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King's Bench Walk

Steven Snowden QC

Call: 1989

Silk: 2017



AREAS OF EXPERTISE

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

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

Steven's main areas of practice are high-value, complex or sensitive personal injury and industrial disease cases, alongside which he regularly deals with aspects of procedure and costs and appears at inquests. 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, stress at work and other occupational illness claims involving difficult issues of liability, causation or quantum.

He is one of the authors of the Judicial College Guidelines for the Assessment of General Damages in Personal Injury Cases, and is the Vice Chair of the Personal Injuries Bar Association.

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, local authority funding issues, claims involving young children and the overlap between business and personal losses. He produces persuasive, detailed, narrative schedules and counter schedules and is fully familiar with all Ogden Tables issues.
- The full range of employers' liability claims, including those against local authorities, police forces, NHS Trusts and other unusual employers relating to manual handling, workplace accidents, defective work equipment, etc. He has advised and pleaded in post-ERRA claims.
- Public liability claims including occupiers' liability and Animals Act claims.
- Road traffic accidents, often involving technical expert reconstruction evidence.
- Cases involving allegations of fraud or exaggeration.

- Psychiatric injury claims.
- Fibromyalgia, ME and chronic or complex pain conditions.
- 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 including:

- Asbestos-related illnesses (mesothelioma, lung cancer, asbestosis, etc)
- Workplace stress
- Hazardous substances and COSHH claims generally including dermatitis and occupational asthma

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

Steven is retained for the group litigation and the public inquiry on behalf of the individuals and their families directly affected by the supply of contaminated blood products by the NHS in the 1970s and 1980s.

Inquests

Steven has been instructed to appear at inquests arising from work accidents, RTAs or deaths in residential or care homes. He has undertaken a two-week jury inquest into a swimming pool death during a school swimming lesson and a 3-day jury inquest arising from a roll-away HGV. 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 ss.151 and 152 of 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:

- Acting for a defendant persuading the Court that there were no sufficient grounds under the CPR for a claimant to revise a costs budget.
- 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

Qualifications & Awards

- BA (Law) University of Nottingham 1988
- Inns of Court School of Law 1989

Appointments & Memberships

- Appointed to the editorial team of the Judicial College Guidelines for the Assessment of General Damages
- Vice Chair of the Personal Injuries Bar Association.
- Member of 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.

In the current editions of the directories Steven is listed as a leading silk in personal injury, industrial disease and clinical negligence. He is one of only 10 silks nationwide in the "spotlight table" for industrial disease in the Chambers & Partners Guide.

Quotes include:

Chambers UK 2019: "He is very able, highly sensible and a very good advocate." "He's a solution provider with a good personality." _____

Legal 500 2018:

"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."

"He is keen and able to please clients and solicitors with his dedication to his cases."

Chambers UK 2018:

"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 to get the best results for clients."

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

Legal 500 2017:

"A highly experienced advocate"

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

'Superb knowledge of the insurance market.'

Chambers UK 2017

"Great on his feet ... good at cutting through to the important points."

Chambers UK 2016

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

Chambers UK 2015

"Very technically competent and accomplished when handling catastrophic injury claims ... a calm and diligent advocate whose opinions are respected by the judiciary."

Chambers UK 2014

"A masterful performer in court."

Legal 500 2014

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

Publications

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

Cases

Examples of Steven's personal injury work include:

- 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.
 - Instructed for one defendant against claimant and another defendant in an amputation claim arising from the combination of two RTAs in bad weather on a motorway. Reconstruction evidence, primary liability, apportionment and quantum all in issue.
 - 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.
 - Acting for the defendant in a six-day High Court liability and quantum trial at the end of which damages of only £2,930 were awarded: *Everett v London Fire and Emergency Planning Authority* (Lawtel 22.11.13 and Lawtel 7.11.14)
 - Substantial claim for somatic injury following a fall at work. Liability, causation, diagnosis and quantum all in issue. Surveillance evidence obtained and allegations of exaggeration.
 - Instructed in civil claims and inquest for one of several defendants (construction company) in multiple linked claims for fatalities and serious injuries arising from RTAs in wet conditions on successive days at a location where highway works had previously been carried out, severing a drain. Complex issues of accident reconstruction, highway engineering, vehicle maintenance, causation, contributory negligence, contractual indemnity and quantum. Successfully extricating his client from all claims.
 - Led (when a junior) in quantum aspects of a £10m brain injury claim arising from an RTA.
 - Acting for the defendant in a serious RTA claim with issues over automatism / unforeseeable medical event causing accident.
 - Representing a young claimant rendered paraplegic in a scooter accident. Issues over contributory negligence (helmet came off) and quantum all satisfactorily resolved together at a JSM with a lump sum and periodical payments.
 - Recovered an award of £5.5m for a brain-injured child in one of the remaining cases under the old CICA scheme.
 - Acting for a protected party in a serious head injury claim with arguments over acceleration of a pre-existing cerebro-vascular condition, need for care, Local Authority funding, periodical payments complicated by contributory negligence.
 - Acting for infant claimants (one of whom not born at the date of death) in a fatal accident claim arising out of death of their grandmother who was closely involved in their care and upbringing. Nature and extent of dependency.

His reported cases include:

- **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.

Examples of Steven's industrial disease work include:

- Acting in a wide range of cases for claimants and defendants in 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 a claimant construction professional in a substantial claim for stress at work, successfully settled after a JSM and then a mediation.
- 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.
- High Court trial of a preliminary issue in a mesothelioma claim – transfer of historic liabilities and of the benefit of insurance from a Local Authority to an education corporation under the Higher and Further Education Act 1992.
- Representing a claimant in a stress at work claim against a major city bank – case settled satisfactorily at JSM before trial.

His reported cases include:

- **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.
- **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.