

Simon Earlam

Call 1975



Clerks' Details

 Rachel Williams
 0151 242 8840

Appointments

- Accredited Mediator
- Civil/Criminal Recorder

Memberships

- Gray's Inn
- Northern Circuit
- Personal Injury Bar Association
- Professional Negligence Bar Association
- Northern Circuit Medical Law Association

Education

- Stowe School, Buckingham
- Mansfield College, Oxford
- Degrees: MA (Hons) Jurisprudence; B.C.L.

Beyond the Bar

Simon enjoys watching England's cricket team and is a vocal Everton supporter. His pastimes include golf, walking in the Cumbrian Fells, travelling, visiting the theatre whenever possible, and wine tasting.

Personal Injury CV

Overview

Generally regarded as one of the most experienced practitioners on Circuit, Simon has very extensive experience across the whole range of medical disciplines both in clinical negligence and personal injury.

His personal injury practice extends to:

- Traumatic head injury, involving brain injury of the utmost severity to moderate brain injury.
- Spinal injury causing tetraplegia, paraplegia, diplegia and mild hemiparesis, and cauda. equina syndrome.
- Traumatic amputation (e.g. of a trawlerman's leg by a hawser whilst at sea, or of a worker's fingers in a saw mill); also surgical amputations following catastrophic orthopaedic injury.
- All manner of orthopaedic injury.
- Soft tissue injury to the spine and shoulders.
- Neurological damage, including brachial plexus injury.
- Burns and scarring.
- Carbon monoxide and industrial poisoning (e.g. by Maleic Anhydride).
- Asbestos/mesothelioma (e.g. in ladders and shipwrights).
- Psychiatric injury, including PTSD and chronic pain syndrome, bipolar affective disorder, Pick's disease.
- Fibromyalgia and chronic fatigue syndrome.
- Failure to diagnose dyslexia and genetic disorders like XXX syndrome.
- E.Coli poisoning causing end stage kidney failure in a worker at a nuclear plant and cerebral abscesses causing visual impairment in a child.

Simon also has extensive experience of litigating multiple road traffic accidents, industrial accidents (including docks and mines), military claims and stress and bullying claims at work.

Simon is well used to marshalling complex evidence on causation in respect of such injuries as catastrophic brain injury, spinal injury, serious orthopaedic injuries, amputations, psychiatric injury including PTSD, chronic fatigue and pain syndromes.

Simon prides himself on a level of preparation and detail rarely seen. He is meticulous in every aspect of his work going far beyond what is normally expected. With Simon, you have an advocate with exceptional ability who uses his extensive experience to bring his skills to the fore to benefit any who instruct him.

While the breadth and complexity of the cases featured give clients reassurance as to the level of his understanding, they only tell part of the story. With a forensic, analytical ability to get to the heart of the issue, Simon is passionate about his profession and the difference diligence, persistence and intelligence can make to those who call upon his expertise. He is approachable and enthusiastic while remaining calm and measured. He remains unflappable, largely due to a level of understanding of his practice areas that can only be garnered over the many thousands of cases he has provided heavyweight advocacy to.

Recommendations

“It was a really difficult case with a lot to digest and a case where we were on the back foot. Simon was so thorough and helpful and his expertise shone through.”

Cases

CLINICAL NEGLIGENCE

Wildsmith v Berkshire Health Authority – Holland J awarded £5 million after a lengthy trial on the issue whether it would be possible to moderate the neuropsychiatric consequences of the Claimant’s severe brain damage by psychotherapy to reduce her need for care.

Cowman v Newcastle Health Authority – Defendants insisted the Claimant had no case and the Claimant’s own paediatric neurologist and neonatologist initially agreed. Simon’s persistence prevailed, the experts changed their minds in conference, the claim eventually settled for 85% liability and £1.6 million on a life expectancy to 30 was approved.

Howley v West Cumbria Health Authority – settled at trial for £1.4 million because liability was uncertain.

Kimberley Nowak v West Cumbria Health Authority (HCJ Carlisle), Claimant suffered mild palsy, had preserved intelligence and was able to work as a travel agent despite having limited ability to communicate: settlement £750,000 approved.

KJ v Clwydian Community NHS Trust – liability for negligence by the anaesthetist at a day clinic was admitted, but there was a serious dispute as to the appropriate level of care and multipliers. Simon advised substitution of care experts which enhanced value of the claim by in excess of £1.25 million. Case settled at trial for £4.3 million. Simon gave detailed advice to *Avon CC v Hooper* undertakings and indemnity.

JH v Furness Hospitals NHS Trust – knee replacement surgery for a physiotherapist who intended to work to 70, complicated by infection.

H v West Cumbria Health Authority – claimant fractured left wrist in an accident in the docks, hospital missed fracture on x-ray which then proceeded to arthrodesis.

SV v West Cumbria Health Care NHS Trust – Laceration to the bladder of patient during hysterectomy.

B v South Tees Hospital NHS Trust – Fatal accident claim, issues as to multipliers from date of trial.

N v Bradford Teaching Hospital – Claimant suffered swan neck deformity of her hand after an attack on her with a scythe in childhood. Substandard corrective surgery.

