

12

King's Bench Walk

Steven Snowden QC

Call: 1989

Silk: 2017



AREAS OF EXPERTISE

Personal Injury, Industrial Disease, Public Inquiries, Group Litigation, Inquests, Insurance, Costs, Clinical Negligence

Steven Snowden QC is recognised in the independent legal directories as one of the leading barristers in the country in his chosen areas of work.

He is one of only three QCs who have been nominated as PI Silk of the Year for the Chambers & Partners Bar Awards in November 2021.

Steven's main areas of practice are high-value, complex or sensitive personal injury and industrial disease cases, group litigation and public inquiries. His practice extends to associated insurance, professional negligence and clinical negligence work. He works for claimants and for defendants.

Steven is a strong and experienced trial advocate and regularly deals with substantial and complex cases in court and in settlement meetings. His current case-load includes the liability and quantum aspects of head injuries, paraplegic and other serious spinal injury cases, amputations, psychiatric injuries and fatal claims. In disease work he deals with mesothelioma and other asbestos claims, and other occupational illness claims involving difficult issues of liability, causation or quantum. He is currently acting for the largest group of the infected and affected individuals and families (1,400+ core participants) in the Infected Blood Public Inquiry.

He is the elected Chair (2020 – 2022) of the Personal Injuries Bar Association, a member of the Bar Council and has for many years been one of the authors of the Judicial College Guidelines for the Assessment of General Damages in Personal Injury Cases.

Personal Injury

Recognised as a leading silk in the Chambers & Partners Guide and in the Legal 500.

Steven works on his own or with a junior in the full range of personal injury work on liability and quantum for claimants and defendants, including:

- Maximum severity quantum claims (fatal accidents, brain, spinal, amputation and other catastrophic injuries) with issues including periodical payments, pension losses, accommodation claims, prosthetics, assistive technology. He deals with claims involving speculative losses for young children and the overlap between business and personal losses. He regularly handles cases pleaded at £15m+, produces persuasive, detailed, narrative schedules and counter schedules and is fully familiar with all Ogden Tables and PPO issues.

- Road traffic accident claims involving technical expert reconstruction evidence.
- The full range of public liability and employers' liability claims, including occupiers' liability, Animals Act claims and those relating to manual handling, workplace accidents, defective work equipment, etc. He has advised and pleaded in post-ERRA claims. He often deals with issues of contribution among defendants and is familiar with substantial contracts and provisions within them for contractual indemnities.
- Cases involving allegations of fraud, exaggeration or fundamental dishonesty.
- Psychiatric injury claims including functional neurological disorders, functional cognitive disorders and somatoform disorders.
- Chronic or complex pain conditions including fibromyalgia and ME.
- Sports injuries.

Industrial Disease

Recognised as a leading silk both in the Chambers & Partners Guide and in the Legal 500 and identified as one of only 10 silks nationwide in the "spotlight table" for industrial disease in the Chambers & Partners Guide.

Steven works on his own or with a junior in the full range of industrial disease work. He predominantly now acts for claimants in respect of asbestos-related illnesses (mesothelioma, lung cancer, asbestosis, etc). But he also works in technical disease cases of all sorts for claimants and defendants including carbon monoxide (anoxic brain injury) cases, stress claims and higher-value or group industrial disease litigation.

This work regularly involves complex issues of limitation, breach, causation and apportionment and dealing with expert medical and engineering evidence. In mesothelioma claims he is very familiar with the process of taking evidence on commission and with the "show cause" procedure. He regularly deals with high-value fatal claims.

Clinical Negligence

Steven's clinical negligence work is normally, but not exclusively, associated with personal injury claims. Examples include:

- Acting for EL insurers pursuing contribution in a high-value personal injury claim for hospital's allegedly negligent treatment of claimant following eye injury at work, which led to loss of the eye.
- Acting for an RTA defendant's motor insurer pursuing contribution in a paraplegic claim where the hospital failed to spot claimant's lumbar disc injury shortly after the accident against a background of ankylosing spondylosis.
- Dealing with the quantum aspects of a catastrophic birth injury (cerebral palsy) claim

