

# 12

King's Bench Walk

## Pankaj Madan

Call: 1997

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### AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, Costs, Arbitration

### JUDICIAL APPOINTMENTS

Deputy District Judge: 2010- Present

Pankaj specialises in Catastrophic and Life-Changing Injury with specialist expertise in Brain Injury, severe limb injury and high-value Pain and Complex Regional Pain Syndrome (CRPS) claims. He attracts a loyal and ever-increasing following from both Defendant insurers and Claimants. He acts usually only in high value cases often involving pedestrians or motorcyclists. He is adept at liability issues.

He is from a medical family and has an excellent understanding of medical issues. He is renowned for his meticulous eye for detail and sensitive, sympathetic client approach, The Legal 500 in 2018 said that he has a "Brilliant client manner" and recommended him for his "Superb strategic approach to brain injury cases". In 2017, he was noted as "Very experienced in high-value Catastrophic Injury claims" and his "ability to challenge the unusual in cases". In fact, he has been commended every year by the Legal 500 since 2008.

Pankaj is routinely instructed nationally by leading firms and he frequently confers with insurers, medical experts in chambers or severely injured claimants often in hospitals or rehabilitation facilities or their own home. Travel anywhere in the country is not an issue.

He is instructed and respected by leading Defence firms, and sought after by the insurers often at the first intimation of a claim He adopts a team approach with the insurer and Solicitor.

Pankaj has efficiency at the foremost of his practice and operates a "paperless" practice. He welcomes instructions in entirely electronic (PDF) form. This results in better use of fixed or budgeted costs and enhanced security.

He is a Deputy District Judge and has considerable expertise in costs management of high value cases for both Claimants and Defendants.

He is experienced in claims of the utmost severity exceeding £5 million. He often appears against Leading Counsel on his own. He has ongoing cases with a potential value up to £18 million.

## Personal Injury

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Areas of practice:

Brain injury ranging from catastrophic severity to the subtle but severe-

- “CRPS” Complex Regional Pain Syndrome
- Chronic and serious limb injuries with actual or potential amputation often with CRPS issues as well.

Also high-value cases involving:-

- Hyper-extension flexion injuries leading to Chronic Pain syndrome, or exacerbating pre-existing conditions such as fibromyalgia and joint-hypermobility syndrome
- Unusual Psychiatric Injury e.g. Somatisation Disorder and Hysterical Conversion Syndrome
- Fatal accidents

Pankaj is also a national lecturer in Personal Injury and published multiple author. He has written several books on Subtle Brain Injury and Chronic Pain. He is writing his third book on Catastrophic Brain Injury. He has been guest lecturer at the Royal Society of Medicine on the subject Chronic Pain and CRPS and at the Peterhouse Annual Medico-legal Conference in Cambridge, and the International Birmingham Pain Forum.

## Qualifications & Awards

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Accredited Advocacy Trainer North

Eastern Circuit Trained by CEDR –“Representing Clients in mediation”

Harmsworth Scholar of the Middle Temple (1996)

Astbury Scholar of the Middle Temple (1996)

Law, Magdalene College, Cambridge University (1993-1996) M.A. (2:1)

Leeds Grammar School (1982-1992), 4 A-Levels at Grade A. Theaker Economics Prize. Prefect.

## Appointments & Memberships

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Deputy District Judge 2010-present

Accredited Advocacy Trainer- North Eastern Circuit

Personal Injuries Bar Association (Member)

Senior Associate Member of the Royal Society of Medicine

Section Council member Pain Section, Royal Society of Medicine.

## Directories

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*“Pankaj Madan is regularly sought after by claimant and defendant firms for his expertise in catastrophic brain injuries, and has notable strength in cases involving subtle brain injuries.” – Legal 500, 2022*

*“Pankaj is a great strategist. He has an encyclopedic knowledge of subtle brain injuries, and is committed to securing the best outcomes.” – Legal 500, 2022*

*"Pankaj has a really good analytical mind. He has good insight into the way judges tend to view cases. He is always thorough in his preparation and is very careful in how he uses experts. A great junior."* – **Legal 500, 2022**

*"Pankaj is a great strategist. He has an encyclopedic knowledge of subtle brain injuries, and is committed to securing the best outcomes."* – **Legal 500, 2022**

*"A first rate lawyer with IT and technology skills second to none. Combative with charm. Knows exactly what he is doing. Has a real touch for big PI claims. More hard-working than almost anybody I know. More than a safe pair of hands."* – **Legal 500, 2021**

*"Works very hard to achieve the right result. Doing a mixture of Claimant and Defendant work is able to present a balanced view whichever side has instructed him. Very detailed analysis of complex medical issues."* – **Legal 500, 2021**

