

# 12

King's Bench Walk

## Paul Russell QC

Call: 1984

Silk: 2011

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### AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, International & Travel, Insurance, Mediation, Arbitration

### JUDICIAL APPOINTMENTS

Arbitrator under the Motor Insurers' Bureau Agreements since April 2014

Paul has a strong reputation in the specialist fields of personal injury, clinical negligence and professional negligence (arising out of the conduct of personal injury and clinical negligence claims), being regularly instructed in high value liability and/or quantum cases for both Claimants and Defendants.

On the quantum side, Paul's expertise includes catastrophic injury (birth related, brain injury, spinal injury, multiple injuries), amputation cases, chronic pain (including complex regional pain syndrome and fibromyalgia), psychiatric injury, stress at work, RSI, and fatal accidents.

For some examples of cases in which he has been instructed, see *Cases* section.

### Clinical Negligence

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Paul's clinical negligence practice is predominantly acting for Claimants. His case load includes birth related injuries of the very maximum severity.

Paul has also conducted many contribution claims for Defendants arising out of intervening clinical negligence following on from separate torts.

### Qualifications

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Durham University (BA Hons Law)

### Appointments & Memberships

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- Head of Chambers 2015 –
- Arbitrator under the Motor Insurers' Bureau Agreements (the *Untraced Drivers' Agreement 2003* and Article 75 of the *Memorandum and Articles of Association of the Motor Insurers' Bureau*) – 2014

- Joint Tribunal member appointed by the Chairman of the Bar to determine fee disputes
- Ex serving member of the Barristers' Complaints Advisory Service Panel
- Ex serving member of the Bar Council Professional Conduct Committee [1997-2002]
- Personal Injury Bar Association Executive Committee member
- LCLCBA member

## Directories

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"An incredible advocate who is uniquely well prepared and dominant in court." [2021 ...

"He's robust, no-nonsense and has fantastic attention to detail. He also has a tremendous capacity for facts." [2020 ...

"Excellent forensic analysis and superb drafting skills." [2019 ...

"He is incredibly thorough and has a very pleasant manner." [2019 Chambers & Partners]

"He always brings his A game. A superb advocate." [2018 ...

"He is a superb silk who always gets to the heart of a case quickly." [2018 Legal 500]

"He's absolutely brilliant and engenders absolute respect." [2017 Chambers & Partners]

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"A silk whose star continues to rise, he has experience in a wide range of personal injury matters and is known for offering his clients a "*Rolls-Royce service*". He's absolutely brilliant and engenders absolute respect. He's as bright as you'd expect a leader at the Bar to be; he's calm, to the point and technically brilliant." [2017]

"Extremely persuasive in court; the first choice for heavy-duty cases." [2016]

He has a formidable grasp of the detail. [2016 ...

"Paul is a rock-solid adviser and great tactician, immensely thorough and interesting to work with." [2015 edition of Chambers & Partners]

"He doesn't take bad points. It's a pleasure doing business with him." [2014]

The 2013 edition praised him for his "astute understanding of figures" and "client care ethos".

The 2012 edition described him as "genial and diligent", noting how quickly he gets to grips with the medical jargon and significance of a case, and how "he conjures up creative ways of navigating through complex cases".

He has previously been quoted by interviewees as "using his amiable personality to his advantage when negotiating a busy caseload"; "his charm acts as a powerful persuasive influence in catastrophic injury, industrial disease and stress cases".

Clients have said that Paul is "exactly the kind of person you want to have behind you"; a fine all-rounder whose "intellect, experience and thoroughness" are combined with a "wonderful ability to communicate with people on any level."

## Cases

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**J v. P, D2, X and D4** [6/19, QBD]: defended PVS claim of unrestrained passenger; *Froom v. Butcher* issues; compromised eve of trial.

**Williams v. Rawson** [3/19, QBD]: represented Defendant in cauda equina acceleration case; experts poles apart [6m/15y]; settled for circa 10% of schedule at JSM.

**Webb v. Lake** [3/19, QBD]: represented Claimant suffering catastrophic upper limb injury in particular; settled for £2m+ at JSM (no PPO).

**Green v. South Yorks Transport** [12/18, QBD]: defended claim of Claimant struck in good eye by shrapnel from a bus floor after tyre-burst; Australian PPO issues; resolved by consent.

**L v. O** [4/18, QBD]: defended claim for £26m brought by Claimant alleging catastrophic brain injury suffered in an accident when she was a child; settlement approved at £5m lump sum.

**T v. DX and TY Ltd** [1/18, QBD]: acted for Claimant in persistent vegetative state following RTA; claim compromised on PPO and lump sum basis.

**Z v. YNHST** [8/17, QBD]: acted for an infant who suffered catastrophic brain damage by reason of a failure to receive antibiotics during the bacteraemic phase of an infection leaving him with four limb cerebral palsy. Capitalised value of £8.75m (but with agreed staged PPOs).

**C v. W** [1/17, QBD]: defending claim brought by brain injured motorcyclist; capacity, care and earnings issues; lump sum settlement approved.

**W v. J** [12/16, QBD]: acted for motor insurer in claim involving allegations of road traffic accident causing vertebral artery dissection and thence anterior spinal artery syndrome, leading to tetraplegia.

**C v. K** [10/16, QBD]: liability and quantum resolved for Defendant in drink/drugs/stolen vehicle case; passenger suffered catastrophic injuries; 24/7 care claim.

**F v. S** [9/16, QBD]: defending claim of a lawyer whose career was lost to him as a result of injuries suffered in a serious RTA; ultimately resolved by agreement.

