

## Christopher Melton QC

Called: 1982

Silk Date: 2001



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### Practice Overview

Chambers & Partners 2019 (PI)

Standout silk who excels at representing claimants in high-value catastrophic injury and fatal accident cases, particularly those involving minors. He does a significant amount of appellate advocacy and has appeared in the Supreme Court numerous times.

Chambers & Partners 2019 (Clin Neg)

Silk who regularly handles major cerebral palsy cases alongside wrongful birth and spinal claims. He fights tirelessly for his clients and is an excellent negotiator who gets to grips with the finer details."

### PRACTICE AREAS

Personal Injury

Clinical Negligence

Industrial Disease

Professional Liability

Multi-party Litigation

Inquiries and Inquests

Criminal Law

Chris Melton QC was born and educated in Manchester which is where his Chambers has its main base. Most of his clients are based in the Midlands and North. He spends much of his time on the road visiting clients.

He took silk in 2001 when he was 19 years' call. He then became Senior Counsel to the Shipman Inquiry for four years until normal service resumed in 2005. Since that time he has acted exclusively for very seriously injured Claimants and for bereaved families.

Chris has appeared on four occasions before the Supreme Court and in a large number of Court of Appeal and litigated first instance cases.

He is a member of PIBA and APIL and is on the APIL discount rate working party.

Chris is an advanced advocacy trainer for the Northern Circuit and for the renowned Keble College International

## Advocacy Course

His Supreme Court cases are:

*Armes v Nottinghamshire CC* where the Appellant is seeking to establish that a LA owes a non-delegable duty or is vicariously liable in respect of sexual abuse perpetrated by a foster parent.

*Woodland v Essex CC* where the Claimant successfully established that a LA owed a non-delegable duty to a child brain damaged by the negligence of a non-employee swimming teacher.

*Dunhill v Burgin* where the Claimant successfully established that the settlement of a claim was invalid where the Claimant lacked litigation capacity, even where the Defendant had no knowledge of her incapacity.

*Sienkiewicz v Greif* where the Claimant successfully established liability on the basis that her mother's mesothelioma was caused by negligence, even though the risk of contracting the disease was only slightly increased by the relevant exposure.

His CA cases include:

*Sabir v Osei-Kwabena*, where the Claimant successfully resisted the Defendant's appeal against a 25% contributory negligence finding against a pedestrian;

*McCracken v Bell*, where a brain injured pillion passenger on off road trials bike being unlawfully ridden on cycle path successfully resisted an appeal by the third party driver;

*Waterhouse v Welsh*, where the CA rejected a surgeon's appeal against findings of negligence

*Nunnerley v Warrington HA*, where the CA refused the Defendant's application for permission to appeal in a twin wrongful birth case, holding that damages were recoverable beyond the child's age of 21.

The reported first instance cases include:

*Paul Tate* - five day High Court trial for brain injured Claimant where the main issue was the cause of his behavioural problems. The court determined that it was his brain injury, not his background that was the main cause and awarded £6m, allowing £165,000 for continuing care costs

*Chelsea Armstrong* - a three day liability trial in the High Court where liability was established in favour of a teenage girl who ran onto a Newcastle dual carriageway in darkness and was knocked down by the Defendant's vehicle, travelling at 30mph.

*Tom Buckett* - a difficult and ultimately unsuccessful five day trial run on behalf of a teenage boy who fell through a school skylight suffering a devastating brain injury.

*Russell v Partington* - two High Court trials where the Claimant obtained a substantial interim payment where there was no admission of liability and then went on to obtain a 100% liability finding for the accident that caused his high level complete tetraplegia

*Sedge v Prime* - two High Court trials where the Claimant won a liability trial and went on to obtain a substantial interim payment to fund a best interests hearing and community living where the Defendant had argued for institutional care.

*Marcel Beasley* - two High Court trials where the Claimant motor cyclist recovered 100% damages and went on to obtain a substantial interim payment to fund community living where the Defendant had again argued for institutional care.