*"Recommended for his superb strategic approach to brain injury cases"* – **Legal 500, 2018**

*"He has a brilliant client manner"* – **Legal 500 2018**

*"...has expertise in brain injury cases."* – **Legal 500, 2017**

*"He has the ability to challenge the unusual in cases"* – **Legal 500 2017**

*"Very experienced in high-value catastrophic injury claims"* – **Legal 500 2017**

*"He specialises in brain injury, chronic pain and severe limb injury cases"*

*"Recognised for his expertise in brain injury cases"*

*Experienced in fatal accident cases, and understands the medical issues in high-value catastrophic injury claims"* – **Legal 500 2015**

*"His wide-ranging expertise includes brain injuries, chronic pain and psychiatric injuries"* – **Legal 500 2015**

*Understands medical issues in catastrophic and fatal accident cases."* **Legal 500, 2014.**

*Respected by leading firms, both claimant and defendant."* **Legal 500, 2014.**

*Described as "extremely thorough" and providing "advocacy of the highest quality"* **Legal 500 2011**

## **Publications**

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A Practical Guide to Subtle Brain Injury Claims (2016)

A Practical Guide to Chronic Pain claims (2017)

A Practical Guide to Catastrophic Brain Injury Claims (2019 forthcoming)

Law Brief Publishing (and available on Amazon)

## **Cases**

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*P v B (2021)* – Acting for the Defendant in a case of allegedly serious Complex Regional Pain Syndrome in which liability is also in dispute. The value of the claim would be over £1m. The Defendant alleges fundamental dishonesty.

*JM v Horizon (2021)*– Acted for the Defendant against Leading Counsel in a £2.5m claim for damages for traumatic

brain injury. Settled at £550,000 on a provisional damages basis.

*BXR (2020)* – Successfully concluded a catastrophic child brain injury case (led by Gerard McDermott QC) in just over a year from instruction and before the 3rd anniversary of the accident. The Defendant insisted on a COVID Clause that if the client dies within a year of further damages will not be payable. This was only the second case in history where this clause was utilised. Settlement of £8.6 m on a lump sum basis including contributory negligence.

*GXK (2020)* – Successfully secured (with Leader) £3.8 million on a case of a severe traumatic brain injury in a young man with dismal prospects, a criminal conviction and almost no prior history of earning capacity. Severe nature of injury was identified and likely need for support and rehabilitation.

*AXH (2020)* – Successfully secured (with Leader) a settlement of £9.25 million lump sum on a case of a passenger in his mother's vehicle who was severely brain injured in a road traffic accident aged 13. Resolved in 2020 after careful handing over many years to bring Claimant into outside external rehabilitation.

*PH (2020)* – Settled at £1.4 million in damages on a subtle brain injury case were Claimant, despite falling a height through a fragile roof, barely lost consciousness. The issue of any continuing brain injury was put in dispute early on by the Defendant.

*GXR (2018)*- Successfully secured a settlement of £5m with Leading Counsel for a Catastrophically Brain Injured Claimant with very limited speech and reduced cognition.

*NXG (2018)* – Successfully secured a settlement with Leading Counsel of around £4.5m at a JSM for a Catastrophically brain injured Claimant with reduced life expectancy. All issues in dispute.

*A v B* – Successfully secured a settlement of around £2.2m at JSM for a catastrophically injured Claimant in his late 50's. The Claimant had been substantially brain damaged, profoundly affecting his speech. He also suffered upper and lower limb injuries which affected his mobility.

*C v D* – Acted for a high net worth motor-biker with profound limb injuries as a result of a road traffic accident with a car. Claim settled for £1.2m – provisional and contingent on their not being an amputation in future.

*D* Acted for a subtle brain injured claimant motorcyclist. Settled at £800,000

*R* – Acting for the Defendant against Leading Counsel in a Complex Brain Injury case where the claimant was struck in an accident at work. Settled at £1.9million.

*D* – Acted successfully for the Claimant in a severe case of Complex Regional Pain Syndrome arising out of a modest RTA. The case illustrates the importance of provisional damages in CRPS cases due to the risk of spreading. £550,000 provisional damages settlement.

*AB v CF* Acted for the insurer defending a subtle traumatic brain injury claim. Exposed as fraudulent. Settled for an old offer of £10,000.

*M*– Acted for the Defendant insurers from an early stage in an alleged CRPS case with a claim of over £2m. Settled at £350,000.00

*R*-Acted successfully for a brain injured 92 year old Claimant (90 at date of accident) Securing damages within 12 weeks of instruction at JSM of £350,000.