**J v. K** [8/16, QBD]: acted for employer in claim arising out of an accident in a foundry; below knee amputation; case compromised on liability and quantum at JSM.

**W v. J** [8/16; QBD]: defending claim of a partially tetraplegic Claimant who broke his neck falling down an unlit staircase in rented premises; liability and quantum settled at JSM.

**A v. Z** [7/16, QBD]: acted for a brain damaged infant (cerebral palsy) securing admission of breach and causation, and then approved settlement with capitalised value of £6.4m (but on a PPO + lump sum basis).

**M v. Z** [5/16; QBD]: acting for a victim of an accident who required 24/7 care but who would have had significant care (and other) needs in any event – *Reaney* considerations – £2.4m settlement at pre-trial JSM.

**BXC v. D and T Ltd** [4/16; QBD]: acting for brain damaged Claimant (protected party) injured in a RTA; liability issues of drink/drugs, seatbelt, and “blind eye” knowledge vehicle was stolen; liability and quantum settled at successive JSMs before approval in the QBD.

**H v. H** [1/16; QBD]: instructed by motor insurer in chronic pain case relating to high earning professional; multiple experts on both sides; eventually resolved before trial following negotiations with opposing silk.

**K v. R** [11/15; QBD]; acted for motor insurer in claim made by Claimant who suffered a very severe brachial plexus injury in a RTA; a case planning meeting with the other side set the rehabilitation strategy, before compromise was reached at a JSM about twelve months later.

**PCH v. SW** [5/15; QBD]: acting for a brain damaged Claimant (protected party) whose claim was settled and approved for a combination of a lump sum and variable periodical payments (for care and case management) for epilepsy.

**B v. M** [4/15; QBD]: acting for a widower (with three very young daughters) in a fatal claim; lost dependency on wife and mother's services; claim settled and approved.

**P v. P** [1/15; QBD]: defended fatal claim raising Welsh Ambulance issues in the context of the death of a member of a farming family in Wales.

**G v. N** [11/14; QBD]: acting for a brain damaged infant in securing a substantial interim payment to fund the purchase of a home suitable for her needs.

**C v. H** [10/14; QBD]: defending £850k chronic pain claim which was derailed by material (including photographs) published by the Claimant on social media; settled for £25k before the Claimant was pursued by the DSS for the return of her £50k of recoupable benefits.

**R v. Makris and another** [10/13; QBD]: recoverability of costs against a successful party commencing a further action which was discontinued in a clinical negligence context; the underlying action concerned hemiplegia caused by negligently administered facet joint injections.

**Re: X** [2012] (Criminal Injuries Compensation Authority): acting for a brain damaged infant Claimant at the Criminal Injuries Compensation Authority (under the 1990 Scheme) – recovery exceeded £5m.

**Johnson v. Hunt and another** [2011; QBD]: liability arising out of a double fatality RTA.

**Waters v. Hayley** [2010] EWHC 920 (QBD): claim for indemnity by occupier against electrical contractor following visitor rendered paraplegic falling down lift shaft in residential property.

**McDonnell and another v. Walker** [2009] EWCA 1257 (Court of Appeal): limitation appeal on forensic prejudice following commencement of second action post *Horton v Sadler*.

**Khalaf v. Gujral** [9/09 (QBD)]: Rylands v Fletcher claim, neighbour dispute, alleged leaking swimming pool.

**Wight v. Cummings** [6/09 (QBD)] – Assessment of damages in fatal claim; loss of a chance of deceased becoming a teacher considered.

**Alsac v. The Study Society** [4/09 (CC)] – Preliminary determination of limitation issues in the context of allegations of undue influence.

**Turner v. Green and MIB** [2008] EWHC 3133 (QBD): identity of rider of motorcycle where severely injured Claimant claimed he was riding pillion and that the owner was driving; owner said Claimant stole/borrowed motorcycle and crashed while riding solo; claim dismissed.

**Banner v. Wright and MIB** [15/4/08 (QBD)]: capacity to conduct litigation under the Mental Capacity Act 2005.

**McCreadie v. Palmer** [21/2/08 (CC)] – liability for horses under the Animals Act 1971 arising out of brain injury suffered by Claimant kicked in the head by bucking horse.

**Turner v. Arriva North East Limited** [2006] EWCA Civ 410 (Court of Appeal): pedestrian killed when in collision with a bus; driver acquitted of negligence; questions of look out and speed.

**Hassler v. AOK Allgemeiner Ortskrankenkasse** [25/7/05 (QBD)]: periodical payments; German national in persistent vegetative state; German health insurer.

**Connolly v. Ministry of Defence** [Lawtel 31/10/03 (QBD – Admin)]: burden of proof under Article 4 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983.

**Pell v. Moseley** [Lawtel 21/10/03 (Court of Appeal)] – liability of motorcyclist overtaking turning vehicle ahead.

**Butterfield v. Ministry of Defence** [Lawtel 8/10/02 (QBD – Admin)]: establishing reasonable doubt under Article 5(4) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983.

**Steliou v. Compton** [2002] EWCA Civ 275 (Court of Appeal) – relief from sanctions under CPR 3.9.

**Skerman v. Bollman Manufacturers** [Lawtel 31/5/02 (Court of Appeal)]: whether trial Judge entitled to reject the conflicting medical evidence of both parties and form his own view on the acceleration of spinal symptoms in a prolapsed disc case.

**Heil v. Rankin** [2000] 2 WLR 1173: Court of Appeal guidance on levels of general damages.