More generally other cases relating to:

the recovery of substantial future care costs for the heroin addict passenger in road accident; numerous cases involving the MIB and the interpretation of its agreements; the successful claim by a 2 year old child who crept unnoticed from a vehicle and walked into the path of another; the claim by a 14 year old girl rendered paraplegic for whom an interim payment was obtained and a suitable property purchased within 9 months of the accident; the recovery of substantial damages for a teenage boy with complete personality change; the settlement of the liability aspects of a claim in which the insurer alleged contributory negligence of a passenger in a vehicle in which no seat belts were fitted; the claim of a senior manager with an airline who suffered a personality change and brain injury as the result of a carotid stroke in a road accident; the pursuit of damages for an elderly man who prior to his accident had looked after his severely disabled wife; several claims for motorcyclists suffering amputations, brain injuries and/or spinal cord injury in which allegations of contributory negligence were either defeated or diminished; three cases involving CRPS (chronic regional pain syndrome); a case involving severe leg injury as the result of infection following a wakeboarding accident; several cases involving fall from height at work, two involving defective scaffolding; a claim involving a defective skylight at a school.

## APPOINTMENTS

Recorder 2005

## ASSOCIATIONS

PIBA

PNBA

Northern Circuit Medical Law Association

## Personal Injury

Chris Melton has practised in all aspects of medical and personal injury law throughout his career. He was Senior Counsel to the Shipman Inquiry between 2001 and 2005, appointed by the Treasury Solicitor. He is instructed by specialist firms nationwide and spends a significant proportion of his time appearing and advising in London as well as in the regions.

Chris Melton specialises in advising and appearing in cases involving the seriously, catastrophically or fatally injured. He regularly appears in Court, both at first instance and at the highest appellate level. His current caseload encompasses the whole range of issues that arise in these cases. He has a particular interest in the analysis of medical, financial and scientific expert evidence and exploring the interface between the law and science. Although the mainstay of his practice involves brain, spinal and fatal injury, particularly cerebral palsy in the clinical negligence sphere, he has an ongoing interest in cases involving upper and lower limb amputations and problems of the digestive tracts. He has been recognised as a leading practitioner in his chosen fields over many years. He occasionally ventures into the criminal courts, both prosecuting and defending, where medical or scientific evidence is at the fore. He also appears at Inquests, an area of the law in which he gained in-depth knowledge on the Shipman Inquiry. He has advised or appeared in numerous multi-party claims, including group actions arising out of product liability for asbestos, sexual abuse by medical practitioners and physical and sexual abuse in care homes. The professional liability work undertaken is against medical professionals and lawyers; the claims against lawyers involve multifarious failures appropriately to prosecute clinical negligence and personal injury claims.

In order to give an idea of Chris Melton's personal injury cases, we have listed the cases in which he has appeared since 2009.

The sample is not wholly representative of the breadth of his practice because of the unpredictable nature of litigation. Other cases involve a wide range of issues involving Chris Melton's practice areas. These range from cases involving a challenge to the conventional method of assessing accommodation damages (Roberts v Johnstone) and many cases involving issues surrounding periodical payments. Specific injuries/ and clinical negligence issues covered in the last three years have included: frontal lobe injury, other brain injury, spinal injury at all levels, pelvic fractures in men and women, arm and leg amputations, meningitis, severe burns; motor

cycle contributory negligence, accident reconstruction evidence, tachograph evidence, seat belt contributory negligence, causative potency, ice or water on roads, factory accidents, claims against hoteliers, security of continuity of periodical payment, local authority funding, PCT funding, alternative funding of care in partial recovery cases, Motor Insurers' Bureau liability, interpretation of insurance policies, recovery under personal health/accident policies, establishing the true dependency in high value Fatal Accident Claims, volenti and ex turpi causa.

#### **Recently concluded reported cases**

##### **Dunhill v. Burgin (2014)**

Supreme Court, acting for the successful Claimant

A compromise on behalf of a brain injured Claimant who lacks litigation capacity is of no effect even where the relevant incapacity was unknown to her legal advisers and the Defendant. The test for legal capacity is to be assessed by reference to the whole of the underlying claim and not the claim as formulated by her legal team.

##### **Thompson v Renwick (2014)**

Court of Appeal, judgment awaited

Whether a parent company is liable for the acts or omissions of its subsidiary when the subsidiary's employee contracted asbestos disease.

##### **Woodland v. Essex County Council (2013)**

Supreme Court, acting for the successful Claimant.

The obligation of a school to take reasonable precautions for the safety of its pupils in the provision of swimming lessons is non-delegable.

##### **McCracken v. Smith and MIB (2013)**

QBD Keith J, Lawtel, acting for the successful Claimant over six days. Appeal to Court of Appeal pending.

The pillion passenger on an uninsured off road motor-cycle was entitled to recover damages for severe brain injury from the negligent driver of a mini-bus and his claim was not defeated by the ex turpi causa doctrine. He could not recover against the MIB because he ought to have known that the cycle was uninsured. The MIB took but at the court door abandoned the argument that such a motor-cycle was not a motor vehicle for the purposes of the Road Traffic Acts.

