

## Simon Ross

Call 1999



### Clerks' Details

 Ian Spencer  
 0113 203 1971

 Megan Hawke  
 0113 203 1985

### Memberships

- North Eastern Circuit
- Personal Injury Bar Association
- Professional Negligence Bar Association

### Appointments

- Junior Counsel to the Crown (Regional Panel A) (2020)
- Deputy District Judge (2010)

### Education

- LLB (Hons), University of Reading (Class 2(i) - June 1997)
- Post Graduate Diploma in Law - Inns of Court School of Law
- Qualified Lawyers Transfer Test 2000
- Admitted as a Solicitor of England and Wales - 2000

### Personal Injury CV

#### Overview

Simon is an experienced personal injury practitioner. He is dual-qualified and practised as a solicitor for a number of years prior to transferring across to the Bar in 2004.

Simon was appointed as a Deputy District Judge in 2010 and has recently been appointed Junior Counsel to the Crown by the Attorney General (Regional Panel A). He is recognised as a leading individual in both Chambers and Partners and the Legal 500 for his personal injury practice.

His work encompasses all aspects of the case whether drafting, advisory work and/or representation at trial or JSM.

He is regularly instructed as sole counsel in cases pleaded up to £1million.

Simon has an extremely busy practice that encompasses all areas of personal injury work including road traffic accidents, employers' liability claims, occupational illness, fatal accidents and clinical negligence. He also in experienced in professional negligence cases where the underlying claim was a personal injury matter; these types of cases were within his areas of specialism when he practised as a solicitor.

Simon is skilled in dealing with complex procedural issues and he is often instructed to advise and/or represent parties on appeals where there are tricky questions of procedure or costs.

## Recommendations

“Simon is an accomplished advocate who provides straightforward, clear advice. He is also very personable, and good at establishing client rapport.”

**The Legal 500 (2022)**

“Strengths are the ability to provide straightforward clear advice along with a no-nonsense approach that invariably sits well with clients. Rather than adopting a broad-brush approach attention to detail at all stages of the claim and strong desire to help clients get the best possible results sits well with my own approach.”

**Legal 500 (2021)**

“Acts for both claimants and defendants in complex and high-value personal injury matters. He is particularly well regarded for his handling of occupation injury claims.”

**Chambers & Partners (2021)**

“Everything that a personal injury barrister ought to be.”

**Legal 500 (2020)**

“He has an incredibly measured approach and a meticulous preparation process whereby you are assured that he has reviewed the whole case in detail. He instils confidence with his approach.”

**Chambers & Partners (2020)**

“Very experienced in Industrial Disease Claims.”

**Legal 500 (2019)**

## Beyond the Bar

Simon is married with two young children. Away from work, and when not engaged in family pursuits, he tries to keep fit and particularly enjoys running. He continues to strive to improve upon his best time for completing a 10km race; his current PB is 47.11 minutes.

## Cases

**LC -v- MIB (ongoing)** a young driver was injured in a high speed head on collision after he swerved to avoid a car emerging from a side road. The accident features in an episode of Air Ambulance ER. The claimant suffered life threatening injuries in the form of bilateral transverse mid-shaft femoral fractures. Injuries treated surgically by insertion of intermedullary nails. Issues surrounding disadvantage on open labour market and the loss of chance to pursue his chosen career.

**ZK -v- IM (ongoing)** the pedestrian claimant suffered multiple serious injuries when he was struck by a vehicle while crossing the road. Injuries include a serious head injury with subarachnoid bleed and right temporal lobe brain contusion, multiple fractures and PTSD. Directions have been given for a trial on liability as a preliminary issue.

**SM -v- PPT** the claimant suffered an injury to his left hand when it became trapped in a machine at work. He sustained a left partial hand amputation involving the loss of a major part of his left index and ring fingers. He became a candidate for a cutting edge MCP driver prosthesis. Quantum issues concerned the calculation of future partial loss of earnings and the appropriate allowance for prosthetics (cosmetic and functional). Settled by consent for £200,000.

**GD v CCH** claimant driver was injured in a concertina type collision. Liability was admitted, but issues arose in respect of loss of earnings and causation. The claimant had intended to continue a career as a Nanny, following a couple of maternity leave absences, but there were issues regarding the calculation of her future loss and her potential earnings as a teacher following a post-accident change of career. Settled by consent for £50,000.

**BL -v- PL** the claimant, a 67 year old pedestrian, had been knocked down while crossing a side road at night. He suffered multiple injuries including a life changing degloving injury to his left lower limb that led to an above knee amputation. Issues over liability required the instruction of reconstruction experts. Issues on quantum were complicated by the fact that the claimant required a reasonable degree of care and assistance pre-accident albeit the local authority had not provided it. Post-accident he resided in a nursing home. Experts on life expectancy agreed a limited range due to pre-existing morbidities. Settled at JSM for £208,000.