Public Inquiries and Group Litigation

Drawing on his background in PI and medical work and his experience of dealing with complex medical and scientific evidence, Steven is leading counsel for the largest group of infected and affected individuals and families (1,400+ core participants) in the Infected Blood Public Inquiry. Chaired by Sir Brian Langstaff, it is the largest public inquiry into deaths and injuries in English legal history, involving millions of documents, thousands of witness statements and live evidence from hundreds of individuals. It has been running since 2018 and should report in 2022. It is investigating how, in what has been described as the largest treatment disaster in the history of the NHS, haemophiliacs and others were in the 1970s and 1980s given blood factor products and blood transfusions which were contaminated with HIV, Hepatitis C and other viruses. Many who were given factor products developed AIDS and died in the 1980s and 1990s, having endured terrible symptoms and stigma. The survivors have suffered awful physical and psychological consequences of their illness and treatment. Other patient groups who received infected blood transfusions were infected with Hepatitis C which, if untreated, ultimately leads to liver failure. Unlike other countries, there has never been an admission of liability by the UK government. The Inquiry has heard heartbreaking evidence from those affected and is now hearing detailed scientific and medical evidence and cross-examining clinicians. The wide terms of the Inquiry involve scrutiny of government decisions, the accountability of clinicians and civil servants, commercial exploitation and political cover-up, medical ethics, the involvement and influence of pharmaceutical companies and the adequacy of current support schemes and Trusts.

Steven is also retained for the group litigation arising from those events, which is presently stayed awaiting the outcome of the Inquiry.

Inquests

Steven has been instructed to appear at inquests arising from work accidents, RTAs and deaths in residential or care homes. He has undertaken jury inquests into a swimming pool death during a school swimming lesson, a driver's death arising from a roll-away HGV and deaths in care homes. He was retained on behalf of a major construction company in what was to be a three-week inquest involving 12 represented parties arising from multiple fatalities in sequential RTAs on a particular stretch of road where works had been carried out, and appeared at numerous pre-inquest hearings before successfully extricating his client completely from the inquest.

Insurance

Examples typical of Steven's work include:

- Advising historic liability insurers in a living mesothelioma claim on issues over coverage, exclusions, estoppel and withdrawal of admissions.
- Advising motor insurers on policy coverage issues and motor insurance hierarchy in connection with a multi car accident during a "car cruise".
- Considering and advising on issues under the Road Traffic Act.
- Considering the effect of possible findings of exaggeration or dishonesty on liability insurance cover and, in other cases, in the context of ATE insurance.

Costs

Steven is very familiar with costs budgeting and with technical costs arguments.

Cases include:

- At costs hearings after trial advancing novel and detailed arguments about 'success' which achieved orders for issue-based costs, payment of a proportion of costs, and set-off against damages: *Everett v London Fire and Emergency Planning Authority* (Lawtel 7.11.14 and articles in JPIL 2015 C108 and PILJ 2015 (Feb) 10-11)
- Achieving an award of costs for a defendant despite its Part 36 offer being beaten by a margin: *Carver v BAA* [2008] EWCA Civ 412; [2009] 1 WLR 113; [2008] 3 All ER 911; [2008] PIQR P15

Education

- Boroughmuir High School, Edinburgh (comprehensive)
- BA (Law) University of Nottingham 1988
- Inns of Court School of Law 1989

Appointments & Memberships

- Elected Chair (2020-2022) of the Personal Injuries Bar Association
- Member of the Bar Council and its General Management Committee
- Author of the Judicial College Guidelines for the Assessment of General Damages in Personal Injury Cases (provided to all judges who hear PI cases)
- Member of PIBA, PNBA and LCLCBA.

Directories

As a junior, Steven was for many years recognised in Band 1 for personal injury work and industrial disease work in the Chambers & Partners Guide and in the Legal 500. Since 2017 Steven has been listed as a leading silk in personal injury and industrial disease. He is one of only 10 silks nationwide in the "spotlight table" for industrial disease in the

Chambers & Partners Guide.

Quotes over the years include:

"An outstanding litigator with a forensic attention to detail. He is very good on his feet and always delivers the right results."

"He is a skilled barrister and understands that strategy and tactics are as equally important as the legal analysis."
"Provides calm and considered advocacy in catastrophic injury cases."

"A very polished advocate."

"Very thorough. He has quality drafting and court skills but also has strong commercial awareness when required. He is able to cut through complex issues with finesse."

"Approachable, knowledgeable and good at working in a team."

"Clued-up, committed and sharp as a tack."

'Very bright, approachable, good with clients and unflappable.'

"A cut above the rest, he is a brilliant advocate, analyst and strategist."

"A masterful performer in court."

"...conjures an easy, yet beguiling, familiarity with witnesses."