##### **Berry v Star Autos and others (2013)**

QBD King J, Lawtel, acting for the successful Claimant over six days. Appeal to Court of Appeal on interlocutory point concerning interim payment application.

The Claimant was entitled to recover damages relating to catastrophic injury suffered when he was electrocuted when working on the set up of the Kendal Calling Music Festival. Those who ran the festival were uninsured and their Health and Safety adviser had limited insurance cover. He recovered (with a 25% reduction for contributory negligence) from his employers and from the owners of the temporary accommodation that he was delivering using a Hi-ab.

##### **Sedge v. Prime (2011)**

QBD Royal Courts of Justice (HHJ Burrell QC, sitting as a Deputy High Court Judge) January 2011. Lawtel.

In a claim for damages for catastrophic brain injury sustained by a pedestrian who stepped into the Defendant's path, liability was established with a reduction of damages on account of 25 per cent contributory negligence. The case involved detailed analysis of expert accident reconstruction evidence. Indemnity costs awarded, Claimant having equalled his Part 36 offer. The claim subsequently was resolved.

##### **Russell v Partington (2009 and 2010) (QBD)**

In a claim for damages arising from personal injuries sustained in a road traffic accident, a substantial interim payment was made even though liability was in issue because the judge was satisfied that liability would be established, albeit with a reduction of damages on account of 50 per cent contributory negligence, and that the eventual trial judge would probably capitalise the loss of earnings claim in the event of a finding of substantial contributory negligence. In July 2010, after a four day trial on liability, the Claimant tetraplegic motorcyclist

established liability on a 100% basis. The case involved the interpretation of digital tachograph evidence. The claim subsequently was resolved.

**Devoy v Doxford & Stuntbrand [2009] EWHC 1598 (QB)**

In a FAA claim, how should the Court value the necessary replacement of services provided by a deceased husband to his severely disabled widow. The Claimant successfully argued that she was entitled to recover the actual financial cost involved.

**JC v TP (2009)**

Three days into the trial of the Claimant's claim for damages for stress at work, the claim was compromised on confidential terms.

**Agg v MOD (2009)**

The Defendant was not entitled to resile from an admission made prior to the commencement of proceedings

**LA v BB and AB (2009)**

After a five day contested trial on liability the Claimant motor cyclist established 85% liability, with damages to be assessed for his catastrophic injury, against two Defendants arising essentially out of the negligent siting of a construction site entrance. Damages were later agreed. Expert accident reconstruction evidence was central to the case.

**GB v MIB (2008)**

After a three day trial the Claimant motorcyclist successfully recovered 100% of his damages and his advisers then progressed to agree one of the earliest MIB PPOs. The main issue was as to the causative potency, if any, of the Claimant's speed as he overtook a line of standing traffic.

**Industrial Disease**

Chris Melton's expertise and experience in the area of Industrial Disease is demonstrated by the important reported cases in which he has been involved. He is the independent trustee of the Turner and Newall Asbestos Trust. His practice primarily involves mesothelioma and other cancer cases but includes all aspects of industrial disease.

**Thompson v Renwick (2014) Court of Appeal, judgment awaited**

Whether a parent company is liable for the acts or omissions of its subsidiary when the subsidiary's employee contracted asbestos disease.

**Karen Sienkiewicz (Administratrix of the Estate of Edith Costello (Deceased)) v Greif (UK) Ltd [2011] UKSC 10**

Asbestos disease: causation of mesothelioma. Appropriate test for determining causation. Impact of s.3 Compensation Act 2006.

**Kathleen Banks v Jones and Lewis (2010)**

After a six day trial, the Claimant succeeded in establishing liability in relation to her husband's death from mesothelioma.

**Doreen Browne (2009)**

The Claimant argued successfully that she was entitled to a visual inspection of the insurance records, including the electronic records, held by the alleged former insurers of her deceased husband, in order to test their assertion that they had not been on cover at the relevant time.

**Gorham v Plessey (2009)**

The Claimant was entitled to substantial damages for asbestosis and his symptoms were more than minimal and

were not attributable to other causes.

### **Cox v Rolls Royce Industrial Power (India) Ltd [2007] EWCA Civ 1189**

The Claimant successfully resisted the Defendant's appeal, lodged on the grounds that it was necessary in some way to quantify the material increase in risk before causation in a mesothelioma claim could be established.