**DG -v- SD (1) MIB (2)** claimant was the front seat passenger in a vehicle when the driver lost control, left the road and collided with a tree. Liability issues concerned whether the claimant had been wearing a seatbelt and whether he knew the driver was intoxicated. Complicated causation issues because the claimant had a history of drug use and returned to drug misuse as a coping mechanism post-accident. A Deputy was appointed. He suffered multiple injuries including a suspected brain injury, but diagnosis was delayed pending rehabilitation from his drug use. I secured a substantial interim payment for a residential drug rehabilitation course. Tragically, the claimant took an

overdose following the conclusion of treatment.

**RS -v- JS** claimant driver suffered multiple injuries following a head on collision. Amongst other things he sustained a fracture of the lumbar spine and right acetabulum. He made a good recovery. Issues concerned calculation of loss of earnings and whether credit should be given for monies received under a post-accident redundancy package and the likely damages for disadvantage on the open labour market. Settled by consent for £85,500.

**VM -v- NLC (1) TCUJFC (2)** fatal accident - the widow pursued a claim following the death of her husband who had been tragically killed when an unsecured horizontal metal beam barrier at a car park went through his windscreen and penetrated his skull. Issues of liability arose and on quantum there were complications on the dependency claim in particular loss of pension following the buy out of the deceased's former employer British Steel. Claim pleaded at £740,000. Settled by consent.

**Linda Topping -v- Ralph Trustees Limited [2017] EWHC 1954** QB represented the Appellant at a hearing to determine the correct destination for an appeal where a claim had been released by a Designated Civil Judge to be heard by a District Judge. Mr Justice Kerr agreed that it should be heard by the High Court.

**GJ -v- PR** the claimant worked in a greenhouse and alleged that he developed Hypersensitivity Pneumonitis aka Extrinsic Allergic Alveolitis following exposure to hazardous fungal spores in pesticides. There were issues on breach of duty and causation with an argument between consultant chest physicians regarding the origin of the condition. Also, an issue over whether there was a causative connection with exposure to verticillium lecanii. Settled by consent for £55,000.

**AM -v- MIB** successfully represented the claimant respondent to an appeal which concerned the scope of the exceptions to Qualified One Way Costs Shifting in CPR r.44.15(a) to (c).

**KB -v- JB** the child claimant was knocked down while crossing a road at night. Evidence collected by the police at the scene was scant. No prospect of helpful accident reconstruction evidence. Liability contested. Complex quantum issues including loss of chance regarding future employment prospects. Life changing injuries suffered including a severe head injury with diffuse axonal injury, left brachial plexus injury, scalp laceration, left Horner's syndrome. Settled by consent for £833,000.

**MR -v- EL** the claimant tripped on a rubber mat outside her workplace and suffered a Grade II anterior talofibular injury and Grade 1 deltoid injury leading to persistent pain despite surgery. Complex conflicting medical evidence. On the claimant's side a provisional diagnosis of CRPS. The defendant's evidence said symptoms were disproportionate to the injury and suspected malingering. Settled at JSM for £210,000.

**DC -v- W** 82 year old claimant was involved in a head on collision and suffered multiple

serious injuries including rib fractures, bilateral haemo-pneumothorax, intra-articular acetabulum fracture with dense sciatic nerve injury, open patella fracture, superficial peroneal nerve injury and a myocardial contusion. Fortunately, he made a good recovery. Settled by informal negotiation at £200,000.

**VW -v- IF** 53 year old claimant suffered an accident at work sustaining soft tissue injuries to her wrist and hand that developed into CRPS Type II affecting left forearm, wrist, hand and fingers. There were issues of liability that were resolved on an 80/20 basis to reflect litigation risk. Issues of quantum concerned disadvantage on the labour market/Ogden 7 when the Claimant had returned to full time work and the appropriate level of future care. Settled at JSM for £215,000

**EL -v- VK** claimant pedestrian had been knocked down when crossing a road and suffered knee and ankle injuries. Difficult issues on causation concerning the onset of chronic pain. Settled at JSM for £300,000.

**RB -v- JG** RTA claimant motorcyclist suffered significant injuries - pelvic fracture, right femur fracture, bilateral ankle fractures, left wrist fracture, fractured ribs and internal injuries to the kidney, lung and bowels. There were difficulties in respect of future losses because the claimant had planned to emigrate pre-accident and that remained his intention. He had a residual earning capacity. Settled at JSM for £475,000.

**AS -v- TL** claimant was injured when he fell into a manhole while working on a construction site. Liability admitted. Issues concerned causation and whether the claimant was genuinely suffering from continuing symptoms following a Brostrum repair. Defendant obtained damning surveillance evidence over a number of different dates which led to the claimant losing his ATE. Settled at JSM for £250,000.