Publications

One of the authors of the 11th, 12th, 13th, 14th and 15th editions of the Judicial College Guidelines for the Assessment of General Damages in Personal Injury Cases

Cases

Steven's reported cases in PI and disease work include:

- **Steve Hill Ltd v Witham [2021] EWCA Civ 1312** – Acting for the Claimant in the Defendant's appeal against the judgment which Steven (leading John-Paul Swoboda) had obtained in the High Court. CA judgment clarifies important principles on the scope and nature of FAA dependency claims and the breadth of a judge's discretion and permissible approach to quantification of damages. Judgment below was upheld on legal principles but remitted in one respect to take account of a significant post-trial change of circumstances.
- **Kyriacou v Finch [2021] 1 WLUK 359**– Acting for defendant in a 3-day High Court RTA liability trial, part in-person and part remote. Complex accident reconstruction, CCTV reconstruction and toxicology expert evidence. Finding of 80% contributory negligence.
- **Witham v Steve Hill Ltd [2020] 2 WLUK 412, [2020] PIQR Q4** – Acting for a widow in quantum trial following her husband's death after asbestos exposure. Novel quantum arguments over the law on Fatal Accidents Act dependency, where the couple had long-term special needs foster children, succeeded and the claimant was awarded £900k+.
- **Flanagan v Battie [2017] EWHC 3044 (QB)** – Disputed interim payment hearing in a catastrophic injury claim
- **Dowdall v William Kenyon & Others [2014] EWHC 2822 (QB)** – Preliminary issue trial in a living mesothelioma claim brought by a claimant who had many years before brought (and compromised provisional damages claims on a full and final basis) claims against a number of other employers who had exposed him to asbestos. Novel legal issues, with arguments of estoppel, abuse of process and limitation.
- **Kotula v EDF and others [2011] EWHC 1546 (QB) and [2010] EWHC B11 (QB)** – Acting initially for one, then

for all three defendants in a paraplegic claim which had contested High Court hearings over liability, then over provisional damages and variable PPs, then over the terms of the final periodical payments order and the security of periodical payments when insurers were out of the jurisdiction and had policies with indemnity limits capped at fixed sums in Euros.

- **Dixie v British Polythene Industries [2010] EWCA Civ 1170, [2011] 1WLR 945** – Appearing at trial and in Court of Appeal on the issue of whether resurrection of a personal injury claim by second proceedings after the first had been struck out for failure to serve a claim form in time was permissible under the Limitation Act or was an abuse of process.
- **Gray v Thames Trains [2009] UKHL 491** – Appearing in the House of Lords (led) for the defendant in a claim by a survivor of the Ladbrooke Grove train crash for damages – issue of whether his claims for loss of earnings etc after committing manslaughter as a consequence of psychiatric injury sustained in the accident were barred as unlawful acts or under the doctrine of *ex turpi causa*.
- **Glaister v Appleby in Westmoreland Town Council [2009] EWCA Civ 1325, [2010] PIQR P6** – Acting at trial and in the Court of Appeal arguing over the existence of a duty of care alleged to have been owed to seriously injured bystander by a runaway horse at the Appleby Horse Fair.
- **Hashtroodi v Hancock [2004] EWCA (Civ) 652** – Appearing at all stages from master's hearing through to Court of Appeal in a case concerning the proper test for extension of time for service of a claim form application made when claim form still valid but after limitation period had expired – whether “good reason” needed.
- **Fleet v Fleet [2009] EWHC 3166 (QB)** – Deceased mesothelioma claim – assessment of damages – proper approach to claims for loss of the unique care and attention of a spouse – Ogden 6 contingency discounts for a man older than 55.
- **Watson v Cakebread Robey Ltd [2009] EWHC 1695 (QB)** – Trial of a living mesothelioma claim – assessment of damages – recoverability of prospective funeral expenses – Ogden 6 contingency discounts for a man older than 55 – past and future loss of earnings when the claimant had not declared his business for tax, VAT, etc.