B v N.W. Wales NHS Trust – Diabetic patient with obvious signs of critical limb ischaemia not referred promptly to a vascular surgeon.

M v West Cumbria Health Care NHS Trust – Saphenous ligation for varicose veins, negligent bandaging after operation, Keloid scar to thigh.

McC v Northumbria Health Care NHS Trust – District Nurse wishing to become a specialist nurse practitioner broke her leg, hospital failed to achieve reasonable anatomical reduction or to follow up.

MK v Dewsbury Health Care NHS Trust – Young Asian married woman developed an epidural abscess. Failure to recognise developing symptoms complicated by cultural difficulties i.e. unwillingness to communicate to the doctors what her symptoms were.

L v Bro Morgannwg NHS Trust – Elderly patient's fractured hip not treated by the correct surgical procedure.

WLL v West Cumbria Health Authority – Elderly man suffered spinal injury in RTA complicated by infection which was not spotted or treated.

MR v West Midlands Regional Health Authority – Advised against claims for cerebral palsy, but identified possible claim for retinopathy of prematurity. Award £200,000 approved.

GP v North Cumbria Acute Hospitals NHS Trust – Heroin addict overprescribed Methadone in hospital following orthopaedic operation. Cardiac arrest suffered.

MH v City Sunderland NHS Trust – Severe cerebral palsy. Negligent failure by midwives to spot fetal distress and to call paediatrician admitted. Award £3.5 million.

B.C. v West Cumbria Health Care NHS Trust – Severe cerebral palsy. Liability for negligent midwives admitted and judgement entered.

KL v Royal Shrewsbury Hospital Trust – Quadriplegic cerebral palsy of dystonic, athetoid type. During trial of labour, the midwives failed to appreciate lack of descent by the fetal head as the cervix dilated due to cephalo-pelvic disproportion (CPD).

K.D. v Shropshire Health Authority – Severe cerebral palsy, failed attempts by Neville Barnes and Kiellands forceps. Liability finally admitted. (Value of award £5.6 million)

Adrian Bowe v Townend [2005] EWHC 198 HCJ, Preston, Grigson J – GP negligence due to wrong diagnosis of migraine. Claimant suffered catastrophic stroke at the age of 26 due to cardiogenic embolus. £3.3 million awarded.

MW v North Cumbria Health Authority – Severe cerebral palsy. Midwives failed to auscultate fetal heart Pinnard correctly.

PE v. Betsi Cadwaladr University Hospital Board – Liability for suicide in hospital of a patient at risk of suicide due to dysmorphophobia. Liability established after 7 day trial. Settled for £252,000.

PERSONAL INJURY

Graham v Norweb (2002) 5QR6 (Reported in Kemp C2-073/F4-013) (HH Hewitt at Newcastle) – employee severed electric cable and suffered toxic shock, burns and septicaemia. Highly complex nephrology evidence.

E v MOD – serving RAF pilot officer on secondment with Brunei Air Force injured on air-sea rescue exercise in the Gulf.

R v Wood – head-on road smash, head injury and post concussion syndrome.

AP v Ashtead Plant Limited – as the driver of an excavator dismounted, knocked lever causing it to topple over.

Victoria and Christopher Allinson v PRs of Jason Irving (dec'd): HCJ – both claimants were young children in head-on smash which killed both their maternal grandparents. Very substantial damages agreed.

PJ v Kennedys – Contractor clearing windblown trees off highway after a storm. Manual Handling Regulations and inadequate equipment to move trees.

R v Grant Smoked Foods Ltd – traumatic amputation of tips of middle and ring fingers at work.

D v Drivewright – middle-aged woman injured during driving lessons on a 500cc motorcycle.

H v Irving – Claimant savaged by a dog, scarring, fear of dogs and agoraphobia.

T v Foulsham – fatal accident road traffic claim for vulnerable widower.

BPO v Brooke and Another – 60 year old farmhand injured in road traffic accident.

L v Piers Construction Ltd – Claimant injured when working at a water treatment plant, mechanical digger rolled down a slope unattended and struck Claimant.

McC v Enesco European Giftware Ltd – worker on production line painting models, repetitive strain injury to shoulder.

M v Cumbria CC – Dock worker stacking tonne bags of soda ash on quayside from ship's hold struck on head due to operation of crane, banksman and method.

M v Potter – fatal accident claim, driver of forklift truck in scrap metal yard crushed to death when he drove it onto an elevated weighbridge, and it toppled over.

R v B.R. Wharton and Harrison Electricals (Luton CC) – Periparetic music teacher of French Horn and Senior Member of Bedfordshire Music Service injured in two road accidents in quick succession. Award at trial £279,500.

H v. Bryn Thomas Crane Ltd and Others – Accident involving fall from height off a massive trailer on a construction site in Scotland. Issues were (a) did accident cause cardiac arrhythmia (and loss of earning capacity) or was it caused by it? (b) Complex issues regarding coordination of statutory duties involving 3 companies.

CR v. First Choice Holidays Ltd – CR required E.Coli on holiday in Egypt and suffered end stage kidney failure. Unable to work at nuclear plant because of diagnosis, the need for which was permanent. Damages agreed at £750,000.