### **George Smith v Bolton Copper Ltd (QBD) (Master Whitaker) (2007)**

The Claimant succeeded in establishing that the deceased's septuagenarian twin was a dependent of the deceased and that the general damages awarded for his mesothelioma should not be at a level lower than the range recommended by the JSB, notwithstanding their short duration.

## **Directory Comments**

Chambers & Partners 2019 (Personal Injury)

Standout silk who excels at representing claimants in high-value catastrophic injury and fatal accident cases, particularly those involving minors. He does a significant amount of appellate advocacy and has appeared in the Supreme Court numerous times. *"He is incredibly astute, intelligent and knows the law, but has a very calm and relaxed manner with clients."* *"He has enormous experience in brain and other catastrophic injury claims, including at the appellate level, and great written and oral advocacy skills."* Recent work: Instructed in *Armes v Nottingham County Council*, a Supreme Court case concerning whether the local authority was vicariously liable for sexual abuse committed by foster parents, even though it exercised reasonable care in the selection and monitoring of the foster parents.

Chambers & Partners 2019 (Clinical Negligence)

Silk who regularly handles major cerebral palsy cases alongside wrongful birth and spinal claims. He has been instructed in a number of multiparty claims, including those arising out of sexual abuse by medical practitioners and abuse in care homes. He has earned an impressive reputation for his experience in high-profile inquiries or cases that test novel points of law before the Supreme Court. *"He is very good, at the top of his game and very approachable."* *"Always calm and professional, he's an excellent advocate and fantastic with clients. He has a wealth of experience and knowledge."* *"He fights tirelessly for his clients and is an excellent negotiator who gets to grips with the finer details."*

Recent work: Acted in a claim brought against the Ministry of Justice, alleging liability for an independent prison healthcare team's delayed diagnosis of a prisoner's cancer, leading to the amputation of a leg.

Standout silk who excels at representing claimants in high-value catastrophic injury and fatal accident cases, particularly those involving minors. He does a significant amount of appellate advocacy and has appeared in the Supreme Court numerous times.

**Strengths:** "Clear and persuasive even in the most difficult and demanding cases." "Excellent with clients, user-friendly and hard-working. There are so many great personal injury silks but he really is the best." "An outstanding advocate with superb client care skills."

Chambers & Partners 2018 (PI)

Silk who regularly handles major cerebral palsy cases alongside wrongful birth and spinal claims. He has been instructed in a number of multiparty claims, including those arising out of sexual abuse by medical practitioners and abuse in care homes. Has earned an impressive reputation for his experience in high-profile inquiries or cases that test novel points of law before the Supreme Court.

**Strengths:** "He's really tenacious and knows where to focus to find the best chance of winning." "Always provides an excellent approach even in the most difficult of cases."

Chambers & Partners 2018 (Clin Neg)

"Receives superb feedback from instructing solicitors and from lay clients for his excellent communication skills. Often handles major cerebral palsy cases alongside wrongful birth and spinal claims. Has earned an impressive reputation for his experience in high-profile inquiries or cases that test novel points of law before the Supreme Court."

**Strengths:** "His style puts both clients and experts at ease so that he is able to then get the most out of them." "He wouldn't think twice about deciding to just go and see the client, rather than having a conference in chambers. He has a great manner with people, is reassuring and understands what their aims are."  
Chambers & Partners 2017 (Clin Neg)

Standout silk who excels at representing claimants in high-value catastrophic injury and fatal accident cases, particularly those involving minors. He is praised for his superb client-care skills alongside his exceptional oral advocacy.

**Strengths:** "Going into any claim with Chris will put you at an advantage, regardless of who you are up against: technically he's superb and his experience is unparalleled." "He shows great attention to detail going through documents and is very good at presenting his points too. He's good at getting to the root of nuanced, difficult cases."

**Recent work:** Acted in a trial determining liability in favour of a teenage Claimant who ran across a dual carriageway in darkness and was knocked down by the defendant's vehicle.  
Chambers & Partners 2017 (PI)

Noted for his approach on complex claims of maximum severity. He has particular expertise in cerebral palsy and catastrophic injury claims as well as other matters involving complicated aspects of medical law.

Strengths: "He's great with difficult liability issues and he does not shirk from pursuing points. He will fight a corner." "He doesn't shy away from challenges - he just wants to help people."

**Recent work:** Appeared in *Waterhouse v Welsh*, in which the Court of Appeal dismissed a surgeon's appeal against a finding of negligence.  
Chambers & Partners 2016 (Clin Neg)

He principally represents Claimants in cases involving injuries of the utmost severity and concerning complex and precedent-setting points of law. He is highly esteemed by instructing solicitors for his formidable intellect, superb advocacy and ability to put clients at their ease.