Recent examples of Steven's personal injury work include:

- Successfully acting for a defendant in a 2-week quantum trial (part remote and part in person) over the nature and extent of an alleged brain injury following an accident at work, which involved evidence from, and cross-examination of, five disciplines of experts.
- A case of allegedly hugely-disabling functional neurological / somatic disorder following a minor RTA.
- Acting for a defendant in a claim following a hypoxic/ischaemic brain injury with complex issues over the interaction of the brain injury with functional cognitive disorder, the claimant's vulnerability and psychiatric illnesses, and how the claimant would have been in any event.
- Advising a defendant employer in a claim where the claimant employee fell from the top deck of a car transporter suffering a catastrophic brain injury. Damages of £15m claimed. All aspects of liability and quantum in issue and no positive evidence of how the accident occurred, so it was necessary to reconstruct from inference and expert engineering evidence the probability of what happened and how and when the safety rail may have been weakened. Claim successfully settled.
- Acting for a young claimant suffering a devastating combination of brain and orthopaedic injuries in an RTA. Damages of £20m claimed. Successful in opposing the introduction of life expectancy evidence from statisticians.
- Representing the defendant in a £20m claim where the claimant required permanent residential care as a result of devastating brain injuries and behavioural disturbance. Issues over security of the insurer to make periodical payments. Settled at JSM and approved.
- Securing the discontinuance after the first day of trial of an allegedly fraudulent claim involving surveillance evidence.
- Acting for a claimant in a nut-allergy anaphylactic shock claim with loss of opportunity to pursue a career as a professional boxer.
- Acting for the defendant employer facing a claim which sought to link repetitive manual work with acceleration of spinal degeneration. Claim dismissed after a six-day trial including a full day cross-examining claimant's medical expert, leading the judge to reject his evidence entirely.
- Instructed in a multi £m fatal accident claim, arising from the electrocution of a jogger when a power pylon retaining disc failed and the cable dropped but remained live. Extremely sensitive due to the nature of the death

- and the family circumstances, with HSE involvement in the background, and high value due to the deceased's job and age. Settlement approved.
- Representing one of three defendants in a serious injury claim arising from a fall through a ventilation shaft. Issues of occupier's liability, construction of leases, primary liability, contributory negligence and apportionment among defendants. Advising, negotiating at a mediation and then appearing at the liability trial where two days of cross-examination brought other parties to accept offers made previously, with appropriate costs consequences. Acting for driver's employer in an HGV roll-over case with detailed scientific evidence. Involved from the outset through drafting, advising, a JSM, and then 2-day liability trial. Claim dismissed.
 - Bilateral amputation claim with issues over accommodation, equipment and prosthetic costs. Resolved at JSM, then advising on aspects of security of PPO.
 - Acting for a child claimant suffering catastrophic brain injury when trapped beneath a farm gate which fell on him. Liability firmly disputed, quantum complicated by life expectancy, accommodation and care needs, and the fact that defendant had a PL policy with fixed indemnity cap so PPO not available. Satisfactorily settled at a JSM and settlement approved.
 - Acting for EasyJet in an £11m+ claim – claimant already paraplegic when he suffered a minor injury – claim put on the basis that psychiatric consequences led to failure to engage with therapy, thereby greatly worsening his pre-existing condition. Significant issues of exaggeration. Claim dismissed.

Recent examples of Steven's industrial disease work include:

- Regularly acting for claimants in mesothelioma cases where immunotherapy treatment is or may be provided, and negotiating terms of settlement which provide for payment of those ongoing treatment costs.
- Acting for claimants in asbestos claims where the defendant's historic liability insurer is insolvent and the FSCS / Capita are involved.
- A complex and novel claim for alleged hypoxic brain injury following chronic and long-term carbon monoxide exposure.
- Acting in a stress at work claim for a university lecturer who alleges that she was persecuted at work for her sexuality and subjected to unreasonable workplace pressures, deadlines and workloads, causing her to suffer serious psychiatric injury and eventually to have to leave her employment.
- Acting for the defendant in a potentially very high value claim arising from allegedly repetitive workplace systems in a car manufacturing plant. Claimant alleges almost total loss of use of both arms due to carpal tunnel syndrome evolving into a complex regional pain syndrome.
- Acting in a wide range of so-called "low dose" asbestos exposure cases with exposure typically in the 1970's in construction, schools, business premises, exposure incidental to employment and secondary exposure claims.
- Acting in a high-value living mesothelioma claim arising from alleged exposure during works at Heathrow Airport in the 1980s. Detailed technical expert evidence, issues over disclosure and insurance coverage.
- Acting for Pret a Manger to defend a stress claim brought by an assistant manager; successful after four-day trial.
- Advising in respect of liability, quantum, apportionment and settlement of a silicosis claim and subsequently in respect of an application for further provisional damages for pneumothoraces.