

12

King's Bench Walk

Simon P John

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AREAS OF EXPERTISE

Personal Injury, Employment & Discrimination, Clinical Negligence, Industrial Disease, Insurance, Costs, Fraud, Inquests, Public Authority Liability, Property

Personal Injury

Simon undertakes work for Claimants and Defendants in a wide range of PI law, including high value chronic pain cases, disease, including HAVS, WRULDS, asbestosis and deafness; clinical negligence, accidents at work, and with considerable experience in Highways and Occupiers liability. Simon also deals with high value road traffic cases including complex multi-party fraud allegations with MIB involvement, as well as credit hire arguments. He also appears regularly at Inquests.

He has a growing instruction in costs work.

Recent instructions also include a high value complex PHI claim and high value bonus cases;

Simon provides relevant CPD seminars.

Employment & discrimination

Simon has wide-ranging experience in employment law and regularly appears in the ET as well as having EAT and High Court experience. He represents both Claimants and Respondents and regularly represents Local Authorities and Police Authorities, as well as commercial employers. Simon also represents Union-backed Claimants and private individuals from worker to director level. He is experienced in all of the prohibited grounds of discrimination case, redundancy, wage claims, unfair dismissal, whistle-blowing claims, TUPE and bonus cases.

Simon is also experienced in drafting and representation in fitness to practice proceedings involving nurses before the Nursing and Midwifery Council, including consideration of appeals and reviews.

Simon has recently advised on difficult issues involving the transfer of traffic warden services and a complex transfer of local authority/police/private charity service provision, and has recently represented a high-profile Professor in an internal University appeal, a re-structuring company in dispute with one of its directors, and various cases involving significant sexual allegations in the workplace.

Simon is also experienced in and has provided training on Discrimination in services cases. He provides accredited CPD seminars on these topics.

Simon has featured in the Legal 500 as a recommended employment practitioner and has acted as legal panel advisor as well as legal representative at professional disciplinary/appeal hearings.

Clinical Negligence

Simon has a growing practice in clinical negligence claims for both Claimant and Defendant, including failure to detect and to advise, including interesting arguments of suboptimal practices not technically falling outside NICE.

Industrial Disease

Simon is well versed in the legal and scientific arguments in a range of industrial disease cases and is regularly instructed by both claimant and defendant in HAVS/WRULD, RSI, Deafness, and has experiences of mesothelioma, asbestos and other irritant cases.

Insurance

Simon is experienced in the tactics of s.151 insurance claims, and PHI claims.

Costs

Simon has conducted a range of costs claims, including in the court of appeal.

Fraud

Simon is regularly instructed by major insurers and local authorities to deal with suspected fraudulent elements in cases, including:

- Setting aside notices of discontinuance to pursue fundamental dishonesty;
- LVI/staged accidents,
- Exaggeration claims, including the tactics of surveillance evidence and their interaction with part 36 offers
- Credibility generally, and the careful forensic analysis and tactical enquiry against for example multiple historic claims, or linked witnesses.

Inquests

Simon is experienced in conducting inquests, mostly for insurers and local authorities, including inquests arising from death in custody; Occupier/School trips; RTA; and Highway Design issues and those involving complex article 2 and Reg 28 report arguments.

Public Authority Liability

Simon is very experienced in Defending Local Authorities in various aspects of Highways related claims, also occupier and employer liability and nuisance.

Property

Simon is experienced in property damage claims, including private nuisance claims including against local authorities, including tree root ingress claims.

Cases

X v Swansea CC [2016] – multi-party inquest raising some unique issues as to city centre road design as alleged contributory cause in highway deaths;

Vaughan v CMB & ors [2016] – case exploring the effect of *Smith v Northampton* and employer and occupier issues of control of workplace and knowledge of equipment for the purposes of PUWERegs 1998;

Indigo v Welply [2016] – interesting case following and distinguishing the landmark case of *Beavis v Parking Eye* in which Contractual authority and status of charges as Penalties raised;

Agius v Spencer [2015] – high value HAVS claim distinguishing the *O'Keefe v Isle of Man* negative inference principle and exploring Thoracic Outlet Syndrome aetiology;

Law v Caerphilly RFC [2015] – case alleging breach of IRB and WRU rules on Senior v Junior play and duty of care;

Shaw v Merthyr [2014] CA – Costs appeal on the enforceability of a purported part 36 offer wrongly adopting pre-2007 CPR wording, considering *Thewlis (HC)* and whether offer can be saved by CA purposive approach in *CvD* and *PHI* line of authority

Bramwell v X [2014] – £700k chronic pain case

Smith v TT [2014] – whether bonus discretionary or contractual, incorporation and variation issues

Law v Caerphilly RFC [2014] – duty to junior rugby players training with seniors

Robinson v Stoke Hall [2014] – constructive dismissal, undermining in role, abandoned criminal prosecution

Bellisario v London Bus [2013] – alleged discrimination in provision of bus services to wheelchair users

French v Canada Life [2013] – enforceability of PHI, extent of fitness to work clause

Arpa v X [2013] Solicitors negligence

Eaton v Robinson [2012] – foreseeability of psychiatric damage to secondary victim only witnessing hospital aftermath of accident

Jenkins v Gwent Police [2011] – Police Appeal Tribunal – legitimate expectation abuse of process arguments in rehearing disciplinary charges.

X v Torfaen CBC & anor [2011] – Extent of delegated control between employer and contractor for purposes of duty under the Workplace Regs.

Q fever SCA litigation [2011] – Multiple Claimant PI actions involving obscure disease and complex causation and quantification arguments.

Sarah Knight v Cartrefi Cymru [2010] – Repudiatory conduct by employer, final straw doctrine and waiver by delay and conduct.

Ellen Waters v Cardiff County Council [2010] – Duty of care to staff in dealing with violent residents in care, knowledge.

Jacobs v Rhosserchan [2010] – Whistleblowing, detriment causation, care standards, repudiatory breach.

Abdelmonium v South Wales Police EAT [2009] – Race discrimination case involving interesting comparator arguments and novel judgment delay issues.

Rowan v the Environment Agency [2008] – EAT IRLR 20 Appeal case on constructive dismissal, DDA reasonable adjustments and providing guidance on requisite findings for the tribunal.

Cornwall Gardens v RO Garrard & others (CA) LTL 19/9/01: Times June 19 2001 – Million pound dispute as to rights of way and the economic tort of interference with business rights