**Strengths:** "He is a tenacious, thorough and excellent advocate, who has consistently won some extremely difficult and complex cases. He has always gone the extra mile for the benefit of seriously injured clients." "He is thorough and innovative. He is willing to fight and achieves outstanding results."

**Recent work:** Successfully represented the respondent Dunhill before the Supreme Court in *Dunhill v Burgin*, a significant case establishing the proper test for capacity and the effect on an already settled claim of a party subsequently being discovered to have been lacking capacity to litigate.  
Chambers & Partners 2016 (PI)

'An expert in catastrophic injury cases.'  
Legal 500 2016

"Extremely knowledgeable, very talented on his feet, approachable, and highly recommended"  
Legal 500 United Kingdom 2015

"Specialises in serious injury and maximum severity cases. A large volume of his caseload consists of cerebral palsy claims.

**Expertise:** "He manages to gain the clients' confidence easily." "He's very bright and very much on the ball."

Recent work: He was instructed in two claims on behalf of elderly patients with ankylosing spondylitis on the failed diagnosis of spinal fracture and spinal cord injury. "  
Chambers and Partners 2015 - Clinical Negligence

"Noted for leading on numerous complex claims on behalf of claimants. He has considerable experience of cases relating to brain injury, fatal accidents and industrial disease.

**Expertise:** "He genuinely has a personal desire on behalf of the claimant to get the best outcome possible, and will be tireless in his efforts to take a point as far as it needs to go to get the right outcome." "He is thorough and innovative - he is willing to fight, and he achieves outstanding results."  
Chambers and Partners 2015 - Personal Injury

"He considers all possible angles."  
Legal 500 2014

"Specialises in cases involving severe injury and death. His recent work includes claims arising from the failed diagnosis or treatment of a range of medical conditions including meningitis, pneumonia and diabetes in pregnancy.

**Expertise:** "He has a great mind, and is very hot on the detail and evidence that wins difficult cases." "He is great with clients and tough as nails in negotiations." "  
Chambers and Partners 2014 - Clinical Negligence

"Primarily acts for Claimants in a range of cases including those relating to catastrophic and fatal claims and industrial disease. He is noted especially for his catastrophic injury caseload, and in particular for his expertise on claims involving brain injuries.

**Expertise:** "He's a real hands-on QC who doesn't shirk from a challenge." "He's got a very client-focused manner and he's great with preparation - he'll look into the minutiae." "  
Chambers and Partners 2014 - Personal Injury

His practice is concentrated on cases concerning catastrophic or fatal injuries. Commentators hail his determination to "fearlessly push the issues," and note that "while he fights all the way, he's very measured, and knows exactly how far he can take a case." "  
Chambers and Partners 2013 - Clinical Negligence

"...an excellent advocate" who brings to the table "thoroughness, innovation, and a willingness to fight." A lawyer who impresses instructing solicitors through "always achieving outstanding results," he is especially highly regarded for his expertise in medical negligence cases. "  
Chambers and Partners 2013 - Personal Injury

Recommended within Personal injury and clinical negligence -"has an easy way with clients"  
Legal 500 2013

"Has "a vast knowledge and understanding of the law" "  
Legal 500 - 2012

"... acclaimed for his performances in negotiations, and particularly impresses clients with his 'tact, diplomacy and ability to immediately establish a good rapport.' "  
Chambers and Partners 2012

"Clients view Chris Melton QC as a 'tremendously able and brave advocate' who is 'prepared to fight' but 'temperate when needed.' He is a popular choice for complex asbestos cases and medical negligence work."  
Chambers and Partners 2012

"... has an excellent reputation for his work on difficult birth injury claims, and is 'approachable and very talented.' Commentators praise his empathy and lightness of touch and say he is 'great with clients and has an excellent brain.'"  
Chambers and Partners 2011

"He "is an authority on industrial disease cases. He acts exclusively for Claimants on asbestos cases and wins plaudits for his 'really smooth advocacy style.'"  
Chambers and Partners 2011

"He has "a forensic ability to grapple with difficult causation and quantum issues and many solicitors think of him as an obvious choice for complex catastrophic cases. Interviewees say that they enjoy working with him as he seamlessly combines approachability and extraordinary talent."  
Chambers and Partners 2010

"His "incredibly compelling and charming court style means he always gets his points over beautifully."  
Chambers & Partners 2010