home.

My Claimant personal injury practice includes union funded work and I receive instructions from Defendant Local Authorities. I have considerable experience in all fields of industrial disease litigation appearing on behalf of both Claimants and Defendants.

I appeared in the case of Beattie (see reported cases) dealing with the Income Support Regulations 1987 as applied to structured settlements.

I was appointed Counsel to the Laming Inquiry into the Shipman case in March 2000. I have knowledge and experience of Public Law and have often appeared on behalf of Applicants and Respondents in judicial reviews.

I also practise in the area of commercial law and professional negligence. I have specialism in the following areas:

1. Professional negligence in particular relating to building professionals e.g architects/surveyors/valuers;
2. Construction contract disputes;
3. Contracts, in particular breach of warranty in share sale agreements and the law of guarantees;

4. Sale of goods

5. Insurance

I am also often instructed in employment disputes in particular breach of contract in employment contracts.

I appear on behalf of Applicants and Respondents in Employment Tribunals and at the EAT. I have recently appeared on behalf of HM Customs and Excise at two important Tribunal hearings relating to what constitutes a reasonable time off for trade union activities and the scope of DDA 1995 in relation to an employee with epilepsy. I appeared on behalf of the Appellants in the appeals concerning the recoverability of success fees/insurance premiums, under CFA's; (Callery v Gray - Russell v Pal Pak).

#### RECENT TESTIMONIALS

All of the testimonials below have been made by clients and Judges in cases in which I have appeared since 2006.

At a trial of a boundary dispute involving human rights issues:

"Mr Browne presented this difficult case with great clarity and skill" (January 2006)

By a successful client who recovered £1/2 million for her personal injuries following a 3 day trial.

"You showed consummate professionalism throughout the hearing" (June 2006)

For the defence in a bullying case against the MOD "Mr Browne conducted the case admirably" (September 2006)

By a successful client in a breach of warranty claim

"Dear Louis, I wish to express my sincere thanks for an excellent job in defending this case against me. Your knowledge, skill, enthusiasm and guidance are greatly appreciated." (June 2007)

In relation to an Inquest:

"Dear Louis, thank you very much for assisting me at the Inquest...I greatly appreciated your support, advice and guidance...this was the most difficult day of my professional life and your support was excellent" (November 2007)

By a Judge where I represented Customs & Excise, the Respondent in an Employment Tribunal Claim. "In accordance with the best traditions of government litigation and with a professionalism that brings credit to the Bar Mr Browne drew our attention to the [academic] criticism that had been made of the decision upon which he relied" (November 2007)

#### NOTABLE REPORTED CASES

R v. Sec of State for Health Ex p Wagstaffe [2001] 1WLR 292

Buxton v. Westmacott [1999] PIQR Q115

Beattie v Sec of State for Soc Security [2001] 1 WLR 1404

Twigg Farnell v Wildblood [1998] PNLR 211 (Scope of Solicitors lien)

Una Quigley v Liverpool Housing Trust [1999] EGCS 94 (Environmental Protection

Act 1990 Section 82 Statutory Nuisances)

R v. Mental Health Review Tribunal Ex p McDonald [1999]COD 20 (Judicial review of untreatable psychopaths detained under MHA 1983)

Callery v Gray / Russell v Pal Pak [2001] 3 All ER 833

R(on the application of CPS) V Registrar General of Births, Deaths and Marriages [2003] 1 All ER 540