

# 12

King's Bench Walk

## Richard Methuen QC

Call: 1972

Silk: 1997

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### AREAS OF EXPERTISE

Personal Injury, Professional Negligence, International & Travel, Mediation, Arbitration

### JUDICIAL APPOINTMENTS

Arbitrator under the Motor Insurers' Bureau Untraced Drivers' Agreements since 2001 | Recorder since 2002

Richard is one of the most well-known and well-respected silks at the personal injury bar.

He is vastly experienced, having appeared in such seminal cases as *Wells v Wells*, *Masterman-Lister* and *Cain v Francis*.

He is instructed on behalf of both claimants and defendants and regularly acts for and against most major insurers, and in cases involving the Motor Insurers' Bureau.

He is a member of the Ogden Committee.

A significant percentage of his current practice is as a mediator. His expertise in the field and his pragmatic and charming style appeal to all sides. That coupled with his judicial experience as both a Recorder and an Arbitrator means that he is able to provide significant help and guidance to the parties to resolve the issues between them.

### International & Travel

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Example cases include:

US resident injured in England – consideration of the impact of US tax on the lump sum award and on the PPO.

RTA in Germany – Claimant an English resident on holiday –

Defendant resident in Germany – German law applied to liability and quantum – limit of liability of German motor insurers.

### Qualifications & Awards

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Accredited by the ADR Group as a mediator.

### Appointments & Memberships

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Head of Chambers 2000 to 2005.

Arbitrator under the Untraced Drivers' Agreements, 2001 to the present.

Arbitrator under Article 75 of the MIB's Regulations 2001 to the present.

Recorder (civil and criminal) 2002 to the present.

Member of the Ogden Committee, 2004 to the present.

PIBA

PNBA

## Directories

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*A very competent performer both as counsel and as mediator. He is calm, precise and has a sound decision-making ability.* – Chambers & Partners, 2019

*He provides great focus and direction in complicated cases.* – Chambers & Partners, 2019

*He is very bright, professional and is able to cut through the unnecessary points.* – Legal 500, 2018

*He has an excellent reputation in travel law and impresses with his technical knowledge.* Legal 500, 2018

*Charming, calm and a good tactician.* – Legal 500, 2016

*He is measured, unflappable and determined. He is astute and gets to the point quickly, delivering sound and practical advice.* – Chambers & Partners, 2016

*According to sources, Richard Methuen is an "extremely knowledgeable and experienced" mediator who is able to "distil complex information and articulate it in a straightforward form." He predominantly focuses on personal injury and clinical negligence claims, as well as professional negligence claims arising in these areas.* – Chambers & Partners, 2016

*He has a very sharp mind and brilliant analytical skills.* – The Legal 500, 2015

## Cases

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*Pankhurst v White [2010] EWCA Civ 1445* – consideration of a Claimant's entitlement to enhanced interest and costs under Part 36.14.

*Aktas v Adepta: Dixie v British Polythene [2010] EWCA Civ 1170* – a failure to serve proceedings in time is not an abuse of process and does not prevent a Claimant invoking section 33 of the Limitation Act in a second action.

*Pankhurst v White [2009] EWHC 1117 (QB) – MacDuff J* – C4 tetraplegic – general damages £225k – very large accommodation claim held to be unreasonable- claim for loss of investment income failed.

*Cain v Francis [2008] EWCA Civ 1451* – Court of Appeal revisited the principles upon which courts should exercise their discretion under section 33 of the Limitation Act.

*Sarwar v Ali [2007] EWHC 1255 (QB)* – Lloyd Jones J – Claimant's preference for a lump sum – periodical payments

ordered for future care and earnings linked to indices other than the RPI.

*Taylor v Chesworth [2007] EWHC 1001 (QB)* – Ramsey J – Claimant's preference for a lump sum – periodical payments ordered.

*Shelton v Jones (November 2005)* – instructed in what was then thought to be the largest ever personal injury settlement at £15m.

*Thacker v Steeples and MIB (16 May 2005)* Cox J – whether MIB a reasonably secure provider under the then new periodical payments regime.

*Masterman-Lister v Jewell [2003] 1 WLR 1511* – Claimant who had compromised a personal injury claim 15 years before this trial sought to reopen it on the grounds of his mental capacity at the time of the compromise – Mental Health Act 1983 – definition of patient.

*Smith v White Knight Laundry [2002] 1 WLR 616* – limitation – restoration of company – whether cause of action against dissolved company accrues only on order restoring company to the register.

*Scutts v Metropolitan Police Commissioner (Court of Appeal May 2001)* – duty of care owed by a police officer driving to an emergency.

*Van Oudenhoven [2000] 1 WLR 1413* – multipliers – what is a very exceptional case justifying a lower discount than 2.5% – *Hodgson v Trapp* – Dutch claimant subject to a harsher tax regime

*O'Mahony v Joliffe [1999] PIQR P 149* – liability of MIB – when is a passenger using a vehicle.

*Cassin v London Borough of Bexley (Court of Appeal February 1999)* – liability of Highway Authority for removal of traffic signs on police instructions prior to a demonstration.

*Wells v Wells [1999] 1 AC 345* – House of Lords decision on multipliers.

*Armstrong v British Coal (Court of Appeal July 1998)* – test cases of VWF in the coal industry.

*Sellen v Bailey (Court of Appeal January 1998)* – insurers estopped from contesting a second action.

*North East Shipyard Litigation* – label given to a batch of test cases to determine the respective liabilities of shipyard employers on the one hand, and of the manufacturers/sprayers of asbestos on the other hand for asbestos-related diseases amongst workers in the North East shipyards. Instructed on behalf of Turner and Newell (third party manufacturer/sprayer). Achieved settlement on the day of trial (November 1997).

*Gahan v Szerelmey [1996] 1 WLR 439* – dismissal for want of prosecution – financial prejudice.

*Ping v Letraset [1992] PIQR P 74* – number of plaintiffs claiming work related upper limb disorders.

*Matthews v Waltham Forest Health Authority (Pill J January 1991)* – causation of cerebral palsy – birth asphyxia or genetically determined.

*Pitts v Hunt and MIB [1991] 1 QB 24* – Pillion passenger encouraging motor cyclist to drive dangerously after both had

been drinking together – what duty of care owed by rider to passenger – defences of ex turpi and volenti – whether a finding of 100% contribution sustainable.